

Agenda (Amended)
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
July 16, 2019 at 5:30 p.m.

PLEASE NOTE: Individuals wishing to address the Planning Commission are required to sign in at the beginning of the meeting or you will not be recognized. A three-minute time limit will be administered. You may address the Commission one time only unless you are scheduled to speak on the agenda. PLEASE TURN CELL PHONES OFF.

One or more City Council members may attend this meeting and may speak.

Call to Order

Pledge of Allegiance

Roll Call

Proof of Publication: The Agenda was posted on City's website and City Hall bulletin board on Tuesday, July 9, 2017.

1. Approval Of Minutes - June 18, 2019

Documents:

[20190618.Pdf](#)

2. Chair's Report

3. Quasi-Judicial Hearing - Site Plan Review SPL2019-01
Application PZ1819-042 by Fagan Construction, Inc., Kerry Fagan & Linda Fagan,
requesting Site Plan Approval for Parcel #3448-183-000, E. Pennsylvania Avenue.

- Chairman to close regular meeting and open Quasi-Judicial Hearing
- Swearing in of all persons who will give testimony by City Attorney
- Commission members to disclose any Ex-Parte Communication
- Members to disclose any Conflict of Interest
- Staff Presentation
- Applicant Presentation
- Presentation of Evidence from the Public and/or Non-evidentiary Public Comment
- Chairman to close Quasi-Judicial Hearing and reopen regular meeting

Documents:

[PC Mtg Agenda Package Backup ADA.pdf](#)

4. RESOLUTION #RES2019-07- Recommendation To City Council
Resolution #RES2019-07 review and forward a recommendation to City Council for consideration

1. *Proposed Motion: I move Resolution #RES2019-07 be ready by title only.*
2. *Proposed Motion: I move Resolution #RES2019-07 be approved.*

Documents:

[RES2019-07 PZ1819-042 Fagan SPL2019-01 To PC.pdf](#)

5. Quasi-Judicial Hearing - Appeal Tree Removal Violation Penalty
Appeal of Code Enforcement #CE2019-036 Notice of Violation & Correction, Tree Removal Penalty Interpretation per City Code Section 74-73, Allen Heine, Property Owner, Bostick Street Properties, Tree Removal Site Plan #SPL2017-03
 - Chairman to close regular meeting and open Quasi-Judicial Hearing
 - Swearing in of all persons who will give testimony by City Attorney
 - Commission members to disclose any Ex-Parte Communication
 - Members to disclose any Conflict of Interest
 - Staff Presentation
 - Applicant Presentation
 - Presentation of Evidence from the Public and/or Non-evidentiary Public Comment
 - Chairman to close Quasi-Judicial Hearing and reopen regular meeting

Documents:

[Appeal Pkg - Allen Heine - Bostick St Tree Removal.pdf](#)

6. Commissioners' Planning Items
Commission Goals, Objectives, and Projects - Review and Update
 - Parking Update
 - Beautification utilizing CRA funds; Facade theme: Mining/Boomtown; N. Williams Corridor between Powell Road and Pennsylvania Avenue
 - Public participation/involvement: signage for planning/zoning changes; flyers; coordination with Chamber and other local organizations
 - Comprehensive Plan: revisit and upgrade
 - Economic Development Strategy - Adopted - Discussion
7. Public Comment
8. Adjournment

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING OR HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

**Minutes
City of Dunnellon
Planning Commission Meeting
June 18, 2019 at 5:30 p.m.**

Chairwoman D'Arville called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance

Roll Call

Members Present:

Brenda D'Arville, Mary Ann Hilton, Louise Kenny, Lisa Sheffield

Staff Present:

Lonnie Smith, Patrick Brackins, Teresa Malmberg

Proof of Publication:

The Agenda was posted on City's website and City Hall bulletin board on Tuesday, June 11, 2019. An amendment was posted on the website June 12 and 17, 2019.

1. Approval of Minutes - May 21, 2019

Commissioner Kenny motioned to accept the minutes of the May 21, 2019, meeting as submitted. Lisa Sheffield seconded. The motion passed by unanimous vote, 4-0.

