



CITY OF DUNNELLOH STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: February 2, 2016

REQUEST FOR APPROVAL OF: Variance from Off-Site Parking distance requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Angler's Resort Motel

PROJECT NUMBER: PZ1516-024 / VAR 2016-01

PROJECT REPRESENTATIVE(S):
Applicant: Robert Jewett
Property Owner: Robert Jewett

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

PARCEL SIZE: .92 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-3/B-6

EXISTING USE: Motel

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant seeks a variance from Article V Section 5.2(1) of the City Code to allow off-street parking on land greater than 300' (ft) from the plot.

2. REVIEW REQUIREMENTS:

Variations: In accordance with City Code Chapter 94, Article II, Section 94-37(11) the Planning Commission's powers and duties regarding requests for variations 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 variations sought.

3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner recently obtained a demolition permit from the City and did demolish the motel. Because the owner wishes to replace the motel with a structure of the same outer dimensions (footprint) as the existing building, an application for a site plan was submitted to the City. The Planning Commission approved the site plan with conditions on December 22, 2015. The new motel will be redesigned internally to allow for 12 sleeping rooms instead of 9.

The City Council held a public hearing on the site plan on January 11, 2016 and approved the site plan with conditions. To accommodate the existing business parking deficiency as well as the additional 3 spaces required for the new motel, one of the conditions imposed by the City Council was that the owner must seek off-street parking from a local property owner for an additional 26 spaces.

The owner has secured an agreement with a local business proprietor to provide the 26 spaces;¹ however, as shown on the map below, the location of the aforementioned spaces exceeds the distance limit set forth in Article V Section 5.2(1) of the City Code, which reads: “*The off-street parking facilities shall be provided on land within 300 feet of the plot.*”

The owner intends to shuttle the patrons to and from this off-site parking area as has been the practice from other public parking areas to date.

4. COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

Policy 1.4:

