Agenda
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
September 20, 2016 at 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.

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

Call to Order
Pledge of Allegiance

Roll Call

Proof of Publication (Posted on City's website and City Hall bulletin board on Friday, September 16, 2016)

1. Approval Of Minutes

2. Chairman's Report From City Council

3. Quasi-Judicial Hearing - Variance/VAR2016-04/PZ1516-072/Virmane LLC/Paul Gibbs, Landscape Architect

    - Chair to close regular meeting and open quasi-judicial hearing
    - Swearing in of all persons who will give testimony
    - Commission members to disclose ex-parte communication
    - Commission members to disclose conflict of interest
    - Staff presentation
    - Applicant Presentation
    - Chair to close quasi-judicial hearing and reopen regular meeting

    Documents:

    VAR2016-04 Variance Virmane LLC Landscape Buffer.pdf

4. Resolution #RES2016-17 - Virmane LLC Variance

    Request to Recommend Approval of Variance to Landscape Buffer for Virmane LLC, Resolution #RES2016-17

    Proposed Motion: I move that Resolution 2016-17 be read by title only

    Proposed Motion: I move that Resolution 2016-17 be approved as read

    Documents:

    2016-17 Planning Commission Resolution - Virmane LLC.pdf

5. Items For Discussion

Review Comprehensive Plans from Other Cities

6. Public Comment

7. 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: September 20, 2016

REQUEST FOR APPROVAL OF: Variance from Landscape buffer plantings requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Virmane Professional Offices

PROJECT NUMBER: PZ1516-072 / VAR 2016-04

PROJECT REPRESENTATIVE(S):
Applicant: Virmane LLC
Property Owner: Virmane LLC Viviene/Neal Lumapas

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
20056 E. Pennsylvania Ave Dunnellon, FL 34432	3383-007-004

PARCEL SIZE: 0.72 Acres

EXISTING FUTURE LAND USE MAP: Traditional Neighborhood

EXISTING ZONING: NBR Neighborhood Business Residential

EXISTING USE: Professional Offices (under construction)

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant seeks a variance from CHAPTER 74 Sec.74-108(4)(b) to allow three(3) canopy and twenty five(25) understory trees rather than the three canopy and five understory trees for each 100' of buffer width that is required

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:

The subject property is a professional office that is currently under construction. During the Site plan review a Landscape plan was submitted for approval. During that approval process, a Variance for the required landscape buffer width was granted.
As the building progressed, it was thought that the amounts of landscaping required and shown on the Landscape plan would be too dense to be practical, inhibit survivability of the plantings, and interfere with existing Utilities and sidewalks.
The Applicant has now applied for a Variance for the Landscape plan that will reduced the required amount of plantings and also the sizes and types. The Applicant is requesting that the Variance allow three Canopy trees and twenty five understory trees instead of the original nineteen Canopy and seventeen understory trees. The required hedge would not be altered.

The Landscape Architect has performed an analysis of the site and has concluded that the following are areas of concern with the existing Landscape Plan:

1) Only 10ft spacing of trees along E Pennsylvania Ave
2) Possible water main and sidewalk interference as Canopy trees mature
3) Possible Canopy tree root interference with underground electric on West border
4) Use of smaller caliper plantings to aid in successful transplant and ease of finding specimens

4. COMPREHENSIVE PLAN:

Compatibility:

The subject property is located in the land use designation of Traditional Neighborhood. The Zoning district is NBR and is one of the permitted classifications in this land use category. The nature and type of landscaping is not considered inconsistent with the comp plan.

5. REVIEW OF APPLICATION:

<u>Relevant Sections of the Code</u>

- *Land Use and Development Code, Appendix A, Article IX Section 9.3-1(a)1*

    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 section74-108. 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.*

- *Land Use and Development Code, Chapter 74, Article IV,* ***Section 74-108***

(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

b. Required landscaping. Within each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this article: three canopy trees and five understory trees along the property boundaries, together with a minimum three-gallon shrubbery or hedge to provide a continuous visual screen along all streets.

- *Land Use and Development Code, Chapter 74,* ***Section 74-63 (e)***

Tree removal permit requirements and procedures

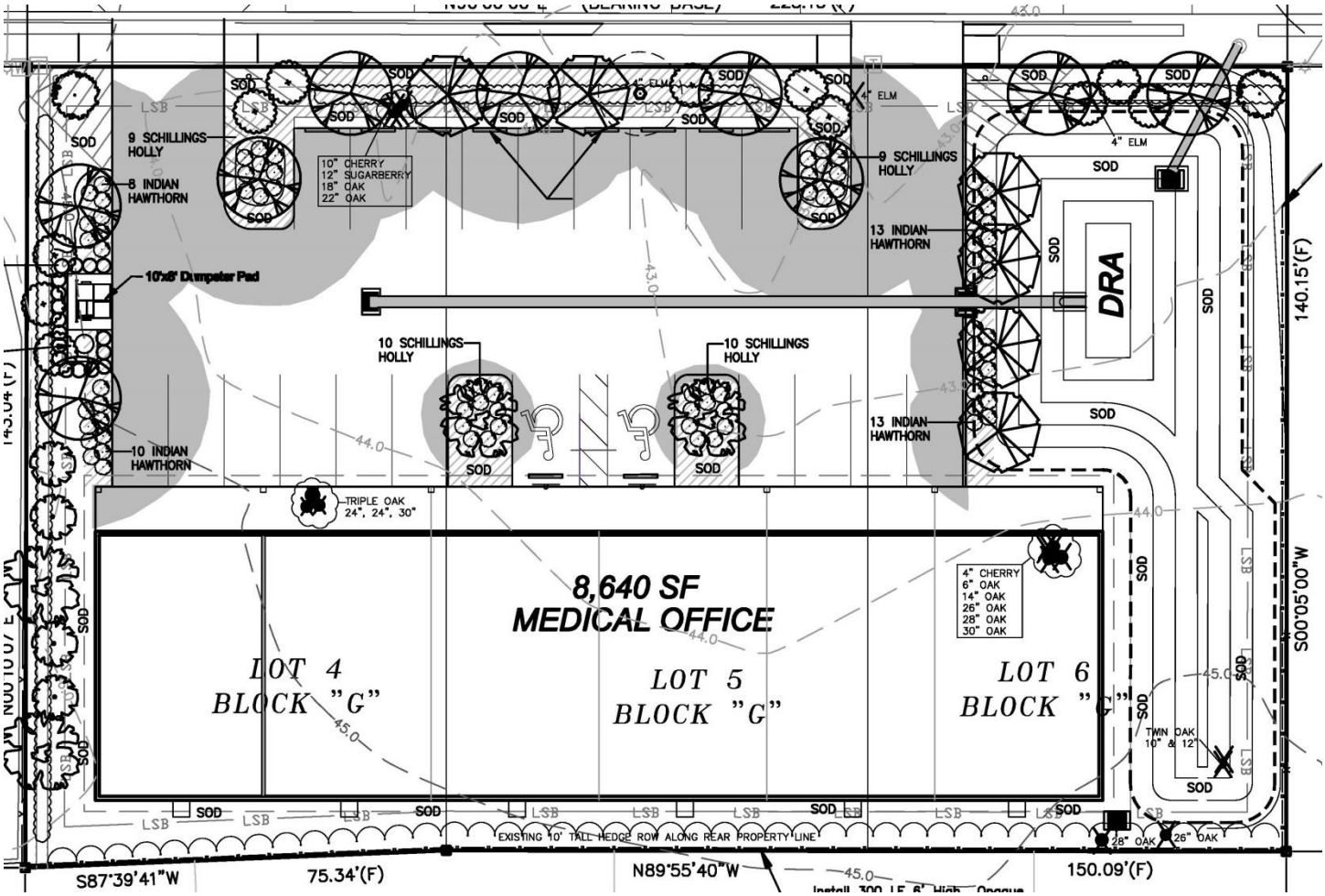
(e) A tree restoration fund shall be established and maintained by the City of Dunnellon. The purpose of the tree restoration fund is to support planting and replacing trees throughout the city. Where protected trees are removed and cannot be relocated or replaced on the development lot or parcel, a property owner shall pay a fee-in-lieu of replacement. Such fees will be deposited to the tree restoration fund. The applicable fees shall be adopted by resolution of the city council. The payment of a fee-in-lieu of replacement may be authorized by the city planning director or designee. Payments given credit as a replacement alternative are costs in addition to other city development and impact fees and are not creditable against these fees. The purpose of the replacement alternate system is to allow the owner/applicant to select an alternative that will best benefit the project, the surrounding area, and the citizens and visitors of the City of Dunnellon. The system permits payment into the tree bank, in lieu of tree replacement for the replacement shortfall. Prior to requesting approval of an alternative to tree replacement, the landscape design shall meet the following requirements, and be able to demonstrate as such:

