



Meeting Date: Jan 11, 2016

From (Dept.): Community Development

Signature: [Signature]  
Department Director

Approved for  
Agenda: [Signature] R EE  
City Manager

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Subject:** Consideration of Site Plan SPL2015-03 Application PZ1516-016, 12189 S. Williams Street, Angler's Resort Motel

**Request for Approval:**

**Summary Explanation and Background:**  
The Applicant Hulbert Construction on behalf of property owners, Robert and Dallis Jewett, seeks approval of a site plan pursuant to Land Development Regulations, Appendix "A", Zoning, Section 9.2(15) and (16) and Sections 9.3-1 for a Motel on the subject property.  
The original Angler's Motel was demolished to make way for a new motel building on the same location, redesigning the interior square footage to create 12 units/beds and bringing up to current ADA standards. The Planning Commission has reviewed the plan during two meetings, 12/15 and 12/22/2015.

**Fiscal Information:**

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Project No.  
(if applicable)

**Amount:** \_\_\_\_\_

**Procurement Method:** \_\_\_\_\_

**Purchase Requisition Number:** \_\_\_\_\_

**Recommended Action:** Planning Commission recommends Council approval w/provisions noted in motion.

Initiated by: tam / ls



# CITY OF DUNNELLOH

## STAFF REPORT TO COUNCIL

### APPLICATION INFORMATION

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**DATE OF HEARING:** January 11, 2016

**REQUEST FOR APPROVAL OF:** Site Plan with conditions

**PUBLIC HEARING:** Quasi-Judicial

**PROJECT NAME:** Anglers Resort Motel

**PROJECT NUMBER:** SPL 2015-003

**PROJECT REPRESENTATIVE(S):**  
Applicant: Hulbert Construction  
Property Owner: Robert Jewett

**PROPERTY LOCATION:**  
Project Address(es): 12189 S. Williams St  
Dunnellon, FL 34432  
Parcel ID Number(s): 34222-000-00

**PARCEL SIZE:** .92 Acres

**EXISTING FUTURE LAND USE MAP:** Commercial

**PROPOSED FUTURE LANDUSE MAP:** No change requested

**EXISTING ZONING:** B-3/ B-6

**PROPOSED ZONING:** No change requested

**EXISTING USE:** Motel

## STAFF EVALUATION AND FINDINGS

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### 1. REQUEST:

- The Applicant also seeks approval of a site plan pursuant to Land Development Regulations, Appendix “A”, Zoning, Section 9.2(15) and (16) and Sections 9.3-1 for a Motel on the subject property.

### 2. REVIEW REQUIREMENT:

#### *Appendix A – Zoning, Section 9.2*

##### *15. Site development plan approval.*

B. *Contents.* The site development plan required to be submitted under subsection A above and the requirements of these zoning regulations shall include the following elements, where applicable:

- (1) Statement of ownership and control of the proposed development.
- (2) Statement describing in detail the character and intended use of the development.
- (3) A dimensioned site plan based on exact survey of the property drawn to scale of sufficient size to show (a) exact location of all buildings and structures, (b) all means of ingress and egress, (c) all screens and buffers, (d) off-street parking and loading areas, (3) refuse collection areas, (f) access to utilities hook-up, and (g) natural features such as streams, lakes, or other topographic features.
- (4) Storm drainage and sanitary sewage plans.
- (5) Architectural definitions for buildings in the development; exact number of dwelling units, sizes and types, together with typical floor plans of each type.
- (6) Plans for recreation facilities, if any, including buildings for such use.
- (7) A determination of radon emissions level.
- (8) Such additional data, maps, plans or statements as may be required for the particular use or activity involved.
- (9) Such additional data as the applicant may believe is pertinent to the site development plan. Items (3), (4), and (5) above shall be prepared by a registered surveyor, engineer, or architect or practicing land planner as may be appropriate to the particular item.

16. *Duties of planning commission in site development plan approval.* Certain uses permitted in zoning districts, as shown on the schedule of district regulations, require approval by the planning commission of a site development plan prior to the issuance of building permits by the building official. In reaching decision as to whether or not the site development plan as submitted should be approved with a directive to the building official to issue building permits, the planning commission shall follow the procedure set out in subsection 14 [15] of this section and shall be guided in its decision by the following standards and shall show in its record that each was considered where applicable:

- A. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe.
- B. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall city capacities.
- C. Conditions on ownership, control and use generally, and conditions on ownership, control, use, and maintenance of open space or common lands to insure preservation of such lands for their intended purposes.
- D. Utilities, with reference to hook-in locations and availability and capacity for the use projects.

- E. Off-street parking and loading areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.
- F. Recreation and open spaces, with attention to the location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby community-wide open spaces and recreation facilities.
- G. Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.
- H. General site arrangement, amenities, and convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of such property values.
- I. Loss of pervious surfaces with attention to the lowering of recharge capabilities and increasing runoff.
- J. Such other standards as may be imposed by these zoning regulations for the particular use of activity involved.
- K. Consistency with neighborhood and historical character.

### 3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner wishes to replace the current motel with a structure of the same outer dimensions (footprint) as the existing. The building will be redesigned internally to allow for 12 sleeping rooms instead of the current 9. The building will also be brought up to current ADA standards.

The applicant is seeking a site plan approval to allow the construction of a Motel on the original site.

### 4. COMPREHENSIVE PLAN:

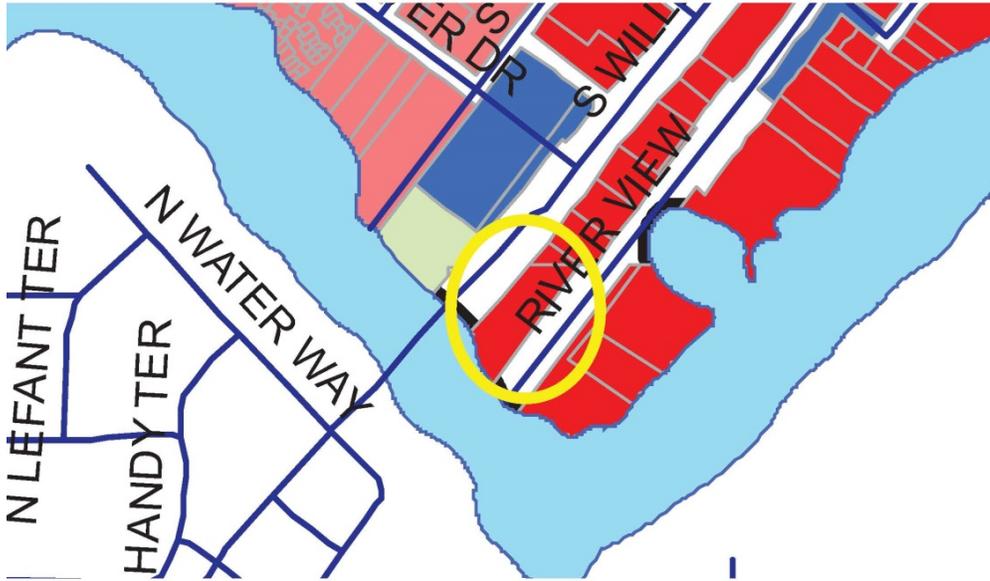
#### FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

