

Agenda
City of Dunnellon
Planning Commission
Tuesday, September 20, 2022 5:30 p.m.
Join Zoom

<https://dunnellon.zoom.us/j/86373110751?pwd=LytmLzVuV1l1YTVabTNzVkhIRjlvZz09>

Webinar ID: 863 7311 0751

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the Planning Commission meeting in person, or via the Zoom "AUDIO ONLY" platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the Community Development Manager at gcid@dunnellon.org

For the convenience of our citizens and the public, we livestream Planning Commission meetings on Zoom and YouTube. If the livestream is interrupted or compromised due to technical or other issues, the meeting may continue as normal and will not be paused or postponed. If you wish to ensure your ability to access the meeting to provide public comment, please attend the meeting in person.

Members of the public who would like to participate are encouraged to register in advance by Noon on Tuesday, September 20, 2022. Please see instructions below on how to register.

A three (3) minute time limit will be administered during public comment.

Instructions on How to Listen and/or Participate in the Meeting

Attachment: [Meeting Instructions PC](#)

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, September 13, 2022.

Public Comment:

1. Approval Of Minutes
Regular Meeting August 16, 2022

Documents:

[August 16 2022 Meeting Minutes.pdf](#)

2. Resolution RES2022-16 Non-Conforming Signs Comp Plan Amendment
Resolution #RES2022-16 finding of consistency and forwarding a recommendation of approval to City Council for consideration

Proposed Motion: I move Resolution #RES2022-16 be read by title only.

Proposed Motion: I move Resolution #RES2022-16 be approved.

Documents:

[Resolution RES2022-16 Non-Conforming Signs Comp Plan Amendment.pdf](#)

3. Quasi-Judicial Hearing
Dinkins Service Store SPL2022-01
Application #PZ 20210323 by Dinkins Property Holdings-Dunnellon Store, LLC,
requesting site plan approval for Parcel #3380-1244-00, 11899 N. Williams St.
 - o Chair to close regular meeting and open Quasi-Judicial Hearing
 - o Swearing in of all persons who will give testimony by City Attorney
 - o Commission members to disclose any Ex-Parte Communication
 - o Members to disclose any Conflict of Interest
 - o Staff presentation
 - o Applicant presentation
 - o Presentation of evidence from the public and/or non-evidentiary public comment
 - o Chair to close Quasi-Judicial Hearing and reopen regular meeting

BACKUP TO BE PROVIDED

4. Reports & Updates:
 - o Chairwoman D'Arville
 - o Commissioners
 - o Staff
5. Public Comment
6. Adjournment

Any Person Requiring a Special Accommodation at This 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
August 16, 2022, 5:30 p.m.
Zoom

<https://dunnellon.zoom.us/j/88403541861?pwd=QkduWENFRk5hWVZLZTAvb0lPVnRZQT09>

Webinar ID: 884 0354 1861

Chairwoman D'Arville called the meeting to order at 5:34 p.m. and led the Pledge of Allegiance.

Roll Call

Members:

Brenda D'Arville, Chairwoman
John Pierpont, Commissioner - ABSENT
Dusty Walters, Commissioner - ABSENT
Kathy Dunn, Commissioner
Mary Ann Hilton, Commissioner
Lisa Sheffield, 1st Alternate

Staff Present:

Georgina Cid, Community Development Manager
Kelly Wyen, Community Development Assistant
Patrick Brackins, Assistant City Attorney
Bill White, Mayor

Proof of Publication

The agenda was posted on the City of Dunnellon's website and City Hall bulletin board on Tuesday, August 9, 2022.

Public Comment

There were none.

1. Approval Of Minutes

Regular Meeting July 19, 2022

Chairwoman D'Arville stated since the minutes are so long due to public written comments being added, she would offer a few minutes for the Board to review. She then asked Attorney Brackins if anonymous comments were permitted to be read into record. Attorney Brackins replied it is not the policy of the City to allow anonymous comments to be read into the record. He also stated in the future, written public comments do not need to be read into the record or reflected in the minutes as long as the comments are made available as public record. Attorney Brackins explained an appropriate motion would be to approve the minutes as amended with exclusion of the public written comments.

Commissioner Dunn motioned to approve the July 19, 2022 minutes as written with the exclusion of the public written comments from the minutes on pages 2 through 9. Commissioner Hilton seconded the motion. A vote was taken and the motion passed 4-0.