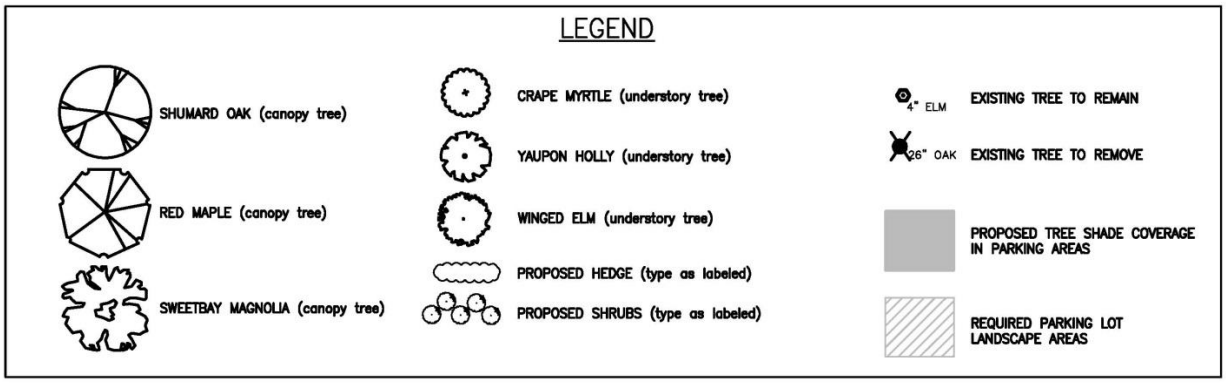
(1) Tree placement on the site shall be maximized to the greatest extent possible;

(2) The size of the trees provided exceeds the minimum requirements; and

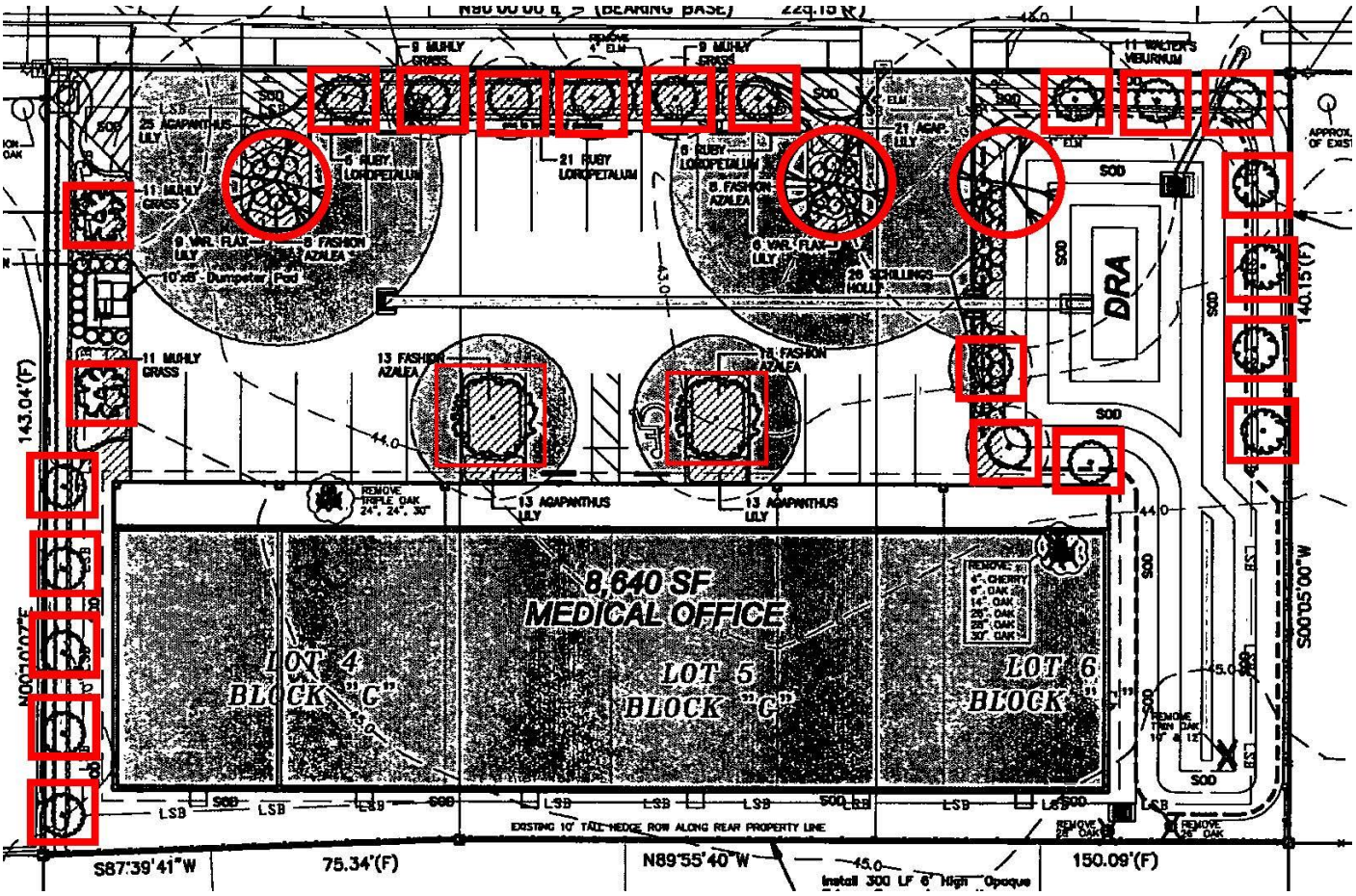
(3) All possible modifications to the site design have been made to preserve the greatest amount of trees. Waivers shall not be granted to avoid or reduce payment to the replacement requirements.

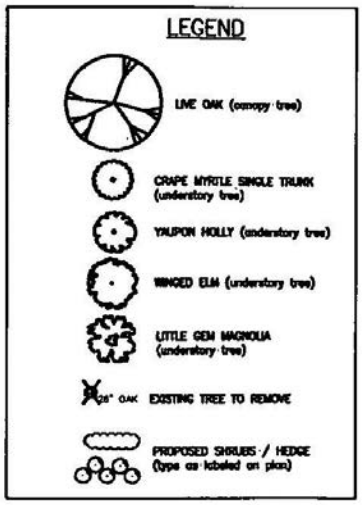
Landscape Plan (original)





Landscape Plan (proposed)





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: A special condition exists due to a prior Variance that allows a smaller landscape buffer width. The smaller width results in higher density plantings.
2. The special conditions and circumstances do not result from the actions of the applicant.

