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May 19, 2012

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Ms. Linda Green  
347 Mullet Point Loop  
Crystal River, FL. 34429

Mr. Robert H. Schaefer  
526 North Lake Circle  
Crystal River, Fl. 34429

Dear Ms. Green and Mr. Schaefer,

## Re. Pirate's Cove

I am writing to respond to the several letters to the editor that have appeared about this project and to the correspondence our public records requests of Citrus County has produced. Since you are co-chairs of "The Committee to Save Ozello," this letter is addressed to you. I would respectfully request that you forward it to other concerned individuals as appropriate. Luke Lirot, Mr. Decker's legal counsel, will be writing separately to Mr. Green although I will also address the issues Mr. Green raised in his communication to the County received April 23.

We hope to propose, and receive approval of, a project which has the support of the Ozello community. At the same time, the project must be viable.

We certainly welcome a robust dialogue with all interested parties, both those in support and those in opposition. We will be respectful in our communications and comments. We will, however, not tolerate trespass and/or the creation of hazardous conditions on the property; theft from the property, official written statements intended to mislead Citrus County officials or false statements to third parties and to government officials for the purpose of harming Mr. Decker's economic interests.

I will respond to the letters to the editor and the correspondence to Citrus County in approximate collective chronological order, dealing with each issue the first time it is raised. In order, these documents are:

Cecilia Treat, March 12 (County);

Helen Lourim,

Dated April 14, received by County April 19, published in *Chronicle* April 25:  
"No Ozello condos;"

Cecilia Treat,

Dated April 15, received by County April 17, published in *Chronicle* April 29:  
"Ozello questions;"

Linda and John Green,

Undated; received by County April 17, published in *Chronicle* April 23: "Pirate's Cove condos;"

John Green,  
Undated, received by County April 23;  
Tom Mott  
Published in *Chronicle* April 27: "Leave Ozello be;"  
Linda Green, Robert H. Schaefer,  
Published in *Chronicle* May 1: "Formal Opposition;"  
Daniel and Cheryl Salgueiro,  
Dated May 1, received by County, May 3, published in *Chronicle* May 10: "No to  
Ozello development;"  
Roger Fairbanks,  
Dated May 2, received by County May 3;  
Anthony and Alicia Griffith,  
Dated May 6, received by County May 7, published in *Chronicle* May 13: "Don't  
Develop;"  
Debra Ryans, Bennett Carter,  
Dated May 6, received by County May 7;  
Regina Fillinger, May 14 (County, dealing with trespass issue only).

1. Present Entitlement

Before I respond to the concerns in the above correspondence, I will summarize what Mr. Decker can do under the present controls, with no discretionary approvals and no voluntary additional benefits to the Ozello area. Mr. Decker can build approximately 6,700 square feet of commercial space at a height of 50 feet.

The uses to which Mr. Decker is presently entitled include fishing docks and piers; a hunting preserve; a parking lot; a strip center; a funeral home; a light mechanical repair shop; restaurants, a veterinary office; a convenience store; a tavern, bar, lounge, night club or dance hall; a driving range or min-golf facility, and mini-warehouses.

At least one Citrus County calculation shows the Pirate's Cove also vested for 14 residential units. These units could be two storeys above the flood level.

If Mr. Decker were to opt simply to build in accordance with the present entitlements, there would be no improvements to the water supply beyond the minimum necessary for the development; no improvements to the park; no road improvements beyond the minimum necessary for the development and no other additional benefits to Citrus County or Ozello.

Notwithstanding what can be built today without discretionary approvals, it is in the best interests of the Ozello neighborhood, Citrus County and the owner to do better. Chapter 5 of the Land Development Code, (LDC), specifically anticipates this situation, stating: "Where a proposed development is designed to exceed minimum requirements, additional development rights may be allowed." To make these improvements above the minimum requirements, there must be an appropriate yield from the property.

## 2. Height

The physical constraints of the property suggest that its appropriate development would likely require a variance to either the height or the setbacks. Our initial feeling was that a height variance was the more appropriate option.

After hearing the concerns of the neighborhood and reviewing the design issues, we have concluded that a setback variance, if needed, would be more appropriate than a height variance. Accordingly, we are redesigning the project at four storeys subject to the already permitted 50 foot height.

## 3. The Proposal Will Not Set a Precedent

Approximately 0.52 acres of the Pirate's Cove property is zoned Coastal Lakes Commercial (CLC). Pursuant to the Citrus County Comprehensive Plan, (at page 10-102), these two parcels are recognized as being designated Commercial on the Generalized Future Land Use Map based on their zoning designation in the official zoning atlas.

This last point is key: under the policies of the Comprehensive Plan, at least a portion of Pirate's Cove is already deemed to be designated Commercial. This is not true of any other property in the area. Therefore, any concern that the proposal for Pirate's Cove would "set a precedent" is completely unfounded: no other property is in the same situation.

