Modified Agenda
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
November 15, 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 Thursday, November 10, 2016; and Modified Agenda, Tuesday, 11/15 Item #4 Morguard attachment)

1. Approval Of Minutes

   Minutes 9/20 & 10/18/2016

   Documents:

   20160920.Pdf
   20161018.Pdf

2. Chairman's Report From City Council

3. Public Hearing For Comprehensive Plan Consistency Review
   Chairwoman: "It is _____ p.m. and I close the regular meeting and open the public hearing to discuss Comprehensive Plan Consistency"

   DRAFT Ordinance ORD2016-12 Moritorium Medical Marijuana - Request the Planning Commission review and find the ordinance consistent with the Comprehensive Plan.

   PRESENTATION / REVIEW / DISCUSSION / PUBLIC INPUT

   Chairwoman: "It is _____ p.m. and I close the public hearing and reopen the regular meeting."

   Additional Public Comment

   Recommended Motion: "I move to find Ordinance ORD2016-12 consistent with the Comprehensive Plan of the City of Dunnellon."

   Documents:

   ORD2016-12 Medical Marijuana Moritorium Ord.pdf

4. Quasi-Judicial Hearing
   Application PZ1617-005 by Troy Burrell, Burrell Engineering, Inc., representing Revenue Properties Dunnellon, LLC, requesting Variances for 11352 & 11262 N. Williams Street being Parcel Nos. 33639-002-00 and 33639-004-00.

- Chairman to close regular meeting and open Quasi-Judicial Hearing
- Swearing in of all persons who will give testimony by City Attorney
- Commission members to disclose any Ex-Parte Communication
- Members to disclose any Conflict of Interest
- Staff Presentation
- Applicant Presentations
- Chairman to close Quasi-Judicial Hearing and reopen regular meeting

Documents:

PC_PKT_W_STAFF REPORT.pdf
Rainbow Square Landscape Variance Exhibits 110316.Pdf
FINAL_Publix Presentation_11.15.16 AMENDED ITEM 4 DISTR AT MTG.pdf

5. Resolution #RES2016-31 Request For Section 74-101 For ISR (Impervious Surface Ratio) Variance #VAR2016-05, Revenue Properties Dunnellon/Application PZ1617-005

   Proposed Motion: I move Resolution #RES2016-31 be read by title only.

   Proposed Motion: I move Resolution #RES2016-31 be approved as read.

   Documents:

   RES2016-31 ISR VAR2016-05.Pdf

6. Resolution #RES2016-32 Request For Section 9.3-1(A)6.D.4. – Vehicle Stops Shall Be Used To Ensure That Vehicles Do Not Overhang Required Landscape Areas. Continuous Curbing Shall Be Prohibited. Variance #VAR2016-06, Revenue Properties Dunnellon/Application PZ1617-005

   Proposed Motion: I move Resolution #RES2016-32 be read by title only.

   Proposed Motion: I move Resolution #RES2016-32 be approved as read.

   Documents:

   RES2016-32 VEHICLE STOPS_CURBING VAR2016-06.Pdf

7. Resolution #RES2016-33 Request For Section 9.3-2(D)5– Leadership In Energy And Environmental Design (LEED) Certification Variance #VAR2016-07, Revenue Properties Dunnellon/Application PZ1617-005

   Proposed Motion: I move Resolution #RES2016-33 be read by title only.

   Proposed Motion: I move Resolution #RES2016-33 be approved as read.

   Documents:

   RES2016-33 LEED CERTIFICATION VAR2016-07.Pdf

8. Resolution #RES2016-34 Request For Section 9.3-2(E)3, B.– Buffers Around The Perimeter Of The Site Shall Be 150 Percent Of The Buffer Width Required In Section 74-108 For The B-4 Zoning District Variance #VAR2016-08, Revenue Properties Dunnellon/Application PZ1617-005

   Proposed Motion: I move Resolution #RES2016-34 be read by title only.

   Proposed Motion: I move Resolution #RES2016-34 be approved as read.

   Documents:

RES2016-34 BUFFER WIDTH PERIMETER VAR2016-08.Pdf

9. Resolution #RES2016-35 Request For Section 74-108(4)A.– Required Width Of Buffers In B-4 Zoning District. A Minimum Width Of 25 Feet Is Required Variance #VAR2016-09, Revenue Properties Dunnellon/Application PZ1617-005
   Proposed Motion: I move Resolution #RES2016-35 be read by title only.

   Proposed Motion: I move Resolution #RES2016-35 be approved as read.

   Documents:

   RES2016-35 BUFFER WIDTH MIN 25 FT VAR2016-09.Pdf

10. Resolution #RES2016-36 Request For Section 9.3-2(E)3,C., I, Ii.– The Required Buffer Width Shall Include The Following Planting Materials For Each 100 Linear Feet Of Boundary Area Variance #VAR2016-10, Revenue Properties Dunnellon/Application PZ1617-005
    Proposed Motion: I move Resolution #RES2016-36 be read by title only.

    Proposed Motion: I move Resolution #RES2016-36 be approved as read.

    Documents:

    RES2016-36 BUFFER WIDTH PLANTING MATLS VAR2016-10.Pdf

11. Resolution #RES2016-37 Request For Section 9.3-2(E)3,D. – Parking Shall Not Exceed 110 Percent Of The Parking Standard Set Forth In Appendix A, Article V. At Least 20% Of The Required Parking Shall Be Constructed Utilizing Pervious Materials Variance #VAR2016-11, Revenue Properties Dunnellon/Application PZ1617-005
    Proposed Motion: I move Resolution #RES2016-37 be read by title only.

    Proposed Motion: I move Resolution #RES2016-37 be approved as read.

    Documents:

    RES2016-37 PARKING VAR2016-11.Pdf

12. Items For Discussion

13. Public Input

14. Adjournment

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

Minutes
City of Dunnellon
Planning Commission Meeting
September 20, 2016 at 5:30 p.m.

Chairwoman D'Arville called the meeting to order at 5:32 p.m. and led the Pledge of Allegiance.

Roll Call

Members Present: Brenda D'Arville, Lisa Sheffield, Paul Cowan, Mary Ann Hilton

Members Absent: Wilbur Vanwyck, Tracy Fero

Staff Present: Lonnie Smith, Andrew Hand, Teresa Malmberg

Proof of Publication: The agenda was posted on the City's website and City Hall bulletin board on Friday, September 16, 2016.

1. Approval of Minutes - The minutes of the June 21, 2016 and August 16, 2016 meetings were approved as submitted by unanimous vote, 4-0.

2. Chairman's Report from City Council - Chairwoman D'Arville reported the Council passed the budget and noted that the format was easier to follow; Mayor Whitt did not run for Mayor; Vice Mayor Green was unopposed and will be the next Mayor; Valarie Hanchar ran unopposed and will fill the Council seat vacated by Walter Green.

3. Quasi-judicial Hearing for Variance #VAR2016-04, Application PZ1516-072, Virmane, LLC, represented by Paul Gibbs, Landscape Architect

Chairwoman D'Arville closed the regular meeting and opened the quasi-judicial hearing at 5:39 p.m.; the City Attorney performed the swearing in of all persons who will give testimony; Commission members were polled and reported no ex-parte communication; Commission members were polled for conflict of interest to which Commissioner Lisa Sheffield acknowledged and completed Form 8B Memorandum of Voting Conflict stating her relationship as accountant to the applicant, Virmane, LLC. Form 8B placed in the record and copies made available. Paul Gibbs, Landscape Architect for Virmane, LLC, presented a slide show and answered questions. Lonnie Smith presented the staff report and answered questions. Discussion concerning Live Oak trees and the root growth for locations, and the tree restoration fund.

Chairwoman D'Arville closed the quasi-judicial hearing and reopened the regular meeting at 6:35 p.m.

4. Resolution #RES2016-17 – Virmane, LLC Variance

Paul Cowan motioned to recommend approval of variance to landscape buffer for Virmane LLC, Resolution #RES2016-17, with conditions that the Live Oaks be replaced with Sylvester Hollies or comparable w/3" caliper and 12' height; and accept proposal

to contribute to the tree restoration fund in the amount of $1,000 per Dr. Lumapas with Council making final determination of amount as appropriate. Mary Ann Hilton seconded. The motion passed 3-0 with 1 abstention.

Mary Ann Hilton motioned that Resolution 2016-17 be read by title only. Paul Cowan seconded. The motion passed 3-0 with 1 abstention. Chairwoman D'Arville read Resolution 2016-17 into record with conditions.

Mary Ann Hilton motioned that Resolution 2016-17 be approved as read with conditions. Paul Cowan seconded. Chairwoman D'Arville called for public comment. There being none, the motion passed 3-0 with 1 abstention.

5. Items for Discussion - Commissioners reviewed comprehensive plans from other cities and agreed to continue at the next meeting.

6. Public Comment - None

7. Adjournment – The meeting was adjourned at 7:25 p.m.

_____ _____

Brenda D'Arville, Chairwoman Teresa Malmberg, Admin. Coordinator

Minutes
City of Dunnellon
Planning Commission Meeting
October 18, 2016 at 5:30 p.m.

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

Roll Call

Members Present: Brenda D'Arville, Wilbur Vanwyck, Mary Ann Hilton

Members Absent: Lisa Sheffield, Tracy Fero, Paul Cowan

Staff Present: Lonnie Smith, Teresa Malmberg

Proof of Publication: The agenda was posted on City's website and City Hall bulletin board on Friday, October 14, 2016

1. **Approval of Minutes** - none

2. **Chairman's Report from City Council** – Mary Ann Hilton reported on the variance discussion at Council at which she provided a history; and the bike path upgrade was discussed.

3. **Update on Planning Services Agreement** – Members and staff discussed the contract with North Florida Regional Planning Council (NFRPC).

4. **Items for Discussion** -

Review Comprehensive Plans from Other Cities – Members discussed vision, eventually preparing a mock plan and keep available to the public for ongoing comment. Members agreed to continue reviewing plans at the next meeting.

5. **Public Input** – General discussion regarding Gissy property. Wilbur Vanwyck reported the First Baptist Church is looking at property involving the Rainbow Springs golf course and country club, as well as the County is considering part of the property for a community recreation area.

6. **Adjournment** – The meeting was adjourned at 6:15 p.m.

_____ _____

Brenda D'Arville, Chairwoman Teresa Malmberg, Admin. Coordinator

ORDINANCE #ORD2016-12

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES FOR A PERIOD OF 180 DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Dunnellon, a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the Dunnellon City Council determines that it is in the best interest of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare; and

WHEREAS, on November 8, 2016, the voters of the State of Florida amended the Florida Constitution to legalize the cultivation, production, and dispensing of medical marijuana to a broader population of eligible patients than was previously legal under Florida's Compassionate Use Act; and

WHEREAS, medical marijuana dispensing facilities are a new and unique use which is not currently addressed by the City's Land Development Code or Code of Ordinances; and

WHEREAS, a temporary moratorium, imposed for a reasonable duration on the acceptance of applications for, the processing of, and the issuance of development permits, development orders or any other official action of the City permitting or having the effect of permitting new medical marijuana dispensing facilities will allow time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Land Development Code and Code of Ordinances to address this new and unique

use; and

WHEREAS, the Dunnellon City Council hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of marijuana dispensing facilities; and

WHEREAS, adoption of this ordinance will further the health, safety and welfare of the citizens of Dunnellon, Florida.

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

SECTION 1: The Whereas clauses cited herein are the legislative findings of the City Council.

SECTION 2: Purpose. The purpose of this ordinance is to preserve the status quo for a time period of 180 days, and enable sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Land Development Code and/or Code of Ordinances, relating to the appropriate locations for medical marijuana dispensing facilities, if any. During this 180 day time period, the City will not take any action on any application for development permit or issue any development order or take other official action which would have the effect of allowing or permitting the development of medical marijuana dispensing facilities, except as provided in this ordinance. It is not the purpose of this ordinance to permanently deny development orders and permits for other uses that are permitted by right or special use permit and that otherwise comply with all applicable codes, ordinances, regulations and policies.

SECTION 3: Zoning in Progress. The City of Dunnellon hereby recognizes that City staff intend to study and prepare regulations that would result in the regulation of medical marijuana dispensing facilities. These regulations, if adopted, will amend the City Land Development Code and/or Code of Ordinances. All affected property and business owners are placed on notice with respect to these pending regulations and the action being taken by the appropriate departments within the City.

SECTION 4: Definition. The following definition applies to the term used in this ordinance:

> "Medical Marijuana Dispensing Facility" means any establishment where low-THC or medical cannabis is permitted to be dispensed by an approved dispensing organization pursuant to Section 381.986, Florida Statutes, and Florida Department of Health Rules.

SECTION 5: Imposition of Temporary Moratorium. The City of Dunnellon hereby imposes a temporary moratorium on the acceptance of applications for, the processing of, and the issuance of development permits, development orders or any other official action of the City permitting or having the effect of permitting Medical Marijuana Dispensing Facilities, except as provided in this ordinance, for a period of 180 days following the effective date of this ordinance. Further, the review of any applications for Medical Marijuana Dispensing Facilities pending upon the effective date of this ordinance shall be abated.

SECTION 6: Existing Authorized Medical Marijuana Dispensing Facilities. This temporary moratorium shall not affect a Medical Marijuana Dispensing Facility of a Dispensing Organization which has received dispensing authorization from the Florida Department of Health in accordance with Section 381.986, Florida Statutes and Chapter 64-4.001, F.A.C. for which the City zoning official has issued a zoning verification letter which confirms the permissibility of the zoning status of the proposed location for use as a Medical Marijuana Dispensing Facility, and for which development permits have been obtained in reliance on the zoning verification letter prior to the effective date of this Ordinance. During the moratorium period, a Medical Marijuana Dispensing Facility for which a zoning verification letter and development permits have been issued shall not be permitted to expand its square footage.

SECTION 7: Submittal of Applications. Beginning upon the effective date of this ordinance, an applicant for any development permit, development order or any other official City action which would facilitate the establishment of a Medical Marijuana Dispensing Facility shall be required to disclose its intention to establish a Medical Marijuana Dispensing Facility in connection with its application for a permit. In the event that it is determined by the City that an applicant for a permit has failed to disclose its intent to establish a Medical Marijuana Dispensing Facility, the City shall be authorized to enforce this ordinance by the methods set forth in Section 9.

SECTION 8: APPLICABILITY. This ordinance shall be applicable within the City limits of the City of Dunnellon.

SECTION 9: PENALTIES. This moratorium may be enforced by the following methods of enforcement:

(A) Revocation or temporary suspension of necessary development permits, development orders and/or certificates of occupancy and/or licenses; or

(B) By an action for injunctive relief, civil penalties or both, through a court of competent jurisdiction; or

(C) By any other process permitted by law or equity.

SECTION 10: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

SECTION 11: CONFLICT WITH STATE LAW. Nothing in this ordinance is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a direct and express conflict between this ordinance and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable, control.

SECTION 12: FILING OF ORDINANCE AND EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED AND ADOPTED this ____ day of November, 2016.

ATTEST:

CITY OF DUNNELLON

_____
Dawn M. Bowne, M.M.C.
City Clerk

_____
Walter Green, Mayor

Approved as to Form and Legal Sufficiency:

_____
Andrew Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this ___ day of _____ 2016.

_____
Dawn M. Bowne M.M.C.
City Clerk

CITY OF DUNNELLON
STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: November 15, 2016

REQUEST FOR APPROVAL OF:
1. VAR2016-05 from 65% ISR requirement
2. VAR2016-06 from wheel stops and no continuous curb requirement
3. VAR2016-07 from LEED certification requirement
4. VAR2016-11 from 110% max parking & pervious material req't
5. VAR2016-09 from 25ft buffer width requirement
6. VAR2016-08 from 150% of buffer width requirement
7. VAR2016-10 from planting material quantity requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Retail Grocer at Rainbow Square

PROJECT NUMBER: PZ1617-005/VAR2016-05 thru VAR2016-11

PROJECT REPRESENTATIVE(S):
Applicant: Troy Burrell, Burrell Engineering
Property Owner: Revenue Properties Dunnellon LLC

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
11352 & 11262 N. Williams St	33639-002-00
Dunnellon, FL 34431	33639-004-00

PARCEL SIZE: 14.34 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-4

EXISTING USE: Retail Grocer (Closed)

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant seeks a variance from **Section 74-101 for ISR** (Impervious Surface Ratio) of the City Code to allow an ISR of 84% rather than the 65% that is required.
- The Applicant seeks a variance from **Section 9.3-1(a)6.d.4**. to allow some continuous curbing which is currently prohibited and to not require wheel stops that are required.
- The Applicant seeks a variance from **Section 9.3-2(d)5** to not require LEED certification
- The Applicant seeks a variance from **Section 9.3-2(e)3,d** to allow more than 110% parking and no pervious material.
- The Applicant seeks a variance from **Section 74-108(4)a** to allow less than a 25 foot buffer width
- The Applicant seeks a variance from **Section 9.3-2(e)3,b** to allow less than a 150% buffer width
- The Applicant seeks a variance from **Section 9.3-2(e)3,c,i,ii** to allow less than the required amount of planting material

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 located at 11262 N. Williams St which is more commonly known as the Rainbow Square Shopping center. The center was originally built in 1985 to house a Kash & Karry grocer as well as a Wal-Mart and Walgreens. The center has been through various tenants over the years and most recently its largest anchor space was leased to a Winn Dixie grocer. The space is now vacant but is under a conditional lease to place a Publix grocer in that space.

The applicant has submitted a conceptual site and landscape plan for a proposed parking lot expansion and building renovation. An initial feasibility study was performed and several pre-application meetings were conducted. It was concluded that several variances would be needed in order to move the project forward.

Publix has particular requirements based on its widespread experience in the region. These requirements include increasing the size of the grocery-space and providing sufficient, close-by parking serving the store, as well as creating a more efficient loading area in the rear of the new space. Thus, the proposal is to take down the former grocer-space along with some adjacent space, reconstruct a larger building, and modify the parking field, including an expansion to add parking spaces. The current center size is 121,968 square feet with 508 parking spaces. Proposed is an expansion to 125,393 square feet with 626 parking spaces. A new façade for the center is also proposed.

The existing parking field will be expanded by creating underground drainage vaults where deep dry-retention areas currently exist. Except for these areas where the parking field is expanded, the only changes to the existing parking field will be to overlay the existing paving with a new 'lift' of asphalt and restripe the area, with the addition of some cart-storage spaces.

The applicant is seeking seven variances for the new project.

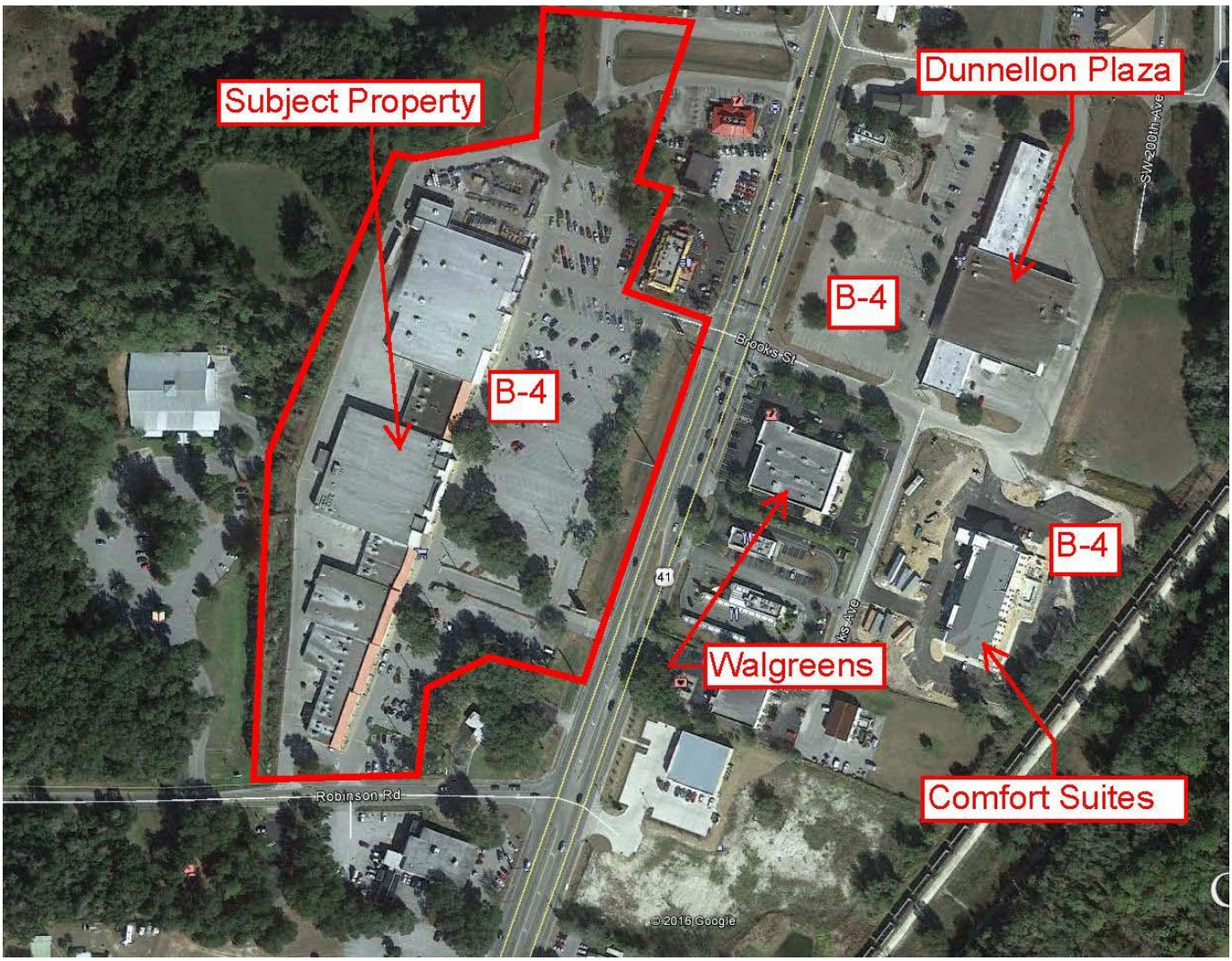
4. COMPREHENSIVE PLAN:

Compatibility:

The subject property is located in the Commercial land use category. 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 redevelopment is considered consistent with the current Dunnellon comprehensive plan.