   Response: The applicant's actions have not created the density issue due to a smaller landscape buffer width.
3. Granting the variances 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 the requested variances. There will be no change to the building use or function.
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 subject property's landscape buffers have been constrained by a prior Variance. The installation of all vegetation required by the code could hinder the proper growth of the landscaping and possibly incur greater costs on the owner and city due to infrastructure damage.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   Response: The variance requested is the minimum, according to a certified landscape architect, to allow the reasonable use of this property. The subject property has been altered to create the least amount of impact to the code requirements.
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: The subject property has relatively little open space due to a large Drainage Retention Area required by the SW Florida Water Management District. The proposed variance will improve the survivability of the landscaping, clear sight triangles as you enter E Pennsylvania Ave, and limit interference of Utilities and City Infrastructure.

7. <u>STAFF RECOMMENDATION:</u>

Staff recommends the Planning Commission recommend City Council approve the requested variance with the condition that the property owner contributes to the Tree Restoration Fund.

Teresa Malmberg

From: Lonnie Smith
Sent: Friday, September 16, 2016 10:52 AM
To: Teresa Malmberg
Cc: Andrew Hand (ahand@shepardfirm.com)
Subject: final staff report
Attachments: Staff Report Lumapas landscape variance LS rev1.docx

Attached is the completed Staff report for Virmane variance. Completed after a discussion with Andrew today. T, It's already in the network folder.

Thanks,

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

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

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1516-072**
FLORIDA MUNICIPAL SERVICES

Permit Address: 3383-007-004 E Pennsylvania Ave
Parcel ID: 3383-007-004

Permit Type: Variance

2nd Permit Type: Administrative Fee

Owner: Virmane LLC

Address: P O Box 2540, Dunnellon, FL 34430

Remarks:

Notes:
VAR2016-04

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)		
Other:			
Other:			
Other:			
Other:			
Trash Deposit (Refundable)	$300.00		36000

	Bank	Check #	CC Type	Amount
Cash:				
Check:	Regions	1047		$550.00
Credit:				
Refund:				

TOTAL: $550.00 **Signed:** **Date:** 7/26/2016

MISCELLANEOUS PAYMENT RECPT#: 490744
CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON FL 34431-0000

DATE: 07/27/16 TIME: 16:07
CLERK: 81271bar DEPT:
CUSTOMER#: 0

COMMENT: VIRMANE/PZ1516-072

CHG: 32201 PERMIT ADMINIST 550.00

AMOUNT PAID: 550.00

PAID BY: VIRMANE LLC
PAYMENT METH: CHECK
1047
REFERENCE:

AMT TENDERED: 550.00
AMT APPLIED: 550.00
CHANGE: .00

VAR2016-04
PC RES2016-17 DOR2016-03

City of Dunnellon
Planning and Zoning Application

RECEIVED
JUL 26 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

Date: 7-25-16 Application No.: PZ1516-072

Applicant Name: Virmane LLC Phone# 352-299-7446
Address: PO Box 2540 Fax # 352-465-3733
Dunnellon, FL 34430 Email Address: vlumapas@att.net

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

Owner(s) Name: Virmane LLC - Neal Lumapas Viviene Phone # same
Address: 2551 SW 35th St Fax # "
Ocala, FL 34471 Email Address: "

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: Variance on landscape buffer - tree plan - see attached detail
Project Title (Site Plans, future/existing subdivisions only): _____
Property Address: Rainbow River Acres Blk E, Lots 4,5,6 Property Size (acres): 0.72
Parcel ID Number: 3383-007-004
Existing Use of Property: (Under construction)
Existing Zoning: B3 Current/Future Land Use: Traditional Neighborhood
Current number of structures on the property: None
Type of structure(s) on property (house, shed, etc): Medical Prof Bldg under construction
Proposed Use of Property: "
Proposed Zoning: _____ Proposed Land Use: _____
Please Explain Your Request for the Proposed Zoning and/or Future Land Use: _____

PC Mtg 9/20/2016

What utilities currently exist on the site? New construction

☐ 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 PN1415-072/ VAR 2015-01

Submittal Requirements: Check Box For Each Item You Are Attaching

All Applications MUST provide the following:

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

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

- ☐ Lot Plan
- ☐ Survey of the Property
- ☐ Diagram

Specific Attachments:

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

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

ADDITIONAL INFORMATION: PLEASE READ

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

Property Owner & Agent Affidavit

Date: 7-26-16

Before me, the undersigned authority personally appeared, Viviene Lumapas (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:

_____

_____

3 N/A That said authority (property owner) has appointed _____ (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 Carlene Glinski (date) by
Viviene F. Lumapas (name)
Of affiant, deponent, or other signer He/she is
personally known to me or has presented
Florida Driver License
as identification.
Carlene Glinski
PUBLIC NOTARY

SEAL:

CARLENE GLINSKI
MY COMMISSION # EE 128758
EXPIRES: Sept. 28, 2019

Agent's Signature

STATE OF FLORIDA
COUNTY OF MARION
Subscribed and sworn to (or affirmed) before
me on _____ (date) by
_____ (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.

Marion County Property Appraiser

Villie M. Smith, CFA, ASA

Select Language Powered by Google Translate

HOMESearchPrevious ParcelNext ParcelTRIM NoticeTRIM SupplementAddress Change FormSales Verification Form

GO TO 2014 2013 2012 PRC

2015

3383-007-004

Prime Key: 806200 MAP IT As of 6/15/2015

Property Information

VIRMANE LLC
PO BOX 2540
DUNNELLON FL 34430

Taxes / Assessments:
Map ID: 21
Millage: 3002

M.S.T.U.
PC: 00
Acres: 0.72

Values NOT Available

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2014	$46,530	$0	$0	$46,530	$46,530	$0	$46,530
2013	$46,530	$0	$0	$46,530	$46,530	$0	$46,530
2012	$46,530	$0	$0	$46,530	$46,530	$0	$46,530

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
6186/1456	03/15	05 QUIT CL	0	U	V	$100
5735/1877	09/12	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	$80,000
3978/1489	03/05	0 WARRANTY	2 V-SALES VERIFICATION	Q	V	$115,000
3368/0312	02/03	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	$25,000
2591/0550	12/98	07 WARRANTY	7 PORTIONUND INT	U	V	$100

Property Description

SEC 35 TWP 16 RGE 18
PLAT BOOK F PAGE 027
RAINBOW RIVER ACRES
BLK G LOTS 4 5.6

Land Data - Warning: Verify Zoning

Use	Front	Depth	Zoning	C	Notes	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0001	75	141	RBO		ON PENNSYLVANIA	75.00	FF		1.00	0.88	1.00		
0001	75	140	RBO		ON PENNSYLVANIA	75.00	FF		1.00	0.88	1.00		
0001	75	140	RBO		ON PENNSYLVANIA	75.00	FF		1.00	0.88	1.00		