Peck's, a short distance away, is also zoned and designated CLC. With 2.12 acres, Peck's could be redeveloped for any of the land uses set out in Section 1, above, at 50 in height with 27,700 square feet of floor area, but it is the only other property in Ozello with potential for commercial use. The approvals requested for Pirate's Cove will not set a precedent because, aside from Peck's, no other property in Ozello is subject to the controls presently applicable to Pirate's Cove.

4. Environmental Impact

Tree preservation is required by the Land Development Code, and the Code requirements will be observed. Likewise, the proposal will minimize the disturbance of natural habitat, in accordance with sound planning and ecological principles. While the building(s) in any event must be structurally sound, the additional development rights sought will permit the design and construction of a facility that will be completely in tune with its environment, rather than the simple "concrete building" which could be built now.

With respect to tree coverage and other present design features of the County park, no changes are proposed by Mr. Decker. It may be that the County and Mr. Decker agree to some ultimate improvements to the park, but these will be done by mutual consent and will not represent "poaching" by Pirate's Cove on the park property.

One goal of the *Citrus County Comprehensive Plan* is to promote eco-tourism and one way of doing that will be to facilitate the inter-connectivity between the park and Pirate's Cove and provide enhanced landscaping along the common boundary.

5. Market

Resort condominiums are an increasingly popular form of real estate. To date, as far as is known there are no such uses in Citrus County although the Regional Evacuation Study lists one such use.

The market is being carefully studied, and will continue to be carefully studied as the project progresses to ensure that the project is fully and readily marketable as it comes to fruition. A comparison to single family dwellings on the market in the worst real estate slump in 80 years is less than meaningless.

To the extent that the project may be financed, any lender will be scrutinizing the project most carefully and, before a loan is made, the marketing analysis made for Mr. Decker will have been confirmed. And, in the unlikely event that the project starts and is halted, a bond can be posted to cover the cost of demolition.

6. Sewage Treatment

We initially proposed a package plant such as that found at several Citrus County schools

and the RV park in Inglis. We have, however, determined that an ordinary septic tank will be more than adequate for the proposed use, although the idea of a package plant is still under consideration. Either the septic system or the package plant will have a capacity that will exceed the calculated sewage flows from the development.

The design and construction of the septic system or the package plant will be subject to review, approval and permitting by the Florida Department of Environmental Protection (DEP) and by Citrus County. The system will be maintained by the property owner, again subject to continuing inspections and approvals by the DEP and the County.

#### 7. Neighborhood Reaction

As noted in a later letter, the attitudes at the neighborhood meeting were neutral but that neutrality may have been masking an evolving sense of disapproval. In any event, there are clearly supporters of the project in the area, and, to date, only nine opponents have identified themselves.

It is a vast overstatement to assert that: "Every property owner S. of Ozello Trail most of the property owners N. of the Trail are against this development." As noted above, only nine opponents have identified themselves to date and we have had positive responses both at the neighborhood meeting and in personal correspondence. We will work with all the property owners in the area in an effort to achieve a project that is acceptable to as many people as possible.

#### 8. Traffic

Ozello Trail is presently carrying approximately 48% of its Level of Service B capacity. While we have not finalized the traffic generation calculations, without accounting for shared trips – primarily resort guests who also use the restaurant – the project will increase the load to approximately 62% of the Level of Service B capacity. The Level of Service of the road will **not** change.

While there are definitely sightseers and other tourists who can be a nuisance in any tourist environment, the additional traffic to be generated by Pirate's Cove will not make this situation worse. Pirate's Cove will be a destination for its guests and, while they might sightsee on their first visit, on later trips, after they have visited other Citrus County facilities, the road will be familiar and there will be less urge to sightsee.

The road is undoubtedly curvy but that is true of numerous roads throughout the world. And the Ozello Trail's curves are not up a mountain where a mis-step would likely be fatal. Further, thousands of people successfully navigate those curves in large groups for the Easter Sunrise services, the chili cook-off and the craft shows.

9. Water Supply

We have received conflicting information about the current capacity of the water system. However, since the capacity is quantifiable, we are in the process of planning the tests necessary to accurately determine the current capacity.

If the development proceeds as permitted now – 6,700 square feet of commercial space and 14 units, then the only improvements that will be made to the water system are the minimum requirements necessary for this project. However, subject to appropriate credits in connection, service, and impact fees, pursuant to Chapter 5 of the LDC, we propose to design the development to exceed minimum requirements, and provide significant additional improvements in the water service at the end of the system and thus entitling Mr. Decker to additional development rights.

10. Flooding

There is no question that there are flooding issues along the Ozello Trail and in the vicinity of Pirate's Cove. On site, these issues will be handled in the design of the building, swimming pool and sewage system. No compensating storage for the raised drain field is required and all Federal, state and Citrus County stormwater management requirements will be met.