2. Discussion - Review Of Comprehensive Plan Amendment Ordinance #ORD2022-10 Non-Conforming Signs

Ms. Cid read the staff report for Ordinance #ORD2022-10.

Commissioner Hilton motioned to recommend approval to City Council of Ordinance #ORD2022-10 with the recommended change to line 520 of proposed Ordinance #ORD2022-07. Commissioner Dunn seconded the motion. A vote was taken and the motion passed 4-0.

3. Discussion - Review Of Proposed Ordinance #ORD2022-07 Non-Conforming Signs

Chairwoman D'Arville recommended a change to line 520 to read *"a sign other than an advertising sign as defined in section 11.2..."*. Attorney Brackins agreed the change is appropriate.

Commissioner Dunn motioned to recommend approval of Ordinance #ORD2022-07 to City Council, with the recommended change to line 520. Commissioner Hilton seconded the motion. A vote was taken and the motion passed 4-0.

4. Discussion Of Proposed New Business: Follow That Dream RV Resort

Attorney Brackins said it would be inappropriate for the Board to make comments or decisions on the topic and the potential applicant is free to speak on the topic. The hearing for proposed business is called a "Quasi-Judicial" hearing and will be the appropriate meeting for this type of proposed business.

Jared Enmen, 7191 NE 55th St., Williston, FL said he is purchasing this property for an RV Resort. He stated he wants to put open lot storage on the property to satisfy the commercial use requirement for zoning and that he would allow rental of the clubhouse and swimming pool to serve as the institutional use requirement for zoning.

Attorney Brackins said the steps Mr. Enman wants to take will require zoning review. Mr. Enmen said Ms. Cid had already said his plans for use would meet the zoning requirements, but he was hoping to get Board approval before spending money on engineered plans. Attorney Brackins stated a discussion of the proposed business cannot be permitted at this meeting.

5. Reports & Updates

Mayor White, 12115 Palmetto Way, addressed the commission regarding the Northern Turnpike Extension. He stated he cannot remember having an issue at a local level that has created so much opposition. Per Mayor White, FDOT said they will be pausing the turnpike issue while focusing on improvements to I-75. A handout was provided and is attached to the minutes as Attachment 1.

Chairwoman D'Arville asked how opponents of the turnpike extension can prepare to be effective to be heard by legislators. Mayor White stated people need to stay organized and be ready. He then offered his opinion of a solution for I-75.

Chairwoman D’Arville suggested Ms. Cid forward the Distinctly Dunnellon report to the Planning Commission, Historic Preservation Board and City Council so that individuals may review the document before the next Mission/Vision/Values Statement workshop, which also needs to be scheduled. Chairwoman D’Arville stated another workshop needs to be scheduled to review and recommend changes to the short-term rental ordinance.

Commissioner Hilton announced her resignation from the Planning Commission effective immediately.

Ms. Cid provided an update on the Main Street kickoff meeting for potential volunteers and directors. The City is currently accepting applications for volunteers and board members.

6. Public Comment

Patrick Brackins, 224 E. Copeland Dr., Orlando, is the current president of the Orlando Chapter of the Federal Bar Association. He stated the Ocala Division of the Middle District of Florida, which includes Marion County. There has not been a U.S. District Judge assigned to the district since 2019. The division is currently served by three Senior U.S. District Judges. Should these judges retire, there would be no federal district judge. If the division did have an active district judge, they would have the single largest case docket in the country.

The Federal Bar Association (FBA) has reached out to various House of Representative members to ask about a special bill for the creation of a permanent District Judge position. Mr. Brackins stated the FBA was told it is unlikely to happen in the current environment. Thus, the Orlando Chapter is going to public meetings to speak during public comment to elected officials and appointed officials about this critical issue facing the Ocala Division. The other thing they would like to point out is the Ocala division has, if not the largest, the second largest federal penitentiary in the country at the Coleman facility. The Ocala Division has one active United States magistrate judge serving those four counties. Contact elected officials, House of Representative members and senators to ask why the Ocala Division does not have a permanent District Judge.

7. Adjournment

A motion to adjourn was made by Commissioner Dunn and seconded by Commissioner Hilton. There being no further comments, Chairwoman D’Arville gavelled down and adjourned the meeting at 6:39 p.m.