(Zoning and surrounding property uses)



5. REVIEW OF APPLICATION:

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

- *Land Use and Development Code, Appendix A, Article IV Section 4.10**. - Nonconformity other than use.***

  The foregoing provisions of this article are intended to apply to nonconforming uses, and are not intended to apply to buildings and structures, and their plots, existing at the effective date of the zoning code which do not meet the regulations of the zoning code for height, yards, plot size, plot area, coverage, separation or other similar dimensional requirements or limitations. ***Any additions, extensions or alterations to such existing buildings or structures shall comply with all applicable provisions of the zoning code.***

Based on the fact that the bolded language of Section 4.10 provides that only the additions, extensions, or alterations are subject to the new code, only the expanded areas of the parking lot must meet the requirements.

- *Land Use and Development Code, Chapter 74, Article IV, Section 74-101(ORD2000-09)*
  Lot coverage *includes all buildings and paved areas, including swimming pools and parking areas, and* ***may not exceed 65 percent*** *of the total site.*

  Currently the ISR for the existing site is 79%. The modified ISR with the proposed parking addition would increase the ISR to 84%. Applicant is requesting acceptance of 84% ISR.

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-1(a)6.d.4*
  4. Vehicle stops shall be used to ensure that vehicles do not overhang required landscaped areas. Continuous curbing shall be prohibited.

  The applicant is intending to provide curbing or wheel stops to prevent vehicles from encroaching into landscape areas in the new parking area but not the existing parking area. Applicant is requesting the option to install curbing where needed to address drainage, safety, or as a barrier to landscape areas.

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-2(d)5*
  5. ***All buildings and sites shall provide leadership in energy and environmental design (LEED) certification****, as defined by the U.S. Green Building Council, a 501(c)3 non-profit organization or a comparable rating system that is approved by the city council following recommendation by the planning commission. Proof of application for LEED certification must be provided with the application and prior to any review. LEED certification must be obtained and provided prior to the issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued for up to 18 months to allow for LEED certification to be awarded.*

  The site is an existing shopping center and most of the existing tenant-space will not be affected. As to the new building construction, the owner will strive for the most progressive, efficient, sustainable building by incorporating 'green-building' design-standards.

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-2e(3)d*
  d. *Parking shall not exceed 110 percent of the parking standard set forth in appendix A, article V. At least 20 percent of the required parking shall be constructed utilizing pervious materials.*

  Applicant is requesting a variance to allow 136% of the current parking standard and to not require any pervious material in the new parking areas. Additional parking is required by the new tenant to 4.7 spaces/1000 sq ft. The current drainage system, with the addition of vaults to support the new parking areas, meets all regulatory requirements regardless of the use of pervious materials. In addition, use of pervious materials has proven problematic due to clogging from sediment.

- *Land Use and Development Code, Chapter 74, Article IV, Section 74-108(4)a -* ***Parking area screening and streetscape requirements.***
  4. Buffers in B-4 zoning district.
  a. Required width. A ***minimum average width of 25 feet*** *is required.*

Applicant is requesting a 10 foot landscape buffer along Williams Street(Area 1). Applicant is requesting an average of 16 foot (Min 4 feet, Max 26 feet) landscape buffer behind McDonalds and Pizza Hut(Area 2). Applicant is requesting an average 12 foot (Min 4 feet, Max 20 feet) landscape buffer along Robinson Road(Area 3).

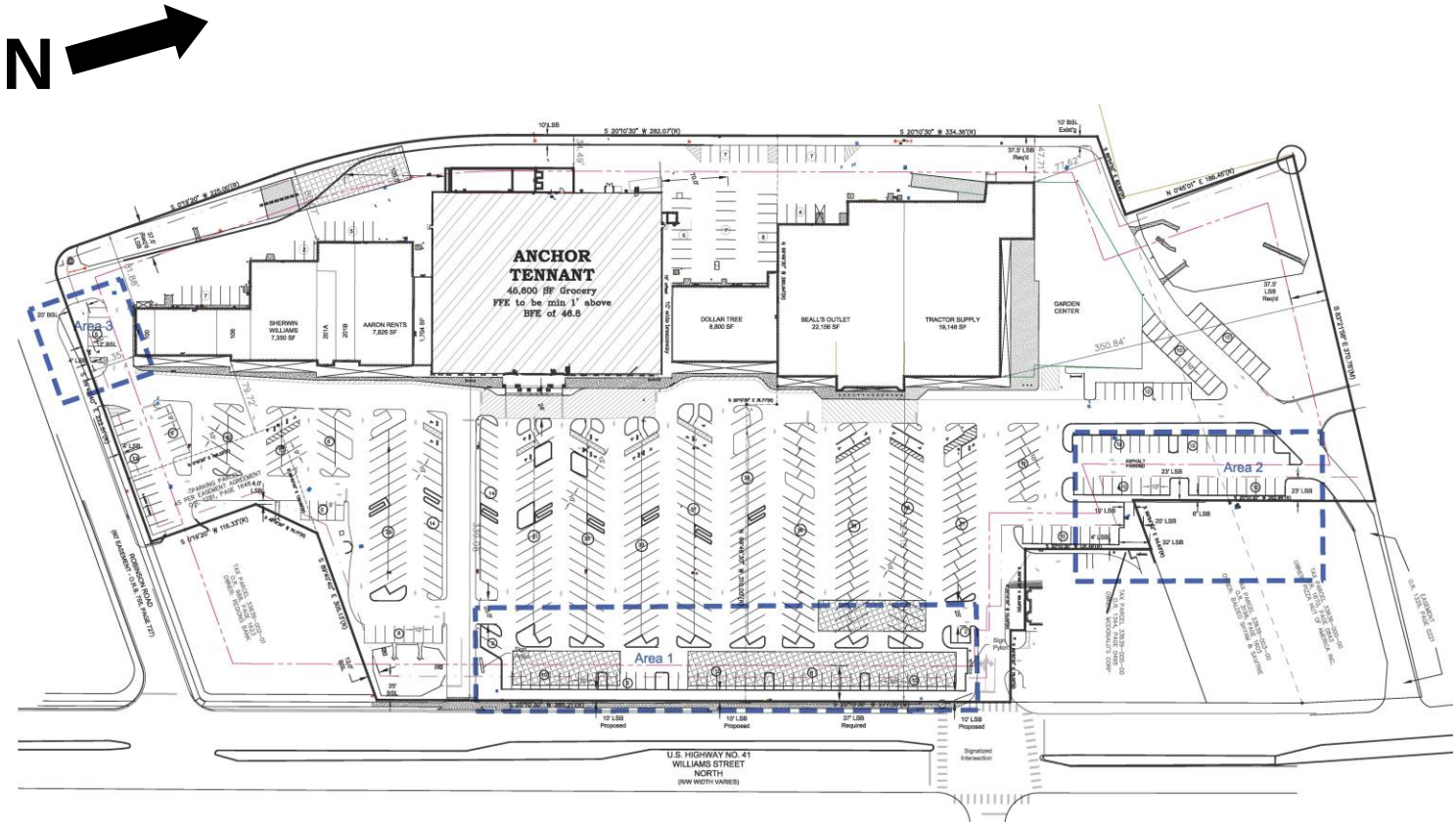
- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-2(e)3b*
  b. Buffers around the perimeter of the site shall be 150 percent (multiply by 1.5) of the buffer width required in section 74-108 for the B-4 zoning district.

  This variance is requested in conjunction with Section 74-108 not being met.

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-2e(3)c,i,ii*
  c. The required buffer width shall contain the following planting materials for each 100 linear feet of boundary area, or fraction thereof:

  i. Six canopy trees
  ii. Ten understory trees

  The Applicant is requesting that no additional canopy trees are required and that only 6.6 understory trees per 100 feet are required. The Applicant is following best horticultural practices. In addition, an existing utility easement along N Williams St is limiting the canopy tree plantings permitted under the power lines.



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:

Rainbow Square was constructed in 1985. It was built under a set of regulations that established a building size and footprint which cannot be changed to accommodate the functional needs of a major grocer without a complete razing of the property. The center cannot be razed because of not only simple costs, but leases that exist on the center. Thus, if cost-effective redevelopment is to occur, it has to occur within the framework of the grocer's needs as well as the characteristics of the center established by the regulations at the time the center was built.

The center is designed with deep dry-retention areas which render a considerable portion of the property unusable. It is the combination of these conditions which are peculiar to this center.

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

Response:

The Applicant/owner of the center did not build or design the center and did not establish the regulatory framework under which it was built. The applicant is faced with a simple choice: invest considerable funds into the center to bring the major grocer to the center or let the center operate in the status quo.

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:

There are two major centers in the immediate area that enjoy a parking field and landscaping which do not meet the 2009 code. Granting of these variances will continue the parity that exists between Rainbow Square and the other major shopping centers in the area.

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:

Other local properties enjoy the design of the parking field which is functionally-efficient. To require that Rainbow Square be razed and rebuilt to a standard that dramatically reduces the size of the leasable area while at the same time creating an inordinately large parking field is to impose a requirement that other centers do not have. Future development of Rainbow Square is not feasible if the literal code must be met which therefore constitutes an unnecessary and undue hardship.

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

Response:

The reasonable use of Rainbow Square is to redevelop it – upgrade it – with a new, nationally-renowned grocer, façade and landscaping improvements, and a better drainage system allowing a more realistic use of the center. In order to accommodate the functionally-driven requirements of the grocer, these are the minimum variances that will accomplish bringing the grocer to the center and accomplishing the upgrades to the center.

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:

This design has the needed balance between the requirements of the grocer and the goals of the City. Landscaping has been upgraded along the perimeter of the center and an otherwise deteriorating property will be refreshed and made more functionally efficient. Also by bringing this grocer to the area, the consumers' needs will be better met.

7. STAFF RECOMMENDATION:

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

City of Dunnellon
Planning and Zoning Application

RECEIVED
OCT 18 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT
10/18 jam

Date: 10/18/16

Application No.: PZ1617-005

Applicant Name: Troy Burrell, Burrell Engineering, Inc.
Address: 12005 N. Florida Ave.
Dunnellon, FL 34434

Phone# 352-489-4144
Fax # 352-489-4741
Email Address: troyburrell@bellsouth.net

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

Owner(s) Name: Revenue Properties Dunnellon LLC
Address: 2542 Williams Blvd.
Kenner, LA 70062

Phone # 561-404-7036
Fax # _____
Email Address: jnolan@morguard.com

Application Type

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

Reason for Request: To add additional parking in an existing shopping center. See attached letter for list of requested variances.

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

Property Address: 11352 & 11262 N. Williams St. Property Size (acres): 14.34

Parcel ID Number: 33639-002-00 & 33639-004-00

Existing Use of Property: Shopping Center

Existing Zoning: B4 Current/Future Land Use: Commercial

Current number of structures on the property: 1

Type of structure(s) on property (house, shed, etc.): commercial building

Proposed Use of Property: Shopping Center

Proposed Zoning: same as existing Proposed Land Use: same as existing

Please Explain Your Request for the Proposed Zoning and/or Future Land Use: No zoning or land use change is proposed

What utilities currently exist on the site?

☒ Water ☒ Sewer ☐ Well ☐ Septic ☐ None

What utilities are proposed to be used?

☒ Water ☒ Sewer ☐ Well ☐ Septic ☐ None

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

☐ Yes ☒ No

If yes, please describe and give Application Numbers: _____

Submittal Requirements: Check Box For Each Item You Are Attaching

All Applications MUST provide the following:

☐ **Required advertising to placed in: ☐ Riverland News (default) ☐ Ocala Star Banner (expedited)**

☒ Completed Planning & Zoning Application

☒ Copy of the Recorded Deed(s) for the property

☒ Copy of Property Record Card(s) (Available online at http://www.pa.marion.fl.us)

☒ Owner's / Agent's Affidavit (Last page of this Application)

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

☐ Lot Plan

☐ Survey of the Property

☒ Diagram

Specific Attachments:

☐ Annexation: Complete Electronic Legal Description in MS Word Format
Annexation Letter (sample attached)

☐ Large Scale Comprehensive Plan Amendment (LSCPA): Complete Electronic Legal Description in MS Word Format

☒ Variance: Survey of property detailing variance request

☐ Special Exception: Survey of property detailing special exception request

☐ Site Plan Approval: 7 copies of site plan and 1 electronic copy

☐ Preliminary Plat Application: 7 copies of site plan and 1 electronic copy

☐ Construction Plan Approval: 3 copies of site plan and 1 electronic copy

☐ Final Plat Application: 7 copies of site plan and 1 electronic copy

☐ Road / Lot / Parcel / Plat / Easement Vacation: Survey detailing request

☐ Planned Unit Development (PUD) Zoning: 7 copies of site plan and 1 electronic copy

☒ Other: Cover letter detailing requested varinaces along with justification.

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.

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 _____ Date 10/18/16

BEI BURRELL
ENGINEERING, INC.
CIVIL ENGINEERING

PZ1617-005

12005 N. FLORIDA AVE.
DUNNELLON, FL 34434
PH. 352-489-4144
FAX 352-489-4741

RECEIVED
OCT 28 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

October 28, 2016

Mr. Lonnie Smith,
City of Dunnellon
20750 River Dr.
Dunnellon, FL 34431

Subject: Rainbow Square Parking Addition and Building Renovation - Variance Request

Dear Mr. Smith:

Please find attached a copy of the P & Z application, with three copies of the conceptual site plan, the warranty deed, property record card, and fees submitted for a proposed parking lot and building renovation for the existing Rainbow Square shopping center. The store previously leased to Winn Dixie is vacant. The owner has another major, regional grocer which is soon-to-sign a lease for that space, subject to obtaining regulatory approvals. This application is limited to the variance requests and a subsequent detailed site plan will be submitted after the variances are addressed.

General Description

The grocer has particular requirements based on its widespread experience in the region. These requirements include increasing the size of the grocery-space and providing sufficient, close-by parking serving the store, as well as creating a more efficient loading area in the rear of the new space. Thus, the proposal is to demolish the former grocer-space along with some adjacent space, reconstruct a larger 'footprint,' and modify the parking field, including an expansion to add parking spaces.

In order to accomplish this redevelopment of Rainbow Square and bring this grocer to the community, variances to the Zoning Code and Code of Ordinances, Chapter 74, will be required. Without these variances, the requirements of the grocer will not be met and the redevelopment will not occur.

The existing parking field will be expanded by creating underground drainage vaults where deep dry-retention areas currently exist. For example, the frontage of US 41 will involve installing drainage vaults with new parking constructed above. Except for these areas where the parking field is expanded, the only changes to the existing parking field will be to overlay the existing paving with a new 'lift' of asphalt and restripe the area, with the addition of some cart-storage spaces.

All areas where the parking field is expanded will meet current code.

Rainbow Square was constructed in 1985 and has had no major renovations since that time. The entire center is 121,968 square feet with 508 parking spaces.

Proposed is an expansion to 125,393 square feet with 626 parking spaces. A new façade for the center is also proposed.

In 2009 by Ordinance 2009-04, the City adopted major revisions to the parking and landscaping requirements in the Zoning Code. Those 2009 requirements are what trigger most of the variances, as outlined below. With Rainbow Square having been constructed under the old parking and landscaping requirements, there is absolutely no way to accommodate the new grocer without a complete demolition of the Rainbow Square shopping center resulting in a major loss of leaseable square footage. That is not possible for several reasons, including simple economics and contractual obligations of the existing leases in the center. Thus, the choice is simple: either the variances are approved or the center remains as it is, without any significant upgrades.

Variances Requested

We request variances or relief from the following sections:

Section 74-101 for ISR (Impervious Surface Ratio) VAR2016-05

The code specifies that for a B4 zoning district the maximum ISR allowed is 65%. Currently the ISR for the existing site is 79% and the proposed ISR with the proposed parking addition would be 84%. Particular attention has been paid to maximizing the pervious areas but still meeting the requirements of the grocer. And in those areas where paving is installed over vaults it should be noted that the vaults themselves allow percolation.

Section 9.3-1(a)6.d.4. – Vehicle stops shall be used to ensure that vehicles do not overhang required landscape areas. Continuous curbing shall be prohibited. VAR2016-06

It is our intent to provide curbing to prevent vehicles from encroaching into landscape areas, to ensure proper separation of landscaping materials from paving, and to direct sheet-flowing of water to avoid problems in landscape areas.

Vehicle stops in the parking field are almost universally of major concern with shopping centers due to safety concerns. They are often tripping hazards and make maintenance of parking area more difficult to maintain. They are often broken, leaving installation-pins that only increase the tripping hazards.

We are committed to working with City and other regulatory staff to accomplish a safe, efficient approach.

Section 9.3-2(d)5– All buildings and sites shall provide leadership in energy and environmental design (LEED) certification, as defined by the US Green Building Council or a comparable rating system that is approved by the City Council following recommendation by the planning council. Proof of application for LEED certification must be provided with the application and

prior to any review. LEED certification must be obtained and provided prior to the issuance of a certificate of occupancy. VAR2016-07

As previously discussed the site is an existing shopping center and most of the existing tenant-space will not be affected. As to the new building construction, although the grocer, as well as the owner, desire to obtain the most progressive, efficient, sustainable building by incorporating 'green-building' design-standards, the grocer does not pursue LEED certification. Again, the grocer has very specific prototypes reflected in an extensive Design Manual, which has resulted from their experience, including recent new-construction and retrofits throughout the region. They are unable to accomplish LEED certification given the nature and scale of the building and their business, particularly in the context of retrofitting an existing center.

Section 9.3-2(e)3, b.– Buffers around the perimeter of the site shall be 150 percent of the buffer width required in section 74-108 for the B-4 zoning district; VAR2016-08
together with Section 74-108(4)a.– Required width of buffers in B-4 zoning District. A minimum width of 25 feet is required. VAR2016-09

Again, this is an existing site which currently does not meet the buffer requirement for B-4 zoning, much less the new 150% requirement. The existing buffers around the site will be unchanged except for those areas where parking or travel areas are being expanded. The attached sketch shows three separate areas where new parking area construction will require reduced buffers. In area 1 we are maintaining a minimum of 10 feet anywhere the expansion is taking place. In area 2 - which is behind the Pizza Hut and the used car lot - we propose an aggregate of 16 feet wide with a minimum of 6 feet and a maximum of 26 feet due to the non-uniform shape of the area. In area 3 - which is a small area along Robinson Road - we propose an aggregate of 12 feet with a minimum of 4 feet and a maximum of 20 feet, again due to the irregular shape of the area.

The minimum 10-foot buffer is also consistent with the building setback requirements for the B-4 zoning district. That is, although the landscape buffer width is 25 feet, with an additional requirement under this section, the building setback is 10 feet.

As outlined above, the grocer absolutely requires a parking area that functions for its business needs to ensure success and convenience for the shoppers. If the number of parking spaces aren't met, the grocer will be lost. The applicant is committed to work with the City in designing a site that is aesthetic and functional, while meeting the needs of the new grocer.

Section 9.3-2(e)3,c., i, ii, iii, iv, v.– The required buffer width shall include the following planting materials for each 100 linear feet of boundary area, or fraction thereof: VAR2016-10

We request a reduction in the number of planting recognizing good horticultural practices based on the buffer width, while maintaining the character of the intended plantings. If planting becomes too intensive, plant viability is compromised and

maintenance is difficult, resulting in a poor appearance. No later than the first week of November we will submit a preliminary landscape details which will define the planting we are proposing within the reduced buffers.

Section 9.3-2(e)3,d. – Parking shall not exceed 110 percent of the parking standard set forth in appendix A, article V. At least 20% of the required parking shall be constructed utilizing pervious materials. VAR 2016-11

The Rainbow Square center is 121,151 square feet which has a parking requirement of 404 spaces based on 1 space per every 300 square feet of building. Currently there are 508 spaces on-site and this already exceeds the 110% requirement. Because of the requirements of the grocer based on regional experience over the years, we are proposing to increase the parking ratio to as close to 5 spaces per 1000 square feet as possible. The grocer requires this 5/1000 number, but has reduced the requirement to 4.7/1000 because of the site constraints and code requirements.

Based on these changes, the shopping center will continue to exceed the 110% and a variance is requested to continue this and to meet the proposed grocer's needs.