Neighborhood 8101 - LOTS FRONT ON PENNSYLVANIA AVE

Mkt: 1 70

LC26000227

Community Land Design, Inc.
Land Planning & Landscape Architecture

RECEIVED
JUL 26 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

TO: City of Dunnellon

FROM: Paul Gibbs, Landscape Architect

DATE: July 26, 2016

SUBJECT: Virmane Professional Office Variance Application

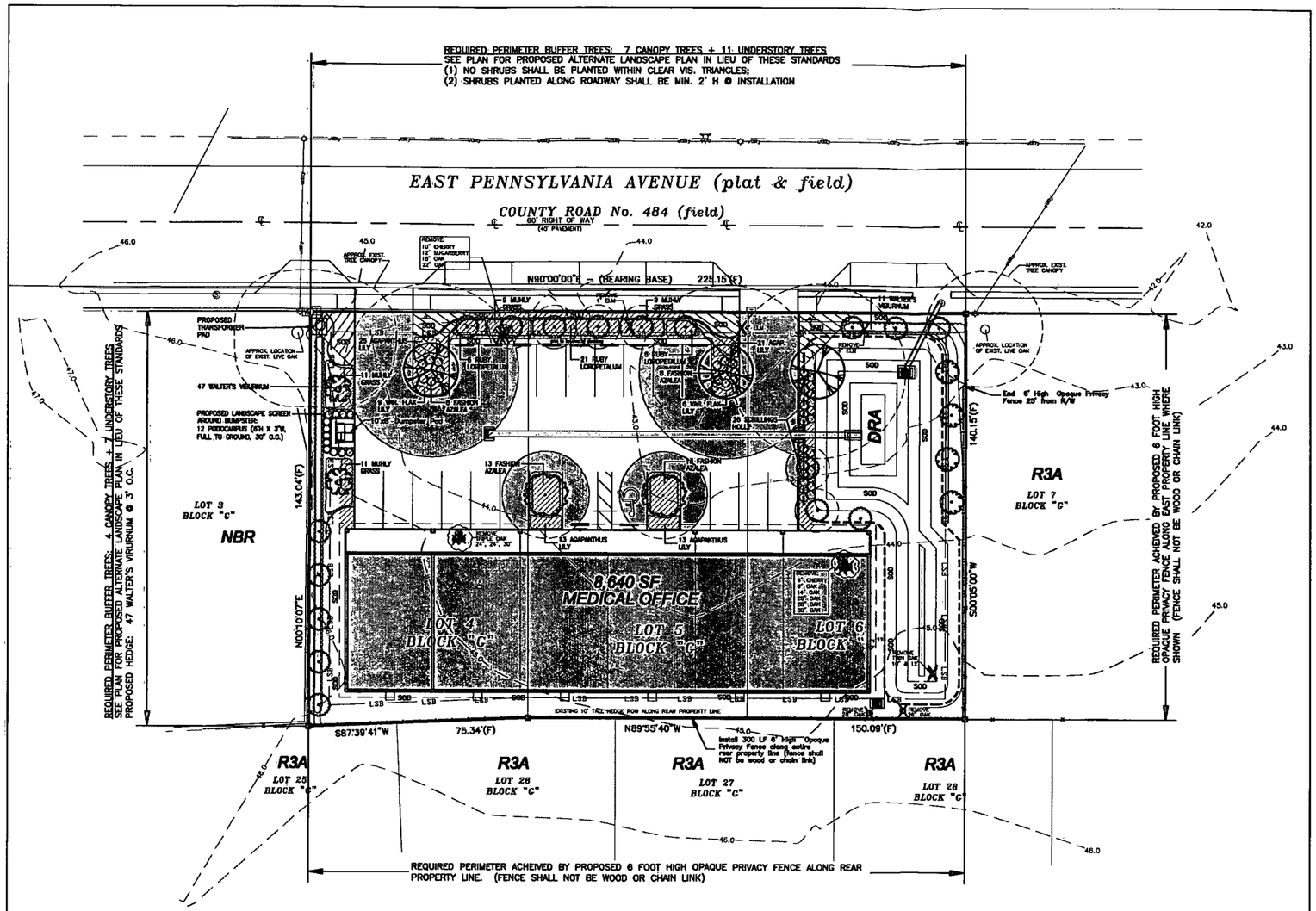
The Virmane Professional Office is currently under construction along East Pennsylvania Avenue (Parcel #3383-007-004). A landscape plan was previously designed and approved as part of the site permitting process. With site and building construction underway, it is evident that there is limited open space available to install the quantity and sizes of trees required by the Land Development Code. In addition, there are potential conflicts with underground utilities and adjacent sidewalks and driveways. As such, the Owner has requested that I redesign the landscape plan that better fits the site conditions while still meeting the intent of the Landscape Code. Below is a summary of purposes for this request as well as a description of the proposed revised landscape plan·

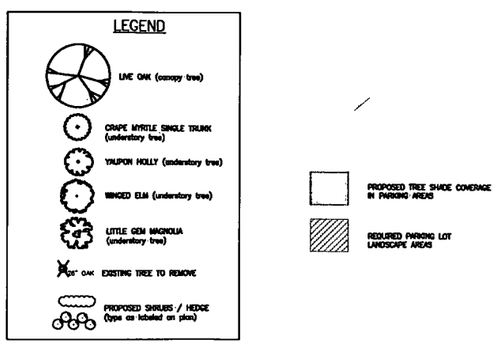
DESCRIPTION OF REQUEST:

1. The landscape buffer along East Pennsylvania Avenue requires 3 canopy trees + 5 understory trees per 100 linear feet of lot frontage. For this site, that equals a required 7 canopy trees + 11 understory trees or 18 total trees. In order to fit this quantity of trees requires that the trees be spaced only 10 feet apart on average considering the two proposed driveways plus the associated clear visibility triangles. This close spacing of trees will not allow the trees to form a well developed shade canopy. A more typical canopy tree spacing, especially when used as a street tree, is 30 to 50 feet depending upon the tree species.
2. Adjacent to the landscape buffer along East Pennsylvania Avenue is an existing city water main located about 1 foot outside of the property line. The installation of large canopy trees in this area can potentially interfere with this water main and the adjacent sidewalk as the canopy trees mature in size.
3. The proposed trees shown on the variance plan along this street frontage are spaced 15 feet apart. Only understory trees are proposed for this landscape buffer strip to minimize potential conflicts and damage to the adjacent water main and sidewalk. 3 larger canopy trees are proposed directly adjacent to this buffer strip at the driveway entrances. These trees are placed where there is more space for the trees to mature and to minimize conflicts with the adjacent water main and sidewalk. In addition to the proposed trees are groups of shrubs to form a continuous hedge as required as part of the buffer standards.

1773 East Cleveland Street, Hernando, FL 34442
352-637-1742 paulcld2000@tampabay.rr.com www.communitylanddesign.com

4. A similar landscape buffer is required along the west property boundary. This area also has very limited space in addition to underground electric to serve the building under construction. Along this western boundary on the adjacent developed lot is an existing driveway. Due to these constraints, the variance plan proposes the use of smaller understory trees only along this boundary with a spacing of 15 feet. No canopy trees are proposed for this area to minimize conflicts with the underground electric, the existing driveway on the adjacent lot as well as the building under construction. In addition to the smaller proposed understory trees are shrubs to form a continuous hedge as required as part of the buffer standards.
5. The current approved landscape plan showed a total of 36 proposed trees. The proposed variance plan proposes 28 total trees. 3 of the proposed trees are larger canopy trees. These canopy trees are placed to maximize shading of the parking lot. The remaining proposed trees are understory trees to better fit the constraints of the site.
6. Even with the proposed reduction of the number of canopy trees, the shaded area of the parking lot is calculated at 51.3%, which is a slight increase from the current approved plan having 48.4% shaded area. (20% of the vehicular use area is required to be shaded by tree canopy)
7. On the variance plan, all trees have a proposed minimum installation size that meets the standards of the tree ordinance (2.5" caliper for canopy trees and 1.5" caliper for understory trees). On the previous plan, many of the proposed trees were shown having a 4" DBH trunk to try to meet the tree replacement requirements. It is difficult to locate the variety of proposed trees at this large 4" DBH trunk size. In addition, the planting of trees of this size have a reduced chance of surviving and thriving into a mature tree.
8. In lieu of installing 4" DBH trees for replacement mitigation, the owner desires to pay into the tree restoration fund established by the City to compensate for tree removals. There is not sufficient space on the developed site to accommodate the larger tree sizes for on-site mitigation and replacement.
9. The proposed variance plan shows a total of 28 trees to be planted. For this 0.72 acre site, this is equivalent to 38.9 trees per acre. In the predeveloped condition, the site had 19 existing trees located by survey or an equivalent of 26.3 trees per acre.
10. In summary, the proposed landscape code variance plan provides a plan that reduces conflicts with existing and proposed utilities, the city sidewalk and the driveway on the adjacent lot. In addition, this plan exceeds the vehicular use area shade requirement as well as the tree per acre requirement. The proposed landscape plan variance will provide an attractive, well landscaped site that will fit in well with the adjacent developed area of East Pennsylvania Avenue