Penned Signature of
Brenda D’Arville
Chairwoman

Penned Signature of
Georgina Cid
Community Development Manager

Planning Commission Meeting
August 16, 2022

ATTACHMENT 1:

From: Bill White <BWhite@dunnellon.org>
Sent: Tuesday, August 16, 2022 4:46 PM
To: Mandy Odom <MOdom@dunnellon.org>
Cc: Michelle Leonard <MLeonard@dunnellon.org>; Georgina Cid <GCid@dunnellon.org>
Subject: Summary to be monitor viewed at Planning Commission Meeting

FDOT contacted me yesterday via phone and spoke with me at length about the status of the Northern Turnpike Extension. I would like to share with you the crux of that conversation and my conclusions.

1) Pause means just what pause means....stop for a while. The four routes that were originally identified are no longer under consideration. However, FDOT because of the mandate of Senate Bill 100, will continue to explore and seek a route for a cross state connector. This is energized by the leadership in Tallahassee and the will of the majority in the Legislature. There is a belief in the Legislature that this route needs to be proactively implemented to "ready and prepare" Florida for the continued and predicted influx of millions of people.

Discussions on a possible route will again begin between local communities and FDOT within a year. The FDOT will go to local governments first seeking input and areas of least resistance.

So the belief that a "Pause" is a temporary situation before the concept is again brought back to life in some form is TRUE. It is important to remind that the Legislature (House and Senate) is heavily in support of this....especially the leadership. As long as Senate Bill 100 is in play, this is in play.

2) The improvement of I-75 is a separate FDOT project and was/is going to happen regardless of the outcome of the Turnpike Extension. In essence, the Turnpike Extension is not focused mainly to relieve the bottleneck on I-75 but to create a pathway to another north/south route to connect into I-10.

3) This connector concept is the belief that the State of Florida, along with I-95 (east coast) and I-75 (central) needs a western route (19) that can be connected to from I-75 along with the Suncoast Toll Road. These 3 North/South routes would transverse the state covering East, Central and West Florida. Connecting to I-10 is the goal so there are three direct ways into and out of Florida that cover both Coasts and the Central part of the State.

In conclusion:

The Northern Turnpike Extension is highly supported in Tallahassee and is looked at as a proactive and positive attempt to ready Florida for its continued and predicted expansion of population growth. Tallahassee is pro growth as an economic stimulus and looks at the expansion of roadways as a way to accommodate growth. Not only is state government trying to deal with the natural migration of people into Florida they are in the business of stimulating population growth and spurring it on as a primary economic engine.

As long as the leadership in Tallahassee and those in the majority of the legislature support this concept, it is alive and will remain part of the political narrative and thus will continue to be a possibility.

*Bill White
Mayor Dunnellon*

RESOLUTION #RES2022-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED ORDINANCE 2022-10, PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN BY AMENDING POLICY 4.1 PERTAINING TO NONCONFORMITIES.

WHEREAS, the City of Dunnellon Planning Commission, acting as the Local Planning Agency (“LPA”), held public meetings to consider a text amendment to the Comprehensive Plan text of Policy 4.1 of the Future Land Use Element regarding reconstruction and repair of non-conforming signage, which is the subject of proposed Ordinance 2022-10; and

WHEREAS, the Planning Commission, sitting as the LPA, finds that Ordinance 2022-10 is consistent with the City’s Comprehensive Plan and existing general law.

NOW THEREFORE BE IT RESOLVED by the City of Dunnellon Planning Commission that a recommendation of approval / disapproval / approval with conditions for Ordinance 2022-10, attached hereto as Exhibit “A,” shall be forwarded to the City Council for consideration.

BE IT, FURTHER, RESOLVED that this Resolution shall be effective immediately upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved this ____ day of _____, 2022 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
Commissioner Kathy Dunn	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner John Pierpont	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Donna (Dusty) Walters	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
1 st Alternate Lisa Sheffield	<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

[Signature page follows]

Attested by:
PLANNING COMMISSION

Approved as to Legal Form and Legality
For use and reliance by the City of Dunnellon,
Florida

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

BY: _____
Patrick J. Brackins
Assistant City Attorney

This ____ day of _____, 2022.

This ____ day of _____, 2022.