In addition to the number of spaces, we request relief from the required 20% of pervious pavement. Again, most of the parking is existing and is not subject to the new requirement. And providing for 20% pervious materials in the newly constructed areas doesn't accomplish a significant saving in drainage needs. The drainage system will meet all regulatory requirements no matter what. Most important, the majority of these new areas will be over a vault drainage system that itself is pervious, but trying to install pervious material over the non-pervious top of the vault is problematic and doesn't accomplish percolation at the top of the vault anyway. In addition, the pervious materials while all the rage several years ago have been found to be problematic. There is no way to prevent dirt from entering the surface no matter how frequently they are cleaned. They eventually clog-up and don't work, becoming dirty in appearance and an eyesore over the years.

Variance Criteria

Variances require consideration under specific criteria found in the Zoning Code.[1] The criteria and process are found in Section 94-37, *Powers and Duties,* of the Planning Commission. Each relevant criterion or group of criteria are set forth below in italics, with the response following.

(11) Variances.

a. The [Planning] 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

[1] There are two sections of Dunnellon ordinances which provide for different processes and criteria for the granting of variances. The City Attorney has advised that Section 94-37 of the Code of Ordinances, City of Dunnellon is the applicable section. The other provisions are found in Sections 14-1 through 14-6 of the Zoning Code.

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.

The redevelopment of Rainbow Square will be in the public interest by upgrading the center and bringing a nationally renowned grocer to the area. If the literal provisions of the Zoning Code and Code of Ordinances were enforced, the center would not be redeveloped, and if it were, it would result in the razing of the entire center with a substantial loss in leasable area. Clearly this is an undue an unnecessary hardship which results from the size of the property and the 'carve-outs' of the outparcels – the configuration of the subject property - along with the characteristics of the deep dry-retention areas.

b. *In order to recommend a variance from the terms of the relevant ordinance, the [Planning] 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.*

Rainbow Square was constructed in 1985. It was built under a set of regulations that established a building size and footprint which cannot be changed to accommodate the functionally-mandated needs of the major grocer without a complete razing of the property. The center cannot be razed because of not only simple costs, but leases that exist on the center. Thus, if cost-effective redevelopment is to occur, it must occur within the framework of the grocer's needs as well as the characteristics of the center established by the regulations at the time the center was built.

It is important to consider that the property which is owned by the Applicant and under the Applicant's control does not include the Cadence Bank property or the other outparcels. The center is designed with deep dry-retention areas which render a considerable portion of the property unusable.

It is the combination of these conditions which are peculiar to this center.

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

The Applicant/owner of the center did not build or design the center and did not establish the regulatory framework under which it was built. The Applicant/owner did not 'carve-out' the outparcels. The applicant is faced with a simple choice: invest considerable funds into the center to bring the major grocer to the center or let the center operate in the status quo.

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.*

There are two major centers in the immediate area that enjoy a parking field and landscaping which do not meet the 2009 code. Granting of these variances will continue the parity that exists between Rainbow Square and the other major shopping centers in the area, and, moreover, will allow Rainbow Square to be upgraded to a design which exceeds what exists in the area.

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.*

As outlined above, other properties enjoy the design of the parking field which is functionally-efficient. To require that Rainbow Square be razed and rebuilt to a standard that dramatically reduces the size of the leasable area while at the same time creating an inordinately large parking field is to impose a requirement that other centers do not have. More importantly, and simply stated, the redevelopment of Rainbow Square is not feasible if the literal code must be met. Again, this is an unnecessary and undue hardship.

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

The reasonable use of Rainbow Square is to redevelop it – upgrade it – with a new, nationally-renowned grocer, façade and landscaping improvements, and a better drainage system allowing a more realistic use of the center. In order to accommodate the functionally-driven requirements of the grocer, these are the minimum variances that will accomplish bringing the grocer to the center and accomplishing the upgrades to the center.

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 design-team has struck what they think is the needed balance between the requirements of the grocer and the goals of the regulations of the City. One key approach is to ensure landscaping along the perimeter of the center. Although the literal requirements of the codes are not being met, the design gets closer to the current standards than what exists today. And the existing healthy Live Oaks in the center and on the adjacent Cadence Bank property will remain.

That said, the City should recognize that retailers have certain needs that should not be ignored. Those include proximity of parking, visibility, and efficiency of operations. The large the parking field, and the more shade is accomplished, the less likely it is that retailers can

function. By bringing this grocer to the area, the consumer's needs are better met.

Conclusion

Rainbow Square was built in 1985 with a size and configuration that reflects the regulatory requirements of 1985. Leases exist on the property which don't allow a razing of the center to meet current code, and simple economics dictate that redevelopment and upgrading of the center will not occur under current standards.

Any opportunity to redevelop this center and bring this grocer to the area hinges on the granting of the requested variances. The design-team and owner are committed to work with the City to accomplish the needed balance between the goals of the code and the needs of the grocer to benefit not only the grocer, the owner, but the community.

We look forward to working with the City to bring this grocer to Rainbow Square and renovate the center.

Sincerely,

Burrell Engineering, Inc.

Troy E. Burrell, Jr., P.E.
President

Cc: Josh Nolan, Morguard

Property Owner & Agent Affidavit

Date: 10/18/16

Before me, the undersigned authority personally appeared, Robert A. Kutcher Revenue Properties Dunnellon LLC (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:
Request varinances from the City code to allow the construction of additional parking at the existing Rainbow Square Shopping center. See the attached cover letter which details the requested variances and the justification for these variances.

3. That said authority (property owner) has appointed Richard . Carlson, Jr., Esq., Troy E. Burrell, Jr., PE (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.

SEC

Property Owner's Signature

STATE OF ~~FLORIDA~~ Louisiana
~~COUNTY OF MARION~~ Parish of Jefferson
Subscribed and sworn to (or affirmed) before
Me on October 17, 2016 (date) by
Brittany O. Rosenbloom (name)
Of affiant, deponent, or other signer. He/she is personally known to me or has presented

as identification.

Brittany Rosenbloom
PUBLIC NOTARY

SEAL:

BRITTANY ROSENBLOOM
Notary Public, Bar No. 31905
State of Louisiana
My Commission is Issued for Life

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.

DAVID R ELLSPERMANN CLERK OF COURT MARION COUNTY
DATE: 06/18/2007 10:05:41 AM
FILE #: 2007082003 OR BK 04819 PGS 0504-0506
RECORDING FEES 27.00
DEED DOC TAX 0 70

PREPARED BY AND RETURN TO:

Matthew S McAfee, Esq.
Driver, McAfee, Griggs & Peek, P.L
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

NOTE TO CLERK: THE GRANTOR HEREIN IS CONVEYING ITS INTEREST IN PROPERTY TO A SINGLE MEMBER LIMITED LIABILITY COMPANY, IN WHICH GRANTOR IS THE SOLE MEMBER. THE PROPERTY IS NOT ENCUMBERED BY A MORTGAGE; ACCORDINGLY, NO DOCUMENTARY STAMPS ARE DUE UNDER 201.02(1), FLORIDA STATUTES. *Crescent Miami Center, LLC. v Fl Dept of Rev*, 903 So.2d 913 (No SC03-2063) (Fla. May 19, 2005).

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into as of this 16th day of June, 2007 by **SPIDUN, LLC, a Florida limited liability company**, whose post office address is: 2542 Williams Boulevard, Kenner, LA 70062 (hereinafter called the "Grantor"), to **REVENUE PROPERTIES RAINBOW SQUARE LLC, a Florida limited liability company,** whose post office address is 2542 Williams Boulevard, Kenner, LA 70062 (hereinafter called the "Grantee").

> [Wherever used herein, the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.]

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situated in **Marion County, Florida** (the "Property"), as more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

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

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

AND, the Grantor hereby covenants with the Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and the Grantor hereby covenants that Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through or under Grantor alone, but against none other.

The Property is subject to real property taxes accruing subsequent to December 31, 2006, which are not yet due and payable; rights of tenants, as tenants only, under existing unrecorded written lease agreements; and covenants, easements and restrictions of record; provided however, this reference shall not serve to reimpose the same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESSES:

Sign: _____
Witness #1
Print: Julie J. Wisecarver

Sign: _____
Witness #2
Print: CELESTE S. PFEFFERLE

SPIDUN, LLC, a Delaware corporation

By: **SPICOM, INC.**, an Alabama corporation
Its: Sole Member

By: _____

Name: Thomas A. Masilla, Jr.
Title: President

STATE OF Florida)
) ss:
COUNTY OF Jefferson)

I hereby certify that the foregoing instrument was acknowledged before me this 21st day of May, 2007, Thomas A. Masilla, Jr., the President of SPICOM, INC., an Alabama corporation, the sole member of SPIDUN, LLC, a Florida limited liability company, on behalf of the company. He [✓] is personally known to me, or [ ] has produced _____ as identification.

Affix Notary Stamp or Seal Below:

NICOLE S. TYSON
NOTARY PUBLIC
STATE OF LOUISIANA
ST. TAMMANY PARISH
MY COMMISSION EXPIRES AT DEATH
LA. BAR NO. 19814

_____ 19814
NOTARY PUBLIC – signature above
Printed Name: Nicole Tyson
at Large

EXHIBIT 'A'

All those certain pieces, parcels or tracts of land situate, lying and being in the County of Marion and State of Florida and being more particularly described as follows:

Parcel 1:

Commence at the Northwest corner of the Southeast ¼ of Section 26, Township 16 South, Range 18 East, thence South 89 ° 54 ' 52 " East along the North line of said Southeast ¼ a distance of 1239.87 feet to the Point of Beginning, thence continue South 89 ° 54 ' 52 " East along said North line a distance of 82 66 feet to the Southwest corner of lands described in deed recorded in Official Records Book 1267, Page 299, Public Records of Marion County, Florida, thence North 0 ° 45 ' 01 " East along the West line of said lands a distance of 186.45 feet to the Northwest corner of said lands, thence South 83 ° 21 ' 14 " East along the North line of said lands a distance of 374.30 feet to a point on a Northeasterly projection of the West line of lands described in deed recorded in Official Records Book 813, Page 489-A Public Records of Marion County, Florida, thence South 20 ° 10 ' 30 " West along said Northeasterly projection and along the West line of lands described in deed recorded in Official Records Book 813, Page 489-A, Public Records of Marion County, Florida, a distance of 252.99 feet to the Southwest corner of said lands; thence South 89 ° 54 ' 52 " East along the South line of said lands a distance of 54.63 feet, thence South 20 ° 10 ' 30 " West 131.48 feet, thence South 69 ° 49 ' 30 " East 85 feet, thence South 20 ° 10 ' 30 " West 15 feet, thence South 69 ° 49 ' 30 " East 75 feet to a point on the Westerly right-of-way line of U.S. Highway No. 41, said point being 33 feet from, measured at a right angle to, the centerline of said U.S. Highway No 41, thence South 20 ° 10 ' 30 " West along said Westerly right-of-way line a distance of 277 feet, thence North 69 ° 49 ' 30 " West 310 feet, thence North 20 ° 10 ' 30 seconds East parallel to said right-of-way line a distance of 31.77 feet, thence North 69 ° 52 ' 09 " West 280 84 feet, thence North 20 ° 10 ' 30 " East parallel to said right-of-way line a distance of 334 36 feet to the Point of Beginning

TOGETHER WITH the Easement rights described and set forth in that certain EASEMENTS WITH COVENANTS AND RESTRICTION AFFECTING LAND, dated December 20, 1985, between Wal-Mart Stores, Inc., a Delaware Corporation and Sembler Family Partnership #1, Ltd., a Florida Limited Partnership, as to an undivided 60% interest and John F Ruggles, as to an undivided 40% interest, as recorded January 8, 1986, in Official Records Book 1325, Page 221, Public Records of Marion County, Florida

Formerly Parcel 1 (Rainbow Square- LLC)

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 Current 2016 2015 2014 PRC

2016 Property Record Card

33639-002-00

Prime Key: 795682 MAP IT

Property Information

REVENUE PROPERTIES DUNNELLON INC
2542 WILLIAMS BLVD
KENNER LA 70062-5538

Taxes / Assessments: $69,102.08
Map ID: 20
Millage: 3002

M.S.T.U.
PC: 16
Acres: 6.26

Situs: 11352 N WILLIAMS ST UNIT 505 DUNNELLON Show All Situs'

Current Property Values by Income

Land Just Value	N/A
Buildings	N/A
Miscellaneous	N/A
Total Just Value	$3,521,358
Total Assessed Value	$3,521,358
Exemptions	-$0
Total Taxable	$3,521,358

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2016	N/A	N/A	N/A	$3,521,358	$3,521,358	$0	$3,521,358
2015	N/A	N/A	N/A	$3,624,263	$3,624,263	$0	$3,624,263
2014	N/A	N/A	N/A	$3,633,805	$3,633,805	$0	$3,633,805

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
6355/0844	02/16	09 EASEMNT	0	U	I	$100
6352/1924	02/16	09 EASEMNT	0	U	I	$100
4819/0501	06/07	06 WARANTY	0	U	I	$100
1529/0718	09/88	07 WARRANTY	9 UNVERIFIED	U	I	$5,219,000
1275/0986	04/85	07 WARRANTY	0	Q	V	$525,000

Property Description

SEC 26 TWP 16 RGE 18
COM NW COR OF SE 1/4 E 1239.87 FT S 334.36 FT
TO POB S 20 DEG 10`30"W 282.07 FT TO CURVE
TH SLY & ELY ALONG CURVE 248.61 FT S 225.56
FT TO CURVE TH ELY & SLY 39.27 FT E 222.51 FT
N 166.31 FT E 305.13 FT TO SR 41 RWY N 20 DEG
10`30"E 370 FT NWLY 310 FT N 31.70 FT NWLY
280.84 FT TO POB

Land Data - Warning: Verify Zoning

Use	Front	Depth	Zoning	C	Notes	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
1600			B4		IRREGULAR	272687.00	SF	1.65	1.00	1.00	1.00	$449,934	$449,934

Neighborhood 3100 - US 41 IN TWP 16 Total Land - Class $449,934

Mkt: 1 70 Total Land - Just $449,934

Traverse

Building 1 of 1

```
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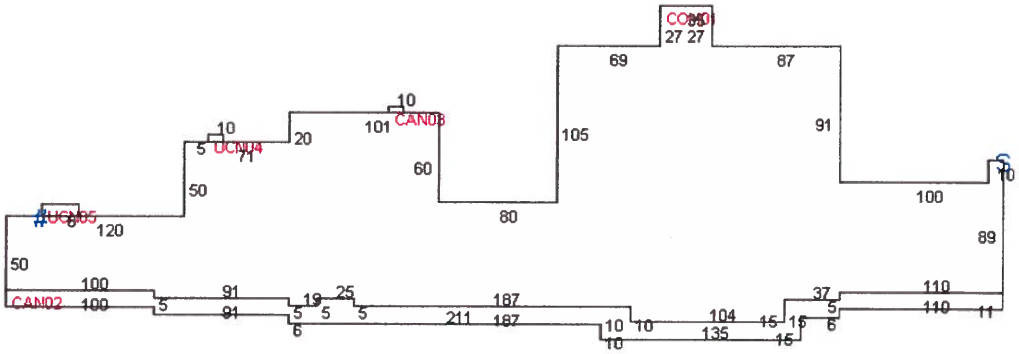

Building Characteristics

Structure	4 - MASONRY NO PILAST	Year Built 1985
Effective Age	4 - 15-19 YRS	Physical Deterioration: 0 %
Condition	3 - 3	Obsolescence: Functional 0 %
Quality Grade	600 - AVERAGE	Obsolescence: Locational 0 %
Inspected on 12/22/2015 by 118		Base Perimeter 1930

Exterior Wall: 32 CONC BLK-STUCO 32 %
24 CONC BLK-PAINT 67 %
44 FACE BRICK-BLK 1 %

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish		Sprinkler	A/C
1	15.5	1.00	1985	0 %	75,675	M16 COMMUNITY SHOP CTR	52 %	N	Y
						M14 MARKET	42 %	Y	Y
						M49 STORAGE	6 %	Y	N
2	10.0	1.00	1985	0 %	8,265	CAN CANOPY-ATTACHD	100 %	N	N
3	14.0	1.00	1985	0 %	40	CAN CANOPY-ATTACHD	100 %	N	N
4	14.0	1.00	1985	0 %	50	UCN CANOPY UNFIN	100 %	N	N
						UCN CANOPY UNFIN	100 %	N	N

MZO MEZZANINE OFF	100 %	Y	Y
MZS MEZZANINE STOR	100 %	Y	N

Section: 1

Elevator Shafts 0	Apartments 0	Kitchens 2	4FixBath 4	3FixBath 1
Elevator Landings 0	Escalators 0	Fireplaces 0	2FixBath 16	XFixture 61

Miscellaneous Refinements

Description		Units	Rate	RCN Value
COL	BLT IN COOLER	2512		
FRZ	BLT IN FREEZER	715		

Miscellaneous Improvements

Type		Nbr Units	Type	Life	Year In	Grade	Length	Width	Depr Value
144	PAVING ASPHALT	176816.00	SF	5	1985	3	0.0	0.0	$117,406
159	PAV CONCRETE	848.00	SF	20	1985	3	0.0	0.0	$940
170	LOADING WELL	2349.00	SF	20	1985	3	87.0	27.0	$6,681
045	LEAN TO	208.00	SF	15	2008	1	26.0	8.0	$122

Total Depreciated Value as of 10/18/2016 - $125,149

Appraiser Notes

803 N US HWY 41=RAINBOW SQUARE SHOPPING CENTER

SEE FILE

TENANT LIST AS OF 07/15/2016

DIRECTORY SIGN=PROPERTY OWNER

11252=REVENUE PROPERTIES RANIBOW SQUARE LLC

11352=

#100= LIBERTY TAX SERVICE 1-2FX 1X
-
#101-104=CHINA WOK BUFFET 1-6FX 1-5FX 8X
-
#105=VERNON MARTIN SALON 1-2FX 10X
-
#106=VERNON MARTIN SALON 1-2FX 3X
-
#107=SHERWIN WILLIAMS 2-2FX 1X
-
#200=VACANT 1-2FX
-
#201=AARONS 2-2FX 3X
-
#301=VACANT 1-2FX 4X
-
#302=VAC 1-2FX 1X
-
#303=VAC 1-2FX

#304=VAC 1-3FX 1-2FX 5X
-
#400=VACANT 2-4FX 2-2FX 18X
- COL=5 FRZ=4
#501-503-504 =DOLLAR TREE 2-2FX 3X

11232=MCDONALD`S
-
BEALL`S OUTLET,TRACTOR SUPPLY, ON 33639-004-00

CORRECTED PAVEMENT AREA FOR 2011

OR BOOK 5620-0266

Planning and Building, County Permit Search

** Permit Search **

Permit Number	Amount	Issued Date	Complete Date	Description

DN01787	$305,000	7/1/1985	12/1/1985	BUILDING
DN01735	$1,900,000	5/1/1985	12/1/1985	BUILDING
DN02075	$500	11/1/1986	4/1/1987	REMODEL STORE #505
DN01989	$8,500	8/1/1986	4/1/1987	REMODEL STORE #304
DN01857	$1,000	12/1/1985	2/1/1986	REMODEL 1 HOUR PHOTO
DN01971	$1,000	7/1/1986	9/1/1986	REMODEL OPTICAL SHOP
DN01907	$15,000	3/1/1986	-	REMODEL RESTAURANT
DN01855	$1,000	12/1/1985	-	REMODEL STORE
DN02064	$500	10/1/1986	-	REMODEL STORE
DN02144	$1,000	2/1/1987	-	REMODEL STORE
DN02054	$67,000	10/1/1986	-	REMODEL & ADD (SCOTTYS)
DN02473	$1,500	10/1/1988	-	REMODEL STORE
DN02429	$4,000	7/1/1988	-	REMODEL STORE(CLEANERS)
DN02789	$25,000	7/1/1990	-	REMODEL STORE(SUBWAY
DN02938	$5,600	5/1/1991	-	REMODEL UNIT #301
DN02953	$2,250	5/1/1991	-	REMODEL UNIT #102 & 104
DN02930	$15,000	4/1/1991	-	REMODEL UNITS 503,504,505
DN3504	$26,000	9/1/1993	-	REMODEL INTERIOR
DN4050	$1,100	5/1/1994	-	REMODEL
DN4184	$5,200	11/1/1994	-	RE-MDL (BEALLS)503
DN4350	$10,000	7/1/1995	-	INT RE-MDL BE
DN5617	$24,530	9/1/1999	-	RENOVATION
DN51143	$40,000	5/1/2001	3/1/2002	ENCLOSE LOADING DOCK
DN00164	$3,138	12/1/2002	-	BEP, INT. ALT.
DN00054	$3,475	4/1/2004	-	STE 200 WINE & SPIRITS
DN00321	$298,897	12/1/2003	-	BEALL`S, PARCEL 004
DN00017	$135,000	8/1/2003	-	INT 505
DN00041	$5,790	3/1/2004	-	STE 200
DN19905	$2,250	10/1/2005	-	STE 303
DN00009	$3,000	1/1/2006	-	HOOD SYSTEM 304
DN00001	$500	12/1/2005	-	COUNTER 304
DN00062	$38,000	1/1/2007	7/1/2007	SHERWIN WILLIAMS
DN00012	$51,326	1/1/2007	-	TRACTOR SUPPLY
DN08140	$2,250	8/1/2007	-	SIGN #301
DN07207	$2,489	11/1/2007	-	SIGN#303
DN09-155	$400	1/14/2010	-	ELECTRIC
DUN1112-003	$73,456	10/7/2011	-	RESTORATION FRONT OF BLDG
DUN1112-161	$1,100	6/22/2012	-	SIGN
DUN1213-108	$6,600	-	-	INSTALL 3 BEER CASES
DUN1213-120	$1,695	-	-	THOMAS SIGN & AWNING
1415-021	$25,000	11/19/2014	-	REMODEL #105
1314-161	$33,968	8/24/2014	-	RENOVATE #100

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Cost/Market Summary

Buildings R.C.N.	$2,879,760	12/24/2015
Total Depreciation	-$863,927	
Bldg - Just Value	$2,015,833	
Misc - Just Value	$125,149	12/24/2015
Land - Just Value	$449,934	5/26/2016
Total Just Value	$2,590,916	

Bldg Nbr	RCN	Depreciation	Depreciated
1	$2,879,760	$863,927	$2,015,833

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 Current 2016 2015 2014 PRC

2016 Property Record Card

33639-004-00

Prime Key: 1996767 MAP IT

Property Information

REVENUE PROPERTIES RAINBOW SQUARE LLC
2542 WILLIAM BLVD
KENNER LA 70062-5538

Taxes / Assessments: $37,210.59
Map ID: 20
Millage: 3002

M.S.T.U.
PC: 16
Acres: 6.5

Situs: 11262 N WILLIAMS ST DUNNELLON Show All Situs'

Current Property Values by Income

Land Just Value	N/A
Buildings	N/A
Miscellaneous	N/A
Total Just Value	$1,896,207
Total Assessed Value	$1,896,207
Exemptions	-$0
Total Taxable	$1,896,207

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2016	N/A	N/A	N/A	$1,896,207	$1,896,207	$0	$1,896,207
2015	N/A	N/A	N/A	$1,863,906	$1,863,906	$0	$1,863,906
2014	N/A	N/A	N/A	$1,868,813	$1,868,813	$0	$1,868,813

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
6355/1349	02/16	09 EASEMNT	0	U	I	$100
4819/0504	05/07	06 WARANTY	0	U	V	$100
3412/1697	04/03	06 WARANTY	2 V-SALES VERIFICATION	Q	I	$1,300,000
1325/0215	12/85	07 WARRANTY	0	U	V	$250,000

Property Description

SEC 26 TWP 16 RGE 18
COM AT NW COR OF SE 1/4 E 1239.87 FT
TO POB S 89 DEG 54`52"E 82.66 FT TO SW
COR OF LANDS DESC IN OR 1267-0299 N 00
DEG 45`01"E 186.45 FT S 83 DEG 21`
14"E 374.30 FT S 20 DEG 10`30"W 252.99
FT S 89 DEG 54`52"E 54.63 FT S 20 DEG
10`30"W 131.48 FT S 69 DEG 49`30"E 85
FT S 20 DEG 10`30"W 15 FT S 69 DEG 49`
30"E 75 FT TO PT ON WLY RWY US HWY 41
S 20 DEG 10`30"W ALONG RWY 277 FT
N 69 DEG 49`30"W 310 FT N 20 DEG
10`30"E 31.77 FT N 69 DEG 52`09"W
280.84 FT N 20 DEG 10`30"E 334.36
FT TO POB

Parent Parcel: 33639-002-00

Land Data - Warning: Verify Zoning

Use	Front	Depth	Zoning	C	Notes	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value

1600	B4	IRREGULAR	283140.00 SF	1.65	1.00	1.00	1.00	$467,181	$467,181

Neighborhood 3100 - US 41 IN TWP 16 — Total Land - Class $467,181

Mkt: 1 70 — Total Land - Just $467,181

Traverse

Building 1 of 1