##### **Policy 1.4:**

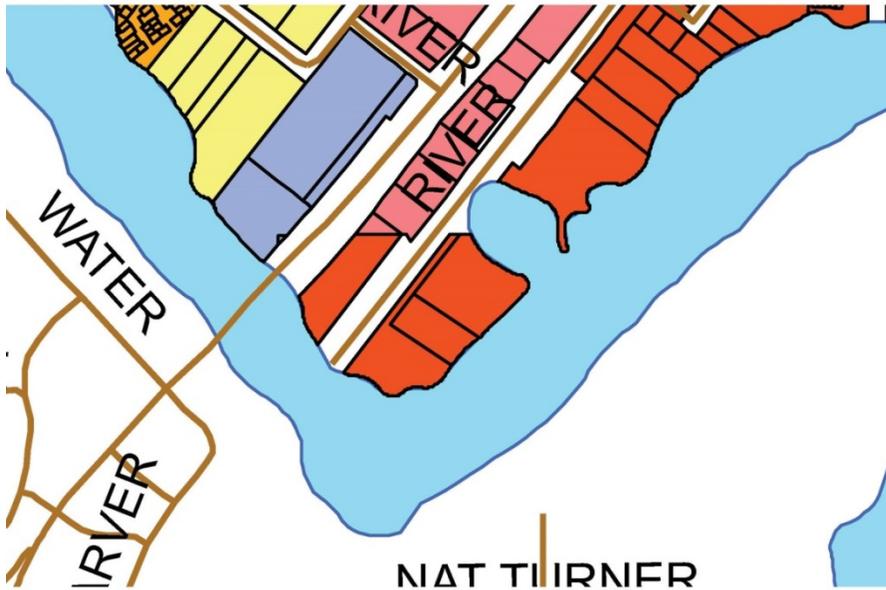
The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the maximum building height is forty (40) feet.

The subject property is located in the land use designation of Commercial. The Zoning classification is B-3 and is one of the permitted classifications in this land use category. The nature and type of building development is not considered inconsistent with the comp plan.

Future Land Use Map (below)

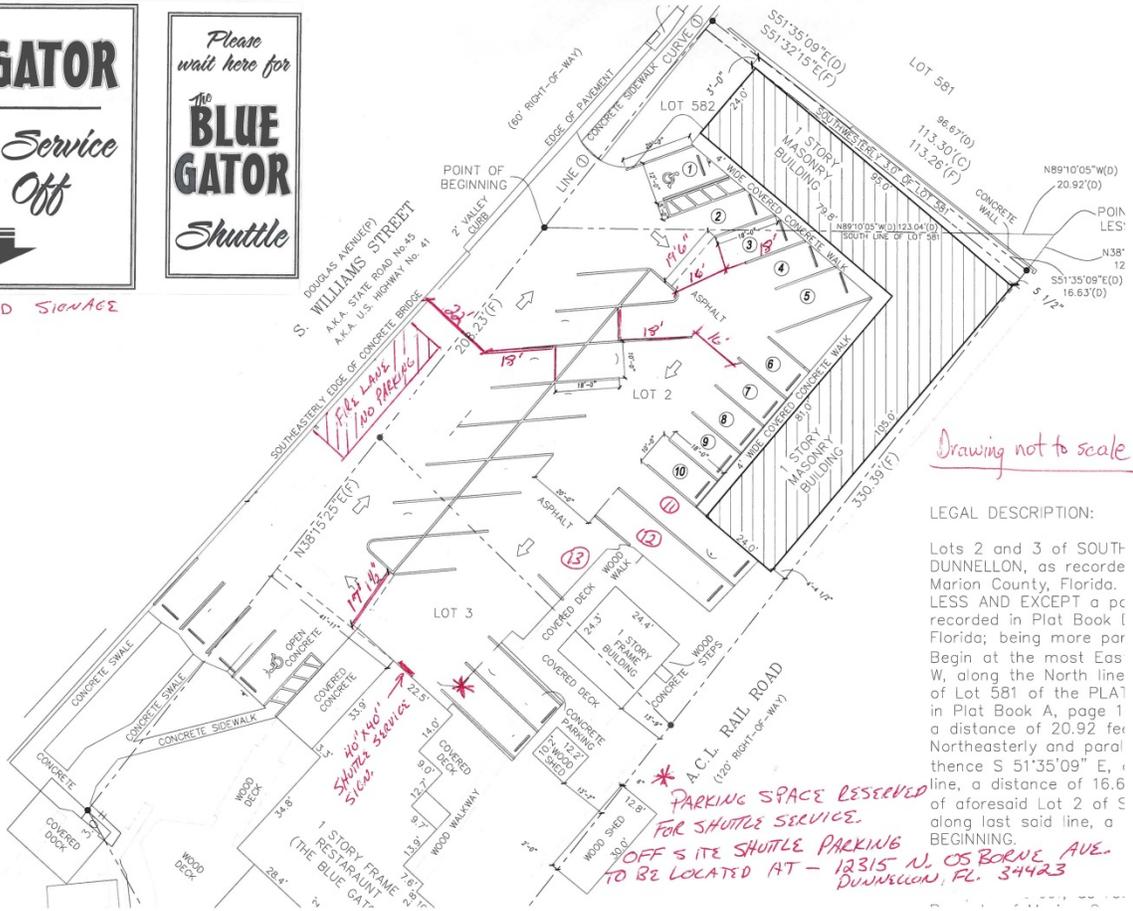


Zoning Map (below)





PROPOSED SIGNAGE



**5. REVIEW OF APPLICATION:**

Relevant Sections of the Code

Article V Section 5.3(6) - Amount of off-street parking.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

- 6) Motels, tourists' homes, guest cabins, villas, tourist courts: One parking space for each guestroom, cabin or rental unit, plus one parking space for the owner or manager.