ORDINANCE #ORD2022-10

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE TEXT OF POLICY 4.1 OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN REGARDING RECONSTRUCTION AND REPAIR OF NONCONFORMING SIGNAGE; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City Council finds and determines that public policy and the public interest favor the eventual elimination of nonconforming signs; and

WHEREAS, the City Council finds and determines that the size, height, and other characteristics of nonconforming signs can magnify their adverse impacts on both traffic safety and aesthetics; and

WHEREAS, the City Council finds and determines that this Comprehensive Plan amendment will lessen hazardous situations, as well as confusion and visual clutter otherwise caused by nonconforming signs which compete for the attention of pedestrian and vehicular traffic due to improper placement, excessive height, excessive size, and other distracting characteristics that may exist due to nonconformities with up-to-date City regulations and requirements; and

WHEREAS, the City Council finds and determines that nonconforming signs detract from the natural and manmade beauty of the City and can impact the safety of the public; and

WHEREAS, the City Council finds and determines that this ordinance will enhance the attractiveness and economic well-being of the City as a place to live, visit, and conduct business in a safe manner; and

WHEREAS, the Local Planning Agency held a public hearing on _____, 2022, has reviewed and recommended by resolution the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Dunnellon, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

Section 2. COMPREHENSIVE PLAN AMENDMENT. The proposed amendments to Policy 4.1 of the Future Land Use Element of the City's Comprehensive Plan are attached to this Ordinance as Exhibit "A," and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein.

Section 3. TRANSMISSION TO AGENCIES; DIRECTIONS TO THE CLERK. Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

Section 5. CONFLICTS. After the effective date of this Ordinance and Exhibit "A", in any case where all or any part of this Ordinance or Exhibit "A" is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

Section 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance or Exhibit "A" is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair

the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance or Exhibit "A".

Section 7. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See* Fla. Stat. 163.3184(3)(c)4.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first reading on the ____ day of _____, 2022.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2022.

Ordinance Posted on the City's website on _____, 2022. Public hearing advertised on the City's website on _____ and advertised in the Riverland News on _____.

Attest:

CITY OF DUNNELLON

Amanda L. Odom, CMC
City Clerk

William P. White, Mayor

Approved as to Form:

Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this ____ day of _____ 2022.

Amanda L. Odom, CMC
City Clerk

Exhibit “A”

The City of Dunnellon Comprehensive Plan is hereby amended as set forth below with underlined type indicating additions and strikethroughs indicating deletions, while **** indicates movement between sections of the text which shall remain unchanged.

CITY OF DUNNELON COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT – GOALS, OBJECTIVES, AND POLICIES

Objective 4:

The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both uses which are nonconforming with the Future Land Use Map or zoning map and structures which are nonconforming with this Comprehensive Plan or land development regulations. The City shall revise its land development regulations, to make provisions for development on existing substandard sized platted lots in older subdivisions.

Policy 4.1:

The City shall revise its land development regulations to provide specific provisions necessary to implement the following policies regarding nonconformities.

- A. Lawfully existing nonconforming structures and structures devoted to nonconforming uses shall not be expanded.
- B. If the cost to reconstruct or repair a lawfully existing nonconforming structure, or a structure devoted to a nonconforming use, will exceed 50 percent of the property appraiser’s assessed value prior to reconstruction or repair, the structure must be built or repaired in compliance with current codes, and the structure loses its nonconforming status.
 - 1. Structures within the riverfront corridor protection area, on lots of record recorded on or before October 27, 2008 that are less than 150 feet from the ordinary high water line of rivers, navigable coves, and abutting wetlands, as established by this Comprehensive Plan, are exempt from this Policy 4.1.B.
- C. Lawfully existing nonconforming structures, and structures devoted to nonconforming uses, excluding nonconforming signs (per 4.1(E) below), which are involuntarily damaged by terrorist acts, accidental fires, or natural disasters may be rebuilt to their original nonconforming condition, even if damages exceed 50 percent of the property appraiser’s assessed value prior to reconstruction or repair.
- D. Properties subject to the floodplain regulations shall adhere to those regulations.

- E. A lawfully existing nonconforming sign that is damaged by any means shall lose its legal status and not be reconstructed or repaired if the estimated cost to reconstruct or repair the sign exceeds 50 percent of its replacement value immediately prior to the date of damage; replacement value shall mean the assessed value as determined by the property appraiser prior to the date of damage, or if the property appraiser has not assessed the value of the sign structure, the valuation prior to the date of damage as determined by a professionally recognized appraiser.
- F. Notwithstanding 4.1(E) above, the City may enter into an amortization agreement with the owner of a lawfully existing nonconforming sign guaranteeing that such sign will be treated as an authorized structure and thereby allowing temporary repair or reconstruction of the sign in the event of future damage beyond the 50 percent threshold if such agreement sets forth a specific deadline for the sign's demolition, removal, or requirement to come into conformity with the City's rules and regulations.