```
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PTO04=R25U144L25D144.
MZS05=1176.U204L16
CAN06=U8L11D8R11.
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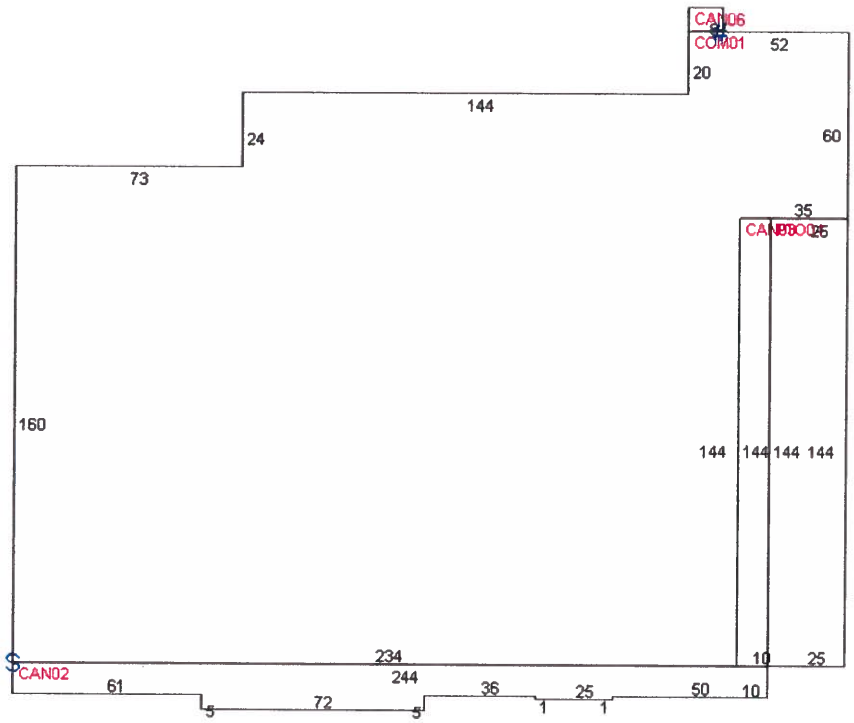

Building Characteristics

Structure	4 - MASONRY NO PILAST	Year Built 1986
Effective Age	4 - 15-19 YRS	Physical Deterioration: 0 %
Condition	3 - 3	Obsolescence: Functional 0 %
Quality Grade	600 - AVERAGE	Obsolescence: Locational 0 %
Inspected on 12/22/2015 by 118		Base Perimeter 946

Exterior Wall: 44 FACE BRICK-BLK 14 %
24 CONC BLK-PAINT 74 %
32 CONC BLK-STUCO 12 %

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish		Sprinkler	A/C
1	18.0	1.00	1986	0 %	43,744	M16 COMMUNITY SHOP CTR	94 %	Y	Y
						M49 STORAGE	6 %	Y	N
2	10.0	1.00	1986	0 %	2,825	CAN CANOPY-ATTACHD	100 %	N	N
3	10.0	1.00	1986	0 %	1,440	CAN CANOPY-ATTACHD	100 %	N	N
4	1.0	1.00	1986	0 %	3,600	PTO PATIO	100 %	N	N
5	8.0	1.00	1986	0 %	1,176	MZS MEZZANINE STOR	100 %	N	N
						CAN CANOPY-ATTACHD	100 %	N	N

Section: 1

Elevator Shafts 0	Apartments 0	Kitchens 0	4FixBath 2	3FixBath 1
Elevator Landings 0	Escalators 0	Fireplaces 0	2FixBath 2	XFixture 9

Miscellaneous Refinements

Description	Units	Rate	RCN Value
SEC SECURITY SYSTM	2		

Miscellaneous Improvements

Type		Nbr Units	Type	Life	Year In	Grade	Length	Width	Depr Value
144	PAVING ASPHALT	115133.00	SF	5	1986	3	0.0	0.0	$76,448
105	FENCE CHAIN LK	60.00	LF	20	1986	5	0.0	0.0	$133
159	PAV CONCRETE	1050.00	SF	20	1986	3	0.0	0.0	$1,163
105	FENCE CHAIN LK	390.00	LF	20	2003	4	0.0	0.0	$753
250	WALLS MASONRY	128.00	SF	50	1986	3	0.0	0.0	$281
170	LOADING WELL	1092.00	SF	20	1986	3	78.0	14.0	$3,106
105	FENCE CHAIN LK	156.00	LF	20	1986	1	0.0	0.0	$164

Total Depreciated Value as of 10/18/2016 - $82,048

Appraiser Notes

11252=TRACTOR SUPPLY CO. 1-3FX 1-2FX 5X

11352=BEALL`S OUTLET 2-4FX 1-2FX 4X MZS=1176 SF

PART OF RAINBOW SQUARE S.C. PARCEL 33639-002-00

Planning and Building, County Permit Search

** Permit Search **

Permit Number	Amount	Issued Date	Complete Date	Description
DN01892	$706,000	2/1/1986	-	WAL-MART
DN02795	$11,500	7/1/1990	-	ROOF REPAIRS
DN3356	$6,000	4/1/1993	-	GREEN HOUSE
DN3324	$6,000	2/1/1993	-	RE MDL
DN3325	$2,500	2/1/1993	-	FIRE SPR
DN0603	$470,985	2/1/2003	-	INT ALTERATION
DN04203	$13,000	2/1/2003	-	FIRE SPRINKLERS/REMODEL
3210312	$298,897	11/1/2003	-	ALTERATION
DN0096	$14,000	1/1/2007	6/1/2007	ALTERATIONS
DN00078	$116,000	5/1/2007	-	RENO. / AARONS RENTS
DUN1112-143	$225,000	9/25/2012	-	REMODEL BEALL`S
DUN1112-186	$2,300	8/7/2012	-	ELECTRICAL
DUN1213-009	$2,500	8/1/2012	-	FIRE SPR
DUN1112-143	$1	11/8/2012	-	PLAN REV
1415-063	$1,800	6/25/2015	-	ELECT
1415-192	$800	10/9/2015	-	ELECT

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Cost/Market Summary

Buildings R.C.N.	$1,858,253	12/24/2015
Total Depreciation	-$557,476	
Bldg - Just Value	$1,300,777	
Misc - Just Value	$82,048	12/6/2012
Land - Just Value	$467,181	5/26/2016
Total Just Value	$1,850,006	

Bldg Nbr	RCN	Depreciation	Depreciated
1	$1,858,253	$557,476	$1,300,777

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1617-005**

FLORIDA MUNICIPAL SERVICES

Permit Address: 11352 & 11252 N Williams St
Parcel ID: 33639-02-00 /33639-004-00

Permit Type: Variance

2nd Permit Type: Administrative Fee

Owner: Troy Burrell, Burrell Engineering, Inc.

Address: 12005 N Florida Ave, Dunnellon, FL 34434

Remarks:

Notes:

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:		10613		$550.00
Credit:				
Refund:				

TOTAL: **$550.00** **Signed:** **Date:** 10/18/2016

MISCELLANEOUS PAYMENT RECPT#: 502058
CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON FL 34431-0000

DATE: 10/18/16 TIME: 14:43
CLERK: 81271bar DEPT:
CUSTOMER#: 0

COMMENT: PERMIT PZ1617-005

CHG: 32201 PERMIT ADMINIST 550.00

AMOUNT PAID: 550.00

PAID BY: BURRELL ENGINEERING
PAYMENT METH: CHECK
10613
REFERENCE:

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

TO: **Ocala Star Banner**
FROM: Teresa Malmberg
DATE: Oct 24, 2016
RE: Legal Notice

Please publish the ad below **on or before Wed Oct 26th, 2016**, in the Legal Section.
Please provide a proof for our review prior to publication and proof of publication once published.

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATIONS FOR VARIANCES PZ1617-005

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven (7) variances for the property located at 11262 & 11352 N. Williams Street, Dunnellon, Florida, being Parcel Number 33639-002-00 & 33639-004-00, situated in the Rainbow Square Shopping center. The Applicant, Troy Burrell, Burrell Engineering Inc. on behalf of Revenue Properties Dunnellon LLC, seeks a variance from Section 74-101, requiring a maximum Impervious Surface Ratio of 65%. The applicant seeks a second variance from Section 9.3-2(d)5, which requires LEED or a comparable rating certification. The Applicant seeks a third variance from Section 9.3-2(e)3 b, which requires buffers around the perimeter of the site to be 150 percent of the standard buffer width. The Applicant seeks a fourth variance from Section 9.3-2(e)3,c. i, ii, iii, iv, v. which require six canopy and ten understory trees per 100 linear feet of boundary area. The Applicant seeks a fifth variance from Section 9.3-2(e)3,d which requires that the number of parking spaces not exceed 110 percent of the set standard and at least 20% of the parking spaces be constructed with pervious materials. The Applicant seeks a sixth variance from Section 74-108(4)a which requires a minimum buffer width of 25 feet. The Applicant seeks a seventh variance from Section 9.3-1(a)6.d.4 which requires vehicle stops and prohibits continuous curbing.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, November 15, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. Interested person will have an opportunity to 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 PZ1617-005, submitted by Troy Burrell, Burrell Engineering Inc. on behalf of Revenue Properties Dunnellon 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.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Monday, October 24, 2016 3:31 PM
To: Lonnie Smith
Cc: Teresa Malmberg
Subject: RE: Dunnellon Grocer Ad

I was just typing you both an email when your follow up came in. Yes, the ad is sufficient for the newspaper notice.

I know that you are familiar with the requirements, but to cover the bases – here's a reminder that per 94-37(16), notices also need to go to applicant and property owners w/in 300 ft by mailing at least 15 days prior to 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: Monday, October 24, 2016 3:27 PM
To: Andrew Hand <ahand@shepardfirm.com>
Cc: Teresa Malmberg <tmalmberg@dunnellon.org>
Subject: RE: Dunnellon Grocer Ad

Hi Andrew,
Just checking in…. Are we legally sufficient? ☺

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.

From: Lonnie Smith
Sent: Friday, October 21, 2016 5:53 PM
To: Andrew Hand (ahand@shepardfirm.com)
Cc: Teresa Malmberg
Subject: Dunnellon Grocer Ad

Andrew
Attached is the proposed ad. Please review for legal sufficiency.

Thanks,

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

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AFFIDAVIT OF PUBLICATION

Star-Banner
Published – Daily
Ocala, Marion County, Florida

STATE OF FLORIDA
COUNTY OF MARION

Before the undersigned, a Notary Public of Said County and State, _____ who on oath says that they are an authorized employee of the Star-Banner, a daily newspaper published at Ocala, in Marion County, Florida; that the attached copy of advertisement, being a notice in the matter of

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATIONS FOR VARIANCES PZ1617-005 The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven 7 variances for the pr

was published in said newspaper in the issues of:

10/26 1x

Affiant further says that the said STAR-BANNER is a daily newspaper published at Ocala, in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in said Marion County, Florida, daily, and has been entered as second class mail matter at the post office in Ocala 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 has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 26 day of October, A.D., 2016

Harmony Stalter
Notary Public

HARMONY STALTER
(Print, Type or Stamp Name of Notary Public)

HARMONY STALTER
Notary Public - State of Florida
Commission # FF 956448
My Comm. Expires Feb 2, 2020

Ad #: A000898999

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATIONS FOR VARIANCES PZ1617-005

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven (7) variances for the property located at 11262 & 11352 N. Williams Street, Dunnellon, Florida, being Parcel Number 33639-002-00 & 33639-004-00, situated in the Rainbow Square Shopping center. The Applicant, Troy Burrell, Burrell Engineering Inc. on behalf of Revenue Properties Dunnellon LLC, seeks a variance from Section 74-101, requiring a maximum Impervious Surface Ratio of 65%. The applicant seeks a second variance from Section 9.3-2(d)5, which requires LEED or a comparable rating certification. The Applicant seeks a third variance from Section 9.3-2(e)3 b, which requires buffers around the perimeter of the site to be 150 percent of the standard buffer width. The Applicant seeks a fourth variance from Section 9.3-2(e)3,c. i, ii, iii, iv, v. which require six canopy and ten understory trees per 100 linear feet of boundary area. The Applicant seeks a fifth variance from Section 9.3-2(e)3,d which requires that the number of parking spaces not exceed 110 percent of the set standard and at least 20% of the parking spaces be constructed with pervious materials. The Applicant seeks a sixth variance from Section 74-108(4)a which requires a minimum buffer width of 25 feet. The Applicant seeks a seventh variance from Section 9.3-1(a)6.d.4 which requires vehicle stops and prohibits continuous curbing.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, November 15, 2016, at 5:30 p.m.**, or as soon thereafter as can be heard. Interested person will have an opportunity to 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 PZ1617-005, submitted by Troy Burrell, Burrell Engineering Inc. on behalf of Revenue Properties Dunnellon 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.

October 26, 2016
#A000898999

City of Dunnellon
OCT 31 2016
RECEIVED

Star-Banner
CLASSIFIED ADVERTISING
2121 SW 19th Ave. Rd., Ocala, FL 34474
352-732-9565 fax: 352-867-4126

CLASSIFIED ADVERTISING RECEIPT

CITY OF DUNNELLON-330
N/A
20750 RIVER DR

Dunnellon, FL 34431

Account: 100400
Phone: (352)465-8500
P.O. #:
Ad Taken By: O050
Receipt printed: 10/24/2016

Order Number	Class Number	Start Run	End Run	Run Times	Lines	Description
A000898999	0001	10-26-16	10-26-16	2	83	NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATIONS FOR VARIANCES PZ1617-005 The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven 7 variances for the pr

Payment Detail	Pay Date	Type	Card or Check #	Card	Exp	Amount
Current Payment						
Order Price						$ 177.64
Total Payments					-	$ 0.00
Balance					=	**$ 177.64**

Ocala Star Banner
(352) 732-9565 Classified (352) 867-4010 Credit
http://www.starbanner.com

Ocala Star Banner's Copy

CITY OF DUNNELLON-330
N/A
20750 RIVER DR

Dunnellon, FL 34431

Account: 100400
Phone: (352)465-8500
P.O. #:
Ad Taken By: O050
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Current Payment						
Order Price						$ 177.64
Total Payments					-	$ 0.00

Balance	=	**$ 177.64**

Teresa Malmberg

From: Teresa Malmberg
Sent: Monday, October 24, 2016 4:29 PM
To: 'Stalter, Harmony'
Subject: RE: Legal Ad for Publication

Proof approved. 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.

From: Stalter, Harmony [mailto:harmony.stalter@starbanner.com]
Sent: Monday, October 24, 2016 4:25 PM
To: Teresa Malmberg <tmalmberg@dunnellon.org>
Subject: Re: Legal Ad for Publication

Good afternoon,

Attached, you will find the proof of this ad. Please look it over and contact me with changes or an approval. Thank you.

Harmony Stalter
Ocala Star Banner
Legals Desk
2121 SW 19th Ave Road, Ocala, FL 34471
T: 352-387-2482
M-F 8am - 5pm
Harmony.Stalter@starbanner.com
http://www.Ocala.com | http://www.Gainesville.com

On Mon, Oct 24, 2016 at 4:18 PM, Teresa Malmberg <tmalmberg@dunnellon.org> wrote:

> Please see attached request for publication of legal ad on or before 10/26/2016. 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

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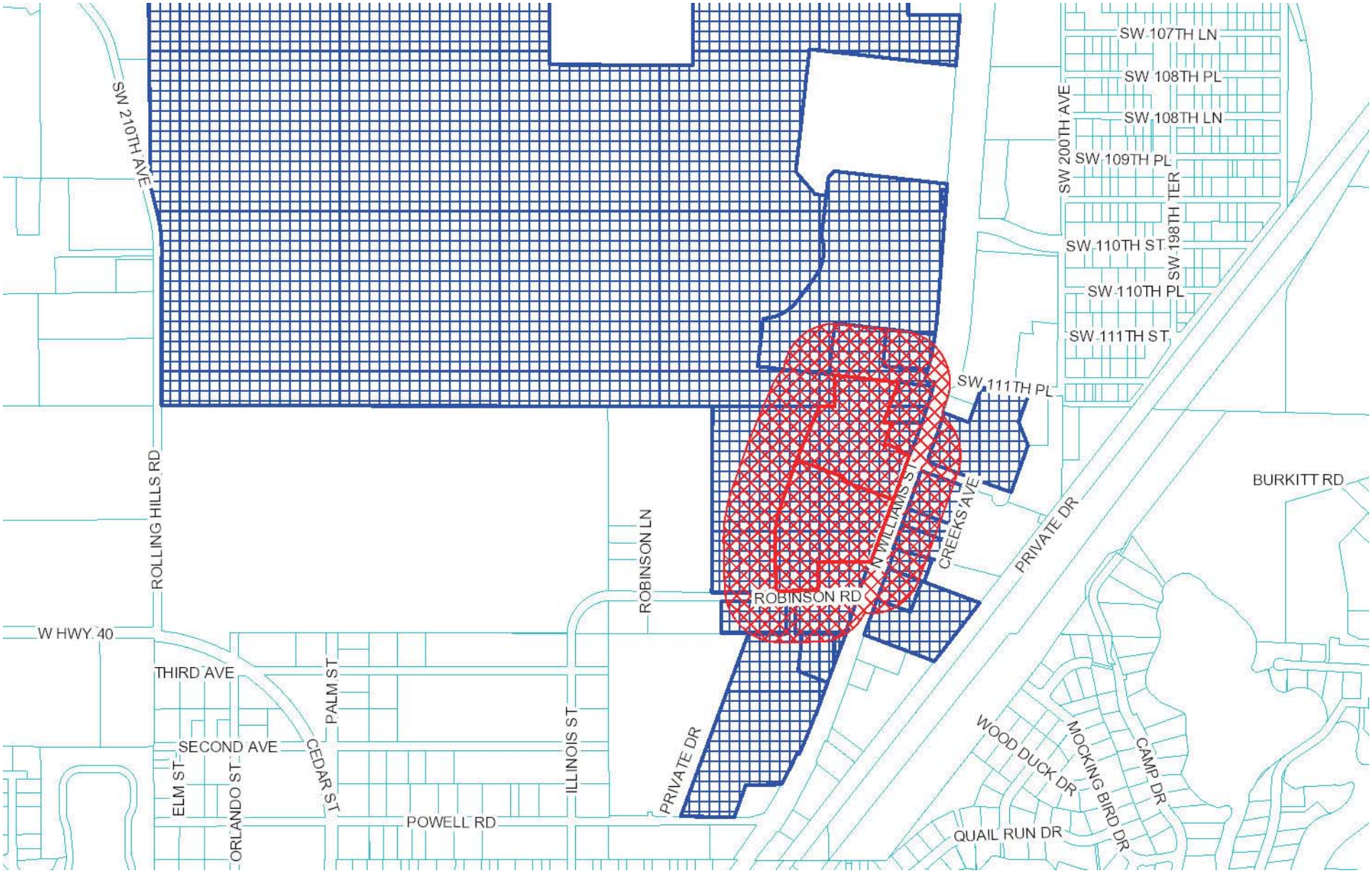
This message may contain confidential and/or privileged information. If you are not the intended recipient or authorized to receive this for the intended recipient, you must not use, copy, disclose or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by sending a reply e-mail and delete this message. Thank you for your cooperation.