Article V Section 5.9 - Exemptions.

The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

(Ord. No. 97-05, 6-9-1997)

**6. FINDINGS OF FACT**

- a. **Article V Section 5.3(6) - Amount of off-street parking.** Motels, tourists' homes, guest cabins, villas, tourist courts: One parking space for each guestroom, cabin or rental unit, plus one parking space for the owner or manager.

**Response- In the proposed Motel building plan the amount of guestrooms is to increase from nine(9) currently to twelve(12) proposed. This will require the addition of three parking spaces.**

- b. **Article V Section 5.9 – Exemptions.** The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

**Response- the existing parking lot structure for the proposed Motel will not be altered, repaired or reconstructed and therefore, it shall remain exempt from the increased parking requirements.**

**7. RECOMMENDATION:**

Staff reviewed all details of the application. The Planning Commission reviewed the site plan request on 12/15/15 and 12/22/15. Staff, in conjunction with the Planning Commission, is making a recommendation to City Council for approval with conditions as per resolution #RES2015-38.

**RESOLUTION #RES2015-38**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A SITE PLAN WITH CONDITIONS PURSUANT TO THE CITY OF DUNNELLON LAND DEVELOPMENT REGULATIONS APPENDIX A, “ZONING,” FOR ANGLER’S RESORT MOTEL LOCATED AT 12189 SOUTH WILLIAMS STREET (U.S. HWY 41), DUNNELLON, FLORIDA, LOCATED ON THE EAST SIDE OF WILLIAMS STREET, BEING THE LAST PROPERTY BEFORE CROSSING THE WITHLACOOCHEE RIVER; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning Commission held a public hearing on December 15, which hearing was continued to December 22, 2015, to consider a request by William M. Hulbert, agent for the property owner, Bob Jewett, to recommend approval of a site plan pursuant to Land Development Regulations, Appendix “A”, Zoning, Section 9.2(15)B and subsections A – K of Section 9.2(16) for property located at 12189 South Williams Street, located on the east side of Williams Street, being the last property being Parcel Number 34222-000-00.

**WHEREAS**, the Applicant previously sought and received a demolition permit from the City to demolish the Angler’s Resort Motel, which was built in 1957 and operated as a 9-unit motel for many years.

**WHEREAS**, the owner wishes to construct a new motel with the same outer dimensions and on the same footprint as the previous Motel, which has now been demolished. The owner proposes to redesign the Motel internally so that it will accommodate twelve (12) motel units and will be brought up to current ADA standards.

**WHEREAS**, the parking lot which accommodates the previous and proposed Motel does not have the required number of parking spaces pursuant to Section 5.3 of the Zoning Code, and the parking lot is therefore a nonconforming accessory structure as defined under Section 2.2 of the Zoning Code.

**WHEREAS**, Section 5.9 of the Zoning Code exempts the off-street parking requirements of Section 5.3 for existing developed properties fronting Williams Street, from the bridge at the Withlacoochee River to the south and northward to McKinney Avenue.

**WHEREAS**, City’s Comprehensive Plan has recently been amended and will go into effect on December 24, 2015; however, the current Comprehensive Plan shall be applied to this application, since the application was already in the process of being considered and reviewed (“in the pipeline”).

**WHEREAS**, Policy 4.3 of the Future Land Use Element requires that structures which are voluntarily destroyed shall be rebuilt only in full compliance with current standards and criteria.

**WHEREAS**, the existing parking lot for the proposed Motel will not be voluntarily demolished, repaired or reconstructed and therefore, it shall remain exempt under Section 5.9 of the Zoning Code.

**WHEREAS**, the Applicant has agreed to install a fire lane parallel to Williams Street on the southwest side of the lot, which will further decrease the number of parking spaces.

**WHEREAS**, construction of 3 additional motel units will further increase the nonconformity of the number of parking spaces.

**WHEREAS**, the Applicant has agreed to enter into shared parking agreements with nearby business owners who have surplus parking to accommodate the Subject Property's overflow parking needs.

**WHEREAS**, the Planning Commission has determined that the Applicant has met the criteria for site plan approval and that approval of the site plan for a motel will not adversely affect the public interest.

**WHEREAS**, the Planning Commission finds that 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, so long as certain conditions as set forth below are met by the Applicant prior to or during the construction phase of the project.

**WHEREAS**, the Planning Commission, sitting as the Local Planning Agency, has found that the site plan is consistent with Dunnellon's Comprehensive Plan.

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

**SECTION 1.** The "Whereas" clauses above are adopted as part of this Resolution.

**SECTION 2.** The following conditions are recommended for approval, and such conditions should be met prior to issuance of a certificate of occupancy by the City:

1. A pad for placement of the dumpster shall be constructed, together with a retaining wall to trap runoff, for the protection of the River.
2. The owner shall construct a fire lane parallel to Williams Street on the southwest side of the Subject Property. The fire lane must be approved by the Dunnellon Fire Department.
3. Shared parking agreements for 6 additional parking spaces shall be entered into between the owner of the Subject Property and owner(s) of one or more nearby businesses. The form and content of the shared parking agreements shall be approved by the City Attorney.

**SECTION 3.** This recommendation of approval with conditions outlined in Section 2 above will be forwarded to the City Council for their consideration.

