

**Planning Commission  
Agenda  
September 3, 2015  
6:30 p.m.**



*Robert Froehling Chairman  
Robert Mercer, Vice Chairman  
Doug Smith  
Keith Raym, Alternate Seat 1  
Phillip Jannarone, Alternate Seat 2*

*George Dluhy  
William "Dude" Phelan  
Charles Kish  
Dee Atkins*

1. **Roll Call**

Chairman Froehling called the meeting to order at 6:30 p.m.

*Commissioners Present:* Chairman Froehling, Vice Chairman Mercer, Commissioner Smith, Commissioner Raym, Commissioner Jannarone, Commissioner Dluhy, Commissioner Phelan, Commissioner Kish, Commissioner Atkins

*Commissioners Absent:* Charles Kish

*Staff Present:* Planning Director Jackie Gorman, City Attorney Carrie Felice, City Clerk Mia Fink

2. **Moment of Silence**

Chairman Froehling held a moment of silence.

3. **Pledge of Allegiance**

Chairman Froehling led in the Pledge of Allegiance.

4. **Adoption of Agenda**

**Motion to adopt the Agenda was made by Vice Chairman Mercer, seconded by Chairman Froehling. Motion carried unanimously. SMITH FROEHLING**

5. **Approval of Minutes - July 2, 2015**

**Motion to approve the minutes of the meeting held July 2, 2015 was made by Chairman Froehling; seconded by Vice Chairman Mercer. Motion carried unanimously. ATKINS FROEHLING**

6. Citizen Input

7. Public Hearing

***A. Proposed Comprehensive Plan Amendment - Bald Eagle Properties I, LLC***

***AN ORDINANCE OF THE CITY OF CRYSTAL RIVER PROVIDING FOR A LARGE SCALE MAP AMENDMENT TO THE CITY OF CRYSTAL RIVER COMPREHENSIVE PLAN; BY RECLASSIFYING 14.04 ACRES (EAST BALD EAGLE PROPERTIES) FROM COASTAL LAKES RESIDENTIAL (COUNTY) TO WATERFRONT COMMERCIAL (CITY); PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

No conflicts

No ex parte

City Attorney- Commissions role is to make a recommendation of approval or denial of the proposed comp plan amendment.

Jackie Gorman- provided a brief over

CPA 15- 002- Large scale comp plan amendment- this is a land use change for property over 10 acres. 14 acres on Fort Island trail, just over bridge, adjacent to abandoned condos. Was annexed January 2013, owner was unsure of what they want to do with it... commercial waterfront property for short term stays, potentially an RV or resort housing. A plan has not been presented at this time.

Froehling- is this the property we talked about before... Jackie, was not sure if it was that one or the plantation R.V. Park previously proposed... change land use to coastal lakes residential, to coastal low density. 2 parcels owned by the same owner. One has an old underlying plat that will be addressed later... land use and zoning did not change- vacant- utility available- biological survey conducted- established a wetland jurisdictional line in the center- Environmental assessment was included- blue heron and white ibis habitat- property bounded by a canal- tidally influenced-culvert access limits size of any type vessels- setbacks will be put in place- increased stormwater capture required and permits. To North is Highway commercial-(golf course) south medium density residential (abandoned condos) west low intensity coastal and lakes residential - vacant- east- plantation golf course- requesting approval of ordinance to be brought forth to council for approval

Jannarone- sewer paid? Jackie- 1 ERU per site, which has been controversial- rate study may change that- they had to use land use in place at the time- Jannarone- had it remained residential- one per residence ... Jackie- density would not allow for many units...

Froehling- when they develop they have to follow all rules and regs? yes

Jannarone- anytime we can get commercial tax revenue rather than residential is a win

23:00 Smith- how come (page 4) spot zoning... no adjacent waterfront Commercial at all ...what would be allowed that wouldn't be allowed in each category... Jackie we could have a PUD, but more for water related activities- canal allows more use than regular highway commercial - resort housing cannot be in highway commercial- they are trying to attract eco-friendly type

Phil- this will permit short term rentals that residential would not allow- to accomplish that- we are saying that the canal is waterfront property to... is there a definition- Jackie- for water related activities- probably the last lace

Doug Smith- do the plans to widen highway 44 impact this zoning? No there are no plans as yet and if there were it would be worked into the plan

Would be willing to grant easements extend the pedestrian walk way- planned to share amenities with plantation-

Dee- I think the owner has been diligent in their planning it gives short term rental and low key

Froehling- most gentle use of the land we can do while still receiving tax revenue- do you have any objections? No- we have been discussing for a year

Phelan- if you follow the waterfront north it tops out in a branch of kings bay into the immediate north of where the waterway comes out- is that high density residential? Jackie- residential waterfront= medium- Phelan- so short term would not be allowed there- but if you paddle down the canal - it would be- Jackie- only place it is allowed- Phelan- the developer could build a free- standing house- but the purple house could be rented from .... At some point in the future- the city will have to deal w that-

Jackie- only allowed in current CW- but people want to rent houses on canals

Froehling- has state loosened up regulation regarding short term rentals? Jackie- we already had something on the books... Froehling- can you allow an ordinance to change one neighborhood-

Carrie- we change the ordinance because it was grandfathered in.