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

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

5. REVIEW OF APPLICATION:

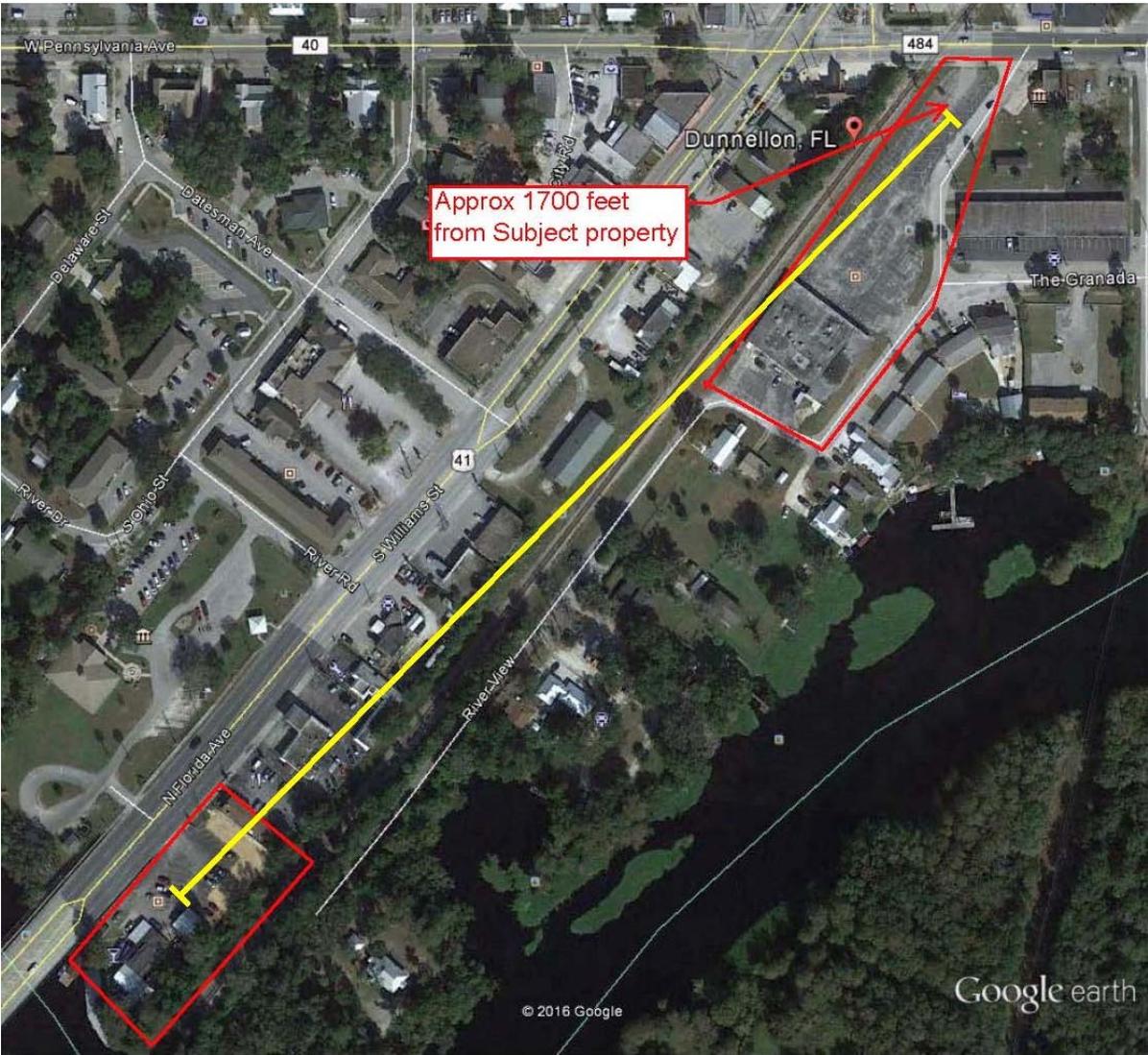
Relevant Sections of the Code

- ***Land Development Code, Appendix A, Article V Section 5.2(1)- Location, character and size***
1) The off-street parking facilities required by this article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the zoning director, prevent the establishment of such facilities on the same plot, the off-street parking facilities shall be provided on land within 300 feet of the plot.

Applicant is seeking an allowance for greater than 300 feet for off-street parking as opposed to the required 300 foot maximum.

¹ Per the conditions set by City Council, the shared parking agreement must be approved in form and substance by the City Attorney and filed in public records. This has not yet occurred.

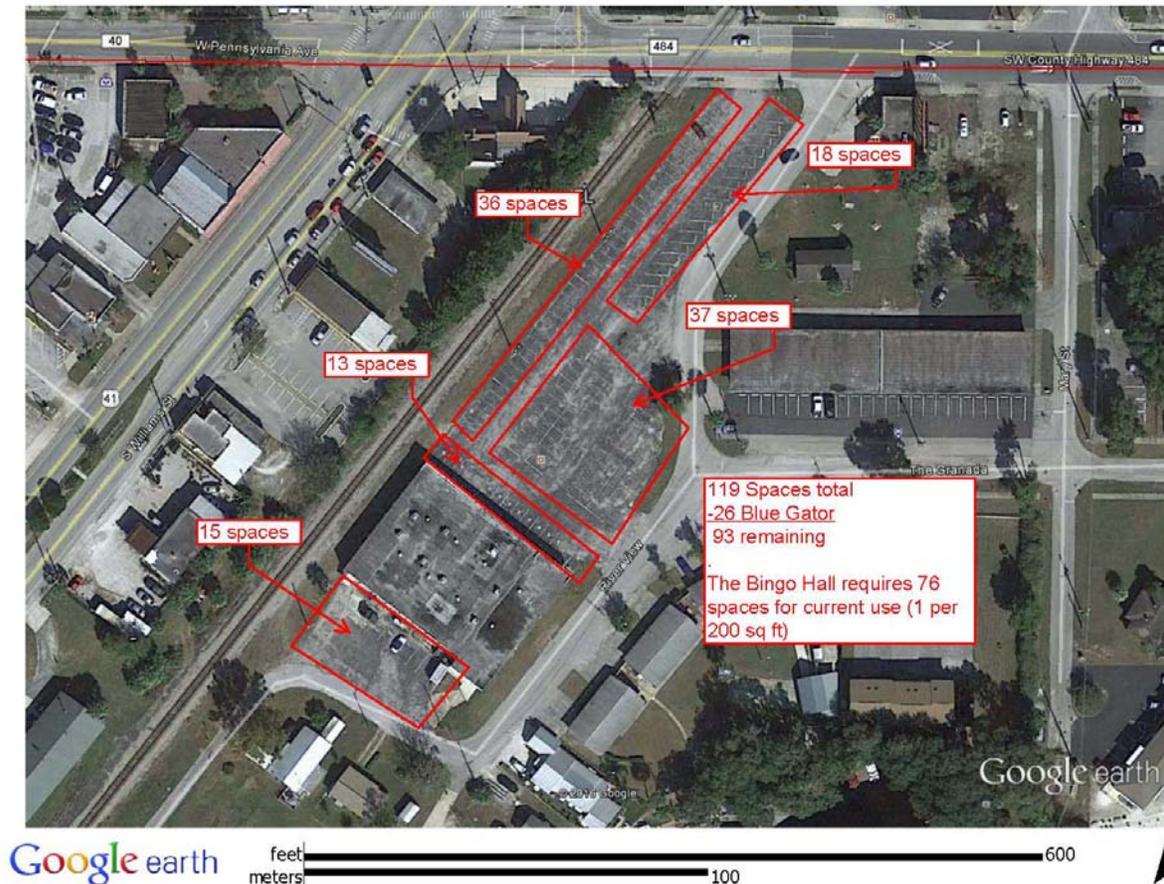
Map showing both locations and the approximate distance between the owner's business and the property which will accommodate 26 extra parking spaces:



- **Section 5.4. - Combined off-street parking.**

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by two or more owners or operators, provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.

Applicant has contracted with the owner of the local Bingo Hall to provide 26 parking spaces from his surplus.



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: There are no available sites within 300 ft of the subject property which can accommodate the owner’s 26 deficient off-street parking spaces. Without the variance, the subject property will incur a hardship, and the owner will be unable to continue his businesses on the property.

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

Response: The applicant's actions have not created the lack of suitable parking areas within 300 ft of the plot. The current businesses have previously been approved by the City.

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

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

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

Response: The applicant, without this variance, would be severely impacted financially and be unable to rebuild the motel that had existed in that location for over 58 years.

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

Response: The variance requested is the minimum to allow the reasonable use of this property. There are no qualifying parking areas any closer to the subject property than the one contracted.

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

Response: The requested variance does not pose any injury to the area as the variance will help alleviate traffic congestion in the existing parking lot. The off-site location currently has excess parking available and therefore will not be negatively impacted by the additional parking activity. A well-established shuttle service will allow effective use of the parking facility and continue to protect the public welfare.

7. **STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend City Council approve the requested variance as presented.

Granting the variance will not be inconsistent with the Comprehensive Plan.



RECEIVED

JAN 13 2016

CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

City of Dunnellon Planning and Zoning Application

P21516-024

Date: 1-13-2016

Application No.: VAR 2016-01

Applicant Name: Robert Jewett
Address: 12315 N. Osborne Ave.
Dunnellon, FL 34432

Phone# 352-586-4657
Fax # 1-888-522-6924
Email Address: jewett5151@att.net

Applicant is: Owner Agent Purchaser Lessee Other _____

Owner(s) Name: Robert Jewett
Address: 12315 N. Osborne Ave.
Dunnellon, FL 34434

Phone# 352-586-4657
Fax # 1-888-522-6924
Email Address: jewett5151@att.net

Application Type

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

Reason for Request: offsite parking lot variance

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

Property Address: 12189 S. Williams St. Property Size (acres): .92 +/-

Parcel ID Number: 34222-000-00

Existing Use of Property: MOTEL

Existing Zoning: B3 Current/Future Land Use: no change

Current number of structures on the property: 4

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

Proposed Use of Property: no change

Proposed Zoning: no change Proposed Land Use: no change

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

What utilities currently exist on the site?

Water Sewer Well Septic None

What utilities are proposed to be used?