**SECTION 4.** If any portion of this Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

**SECTION 5.** This Resolution shall become effective upon execution.

**Upon motion duly made and carried,** the foregoing Resolution was approved on the 22nd day of December, 2015, by the Planning Commission upon a motion by Commissioner Cowan and seconded by Commissioner Fero and upon being put to a vote, the result was as follows:

Chairwoman Brenda D'Arville  
Vice-Chairwoman Lisa Sheffield  
Commissioner Wilbur Vanwyck  
Commissioner Paul Cowan  
Commissioner Tracy Fero

√Yes No Abstain Did Not Vote  
Yes No Abstain Did Not Vote  
√Yes No Abstain Did Not Vote  
√Yes No Abstain Did Not Vote  
√Yes No Abstain Did Not Vote

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

Approved as to Form and Legality

**BY:** \_\_\_\_\_  
Brenda D'Arville, Chairwoman  
Planning Commission, City of Dunnellon

**BY:** \_\_\_\_\_  
Virginia Cassady,  
City Attorney

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Minutes Planning Commission Special Meeting  
December 22, 2015, 6:00 p.m.**

The Chair called the meeting to order at 6:07 p.m. and led the Pledge of Allegiance  
Roll Call

MEMBERS PRESENT: Brenda D'Arville, Tracy Fero, Wilbur Vanwyck, Paul Cowan

MEMBERS ABSENT: Lisa Sheffield, Maryann Hilton

STAFF PRESENT: Eddie Esch, Troy Slattery, Lonnie Smith, City Attorney Cassady

Proof of Publication: The agenda was posted on City's website and City Hall bulletin board on Friday, December 18, 2015.

1. Chairman's Report from City Council: Nothing to report.
2. Approval of Minutes: Meetings August 18, November 17 and December 15, 2015

The minutes of the August 18, November 17, and December 15, 2015 were approved as submitted by unanimous vote, 4-0.

3. Public Hearing

3.i. SPL2015-03 Anglers' Resort Motel Site Plan - Continued

Chairwoman D'Arville gaveled down and stated, "It is now 6:14 p.m. and I close the regular meeting and open the quasi-judicial hearing to discuss the site plan submitted for Anglers' Resort Motel."

All witnesses were sworn in for testimony in this matter by the City Attorney, Virginia Cassady. The Chair called for anyone with ex parte communication. Paul Cowan noted that he visited the site and the visit enhanced his ability to make a decision, and also asked the Chair, by email prior to December 15, if any variance and the Chair replied no. Per Virginia Cassady, these communications should be made part of the record.

REVIEW / INPUT / DISCUSSION

Lonnie Smith provided a recap of the purpose of this hearing. A site plan has been submitted to build a 12-unit motel where the original motel stood. Troy Slattery provided a review of the fire lane safety recommendations made for this project after review of the site plan.

Mr. Cowan noted that much of the items of concern have been addressed, but asks if there's any change to the property, does it have to come into compliance and do we have to issue new variances? Virginia Cassady noted that the non-conforming of the number of parking spaces has been alleviated by the exemption code. Since the hotel

will be rebuilt, does all the site have to be brought up to code? Parking is an ancillary structure. The only non-conformity was the parking which will not change. In addition, the exemption previously mentioned was adopted when the road was expanded, people's property was taken. Also asked is which comprehensive plan is in effect? The current comprehensive plan applies; the new one does not. Mr. Cowan noted that the measurements he requested of the parking lot were moot based on this conversation. Mr. Esch noted the concerns regarding a spillway and drainage area was exempt per SWFWMD letter included in the packet. A dumpster pad will be added, and Mr. Cowan asked that this be put in the recommendation we put forward to Council.

Mr. Cowan, in looking at the site plans, sees a discrepancy in the sizes of the building from old to new. In the porch measurements in particular. He would like to have that clarified.

Mr. Bill Hulbert noted that the original site plan showing the original motel on it, they took the property appraiser's measurements for the footprint itself. However the internal footages of design may have changed, but the actual square footage remained the same. Mr. Esch noted that the original preliminary plan exceeded the square footage by about 13% and that was rejected.

Brief discussion of SWFWMD's reasoning in not requiring changes to include drainage.

Chairwoman D'Arville reviewed the city attorney's memorandum concerning alternative parking arrangements being included in the plans and in any agreement and be in writing as a permanent record. City Attorney Cassady noted that using a residential property as parking, needs a letter from Citrus County. Makes the property commercial use and may become an issue with City County. Tracy Fero asked about where parking is taking place within the City. Bob Jewett noted that they have a plan for parking in city parking lots with use of the shuttle. For years, motel parking for boats/trailers has been using our personal property.

Mr. Esch said that the agreement should be designated in the plan. Discussion about McDonalds parking agreement being perpetual with the property as an example. Tracy Fero noted that this discussion is lengthy because of the liability to the city. Ms. Fero noted that she does not know of any insurance company that will add the City as an additional insured. City Attorney Cassady discussed various issues concerning City's liability and sovereign immunity. Does the Planning Commission want to recommend shared parking, either public or private businesses. Discussion continued concerning ideas for overflow parking arrangements, guests crossing U.S. 41. Shared parking agreements is the preferred method, rather than subjecting public parking spaces to a specific site plan/business.

Discussion of fire lane requirements, and any change for that would not affect the parking requirements either. Troy Slattery discussed past challenges when responding for an emergency. Concern for patrons exiting in an emergency. Sent a memo to note that no changes would be required. Would prefer to create the fire lane along the

retaining, causing a loss of 4 parking spaces. This would protect lives upon exiting in the event of an emergency. We cannot require this, but we do recommend it.

Tracy Fero motioned to recommend to City Council this be approved with the exceptions that a dumpster pad with retaining wall be added, as well as shared parking agreements with one or more businesses in town to accommodate six (6) parking spaces as well as adding a fire lane along U.S. 41 retaining wall. Paul Cowan seconded. The motion passed by unanimous vote, 4-0.

Paul Cowan motioned that, as the Local Planning Agency, after further discussion and examination finds the first motion requirements for approval and the site plan is consistent with the Comprehensive Plan. Tracy Fero seconded. The motion was passed by unanimous vote, 4-0.

The Commission requests that the decisions made today be forwarded to Council by resolution as required by City Code. Further requesting that the City Attorney prepare the resolution for the Chair's signature and inclusion in the Council packet.

Chairwoman D'Arville gavelled down and stated, "It is now 7:25 p.m. and I close the public hearing and open the regular meeting."

#### 4. Items for Discussion

4.i. Future Land Use Element Documents: Members are in agreement that this item will be forwarded for review at its January meeting. Requested an update on where Ken Metcalf is on the Comprehensive Plan amendments. At this time the plan is pending city staff comments. Providing no comments by the deadline, 12/23, he will forward on to DEO. There are some formatting changes to be made such as page numbering. Lonnie Smith noted that he has reviewed the math and all of the math is okay. City Attorney reviewed the anticipated schedule leading up to final approval.