2. Public Hearing to Consider Proposed Ordinance #ORD2019-05 Pass-Through Fees Public hearing for making recommendation to the City Council on proposed Ordinance 2019-05, to create Chapter 95, Pass-through Fees

Chairwoman D'Arville to closed the regular meeting and opened the public hearing at 5:32 p.m. Following staff presentation and Commissioners', Chairwoman D'Arville closed the public hearing and reopened the regular meeting at 5:48 p.m.

3. Resolution #RES2019-09 Proposed Ordinance #ORD2019-05 Pass-Through Fees Resolution #RES2019-09 finding of consistency and forwarding a recommendation of approval to City Council for consideration

Commissioner Sheffield motioned to read Resolution #RES2019-09 by title only. Commissioner Kenny seconded. The motion passed by a vote of 3-1, with Commissioner Hilton opposing. Chairwoman D'Arville read the resolution #RES2019-09 by title only.

Commissioner Kenny motioned to approve Resolution #RES2019-09 with the condition to include the 3% administrative fee, paragraph 4 in the strikeout version of ORD2019-05, in the final recommended proposed ordinance forwarded to Council. Commissioner Sheffield seconded. The motion passed by unanimous vote, 4-0.

4. Public Hearing to Amend the Transportation Element of The City's Comprehensive Plan
Public hearing for making recommendation to the City Council on proposed Ordinance 2019-03, to amend the City of Dunnellon's Comprehensive Plan, Policy 3, within the Transportation Element.

Chairwoman D'Arville closed the regular meeting and opened the public hearing at 5:52 p.m. Lonnie Smith presented the staff report. During public comments, Mr. Charles Lee, 11101 Audubon Way, Maitland, FL, spoke in favor of the language in the proposed ordinance. Following commissioners' comments, Chairwoman D'Arville to closed the public hearing and reopened the regular meeting at 6:02 p.m.

5. Resolution #RES2019-05 Proposed Ordinance #ORD2019-03 Comprehensive Plan Amendment

Resolution #RES2019-05 finding of consistency and forwarding a recommendation of approval to City Council for consideration

Commissioner Kenny motioned to read Resolution #RES2019-05 by title only. Commissioner Sheffield seconded. Chairwoman D'Arville read the resolution #RES2019-09 by title only.

Commissioner Kenny motioned to approve Resolution #RES2019-05. Commissioner Hilton seconded. The motion passed by unanimous vote 4-0.

6. Chair's Report

Chairwoman D'Arville reported council meeting topics of interest were the business asset mapping project, possibility of a park at 9-Island Cove, explore and take advantage the training available at University of Florida for planning boards, and the need to continue progress toward the USDA parking grant for March 2020.

Councilman White provided a summary of the final decision at Marion County Commission meeting, all were in favor of the language as presented, in not supporting toll roads and provided a copy of the language which Chairwoman D'Arville read for the record.

7. Public Comment

Mr. Bill Vibbert, 9552 SW 192 Court Rd., Dunnellon, FL, provided comments concerning the language in the City's proposed ordinance and otherwise supports the effort being put forth.

Mr. Wally Dunn, 11386 Hendrix Dr., Dunnellon, FL, reported that he spoke with Marion County concerning the Rainbow River Ranch property, and asked if anything had been turned into them. Marion County reported they have something for next month. Mr. Dunn asked if the City had received anything. Chairwoman D'Arville confirmed with staff and reported the City has not.

Mayor Burns spoke about meeting with members of the Marion County Commission and their support of the direction the City is taking regarding toll roads.

Janet Barrow, Dunnellon, Citrus County, FL, spoke in support of the City's actions and direction in protecting this part of Dunnellon, but sees language that leaves wiggle room. Asks that the City continue to do what it can to protect the broader area.

8. Adjournment

Commissioner Kenny motioned to adjourn the meeting at 6:25 p.m. Commissioner Hilton seconded. The motion passed by unanimous vote, 4-0.