Water Sewer Well Septic None

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

Yes No

If yes, please describe and give Application Numbers: SPL 2015-03

Submittal Requirements: Check Box For Each Item You Are Attaching

All Applications MUST provide the following:

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

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

- Lot Plan
- Survey of the Property
- Diagram

Specific Attachments:

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

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

ADDITIONAL INFORMATION: PLEASE READ

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

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
	Each Additional 10,000 square feet or portion thereof
	\$250.00
	\$150.00 (maximum of \$2,500.00)
Minor Site Plan Review (Improvements to existing site)	\$500.00
Subdivisions	
	Pre-Conceptual Plan Fee
Preliminary Plat	\$300.00
	First 15 lots
	16 lots or more
	Plus (per lot or parcel)
	\$250.00
	\$500.00
	\$25.00
Improvement (Construction) Plan Review	\$600.00
	Plus (per 100 feet of roadway)
	\$30.00
Final Plat	
	First 15 lots
	16 lots or more
	Plus - per lot or parcel
	\$250.00
	\$500.00
	\$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

1-13-2010

COPY provided to PC 2/2/2016 and Council 2/8/2016 for informational purposes reference VAR2016-01.

This Instrument To be Returned To:

Robert E. Jewett
12189 South Williams Street
Dunnellon, Florida 34432

SHARED PARKING AGREEMENT

This Shared Parking Agreement (“Agreement”) is entered into this ___ day of _____, 2016, by and between Dunnellon Bingo, Inc., a Florida Corporation, (“Lessor”) whose address is 20520 E. Pennsylvania Avenue, Dunnellon, FL 34432, and Robert E. Jewett and Dallise W. Jewett, husband and wife (“Lessee”), whose mailing address is 12315 N. Osborne Ave., Dunnellon, FL 34434 (“Grantee”).

Recitals

1. To relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City, the City of Dunnellon Zoning Code establishes minimum number of off-street parking and loading spaces necessary for various land uses in the City of Dunnellon.

2. Lessor owns certain property located at 20520 E. Pennsylvania Avenue, Dunnellon, FL, with a Marion County Tax Parcel Identification Number of 3381-000-011, such property being legally described in Exhibit “A” attached hereto and made a part of this Agreement.

3. Lessee owns certain property with a Marion County Tax Parcel Identification Number of 34222-000-00 & 3380-0582-00, such property being legally described in Exhibit “B” attached hereto and made a part of this Agreement.

4. Lessee’s Property does not have the number of parking spaces required under the City’s Zoning Code for the uses to which Lessee’s Property is put and is deficient by 26 parking spaces.

5. Lessor’s Property contains approximately 119 parking spaces, and Lessor’s on-site business requires 76 parking spaces for its current uses under the City of Dunnellon Zoning Code; therefore, Lessor has a surplus of parking spaces.

6. Lessee desires to use some of the off-street parking spaces on Lessor’s Property to satisfy Lessee Property’s off-street parking requirements, and such shared parking is permitted by the City of Dunnellon Zoning Code Sections 5.2.1 and 5.4.

7. City of Dunnellon Zoning Code Section 5.2.1 requires that off-street parking facilities of lessors be within 300 feet of a lessee’s property. Lessor’s Property is

approximately 1,700 feet from the Lessee's Property, and Lessee therefore sought and received a variance from the City Council from this 300-foot requirement.

8. The City requires that a written shared use parking agreement be entered into by Lessor and Lessee.

9. The Lessee will offer a shuttle service to and from Lessor's Property to assist Lessee's patrons and customers in transportation to Lessee's Property.

NOW, THEREFORE, for and in consideration of these premises, and for good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby expressly acknowledged, the parties agree as follows:

10. The foregoing recitals are true and correct and are incorporated herein by this reference.

11. Lessor shall make available a minimum of 26 parking spaces on its Property described in Exhibit "A" for the Lessee's existing businesses on its Property described in Exhibit "B." This number of parking spaces has been determined to conform to the City's Zoning Code, and the parties agree to maintain the parking spaces to meet the City's standards.

12. Lessee's interest in such parking spaces is non-exclusive.

13. This Agreement shall run with the land for the properties referenced in paragraph 11 above and shall be enforceable against successors in interests and assigns of the signing parties.

