



**DEPARTMENT OF PLANNING AND DEVELOPMENT  
2014 SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT,  
ATLAS AMENDMENT AND  
PLANNED UNIT DEVELOPMENT**

**APPLICATION NUMBER: CPA-AA-PUD-13-01 McLaughlin Consulting Services, Inc.  
for George Decker**

**DATE: November 24, 2014**

**PREPARED BY:** Cynthia L. Jones, Senior Planner, Land Development Division, and  
Joanna L. Coutu, AICP, Director, Land Development Division

This application is a request to amend the Generalized Future Land Use Map of the Citrus County Comprehensive Plan, to amend the Land Use Atlas Map of the Land Development Code and to establish a Planned Unit Development (PUD).

<b>GENERALIZED FUTURE LAND USE MAP REQUEST (GFLUM):</b>	From: CL, Low Intensity Coastal and Lakes District To: CLC, Coastal and Lakes Commercial District Approximately 3.6 acres
<b>LAND USE ATLAS MAP REQUEST (LUAM):</b>	From: CLR, Coastal and Lakes Residential District To: CLC, Coastal and Lakes Commercial District Approximately 3.6 acres
<b>LOCATION:</b>	<u>Section 35 (Carried under 34), Township 18 South, Range 16 East.</u> Further described as, Lots 5, 6, 7, 8, 9, 10, 10.1, 11, 11.1, 11.2, 11.3, 12, 12.1 and 2B000 in the Ozello area, Citrus County, Florida.
<b>SURROUNDING GENERALIZED FUTURE LAND DESIGNATIONS:</b>	North – CL, Low Intensity Coastal and Lakes Residential District South – CL, Low Intensity Coastal and Lakes Residential District East – CL and CON, Conservation District West – CL, Low Intensity Coastal and Lakes Residential District
<b>SURROUNDING LAND USE ATLAS MAP DESIGNATIONS:</b>	North – CLR, Coastal and Lakes Residential District South – CLR, Coastal and Lakes Residential District East – CLR and CON, Conservation District West – CLR, Coastal and Lakes Residential District
<b>SURROUNDING EXISTING LAND USES:</b>	North – Ozello Community Park, a Citrus County park facility South – Developed single family residential and vacant residential East – Developed single family residential West – Developed single family residential and vacant residential
<b>SOIL INFORMATION:</b>	According to the <i>Soil Survey of Citrus County, Florida</i> (1988), the soil types found on the property are listed as follows: Quartzipsamments, 0 to 5 percent slope. This soil is nearly level to gently sloping. It has been reworked and shaped by earth moving equipment and generally filled with sandy soil material.
<b>FLOOD ZONE:</b>	According to the Flood Insurance Rate Map (FIRM), the subject property appears to be located in Flood Zone V14, Base Flood Elevation of 13, as found on Community-Panel Number 120063-0200CB.

## **BACKGROUND**

The property was formerly developed with the Pirates Cove Development which included a restaurant/tavern (7,339 SF), a 10 unit one-story motel (2,400 SF), and recreational vehicle sites. The site received substantial storm damage from the 1993 and 1996 storms. In 2007 it was determined that the structures had received substantial damage and must meet current codes for reconstruction. A building permit to demolish the restaurant/tavern building and the 10 unit motel building were issued in 2010. No further work has been done onsite.

The applicant initially proposed development of the site via a Development Agreement in 2012, in addition to the requested Comprehensive Plan Amendment and Atlas Amendment. At that time, the applicant had proposed a shared parking arrangement with the adjacent County park and boat ramp, and had planned for construction of a canoe/kayak launch and bathrooms in conjunction with that Agreement. The applicant requested that the Development Agreement remain on hold until the outstanding items/staff concerns could be addressed within the Comprehensive Plan Amendment. The applicant has since withdrawn the request for a Development Agreement as well as any proposal for usage with the County park and boat ramp, and instead has submitted the same Master Plan via the Planned Unit Development process.

The lands under application are located outside of the Planned Service Area (PSA), are not located within a Corridor Planning Zone, or within a Commercial Node, and lie within the Coastal High Hazard Area (CHHA) and Flood Zone (VE) with Base Flood Elevation 12.00.

