Agenda
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
Tuesday, February 16, 2016, 5:30 p.m.

PLEASE NOTE: Individuals wishing to address Planning Commission please sign in. A three-minute time limit will be administered. PLEASE TURN CELL PHONES OFF.

Call to Order

Pledge of Allegiance

Roll Call

Proof of Publication (Posted on City's website and City Hall bulletin board on Friday, February 12, 2016)

1. Approval Of Minutes

   Minutes to be provided - Monday, 2/15/2016

2. Chairman's Report From City Council

3. Public Input

4. Quasi-Judicial Hearing - Application PZ1516-028 By Ziegenfuss For Wendy's Variance 2016-02 To Landscape Buffer Depth
   Chair to close regular meeting and open Quasi-judicial Hearing
   City Attorney to swear in of all persons who will give testimony
   Commission members to disclose Ex-Parte Communication
   Commission members to disclose any Conflict of Interest
   Staff Presentation
   Applicant Presentation
   Chair to close Quasi-judicial Hearing and reopen regular meeting

   Documents: 1PC MTG PKT.pdf

5. Resolution #RES2016-08 Request For Landscape Buffer Variance #VAR2016-02, Ziegenfuss For Wendy's Application PZ1516-028
   Proposed Motion: I move Resolution #RES2016-02 be read by title only

   Proposed Motion: I move Resolution #RES2016-02 be approved as read.

   Documents: 2016-08 Planning Commission Resolution - Wendys VAR2016-02.Pdf

6. Quasi-Judicial Hearing - Application PZ1516-028 By Ziegenfuss For Wendy's Variance 2016-03 For No Dumpster In Buffer
   Chair to close regular meeting and open Quasi-judicial Hearing
   City Attorney to swear in of all persons who will give testimony
   Commission members to disclose Ex-Parte Communication
   Commission members to disclose any Conflict of Interest
   Staff Presentation
   Applicant Presentation
   Chair to close Quasi-judicial Hearing and reopen regular meeting

7. Resolution #RES2016-09 Request For No Dumpster In Landscape Buffer Variance

#VAR2016-03, Ziegenfuss For Wendy's Application PZ1516-028

Proposed Motion: I move Resolution #RES2016-03 be read by title only

Proposed Motion: I move Resolution #RES2016-03 be approved as read.

Documents: 2016-09 Planning Commission Resolution - Wendys VAR2016-03.Pdf

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.

CITY OF DUNNELLON
STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: February 16, 2016

REQUEST FOR APPROVAL OF:
1. Variance from Landscape buffer depth requirement
2. Variance from no dumpster in buffer requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Wendy's Restaurant w/drive-thru

PROJECT NUMBER: PZ1516-028/VAR2016-02/VAR2016-03

PROJECT REPRESENTATIVE(S):
Applicant: Robert Ziegenfuss
Property Owner: Dunnellon Real Estate LLC

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
11191 N. Williams Street	33639-006-01
Dunnellon, FL 34432	33639-006-02

PARCEL SIZE: .78 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-4

EXISTING USE: Restaurant/Car Wash (Closed)

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations to allow a 7'(ft) perimeter landscape buffer rather than the 25' that is required.
- The Applicant seeks a variance from ARTICLE IX Sec. 9.3-1(a)(2) to allow a dumpster in the landscape buffer

2. REVIEW REQUIREMENTS:

Variances: In accordance with City Code Chapter 94, Article II, Section 94-37(11) the Planning Commission's powers and duties regarding requests for variances are as follows:

a. The commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. Hardship means an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics. Economic problems may be considered but may not be the sole basis for finding the existence of a hardship.

b. In order to recommend a variance from the terms of the relevant ordinance, the commission must find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant must meet all six (6) criteria above in order to be granted the variances sought.

3. BACKGROUND:

In 1993 the subject property was originally used for a Checkers restaurant. In 2002 a car wash was built on the adjacent property 33639-006-01. The two parcels have been purchased and a new Wendy's restaurant is being proposed for the combined site. The applicant submitted a conceptual site plan for an initial feasibility determination. A pre-application meeting was conducted and in that meeting it was discovered that several variances would be needed in order to move the project forward.

The applicant is now seeking two variances related to the landscape buffer for the new project.

4. COMPREHENSIVE PLAN:

Compatibility:

The subject property is located in the land use designation of Commercial. The Zoning district is B-4 and is one of the permitted zoning districts in this land use category.

The nature and type of building development is considered consistent with the current Dunnellon comprehensive plan.

(Zoning and surrounding property uses)

5. REVIEW OF APPLICATION:

Relevant Sections of the Code

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-1(ORD2009-04)*
  (a) All commercial development, regardless of size, shall comply with the following design standards.
  (1) Landscape buffers shall be provided for all commercial uses in compliance with section 74-108. Buffers for all commercial uses in zoning districts other than B-3 and B-4 shall meet the requirements of the B-4 zoning district

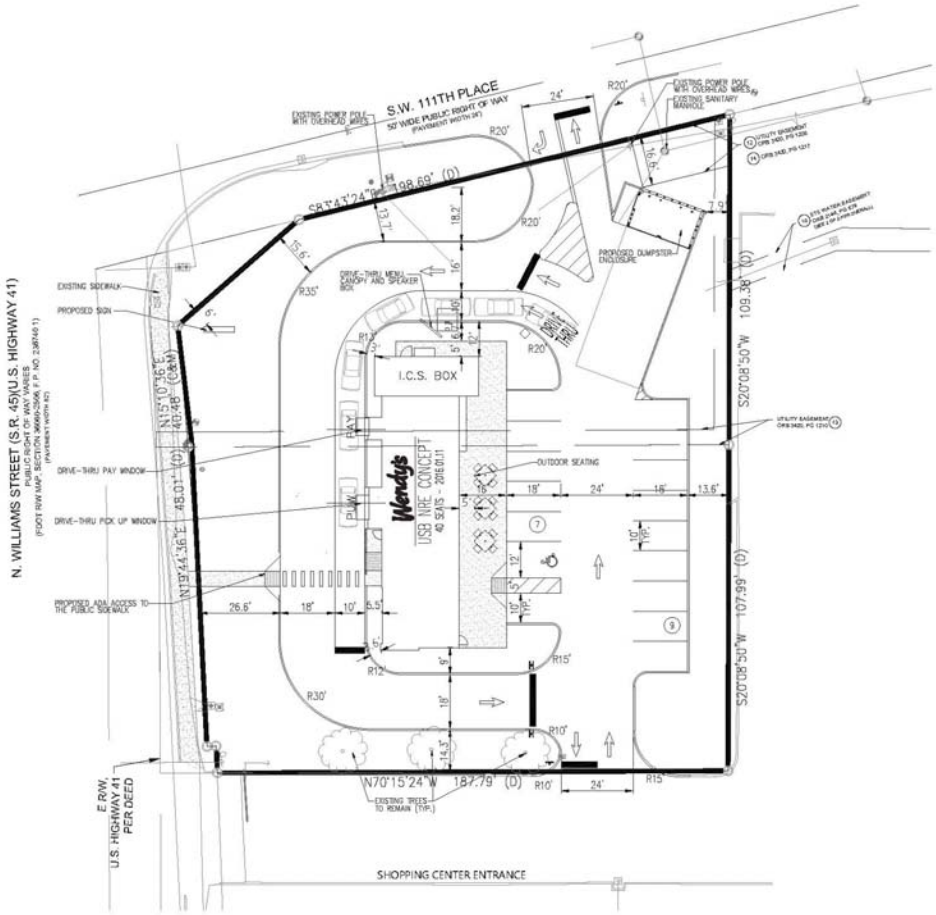
  (2) Dumpsters shall not be located within any buffer area.

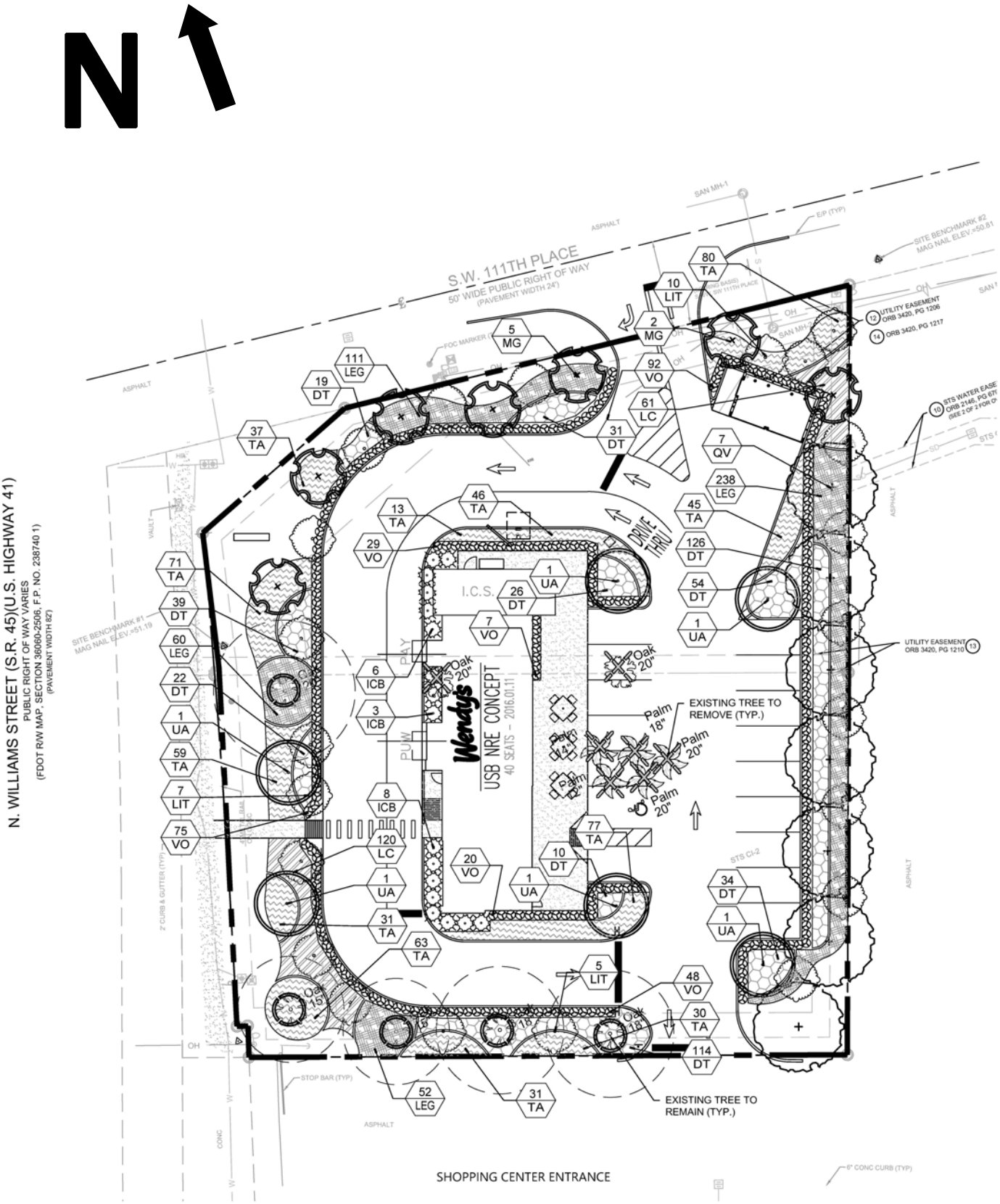
  (Applicant is seeking to allow a dumpster in the buffer area)

- *Land Use and Development Code, Chapter 74, Article IV, Section 74-108(ORD2000-09)*
  (1) Location and design. Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained in this article.