RECEIVED
JUL 26 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

LANDSCAPE CODE REQUIREMENTS SUMMARY:

REQUIRED PARKING LOT LANDSCAPE:
All parking lots with 21 or more spaces shall require at least 20% of the vehicular use area to be shaded. Shade canopy radii shown in the parking area is the average mature canopy spread per each proposed tree type as published by University of Florida IFAS Extension. 4,799 sq. ft. shaded area (solid hatch) shown / 9,354 sq. ft. parking area = 51.3% of the vehicular use area is shown to be shaded. This exceeds the minimum 20% required.

A minimum of 10% of the paved parking area shall be devoted to landscaping. (9,354 sf. ft. parking area x 10% = 935 sq. ft. landscaping required; 2,099 sq. ft. or 22.4% provided – see cross hatched areas on plan)

TREE PRESERVATION AND REPLACEMENT:

EXISTING TREES TO BE REMOVED	EXISTING TREES TO BE PRESERVED
10" Cherry	None
12" Sugarberry	
18" Oak	
22" Oak	
4" Elm X 3	
10"/12" Twin Oak	
4" Cherry	
6" Oak	
14" Oak	
24" Oak X 2	
26" Oak X 2	
28" Oak X 2	
30" Oak X 2	
TOTAL 336 DBH INCHES TO BE REMOVED	None

The tree survey shows 19 existing trees on this project site. 19 trees / 0.72 acres = 26.4 existing trees per acre. 50% of the existing trees shall be protected or replaced per City Code or a payment of a fee-in-lieu of shall be required. Protected trees authorized for removal shall be replaced on a one-inch for one-inch basis. Total DBH inches to be removed (as shown in table) = 336 inches. This plan shows 44 caliper inches to be planted. City to calculate possible fee-in-lieu to meet mitigation requirements as site is too small to accomodate additional tree plantings.

Total tree credits = 0 based upon DBH sizes of existing tree to remain.

Proposed trees shall meet the Standards for Florida #1 or better, as set out in *Grades and Standards for Nursery Plants*, Dept of Agriculture, State of Florida.

Landsape Contractor shall become familiar with additional Standards for Tree Specifications, Tree Installation and Tree Maintenance. as specified in Section 74-66 of the City Code

LANDSCAPE BUFFER REQUIREMENTS:

1. Buffers shall be provided on the outer perimeter of a lot or parcel.
2. Within each 100 linear feet of boundary, three canopy trees and five understory trees plus a continuous hedge (min. 3 gallon shrubs). Shrubs abutting roadways shall be a minimum two feet in height immediately after planting. See plan for proposed alternate landscape plan in lieu of these standards. Tree reductions proposed due to space constraints and nearby underground utilities.
3. See plan for proposed landscape buffers and calculations. The required buffer along the south and east boundaries shall be met by installation of a 6 foot high opaque privacy fence as shown on the plan. Fence shall NOT be wood or chain link.

OTHER REQUIREMENTS:

1. All proposed trees shall be guyed, braced or staked at the time of planting.
2. All landscape areas shall be finished with a 3" layer or organic mulch. Mulch shall not come in contact with woody plant or tree trunks.
3. All proposed turf areas as labeled on the plan shall be of type suitable for site conditions.
4. An automatic irrigation system shall be installed for full coverage on all pervious surfaces. Moisture sensor and/or rain shutoff sensor shall be required.
5. Additional requirements can be found within the City Code.

PROPOSED TREE SCHEDULE

Quantity	Common Name	Minimum Installed Size	Total Replacement Inches
3	Live Oak Tree	2.5" caliper x 10' high	7
17	Crape Myrtle Tree (single trunk)	1.5" caliper x 6' high minimum (single trunk)	25
4	Yaupon Holly Tree	1.5" caliper x 6' high minimum (single trunk)	6
2	Winged Elm Tree	1.5" caliper x 6' high minimum (single trunk)	3
2	Little Gem Magnolia Tree	1.5" caliper x 6' high minimum (single trunk)	3
			44 TOTAL INCHES PROPOSED FOR REPLACEMENT

PROPOSED SHRUB SCHEDULE

Quantity	Common Name	Minimum Installed Size
12	Podocarpus	6'Hx3'W Full to Ground
33	Ruby Loropetalum	24" high min., 7 gallon
40	Muhly Grass	24" high min.
26	Schillings Holly	3 gallon
42	Fashion Azalea	3 gallon
58	Walter's Viburnum	24" high min., 3-7 gallon
72	Agapanthus Lily	3 gallon
15	Variegated Flax Lily	3 gallon

N W E S

811 Know what's below. Call before you dig.

FLORIDA STATE LAW REQUIRES CONTRACTORS TO CALL SUNSHINE STATE ONE CALL OF FLORIDA, INC. AT "811" AT LEAST 48 HOURS, (TWO FULL BUSINESS DAYS) IN ADVANCE OF DIGGING AND EXCAVATION. THE CONTRACTOR SHALL VERIFY THAT ALL UTILITY OWNERS HAVE MARKED THE PROJECT AREA. IT IS POSSIBLE THAT NOT ALL UTILITIES ARE MEMBERS, REQUIRING DIRECT CONTACT. SEE www.callsunshine.com FOR MORE DETAILED RULES AND REQUIREMENTS.

Community Land Design, Inc.
Land Development Planning Landscape Architecture
LC#0000022
1773 East Cleveland Street Hernando, FL 34442
Phone: 352-637-1742 Email: paulcld2000@tampabay.rr.com

VIRMANE PROFESSIONAL OFFICES
Dunnellon, Florida

LANDSCAPE CODE Variance Plan 07/26/16

REVISIONS:

Date	Description
01/24/13	Remove 2 oak trees along rear property line per City Review Comments
06/28/13	Add privacy fence along rear & east property line in place of landscaping
07/26/16	Modify landscape plan for variance application per owner request

Registered Landscape Architect #1193
Signature: Paul D. Cleveland
Date: 7/26/16

DRAWN BY: PCG
DATE: 07/15/15
SCALE: 1" = 20'

SHEET
L1 OF 1

TO: **Riverland News**

FROM: Teresa Malmberg

DATE: August 25, 2016

RE: Legal Notice

Please publish the ad below on Thursday, September 1, 2016, in the Legal Section.