Brenda D'Arville, Chairwoman

Teresa Malmberg, Recording Secretary

On May 15, 2019, Fagan Construction, Incorporated, Kerry Fagan and Linda Fagan, submitted application for site plan review to construct an office building on East Pennsylvania Avenue, Parcel #3448-183-000, a vacant parcel. This building will be used as the Fagan Construction, Inc., office.

Utilities currently existing on the site and proposed to be used: Water / Sewer (new service quote from Florida Governmental Utility Authority (FGUA) provided).

Applicant submitted the following in addition to the application:

1. Copy of recorded deed
2. Copy of property record card from property appraiser's website
3. Signed/sealed Site (Lot) plan
4. Survey of the property
5. SWFWMD Project Evaluation – Permit Not Required letter dated 6/8/2019 (not required at time of application).

Payment in the amount of \$550.00 (\$475 application fee / \$75 administrative fee) received on May 15, 2019, Check #1229.

Due to ADA compatibility, Application PZ1819-042, FGUA quote and Items 1-4 listed above will be provided to commissioners via email. All documents are available at Dunnellon City Hall, Community Development, 20750 River Drive, Monday – Thursday, 7 a.m. – 6 p.m.

Respectfully,

TA Malmberg

Teresa A. Malmberg
Administrative Assistant



CITY OF DUNNELLO

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

June 20, 2019

Fagan Construction
Kerry Fagan
Linda Fagan
10430 N. Wise Owl Point
Dunnellon, Florida 34434

RE: Quasi-judicial Public Hearings before Planning Commission: Application for Site Plan Approval Fagan Construction (PZ1819-042/#SPL2019-01)

Dear Applicant:

Please take notice that your application site plan approval will be heard by the Planning Commission of the City of Dunnellon on **Tuesday, July 16, at 5:30 p.m.**, or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. Your application, together with any back-up materials including the staff reports, may be reviewed during normal business hours 7:00 a.m. to 6:00 p.m., Monday – Thursday, at Dunnellon City Hall. For further information, please contact the Community Development Department at (352) 465-8500, ext. 1010.

Pursuant to the City's Land Development Regulations, owners of property within 300 feet of subject property have been sent notice of the public hearings on your applications. Interested parties may appear at the hearings and be heard with respect to your applications. Please be advised that all oral and written communications concerning your applications prior to the public hearings between any member of the Planning Commission and an applicant or interested person is strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 7:00 a.m. to 6:00 p.m., Monday – Thursday. Persons with disabilities needing assistance to participate in this hearing should contact the Office of the City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Lonnie Smith

Lonnie Smith

Community Development Manager



CITY OF DUNNELLO

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

June 20, 2019

NOTICE OF PUBLIC HEARINGS FOR SITE PLAN APPROVAL

Dear Property Owner:

The Planning Commission will hold a quasi-judicial public hearing for recommendations to the City Council regarding site plan review for **Parcel Number 3448-183-000**, described as Section 36 Township 16 Range 18, Plat Book F, Page 092, Dunnellon Heights, Lot 183 & Lot 184, more specifically the vacant lot approximately ninety-seven feet (97') west of the southwest corner of San Mateo Boulevard on the south side of East Pennsylvania Avenue.

The Applicant, Fagan Construction, seeks approval of a site plan pursuant to Land Development Regulations, Appendix "A", Zoning, Section 9.3.

The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday July 16, 2019, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, the public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you.

The application, filed under application number **PZ1819-042/#SPL2019-01**, submitted by Fagan Construction, together with any back-up materials may be reviewed during normal business hours, 7:00 a.m. to 6:00 p.m., Monday-Thursday, at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Interested parties may appear at the meeting and be heard with respect to the proposed site plan. Please be advised that all oral and written communications prior to the hearings concerning the case between any member of the Planning Commission and the Applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearings, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 7:00 a.m. to 6:00 p.m., Monday-Thursday, or at our website www.dunnellon.org. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Lonnie Smith

Lonnie Smith

Community Development Manager

City of Dunnellon, Florida

TO: Riverland News – Legal Ad

FROM: Teresa Malmberg, Community Development

DATE: June 17, 2019

RE: Legal Notice

Please publish the ad below on or before **Thursday, June 27, 2019**, in the Legal Section. Please provide a proof prior to and proof of publication. Thank you.