**SUMMARY OF AGENCY COMMENTS:** This application is a small scale Comprehensive Plan and Atlas Amendment, and therefore is not required to petition to State agencies for comment. If approved, a copy of this amendment will be sent to all appropriate State agencies as a courtesy.

**SUMMARY OF PUBLIC COMMENTS:** We have received letters and petitions submitted which are included in the packet.

## **STAFF ANALYSIS**

The subject property consists of approximately 14 lots, which are remnants of an unrecorded subdivision, and contains  $\pm$  3.6 acres. The subject property includes a portion of a road from the unrecorded subdivision, some of which are subject to questionable ownership. In order to resolve the elbow issue, the applicant submitted a street vacate application (SV-13-02). Following a recent meeting with the applicant, he plans to withdraw the street vacate and instead request a plat vacate for all portions of the unrecorded subdivision within the project limits.

The applicant has also submitted a letter dated September 5, 2014 to Land Section, Engineering Division proposing to swap two parcels of land. An October 23, 2014 Memo from Land Section was received by Land Development Division on November 3, 2014 which indicates that there is no legal description for the elbow portion and no deeds were found in the public record for the elbow going back to November 1, 1954. The memo further states that the elbow area is vested in title to both Mr. George H. Decker and also the Trustees of the Internal Improvement Trust Fund of the State of Florida. Research indicates that all properties located in Government Lot 1, including the Ozello Community Park, are subject to this same title issue with the State of Florida.

On July 12, 2013 the applicant submitted a document entitled "Final Planning Review Considering the appropriate land use controls to be applied to Pirate's Cove", herein after called the "Planning Review". This Planning Review was for a four-story, 33-room resort condominium with a restaurant/bar and 88,512 SF building area under roof. The 4<sup>th</sup> floor plan of the restaurant indicated an indoor seating area of 2,612 SF/172 seats and an outdoor seating area of 1,055 SF/40 seats for a total of a 6,774 SF/212 seat restaurant. The indoor seating area included tables for 96 seats, booths for 40 seats and seating for 36 at the bar. The total building area of 88,512 SF would result in a floor area ratio (FAR) of 0.442 (44.2%) which exceeded the FAR of 0.3 (30%) in the CLC District as outlined in Policy 17.3.20 of the Comprehensive Plan. Since that time application DA-12-03 has been withdrawn and a PUD application has been submitted, and application CPA-AA-13-01 has been renumbered to CPA-AA-PUD-13-01.

On August 8, 2014 an application for the Planned Unit Development was received. The submittal included limited materials needed for review and did not include revised site or building plans. Instead, the applicant requested that staff utilize the previously submitted plans for DA-12-03 and CPA-AA-13-01.

On August 28, 2014 staff received a letter from Mr. Williford, the applicant's architect, where the stated intention of the letter was to modify the previously submitted site and building plans. The letter cites ten items which will be changed for the revised site and building plans which are to be resubmitted thru the PUD process. It is noted that item # 2 changes the room count from 33 to 70. The applicant submitting revised plans on September 24, 2014 which reduced the total building area resulting in a FAR of 30%. At this time, staff has not received updated sections for the Planning Review or revised concurrency discussion as it relates to sanitary sewer, and potable water.

There are many portions of the Planning Review which are still applicable, however many of the sections would be considered by Citrus County staff to be superseded.

As part of the review for the DA letters were received from the following agencies:

Department of Health (DOH)/Environmental Health (February 4, 2013): DOH cannot permit the system due to its size and the system will need to be permitted by the Department of Environmental Protection (DEP). The applicant has the option of presenting the plan to the DEP and asking for a waiver to apply to the DOH variance board.

Citrus County Sheriff's Office-Fire Chief (January 31, 2013): One comment is provided: The water tank shall be sized sufficiently to supply the fire sprinkler system as required by NFPA 101 – 28.3.5.1 and Section 9.7.

(It should be noted that their review was based on the submittal for a 33-room resort condominium.)

**CONCURRENCY DISCUSSION:** The applicant submitted a letter dated March 30, 2013 which included the potable water demand estimate (15,500 gpd), sanitary sewer demand estimate (12,960 gpd), drainage area size estimate, and solid waste demand estimate (12.8 cubic yards per day) for the 33 room development. As a follow up to the March 30, 2013 letter, the applicant provided a letter dated June 10, 2013 which included reports and demand calculations in support of the concurrency review. At that time, review was based on the submittal for a 33 room development, and concurrency was considered to have been met.