Following up on the blight conditions coming into the City on the Citrus County side, has anyone been contacted? Mr. Esch has reached out to the Public Works Director, but has not heard back. Virginia Cassady reported that Council has appointed Andrew Hand from their firm as the new City Attorney. Mrs. Cassady will second chair when Mr. Hand is not available. General discussion ensued concerning when the City Attorney is required at a Planning Commission meeting, and the City will take the lead in determining when the attorney should attend. Further discussion concerning when Commission reviews site plans, when is McDonald's going to build due to public safety/traffic concerns. Lonnie Smith reported that the building permit is good for six months from date of payment. Must have a completed inspection.

5. Adjournment – The meeting was adjourned at 7:52 p.m.

Brenda D'Arville, Chairwoman

Teresa Malmberg, Admin. Coordinator



## CITY OF DUNNELLO STAFF REPORT

### APPLICATION INFORMATION

To Planning Commission.

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**DATE OF HEARING:** December 15, 2015 Continued to 12/22/2015

**REQUEST FOR APPROVAL OF:** Site Plan as submitted

**PUBLIC HEARING:** Quasi-Judicial

**PROJECT NAME:** Anglers Resort Motel

**PROJECT NUMBER:** SPL 2015-003

**PROJECT REPRESENTATIVE(S):**  
Applicant: Hulbert Construction  
Property Owner: Robert Jewett

**PROPERTY LOCATION:**  
Project Address(es): 12189 S. Williams St  
Dunnellon, FL 34432  
Parcel ID Number(s): 34222-000-00

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**EXISTING FUTURE LAND USE MAP:** Commercial

**PROPOSED FUTURE LANDUSE MAP:** No change requested

**EXISTING ZONING:** B-3/ B-6

**PROPOSED ZONING:** No change requested

**EXISTING USE:** Motel

## STAFF EVALUATION AND FINDINGS

---

### 1. REQUEST:

- The Applicant also seeks approval of a site plan pursuant to Land Development Regulations, Appendix “A”, Zoning, Section 9.2(15) and (16) and Sections 9.3-1 for a Motel on the subject property.

### 2. REVIEW REQUIREMENT:

#### *Appendix A – Zoning, Section 9.2*

##### *15. Site development plan approval.*

B. *Contents.* The site development plan required to be submitted under subsection A above and the requirements of these zoning regulations shall include the following elements, where applicable:

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- (4) Storm drainage and sanitary sewage plans.
- (5) Architectural definitions for buildings in the development; exact number of dwelling units, sizes and types, together with typical floor plans of each type.
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- (7) A determination of radon emissions level.
- (8) Such additional data, maps, plans or statements as may be required for the particular use or activity involved.
- (9) Such additional data as the applicant may believe is pertinent to the site development plan. Items (3), (4), and (5) above shall be prepared by a registered surveyor, engineer, or architect or practicing land planner as may be appropriate to the particular item.

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- D. Utilities, with reference to hook-in locations and availability and capacity for the use projects.

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- F. Recreation and open spaces, with attention to the location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby community-wide open spaces and recreation facilities.
- G. Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.
- H. General site arrangement, amenities, and convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of such property values.
- I. Loss of pervious surfaces with attention to the lowering of recharge capabilities and increasing runoff.
- J. Such other standards as may be imposed by these zoning regulations for the particular use of activity involved.
- K. Consistency with neighborhood and historical character.

### 3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner wishes to replace the current motel with a structure of the same outer dimensions (footprint) as the existing. The building will be redesigned internally to allow for 12 sleeping rooms instead of the current 9. The building will also be brought up to current ADA standards.

The applicant is seeking a site plan approval to allow the construction of a 4,176 S.F. Motel on the site.

### 4. COMPREHENSIVE PLAN:

#### FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

##### **Policy 1.4:**

The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the maximum building height is forty (40) feet.

The subject property is located in the land use designation of Commercial. The Zoning classification is B-3 and is one of the permitted classifications in this land use category. The nature and type of building development is not considered inconsistent with the comp plan.

**Article V Section 5.9 - Exemptions.**

The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

(Ord. No. 97-05, 6-9-1997)

**Dunnellon Fire Rescue comments**

- 1) Because of limited access off Williams St. we need a designated Fire Lane on the NW side of the parking area eliminating parking spaces 25-28
- 2) Fire Lane area shall have a width of not less than 20ft
- 3) The one directional access road shall not have a width of less than 16ft
- 4) The turn radius of the access road shall be maintained at 25ft at the inside curb and 50ft at the outside curb.
- 5) If approved access cannot be met then additional fire protection features may be required

**6. STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend City Council to approve the site plan.



# City of Dunnellon Planning and Zoning Application

Date: 11/17/15

Application No.: SPL2015-03

Applicant Name: HULBERT CONSTRUCTION  
Address: PO Box 665  
CRYSTAL RIVER, FL 34423

Phone# 352 302 2465  
Fax # 352 897 5493  
Email Address: HULBERT2000@  
GMAIL.COM

Applicant is:  Owner  Agent  Purchaser  Lessee  Other \_\_\_\_\_

Owner(s) Name: ROBERT JEWETT  
Address: 12315 N. OSBORNE AVE.  
DUNNELLOH, FL 34434

Phone # 352 586 4657  
Fax # \_\_\_\_\_  
Email Address: JEWETT5151@  
ATT.NET

### Application Type

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Annexation                  | <input type="checkbox"/> Rezoning                | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Lot Line Deviation          | <input type="checkbox"/> Variance-Residential    | <input type="checkbox"/> Administrative Appeal        |
| <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Preliminary Plat Review | <input type="checkbox"/> Variance-Commercial          |
| <input type="checkbox"/> Final Plat                  | <input type="checkbox"/> Special Exception Use   | <input type="checkbox"/> Construction Plan Review     |
| <input type="checkbox"/> Road/Easement Vacation      | <input type="checkbox"/> Concurrence Review      | <input type="checkbox"/> Planned Unit Development     |
| <input type="checkbox"/> Other: _____                |  |   |

Reason for Request: RECONSTRUCTION OF THE ANGLERS RESORT MOTEL

Project Title (Site Plans, future/existing subdivisions only): \_\_\_\_\_

Property Address: 12189 S WILLIAMS ST Property Size (acres): .92 +/-

Parcel ID Number 34222-000-00

Existing Use of Property: MOTEL

Existing Zoning: B3 Current/Future Land Use: NO CHANGE

Current number of structures on the property: 4

Type of structure(s) on property (house, shed, etc.): RESTAURANT, RETAIL SALES, MOTEL,  
SHED

Proposed Use of Property: NO CHANGE

Proposed Zoning: NO CHANGE Proposed Land Use: NO CHANGE

Please Explain Your Request for the Proposed Zoning and/or Future Land Use: N/A

What utilities currently exist on the site?