  (4) Buffers in B-4 zoning district
  ***(a) Required Width.* A minimum average width of 25 feet is required**

  (Applicant is seeking to allow 7ft for Buffer width)




N
S.W. 111TH PLACE
50' WIDE PUBLIC RIGHT OF WAY
(PAVEMENT WIDTH 24')
N. WILLIAMS STREET (S.R. 45)(U.S. HIGHWAY 41)
PUBLIC RIGHT OF WAY VARIES
(FDOT R/W MAP, SECTION 36060-2506, F.P. NO. 238740 1)
(PAVEMENT WIDTH 82')
DRIVE THRU
I.C.S.
PLAY
PUW
Wendy's
USB NRE CONCEPT
40 SEATS – 2016.01.11
EXISTING TREE TO REMOVE (TYP.)
EXISTING TREE TO REMAIN (TYP.)
UTILITY EASEMENT ORB 3420, PG 1206
ORB 3420, PG 1217
UTILITY EASEMENT ORB 3420, PG 1210
SITE BENCHMARK #1 MAG NAIL ELEV.=51.19
SITE BENCHMARK #2 MAG NAIL ELEV.=50.81
SHOPPING CENTER ENTRANCE
ASPHALT
STOP BAR (TYP)
6" CONC CURB (TYP)
80 TA
10 LIT
2 MG
5 MG
111 LEG
19 DT
92 VO
61 LC
37 TA
31 DT
7 QV
238 LEG
46 TA
13 TA
45 TA
29 VO
126 DT
71 TA
1 UA
26 DT
54 DT
39 DT
7 VO
1 UA
60 LEG
6 ICB
22 DT
3 ICB
1 UA
59 TA
7 LIT
8 ICB
75 VO
120 LC
77 TA
20 VO
10 DT
1 UA
1 UA
34 DT
1 UA
31 TA
63 TA
5 LIT
48 VO
30 TA
114 DT
52 LEG
31 TA
Oak 20"
Oak 20"
Palm 18"
Palm 20"
Palm 14"
Palm 12"
Palm 20"
Oak 15"
Oak 18"

6. FINDINGS OF FACT

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Response:

(1) *As to variance from 25' perimeter buffer:* The subject property is of a size that would make it very difficult to meet all the landscape buffer size requirements and still have a usable building size with adequate parking.

2. The special conditions and circumstances do not result from the actions of the applicant.

Response:

(1) *As to variance from 25' perimeter buffer:* The applicant's actions have not created the buffer size and setback conflict. B-4 building setbacks distances are 12 feet for the sides and 10 feet for the rear. This conflict in our code is not a result of the applicant's actions.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

Response: The applicant will receive no special privileges as a result of granting either of the requested variances.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

Response: The applicant, without the perimeter buffer variance, would be greatly limited on the size of the building and parking lot that could be constructed on the site.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Response: Both variances requested are the minimums to allow the reasonable use of this property. Most of the landscape buffer is much larger than 7 feet, however, near the dumpster is where the 7 foot buffer size is required.

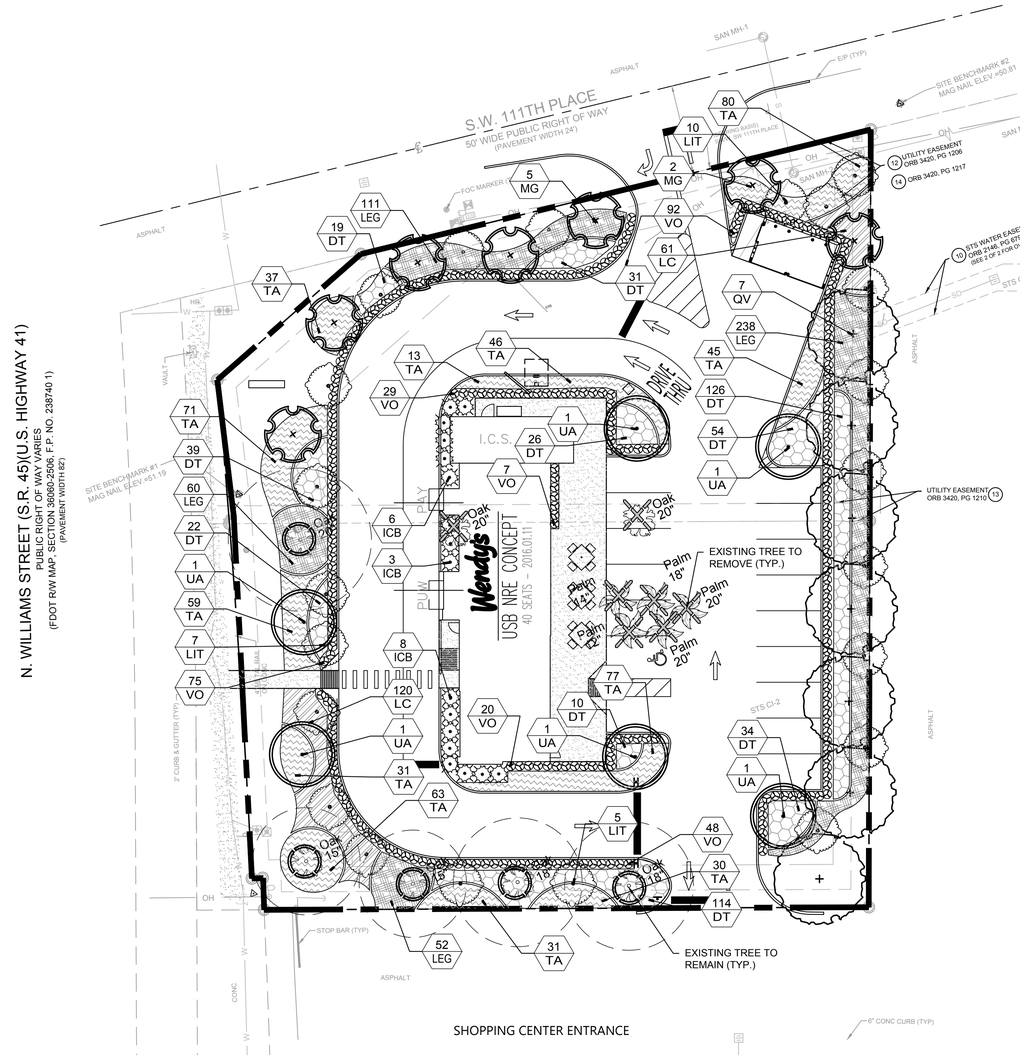
6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response:

(1) *As to variance from 25' perimeter buffer:* The property directly adjacent to the South and East of the site is zoned B-4 and is currently being operated as a shopping center with various businesses i.e. Italian restaurant, Computer repair shop, etc. There are two similar properties to the West including McDonald's and Pizza Hut restaurants, both of which are zoned B-4. The property to the North is a large field currently being used for a produce stand and at the rear of the property is a medical office. Located to the North West is a small shopping plaza and a Walmart Superstore. Allowing a landscape buffer of seven feet, as opposed to 25 feet, will not create a disharmony with existing buildings and uses in the B-4 district and would not be injurious to existing buildings along the Hwy 41 corridor.

7. STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend City Council approve the two variances as requested.



NORTH

20' 0 20' 40'

GRAPHIC SCALE

TOTAL SHEETS
L-1 and L-2

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811
IT'S THE LAW IN FLORIDA
FLORIDA LAW REQUIRES EXCAVATORS TO NOTIFY OWNERS OF UNDERGROUND FACILITIES NO LESS THAN TWO (2) DAYS PRIOR TO EXCAVATION

811

CADDSCAPES, INC.
Florida Landscape Architecture Firm
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Deltona, FL 32738
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LC# 26000550
caddscapes@gmail.com

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Landscape Architect:
John Ewseychik, RLA
Landscape Designer:
Jason Bridgewater,
Florida Water Star AP

Z DEVELOPMENT services
708 E. COLONIAL DR., STE 100
ORLANDO, FL 32803
CA 29354
PH: (407) 271-8910
FAX: (407) 442-0604

REVISION	DATE	REVISION	DATE

DATE: 01/12/16

REGISTERED LANDSCAPE ARCHITECT JOHN WILLIAM EWSEYCHIK, JR. LA807 STATE OF FLORIDA

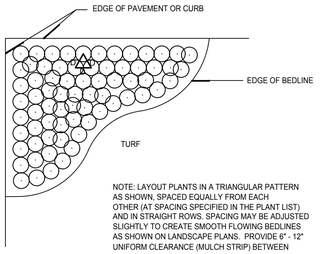
John William Ewseychik, Jr.,
Registered Landscape Architect
FL. Registration -LA 807