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

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER APPLICATION FOR VARIANCE

The Planning Commission will hold quasi-judicial public hearing for recommendations to the City Council regarding a variance for property located at E. Pennsylvania Avenue, being Parcel Number 3383-007-004, physical address being 20056 E. Pennsylvania Avenue. The Applicant seeks a variance from Section 74-108(4)b of the City Code, which requires "...within each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this article: three canopy trees and five understory trees along the property boundaries, together with a minimum three-gallon shrubbery or hedge to provide a continuous visual screen along all streets."

The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, September 20, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice. One or more members of City Council may be present at this meeting and may speak.

The applications, filed under application number PZ1516-072, submitted by Virmane, LLC, 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.

emailed to LW for LF 9/2

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Thursday, August 25, 2016 11:07 AM
To: Teresa Malmberg
Cc: Lonnie Smith; Dawn Bowne; Lynn Wyland; Sue Lavac
Subject: RE: Lumapas_Advertisement DRAFT to AJH for finding of Legal Sufficiency

Teresa,

Please add the following language to the notice:

"One or more members of City Council may be present at this meeting and may speak."

Looks good with that inclusion –

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: Teresa Malmberg [mailto:tmalmberg@dunnellon.org]
Sent: Wednesday, August 24, 2016 4:21 PM
To: Andrew Hand <ahand@shepardfirm.com>
Cc: Lonnie Smith <lsmith@dunnellon.org>; Dawn Bowne <dbowne@dunnellon.org>; Lynn Wyland <lwyland@dunnellon.org>; Sue Lavac <SLavac@dunnellon.org>
Subject: Lumapas_Advertisement DRAFT to AJH for finding of Legal Sufficiency

Andrew,

Please review for legal sufficiency. I need to send to Riverland News by end of day Thursday. I'll be sending applicant and neighbor notices sometime Thursday, but I won't mail them until August 31st.

For your reference, attached is the email Lonnie sent me w/the relevant code section for the requested variance.

Regards,
Teresa A. Malmberg
Administrative Coordinator
City of Dunnellon
Community Development &
Public Services

Ofc: (352) 465-8500 x1010
Cell: (352) 445-0705
tmalmberg@dunnellon.org

The City of Dunnellon has a $75 fee for lien and/or utility searches in our jurisdiction / service area.
Send requests to liensearch@dunnellon.org
Payment by U.S. Mail – No electronic or phone payments accepted at this time.

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.

Page	:	1 of 1 08/25/2016 11 41:12	**Ad Number**	:	12985572
			Ad Key	:	
Order Number	:	12867260	**Salesperson**	:	05 - Mary Ann Naczi
PO Number	:	PZ1516-072	**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**	:	09/01/2016-09/01/2016
City St Zip	:	Dunnellon FL 34431	**Days**	:	1
Phone	:	(352) 465-8500 x23	**Size**	:	3 x 3.51, 39 lines
Fax	:	(352) 465-8505	**Words**	:	324
Credit Card	:		**Ad Rate**	:	99GOV
Printed By	:	Mary Ann Naczi	**Ad Price**	:	25.90
Entered By	:	Mary Ann Naczi	**Amount Paid**	:	0.00
			Amount Due	:	25.90
Keywords	:	7125-0901 RIV NOTICE OF PLANNING COMMISSION QUASI			
Notes	:				
Zones	:				

City of Dunnellon

SEP 06 2016

RECEIVED

7125-0901 RIV
NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL
PUBLIC HEARING
TO CONSIDER APPLICATION FOR VARIANCE

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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 September 1, 2016.

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

Riverland News - INVOICE

City of Dunnell
SEP 06 2016
RECEIVE

Dear Customer: **10079093 City of Dunnellon**

This is an invoice to process your payment for the enclosed ad. Please include Order #12867260 on your check and send payment of $25.90 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: 7125-0901 RIV NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER APPLICATION FOR VARIANCE The Planning Commission will hold quasi-judicial public hearing for recommendations to the City Council regarding a variance for property 1

Ad publication dates:
September 1st, 2016,

Thank you for your business,

John Murphy 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

John Murphy and/or Mary Ann Naczi and/or Mishayla Coffas

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

7125-0901 RIV NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER APPLICATION FOR VARIANCE The Planning Commission will hold quasi-judicial public hearing for recommendations to the City Council regarding a variance for property l

Court, was published in said newspaper in the issues of

September 1st, 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 1st day of September, 2016

By: John Murphy 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

7125-0901 RIV
NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER APPLICATION FOR VARIANCE

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Published September 1, 2016.

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

emailed to LW for LF 9/2

Teresa Malmberg

From: Lynn Wyland
Sent: Thursday, August 25, 2016 3:25 PM
To: Teresa Malmberg
Subject: RE: Legal Ad for Publication RLN 9/1/2016

This is now on the website!

Thanks!
L

From: Teresa Malmberg
Sent: Thursday, August 25, 2016 11:22 AM
To: Riverland News (mnaczi@chronicleonline.com) <mnaczi@chronicleonline.com>
Cc: Sue Lavac <SLavac@dunnellon.org>; Lynn Wyland <lwyland@dunnellon.org>
Subject: Legal Ad for Publication RLN 9/1/2016

Please see attached legal advertisement for publication 9/1/2016. Thank you.

Lynn,

Please ad to the Public Notice section of the website. Thank you.

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

The City of Dunnellon has a $75 fee for lien and/or utility searches in our jurisdiction / service area.
Send requests to liensearch@dunnellon.org
Payment by U.S. Mail – No electronic or phone payments accepted at this time.

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.

emailed to LW for LF 9/2

CITY OF DUNNELLON

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

September 2, 2016

Application PZ1516-072/VAR2016-04

Virmane, LLC
P O Box 2540
Dunnellon, FL 34330

RE: Quasi-judicial public hearing before Planning Commission: application for variance

Dear Applicant:

Please take notice that your application for variance approval will be heard by the Planning Commission of the City of Dunnellon on Tuesday, September 20, 2016, at 5:30 p.m., or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. **Please be advised that your failure to appear at these public hearings will likely result in your application being denied.**

Your application, together with any back-up materials including the staff reports, 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.