However, the concurrency determination changed as a result of the August 28, 2014 letter from Mr. Williford which increases the number of rooms from 33 rooms to 70 rooms. The applicant was advised that they would need to submit revised demand calculations for potable water, sanitary sewer, solid waste and drainage for the revised 70 room project in order to demonstrate concurrency for the project.

On September 24, 2014, just prior to the PDC hearing, the applicant submitted revised site plans and building floor plans that increase the number of rooms proposed to 77 rooms. On September 29, 2014 the applicant submitted two additional letters providing demand calculations. The letter from W.C.F. Engineering provided wastewater demand calculations for 70 rooms and a 35 seat restaurant. The letter from McDonald Group International provided potable water calculations for 33 rooms and a 212 seat restaurant. The applicant was advised on October 23, 2014 that the submitted concurrency information was contradictory and that additional demand calculations for wastewater and potable water were required to demonstrate concurrency. As of the writing of this report concurrency for wastewater and potable water have not been demonstrated.

## **REQUEST FOR LAND USE CHANGE**

### **1. Concurrency:**

- a) Sanitary Sewer – Central sanitary sewer service is not currently available. The applicant has indicated that a private onsite performance based aerobic septic system will be utilized. Although concurrency had previously been demonstrated for the 33 room development, the applicant will need to demonstrate concurrency for the increase to 77 rooms.
- b) Potable Water – Potable water service is available to the site from the Ozello Water Association via a six" PVC water main. The Ozello Water Association had indicated that potable water needs can be supplied for the 33 room hotel; however, fire flow needs could not be supplied using the existing water mains. Although concurrency had previously been demonstrated for the 33 room hotel, the applicant will need to demonstrate concurrency for 77 rooms as proposed.
- c) Solid Waste – The applicant has indicated the property will utilize commercial solid waste collection. Although concurrency has not been demonstrated for the 77 room hotel, solid waste concurrency should not be an issue since the Citrus County Landfill currently has available capacity.

- d) Drainage – Drainage calculations have been submitted addressing drainage concurrency. Although concurrency has not been demonstrated for the 77 room hotel, the site should be able to meet drainage requirements for the proposed development, considering the overall impervious surface area remains unchanged from the previous submittal for the 33-rooms.
- e) Schools – This is a proposal for a commercial land use with transient occupancy, as such development of this site will not impact Citrus County's school facilities.

2. **Consistency with Comprehensive Plan** – The applicant has submitted Comprehensive Plan Consistency documents in both the Planning Review (Section 7 entitled Future Controls) and the PUD submittal. The applicant states that the proposed amendment is consistent with the Comprehensive Plan, and cites the following goals, objectives and policies of the Comprehensive Plan in support of this application:

### **Chapter 2 Recreation and Open Space Element**

- Goal 2                      Provide a variety of parks, recreational facilities and programs, and open space areas available to all residents and visitors of Citrus County.

*[Staff comment – It has not been demonstrated how this goal will be met since the proposed development is a private resort hotel that will not be available to all residents of Citrus County, unless they become condominium owners.]*

### **Chapter 3 Conservation Element**

- Objective 3.13          Conservation efforts have been designated to protect natural resources and ensure environmental protection of land, water, air, and wildlife. To continue this objective, the County LDC shall contain provisions to regulate commercial uses of natural resources in a manner which will protect socio-economic benefits while simultaneously maintaining conservation objectives and the areas determined to be suitable for mineral extraction shall be designated appropriately on the Generalized Future Land Use Map.

*[Staff comment - While the applicant states that the “rebirth” of Pirates Cove is a reasonable commercial use of the property, staff does not agree that a four-story structure is a reasonable commercial use, given the fact that the site is in a predominantly residential area, in the Coastal High Hazard Area and Velocity Zone. However, the site does propose to meet minimum wetland and water body setbacks.]*

### **Chapter 4 Coastal, Lakes, and River Management Element**

#### Land Use - Water-dependent Land Uses

- Objective 4.5          Water dependent and water-related land uses have priority over all other land uses with exception to conservation, along shoreline areas. The Generalized Future Land Use Map (GFLUM) shall

contain designated areas for coastal water-dependent and water-related land uses.