WENDY'S RESTAURANT
N. WILLIAMS STREET
DUNNELLON, FLORIDA

DATE: 01-04-16
DRAWN: JB
CHECKED: JE

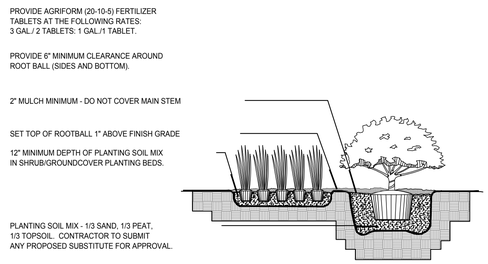
L-1
LANDSCAPE PLAN

PROJECT NO.: 2015.216



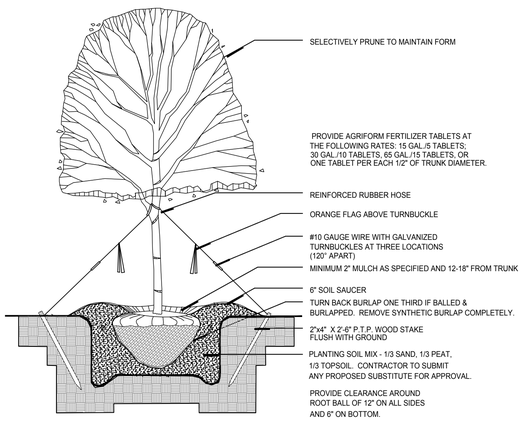
SHRUB/GROUNDCOVER SPACING DETAIL

NOT TO SCALE



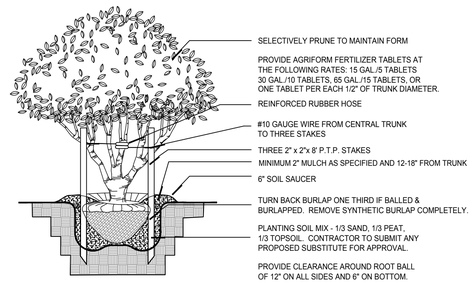
SHRUB AND GROUNDCOVER PLANTING DETAIL

NOT TO SCALE



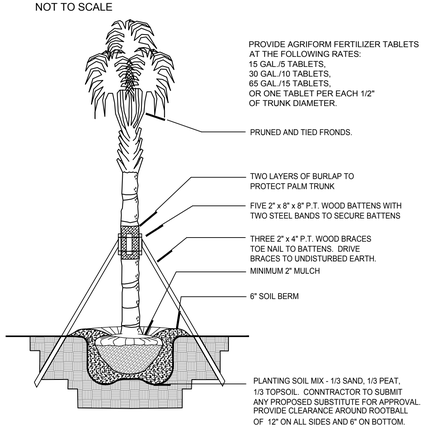
TREE PLANTING DETAIL

NOT TO SCALE



MULTI-TRUNK TREE PLANTING DETAIL

NOT TO SCALE



PALM PLANTING DETAIL

NOT TO SCALE

PLANT LIST

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DESCRIPTION	REMARKS
TREES					
LIT	22	LAGERSTROEMIA INDICA 'TONTO RED'	RED CRAPE MYRTLE	6' HT, 3' SPR., 1-1/2" CAL., MULTI-TRUNK	SPACE AS SHOWN GUY
MG	6	MAGNOLIA GRANDIFLORA 'D.D. BLANCHARD'	SOUTHERN MAGNOLIA	10-12'x3-4', 2.5" CAL, B&B (MODERATE WATER USE)	SPACE AS SHOWN GUY
QV	8	QUERCUS VIRGINIANA	LIVE OAK	10-12'x3-4', 2.5" CAL, B&B (LOW WATER USE)	SPACE AS SHOWN GUY
UA	6	ULMUS AMERICAN 'ALLEE'	ALLEE ELM	10-12'x3-4', 2.5" CAL, B&B (LOW WATER USE)	SPACE AS SHOWN GUY
SHRUBS					
ICB	17	ILEX CORNUTA 'BUFORDII'	BUFORD HOLLY	24" O.A. / FULL / 3G	30" O.C.
LC	181	LOROPETALUM CHINENSIS 'RUBY'	FRINGE FLOWER	24" HT. x 24" SPRD. / FULL / 3G	30" O.C.
VO	271	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	18" HT. x 18" SPRD. / FULL / 3G (MODERATE WATER USE)	30" O.C.
GROUNDCOVER					
DT	475	DIANELLA TASMANICA	FLAX LILY	18" HT. x 24". SPRD / FULL / 3G (LOW WATER USE)	24" O.C.
LEG	461	LIRIOPE MUSCARI 'EMERALD GODDESS' PP15,471	EMERALD GODDESS LIRIOPE	MIN. 6 BIBS / 18"O.A. / 1G (MODERATE WATER USE)	24" O.C.
TA	583	TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE	MIN. 12 RUNNERS / FULL / 1 GAL.	18" O.C.
SOD					
	SEE PLANS	PASPALUM NOTATUM 'ARGENTINE'	ARGENTINE BAHIA	SOLID, FREE OF PESTS AND DISEASES (LOW WATER USE)	FIELD VERIFY QTY.
MULCH					
	SEE PLANS	MINI PINE BARK NUGGETS	MINI PINE BARK NUGGETS	FREE OF DIRT AND DEBRIS	FIELD VERIFY QTY.

LANDSCAPE PLANTING NOTES:

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL FREE OF PESTS AND DISEASES.
2. ALL PLANTS SHALL BE FLORIDA FANCY, AS GRADED IN FLORIDA GRADES AND STANDARDS FOR NURSERY PLANTS.
3. ALL PLANTS ARE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER BEFORE, DURING, AND AFTER INSTALLATION.
4. ALL SINGLE-TRUNKED TREES SHALL BE STRAIGHT TRUNKED WITH ONE CENTRAL LEADER AND HAVE A FULL, DENSE CROWN.
5. ALL TREES SHALL BE STAKED AND GUYED AS SHOWN IN PLANTING DETAILS.
6. ALL MULCH PLANTING AREAS SHALL BE A MINIMUM OF 2" IN DEPTH.
7. ALL PLANTING AREAS SHALL HAVE A MINIMUM OF 3" TOPSOIL.
8. ALL TREES SHALL BE FREE OF OPEN WOUNDS AND WOUND SCARS IN THE CLEAR TRUNK AREA.
9. ANY SYNTHETIC BURLAP AND/OR WIRE BASKETS MUST BE TOTALLY REMOVED PRIOR TO INSTALLATION OF PLANT MATERIAL. IF NATURAL BURLAP IS USED, IT MAY BE TURNED DOWN 1/3 OF THE ROOTBALL.

LANDSCAPE CONTRACTOR NOTES:

1. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING, IN FULL, ALL LANDSCAPE PLANTING AREAS, UNTIL THE JOB IS ACCEPTED IN FULL BY THE OWNER. "IN FULL" MEANS WATERING, PEST CONTROL, MULCHING, MOWING, FERTILIZING AND RESETTING TREES THAT ARE OUT OF PLUMB.
2. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL INSTALLED PLANT MATERIAL FOR A PERIOD OF ONE CALENDAR YEAR BEGINNING ON THE DATE OF 100% COMPLETION. ANY AND ALL REQUIRED PLANT REPLACEMENTS SHALL BE MADE PROMPTLY AND AT NO ADDITIONAL COST TO THE OWNER.
3. THE LANDSCAPE CONTRACTOR SHALL STAKE THE LOCATIONS OF ALL PLANT MATERIAL AND PLANTING BED LINES FOR REVIEW BY THE LANDSCAPE ARCHITECT AND OWNER.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL WRITTEN PLANT QUANITIES PRIOR TO INITIATION OF THE WORK. IN THE EVENT THAT THE PLANS CONTRADICT THE PLANT LIST, THE PLANS SHALL RULE.
5. THE LANDSCAPE CONTRACTOR SHALL BE FAMILIAR WITH AND ACCEPT THE EXISTING SITE CONDITIONS PRIOR TO INITIATION OF THE WORK. ANY VARIATION FROM THE SPECIFIED WORK SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES, DRAINAGE STRUCTURES, CURBS, SIDEWALKS, AND ANY OTHER OBJECTS WHICH MIGHT BE DAMAGED DURING THE WORK.
7. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ANY AND ALL NECESSARY REPAIRS TO DAMAGE CAUSED BY HIS WORK AT NO ADDITIONAL COST TO THE OWNER OR LANDSCAPE ARCHITECT.
8. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, AND FOLLOWING ALL APPLICABLE LOCAL CODES PERTAINING TO THE PROJECT DURING THE COURSE. OF HIS WORK.

TREE PROTECTION UNDISTURBED AREA SHALL BE PROVIDED BASED UPON TREE DBH. BARRIER SHALL BE ERECTED PRIOR TO ANY CONSTRUCTION IN GENERAL AREA OF TREES TO BE PROTECTED.

PROHIBITED WITHIN THIS AREA:
1. PARKING OR USE OF VEHICLES, EQUIPMENT, OR MACHINERY
2. STORAGE OR DUMPING OF ANY MATERIALS OR LIQUID.
3. CONSTRUCTION, EXCAVATION, OR TRENCHING

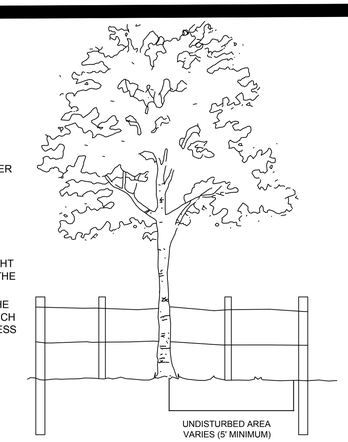
EXISTING VEGETATION REMAINING AFTER GRUBBING FOR BUILDING PADS, STRUCTURES, RIGHT OF WAY, PARKING AREAS OR SIGNIFICANT GRADE CHANGES SHALL BE PROTECTED DURING THE CONSTRUCTION PROCESS.

FOR EACH TREE TO BE PRESERVED, ESTABLISH AN UNDISTURBED AREA MEASURED FROM THE CENTER OF EACH TREE. THE MINIMUM UNDISTURBED AREA IS A RADIUS OF 0.75' FOR EACH INCH OF DBH (DIAMETER AT BREAST HEIGHT, 54" HT ABOVE THE SOIL LINE). TREES OF 6" DBH OR LESS SHALL HAVE A MINIMUM UNDISTURBED RADIUS OF 5 FEET. ALSO SEE LANDSCAPE NOTES.

BARRIERS TO REMAIN IN PLACE UNTIL ALL PAVING AND CONSTRUCTION IS COMPLETED.

UPRIGHTS - THE EQUIVALENT OF 4 X 4 LUMBER AT 3' MINIMUM HEIGHT ON 5' MAX, CENTERS.

HORIZONTALS - THE EQUIVALENT OF TWO COURSES OF 1/2" DIA. ROPE WITH YELLOW TAPE FLAGGING.