**NOTICE OF PLANNING COMMISSION
QUASI-JUDICIAL PUBLIC HEARING
TO CONSIDER APPLICATION PZ1819-042 FOR
SITE PLAN REVIEW #SPL2019-01
PARCELS 3448-183-000**

The Planning Commission will hold a quasi-judicial public hearing for recommendations to the City Council regarding site plan review for Parcel Number 3448-183-000, described as Section 36 Township 16 Range 18, Plat Book F, Page 092, Dunnellon Heights, Lot 183 & Lot 184, more specifically the vacant lot approximately ninety-seven feet (97') west of the southwest corner of San Mateo Boulevard on the south side of East Pennsylvania Avenue. Interested persons will have an opportunity to be heard.

The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, July 16, 2019, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, the public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The application, filed under application number **PZ1819-042/#SPL2019-01**, submitted by Fagan Construction, Inc., together with any back-up materials may be reviewed during normal business hours 7:00 a.m. to 6:00 p.m., Monday-Thursday, at Dunnellon City Hall. For further information, please contact the Community Development Department at (352) 465-8500, ext. 1010.

APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the Planning Commission at the above hearing, a verbatim record of the proceedings may be necessary pursuant to Florida Statutes, 286.0105. The City assumes no responsibility for furnishing said record; however, the hearing will be audio recorded by the City for public use.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk at 352-465-8500.

END AD

POSTAGE COUNT	PARCEL	NAME	SITUS_1	ADD_1	ADD_2	ADD_3
1	3448-174-000	HEART OF FLORIDA HEALTH CENTER IN	19204 E PENNSYLVANIA AVE	203 E SILVER SPRINGS BLVD # 101	OCALA FL 34470	
2	3448-385-000	KHAN SHAFIQR R		KHAN SOPHIA	3 CORBETT DR	BURLINGTON MA 01803-1541
3	3448-180-000	FERNANDEZ FAMILY LIVING TRUST		FERNANDEZ MELINDA A TR	20895 W PENNSYLVANIA AVE	DUNNELLON FL 34431
4	3448-183-000	FAGAN CONSTRUCTION INC		10430 N WISE OWL PT	DUNNELLON FL 34434	
5	3448-185-000	HUDSON KEVIN	19160 E PENNSYLVANIA AVE	9741 SW 121ST TER	DUNNELLON FL 34432	
6	3448-190-000	WELLS CHRISTINA		9461 CHARLEVILLE BLVD #370	BEVERLY HILLS CA 90212-3017	
7	3448-191-000	FRENCH ROYAL L JR	19131 ST LAWRENCE DR	FRENCH LESLIE K EST	585 10TH AVE S	JACKSONVILLE BEACH FL 32250
8	3448-193-000	BALL EVELYN TR	19179 ST LAWRENCE DR	DILLON CHARLES J III	PO BOX 1937	DUNNELLON FL 34430-1937
9	3448-192-000	JOCALBRO INC PROFIT SHARING PLAN TRUST		BROWN JOE C TR	PO BOX 2407	BELLEVUE FL 34421-2407
10	3448-203-000	KNOWLES KAREN ROBINSON	19184 ST LAWRENCE DR	19184 ST LAWRENCE DR	DUNNELLON FL 34432-6116	
11	3448-205-000	GOODLOE KATHLEEN E		19154 ST LAWRENCE DR	DUNNELLON FL 34432-6116	
D	3448-206-000	GOODLOE TURNER S III	19154 ST LAWRENCE DR	19154 ST LAWRENCE DR	DUNNELLON FL 34432-6116	
12	3448-207-000	LESNEK A J ET AL		C/O BRIAN PHILLIPS	270 SPRUCE HILL DR	GAHANNA OH 43230-3669
13	3448-368-000	YOUNG RUTHY F REVOCABLE TRUST		YOUNG RUTHY F TR	1834 SE 36TH PL	OCALA FL 34471-6753
14	3448-169-000	TRENT JOHN		336 BRENTWOOD DR	PALATINE IL 60074	
D	3448-369-000	DILLON CHARLES J III TR	19106 ST LAWRENCE DR	PO BOX 1937	DUNNELLON FL 34430-1937	
15	3448-194-000	MONTGOMERY DAVID H		1027 MESA VERDE DR	FT MILL SC 29707	
16	3448-387-000	LOVE ROBERT B	19120 E PENNSYLVANIA AVE ALL U	LOVE RANDALL L	19120 E PENNSYLVANIA AVE STE D	DUNNELLON FL 34432
D	3448-386-000	LOVE RANDALL L		LOVE TERESA L ET AL	NA	
17	33310-000-02	RAINBOW RIVER RANCH LLC		2308 W SHORE DR	DULUTH MN 55812	
18	33310-000-08	SOUTHWEST FLORIDA WATER MGMT DIST		2379 BROAD ST	BROOKSVILLE FL 34604-6899	
19	3448-189-000	LOCKE DANIEL TR		206 HIDEAWAY CT	MINNEOLA FL 34715-7470	
D	3448-187-000	LOCKE DANIEL TR		206 HIDEAWAY CT	MINNEOLA FL 34715-7470	