- Policy 4.5.1 The priority ranking of shoreline land uses shall be:
- Water-dependent uses
  - Water-related uses
  - Non-water related uses

- Objective 4.12 Increase public access to Coastal, Lakes, and River shoreline areas. A public access study shall be completed by 2009.

*[Staff comment – With respect to Objective 4.12, it has not been demonstrated how this goal will be met since the proposed development is a private resort hotel that will not be available to all residents of Citrus County. The provision of docking facilities is noted on page 34 of the Planning Review, however docking facilities are not proposed on the master plan and will be limited by the provisions of Ch 13 Manatee Element of the Comprehensive Plan.]*

- 3. Impacts on Affordable Housing** – The proposal should have no impact on permanent affordable housing.

- 4. Compatibility with Adjacent Land Uses** – The site is located on an island at the end of N. Ozello Trail. The island is developed with single family residential uses, a county boat ramp and park, and the remnants of the original Pirates Cove site.

The request to develop a four-story commercial use with the associated outdoor amenities (swimming pool/pool deck area, tiki bar, 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup> floor covered porches and 4<sup>th</sup> floor outdoor restaurant seating area) will serve to extend commercial land use and potential development (lighting and noise) further into a residential area.

Although the Land Development Code, in accordance with Comprehensive Plan Policy 17.3.16, has been adopted with buffering and separation standards established to mitigate possible impacts such as noise, lighting, glare or traffic the applicant has not demonstrated how these standards will be met. The application does not appear to be compatible in this remote island community.

- 5. Environmental** – The site contains remnant facilities from the original Pirates Cove development including one building, concrete slabs, electric service stubs, abandoned septic system and lift station, and fencing, etc. The applicant must coordinate with Florida Fish and Wildlife Conservation Commission (FWC) for possible mitigation if any listed species are present. A tree preservation plan will be required at time of development that includes analysis of any specimen trees that may be located on site. It is noted that the site is adjacent to wetlands of the St. Martins Marsh Aquatic Preserve.

## **PROPOSED FINDINGS OF FACT – LAND USE CHANGE**

1. The request is to re-designate 3.6 acres including Lots 5, 6, 7, 8, 9, 10, 10.1, 11, 11.1, 11.2, 11.3, 12, 12.1 and 2B000 located in Section 35 (carried under 34), Township 18 South, Range 16 East from Low Intensity Coastal and Lakes District (CL) to Coastal and

Lakes Commercial District (CLC) on the GFLUM, and from Coastal and Lakes Residential District (CLR) to Coastal and Lakes Commercial District (CLC) on the Land Use Atlas Map of the Land Development Code is not consistent with the County Comprehensive Plan.

2. Concurrency has not been met for this proposed land use amendment.
3. The proposed land use is inconsistent with Policy 4.10.10 (See PUD discussion below) of the Comprehensive Plan.
4. The proposed land use is incompatible with the surrounding residential area

## **REQUEST FOR A PLANNED UNIT DEVELOPMENT**

A request to establish a Master Plan for a Planned Unit Development containing a four-story hotel with 77 (or 70) rooms, a restaurant and meeting room.

1. **Consistency with the Land Development Code (LDC):** The application proposes development of the site with a four-story hotel, restaurant and meeting room. Staff has met frequently with the applicant to discuss development concerns. At the time of the PDC hearing, the site plan had remained unchanged since the initial Development Agreement submittal. Just prior to the PDC hearing, the applicant submitted a revised site plan that was not reviewed by staff for that hearing but is reviewed in this report. That site plan indicates that 70 hotel rooms are proposed, although the accompanying floor plans show 77 hotel rooms. (As of the date of writing of this report, the applicant indicated another revised site plan may be forthcoming but it had not yet been received).

The proposed uses as a hotel and restaurant are contingent upon approval of the Comprehensive Plan Amendment and Atlas Amendment to change the designation to CLC. While restaurants are a permitted use within the CLC district, hotels require additional standards via the Conditional Use process or the Planned Unit Development process. While the applicant has addressed many of staff's concerns regarding consistency with the Land Development Code, there are several deviations requested as outlined.

Impervious Surface/Lot Coverage: The application proposes an overall impervious surface of 35.8% (staff calculates this to be 37.7%) while the maximum in the CLC district is 35%. The applicant has reduced the hotel size from 22,128 square feet to 19,521 square feet and also reduced the pool deck area to lower the impervious surface on the site.