TYPICAL TREE PROTECTION DETAIL

NOT TO SCALE

CITY OF DUNNELLON CODE NOTES:

North Property line adjacent to ROW 252' less 26' (access drive) = 226 linear feet
226' / 100 = 2.26 x 3 = 6.78 canopy trees required — Provided = 5 MG
226' / 100 = 2.26 x 5 = 11.3 understory trees required — Provided = 6 LIT
West Property line adjacent to ROW 152 linear feet
152' / 100 = 1.52 x 3 = 4.56 canopy trees required — Provided = 2 Existing, 1 MG, and 2 UA
152' / 100 = 1.52 x 5 = 7.6 understory trees required — Provided = 6 LIT
South Property line 188' less 38' (access drive) = 150 linear feet
150' / 100 = 1.50 x 3 = 4.5 canopy trees required — Provided = 3 Existing and 1 QV
150' / 100 = 1.50 x 5 = 7.5 understory trees required — Provided = 4 LIT
East Property line 217' linear feet
217' / 100 = 2.17 x 3 = 6.51 canopy trees required — Provided = 6 QV and 1 MG
217' / 100 = 2.17 x 5 = 10.85 understory trees required — Provided = 6 LIT
40% Sod maximum requirement
Provided: Plan provides less than 40% of the landscape area as sodded area
Canopy tree requirement
Provided: 20 canopy trees diversity of species = (3) oaks, magnolias, and elms.

CADDSCAPES, INC.
Florida Landscape Architecture Firm
3162 Parma Drive
Deltona, FL 32738
Office: 407 310-5567
LC# 26000550
caddscapes@gmail.com

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Landscape Architect:
John Ewseychik, RLA
Landscape Designer:
Jason Bridgewater,
Florida Water Star AP

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811
IT'S THE LAW IN FLORIDA
FLORIDA LAW REQUIRES EXCAVATORS TO NOTIFY OWNERS OF UNDERGROUND FACILITIES NO LESS THAN TWO (2) DAYS PRIOR TO EXCAVATION

TOTAL SHEETS
L-1 and L-2

Z DEVELOPMENT Services
708 E. COLONIAL DR., STE 100
ORLANDO, FL 32803
CA 29354
PH: (407) 271-8910
FAX: (407) 442-0604

DATE	REVISION	DATE	REVISION

DATE: 01/12/16

REGISTERED LANDSCAPE ARCHITECT JOHN WILLIAM EWSEYCHIK, JR. LA807 STATE OF FLORIDA

John William Ewseychik, Jr.,
Registered Landscape Architect
FL. Registration -LA 807

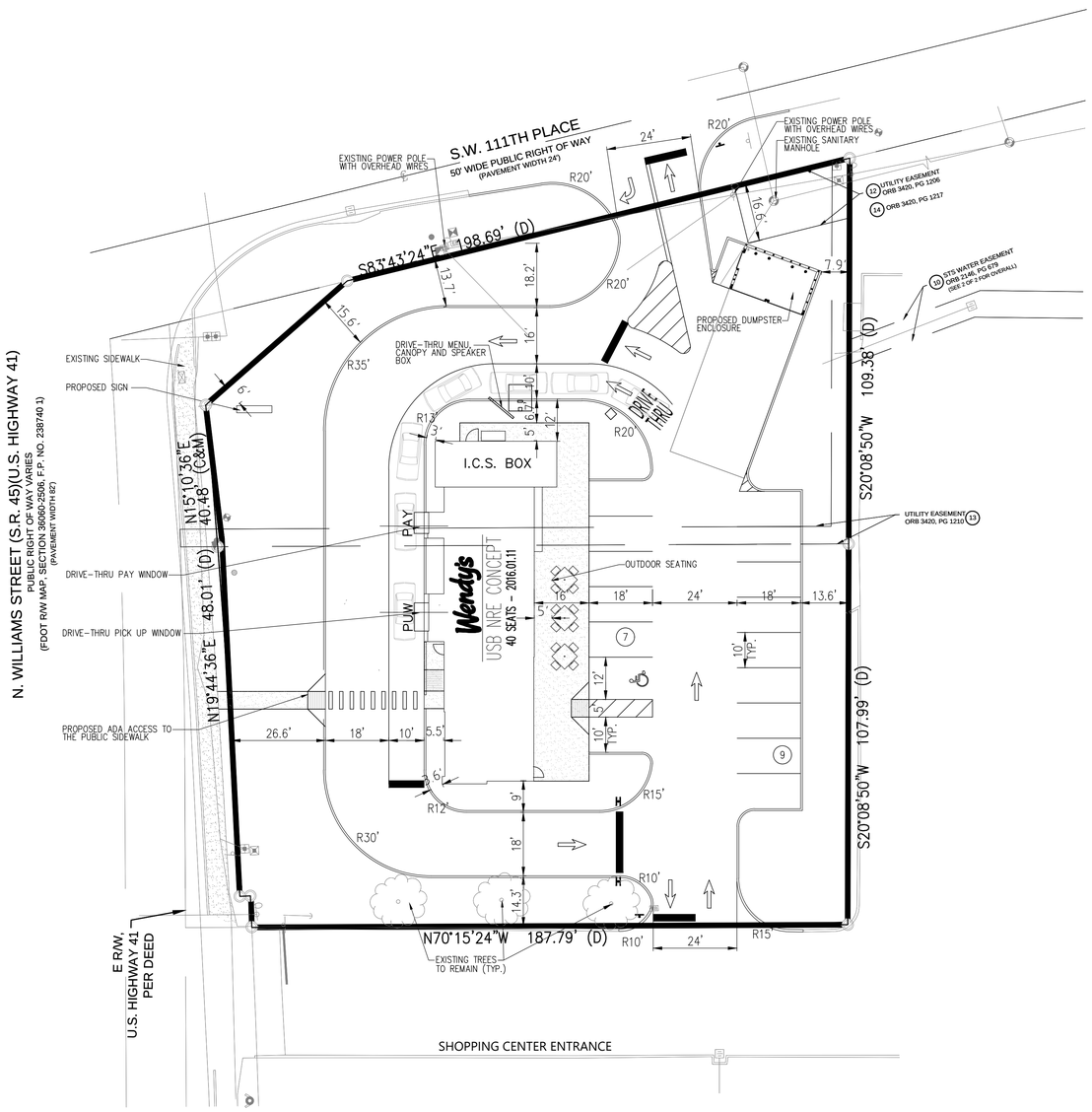
WENDY'S RESTAURANT
N. WILLIAMS STREET
DUNNELLON, FLORIDA

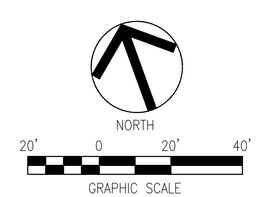
DATE: 01-04-16
DRAWN: JB
CHECKED: JE

L-2

LANDSCAPE DETAILS
PROJECT NO.: 2015.216

Wendy's
Wendy's





SITE PLAN

SITE DATA

TOTAL SITE AREA: 34,315.78 SF / ±0.78 AC
PARCEL ID: 33639-006-01
33639-006-02
ZONING: B-4 (GENERAL BUSINESS)

BUILDING AREA: 2,105 SF + 353 SF
= 2,458 SF
PARKING REQUIRED:
1 SPACE PER 4 SEATS
= 55 SEATS / 4
= 13.75
= 14 SPACES
PARKING PROVIDED: 16 SPACES

BUILDING SETBACKS:	PROVIDED	REQUIRED
FRONT (SOUTH)	39.5'	25'
SIDE (EAST)	91.0'	12'
SIDE (WEST)	57.1'	12'
REAR (NORTH)	49.1'	10'

LANDSCAPE BUFFERS:	PROVIDED	REQUIRED
FRONT (SOUTH)	8'	5'
SIDE (EAST)	10.5'	5'
SIDE (WEST)	27.2'	5'
REAR (NORTH)	5.5'	5'

PERVIOUS/IMPERVIOUS:

PERVIOUS: 13,262.68 (38.6%)
IMPERVIOUS: 21,053.10 (61.4%)

LEGAL DESCRIPTION

PARCEL NO. 1:

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 26 FOR A POINT OF REFERENCE; THENCE RUN NORTH ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 58.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF AN OLD A.C.L. RAILROAD SPUR LINE; THENCE RUN NORTH 83°43'24" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 458.55 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN SOUTH 20°08'50" WEST, A DISTANCE OF 109.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 20°08'50" WEST, A DISTANCE OF 107.99 FEET; THENCE RUN NORTH 70°15'24" WEST, A DISTANCE OF 187.79 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 41 (STATE ROAD NO. 45); THENCE RUN NORTH 19°44'36" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 48.01 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE IN A WESTERLY DIRECTION AND HAVING A RADIUS OF 1959.08 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE AND THROUGH A CENTRAL ANGLE OF 01°45'16" A DISTANCE OF 59.99 FEET; THENCE RUN SOUTH 70°15'24" EAST, A DISTANCE OF 189.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE LANDS DESCRIBED AS PARCEL 118 IN THE ORDER OF TAKING UNDER CASE NO. 02-820-CA-G RECORDED IN OFFICIAL RECORDS BOOK 3213, PAGE 269, AND FINAL JUDGMENT OF ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3504, PAGE 1958, ALL OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

PARCEL NO. 2:

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 26 FOR A POINT OF REFERENCE; THENCE RUN NORTH ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 58.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF AN OLD A.C.L. RAILROAD SPUR LINE; THENCE RUN NORTH 83°43'24" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 458.55 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN SOUTH 20°08'50" WEST, A DISTANCE OF 109.38 FEET; THENCE RUN NORTH 70°15'24" WEST, A DISTANCE OF 189.49 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 41 (STATE ROAD NO. 45); SAID POINT BEING ON A CURVE CONCAVE IN A WESTERLY DIRECTION AND HAVING A RADIUS OF 1959.08 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE AND THROUGH A CENTRAL ANGLE OF 01°50'45" A DISTANCE OF 63.11 FEET TO A POINT AT THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE WITH THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE; THENCE RUN SOUTH 83°43'24" EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 198.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE LANDS CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3124, PAGE 56, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

PARCEL NO. 3 – EASEMENT:

TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL NO. 1 AND PARCEL NO. 2, ABOVE AS CREATED BY AND SET FORTH IN EASEMENT AGREEMENT BY AND BETWEEN DUNNELLON MARKETING, INC., A FLORIDA CORPORATION AND DUNNELLON PLAZA LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP DATED MAY 31, 1995 AND RECORDED JUNE 12, 1995 IN OFFICIAL RECORDS BOOK 2146, PAGE 679, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

PARCEL NO. 4 – EASEMENT:

TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1, ABOVE AS CREATED BY AND SET FORTH IN UTILITY EASEMENT DEED BY AND BETWEEN GORDON M. BEAVER AND EDWARD LOMMEL AND DUNNELLON MARKETING, INC., A FLORIDA CORPORATION DATED OCTOBER 2, 2001 AND RECORDED IN OFFICIAL RECORDS BOOK 3420, PAGE 1210, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