19 LTRS @ \$0.50EA = \$9.50

OWNER/APPLICANT

DUPLICATE MAILING ADDRESS

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
2379 BROAD STREET BROOKSVILLE FL 34604-6899
(352) 796-7211 OR 1-800-423-1476 (FL only)
TDD only 1-800-231-6103 (FL only)
On the internet at watermatters.org

May 08, 2019

Fagan Construction, Inc.
Attn: Kerry Fagan
10430 N. Wise Owl
Dunnellon, FL 34434

Subject: **Project Evaluation - Permit Not Required**
Project Name: Fagan Construction Office
File Number: 783228
County: Marion
Sec/Twp/Rge: S36/T16S/R18E
Reference: Rule 62-330, Florida Administrative Code (F.A.C.)

Dear Ms. Fagan:

The District has reviewed the information you submitted for the project referenced above and has determined that an Environmental Resource Permit (ERP) **will not be required** for the proposed construction of a building and associated parking area. The proposed project results in a net increase of 1,912 square foot building/sidewalk area and an increase of 1,011 square foot in vehicular use area. [Rule 62-330.020(2), F.A.C.]

The information received by the District will be kept on file to support the District's determination regarding your application. This information is available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits

The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes. Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District. Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

This letter constitutes notice of Intended Agency Action of the project referenced above. The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and

instructions for publishing notice of agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit or other agency action, for retention in the File of Record for this agency action.

If you have questions regarding this matter, please contact Louis Nash in the Tampa Service Office, extension 2168. Please reference the Project Name and Inquiry/Permit Number in future communications concerning this project.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Notice of Rights
cc: Wilburn Construction, Inc.
Michael Wilburn, P.E.

Complete photostatic or electronic copy of Application File is available upon request. Please contact Community Development, (352) 465-8500 x1010, or by email to tmalmberg@dunnellon.org.

RESOLUTION #RES2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL TO APPROVE DISAPPROVE APPROVE WITH CONDITIONS; A SITE PLAN, PURSUANT TO THE CITY OF DUNNELLON LAND DEVELOPMENT REGULATIONS APPENDIX A, "ZONING" AS REQUESTED BY APPLICANT, FAGAN CONSTRUCTION, OWNER OF THE PROPERTY DESCRIBED AS PARCEL NUMBER 3448-183-000, SECTION 36 TOWNSHIP 16 RANGE 18, PLAT BOOK F PAGE 092, DUNNELLON HEIGHTS, LOT 183 & LOT 184, MORE SPECIFICALLY THE VACANT LOT APPROXIMATELY NINETY-SEVEN FEET (97') WEST OF THE SOUTHWEST CORNER OF SAN MATEO BOULEVARD ON THE SOUTH SIDE OF EAST PENNSYLVANIA AVENUE; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission held a Public Hearing on July 16, 2019, to consider a request by Fagan Construction, Inc., to recommend approval of a Site Plan pursuant to Land Development Regulations, Appendix "A", Zoning, Section 9.2(15) and (16) for Parcel Number 3448-183-000, Section 36 Township 16 Range 18, Plat Book F, Page 092, Dunnellon Heights, Lot 183 & Lot 184, more specifically the vacant property approximately ninety-seven feet (97') west of the southwest corner of San Mateo Boulevard on the south side of East Pennsylvania Avenue; and