Flooding in a storm event is also not expected to be an issue because there is almost always lead time for evacuation and the transient nature of the resort and restaurant guests will facilitate evacuation. Evacuation concurrency is still required and will be met, as will be the requirements of the Regional Evacuation Plan.

11. Noise, "General Detriment"

Citrus County has a noise ordinance with which the development will fully comply. Ironically, the most likely potential sources of noise are uses already permitted, the tavern, bar,

lounge, night club or dance hall but the entire facility will be designed with the best available noise attenuation design.

In fact, the process being employed and the additional development rights being sought will permit us to further enhance noise control. The design will consider issues such as the location of the swimming pool to best minimize the impact of the noise associated with it, and similar design issues.

As to “general detriment,” the process being followed – a Development Agreement – and the requested additional development rights will provide a mechanism for enhanced review of the project, including by the neighbors, and the enhanced opportunity to ensure that there is no “general detriment” or “change in the personality” of the area.

#### 12. The Neighborhood Meeting

First, it should be stressed that the neighborhood meeting was a purely voluntary undertaking by Mr. Decker. The first official public hearing was and is some distance in the future.

Secondly, contrary to the false statement in writing intended to mislead Citrus County officials, the invitations to the neighborhood meeting were not “announced only to a few of those property owners in the immediate vicinity of Pirate’s Cove.” A mailing list was obtained from the Citrus County Property Appraiser’s Office for all property owners within **one and one half miles**. That list included 104 discrete owners, and notices were sent to all of those owners (with the obvious exception of Mr. Decker). One notice was returned as undeliverable.

#### 13. Parking

Any comparison of the parking proposed for Pirate’s Cove with that provided at Peck’s is inappropriate. Peck’s was built in 1958 – a time without any of the zoning and site utilization requirements of a modern zoning code, let alone the additional design review features found in the Development Agreement process proposed for Pirate’s Cove. Pirate’s Cove will also gain parking spaces on the first floor, whereas Peck’s is built at ground level. Therefore, any comparison between Peck’s and Pirate’s Cove is inappropriate.

One of the most disturbing misconceptions about the Pirate’s Cove proposal is the false claim that Pirate’s Cove proposes to use the County Park for parking or otherwise as part of the Pirate’s Cove business. **All parking required for the development will be provided on site.**

There are indications that there may have been, in the past, a shared parking agreement between Pirate's Cove and Citrus County. As noted, there are times when the parking lot at the Park is full. There may be such a shared parking agreement again so that overflow parking from the park – say at the Chili cook-off, Easter sunrise services or the craft shows – can be provided, when available, at Pirate's Cove, and **overflow parking only** from Pirate's Cove – say at a wedding – can be provided at the park. But again, **all parking required for the development will be provided on site.**

No "business use" of the park is even remotely contemplated. Some enhanced connectivity between the park and Pirate's Cove is being considered to further the County's goal of increasing eco-tourism and the responsible use of the St. Martins Aquatic Preserve and other potential improvements to the park may be negotiated and other steps may be taken that will enhance the value of the park to the Community.

#### 14. Public Safety

The Citrus County Sheriff's Office has been consulted about the project and has advised that they have an acceptable response time. They also advise that deputies park at the convenience store at U.S. 19 and Ozello Trail for report writing, etc., and thus are generally closer to the area than they might otherwise be.

Citrus County Fire Rescue will not commit to a response time but state that their service is available and adequate. Obviously the one development will not lead to the re-opening of the Ozello fire station but it will be an added incentive for that re-opening when finances permit. The building will be built with all modern fire proofing and suppression techniques.

Nature Coast E.M.S. advise that their service is also available and adequate. If there is an unusual level of E.M.S. activity, Nature Coast presently stage an ambulance at U.S. 19 and Ozello Trail to reduce the response times to Ozello, Crystal River and Homosassa.

#### 15. Benefits

Overlooked in the opposition are the numerous benefits that the development will bring to Ozello and Citrus County. In addition to whatever improvements may be agreed to for infrastructure in Ozello and for the park, the project, as proposed, is expected to create considerable construction employment, approximately 50 full time jobs and \$50,000 to \$55,000 per year in County taxes. Other benefits such as improved access to nearby properties, economic



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benefits in Ozello, Crystal River and elsewhere in Citrus County, a destination and “a port in a storm” for kayakers, etc., are all being overlooked.

We believe that most, if not all, of the concerns of the small number of opponents to the rebirth of Pirate’s Cove can be accommodated. Right now, much of the “concern” is based on misinformation or on plans which have already been revised in response to neighborhood concerns. Mr. Decker has already done more than required by hosting the first neighborhood meeting and by agreeing to work with Citrus County in a development approval process that is far more rigorous than the standard process and that is infinitely more rigorous than the approvals necessary to enjoy his present entitlements.

We hope that we can continue a respectful and productive dialogue that will lead to widespread support in the Ozello community for the project as it will ultimately be proposed.

Yours very truly,  
Bruce McLaughlin Consulting Services, Inc.



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