LESS AND EXCEPT FROM ALL OF THE ABOVE:

PARCEL "A":

ADDITIONAL RIGHT OF WAY FOR U.S. HIGHWAY NO. 41,

A STRIP OF LAND BEING THE RIGHT 17.00 FEET OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA: THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 58.08 FEET TO A CONCRETE MONUMENT ON THE NORTH RIGHT OF WAY LINE OF AN OLD A.C.L. RAILROAD SPUR RIGHT OF WAY LINE; THENCE GO N.84°18'W. ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 194.86 FEET, TO A CONCRETE MONUMENT; THENCE S.20°08'50"W. 181.56 FEET; THENCE S.21°44'01"E. 147.43 FEET; THENCE S.19°44'36"W. 291.03 FEET; THENCE N.70°07'13"W. 559.17 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 41 (MAINTAINED RIGHT OF WAY WIDTH 66 FEET) AND THE POINT OF BEGINNING; THENCE N.19°44'36"E. ALONG SAID EASTERLY RIGHT OF WAY LINE 351.01 FEET, TO A POINT INTERSECTING THE ARC OF A CIRCULAR CURVE CONCAVE IN A NORTHWESTERLY DIRECTION AND HAVING A RADIUS OF 1942.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 119.08 FEET, SUBTENDING A CENTRAL ANGLE OF 03°30'47" A CHORD BEARING OF N.17°59'12"E. AND A CHORD DISTANCE OF 119.06 FEET TO A POINT INTERSECTING THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF AN OLD A.C.L. RAILROAD SPUR AND THE POINT OF TERMINATION.

Z DEVELOPMENT services
708 E. COLONIAL DR., STE 100
ORLANDO, FL 32803
CA 29354
PH: (407) 271-8910
FAX: (407) 442-0604

REVISION	DATE	REVISION	DATE

WENDY'S RESTAURANT
N. WILLIAMS STREET
DUNNELLON, FLORIDA

DATE: 01-04-16
DRAWN: BA
CHECKED: RZ

SP1

PROJECT NO.: 2015.216

Z DEVELOPMENT
services

Date:	January 12, 2016
RE:	Wendy's-Dunnellon

To:
Lonnie Smith
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431

From:
Bob Ziegenfuss, PE
Z Development Services
708 E. Colonial Drive, Suite 100
Orlando, FL 32803

Lonnie:

Enclosed please find the following:

- Application
- Submittal Fee
- Renderings
- 3 full size plans
- 3 ½ size plans
- Warranty Deeds
- Property Appraiser's Information
- CD

Thank you

708 E. Colonial Drive, Suite 100
Orlando, Florida 32803

Phone: (407) 271-8910
Fax: (407) 442-0604

City of Dunnellon
Planning and Zoning Application

Date: 1/7/16

Application No.: PZ1516-028 | VAR2016-0 | VAR2016-0

Applicant Name: Robert Ziegenfuss
Address: 108 E. Colonial Dr Ste. 100
Orlando FL 32803

Phone# 407 211 8910
Fax # 407 442 0604
Email Address: bob@zdevelopmentservice.com

Applicant is: ☐ Owner ☒ Agent ☐ Purchaser ☐ Lessee ☐ Other _____

Owner(s) Name: Dunnellon Real Estate, LLC
Address: 6401 Congress Ave #100
Boca Raton FL 33487

Phone # 561-997-6002
Fax # N/A
Email Address: jmercado@jacrealgroup.com

Application Type

☐ Annexation ☐ Rezoning ☐ Comprehensive Plan Amendment
☐ Lot Line Deviation ☐ Variance-Residential ☐ Administrative Appeal
☐ Site Plan Review ☐ Preliminary Plat Review ☒ Variance-Commercial
☐ Final Plat ☐ Special Exception Use ☐ Construction Plan Review
☐ Road/Easement Vacation ☐ Concurrency Review ☐ Planned Unit Development
☐ Other: _____

Reason for Request: 1) 25' perimeter buffer remt - Chap 74-108(4) & Article IX, Sec 9-3-1(a) 1 (BOTH sides & rear are under remt.) 2) No dumpster in landscape buffer - Art. I Sec. 93-1(a)(

Project Title (Site Plans, future/existing subdivisions only): Wendy's

Property Address: 11191 N. Williams St.

Property Size (acres): 0.34

Parcel ID Number: 33639-006-01

Existing Use of Property: Carwash

Existing Zoning: B4

Current/Future Land Use: Commercial

Current number of structures on the property: 2

Type of structure(s) on property (house, shed, etc.): car wash / fast food restaurant

Proposed Use of Property: Fast food restaurant

Proposed Zoning: B4

Proposed Land Use: Commercial

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: _____

<u>Submittal Requirements:</u> 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: _____

<u>ONLY CONCURRENT ANNEXATION, REZONING, AND COMPREHENSIVE PLAN AMENDMENTS ARE ALLOWED ON A SINGLE APPLICATION</u>

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.

Fee Schedule

Application Fees are required at the time the application is submitted.

	Voluntary Annexation	$500.00
	Re-zoning	$500.00
	Small Scale Comprehensive Plan Amendment ≤ 10 acres	$1,200 .00
	Large Scale Comprehensive Plan Amendment > 10 acres	$2,500 .00
	Variance	$500.00
	Special Exception Use	$750.00
	Vacation of Plat	$750.00
	Abrogation	$750.00
	Concurrency Application	$1,000.00
	Developer's Agreement	$6,000.00
	Amendment to Developer's Agreement	$3,000.00
	Site Plan	
	First 10,000 square feet	$250.00
	Each Additional 10,000 square feet or portion thereof	$150.00 (maximum of $2,500.00
	Minor Site Plan Review (Improvements to existing site)	$500.00
	Subdivisions	
	Pre-Conceptual Plan Fee	$300.00
	Preliminary Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus (per lot or parcel)	$25.00
	Improvement (Construction) Plan Review	$600.00
	Plus (per 100 feet of roadway)	$30.00
	Final Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus - per lot or parcel	$25.00
	PUD (Required if Site Plan Approval was not part of the PUD Comp Plan Amendment	$2,500.00
	Admin Appeal to the City Council	$250.00
	D.R.I.	$15,000.00
	Written Zoning Verification	$50.00
	Admin Fee	$50.00

The applicant shall pay all costs of advertising and other fees, including attorney fees in accordance with the City of Dunnellon Code of Ordinances, Chapter 94, Planning, Article II, Planning Commission, Section 94.37 (16).

Prior to Application Hearing before City Council ALL Incurred Fees to date MUST Be Paid to the City Clerk's Office. If you have any questions regarding any outstanding fees, please contact the City Clerk's office at (352) 465-8500.

Fees Are Non-Refundable, Unless The Application Is Withdrawn, In Writing, Within Five (5) Business Days Of Submittal (Not Including City-Observed Holidays), Unless Otherwise Approved By The City Manager Or By Majority Vote Of The City Council.

Applicant

1/11/16

Date

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1516-028**

FLORIDA MUNICIPAL SERVICES

Permit Address: 11191 N. Williams Street
Parcel ID: 33639-006-01

Permit Type: Variance

2nd Permit Type: Administrative Fee

Owner: Robert Ziegenfuss

Address: 708 E. Colonial Drive, suite 100, Orlando, FL 32803

Remarks:

Notes: V# 1011 $500
V# 2494 $50

Permit	Fee	Total	Charge Code
Change of Occupancy			
Fire Inspection			
Area <= 1,000 Sq. Ft.	$65.00		
Area > 1,000 <= 3,000 Sq, Ft.	$85.00		
Area > 3,000 Sq. Ft.	$100.00 plus $0.01 /Sq. Ft. ($0.005 /Sq. Ft. Annual Inspection)		
Backflow Valve Inspection	$30.00		
Grease Trap Inspection	$30.00		
Variance	**$500.00**	**$500.00**	**32202**
Administrative Fee	**$50.00**	**$50.00**	**32201**
After the Fact Permit Penalty	Double Permit Fee(s)		
Trash Deposit (Refundable)	$300.00		36000
TOTAL:		**$550.00**	

	Bank	Check #	CC Type	Amount
Cash:				
Check:				$550.00
Credit:				
Refund:				

Signed: [signature] **Date:** 1/21/16

DATE: 01/21/16
CLERK: 81271bar
CUSTOMER#: 0
COMMENT: JAE RESTAU
CHG: 32202 ZONING

Property Owner & Agent Affidavit

Date: 1/7/16

Before me, the undersigned authority personally appeared, Jhonny Mercado (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: Obtain 2 variances

3. That said authority (property owner) has appointed Robert Ziegenfuss (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.

Property Owner's Signature

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

Me on 1/7/2016 (date) by

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

as identification.

PUBLIC NOTARY

SEAL:

BIANCA NAJARRO
MY COMMISSION # FF931861
EXPIRES October 28, 2019
FloridaNotaryService.com

Agent's Signature

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

me on 1/7/16 (date) by

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

as identification.

PUBLIC NOTARY

SEAL:

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

KENDRA LAKEBERG
MY COMMISSION # FF 067624
EXPIRES: March 1, 2018
Bonded Thru Notary Public Underwriters

Sample Annexation Letter

N/A

(DATE)

Honorable Mayor _____
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431

Dear Mayor _____:

Pursuant to the requirements of Chapter 171.044, Florida Statues, this letter serves as a petition for voluntary annexation in the City of Dunnellon for the following described property:

(INSERT FULL LEGAL DESCRIPTION)

I *(We)* am *(are)* the owner*(s)* of the above described property and feel the land meets all criteria necessary for annexation. Enclosed are a general location map, a survey of the property, and a copy of all deeds.

Should you require additional information, please feel free to contact me *(us)* at *(Mailing Address)* or at *(Telephone #)*.

Sincerely,

(SIGNATURES(S))
(NAME EITHER TYPED OR PRINTED)
PROPERTY OWNER(S)

Enclosure

cc: Community Development Director

Prepared by: John S. Clardy III, Esquire
Clardy Law Firm, P.A.
P. O. Box 2410
Crystal River, FL 34423
(352) 795-2946

PARCEL ID NO. R 33639-006-01
NO TITLE EXAMINATION HAS BEEN MADE ON THE PROPERTY DESCRIBED HEREIN.

WARRANTY DEED

THIS INDENTURE made this 21 day of August, 2015, between Car Wash One, Inc., a Florida corporation, of 750 SW HWY 19, Crystal River, Florida 34429, herein Grantor, and Dunnellon Real Estate, LLC, a Florida limited liability company, of 6401 Congress Avenue #100, Boca Raton, Florida 33487, herein Grantee.