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

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

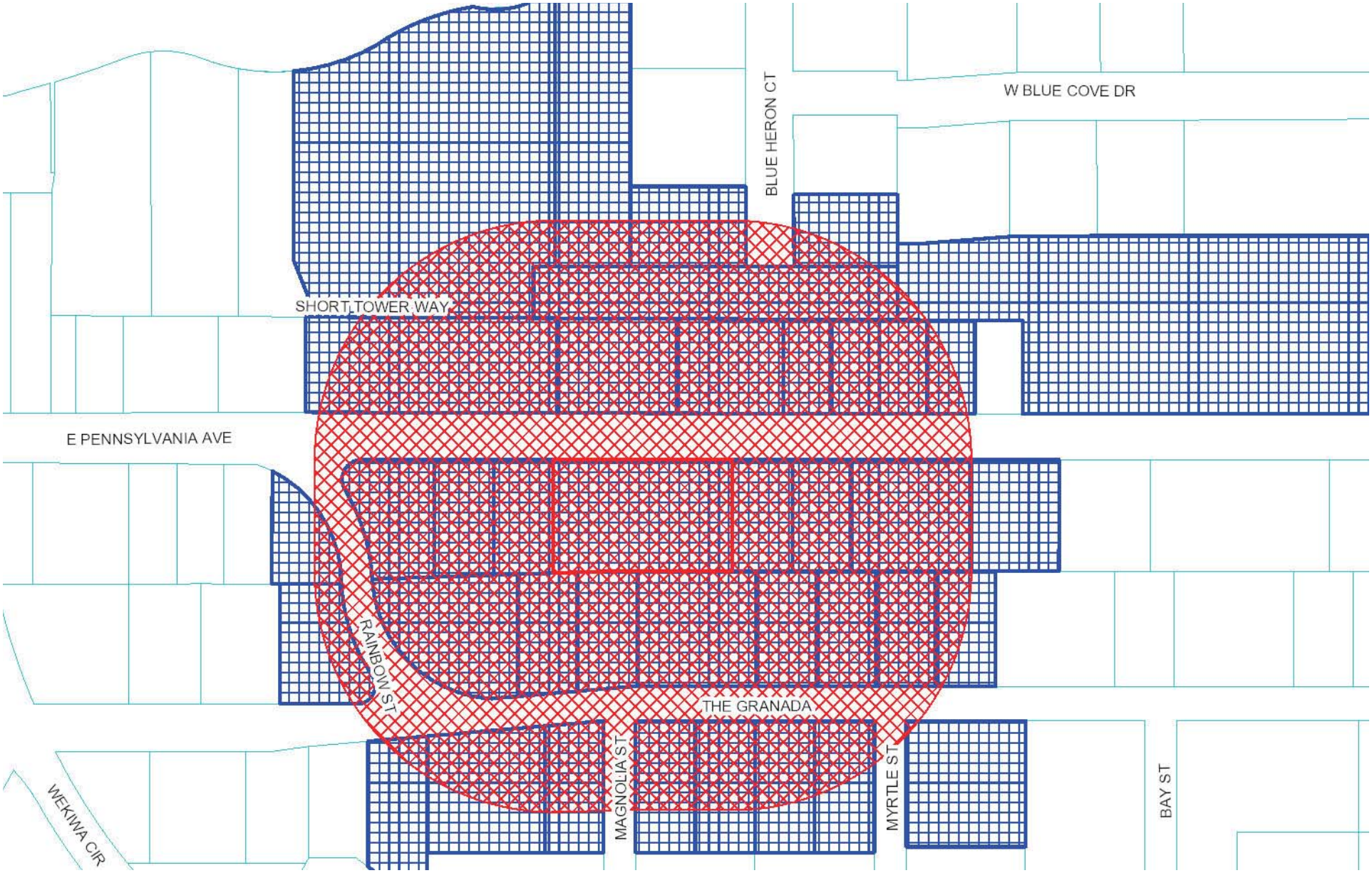
The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in this hearing should contact Dawn Bowne, City Clerk at (352) 465-8500 at least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

Sincerely,

Lonnie Smith/tam
Lonnie Smith
Community Development

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

GIS Web Mapping Application
Last Updated: 08/19/2016



200 ft

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.

emailed to LW for LF 9/2

NAME	ADD_1	ADD_2	ADD_3
BLAND MUSIC CO INC	PO BOX 610		DUNNELLON FL 34430-0610
BROWN GERALDINE L TRUST	BROWN GERALDINE L TR	PO BOX 1344	NEWBERRY FL 32669-1344
CARROLL KENNETH R	CARROLL TERESA P	PO BOX 780	DUNNELLON FL 34430-0780
CATON HELENE	PO BOX 2714		DUNNELLON FL 34430-2714
CHANEY KELLIE RAE	PO BOX 124		CRYSTAL RIVER FL 34423
CINTRON LYSANDRA	19985 THE GRANADA		DUNNELLON FL 34432
CONTE PENELOPE MARY	20118 THE GRANADA		DUNNELLON FL 34432
COWAN FAMILY REV TRUST	COWAN JEANCAROL H TR	PO BOX 172	DUNNELLON FL 34430-0172
DAIMLER CHARLES A	DAIMLER PATRICIA A	11986 RAINBOW ST	DUNNELLON FL 34432-6041
DARVILLE BRENDA L	20100 E PENNSYLVANIA AVE		DUNNELLON FL 34432
DETHLEFS MICHAEL S	DETHLEFS CRYSTAL W	7824 N UDAL DR	CITRUS SPRINGS FL 34434
DICKINSON MAX L	DICKINSON THELMA B	20054 THE GRANADA	DUNNELLON FL 34432-6043
DICKSON JOAN	20013 THE GRANADA		DUNNELLON FL 34432-6048
DIXON SHIRLEY S	PO BOX 296		DUNNELLON FL 34430-0296
DOMINEY STEVEN L	DOMINEY JEFFREY W	PO BOX 921	DUNNELLON FL 34430-0921
ELLIS LEON H JR	ELLIS MARY ANN	764 SW SHOREWOOD DR	DUNNELLON FL 34431-3772
GISSY HOLDINGS LLC	9259 PT CYPRESS DR		ORLANDO FL 32836
HAMBLEN JOYE J	3875 E DIAMOND LN		HERNANDO FL 34442-3928
HARPER EVELYN S TR	20109 THE GRANADA		DUNNELLON FL 34432-6048
KINDRED STEVEN B	20055 THE GRANADA		DUNNELLON FL 34432
KINNEBREW IRIS L	19978 THE GRANADA		DUNNELLON FL 34432-6044
MCCONNELL JOHN S III	MCCONNELL SUSAN B	20076 THE GRANADA	DUNNELLON FL 34432-6042
MILEY DEANA M	PO BOX 87		DUNNELLON FL 34430
ROBERTS FUNERAL HOME OF DUNNELLON LLC	PO BOX 2073		DUNNELLON FL 34430-2073
SMITH SANDRA ELLEN	20147 THE GRANADA		DUNNELLON FL 34432-6047
STANLEY MANAGEMENT INC	20079 E PENNSYLVANIA AVE		DUNNELLON FL 34432-6037
STEVENSON GARY L	STEVENSON CHERRY D	18691 SW 109TH PL	DUNNELLON FL 34432-4553
TOWNSEND DORIS	PO BOX 542		DUNNELLON FL 34430-0542
VIRMANE LLC *(OWNER/APPLICANT)*	PO BOX 2540		DUNNELLON FL 34430
WALTERS RODNEY N	11588 N CARIBEE PT		INGLIS FL 34449-9215
WATERS CARI JO	WATERS COLBY LYNN	20044 E PENNSYLVANIA AVE	DUNNELLON FL 34432-6033
DUPLICATES BELOW THIS LINE:			
WRA	CITY OF DUNNELLON	PO BOX 430	DUNNELLON FL 34430-0430

CATON HELENE A	PO BOX 2714		DUNNELLON FL 34430-2714
CITY OF DUNNELLON	PO BOX 430		DUNNELLON FL 34430-0430
CITY OF DUNNELLON	PO BOX 430		DUNNELLON FL 34430-0430
DICKINSON MAX L	DICKINSON THELMA B	20040 THE GRANADA	DUNNELLON FL 34432-6043
HARPER EVELYN S TR	20109 THE GRANADA		DUNNELLON FL 34432-6048
ROBERTS FUNERAL HOME OF DUNNELLON LLC	PO BOX 2073		DUNNELLON FL 34430-2073
VIRMANE LLC	PO BOX 2540		DUNNELLON FL 34430

emailed to LW for LF 9/2

CITY OF DUNNELLON

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

September 2, 2016

NOTICE OF PUBLIC HEARINGS FOR VARIANCE APPROVAL

Dear Property Owner:

The Planning Commission of Dunnellon will hold a public hearing for recommendation to the City Council regarding a variance requested by the Applicant, Virmane, LLC. Applicant's property is located at 20056 E. Pennsylvania Avenue ("Subject Property"), being Parcel Number 3383-007-004.

The Applicant seeks a variance from Section 74-108(4)b of the City Code, which requires "...within each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this article: three canopy trees and five understory trees along the property boundaries, together with a minimum three-gallon shrubbery or hedge to provide a continuous visual screen along all streets."