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

GIS Web Mapping Application
Last Updated: 10/21/2016



800 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.

NAME	ADD_1	ADD_2	ADD_3
BALDEO SAVITRIE	20765 WALNUT ST		DUNNELLON FL 34431-6750
BRANNEN BANK	PO BOX 1929		INVERNESS FL 34451-1929
BRANNEN BANK	PO BOX 1929		INVERNESS FL 34451-1929
C & L SMITH HOLDINGS	OAK TREE LLC	PO BOX 489	DUNNELLON FL 34430-0489
C & L SMITH HOLDINGS PO LLC	PO BOX 489		DUNNELLON FL 34430-0489
CADENCE BANK NA	C/O CHIEF OPERATING OFFICER	3500 COLONNADE PKWY STE 60	BIRMINGHAM AL 35243-8301
CFL PIZZA LLC	1146 CELEBRATION BLVD		CELEBRATION FL 34747
COXCO1 LLC	C/O CHELSEA MARINE	5023 FIRST COAST HWY # B201	AMELIA ISLAND FL 32034
DUNNELLON DRIVE-IN DVLMT #1LLC	3724 JEFFERSON ST STE 317		AUSTIN TX 78731-6225
DUNNELLON EQUITIES LLC	5728 MAJOR BLVD STE 505		ORLANDO FL 32819-7970
DUNNELLON PLAZA LLC	CONE MANAGEMENT INC	PO BOX460	VALLEY STREAM NY 11582-0460
HUPP RETAIL DUNNELLON LLC	907 S FT HARRISON AVE STE 102		CLEARWATER FL 33756-3937
HUPP RETAIL DUNNELLON LLC	C/O OREILEY AUTOMOTIVE STORES RYA	PO BOX 06116	CHICAGO IL 60606
MARION COUNTY	412 SE 25TH AVE		OCALA FL 34471-2687
MCDONALD'S CORP 009/0707	8240 SW STATE RD 200		OCALA FL 34481
RAINBOW IV INVESTMENTS RLLP	3535 E 161ST ST		CARAMEL IN 46033-8138
RAINBOW IV INVESTMENTS RLLP	3535 E 161ST ST		CARAMEL IN 46033-8138
REVENUE PROPERTIES DUNNELLON INC	2542 WILLIAMS BLVD		KENNER LA 70062-5538
REVENUE PROPERTIES RAINBOW SQUAR	2542 WILLIAM BLVD		KENNER LA 70062-5538
UNITED STATES POSTAL SERVICE	BUILDING 500 STE 550	4000 DEKALB TECHNOLOGY PKW	ATLANTA GA 30340-2779
WAL MART STORES EAST LP	C/O PROPERTY TAX DEPT	PO BOX 8050 MS-0555	BENTONVILLE AR 72712-8055
WALGREEN CO	C/O REAL ESTATE PROPERTY TAX	PO BOX 1159	DEERFIELD IL 60015
LEGEND - DUPLICATES			

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

October 28, 2016

Application PZ1617-005 for Variances

Revenue Properties Dunnellon LLC
2542 Williams Boulevard
Kenner, LA 70062

RE: Quasi-judicial public hearings before Planning Commission: applications for variances

Dear Applicant:

Please take notice that your applications for seven (7) variances will be heard by the Planning Commission of the City of Dunnellon on Tuesday, November 15, 2015, 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 applications being denied.**

Your applications, 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 hearings on your applications. Interested parties may appear at the hearings and be heard with respect to your applications. Please be advised that all oral and written communications concerning your applications prior to the public hearings between any member of the Planning Commission and an applicant or interested person is strongly discouraged under Florida law.

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

The City of Dunnellon City Code and Land Development Regulations are available for inspection at City Hall, during normal business hours, 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
Community Development

cc: jnolan@morguard.com
troyburrell@bellsouth.net

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

October 28, 2016
Correction Mailed Nov 2, 2016

Application PZ1617-005 for Variances

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2542 Williams Boulevard
Kenner, LA 70062

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Dear Applicant:

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Sincerely,

Lonnie Smith
Community Development

cc: jnolan@morguard.com
troyburrell@bellsouth.net

CITY OF DUNNELLON

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

October 28, 2016

NOTICE OF PUBLIC HEARINGS FOR VARIANCES & SITE PLAN APPROVAL

Dear Property Owner:

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven (7) variances for the property located at 11262 & 11352 N. Williams Street, Dunnellon, Florida, being Parcel Number 33639-002-00 & 33639-004-00, situated in the Rainbow Square Shopping center.

The Applicant, Troy Burrell, Burrell Engineering Inc., on behalf of Revenue Properties Dunnellon LLC, seeks a variance from Section 74-101, requiring a maximum Impervious Surface Ratio of 65%. The applicant seeks a second variance from Section 9.3-2(d)5, which requires LEED or a comparable rating certification. The Applicant seeks a third variance from Section 9.3-2(e)3b, which requires buffers around the perimeter of the site to be 150 percent of the standard buffer width. The Applicant seeks a fourth variance from Section 9.3-2(e)3,c. i, ii, iii, iv, v. which require six canopy and ten understory trees per 100 linear feet of boundary area. The Applicant seeks a fifth variance from Section 9.3-2(e)3,d which requires that the number of parking spaces not exceed 110 percent of the set standard and at least 20% of the parking spaces be constructed with pervious materials. The Applicant seeks a sixth variance from Section 74-108(4)a which requires a minimum buffer width of 25 feet. The Applicant seeks a seventh variance from Section 9.3-1(a)6.d.4 which requires vehicle stops and prohibits continuous curbing.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, July 21, 2015, 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 to you.

The application, filed under application number PZ1415-072/VAR2015-02/SPL2015-02, 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).

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Sincerely,

Lonnie Smith
Community Development

CITY OF DUNNELLON

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

October 28, 2016
Correction Mailed Nov 2, 2016

NOTICE OF PUBLIC HEARINGS FOR VARIANCES & SITE PLAN APPROVAL

Dear Property Owner:

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding seven (7) variances for the property located at 11262 & 11352 N. Williams Street, Dunnellon, Florida, being Parcel Number 33639-002-00 & 33639-004-00, situated in the Rainbow Square Shopping center.

The Applicant, Troy Burrell, Burrell Engineering Inc., on behalf of Revenue Properties Dunnellon LLC, seeks a variance from Section 74-101, requiring a maximum Impervious Surface Ratio of 65%. The applicant seeks a second variance from Section 9.3-2(d)5, which requires LEED or a comparable rating certification. The Applicant seeks a third variance from Section 9.3-2(e)3b, which requires buffers around the perimeter of the site to be 150 percent of the standard buffer width. The Applicant seeks a fourth variance from Section 9.3-2(e)3,c. i, ii, iii, iv, v. which require six canopy and ten understory trees per 100 linear feet of boundary area. The Applicant seeks a fifth variance from Section 9.3-2(e)3,d which requires that the number of parking spaces not exceed 110 percent of the set standard and at least 20% of the parking spaces be constructed with pervious materials. The Applicant seeks a sixth variance from Section 74-108(4)a which requires a minimum buffer width of 25 feet. The Applicant seeks a seventh variance from Section 9.3-1(a)6.d.4 which requires vehicle stops and prohibits continuous curbing.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, November 15, 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 to you.

The application, filed under application number PZ1617-005/VAR2016-05 thru VAR2016-11, submitted by Troy Burrell, Burrell Engineering Inc, 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.

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Sincerely,

Lonnie Smith
Community Development

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Thursday, October 27, 2016 4:59 PM
To: Teresa Malmberg
Cc: Lonnie Smith
Subject: RE: Neighbor and Owner Notices - Variances (Grocer)

Teresa,

The format of these notices is legally sufficient.

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: Thursday, October 27, 2016 4:39 PM
To: Andrew Hand <ahand@shepardfirm.com>
Cc: Lonnie Smith <lsmith@dunnellon.org>
Subject: Neighbor and Owner Notices - Variances (Grocer)
Importance: High

Andrew,

Please review for legal sufficiency. I need to mail Friday, 10/28, if possible. Monday at the latest. Thank you, sir.

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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PUBLIX ELEVATION

RAINBOW SQUARE PUBLIX

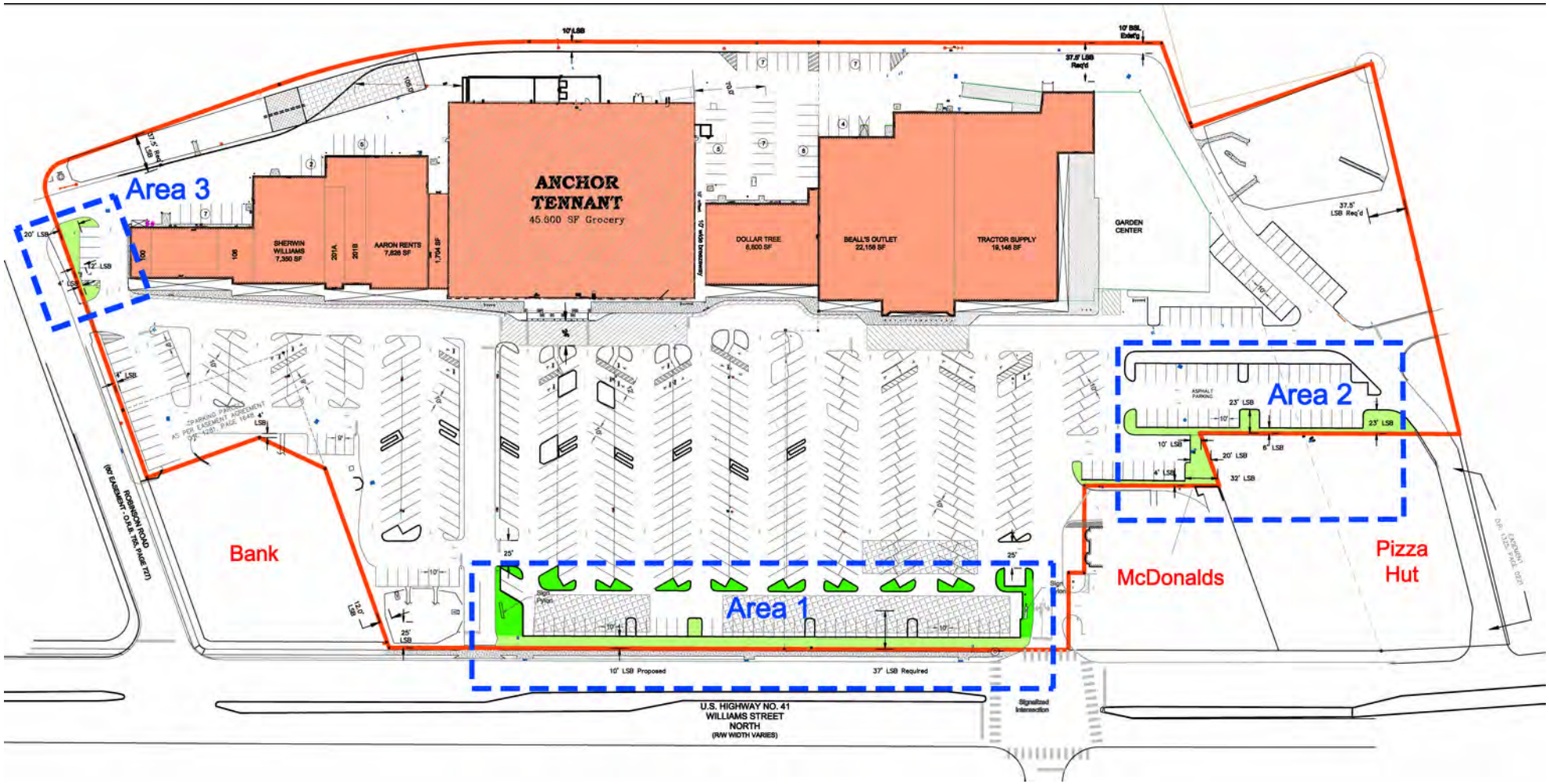
FISHER
ARCHITECTS

Fisher and Associates, LLC ©2016
AA26001238

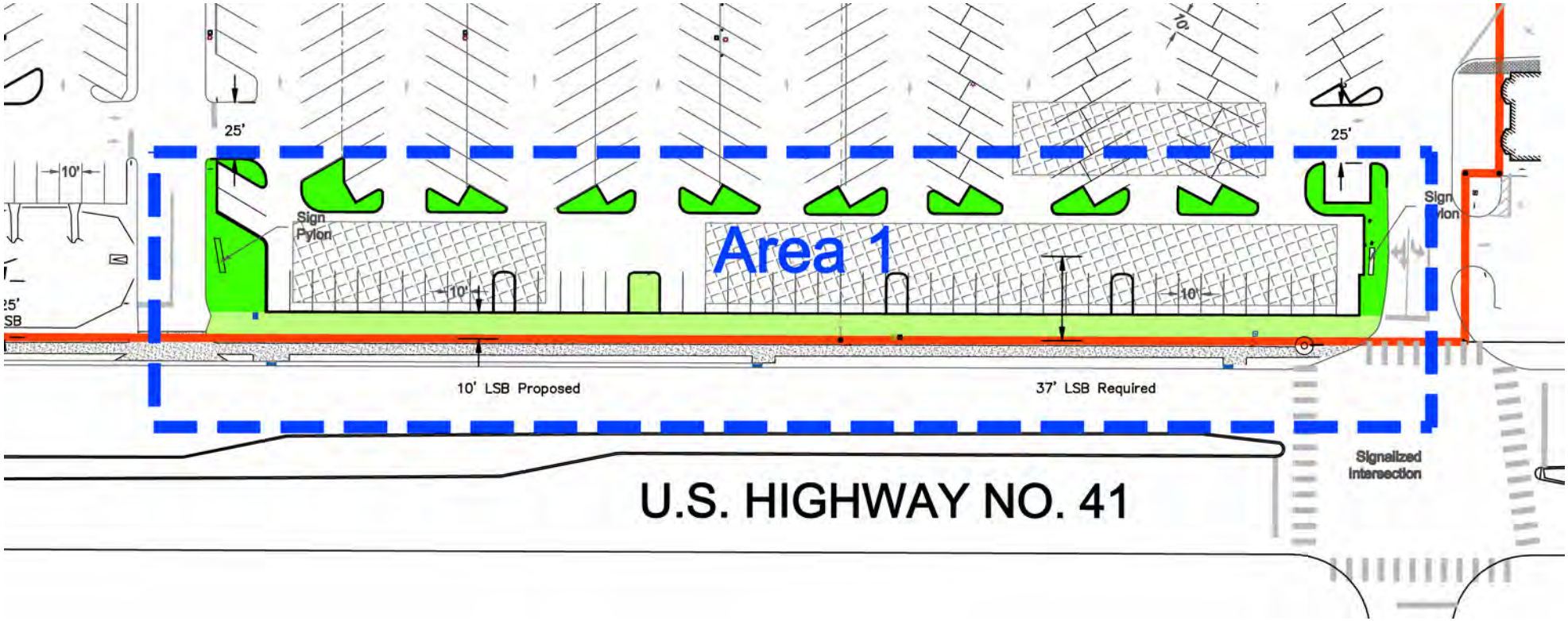
11.08.2016

EXISTING PROJECT AREA
AERIAL VIEW

EXISTING PROJECT AREA STREET VIEW FROM U.S. HIGHWAY 41



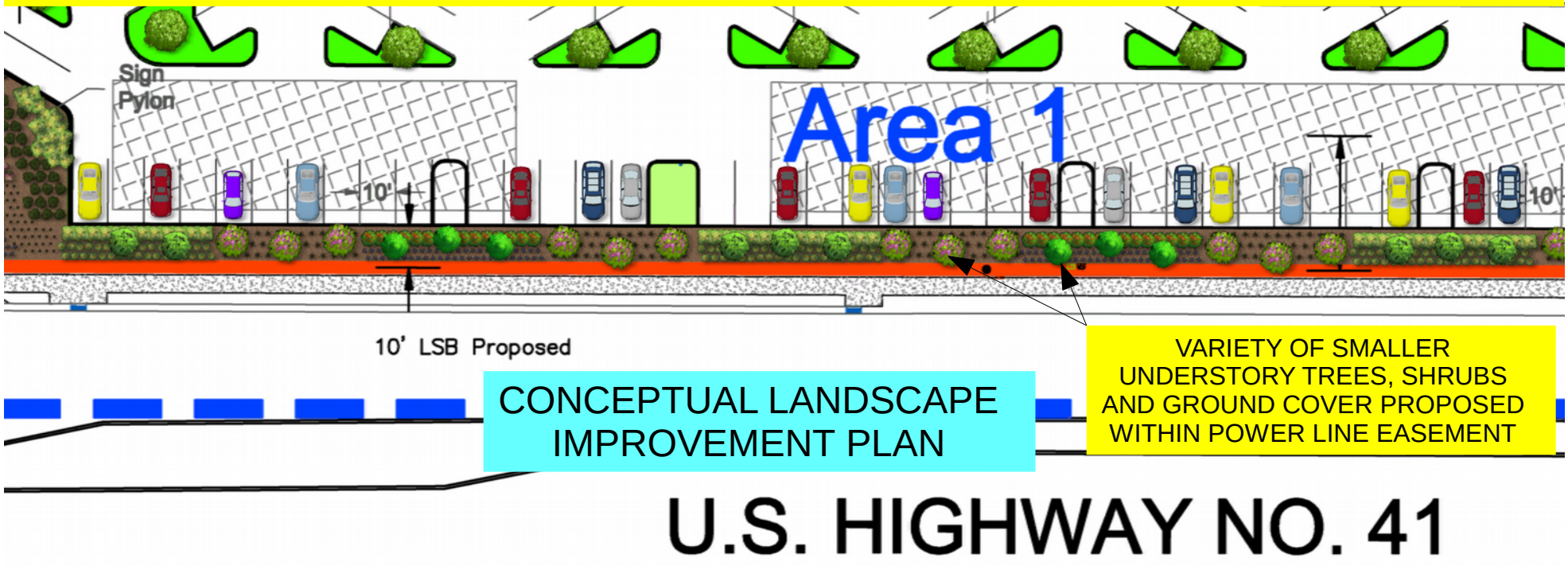
PROPOSED PROJECT PLAN
LANDSCAPE VARIANCE AREAS



PROPOSED LANDSCAPE VARIANCE AREA “1”

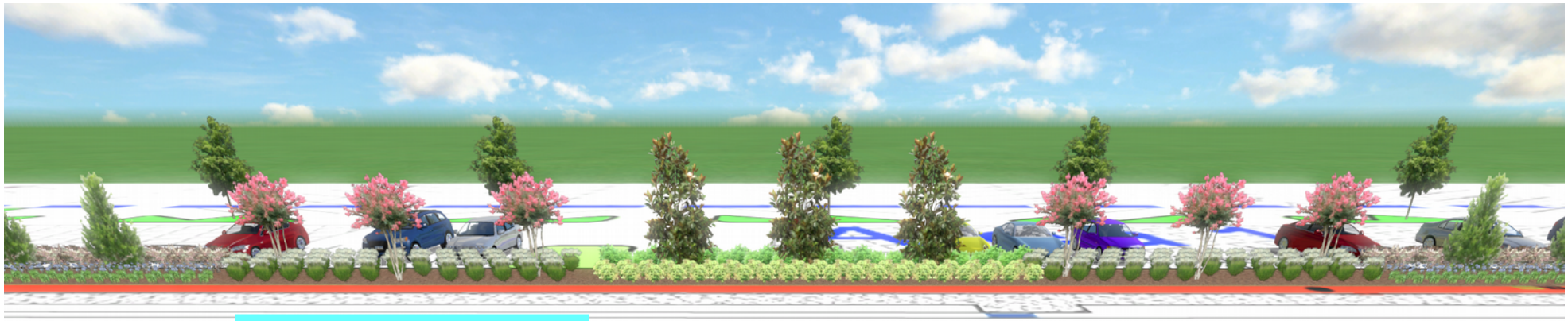
PROPOSED DESIGN STANDARDS:

1) Understory trees spaced an average of 15' on center (6.6 trees per 100 linear feet)
2) All understory trees shall have a minimum height of 10 feet and a caliper of 2.5 inches measured four feet above the ground upon planting)
3) Shrubs shall be spaced 3' on center to form a continuous hedge or landscape buffer adjacent to parking spaces. The shrubs proposed to form this continuous hedge shall be installed at a minimum of 24" in height.
4) Smaller shrubs and ground cover plantings shall be installed in front of this hedge so that the entire 10 foot width buffer area is fully landscaped.