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that said Grantor, for and in consideration, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs and assigns forever, the following described land, situated, lying and being in Marion County, Florida, to wit:

See Exhibit "A" attached hereto.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set their hand the day and year first above-written.

Car Wash One, Inc., a Florida corporation

Cindy Smith Martynowski
Witness

Cindy Smith-Martynowski
(printed/typed name of witness)

By: G. Michael Beaver, President

Witness

RENEE' HUSEK
(printed/typed name of witness)

STATE OF FLORIDA
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this 21 day of August, 2011 by G. Michael Beaver, President of Car Wash One, Inc.

✓ personally known
___ identified by ____ drivers license

Notary Public
Notary Commission expires:

NOTARY PUBLIC STATE OF FLORIDA
RENEE HUSEK
MY COMMISSION # EE 860373
EXPIRES: February 1, 2017
Bonded Thru Budget Notary Services

EXHIBIT "A"

PARCEL "A"

A parcel of land lying in Section 26, Township 16 South, Range 18 East, Marion County, Florida, being more particularly described as follows:

Commence at a concrete monument at the Southeast corner of the Northeast ¼ of said Section 26 for a point of reference; thence run North along the East line of said Northeast ¼ a distance of 58.08 feet to a point on the North Right-of-Way Line of an old A.C.L. Railroad Spur Line; thence run North 83° 43' 24", West along said North Right-of-Way Line a distance of 458.55 feet to the point of beginning; thence departing said Right-of-Way Line run South 20° 08' 50" West distance of 109.38 feet; thence run North 70° 15' 24" West a distance of 189.49 feet to a point on the easterly Right-of-Way Line of U.S. Highway No. 41 (State Road No. 45), said point being on a curve concave in a westerly direction and having a radius of 1959.08 feet; thence run Northerly along the arc of said curve and along said Easterly Right-of-Way Line and through a central angle of 01° 50' 45" a distance of 63.11 feet to a point at the intersection of said Easterly Right-of-Way Line with the aforementioned Northerly Right-of-Way Line; thence run South 83° 43' 24" East along said Northerly Right-of-Way Line a distance of 198.69 feet to the point of beginning.

The above described lands containing .379 acres, more or less.

This instrument prepared by:
LEONARD E. ZEDECK, ESQ.
8870 W. OAKLAND PARK BOULEVARD
SUNRISE, FL 33351

FOLIO NO. R33639-006-02

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made the 3rd day of September, 2015, by **DUNNELLON MARKETING, INC., a Florida corporation** party of the first part, whose post office address is: 8870 W. Oakland Park Boulevard, Sunrise, FL 33351, hereinafter called the Grantor, to **DUNNELLON REAL ESTATE, LLC, a Florida Limited Liability Company**, party of the second part, whose post office address is: 6401 Congress Ave, #120, Boca Raton, FL 33487, hereinafter called the Grantee:

W I T N E S S E T H :

That the Grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and conveys and confirms unto the Grantee all that certain land situated in Marion County, Florida, being more particularly described as follows, together with all improvement located on such land (such land and improvements collectively referred to as the "Property"):

"SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF"

Subject to easements, restrictions and reservations of record and to taxes for the year 2015.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AN TO HOLD, the same in fee simple forever.

AND except as noted above, Grantor hereby specially warrants title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

sign: Pamela S. Widerman
print: Pamela S. Widerman

sign: Frances Solomon
print: FRANCES SOLOMON

DUNNELLON MARKETING, INC.,
a Florida corporation

By: Leonard E. Zedeck V.P.
LEONARD E. ZEDECK, Vice- President

STATE OF FLORIDA)
) SS.
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 3rd day of September, 2015, by LEONARD E. ZEDECK, Vice-President of DUNNELLON MARKETING, INC., a Florida corporation, on behalf of the corporation. He is personally known to me and did take an oath.

PAMELA S. WIDEMAN
Commission # FF 220760
Expires May 9, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC:
sign: Pamela S Wideman
print: Pamela S. Widemans
STATE OF FLORIDA AT LARGE

(SEAL)

My Commission Expires: 5/9/2019

LEGAL DESCRIPTION

A parcel of land lying in Section 26, Township 16 South, Range 18 East, Marion County, Florida being more particularly described as follows:

Commence at a concrete monument at the Southeast corner of the Northeast 1/4 of said Section 26 for a point of reference; thence run North along the East line of said Northeast 1/4 a distance of 58.08 feet to a point on the North right of way line of an old A.C.L. Railroad Spur Line; thence run North 83°43'24" West along said North right of way line, a distance of 458.55 feet; thence departing said right of way line run South 20°08'50" West, a distance of 109.38 feet to the Point of Beginning; thence continue South 20°08'50" West, a distance of 107.99 feet; thence run North 70°15'24" West, a distance of 187.79 feet to a point on the Easterly right of way of U.S. Highway No. 41 (State Road No. 45); thence run North 19°44'36" East along said Easterly right of way line a distance of 48.01 feet to the point of curvature of a curve concave in a Westerly direction and having a radius of 1959.08 feet; thence run Northerly along the arc of said curve and along said Easterly right of way line and through a central angle of 01°45'16" a distance of 59.99 feet; thence run South 70°15'24" East, a distance of 189.50 feet to the Point of Beginning.

LESS AND EXCEPT the lands described as Parcel 118 in the Order of Taking under Case No. 02-820-CA-G recorded in Official Records Book 3213, Page 269, and Final Judgment of Order of Taking recorded in Official Records Book 3504, Page 1958, all of the Public Records of Marion County, Florida.

Marion County Property Appraiser

Villie M. Smith, CFA, ASA

Select Language Powered by Google Translate

HOMESearchPrevious ParcelNext ParcelTRIM NoticeTRIM SupplementAddress Change FormSa

GO TO Current 2015 2014 2013 PRC

2015 Property Record Card

33639-006-01

Prime Key: 2743247 MAP IT

Property Information

CAR WASH ONE INC
750 SE HWY 19
CRYSTAL RIVER FL 34429

Taxes / Assessments: M.S.T.U.
Map ID: 20 PC: 27
Millage: 3002 Acres: 0.34

Situs: 11191 N WILLIAMS ST DUNNELLON

Current Values

Land Just Value	$70,680
Buildings	$100,326
Miscellaneous	$7,112
Total Just Value	$178,118
Total Assessed Value	$178,118
Exemptions	-$0
Total Taxable	$178,118

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2015	$70,680	$100,326	$7,112	$178,118	$178,118	$0	$178,118
2014	$74,400	$87,799	$7,112	$169,311	$169,311	$0	$169,311
2013	$74,400	$82,827	$5,782	$163,009	$163,009	$0	$163,009

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
6273/0101	08/15	09 EASEMNT	0	U	I	$100
6273/0096	08/15	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	$350,000
PT02/0337	10/02	EI E I	0	U	V	$348
3124/0056	02/02	43 R-O-W	0	U	V	$100
3124/0053	02/02	05 QUIT CL	0	U	V	$100
3627/1314	12/01	07 WARRANTY	9 UNVERIFIED	Q	I	$60,000
2864/0403	10/00	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	$80,000
1842/0858	06/92	07 WARRANTY	0	U	V	$100

Property Description

SEC 26 TWP 16 RGE 18
COM AT THE SE COR OF NE 1/4 OF SEC 26 TH N 58.08 FT TH
N 83-43-24 W 458.55 FT TO THE POB TH S 20-08-50 W 109.38 FT
TH N 70-15-24 W 189.49 FT TO A PT BEING ON A CURVE CONCAVE
WLY HAVING A RADIUS OF 1959.08 FT TH NLY ALONG THE ARC OF
CURVE THRU A CENTRAL ANGLE OF 01-50-45 A DISTANCE OF 63.11
FT TH S 83-43-24 E 198.69 FT TO THE POB &
EXC RD ROW BEING MORE PARTICULARLY DESC AS:
COM AT THE SE COR OF NE 1/4 OF SEC 26 TH N 00-23-20 E
58.13 FT TH N 83-31-20 W 605.23 FT TO THE POB TH
S 68-57-05 W 53.39 FT TO THE POC OF A CURVE CONCAVE WLY
HAVING A RADIUS OF 3324.04 FT A CENTRAL ANGLE OF 00-41-52
A CHORD BEARING OF S 15-22-40 W TH SLY ALONG THE ARC OF
CURVE 40.48 FT TH N 70-04-26 W 10.78 FT TO A PT ON A CURVE
CONCAVE WLY HAVING A RADIUS OF 1959.86 FT A CENTRAL ANGLE
OF 01-51-01 A CHORD BEARING OF N 17-17-04 E TH NLY ALONG
THE ARC OF CURVE 63.29 FT TH S 83-31-20 E 52.23 FT TO POB

Parent Parcel: 33639-006-00

Land Data - Warning: Verify Zoning

Use	Front	Depth	Zoning	C	Notes	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
2708	86	173	B4		US 41-IRR	14880.00	SF	4.75	1.00	1.00	1.00	$70,680	$70,680

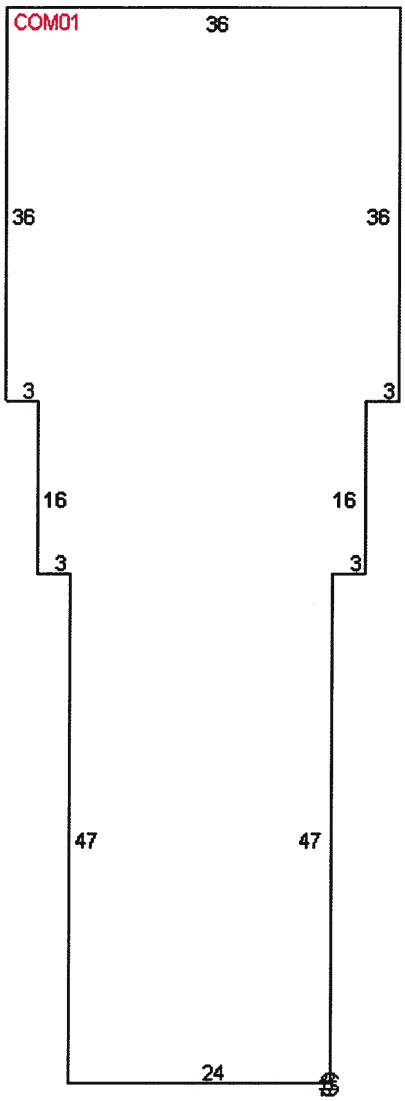
Neighborhood 3100 - US 41 IN TWP 16 Total Land - Class $70,680

Mkt: 1 70 Total Land - Just $70,680

Traverse

Building 1 of 1

COM01=L24U47L3U16L3U36R36D36L3D16L3D47.