- Deviation – 37.7 % (applicant calculation is 35.8%) instead of 35.0%

Floor Area Ratio (FAR): Floor Area Ratio is defined in the LDC as “A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located”, and is a measure of the intensity of nonresidential development. In Citrus County where multi-story buildings are relatively uncommon, the maximum allowable FAR in any land use district is 1.0 in the GNC district, meaning that the total amount of gross floor area in the GNC District cannot exceed the total size of the lot.

In this case, the maximum allowable FAR in the CLC district is 0.3, reflective of the environmental sensitivity and open space standards of the district. The application had

previously proposed a FAR of 0.44, which far exceeded the allowable threshold. However, the revised site plan indicates an FAR of 0.30. It should be noted that the FAR standards are also outlined in the Comprehensive Plan, specifically in Policy 17.3.20, and standards within the Comprehensive Plan cannot be varied via the Planned Unit Development process.

- Deviation – Revised site plan has no deviation requested for Floor Area Ratio

Coastal High Hazard Area standards: The application site lies within the Coastal High Hazard Area (CHHA) as well as the velocity flood zone. As such, the application must also comply with the standards outlined within LDC Section 3540, Coastal High Hazard Area, and the CHHA requirements in the Comprehensive Plan.

- LDC Section 3540.D. states that nonresidential buildings are limited to a maximum height of four stories and cannot exceed 50 feet above finished grade, and that floors devoted to parking are to be included in that four-story limitation. The applicant has stated that the top of the roof will be 42'6" above the ground floor.
- LDC Section 3540.F. states the following:

"The following uses are prohibited from locating within the CHHA except as specifically exempted below:

"...R-2 and R-4 Residential occupancy uses including, but not limited to; multifamily dwellings, lodging houses, apartment houses, residential care facilities, and group homes. R-2 residential uses are not allowed within that portion of the Coastal High Hazard Area which is located to the West of U.S. Highway 19, but shall be allowed to the East of U.S. 19 ..."

The applicant's background information provided with this application, as well as statements made at the PDC hearing, indicates an intent to allow condominium uses with residents on the site for no more than 180 days at a time. However, Comprehensive Plan Policy 4.10.10 dictates the standard set forth in Section 3540.F. by prohibiting R-2 and R-4 occupancy types in the CHHA. (R-2 and R-4 occupancy types are defined within the Florida Building Code. An R-1 use is a residential occupancy such as a hotel where the occupants are primarily transient in nature, whereas R-2 uses are residential occupancies where the occupants are primarily permanent in nature). The Director of the Department of Planning and Development has made a formal determination that the definition of "transient" would be as defined by Florida Statute 509.013 as follows:

*"Transient public lodging establishment" – any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.*



As such, the Citrus County Building Official has determined that the proposed use as a condominium for occupancy for more than 30 days is an R-2 occupancy type and is prohibited within the CHHA. (Reference May 13, 2014 letter from Jenette Collins to Bruce McLaughlin attached to this report for additional information regarding this determination)

- Deviation – Allow R-2 use in the CHHA west of US-19 (violates Comprehensive Plan Policy 4.10.10)

Stormwater Management: The application proposes a drainage retention area, which will be required to meet the technical standards of Chapter 6, Stormwater Management, of the LDC. The applicant is aware of the significant constraints on this site due to the soil types and velocity zone standards, and will need to design the proposal accordingly.

Tree Preservation/Landscaping/Buffers: The applicant had initially provided an extensive landscape plan with the application that proposes various buffers and plantings on the site. The site currently contains relatively few trees, many of which will need to be removed for this development. The revised site plan did not include this landscaping plan, but does indicate some identified “green” areas without further elaboration. The applicant would be required to retain a 15-foot natural buffer along the wetland lines (see wetland discussion below). In addition, the buffer standards outlined in LDC Section 3740, Additional Design Standards for Large Non-Residential Projects, while not currently indicated on the site plan, would need to be met. An exception is the applicant’s written request for a 10’ Type “C” buffer (rather than the required 15’ minimum Type “C” buffer) that encompasses the planting standards of a larger Type “D” buffer (without an accompanying wall) where the property abuts residential zoning. Staff has no concerns with this proposal.