Jackie- I believe that the legislation violates every local comp plan- single family residential district- concerned- when you don't know who your neighbors are it creates a problem-

Froehling- Mercer-

Smith in OPPOSITION-

## 8. Unfinished Business -

### ***A. Dock Ordinance Update-***

want to get with the attorney and write an ordinance to tweak it a little- maybe consider setbacks greater than 5 foot- maybe a limitation on boat lifts- want to work up a draft- meanwhile- EAR amendment due in a couple years- the purpose of these EAR amendments is to accommodate changes and trends- for example- manatee element is updated- conservation will not change much but transportation will-

Froehling looked up federal- coast guard- and FWC definition of boat slip - they all say one boat- Jackie- when I spoke w USFWS they said that- it was mainly in the sanctuary I wanted to get into- reminded commission of recent changes regarding holding permits while waiting for regulatory approvals- from now on I will say that the most restrictive of agency permits will prevail-there is one property in sanctuary that will be allowed two-

Jannarone- thoroughly discussed during previous LDC update- and city attorney at the time ... it was his way of trying to accommodate- I would suggest keeping that and limiting number of lift- how difficult to amend to limit number of lifts-

Jackie- it is not difficult to do but depends on the outcry- discussion ensued regarding slips and lifts- and building around docks, etc...

Phelan- people of good conscience can often disagree- I urge everyone to keep in perspective that it should not be discussed in terms of an adversarial relationship- phrases like- "that's where they get us" as though a barbarian hoard is being fended off- in reality it is residents paying a lot of money for property- that want to use their property as they want to- one person's property rights will end where the next begins- I am concerned that if we are not careful- the message we will send people is that we are not a community that wants you- we suggesting a balance- when in doubt err on the side of letting people make their own decisions regarding their private property

Jackie- if it did not tell me a number I wouldn't care- my problem is the comp plan is telling us what the intent is and I have to do my best to comply- trying to keep us out of trouble with our permitting- I read the codes and interpret the best I can and apply it to everyone the same- after awhile you realize what is going on- its commercial activity-

Dee- at my house I have a dock and boat slip- and a lift- but if I built a catwalk- that would be a slip and I would not be able to do it-

Froehling- state and feds interpret a lift as a slip-

More details regarding the dock by 3SSR reiterated from last meeting- concerns- defenses- comments and questions repeated from last meeting-

Froehling- FEDS have come in and restricted 3SSR- we have to be careful

Jackie- got calls from Save the Manatee and USFWS- asking where we measure mean high water on a seawall- example of hair splitting-

Mercer- you do that by definition- to dudes point- you need to allow the homeowner to use it as its zoned for- if docks are made to be an extension of their residence- specifically not meant to be commercially used- but when you look at the neighborhoods- 60% of all the properties have a dock and a lift- if you restrict new property owners- you will have issues - tell the person building seven slips that if they are caught using it commercially they will have to pay to have them taken down-

Jackie- shares story of argument with army corps- boat on lift is same as boat on trailer- it gets gunny when you start building around the lift-

Raym- I greatly appreciate your effort- moved from a small town in NC- we had covenants to get along w neighbors but when neighbors interpret covenants different that you do- adversarial relations can begin- that's why I live in a city- because there is code enforcement etc...

Froehling- every week I had a different family there- thank goodness we live in a city where we have an ordinance-

I understand why people do things they do but they cant- blah blah -blah

Froehling- canal I live on is on the edge of CR- different because of manatees- 6 manatees raising hell in canal- two pontoon boats on wake go over manatees- if manatee people find out- what will they do to us that live on canals-

Phelan- Jackie is correct- we get regs from outside sources- If people- property values continue to decrease- buy houses w out mortgages- become increasingly derelict- in years- you'll have irreparable houses- there's a limit to what we can do- what we can do is not make it worse- we keep making it harder and harder on property owners- by what we say- when people withdraw from the market- there will be less and less incentive to maintain-

Jackie- values- have dropped- people buy and flip w out permits-

Froehling- property is cheap-

Jannarone- first floor of living space- thing I mentioned before- has it been changed? Jackie- not yet-

Then flood insurance discussed-

### ***B. Member Appointments***

***Jannarone- is happy with it- will stay in alternate two- just want board to be full-***

***George- and Charlie are up for renewal- George wants to retire-***

***Dude is going-***

***Publicly Notice for new applicants-***

9. New Business

Jackie- Breakfast Station coming... Dee- what about sports bar? What about in front of Bealls- mattress firm- what about the plaza where fl sherriffs used to be... Jackie- we are getting a bbq restaurant downtown.

George- what happened with the bench?

Froehling- sorry George and dude are leaving-

10. Staff Comments

11. Commissioner's Comments

Phelan- Wanted to say how much I have enjoyed working w all of you, even Jackie. I continue to struggle w how I divide my life- I am permanent resident of City of CR- but planning to move permanent residence back to Ocala- that is my reason-

Froehling- we will miss you-

Bob- hate to see both of you leave the board- Schatz Island situation- group of concerned residents are investigating various mitigation possibilities- cant tell you what is going to happen- a lot of work being done by close residents in that area- will try to resolve w conservation fund- don't know if past performance is what their future performance will be- WAB has asked them to meet w them and they blew it off- spoke at last county commission meeting 18,643 tax- vacant property-

USFWS- goes to 0\$- financial injury is there- county was interested in seeing what could be done - two commissioners want to work w people neighborhood to gather facts and timelines- hopefully something comes out of it- if developed the way originally designed- spoke w property appraisers... 80,000 to 100000 real estate taxes lost- no need to expand USFWS Natl wildlife refuge- lusk requested minor expansion of CR Natl wildlife refuge-

Jannarone- strongly urged council not to make any concessions- Mercer- they are just like any individual person...

Dee- Dude I will miss you very much- broad view- devils advocate- George- I don't know what im gonna do w out you sitting here- froehling Raym-

12. Chairman's Comments

13. Adjournment

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*Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N.W. Highway 19, Crystal River, FL 34428 (352) 795-4216, at least two (2) days prior to the meeting.*