Water     Sewer     Well     Septic     None

What utilities are proposed to be used?

Water     Sewer     Well     Septic     None

Have any previous applications been filed within the last year in connection with this property?

Yes     No

If yes, please describe and give Application Numbers: \_\_\_\_\_

**Submittal Requirements: Check Box For Each Item You Are Attaching**

**All Applications MUST provide the following:**

- Required advertising to placed in:  Riverland News (default)  Ocala Star Banner (expedited)
- Completed Planning & Zoning Application
- Copy of the Recorded Deed(s) for the property
- Copy of Property Record Card(s) (Available online at <http://www.pa.marion.fl.us>)
- Owner's / Agent's Affidavit (Last page of this Application)

**All Applications MUST provide the following upon request by the City:**

- Lot Plan
- Survey of the Property
- Diagram

**Specific Attachments:**

- Annexation: Complete Electronic Legal Description in MS Word Format  
Annexation Letter (sample attached)
- Large Scale Comprehensive Plan Amendment (LSCPA): Complete Electronic Legal Description in MS  
Word Format
- Variance: Survey of property detailing variance request
- Special Exception: Survey of property detailing special exception request
- Site Plan Approval: 7 copies of site plan and 1 electronic copy
- Preliminary Plat Application: 7 copies of site plan and 1 electronic copy
- Construction Plan Approval: 3 copies of site plan and 1 electronic copy
- Final Plat Application: 7 copies of site plan and 1 electronic copy
- Road / Lot / Parcel / Plat / Easement Vacation: Survey detailing request
- Planned Unit Development (PUD) Zoning: 7 copies of site plan and 1 electronic copy
- Other: \_\_\_\_\_

**ONLY CONCURRENT ANNEXATION, REZONING, AND COMPREHENSIVE PLAN  
AMENDMENTS ARE ALLOWED ON A SINGLE APPLICATION**

**ADDITIONAL INFORMATION: PLEASE READ**

The applicant is requested to be present during the public hearing before the Planning Commission and City Council. Although a city employee may be present, they are there to give advice and answer questions only. If for any reason you cannot attend the scheduled meeting, please contact the Community Development Department at (352) 465-8500. Your application may be tabled until a new public hearing can be scheduled and advertised.

# Property Owner & Agent Affidavit

Date: \_\_\_\_\_

Before me, the undersigned authority personally appeared, BOB JEWETT (property owner's name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires to:  
SUBMIT SITE PLAN FOR REVIEW (ANGEL'S RESORT MOTEL)
3. That said authority (property owner) has appointed BILL HUBERT (agent's name) to act in his behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:
  - A. That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Dunnellon, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Dunnellon, Florida, and are not returnable.
  - B. That the submittal requirements for the application have been completed and attached hereto as part of the application.
4. That the fees are NON-REFUNDABLE unless the Application is withdrawn in writing within five (5) business days of submittal (not including observed holidays), unless otherwise approved by the City Manager or a majority vote by the City Council.

[Signature]  
Property Owner's Signature

[Signature]  
Agent's Signature

STATE OF FLORIDA  
COUNTY OF MARION  
Subscribed and sworn to (or affirmed) before

STATE OF FLORIDA  
COUNTY OF MARION  
Subscribed and sworn to (or affirmed) before

Me on 11-17-15 (date) by

me on 11-18-15 (date) by

Robert Jewett (name)  
Of affiant, deponent, or other signer. He/she is personally known to me or has presented

William M. Hulbert (name)  
of affiant, deponent, or other signer. He/she is personally known to me or has presented

[Signature]  
as identification.

DL# H416-933-68-264-0  
as identification.

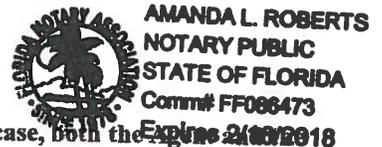
[Signature]  
PUBLIC NOTARY

[Signature]  
PUBLIC NOTARY

SEAL:



SEAL:



Note: The Property Owner must sign the Affidavit. When an Agent is representing the case, both the Property Owner must sign the Affidavit.