WHEREAS, the Planning Commission has determined that the Applicant, Fagan Construction, Inc., __ has, __ has not, met the criteria for Site Plan approval and that approval of the Site Plan will not adversely affect the public interest; and

WHEREAS, the Planning Commission finds that the Applicant __ has, __ has not, met the criteria under Section 9.2 (15) and (16) of the Land Development Regulations for a Site Plan and has shown that the approval of the Site Plan will be in harmony with the general intent and purpose of the Land Development Regulations, and such Site Plan will not be injurious to the area involved or otherwise detrimental to the public welfare; and

WHEREAS, the Planning Commission, sitting as the Local Planning Agency, has determined that a recommendation of __approval __disapproval __approval with conditions is consistent with Dunnellon's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON THAT:

A recommendation of __ approval __ disapproval __ approval with conditions in regard to the requested application for Site Plan requested by Fagan Construction, Inc., for Parcel Number 3448-183-000, Section 36 Township 16 Range 18, Plat Book F, Page 092, Dunnellon Heights, Lot 183 & Lot 184, more specifically the vacant lot approximately ninety-seven feet (97') west of the southwest corner of San Mateo Boulevard on the south side of East Pennsylvania Avenue, subject to the following conditions:

1. _____
2. _____
3. _____

[Voting result and signatures on following page]

BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on July 16, 2019, by the Planning Commission upon a motion by Commissioner _____ and seconded by Commissioner _____ and upon being put to a vote, the result was as follows;

Chairwoman Brenda D'Arville	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Vice-Chairwoman Louise Kenny	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Commissioner Lisa Sheffield	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Commissioner Mary Ann Hilton	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Vacant, Commissioner	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Vacant, 1 st Alternate	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote
Vacant, 2 nd Alternate	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Did Not Vote

Attested by:
**PLANNING COMMISSION,
CITY OF DUNNELLON**

Approved as to Legal Form:

BY: _____
Brenda D'Arville, Chairwoman
Planning Commission, City of Dunnellon

BY: _____
Andrew Hand
City Attorney

This _____ day of _____, 2019.

This _____ day of _____, 2019.

Allen Heine
11734 E. Blue Cove Dr., Dunnellon, FL 34432 Tel (352)213-0555
allenheine@gmail.com

JUNE 26, 2019

City of Dunnellon Planning Commission
c/o Community Development
20750 River Drive,
Dunnellon, FL 34431

To Whom It May Concern,

Please accept this letter as a written notice of appeal to the NOTICE OF VIOLATION & CORRECTION I received May 28th, 2019 (Certified Mail: #70181130000090504681).

In accordance with City Code Sec.74-63, I submitted and was approved for tree removal for site plans pending construction of four (4) single family residences. However, upon start of construction and land preparation, I was made aware that the areas where the trees were growing were in very low-lying areas. The trees would never have survived the displacement of the soil around their bases and therefore, I made the decision to remove them. I planned on replacing those trees and adding others during the landscaping of the development. This will be before the final inspection is completed.

Upon notification of this violation, I made Mr. Lonnie Smith aware that I would be replacing the five (5) trees after construction was completed. In addition, I was made aware of a similar situation in Blue Cove where trees were removed without permit and no violation fines were assessed. I would appreciate the same consideration.