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The application, filed under application number PZ1516-072/VAR2016-04, submitted by Virmane, LLC, 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,

Lonnie Smith/tam
Lonnie Smith
Community Development

emailed to LW for LF 9/2

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Tuesday, August 30, 2016 2:25 PM
To: Teresa Malmberg
Subject: RE: Letters: Notice to Owner / Neighbors

Teresa,

I am of the opinion that the documents you sent are legally sufficient.

Note that in the neighbor notice though some of the document is in 11 pt font, and some is in 12.

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: Teresa Malmberg [mailto:tmalmberg@dunnellon.org]
Sent: Monday, August 29, 2016 3:35 PM
To: Andrew Hand <ahand@shepardfirm.com>
Subject: Letters: Notice to Owner / Neighbors

Hi Andrew,

Please review attached letters to Property Owners / Applicant for legal sufficiency. Not mailing until 9/1. Thanks.

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

The City of Dunnellon has a $75 fee for lien and/or utility searches in our jurisdiction / service area.
Send requests to liensearch@dunnellon.org
Payment by U.S. Mail – No electronic or phone payments accepted at this time.

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: Dawn Bowne
Sent: Monday, August 29, 2016 3:29 PM
To: Teresa Malmberg <tmalmberg@dunnellon.org>
Subject: RE: Letters: Notice to Owner / Neighbors

Ok, thanks

Dawn M .Bowne
Dawn M.Bowne
City Clerk/Interim City Manager
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431
352-465-8500 ext 1002
dbowne@dunnellon.org
www.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: Teresa Malmberg
Sent: Monday, August 29, 2016 3:07 PM
To: Dawn Bowne <dbowne@dunnellon.org>
Subject: Letters: Notice to Owner / Neighbors

I need to send the 2 letters to Andrew for legal sufficiency review. Mailing out Thursday 9/1. Thanks.

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

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Send requests to liensearch@dunnellon.org
Payment by U.S. Mail – No electronic or phone payments accepted at this time.

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VIRMANE LLC
PO BOX 2540
DUNNELLON FL 34430

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

BLAND MUSIC CO INC
PO BOX 610
DUNNELLON FL 34430-0610

PC POSTAGE PASS-THRU: 31*$0.465=$14.415

emailed to LW for LF 9/2

MAILED FROM ZIP CODE 34431

CARROLL KENNETH R
CARROLL TERESA P
PO BOX 780
DUNNELLON FL 34430-0780

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

BROWN GERALDINE L TRUST
BROWN GERALDINE L TR
PO BOX 1344
NEWBERRY FL 32669-1344

MAILED FROM ZIP CODE 34431

CHANEY KELLIE RAE
PO BOX 124
CRYSTAL RIVER FL 34423

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

CATON HELENE
PO BOX 2714
DUNNELLON FL 34430-2714

MAILED FROM ZIP CODE 34431

CINTRON LYSANDRA
19985 THE GRANADA
DUNNELLON FL 34432

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

CONTE PENELOPE MARY
20118 THE GRANADA
DUNNELLON FL 34432

MAILED FROM ZIP CODE 34431

COWAN FAMILY REV TRUST
COWAN JEANCAROL H TR
PO BOX 172
DUNNELLON FL 34430-0172

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

DAIMLER CHARLES A
DAIMLER PATRICIA A
11986 RAINBOW ST
DUNNELLON FL 34432-6041

MAILED FROM ZIP CODE 34431

DARVILLE BRENDA L
20100 E PENNSYLVANIA AVE
DUNNELLON FL 34432

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

DETHLEFS MICHAEL S
DETHLEFS CRYSTAL W
7824 N UDAL DR
CITRUS SPRINGS FL 34434

MAILED FROM ZIP CODE 34431

DICKINSON MAX L
DICKINSON THELMA B
20054 THE GRANADA
DUNNELLON FL 34432-6043

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

DICKSON JOAN
20013 THE GRANADA
DUNNELLON FL 34432-6048

DIXON SHIRLEY S
PO BOX 296
DUNNELLON FL 34430-0296

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

DOMINEY STEVEN L
DOMINEY JEFFREY W
PO BOX 921
DUNNELLON FL 34430-0921

ELLIS LEON H JR
ELLIS MARY ANN
764 SW SHOREWOOD DR
DUNNELLON FL 34431-3772

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

GISSY HOLDINGS LLC
9259 PT CYPRESS DR
ORLANDO FL 32836

HAMBLEN JOYE J
3875 E DIAMOND LN
HERNANDO FL 34442-3928

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

HARPER EVELYN S TR
20109 THE GRANADA
DUNNELLON FL 34432-6048

KINDRED STEVEN B
20055 THE GRANADA
DUNNELLON FL 34432

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

KINNEBREW IRIS L
19978 THE GRANADA
DUNNELLON FL 34432-6044

MCCONNELL JOHN S III
MCCONNELL SUSAN B
20076 THE GRANADA
DUNNELLON FL 34432-6042

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

MILEY DEANA M
PO BOX 87
DUNNELLON FL 34430

ROBERTS FUNERAL HOME OF
DUNNELLON LLC
PO BOX 2073
DUNNELLON FL 34430-2073

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

SMITH SANDRA ELLEN
20147 THE GRANADA
DUNNELLON FL 34432-6047

STANLEY MANAGEMENT INC
20079 E PENNSYLVANIA AVE
DUNNELLON FL 34432-6037

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

STEVENSON GARY L
STEVENSON CHERRY D
18691 SW 109TH PL
DUNNELLON FL 34432-4553

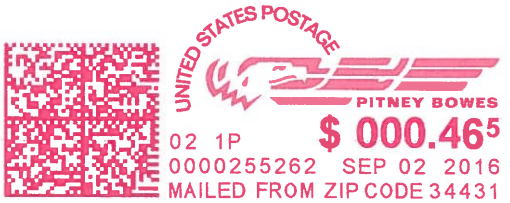
TOWNSEND DORIS
PO BOX 542
DUNNELLON FL 34430-0542

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

WALTERS RODNEY N
11588 N CARIBEE PT
INGLIS FL 34449-9215

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431



WATERS CARI JO
WATERS COLBY LYNN
20044 E PENNSYLVANIA AVE
DUNNELLON FL 34432-6033

CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431

JACKSONVILLE
FL 320
02 SEP '16
PM 4 L

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.46[5]
0000255262 SEP 02 2016
MAILED FROM ZIP CODE 34431

City of Dunnellon
SEP 06 2016
RECEIVED

MILEY DEANA M
PO BOX 87
DUNNELLON FL 34430

NIXIE 322 N7E 1 16I0009/03/16

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 34431674450 *1738-01455-02-41

34430-0087 87

RESOLUTION #RES2016-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS A VARIANCE FROM REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 74-108(4)B OF THE CITY OF DUNNELLON CODE AS REQUESTED BY APPLICANT, VIRMANE, LLC, OWNER OF THE PROPERTY LOCATED AT RAINBOW RIVER ACRES, BLK G, LOTS 4, 5, 6 DUNNELLON, FLORIDA; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on September 20, 2016 to consider a request by Virmane, LLC, to approve a variance from the requirements of Section 74-108(4)b of the City of Dunnellon Code, such property being located at Rainbow River Acres, Flor, BLK G, Lots 4, 5, 6 Dunnellon, Florida.

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 Section 5.2.1 of the Zoning Code 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 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 Virmane, LLC, for property located at Rainbow River Acres, BLK G, Lots 4, 5, 6 Dunnellon, Florida, 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 VACANT - 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 20th day of September, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 20th day of September, 2016.