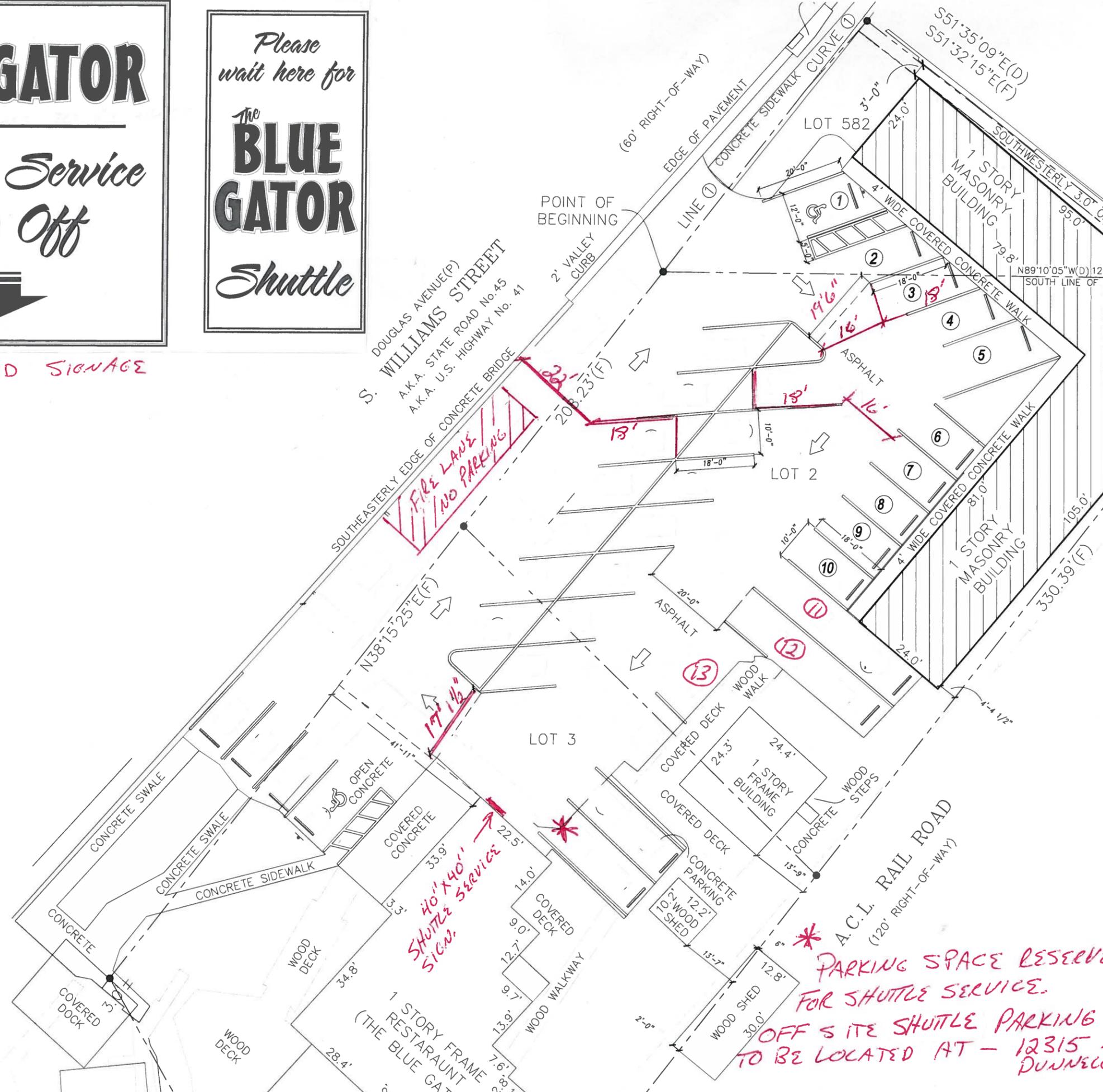
The **BLUE GATOR**

Shuttle Service  
Drop Off



Please wait here for  
The **BLUE GATOR**  
Shuttle

PROPOSED SIGNAGE

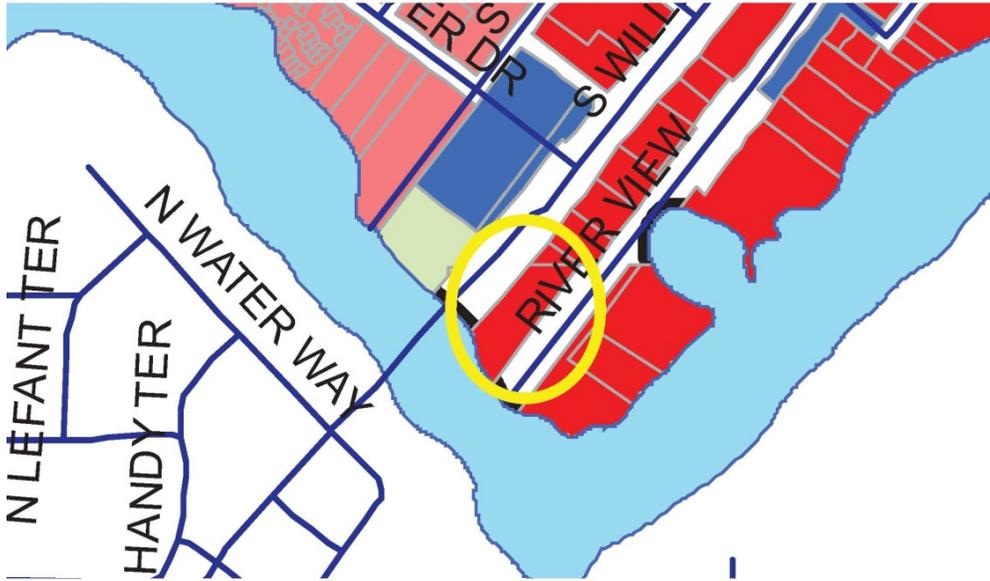


Drawing not to scale

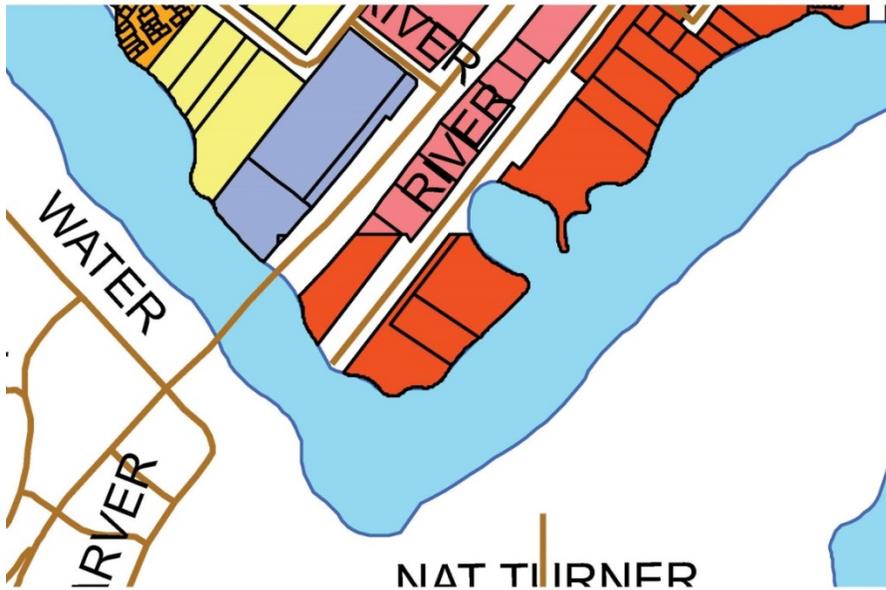
LEGAL DESCRIPTION:  
Lots 2 and 3 of SOUTH DUNNELLON, as recorded in Marion County, Florida. LESS AND EXCEPT a parcel recorded in Plat Book [Florida]; being more part Begin at the most East W, along the North line of Lot 581 of the PLAT in Plat Book A, page 1 a distance of 20.92 feet Northeasterly and parallel to the line, a distance of 16.6 of aforesaid Lot 2 of S along last said line, a BEGINNING.