Building Characteristics

Structure	4 - MASONRY NO PILAST		Year Built 2002
Effective Age	1 - 00-04 YRS	Obsolescence:	Functional 0.00 %
Condition	0 - 0	Obsolescence:	Locational 0.00 %
Quality Grade	600 - AVERAGE		Base Perimeter 270

Inspected on 1/1/2015 by 118

Exterior Wall: 01 NO EXTERIOR 85 %
32 CONC BLK-STUCO 15 %

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish		Sprinkler	A/C
1	15.0	1.00	2002	0 %	2,904	C27 CAR WASH	100 %	N	N

Section: 1

Elevator Shafts 0	Apartments 0	Kitchens 0	4FixBath 0	3FixBath 0
Elevator Landings 0	Escalators 0	Fireplaces 0	2FixBath 0	XFixture 1

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width	Depr Value
144 PAVING ASPHALT	10190.00	SF	5	2002	3	0.0	0.0	$6,766
159 PAV CONCRETE	312.00	SF	20	2002	3	0.0	0.0	$346

Total Depreciated Value as of 11/2/2015 - $7,112

Appraiser Notes

TIGERLAND CARWASH

Planning and Building, County Permit Search

** Permit Search **

Permit Number	Amount	Issued Date	Complete Date	Description
DN02901	$1	10/1/2001	-	CAR WASH

☐
☐
☐
☐
☐

Cost/Market Summary

Buildings R.C.N.	$107,877	3/11/2011
Total Depreciation	-$7,551	
Bldg - Just Value	$100,326	
Misc - Just Value	$7,112	3/11/2011
Land - Just Value	$70,680	4/17/2015
Total Just Value	$178,118	

Bldg Nbr	RCN	Depreciation	Depreciated
1	$107,877	$7,551	$100,326

CC: Sue T

Page	:	1 of 1 01/21/2016 15:08:51	**Ad Number**	:	12963447
			Ad Key	:	
Order Number	:	12848205	**Salesperson**	:	05 - Mary Ann Naczi
PO Number	:	PZ1516-028	**Publication**	:	Riverland Legals
Customer	:	10079093 zzCity of Dunnellon Legals	**Section**	:	Legals
Contact	:	Dawn M. Bowne, C.M.C., City Cl	**Sub Section**	:	Legals
Address1	:	20750 River Drive	**Category**	:	995E-Miscellaneous Notices
Address2	:		**Dates Run**	:	01/28/2016-01/28/2016
City St Zip	:	Dunnellon FL 34431	**Days**	:	1
Phone	:	(352) 465-8500 x23	**Size**	:	3 x 3.33, 37 lines
Fax	:	(352) 465-8505	**Words**	:	307
Credit Card	:		**Ad Rate**	:	99GOV
Printed By	:	Mary Ann Naczi	**Ad Price**	:	24.70
Entered By	:	Mary Ann Naczi	**Amount Paid**	:	0.00
			Amount Due	:	24.70
Keywords	:	435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COM			
Notes	:				
Zones	:				

435-0128 RIV
PUBLIC NOTICE
NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL
PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two variances for property located at 11191 N. Williams Street, Dunnellon FL, being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash. The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 16, 2016, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application number PZ1516-028, submitted by Robert Ziegenfuss, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. 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 hearings, 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 hearings 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.

Published January 28, 2016.

City of Dunnellon
FEB 01 2016
RECEIVED

LFV

CITRUS PUBLISHING
ATTN: LEGAL DEPARTMENT
1624 N MEADOWCREST BLVD.
CRYSTAL RIVER, FL 34429
352-726-0902 PHONE
352-726-9603 FAX

Riverland News - INVOICE

Dear Customer: 10079093 City of Dunnellon

This is an invoice to process your payment for the enclosed ad. Please include Order #12848205 on your check and send payment of $24.70 directly to the Legal Department at the above address. If you have paid previously, then disregard this invoice or keep for your records. REMEMBER: Payment is due in full within 20 days.

RE: 435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two varian

Ad publication dates:
January 28th, 2016,

Thank you for your business,

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas
Legal Representative

Proof of Publication

from the

RIVERLAND NEWS

Dunnellon, Marion County, Florida

PUBLISHED WEEKLY

STATE OF FLORIDA
COUNTY OF MARION
Before the undersigned authority personally appeared

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

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Of the Riverland News, a newspaper published weekly at Dunnellon, in Marion County, Florida, that the attached copy of advertisement being a public notice in the matter of the

435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two varian

Court, was published in said newspaper in the issues of January 28th, 2016,

Affiant further says that the Riverland News is a Newspaper published at Dunnellon in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in Marion County, Florida, each week and has been entered as second class mail matter at the post office in Dunnellon in said Marion County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Mary Ann Naczi

The forgoing instrument was acknowledged before me

This 28th day of January, 2016

By: Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

who is personally known to me and who did take an oath.

Mishayla Coffas

Notary Public

435-0128 RIV
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Published January 28, 2016.

NOTARY PUBLIC STATE OF FLORIDA
MISHAYLA COFFAS
MY COMMISSION #FF177190
EXPIRES November 18, 2018
(407) 398-0153 FloridaNotaryService.com

TO: **Riverland News**

FROM: Teresa Malmberg

DATE: January 21, 2016

RE: Legal Notice

Please publish the ad below on or before Thursday, January 28, 2016, in the Legal Section.

Please provide a proof for our review prior to publication.

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES

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Teresa Malmberg

From: Teresa Malmberg
Sent: Thursday, January 21, 2016 3:31 PM
To: 'Legals - Sumter, Marion, Gadsden & Wakulla'
Subject: RE: your first proof

Thanks Mary Ann! This proof is approved.

Have a wonderful weekend!

Regards,
Teresa A. Malmberg
Administrative Coordinator
Public Services &
Community Development
City of Dunnellon
Ofc: (352) 465-8500 x1010
Cell: (352) 445-0705
tmalmberg@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.

From: Legals - Sumter, Marion, Gadsden & Wakulla [mailto:mnaczi@chronicleonline.com]
Sent: Thursday, January 21, 2016 3:12 PM
To: Teresa Malmberg <tmalmberg@dunnellon.org>
Subject: your first proof

hi Teresa, here is your first proof.... thanks, mary ann

CITRUS PUBLISHING, ATTN: LEGAL DEPARTMENT
1624 N. MEADOWCREST BLVD., CRYSTAL RIVER, FL 34429
Phone: 352-726-0902 Fax: 352-726-9603 Email: mnaczi@chronicleonline.com

Hi there, this is your first proof, if there are any errors please let me know TODAY

FAILURE TO RESPOND WITH CORRECTIONS
WILL BE DEEMED AS AN ACCEPTANCE OF LEGAL

When paying your invoice please include Customer Number, (the number before your name), Order Number and Ad Number on your check and send the total in Cost: directly to the Legal Department at the above address. Payment is DUE IN FULL within 20 days of last insertion.

REMINDER: The original invoice will go out with the copy of the final proof, so if you have paid before that comes, just disregard it.

Thank you so much for your business! Mary Ann Naczi, Legal Rep

Customer Number: 10079093 City of Dunnellon
Order Number: 12848205
Ad Number: 12963447

Cost: $ 24.70

435-0128 RIV
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Published January 28, 2016.

HAVE A BLESSED DAY!!

Mary Ann Naczi Legal/Classified Rep. 8AM-4PM mon-fri.
Phone: 352-726-0902 Fax: 352-726-9603 email: legalads@chronicleonline.com
Legals for Sumter/Marion/Gadsden & Wakulla counties
DEADLINE FOR LEGAL ADS - THURSDAYS AT 5PM
Citrus County legals: Call Mishayla, 352-726-0902 email: legals@chronicleonline.com

---

From: Teresa Malmberg [tmalmberg@dunnellon.org]
Sent: Thursday, January 21, 2016 1:57 PM
To: Legals - Sumter, Marion, Gadsden & Wakulla
Cc: Lonnie Smith
Subject: Legal Notice for Publication 1/28 RLN

Please provide proof prior to and proof of publication. Thank you.

Regards,

Teresa A. Malmberg

Administrative Coordinator
Public Services &
Community Development
City of Dunnellon
Ofc: (352) 465-8500 x1010
Cell: (352) 445-0705
tmalmberg@dunnellon.org

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CITY OF DUNNELLON

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

January 29, 2016

NOTICE OF PUBLIC HEARINGS FOR VARIANCES

Dear Property Owner:

The Planning Commission of Dunnellon will hold public hearings for recommendations to the City Council regarding two variances requested by the Applicant, Robert Ziegenfuss. Applicant's property is located at 11191 N. Williams Street, Dunnellon FL, ("Subject Property"), being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash.

The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

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The application, filed under application number PZ1516-028, submitted by Robert Ziegenfuss, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. 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 variances and 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).