14. If the off-street parking spaces on Lessor's Property are no longer available, Lessee will be required to cease operation or reduce the use of the Lessee's property to an intensity approved by the City in order to bring the property in conformance with the City's parking requirements.

15. If the Lessee changes the uses on its Property, it must notify the City to determine whether the parking requirements of its Property will change.

16. This Agreement is in perpetuity and can only be terminated if replacement parking for Lessee has been approved by the City and written notice of termination of this Agreement has been provided to the other party at least sixty (60) days prior to the termination date.

17. This Agreement shall be effective upon execution by both parties and when signed as approved by the City Manager of the City of Dunnellon.

18. This Agreement shall not be amended or terminated without subsequent written agreement of both parties and the consent of City Council of the City of Dunnellon.

19. This Agreement represents the entire understanding between the parties with respect to the transaction contemplated herein and supersedes, incorporates and merges all prior representations and agreements, whether oral or written. All understandings and agreements heretofore had between the parties are merged into this Agreement, which alone fully and completely expresses their agreement.

20. This Agreement will be recorded by the City Clerk or designee in Public Records of Marion County, Florida. The Lessee shall bear the costs of recordation.

21. Nothing contained herein shall create any obligation on the part of the City of Dunnellon.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, sealed and delivered, all as of the date and year first above written.

Witnesses:

LESSOR
Dunnellon Bingo, Inc.

Print Name: _____

Frank King, President

Print Name: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Frank King as President of Dunnellon Bingo Corporation, a Florida Corporation, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

Notary Public

SEAL

My Commission Expires:

Witnesses:

LESSEE:

Print Name: _____

Robert E. Jewett

Print Name: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Robert E. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

Notary Public

SEAL

Type or Print Name
My Commission Expires:

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

Witnesses:

LESSEE:

Print Name:_____

Dallise W. Jewett

Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Dallise W. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

Notary Public

SEAL

Type or Print Name
My Commission Expires:

The above Shared Parking Agreement has been approved by the City Attorney for Dunnellon and is approved by Eddie Esch, City Manager for the City of Dunnellon, on the _____ day of _____, 2016.

Eddie Esch, City Manager
City of Dunnellon

Exhibit A

Lots 20, 21, 22, 23, 24, 25 and 26, of Block 3, MINNETRISTA SUBDIVISION, Dunnellon, Florida, as per plat thereof recorded in Plat Book D, Pages 37, 38 and 39, of the Public Records of Marion County, Florida; AND

Beginning at the most Southerly corner of Lot 344, Town of Dunnellon, as per plat recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; thence Northwesterly along the lot line between said Lot 344 and Lot 13, Block 3, Minnetrista, as per plat recorded in Plat Book D, Page 37, Public Records of Marion County, Florida, to the most Westerly corner of said Lot 344, said point being 30.00 feet from and at right angle to the centerline of the Atlantic Coastline Railroad; thence N. 37°26'00" E., parallel to and 30.00 feet from said Railroad centerline, to the South right of way line of Pennsylvania Avenue; thence East, along said South right of way line to a point 90.00 feet from and at right angle to said Railroad centerline; thence S. 37°26'00" W., parallel to and 90.00 feet from said Railroad centerline, to the Westerly right of way line of Bridge Street as per plat of Minnetrista; thence South, along said West right of way line to the point of intersection of said right of way line with the Northwesterly right of way line to Palmetto Way as per plat of Minnetrista; thence S. 37°26'00" W., along said Northwesterly right of way line, 273.85 feet to the Point of Beginning; AND Beginning at the most Westerly corner of Block 344, Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; said point being 30.00 feet from and at right angles to the centerline of Seaboard Coast Line Railroad Company's main track; thence N. 37°26'00" E., parallel to and 30.00 feet from said centerline, to the South right of way line of Pennsylvania Avenue according to said plat of the Townsite of Dunnellon; thence East along said South right of way line to a point 90.00 feet from and at right angles to the centerline of said main track; thence S. 37°26'00" W., parallel to and 90.00 feet from said main track centerline to the Westerly right of way line of Bridge Street, as per plat of Minnetrista as recorded in Plat Book D, Page 37, Public Records of Marion County, Florida; thence South, along said right of way line to the Northeast corner of Lot 26, Block 3, Minnetrista; thence West, along the North boundary of said Lot 26 to the Northwest corner of said Lot 26; thence S. 39°32'00" W., along the North boundary of Block 3 of said Minnetrista and a Southwesterly projection thereof to the Point of Beginning; AND

Lots 342, 343 and 344, TOWN OF DUNNELLO, as per plat thereof recorded in Plat Book A, Page 174, Public Records of Marion County, Florida.