I appreciate your attention to this matter and I look forward to hearing from you.

Sincerely,

Allen Heine

From: [Teresa Malmberg](#)
To: ["allenheine@gmail.com"](mailto:allenheine@gmail.com)
Cc: [Lonnie Smith](#)
Subject: Notice of Hearing for Appeal to Planning Commission - Tree Removal
Date: Tuesday, July 9, 2019 10:34:00 AM
Attachments: [Notice of Hearing for Appeal PCMTg 07162019.pdf](#)

Allen,

Attached is the notice of hearing for your appeal. As discussed, you verbally waived the 15-day notice requirement in order to have your appeal heard by the Planning Commission this month in lieu of August. I am sending letter via U.S. Mail today.

Please contact me if you have any questions.

NEW OFFICE HOURS:
MON-THU, 7 A.M – 6 P.M., CLOSED FRIDAY

Regards,

Teresa A. Malmberg

Community Development

20750 River Drive

Dunnellon, FL 34431

Ofc: (352) 465-8500 opt. 3

Fax: (352) 465-8505

Contractors: We no longer manage or maintain paper copies of certificates of insurance renewals. Please notify your agent to use contractorinfo@dunnellon.org for all future renewals. Thanks!

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses, and email addresses. Therefore, your email communication may be subject to public disclosure.

 Please consider the environment before printing this email.



COMMUNITY DEVELOPMENT
20750 RIVER DR
DUNNELLO, FL 34431

NOTICE OF HEARING APPLICANT APPEAL

July 9, 2019

Via U.S. Mail and Electronic Mail

Mr. Allen Heine
11734 E. Blue Cove Drive
Dunnellon, Florida 34432

Dear Mr. Heine:

In accordance with City Code Sec.74-73, your letter of appeal was received within 30-days of receipt of the notice of violation assessing penalties for tree removal for site plans pending construction of four (4) single family residences. The locations are 11751, 11773, 11759 and 11765 Bostick Street.

We spoke by telephone on this date, and as the property owner/applicant, you verbally waived the 15-day notification requirement in order for your appeal to be heard at the next available Planning Commission meeting. The Planning Commission will hear your appeal on **Tuesday, July 16, 2019, at 5:30 p.m.**

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 7:00 a.m. to 6:00 p.m., Monday – Thursday. Persons with disabilities needing assistance to participate in this hearing should contact the Office of the City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

T.A. Malmberg

Teresa A. Malmberg
Administrative Assistant



CITY OF DUNNELLO
CODE ENFORCEMENT
20750 RIVER DR
DUNNELLO, FL 34431

NOTICE OF VIOLATION & CORRECTION

Certified Mail #70181130000090504681

May 28, 2019

Mr. Allen Heine
11734 E. Blue Cove Drive
Dunnellon, Florida 34432

Dear Mr. Heine:

In accordance with City Code Sec.74-63, you submitted and were approved for tree removal for site plans pending construction of four (4) single family residences. The locations are 11751, 11773, 11759 and 11765 Bostick Street. City Staff conducted a site visit on March 13, 2019. While conducting the site visit, City Staff determined that trees were removed from the "no cut" zone agreed to and approved on the site plans submitted for each of these properties. An evaluation of the site plans in conjunction with the site visit and photo evidence shows that a total of five (5) trees were removed without a permit in violation of City Code Sec. 74-62(a).

Per City Code Sec. 74-74(c), you are hereby assessed a fine of \$200.00 per tree for a total of \$1,000.00. Further, in accordance with City Code Sec. 74-74(e), you are required to replace the five (5) trees removed without a permit within a period of ninety (90) days of the date of this letter.

You may appeal this determination in accordance with the provisions and requirements of City Code Sec. 74-73 by filing a written notice of appeal with the City of Dunnellon Planning Commission, c/o Community Development, 20750 River Drive, Dunnellon, FL 34431 within 30 calendar days of the date of this letter.

Please let me know if you have any questions regarding this Notice of Violation & Correction.

Sincerely,

Francis L. Hunter
Code Enforcement

Enclosure