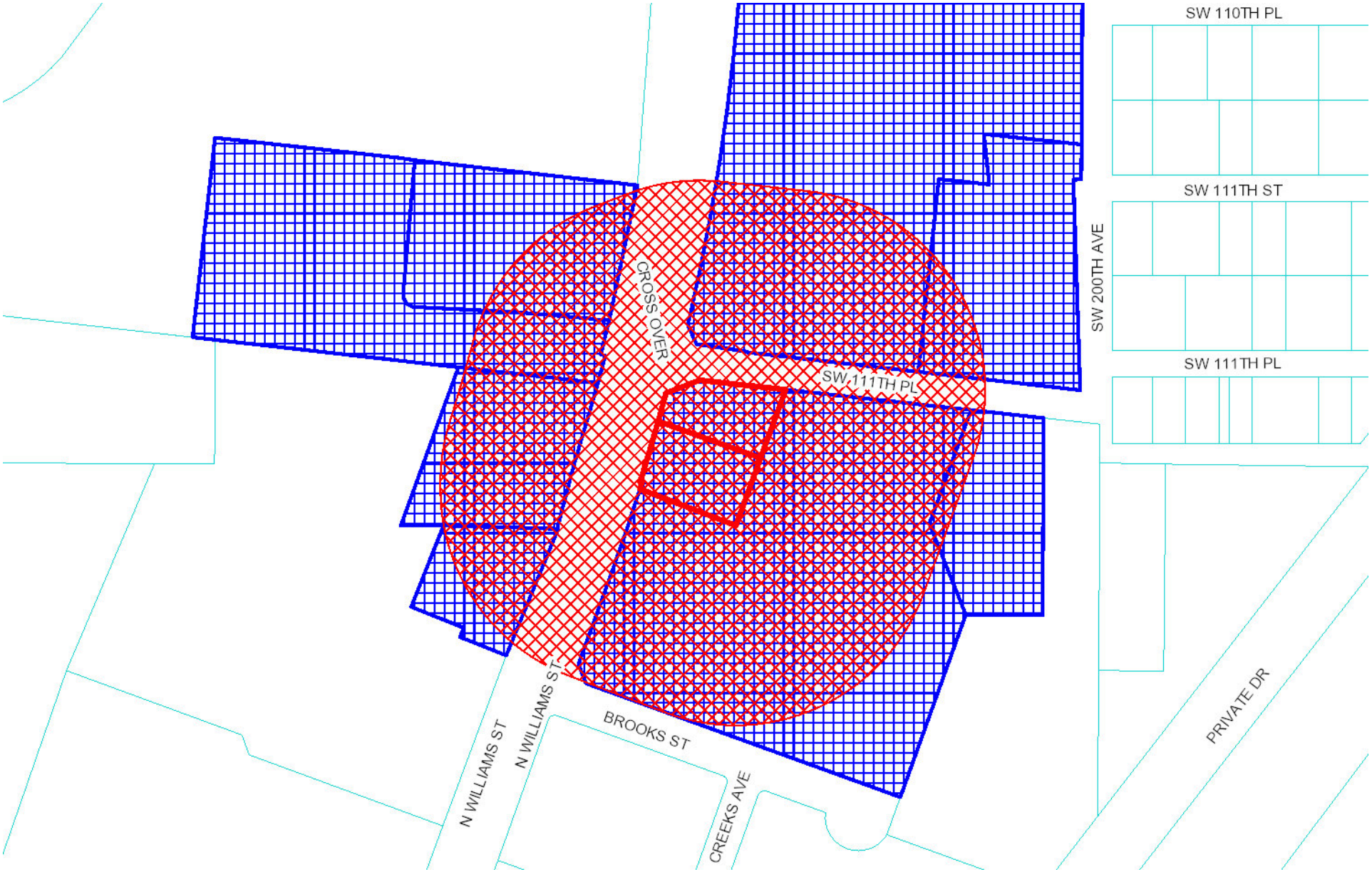
The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Eddie Esch, Sr.
City Manager

Villie M. Smith, CFA, ASA
Marion County Property Appraiser

GIS Web Mapping Application
Last Updated: 01/15/2016



DISCLAIMER: This is a work in progress. This application was compiled by the Marion County Property Appraiser's Office solely for the governmental purpose of property assessment. These are NOT surveys. Our goal is to provide the most accurate data available, however, no warranties, expressed or implied are provided with this data, its use, or interpretation. All information subject to change without notice. Use at your own risk.

DUNNELLON REAL ESTATE LLC
6401 CONGRESS AVE # 100
BOCA RATON FL 33487

COXCO1 LLC C/O CHELSEA MARINE
5023 FIRST COAST HWY # B201
AMELIA ISLAND FL 32034

RAINBOW IV INVESTMENTS RLLP
3535 E 161ST ST
CARAMEL IN 46033-8138

CFL PIZZA LLC
1146 CELEBRATION BLVD
CELEBRATION FL 34747

BALDEO SHYAM
20765 WALNUT ST
DUNNELLON FL 34431-6750

OCALA LUMBER COMPANY
PO BOX 1389
OCALA FL 34478-1389

SREE NSNK HOLDINGS LLC
1429 N ANNAPOLIS AVE
HERNANDO FL 34442-3318

MCDONALD'S CORP 009/0707
8240 SW STATE RD 200
OCALA FL 34481

DUNNELLON REAL ESTATE LLC
6401 CONGRESS AVE # 100
BOCA RATON FL 33487

DUNNELLON EQUITIES LLC
5728 MAJOR BLVD STE 505
ORLANDO FL 32819-7970

SREE NSNK HOLDINGS LLC
1429 N ANNAPOLIS AVE
HERNANDO FL 34442-3318

Duplicate

10 neighbor notices
1 Applicant notice
11@.485 = $5.335 postage

Wendy's

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, February 12, 2016 1:00 PM
To: Lonnie Smith
Cc: Teresa Malmberg; Eddie Esch
Subject: RE: Wendy's variances

Lonnie,

It is my opinion that that report is legally sufficient. Yes, a notary can swear-in witnesses at the hearing.

Best Regards,

DISCLAIMER:
The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Lonnie Smith [mailto:lsmith@dunnellon.org]
Sent: Friday, February 12, 2016 12:05 PM
To: Andrew Hand <ahand@shepardfirm.com>
Cc: Teresa Malmberg <tmalmberg@dunnellon.org>; Eddie Esch <EEsch@dunnellon.org>
Subject: Wendy's variances

Andrew,
Attached is the staff report for your review of legal sufficiency. We will need to get the agenda out today so please review at your earliest convenience.

….Also, can a notary do the swearing in for a quasi-judicial hearing? The reason I'm asking is that the planning meeting on Tuesday is looking to be a pretty easy one and most likely will not need legal advice. Maybe you could help me determine that after looking over the staff report.

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

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RESOLUTION #RES2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR 2016-02, A VARIANCE FROM LANDSCAPE BUFFER DEPTH REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 74-108(4)A OF THE CITY OF DUNNELLON CODE AND SECTION 9.3-1(A)1 OF THE CITY OF DUNNELLON LAND DEVELOPMENT REGULATIONS AS REQUESTED BY APPLICANT, ROBERT ZIEGENFUSS REPRESENTATIVE OF DUNNELLON REAL ESTATE, LLC, OWNER OF THE PROPERTY LOCATED AT 11191 N. WILLIAMS STREET, DUNNELLON, FLORIDA 34432; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 16, 2016 to consider a request by the Applicant Robert Ziegenfuss, representative of Dunnellon Real Estate, LLC, to approve a variance from the requirements of Section 74-108(4)a of the City of Dunnellon Code and Section 9.3-1(A)1 of the City of Dunnellon Land Development Regulations, such property being located at 11191 N. Williams St., Dunnellon, Florida 34432.

WHEREAS, the Planning Commission does have the authority under Section 94-37(11) of the Code of Ordinances to recommend to the City Council approval, disapproval, or approval with conditions of a variance from the terms of the relevant ordinance as will not be contrary to the public interest, so long as an applicant proves that all of the applicable criteria are met.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑ has ☐ has not shown that owing to special conditions, a literal enforcement of the provisions of the applicable ordinances that would result in unnecessary and undue hardship.

WHEREAS, the Planning Commission ❑ does ☐ does not find that the Applicant ❑ has ☐ has not shown that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the special conditions and circumstances do not result from the actions of the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that granting the variance will not confer on the Applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that literal interpretation of the provisions of the applicable ordinances would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the variance proposed is the minimum variance which makes possible the reasonable use of the land, building, or structure.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the granting of the variance will be in harmony with the general intent and purpose of the applicable ordinances and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, the City of Dunnellon Planning Commission 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 CITY OF DUNNELLON PLANNING COMMISSION THAT:

A recommendation of ☐ approval ☐ disapproval ☐ approval with conditions in regard to the requested application for a variance requested by Robert Ziegenfuss for property owned by Dunnellon Real Estate, LLC located at 11191 N. Williams Street, being Marion County Tax Parcel Identification Numbers 33639-006-001 & 33639-006-02, subject to the following recommended conditions:

1. _____
2. _____
3. _____

Severability. 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.

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on February 16, 2016 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;

Commissioner Brenda D'Arville	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Lisa Sheffield	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Tracy Fero	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Wilber Vanwyck	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Paul Cowan	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Maguire - 2nd Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote

Attested by:
PLANNING COMMISSION,
CITY OF DUNNELLON

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

This 16th day of February, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 16th day of February, 2016.

RESOLUTION #RES2016-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR 2016-03, A VARIANCE FROM SECTION 9.3-1(A)2 OF THE CITY OF DUNNELLON LAND DEVELOPMENT REGULATIONS TO ALLOW A DUMPSTER IN THE LANDSCAPE BUFFER, AS REQUESTED BY APPLICANT, ROBERT ZIEGENFUSS REPRESENTATIVE OF DUNNELLON REAL ESTATE, LLC, OWNER OF THE PROPERTY LOCATED AT 11191 N. WILLIAMS STREET, DUNNELLON, FLORIDA 34432; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 16, 2016 to consider a request by the Applicant Robert Ziegenfuss, representative of Dunnellon Real Estate, LLC, to approve a variance from the requirements of Section 9.3-1(A)2 of the City of Dunnellon Land Development Regulations to allow a dumpster in the landscape buffer, such property being located at 11191 N. Williams St., Dunnellon, Florida 34432.

WHEREAS, the Planning Commission does have the authority under Section 94-37(11) of the Code of Ordinances to recommend to the City Council approval, disapproval, or approval with conditions of a variance from the terms of the relevant ordinance as will not be contrary to the public interest, so long as an applicant proves that all of the applicable criteria are met.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑ has ☐ has not shown that owing to special conditions, a literal enforcement of the provisions of the applicable ordinances that would result in unnecessary and undue hardship.

WHEREAS, the Planning Commission ❑ does ☐ does not find that the Applicant ❑ has ☐ has not shown that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the special conditions and circumstances do not result from the actions of the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that granting the variance will not confer on the Applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that literal interpretation of the provisions of the applicable ordinances would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the variance proposed is the minimum variance which makes possible the reasonable use of the land, building, or structure.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the granting of the variance will be in harmony with the general intent and purpose of the applicable ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, the City of Dunnellon Planning Commission 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 CITY OF DUNNELLON PLANNING COMMISSION THAT:

A recommendation of ☐ approval ☐ disapproval ☐ approval with conditions in regard to the requested application for a variance requested by Robert Ziegenfuss for property owned by Dunnellon Real Estate, LLC located at 11191 N. Williams Street, being Marion County Tax Parcel Identification Numbers 33639-006-001 & 33639-006-02, subject to the following recommended conditions:

1. _____
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3. _____

Severability. 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.

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on February 16, 2016 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;

Commissioner Brenda D'Arville	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Lisa Sheffield	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Tracy Fero	❑Yes	☐No	☐Abstain	☐Did Not Vote
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Commissioner Paul Cowan	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Maguire - 2nd Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote

Attested by:
PLANNING COMMISSION,
CITY OF DUNNELLON

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

This 16th day of February, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 16th day of February, 2016.