Parcel Identification Number: R3381-000-011

EXHIBIT "B"

Lots 2 and 3 of Southside Subdivision of the Town of Dunnellon, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida.

LESS and EXCEPT a portion of Lot 2 of Southside Subdivision as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida, being more particularly described as follows:

Begin at the most Easterly corner of said Lot 2; thence North $89^{\circ}10'05''$ West, along the North line of said Lot 2 and also being the South line of Lot 581 of the Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, a distance of 20.92 feet to the Intersection with a line being 3 feet Northeasterly and parallel with the Southwesterly line of said Lot 581; thence South $51^{\circ}35'09''$ East, along the Southeasterly extension of last said line, a distance of 16.63 feet to an intersection with the Southeasterly line of aforesaid Lot 2 of Southside Subdivision; thence North $38^{\circ}11'56''$ East, along last said line, a distance of 12.76 feet to the Point of Beginning.

AND

Lot 582 of the Townsite of Dunnellon, a subdivision according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, and the Southwesterly 3.0 feet of Lot 581 of said Townsite of Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, all lying Southeasterly of the existing right-of-way line of State Road No. 45, being more particularly described as follows:

Begin at the most Westerly corner of Lot 582 of the Townsite of Dunnellon, Florida, according to Plat thereof, recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; run thence North $38^{\circ}12'48''$ East, along the right-of-way line of U.S. Highway 41 (State Road 45), a distance of 53.64 feet to the beginning of a curve, concave Northwesterly; thence along said curve to the left, having a Delta Angle of $00^{\circ}19'04''$, a radius of 3863.22 feet, an arc distance of 21.43 feet and a chord bearing North $41^{\circ}09'18''$ East, 21.43 feet; thence leaving said right-of-way line, South $51^{\circ}35'09''$ East, along a line being 3.0 feet Northeasterly and running parallel with the Southwesterly line of said Lot 581, a distance of 96.67 feet to an Intersection with the South line of said Lot 581 and also being the North line of Lot 2 of Southside Subdivision, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida; thence North $89^{\circ}10'05''$ West, along said line, a distance of 123.04 feet to the Point of Beginning.

TO: Ocala Star Banner
FROM: Teresa Malmberg
DATE: January 15, 2016
RE: Legal Notice

Please publish the ad below on or before Tuesday, January 19, 2015, in the Legal Section.

Please provide a proof for our review prior to publication.

**NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL
PUBLIC HEARINGS
TO CONSIDER APPLICATION FOR A VARIANCE APPROVAL**

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding a variance review for property located at 12189 S. Williams St, being Parcel Number 34222-000-00, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator. The Applicant seeks a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, 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.



Ocala Gainesville Media
CLASSIFIED ADVERTISING

2700 SW 13th Street, Gainesville, FL 32608
352-372-4222 fax 352-338-3131

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

Order:	A000880501	Pubs:	1,11	Rate:	LG
Phone:	(352)465-8500	Class:	0001	Charges:	\$ 0.00
Account:	100400	Start Date:	01/19/2016	List Price:	\$ 123.56
Name:	N/A,	Stop Date:	01/19/2016	Payments:	\$ 0.00
Caller:	Teresa Malmberg	Insertions:	2	Balance:	\$ 123.56
Taken By:	O050	Columns:	1	Lines:	57
Schedule:	1/19 1x, 1/19 1x, , ,			Taken On:	01/15/2016

**NOTICE OF PLANNING COMMISSION
QUASI-JUDICIAL
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VARIANCE APPROVAL**

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding a variance review for property located at 12189 S. Williams St, being Parcel Number 34222-000-00, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator. The Applicant seeks a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, 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.

