

Planning Commission
May 5, 2016
5:30 p.m.



Robert Froehling Chairman
Robert Mercer, Vice Chairman
Doug Smith
Phillip Jannarone

Dee Atkins
Keith Raym
Charles Kish
Joe Chrietzberg, Alternate Seat 1
VACANT - Alternate Seat 2

1. Roll Call

Chairman Froehling called the meeting to order at 5:30 p.m.

Commissioners Present: Chairman Froehling, Vice Chairman Mercer, Commissioner Smith, Commissioner Jannarone, Commissioner Atkins, Commissioner Raym, Commissioner Kish, Commissioner Chrietzberg

Commissioners Absent: None

2. Moment of Silence

Commissioners held a moment of silence.

3. Pledge of Allegiance

Chairman Froehling led in the Pledge of Allegiance.

4. Adoption of the Agenda

Motion to adopt the agenda was made by Commissioner Atkins; seconded by Commissioner Jannarone. Motion carried unanimously.

5. Approval of Minutes

Motion to approve minutes of the Planning Commission meeting held March 24, 2016 was made by Commissioner Jannarone; seconded by Commissioner Froehling. Motion carried unanimously.

6. Citizen Input- *None*

7. Public Hearing - *None*

8. Unfinished Business - *None*

a. Request for revision to Chapter 9, VARIATIONS FROM CODE REQUIREMENTS - discussion

Planning Director Gorman provided a brief explanation of the item based on a previous request to review the City's variance criteria for consideration of potential revision. She provided the variance criteria used by Crystal River, as well as Lady Lake, Inverness and Brooksville as examples for comparison.

Chairman Froehling recalled the last variance request brought before the Commission, noting that it was granted but did not necessarily fit all ten criteria. Commission discussion was held regarding past requests, benefits and drawbacks of more and less stringent criteria, the intended purpose of variances and provisions contained in other cities' criteria that could be included in the Crystal River criteria.

City Attorney Felice and Planning Director Jackie Gorman addressed Commissioner's questions and comments related to interpretation of the various criteria and the intended purpose of a variance, which allows property owners with an unusually shaped or located property to do something that all other neighbors can do.

Commissioner Kish, Commissioner Atkins and Vice Chairman Mercer all spoke in favor of simplification, referring to the City of Inverness criteria as a model. Commissioner Jannarone and Chairman Froehling spoke in favor of retaining the current, more stringent guidelines.

Commissioner discussion was also held regarding how disability accommodations are addressed, the importance of recording variances, how the flood plain ordinance comes into play and the possibility of requiring a super majority vote to grant variance requests.

Ms. Gorman advised Commissioners that Resolutions are adopted and then recorded to document variances, and provided an explanation of way in which the City processes variance requests.

Commissioner discussion was held regarding the possibility of adding a provision allowing the Commission to review requests based on individual circumstances and City Attorney Felice advised that a definitive set of review standards is necessary, as too much discretionary authority can put the commission at risk of discrimination claims. Chairman Froehling advised that the desire is to add wiggle room for variance-related decisions and Ms. Felice advised that variances are meant to be granted sparingly and suggested amending the LDC if the desire is to allow property owners to do more with their property.

Commissioner Jannarone commented on the inclusion of the term "exceptional hardship" in the Inverness variance criteria and Commission discussion was held regarding the difference between that term and the term used in Crystal River's criteria "specific hardship".

City Attorney Felice advised that whether the hardship is "specific" or "exceptional" the decision must be a result of item #3 in the City's criteria: "The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district."

Further discussion was held regarding the possibility of a two-step decision-making process involving a super-majority vote, while consensus was reached that Commission preference favored the phrase "specific hardship" over "exceptional hardship".

Ms. Gorman and Ms. Felice offered to review current variance criteria to simplify the language and bring back for further review.

Consensus was reached for staff to move forward with revisions to simplify the language used in the variance criteria.

9. New Business -

10. Staff Comments

Ms. Gorman commented on the Bayside Vision Plan recently presented to Council on the April 25, 2016 meeting and described the process by which staff combined various proposed projects into a single concept design for the downtown area.

11. Commissioner's Comments-

Commissioner Kish commented on the Hunter's Springs Park closure and the decreased kayak traffic in the nearby canals, the potential relocation of the Hunter's Springs Park kayak launch and inquired about enforcement of City codes related to vacation rentals.

Ms. Gorman and City Attorney Felice advised on reporting and code enforcement methods currently in place to address short-term rentals.

City Attorney Felice commented on the grandfather ordinance that allows the City to regulate short-term vacation rentals, which many cities do not have. Ms. Gorman also commented on the ability of local municipalities to regulate short-term rentals.

Vice Chairman Mercer provided Commissioners with the newest boater and paddler safety brochures distributed by the local Waterfronts Advisory Board, noting the inclusion of guidance for paddlers pertaining to vessel lee-way.

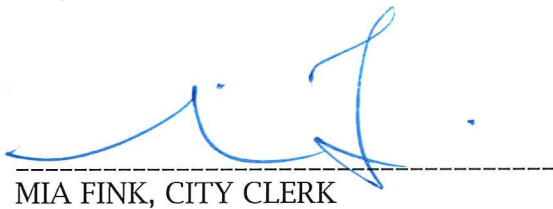
Commissioner Raym commented on the increased number of service animals present in public places such as stores and restaurants and inquired about local regulations. Brief discussion was held regarding regulations pertaining to service animals.

Commissioner Mercer reported on his recent attendance to a manatee forum in Tallahassee during which topics such as sustainability and carrying capacity were addressed, along with recent attention to certain speed zones.

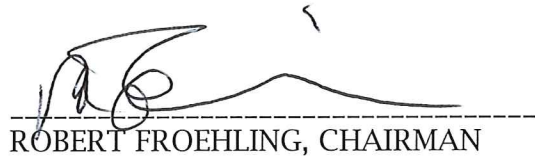
12. Chairman's Comments- Chairman Froehling thanked Commissioners for their comments.

13. **Motion to adjourn was made by Commissioner Kish; seconded by Chairman Froehling. Motion carried unanimously.** Meeting was adjourned at 6:34 p.m.

Attest:



MIA FINK, CITY CLERK



ROBERT FROEHLING, CHAIRMAN