CONCEPTUAL LANDSCAPE IMPROVEMENT PLAN

VARIETY OF SMALLER UNDERSTORY TREES, SHRUBS AND GROUND COVER PROPOSED WITHIN POWER LINE EASEMENT

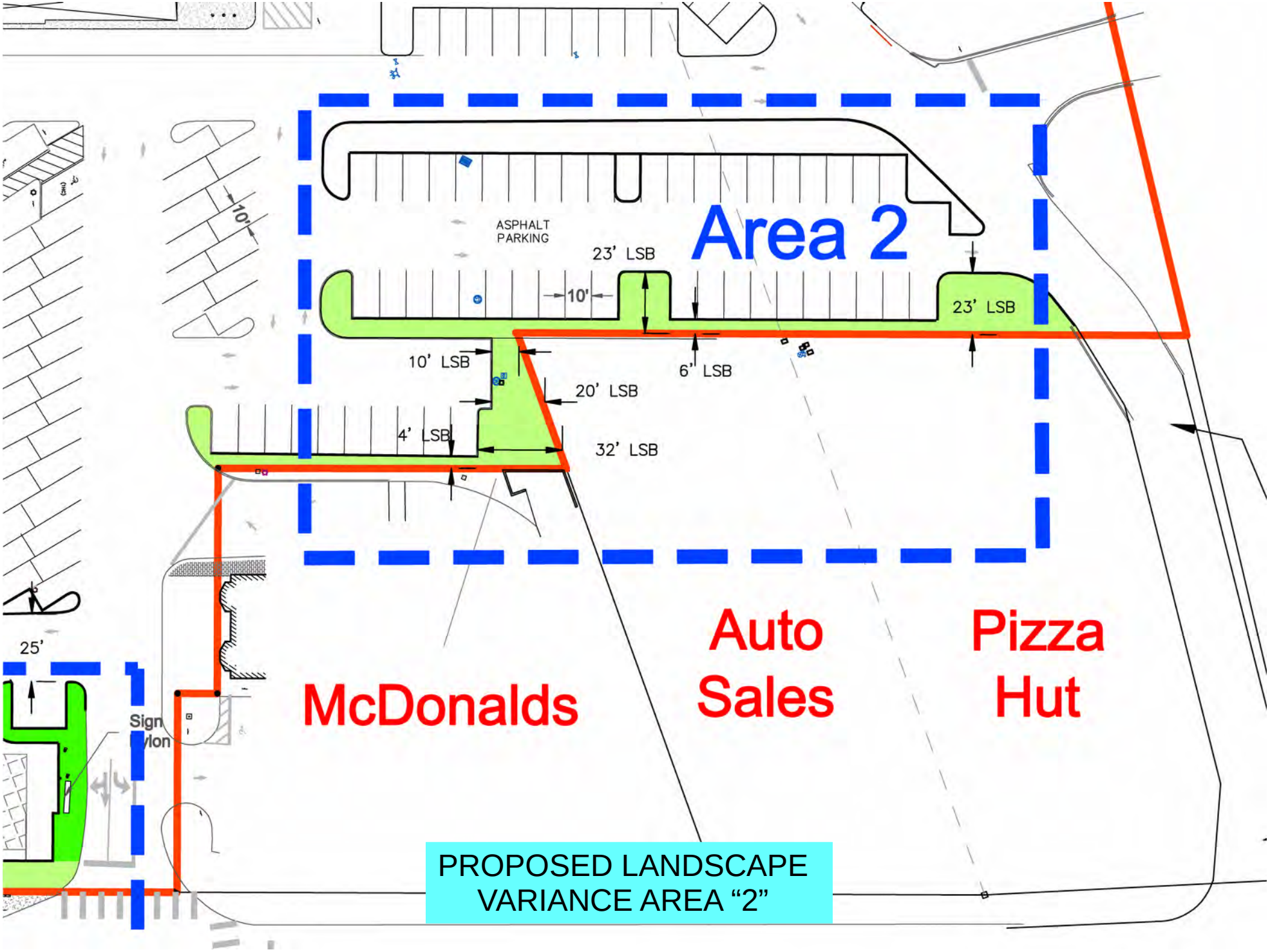


ELEVATION VIEW

PROPOSED LANDSCAPE VARIANCE AREA "1"

PROPOSED LANDSCAPE
VARIANCE AREA “1”

PROPOSED LANDSCAPE
VARIANCE AREA “2”


Area 2
ASPHALT PARKING
23' LSB
10'
23' LSB
10' LSB
6' LSB
20' LSB
4' LSB
32' LSB
10'
25'
Sign Pylon
McDonalds
Auto Sales
Pizza Hut
PROPOSED LANDSCAPE VARIANCE AREA "2"

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PROPOSED LANDSCAPE VARIANCE AREA "2"
CONCEPTUAL LANDSCAPE IMPROVEMENT PLAN

PROPOSED LANDSCAPE
VARIANCE AREA “3”

Area 3
37.5' Req'd LSB
20' LSB
12' LSB
4' LSB
4' LSB
100
106
SHERWIN WILLIAMS 7,350 SF
201A
201B
AARON R
7,826
2
5
7
9'
10'
9'
9'
PROPOSED LANDSCAPE VARIANCE AREA "3"

PROPOSED DESIGN STANDARDS:

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AREA 3 LANDSCAPE IMPROVEMENTS SHALL INCLUDE:

- SMALLER UNDERSTORY TREES DUE TO OVERHEAD UTILITIES
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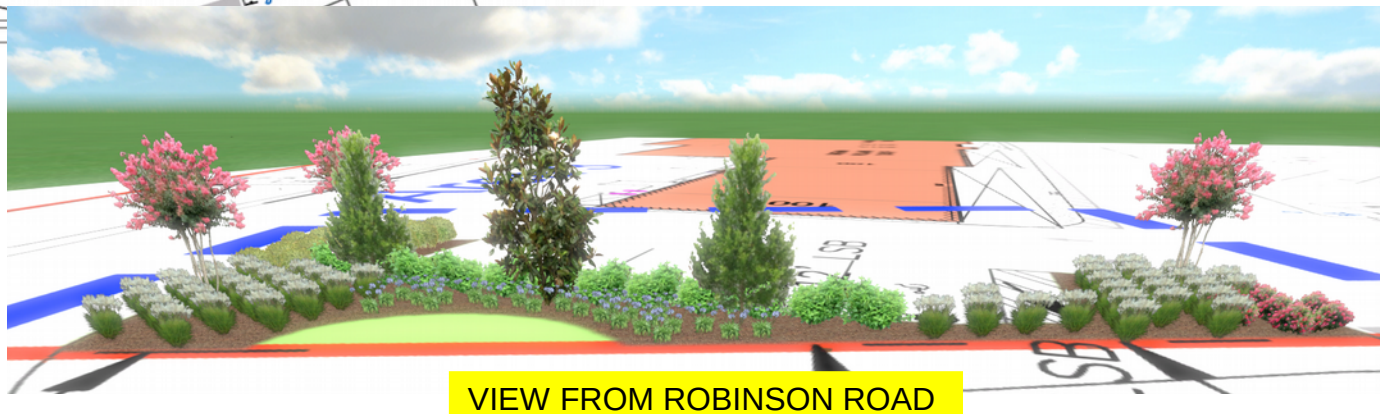
- SHRUBS & GROUNDCOVER



VIEW FROM ROBINSON ROAD

PROPOSED LANDSCAPE VARIANCE AREA "3" CONCEPTUAL LANDSCAPE IMPROVEMENT PLAN

RAINBOW SQUARE SHOPPING CENTER REDEVELOPMENT

NOVEMBER 15, 2016

Morguard

Real Estate Potential. Realized.

ABOUT MORGUARD

Real Estate Potential. Realized.

North America, Office, Industrial, Retail, Residential, Hotel	Investment Management, Asset Management, Property Management, Ownership	Performance, Growth, Governance, Risk Management, Sustainability, Community

- Morguard is a fully integrated real estate company. We own, manage and invest in high-quality, well-located, geographically diversified assets across North America.
- We built our business with strong leadership and a proven management platform that together have generated substantial, risk-adjusted returns – and significant long-term growth for investors.
- Morguard employs more than 1,500 professionals in 11 offices across North America.

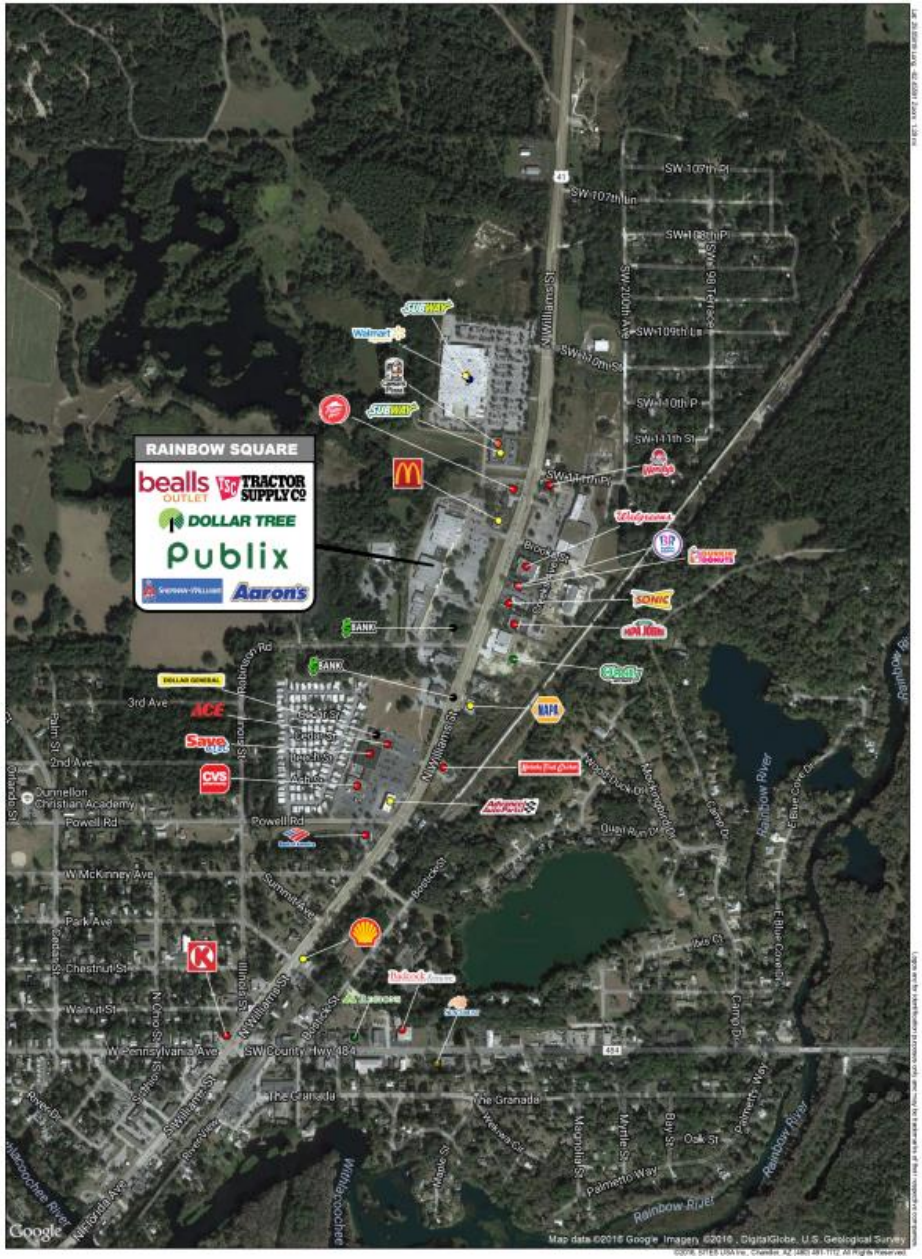
ABOUT PUBLIX

- Founded in 1930 in Winter Haven, Florida, by George W. Jenkins, Publix Super Markets is the largest employee-owned grocery chain in the U.S. with 1,132 store locations in six states.

- Publix retail sales in 2015 reached $32.4 billion and currently employ over 187,500 people.