January 19, 2016
#A000880501

Attention: _____ **Fax:** _____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.



CITY OF DUNNELLON

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

January 15, 2016

Application PZ1516-024/VAR2016-01

Mr. Robert Jewett
12315 N. Osborne Ave
Dunnellon, FL 34434

RE: Public hearing before Planning Commission: application for a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, Parcel 34222-000-00.

Dear Applicant:

Please take notice that your application for a variance will be heard by the Planning Commission of the City of Dunnellon on Tuesday, February 2, 2016 at 5:30 p.m., or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

Your application, 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.

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

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is

made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon 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.

It is anticipated that the second hearing will be heard by City Council on Monday, February 8, 2016, at 5:30 p.m. or soon thereafter as can be heard in the Council Chambers at Dunnellon City Hall 20750 River Drive, Dunnellon, Florida, 34431. If this date changes, you will be notified by the City. **Please be advised that your failure to appear at either of these public hearings will likely result in your application being denied.**

Sincerely,

Eddie Esch, Sr.
City Manager



CITY OF DUNNELLO

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

January 15, 2016

NOTICE OF QUASI JUDICIAL HEARING #PZ1516-024 FOR VARIANCE #VAR2016-01

Dear Property Owner:

The Planning Commission of Dunnellon will hold a public hearing for recommendation to the City Council regarding a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, requested by Mr. Robert Jewett, for that parcel located at 12189 S. Williams St, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator, being Parcel Number 34222-000-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.**, or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you.

A second hearing will be held before the City Council as soon as practicable after the Planning Commission makes its recommendation in this matter. After the Planning Commission's hearing on the above date, you may contact the Community Development Department at (352) 465-8500, ext. 1010, to find out the date and time of the hearing before the City Council.

The application, filed under application number PZ1516-024/VAR2016-01, submitted by Mr. Robert Jewett, 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 meetings and be heard with respect to this matter. Please be advised that all oral and written communications prior to the hearing 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 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 Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Eddie R. Esch, Sr.
City Manager

Teresa Malmberg

From: Lonnie Smith
Sent: Wednesday, November 25, 2015 2:35 PM
To: Teresa Malmberg
Subject: 300ft buffer

6 neighbor notices
 1 applicant notice
 7 total letters @ \$0.485 = \$3.395

RAINBOW CONNECTION SHUTTLE SVC LLC	12121 RIVER VIEW	DUNNELLO FL 34432-6096
JEWETT ROBERT E	12315 N OSBORNE AVE	DUNNELLO FL 34434
NIEVES ANGEL M REV RIVERVIEW PLAZA TRUST	PO BOX 428	DUNNELLO FL 34430-0428
CJ'S TRANSMISSIONS INC	12115 S WILLIAMS ST	DUNNELLO FL 34432-6066
WESTON ALFRED S TR	1171 AUDUBON WAY	MAITLAND FL 32751-5451
ESTRADA RALPH A	555 NW 170TH CT	DUNNELLO FL 34432-1224

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.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 7:35 AM
To: Lonnie Smith; Virginia Cassady
Cc: Teresa Malmberg; Eddie Esch; Dawn Bowne
Subject: RE: Anglers ad for Variance

Lonnie,

I have reviewed the ad and find it to be 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: Lonnie Smith [mailto:lsmith@dunnellon.org]
Sent: Thursday, January 14, 2016 4:50 PM
To: Virginia Cassady <vcassady@shepardfirm.com>; Andrew Hand <ahand@shepardfirm.com>
Cc: Teresa Malmberg <tmalmberg@dunnellon.org>; Eddie Esch <EEsch@dunnellon.org>; Dawn Bowne <dbowne@dunnellon.org>
Subject: Anglers ad for Variance

Virginia/Andrew,

Please review ad for submission to Star Banner for noticing requirement. I have called 4 PC members and have secured OK's to attend a special PC meeting on Feb 2nd to review Anglers Variance application.