- Deviation – 10’ wide Type “C” buffer with plantings of a Type “D” buffer instead of 15’ wide Type “C” buffer, and placement of buffer within the applicant-indicated (but not demonstrated) right-of-way of W. Sanddollar Lane.

The application also proposes a deviation from the standard in LDC Section 3740 that requires that main access driveways be completely separated from any parking area and/or pedestrian walkway by a landscaped island, not including intersections and walkways. In an attempt to address this requirement, the applicant has revised the access to a one-way configuration.

- Deviation – No separation between main access driveway and parking areas (mitigated partially by one-way traffic flow).

Wetland Impacts/Setbacks: The application site lies within the velocity flood zone, and as such is subject to a minimum 50-foot setback from all jurisdictional lines and water bodies. The majority of the site plan does meet this standard, although the applicant will need to ensure that the setback is measured from the jurisdictional line and/or the mean high water line throughout the site.

- Deviation – 50’ setback to wetlands and water bodies (Per applicant, this setback will be met in this proposal).

Parking Standards: The applicant has indicated that the site will contain 70 hotel rooms along with a 35-seat restaurant and meeting room(s). The floor plans received, however, indicate 77 hotel rooms and a 4,000 square foot restaurant. Parking calculations are dependent on the actual number of rooms and the size and/or seating capacity of the restaurant.

70 hotel rooms at 1.1 space per sleeping room = 77 spaces, or  
77 hotel rooms at 1.1 space per sleeping room = 85 spaces

4000 square foot restaurant at 1 space per 150 sf = 27 spaces divided by two to accommodate for hotel guests = 14 spaces, or  
35-seat restaurant at 1 per 3 persons seating capacity = 12 spaces divided by two to accommodate for hotel guests = 6 spaces

It has been noted elsewhere in this report that the currently submitted concurrency calculations indicates there will be 35 seats for the restaurant. However, if instead a 4000 square foot restaurant is considered the parking changes since that square footage can accommodate a greater seating capacity.

Meeting room - 1 per 3 seats. The applicant has indicated the occupant load will be around 47 people. This would require 8 spaces as estimated.

70 hotel rooms and 4000 SF restaurant and 47-seat meeting room= 109 spaces, or  
77 hotel rooms and 4000 SF restaurant and 47-seat meeting room= 117 spaces, or  
70 hotel rooms and 35-seat restaurant and 47-seat meeting room = 101 spaces, or  
77 hotel rooms and 35-seat restaurant and 47-seat meeting room = 109 spaces

The application proposes 76 parking spaces and 12 motorcycle spaces for a total of 88 spaces. The LDC does not include a provision for motorcycle parking, but the applicant has stated that the Ozello area is an attraction for motorcycle enthusiasts and as such motorcycle parking is justified.

- Deviation – Allow motorcycle parking to be provided as required parking and have 88 total parking spaces instead of number actually required (estimated to be between 101 and 117 spaces as outlined above)

Access Management/Traffic Circulation: As mentioned above, the revised site plan proposes a one-way main access drive to minimize traffic conflict with cars parking and backing out into the main access drive. Engineering staff in the Land Development Division have no concerns with this proposal provided that it can be demonstrated that vehicles can adequately make a turn under the front lobby overhang area, as well as other points such as the entrance and exit to the lower-level parking area and the loading zone. It is noted that there is an existing adjacent residence that utilizes a portion of the proposed access drive for access to the home. As currently proposed, this resident will need to access the main access drive from N. Pirate Point and proceed through the site to access the easement.

Engineering staff has also noted a concern with proposed construction traffic/heavy vehicles along the bridges located on N. Ozello Trail that lead to the site. As such, staff

has recommended that the applicant provide assurance, in a format acceptable by the County Engineer, that the bridges can accommodate the proposed heavy vehicles prior to construction.

Regarding the adjacent roadways, LDC Section 6310.A.8 states the following:

Nonresidential development that accesses an unclassified county road shall either upgrade the portion of the roadway to County Roadway standards or provide testing and survey results indication [sic] that the roadway meets these requirements.

This requirement for the adjacent roadways has not been addressed in the application as proposed, and staff would recommend this condition if the application is approved by the Board of County Commissioners.

Other Standards: The application has not provided a detailed facade rendering, but will be required to meet the general standards of LDC Section 3740, Additional Design Standards for Large Non-Residential Projects. In addition, to maximize compatibility of the project with the surrounding area staff would suggest that architectural standards be provided that are consistent with the coastal fishing community aesthetics in the general Ozello area.