DUNNELLON RETAIL AND COMPETING PUBLIX LOCATIONS

Morguard

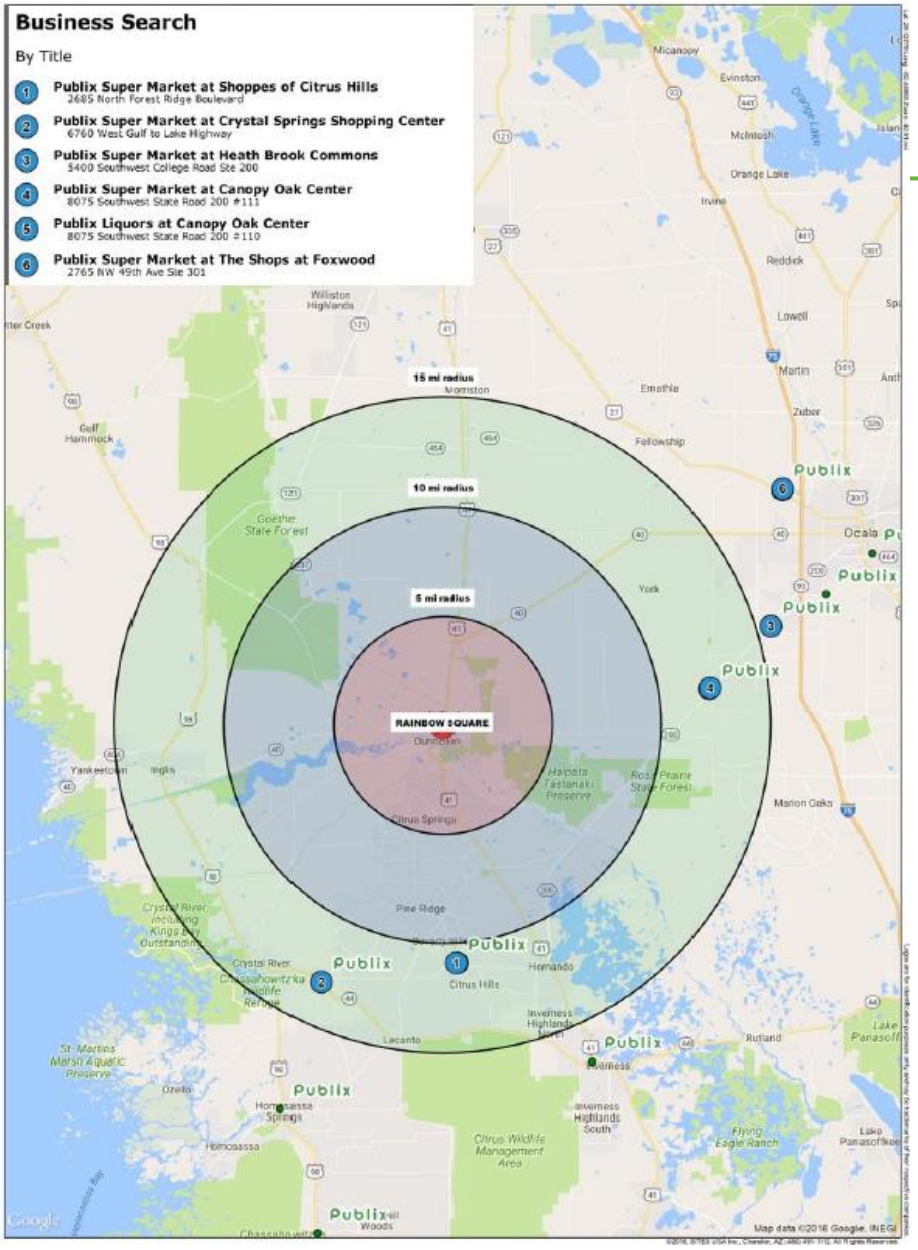


Rainbow Square Shopping Center

11352 N Williams St
Dunnellon, FL 33432

November 2016

Morguard



Rainbow Square vs. surrounding Publix locations

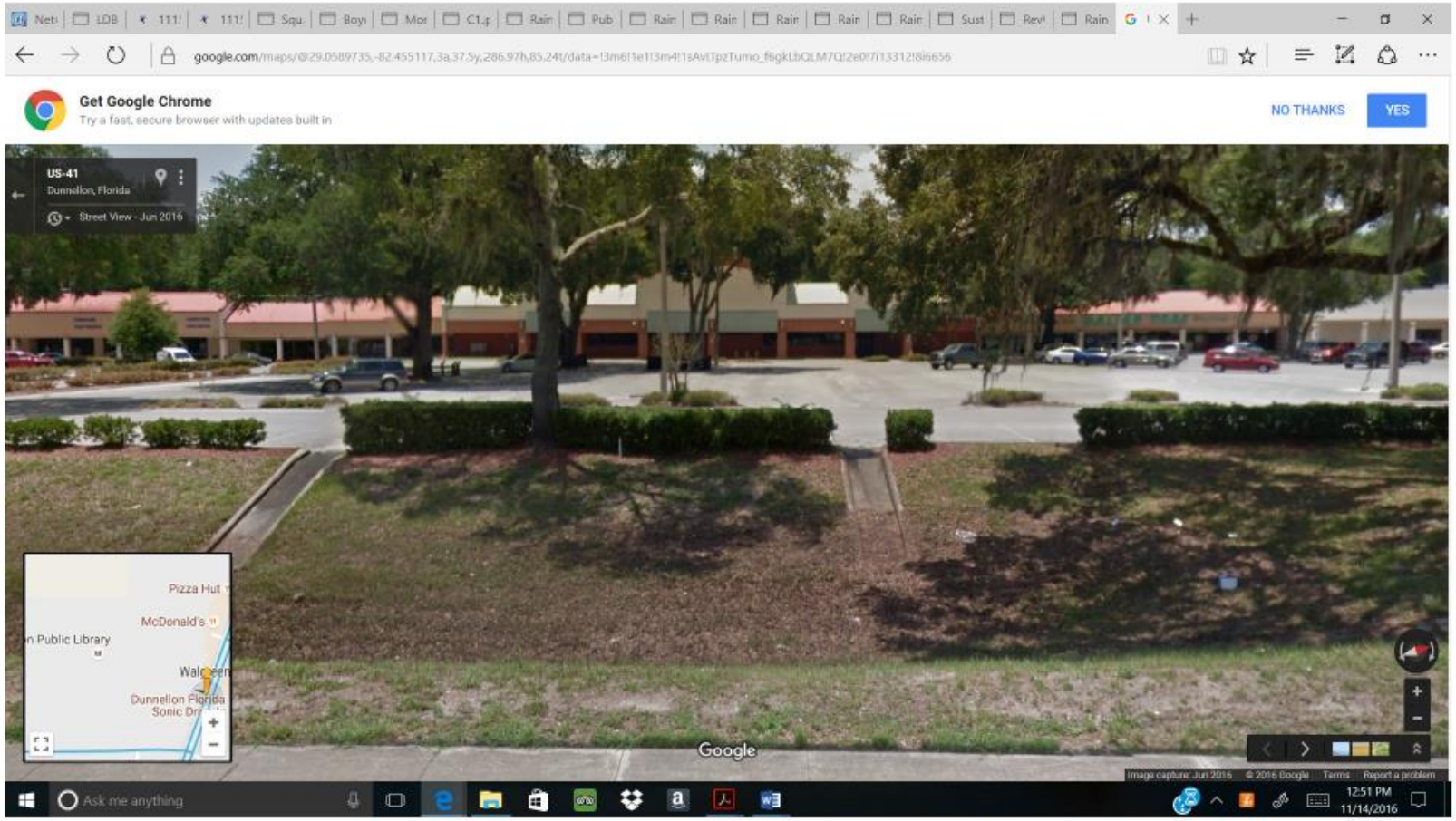
11352 N Williams St
Dunnellon, FL 33432

November 2016

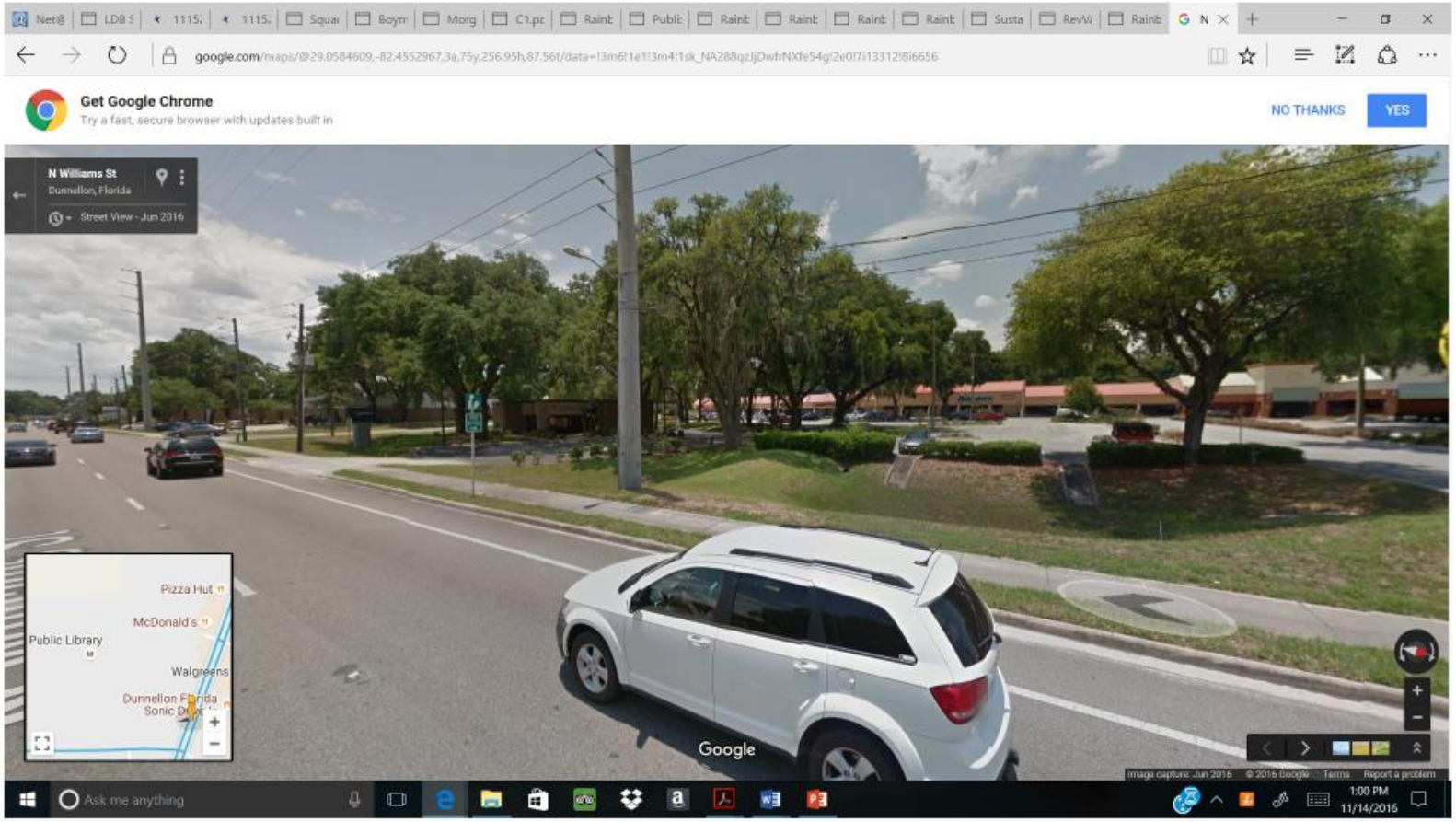
CURRENT STREET VIEW AND AERIALS

Morguard

VIEW FROM
ROUTE 41 / WILLIAMS STREET

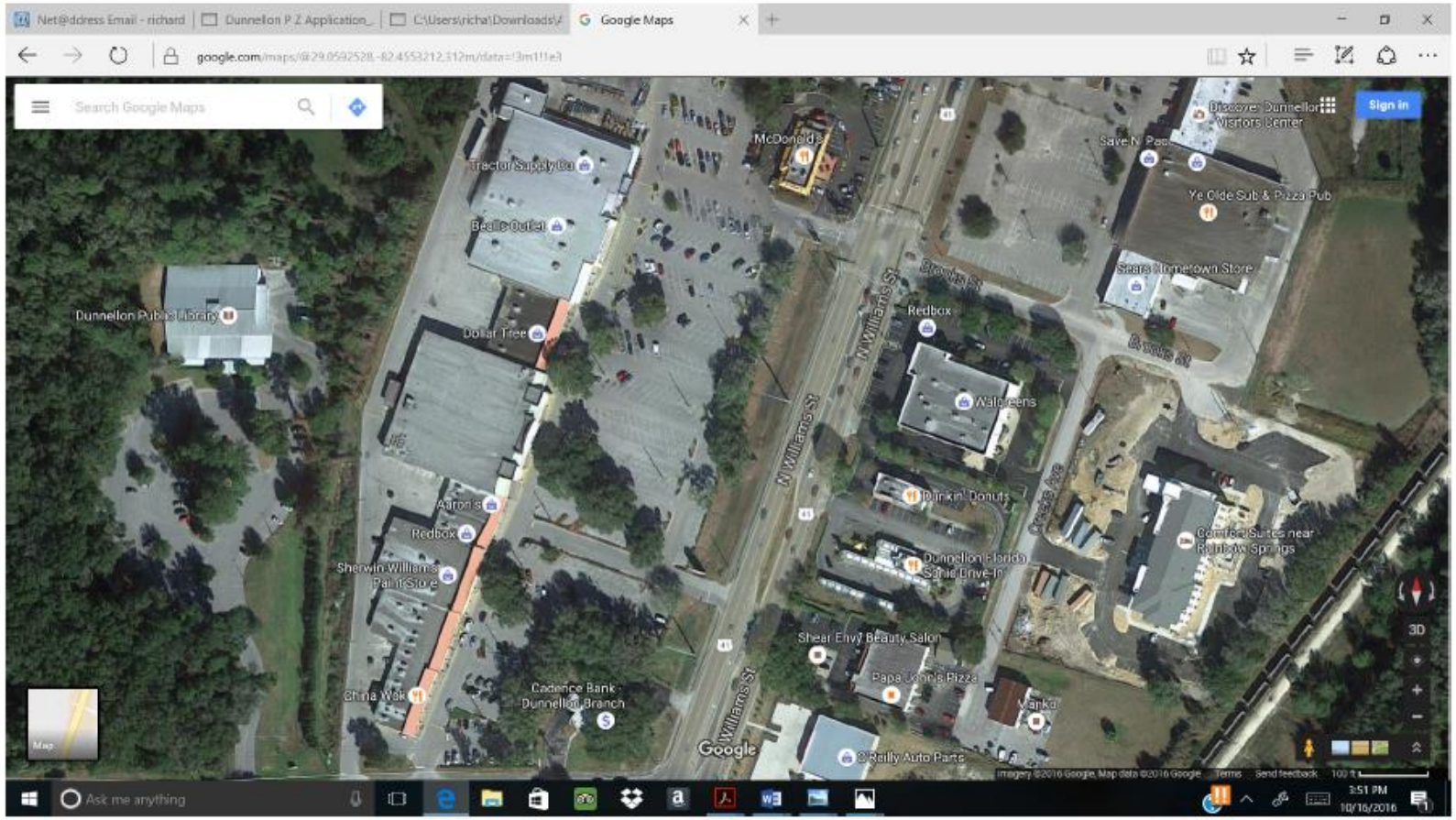


VIEW OF SOUTH ENTRANCE AND CADENCE BANK

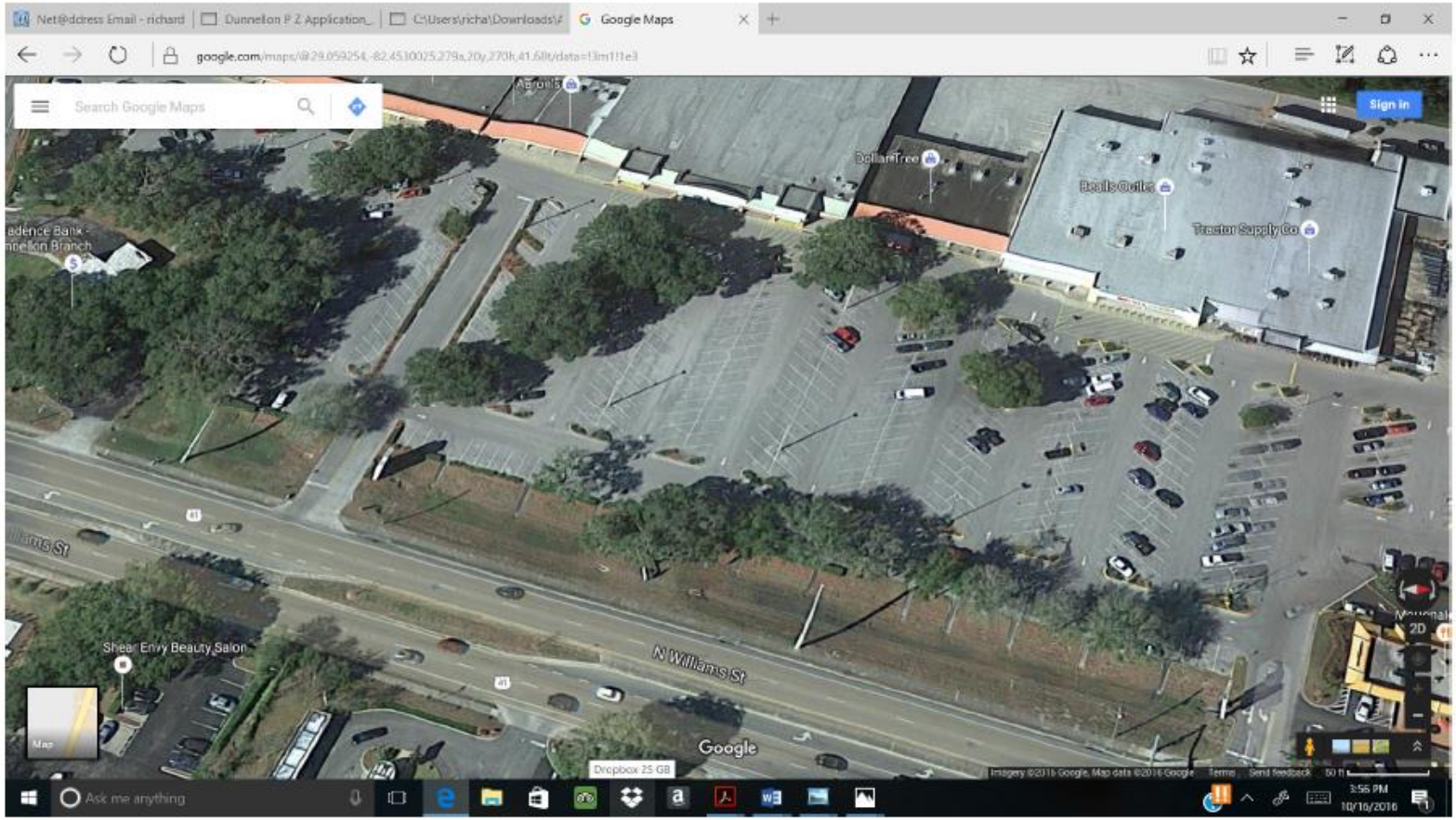


UNDERGROUND VAULT SYSTEM TO BE INSTALLED OVER EXISTING SWALE TO ACHIEVE PUBLIX PARKING REQUIREMENTS

SATELLITE SHOTS OF RAINBOW SQUARE SHOPPING CENTER – VIEW 1



SATELLITE SHOTS OF RAINBOW SQUARE SHOPPING CENTER – VIEW 2



PROPOSED REDEVELOPMENT SITE PLAN AND RENDERINGS

Morguard

Morguard (MRC) Corporation, the owner of Rainbow Square Shopping Center, will begin a $7MM redevelopment plan for the property in early 2017. The anchor tenant will be a 45,600 SF Publix Supermarket which will include a pharmacy, bakery and Liquor Store. It is anticipated the economic impact will be significant for Dunnellon by creating over 100 full time local jobs and attracting new business to Dunnellon. In addition to the new anchor, the balance of the shopping center will get a new façade, enhanced parking and new landscaping plan. The projected completion date is May 1, 2018.

PUBLIX CORPORATE INFORMATION	
Store Locations	1,132 store locations in 6 states
Age	Founded in 1930
Employment	187,500 company wide employees
Total Sales	$32.4 billion in 2015

Publix at Rainbow Square

Publix
45,600 sf Store

Traffic location along N Williams Street
24,000 VPD

Publix has committed to a long term presence in Dunnellon.

Publix Liquor

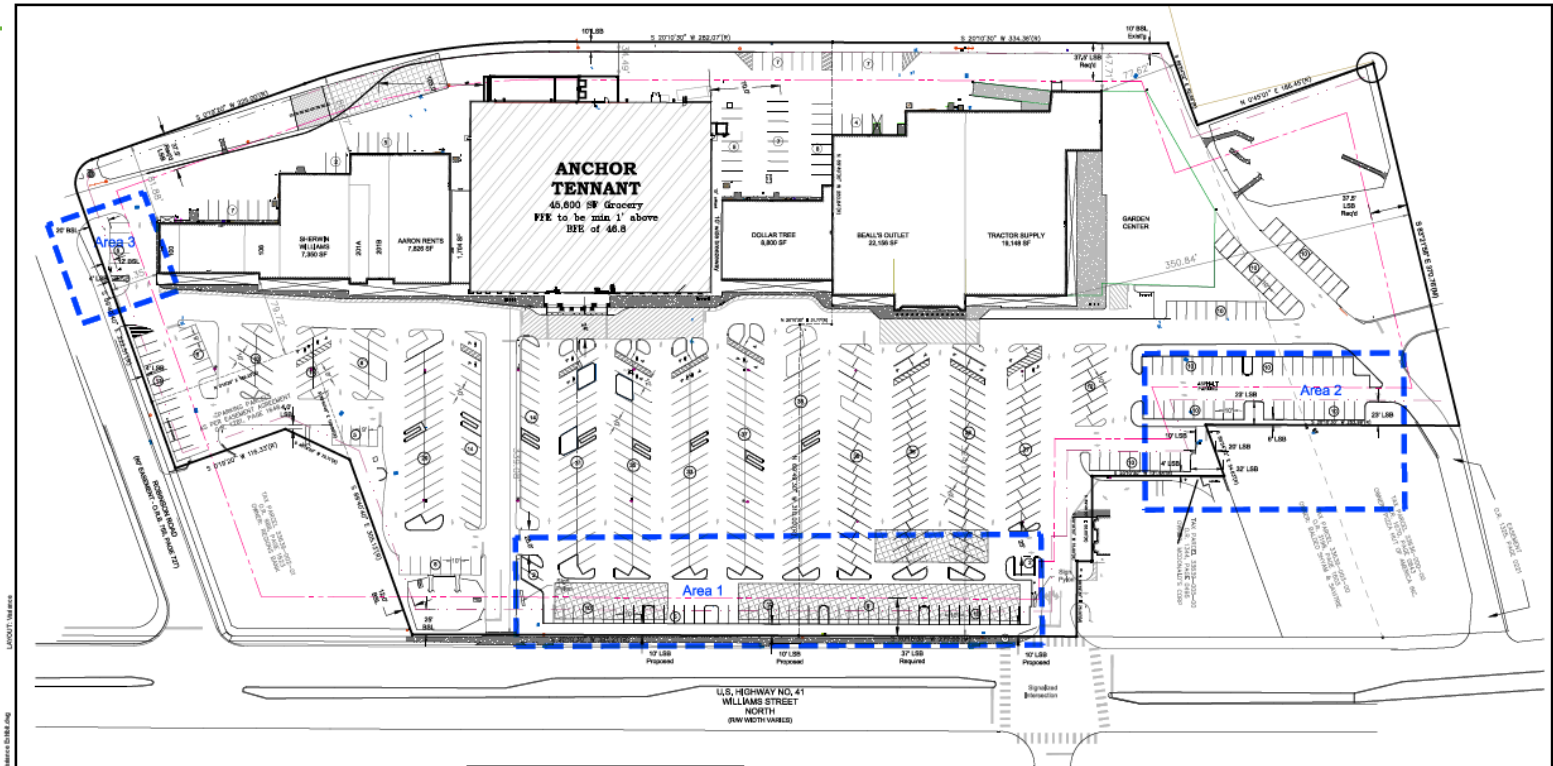
RENOVATED
Shopping Center

130 fulltime EMPLOYEES

Significant portion will be new hires

Delivered by
Morguard
Real Estate Potential. Realized.
MORGUARD.COM

Opening 2018



ISR		
EXISTING	REQUIRED	PROPOSED
79%	Max 85%	84%

PARKING		
EXISTING	REQUIRED	PROPOSED
508	City = $\frac{1}{1000}$ (max 110%) Anchor Tenant = 4.7 /1000SF	626 - 136% of req'd

SHADE		
EXISTING	REQUIRED	PROPOSED
23.10%	20% paved area (subject to vehicular traffic)	20%

LANDSCAPING		
EXISTING	REQUIRED	PROPOSED
9.43%	15% (paved area)	15%

New Construction / Parking Areas
Landscape Buffers

Required in all areas: 150% of Req'd 25' = 37.5'

Area 1
(located adjacent to to US 41 between entrance drives)
Requested: reduction of 26.5' to 10' LSB

Area 2
(new parking adjacent to Tax Parcels 33639-000-00 ... used car lot and Tax Parcel 33636-000-00 ... Pizza Hut)
Requested: reduce to an aggregate of 16' with a min. of 6' and a max. of 26'

Area 3
(5 new parking spaces on south end of plaza adjacent to Robinson Rd.-existing pavement already encroaches into the buffer)
Requested: reduce to an aggregate of 12' with a min. of 4' and a max. of 20'

SITE DATA

Subject Area	14.34 Ac
Existing Building	121,968 SF
Proposed Building	125,393 SF

LEGEND

REQUIRED LANDSCAPE BUFFER (LSB) 25'+50%=37.5'

REQUIRED LANDSCAPE BUFFER FOR B-4 IS 25' FOR 8.2-TOTAL BUFFERS AROUND THE PERIMETER OF THE SITE SHALL BE 150 PERCENT OF THE BUFFER WITH REQUIREMENT IN SECTION 74-108 FOR THE B-4 ZONING DISTRICT

REQUIRED BUILDING SETBACK (BSL)

UNDERGROUND DRAINAGE RETENTION

DRAWN DBS
CHECKED TEB
DRAWING BASE 15-07
LAYOUT Variance
DATE OCT. 2016

BURRELL ENGINEERING, INC.
CIVIL ENGINEERING
C.A. No. 7973
BEI
13500 N. FLORIDA AVE TAMPA, FL 33613 PH. 813-968-1144 FAX 813-968-6101

