

Owners fear MXU zoning loss

Planning board looks at tighter rules

TERRY WITT

terrywitt@chronicleonline.com

Chronicle

A plan to rezone more than 6,400 acres of mixed-use (MXU) property into opposition Thursday at a planning board workshop, with some disgruntled landowners questioning why the zoning had to be changed.

The county has prepared a massive comprehensive plan and land development code amendment eliminating

MXU as a zoning category and assigning new zoning designations to more than 500 parcels of land scattered across the county.

Most of the land is being down-zoned, which means the new zoning limits development. That was the main worry of most property owners who spoke at the workshop. Many had made plans for their properties based on the multiple uses allowed by MXU zoning.

The planning board will have one

more public hearing before sending the amendment to the county commission for a workshop and a public hearing later this spring. Commissioners will have the final say before the amendment goes to the Florida Department of Community Affairs for review.

The amendment has its origins in the Halls River Retreat land use case. The developer, E. Blake Longacre, wanted to build a 54-unit condominium on 11 acres of land that was zoned MXU. But Circuit Judge Jack Springstead ruled that the MXU zoning allows big developments prohibit-

ed by the comprehensive plan. He said the two documents can't be in conflict.

Citrus County commissioners appealed the Springstead ruling and lost. At that point, they ordered staff to change the zoning on MXU properties to make them consistent with the comprehensive plan.

County officials predicted a backlash from property owners, but the opposition was relatively light at the first workshop. Landowners weren't sure what they could do with their new zoning category.

DuWayne Sipper, director of the

Path, a homeless shelter in Beverly Hills which is zoned MXU, was assured he could continue operating at his current location as long as he doesn't expand the facility. Sipper was worried he might have to close down, and he said it would be difficult finding a new location for the homeless shelter.

Janice Tibbetts said she is worried the proposed change in zoning could prevent her and husband, Duane Tibbetts, from making changes to their property in Old Homosassa.

Please see ZONING/Page 4A

ZONING

Continued from **Page 1A**

The Tibbetts live behind the waterfront seafood houses in Homosassa and own four MXU lots.

They wanted to build an office for Duane Tibbetts' stucco and stone business and a second home for an aging relative.

Mrs. Tibbetts said the MXU zoning gave them the flexibility to make those changes, but she fears the proposed changes could take that away. She said they will hire an attorney if necessary.

"If that's the way we have to play, we will," she said. "I don't want to be mean, but they're messing with my livelihood."

Senior planner Ian McDonald said the county has developed several new zoning categories for the MXU parcels, one of which could help Mrs. Tibbetts.

He said the new coastal lakes commercial (CLC) category would probably allow her to have a home-related business and still build a second residence on one of the other

four lots for the aging relative. The new zoning categories have not been adopted.

The fix may not be as simple for two larger land parcels discussed at the workshop.

Fred Reeves, representing Longacre, said his client still believes the county devalued the retreat property when it denied Longacre the right to build the condo resort.

Reeves has filed a new application for Halls River Retreat project, asking the county to approve the 54-unit condo project. The chances of approval are slim, but Reeves said Longacre needs to resubmit the plan to exhaust all his legal remedies. Longacre is almost certain to sue the county if the project is rejected again, and loss of value will be one of the issues raised in the suit.

Attorney Clark Stillwell, representing the Caruth Estate, repeated his client's claim that the county substantially devalued a piece of MXU waterfront property on the Withlacoochee River by downzoning the land. The estate has filed a pre-law-suit notice, claiming the heirs are due compensation as a result of lost property value.