**PARKING SPACE RESERVED FOR SHUTTLE SERVICE.**  
**OFF SITE SHUTTLE PARKING TO BE LOCATED AT - 12315 N. OSBORNE AVE. DUNNELLON, FL. 34423**

Future Land Use Map (below)



Zoning Map (below)





*The*  
**BLUE GATOR**

---

*Shuttle Service*

*Drop Off*



*Please  
wait here for*

*The*  
**BLUE GATOR**

*Shuttle*

.....

# DUNNELLON FIRE RESCUE DEPT

December 15, 2015

To: Building Department

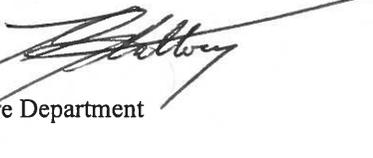
From: Interim Chief

Troy Slattery

Ref: Angler's Resort Site Plan

Comments on plans

1. Because of limited access off Williams St we need a designated Fire Lane on site. Recommended location, along the NW side of parking area, eliminating parking stalls 25-28.
2. Fire lane area shall have an unobstructed width of not less than 20 feet.
3. The access road (Drive) as one directional shall have a minimum unobstructed width of not less then 16 feet.
4. The turn radius in the access road shall be maintained at 25ft at the inside curb and 50ft at the outside curb.
5. If approved access cannot be met than additional fire protection features may be required.
6. The comments provided do not include Building construction requirements.
7. No other comments at this time.

Troy Slattery   
Chief Dunnellon Fire Department

To Save Life and Property .....

## **Teresa Malmberg**

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**From:** Lonnie Smith  
**Sent:** Friday, December 18, 2015 4:47 PM  
**To:** Virginia Cassady; Teresa Malmberg; Eddie Esch  
**Subject:** Fwd: Fire lane req't

As mentioned by Troy Slattery, the parking lot will not need to be altered in any way. We need to take into account this new information.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Troy Slattery <TSlattery@dunnellon.org>  
**Date:** 12/18/2015 4:41 PM (GMT-05:00)  
**To:** Lonnie Smith <lsmith@dunnellon.org>  
**Subject:** RE: Fire lane req't

Lonnie,

After further review of NFPA, I have not found anything that requires the preexisting/unmodified parking lot to be updated. Please inform the business that the travail lane must remain free of obstructions including but not limited to unattended vehicles or vehicle staging.

Respectfully,

T.D. Slattery

Interim Chief

Dunnellon Fire Rescue

Cell # 352-445-1150

Office # 352-465-8595

Please note: Florida has a very broad public records law. Written communications to and from City officials regarding City business is public record and open to inspection including names, addresses, and e-mail addresses. Therefore, your e-mail communications maybe subject to public disclosure.

---

**From:** Lonnie Smith  
**Sent:** Thursday, December 17, 2015 11:53 AM  
**To:** Troy Slattery  
**Cc:** Teresa Malmberg; Eddie Esch  
**Subject:** Fire lane req't

Troy,

My question is:

Does the construction of the new motel at Blue Gator require that a Fire lane be added to the parking area currently defined? Does it require any modifications to the parking lot by code?

Any assistance you can provide will be extremely helpful.

Thanks,

Lonnie Smith

IT/ Community Development

City of Dunnellon

352-465-8500 x1011

[lsmith@dunnellon.org](mailto:lsmith@dunnellon.org)



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.

## MEMORANDUM

TO: Planning Commission

FROM: Virginia Cassady, City Attorney

RE: (1) Whether the current comprehensive plan or the comprehensive plan recently amended should be applied to the Anglers' Resort Motel site plan; and (2) whether the owner must bring the parking lot into conformity with the Code.

DATE: December 22, 2015

Based on your email dated December 15, 2015, I understand that the Planning Commission wants to know whether the entire site of the Anglers' Resort Motel has to come into conformance since the motel had been voluntarily demolished. In our phone discussions the next day, you said the parking lot was nonconforming because it did not have enough spaces under the Code to accommodate the number of units (9) and that the site plan under consideration proposed to increase the number of units to 12, although the square footage of the new motel would be the same as the old motel and would be reconstructed on the same footprint.

You also are unsure whether the comprehensive plan currently in effect should be applied to the site, or whether the proposed comprehensive plan should be applied.

**Which comprehensive plan should be applied: the current one or the proposed one?** The current comprehensive plan, not the new one, should be applied to this application, even if the new comprehensive plan goes into effect prior to the final public hearing before Council. Since the current application was already in the process of being considered ("in the pipeline"), the applicant is deemed to have a legal expectation that application of the City's laws will be consistent throughout the process.

**How does the current comprehensive plan address this application regarding the nonconforming parking lot?** Policy 4.3 of the Future Land Use Element is relevant to this application:

**Policy 4.3:** Structures that are involuntarily destroyed to an extent that is fifty (50) percent or more of the floor area, or **structures that are voluntarily destroyed shall be rebuilt only in full compliance with current standards and criteria.**

Parking lots are considered "structures" under the definition of the City's land development regulations:

*Structure.* Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

Most codes consider parking lots accessory structures when there is, or will be, a principal structure on the site, as here.

Since the parking lot will not be voluntarily destroyed, under Policy 4.3, there is no requirement that it be rebuilt in compliance with the City's Code to accommodate additional parking.

Also relevant to this site plan is Section 5.9 of the Code:

**Section 5.9. - Exemptions.** The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure. (adopted in 1997)

Section 5.9 was adopted in 1997 before the City adopted the nonconforming provisions in the comprehensive plan in 2008. To be consistent with the comprehensive plan, the exemption above cannot be interpreted to exempt parking lots which are voluntarily destroyed since such an interpretation would be inconsistent with the comprehensive plan FLUE Policy 4.3. However, since the parking lot is not going to be destroyed, the exemption can be applied to the parking lot.

**CONCLUSION:** Under Section 5.9, the parking lot is exempt and can retain its nonconforming status so long as it is not voluntarily destroyed. However, since the new motel will be deficient in parking the Planning Commission can recommend that the owner satisfy its parking requirements through parking agreements with owners of other parking lots. Such agreements, however, would need to be binding on current and future owners of both properties and therefore be required to file the agreement in public records.