RAINBOW SQUARE SITE
DUNNELLON, FLORIDA

PRELIMINARY PARKING PLAN

NO.	REVISION	DATE

TROY E. BURRELL, JR., P.E.
REG. ENGINEER NO. 36044
STATE OF FLORIDA
DATE

JOB NO. 15-07
FILE NO. P-
SEC 29 TWP 16 S RGE 18 E

EXHIBIT

RAINBOW SQUARE PUBLIX RENDERING

RAINBOW SQUARE RETAIL SHOPS RENDERING

PROPOSED LANDSCAPE PLAN

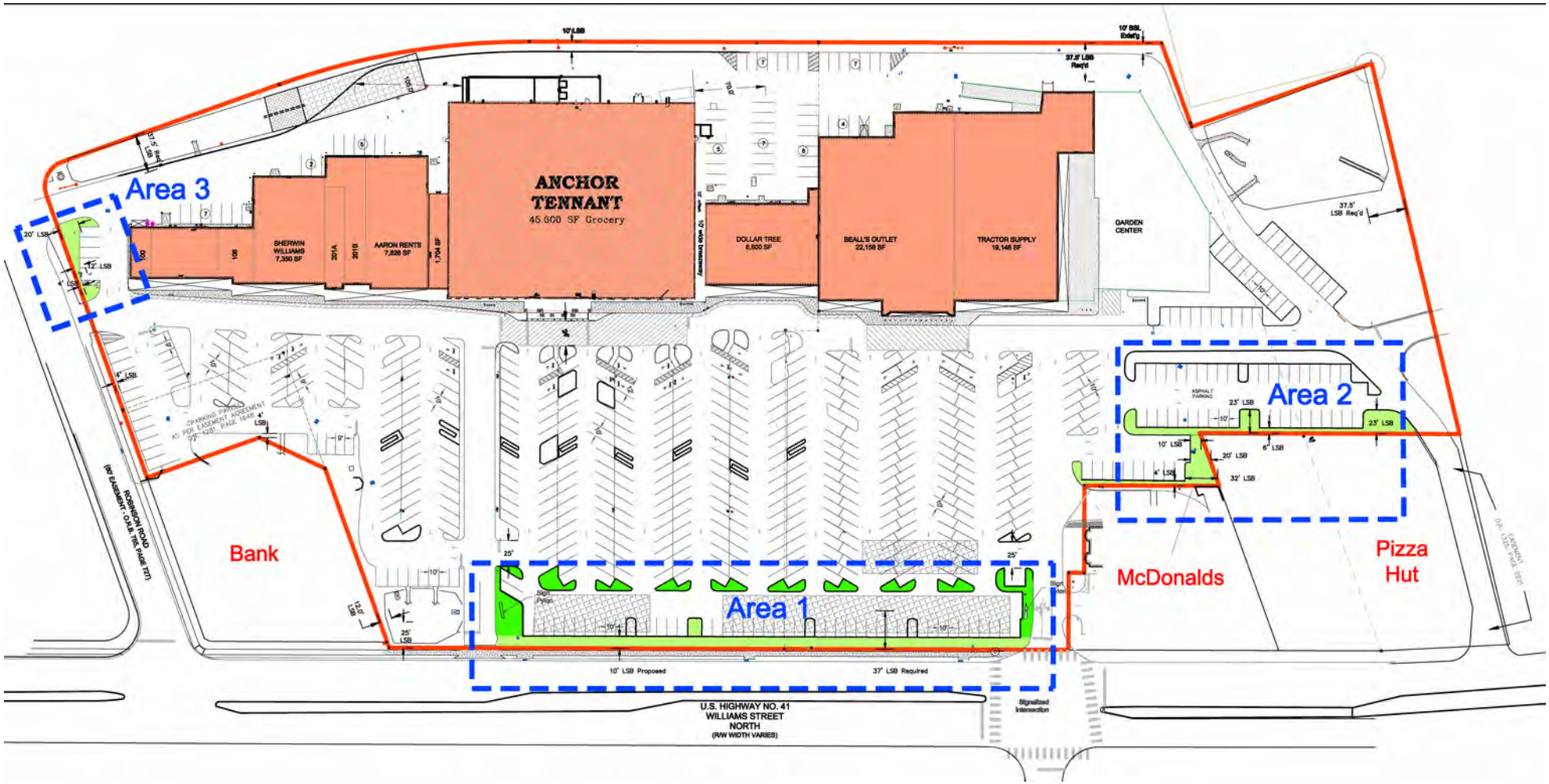
Morguard

EXISTING PROJECT AREA
AERIAL VIEW

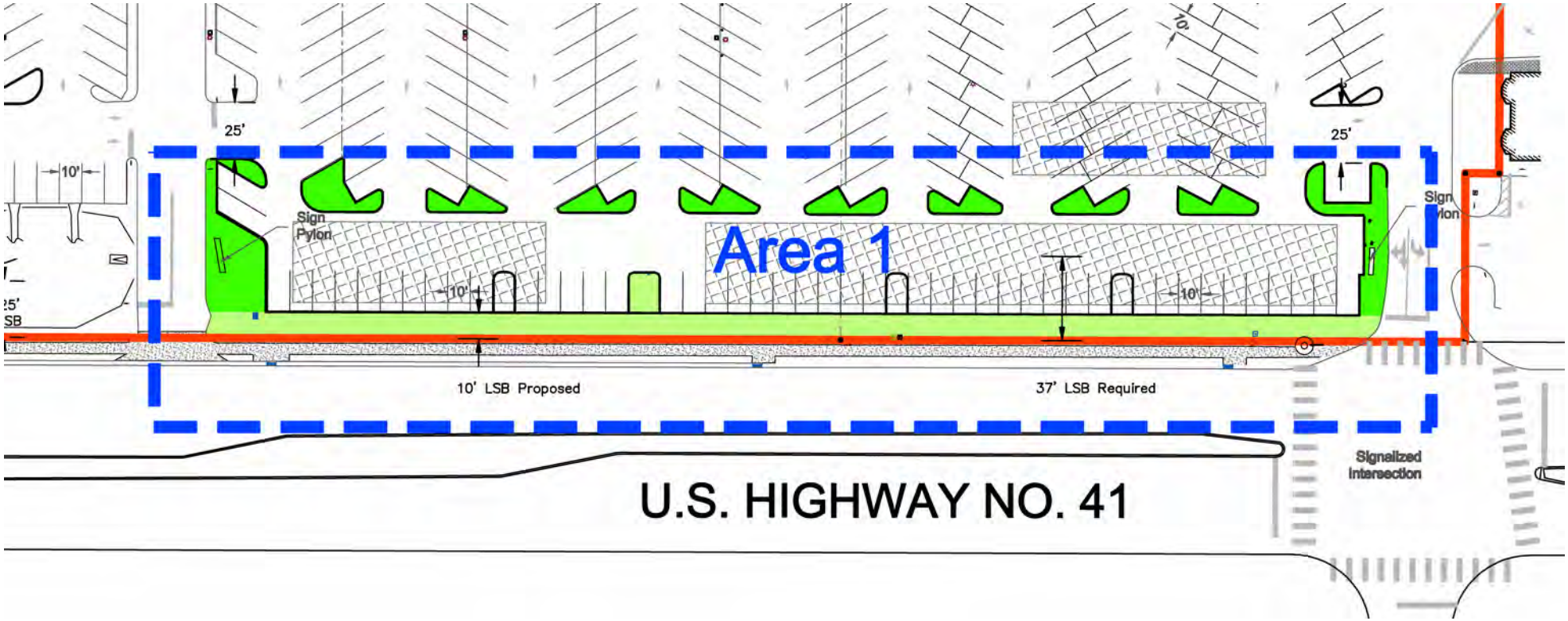
RAINBOW SQUARE VARIANCE

Publix

EXISTING PROJECT AREA STREET VIEW FROM U.S. HIGHWAY 41



PROPOSED PROJECT PLAN
LANDSCAPE VARIANCE AREAS



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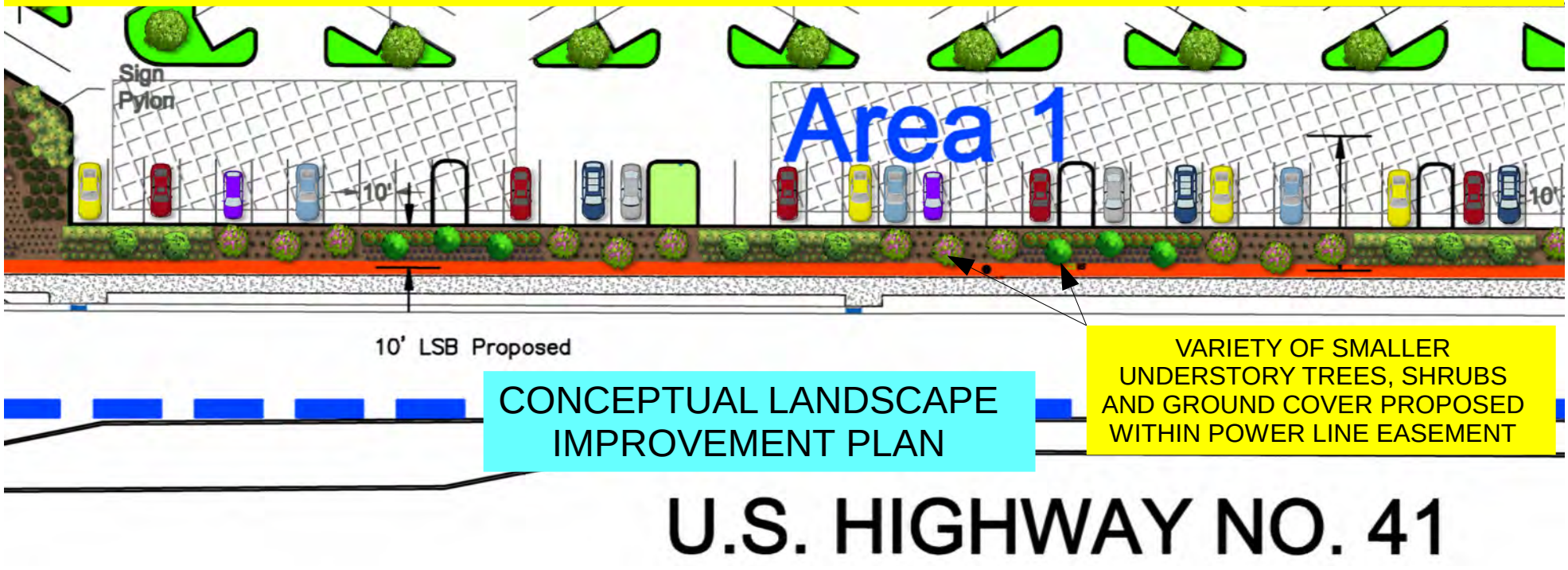

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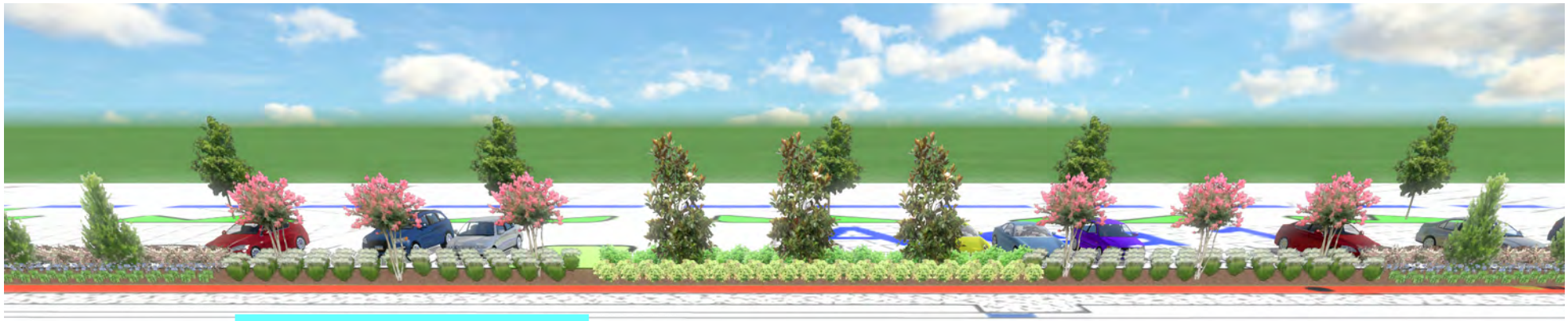
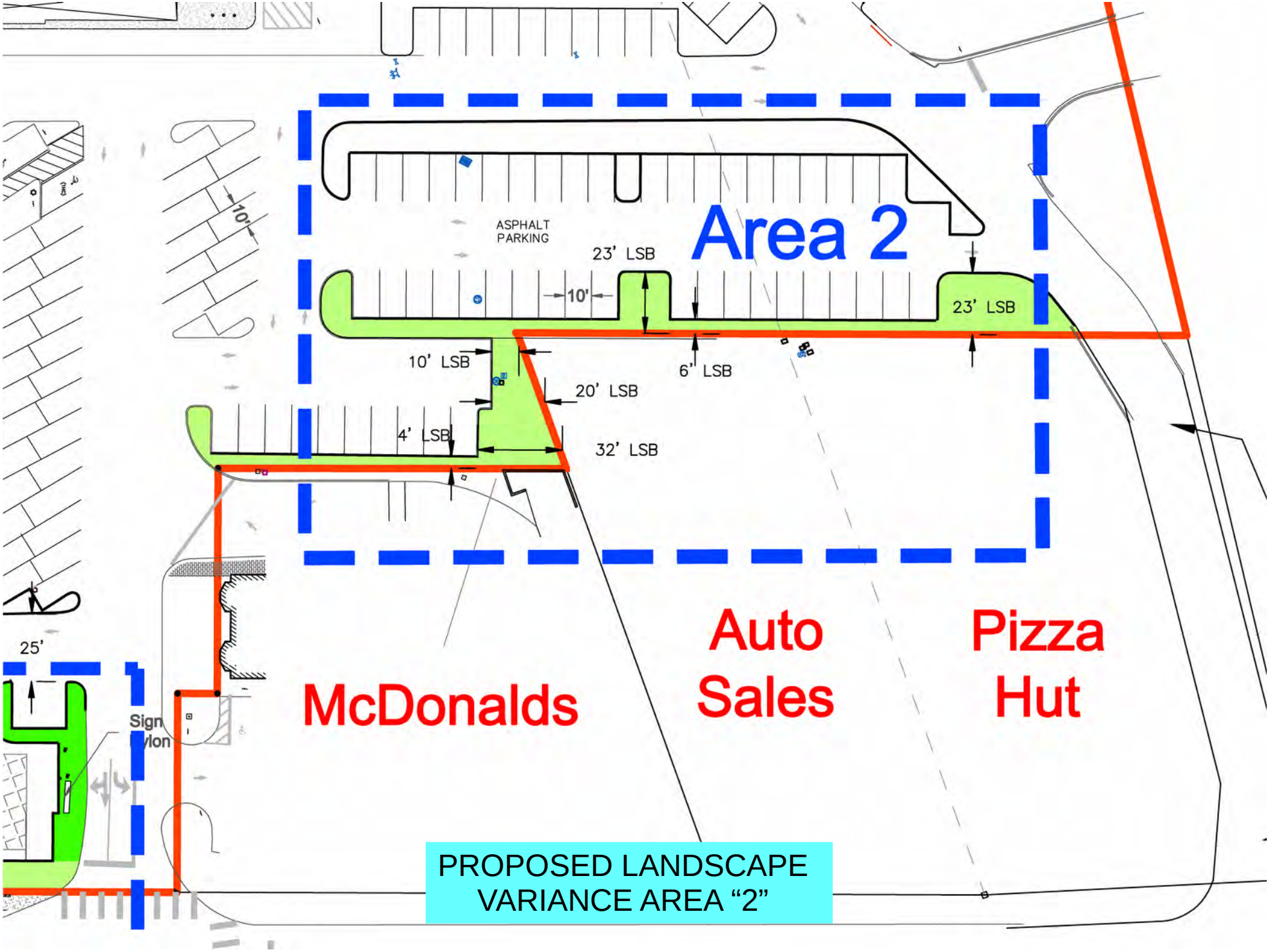


ELEVATION VIEW

PROPOSED LANDSCAPE VARIANCE AREA "1"

PROPOSED LANDSCAPE
VARIANCE AREA “1”

PROPOSED LANDSCAPE
VARIANCE AREA “2”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ASPHALT PARKING
23' LSB
10'
23' LSB
10' LSB
6' LSB
20' LSB
4' LSB
32' LSB
10'
25'
Sign Pylon
McDonalds
Auto Sales
Pizza Hut
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CONCEPTUAL LANDSCAPE IMPROVEMENT PLAN

PROPOSED LANDSCAPE
VARIANCE AREA “3”

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37.5' Req'd LSB
20' LSB
12' LSB
4' LSB
4' LSB
100
106
SHERWIN WILLIAMS 7,350 SF
201A
201B
AARON R
7,826
2
5
7
9'
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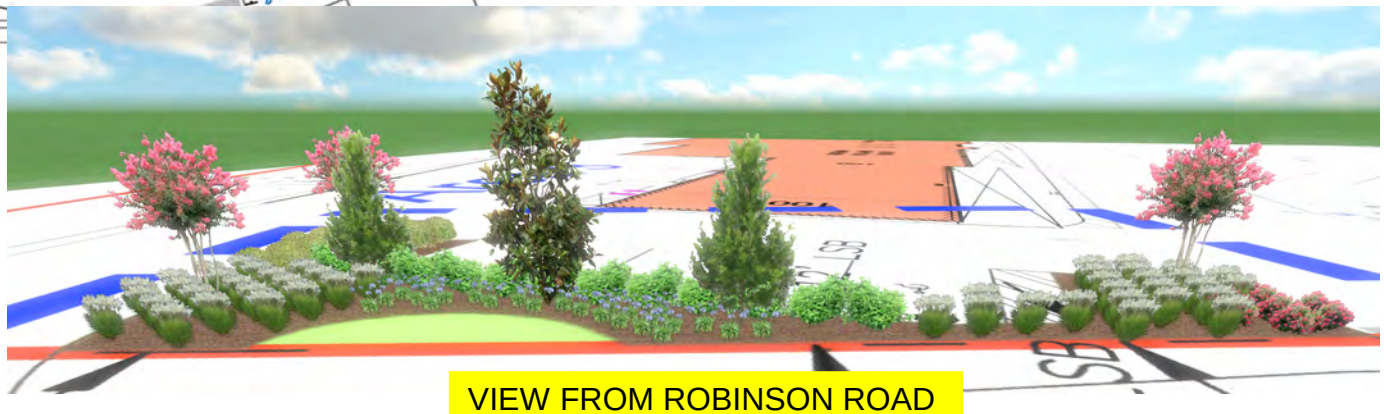

VIEW FROM ROBINSON ROAD

PROPOSED LANDSCAPE VARIANCE AREA "3" CONCEPTUAL LANDSCAPE IMPROVEMENT PLAN

PUBLIX SUSTAINABILITY MEASURES

Morguard

PUBLIX SUSTAINABILITY

Site:
• Varies depending on location and availability of resources

Water:
• Prototype meets 50% reduction in potable water use for building utilizing low-flow fixtures in the restrooms
• Safe waste system to prime floor drains (Reduces the need for domestic water trap primers)

Efficiency:
• Publix uses a commissioning authority to start up our stores
• Meets ASHRAE Advance Energy Guide for retail buildings
• Publix provide measurement and verification plan for monitoring energy use
• Publix utilized high efficiency roof top units.
• Use of LED lamps in the store room, canopy and site lighting
• Automatic lighting control throughout the building through the use of local occupancy sensors or our building Energy Management System
• Utilize full cut-off luminaires and flat lens luminaires for our exterior lighting needs
• Use LED lamps in our track heads where many other retailers use Halogen or std. Metal Halide lamps
• Motion controlled LED lighting many of its refrigerated cases

Indoor Environmental Quality:
• Publix does not use CFC refrigerants
• Publix uses mostly water based adhesive and sealants
• Publix uses a low VOC interior paint, by Sherwin Williams
• Publix complies with ASHRAE standard for 55-2004
• Secondary medium temperature refrigeration system minimizes refrigerant volume
• Polypropylene domestic water piping pre-consumer 100% recycle content
• Refrigeration desuperheating heat exchanger to produce potable hot water and hydronic hot water for space heating
• Hot water recirculating system
• Adiabatic condensers for the refrigeration systems.
• Dedicated outside air treatment for ventilation and building pressurization
• Variable volume grease hood exhaust and make up air fans.
• Adiabatic condensers for the refrigeration racks.

Material and resources:
• Depending on location, construction debris are recycled
• Recycled content of 10% of building materials
• Publix uses rapidly renewable materials (bamboo).
• Storage and collection of recyclables, Publix recycles cardboard, plastic bags, paper, plastic, and aluminum.

David Rubin, Architect LEED AP
Manager of New Store Design
Publix Super Markets Inc.

RESOLUTION #RES2016-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-05, A VARIANCE FROM SECTION SECTION 74-101 FOR ISR (IMPERVIOUS SURFACE RATIO), AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 74-101 for ISR (Impervious Surface Ratio), such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-06, A VARIANCE FROM SECTION 9.3-1(A)6.D.4. – VEHICLE STOPS SHALL BE USED TO ENSURE THAT VEHICLES DO NOT OVERHANG REQUIRED LANDSCAPE AREAS. CONTINUOUS CURBING SHALL BE PROHIBITED, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-1(a)6.d.4. – Vehicle stops shall be used to ensure that vehicles do not overhang required landscape areas. Continuous curbing shall be prohibited, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-07, A VARIANCE FROM SECTION 9.3-2(D)5– ALL BUILDINGS AND SITES SHALL PROVIDE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-2(d)5– All buildings and sites shall provide leadership in energy and environmental design (LEED) certification, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-08, A VARIANCE FROM SECTION 9.3-2(E)3, B.– BUFFERS AROUND THE PERIMETER OF THE SITE SHALL BE 150 PERCENT OF THE BUFFER WIDTH REQUIRED IN SECTION 74-108 FOR THE B-4 ZONING DISTRICT, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-2(e)3, b.– Buffers around the perimeter of the site shall be 150 percent of the buffer width required in section 74-108 for the B-4 zoning district, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-09, A VARIANCE FROM SECTION 74-108(4)A.– REQUIRED WIDTH OF BUFFERS IN B-4 ZONING DISTRICT. A MINIMUM WIDTH OF 25 FEET IS REQUIRED, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 74-108(4)a.– Required width of buffers in B-4 zoning District. A minimum width of 25 feet is required, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-10, A VARIANCE FROM SECTION 9.3-2(E)3,C., I, II. – THE REQUIRED BUFFER WIDTH SHALL INCLUDE THE FOLLOWING PLANTING MATERIALS FOR EACH 100 LINEAR FEET OF BOUNDARY AREA, OR FRACTION THEREOF, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-2(e)3,c., i, ii. – The required buffer width shall include the following planting materials for each 100 linear feet of boundary area, or fraction thereof, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.

RESOLUTION #RES2016-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-11, A VARIANCE FROM SECTION 9.3-2(E)3,D. – PARKING SHALL NOT EXCEED 110 PERCENT OF THE PARKING STANDARD SET FORTH IN APPENDIX A, ARTICLE V. AT LEAST 20% OF THE REQUIRED PARKING SHALL BE CONSTRUCTED UTILIZING PERVIOUS MATERIALS, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 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 November 15, 2016, to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-2(e)3,d. – Parking shall not exceed 110 percent of the parking standard set forth in appendix A, article V. At least 20% of the required parking shall be constructed utilizing pervious materials, such property being located at 11352 & 11262 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 by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, 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 November 15, 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
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
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 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.