Thanks,

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



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Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 1:19 PM
To: Lonnie Smith
Cc: Virginia Cassady; Teresa Malmberg; Dawn Bowne
Subject: Re: Notices to owner/neighbors for Anglers variance

These notices are sufficient per the City's code requirements in Ch. 94.

Sent from Andrew's iPhone

On Jan 15, 2016, at 13:07, Lonnie Smith <lsmith@dunnellon.org> wrote:

Andrew,
Hopefully you can glance these over and let me know if they are OK. I've taken them from an approved template so hopefully there are no mistakes. I need to send these out today to meet requirements.

Thanks,

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

<image001.png>

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.

<Anglers Variance NOTICE TO APPLICANT Planning.docx>

<Anglers Variance NEIGHBOR NOTICE PC final.docx>

RESOLUTION #RES2016-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL APPROVE; DISAPPROVE; OR APPROVE WITH CONDITIONS A VARIANCE FROM CERTAIN OFF-STREET PARKING REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 5.2.1 OF ARTICLE V OF THE ZONING CODE REQUESTED BY ROBERT JEWETT, OWNER OF ANGLER'S RESORT MOTEL LOCATED AT 12189 SOUTH WILLIAMS STREET (U.S. HWY. 41), LOCATED ON THE EAST SIDE OF WILLIAMS STREET, BEING THE LAST PROPERTY BEFORE CROSSING THE WITHLACOOCHIE RIVER; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 2, 2016 to consider a request by the Applicant Robert Jewett, owner of Angler's Resort Motel, to approve a variance from the requirements of Section 5.2.1 of Article V of the Zoning Code, such property being located at 12189 South Williams Street, located on the east side of Williams Street, and is the last property before crossing the Withlacoochee River.

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

WHEREAS, on January 11, 2016, the City Council of Dunnellon conditionally approved a site plan for a new motel on the site which will have the same outer dimensions as the previous Motel but will accommodate twelve (12) motel units.

WHEREAS, Section 5.2.1 of the Zoning Code requires that, when practical difficulties prevent an establishment from providing off-street parking facilities on the same lot as the establishment, off-street parking facilities shall be provided on land within 300 feet of the lot of the establishment. Staff has determined that practical difficulties prevent the owner from providing additional off-street parking.

WHEREAS, at the public hearing before Council, there was testimony that the site is 26 spaces deficient in parking but that no surplus parking spaces were available within 300 feet of the site in compliance with Section 5.2.1; therefore, when City Council approved the site plan, as a condition of approval, the owner is required to obtain a shared parking agreement and a variance from Section 5.2.1 of the Code.

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 criteria of Section 94-37(11) are met.

WHEREAS, the Planning Commission does does not find that the Applicant has has not shown that owing to special conditions, a literal enforcement of the provisions of the Section 5.2.1 of the Zoning Code would result in unnecessary and undue hardship.

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

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

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

WHEREAS, the Planning Commission does does not find that the Applicant has has not shown that literal interpretation of the provisions of Section 5.2.1 would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.

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

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

WHEREAS, the City of Dunnellon Planning Commission has determined that a recommendation of approval disapproval approval with conditions is consistent with Dunnellon's Comprehensive Plan.

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

A recommendation of approval disapproval approval with conditions in regard to the requested application for a variance requested by Robert Jewett for property he owns at 12189 South Williams Street, located on the east side of Williams Street, being Marion County Tax Parcel Identification Number 34222-000-00, subject to the following recommended conditions:

1. Pursuant to the approval of the site plan by City Council, the applicant shall present shared parking agreement(s) entered into with owner(s) of property, which agreement(s) shall meet the requirements of Section 5.4 of the Code and all other requirements of the Code, and are satisfactory to the City Attorney in form and

substance; such parking agreement(s) to be subsequently filed in the Public Records of Marion County.

- 2. _____
- 3. _____
- 4. _____

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

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on February 2, 2015 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	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Lisa Sheffield	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Tracy Fero	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Wilber Vanwyck	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Paul Cowan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Hilton - 1 st Alt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote

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

Approved as to Legal Form:

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

BY: _____
Andrew Hand, Esq.
City Attorney

This 2nd day of February, 2016.

This 2nd day of February, 2015.