Staff would also suggest that the applicant provide a sidewalk(s) or pedestrian path(s) to the adjacent County park.

## 2. Consistency with the Comprehensive Plan

All development applications shall demonstrate complete compliance with the Comprehensive Plan. The Planned Unit Development application appears to be inconsistent with the following policies of the Comprehensive Plan:

**Policy 17.3.20** All nonresidential development shall conform to the following Floor Area Ratio (FAR) standards for the land use district in which the development is located.

Land Use	Maximum FAR
Central Ridge Residential	0.2
Coastal and Lakes Commercial	0.3
General Commercial	1.0
Low Density Residential	0.2
Medium Density Residential	0.4
High Density Residential	0.5
Industrial	1.0
Mobile Home Park	0.2
Low Intensity Coastal and Lakes	0.2
Port	0.5
Port Commercial	0.3
Professional Services/Office	1.0
Public/Semi-public	0.5
Recreational Vehicle Park/ Campground	0.2
Rural Residential	0.2
Rural Activity Center	0.5

*[Staff comment – The revised site plan (date-stamped September 24, 2014) complies with this policy.]*

**Policy 4.10.10** New construction or expansion of the following residential occupancy uses, as defined by the Florida Building Code (First Edition, Chapter 3, Section 311), are not allowed anywhere within the Coastal High Hazard Area:

New construction or expansion of the following residential occupancy uses are not allowed within that portion of the Coastal High Hazard Area which is located to the West of U.S. Highway 19, but shall be allowed to the East of U.S. 19 provided all minimum standards of the LDC are met, the proposed development is compatible with surrounding development, the development's access, internal design, and general location do not impede the evacuation of its residents or neighbors, and the project does not negatively impact area evacuation clearance times:

R2: Multiple dwellings where the occupants are primarily permanent in nature, including: apartment houses, convents, dormitory facilities which accommodate 6 or more persons of more than 2 ½ years of age who stay more than 24 hours, fraternities, sororities, monasteries, and rooming houses (transient).

New construction or expansion of the following residential occupancy uses are allowed within the Coastal High Hazard Area:

R-1: Residential occupancies where the occupants are primarily transient in nature, including: Boarding housing (transient), hotels, and motels, and

R-3: Residential occupancies including the following: 1 and 2-family dwellings where the occupants are primarily permanent in nature and not classified as R-1, R-2, or Institutional, child care facilities which accommodate 3 or fewer children of any age for any time period, rectories and parsonages....

*[Staff comment – the applicant has filed a formal appeal in response to staff's determination that the proposal does not comply with this policy. That appeal has been placed on hold at the applicant's request until December 16, 2014, and as such staff continues to comment that the application as currently proposed is inconsistent with this policy].*

## **PROPOSED FINDINGS OF FACT – PLANNED UNIT DEVELOPMENT**

Staff reviewed this application under the standards of Section 4300, Planned Unit Developments (PUD), of the LDC. The BCC may adopt modified conditions of approval pursuant to LDC Section 4302, PUD Approval Procedures, when in the public interest and expressed in formal findings of fact. The reviewing body shall approve, approve with modifications and/or conditions, or disapprove the Planned Unit Development. The reviewing body shall enter its reasons for such action in its record. As evidence, the following findings of facts are cited.

- A. Only uses which are consistent with the Comprehensive Plan may be approved as a PUD.** *The non-transient use proposed is inconsistent with the Comprehensive Plan as outlined above.*

- B. Any development approved through the PUD application process, which is not designated a use in the respective land use district for the subject PUD parcel, shall be compatible with established or planned uses both within the development footprint and surrounding neighborhoods and property.** *The PUD provides the benefit of a Master Plan of Development that serves to safeguard against potential conflicts with existing adjacent land uses. The proposal of a four-story commercial building in an area surrounded by single-family residential homes and a public park/boat ramp appears to be incompatible with the neighborhood and general area.*
- C. Accessory uses shall be permitted as set forth within the approved general concept plan or as found by the Board of County Commissioners to be compatible with an approved plan.** *The applicant has proposed a pool on the master site plan.*
- D. Subsequent to the approval of a PUD, uses not enumerated may be permitted through amendment of the PUD and approved by the Board of County Commissioners.** *N/A at this time. The applicant is aware that any future uses may require an amendment to this Planned Unit Development.*
- E. A PUD petition is subject to the following minimum acreage standards:**
- 1. A development consisting of a nonresidential development shall contain at least one acre;**
  - 2. A residential development shall have a minimum of five acres; and**
  - 3. A mixed-use development shall have a minimum of five acres.**
- The site is a non-residential use that is greater than one acre in size.*
- F. The land area included within the PUD development shall be of such proportions as to properly accommodate all proposed uses in keeping with the general requirements of the county and the established objectives and policies of the adopted Comprehensive Plan.** *The land area proposed for the uses does not currently meet the ISR standards outlined within the Comprehensive Plan. The maximum allowable FAR standards and an increase above the maximum allowable ISR standards in the CLC district via the PUD process appears to be excessive in this open, environmentally sensitive area.*
- G. Landscaping and design and maintenance shall follow the principles of Florida Friendly Landscaping™ and the Florida Yards and Neighborhoods (FYN) Homeowner Program to reduce water use and fertilizer runoff.**
- 1. Planted turf grass and landscaping on residential lots shall be limited to a maximum of 50% of the upland portion of the lot.**
  - 2. Turf grasses and landscape vegetation shall be common to the area and drought tolerant.**

*While the applicant has not addressed these standards, if the application is approved staff would recommend that these requirements be listed as a condition of approval. .*

- H. There shall be no specific lot requirements for individual uses; provided, however, that the area designated for any particular use shall be of sufficient size and proportion so as to properly accommodate said use and to provide for adequate open space and buffering between it and an adjacent use. *The applicant has not requested specific lots for this project, and staff has no concerns as to the proposed buffers along the roadways in the plan.***
- I. The maximum height of structures, setbacks, and density within a PUD development shall be as specifically established by the Board of County Commissioners in its approval action. *The applicant has indicated that the structure will comply with the height standards within the CHHA, and while not currently indicated on the plan, setbacks are proposed to meet the minimum 50-foot waterfront/wetland setback in the velocity flood zone.***
- J. Approval of the proposed PUD development shall include approval of all maps, diagrams, tables, and reports submitted by the applicant. *The applicant has submitted a site plan date-stamped September 24, 2014 for this application. The applicant has indicated another revised site plan may be submitted, but it was not provided in time for the writing of this report.***
- K. A planned unit development will terminate within three years of the date of approval if either a site development plan or preliminary subdivision plat application is not filed with the county. If one of these applications is not filed within the specified time frame, the PUD shall be null and void. *The applicant has not requested a deviation from this requirement.***

## **SUMMARY OF FINDINGS**

It has been determined that the reviewing body (BCC) shall consider the proposed Planned Unit Development. Staff has found that the proposed development, even with a revised site plan as submitted, is inconsistent with the Comprehensive Plan for a condominium use (R-2 occupancy) within the CHHA. Staff also has a concern with the request for a maximum ISR and FAR allowance within this remote, predominantly residential community in the velocity flood zone, and the overall compatibility of a four-story commercial structure in this coastal area. The subject property has requested a land use change to Coastal Lakes Commercial on the Future Land Use Map, and the Land Use Atlas Map, and this change will need to be approved to accommodate the uses as proposed. Granting this request will adversely affect the public interest, and would be generally incompatible with adjacent properties and other properties in the district.

## **RECOMMENDATION:**

## **STAFF RECOMMENDATION:**

Based on the staff report analysis, the findings of fact for the Comprehensive Plan, and the findings of fact for the Planned Unit Development, the application is inconsistent with the Citrus County Comprehensive Plan, the Citrus County Land Development Code, and is incompatible with the surrounding area.

1. Comprehensive Plan Amendment – **DENIAL**
2. Atlas Amendment – **DENIAL**
3. Planned Unit Development - **DENIAL**

**PDC RECOMMENDATION:**

1. Comprehensive Plan Amendment – **DENIAL**
2. Atlas Amendment – **DENIAL**
3. Planned Unit Development - **DENIAL**

**BOARD OF COUNTY COMMISSIONERS ACTION:**

1. Comprehensive Plan Amendment -
2. Atlas Amendment –
3. Planned Unit Development -

JLC/CLJ/jah  
Attachments