



CITY OF DUNNELLOH STAFF REPORT TO COUNCIL

APPLICATION INFORMATION

DATE OF HEARING: December 12, 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.

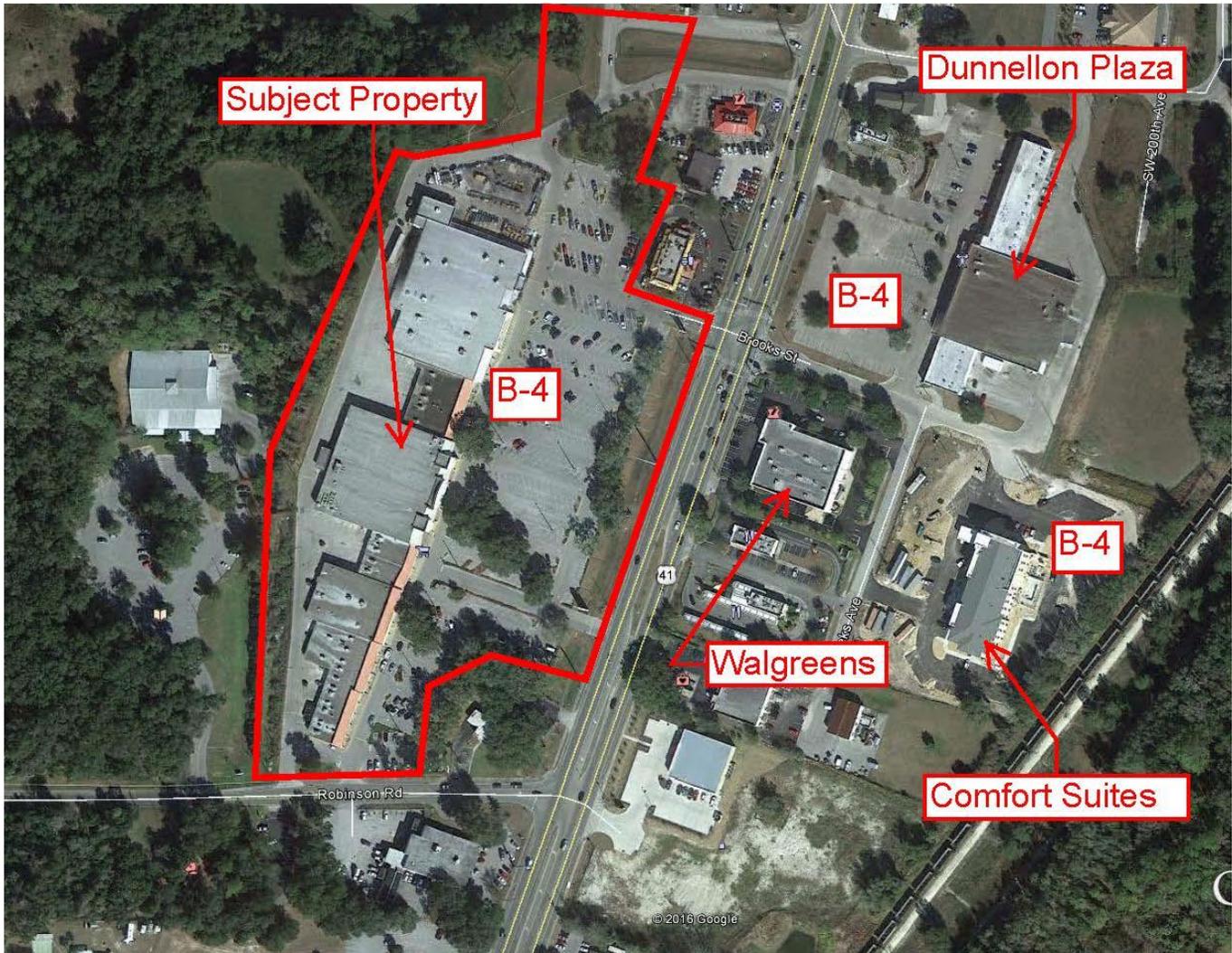
4. COMPREHENSIVE PLAN:

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:

Relevant Sections of the Code

- ***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.

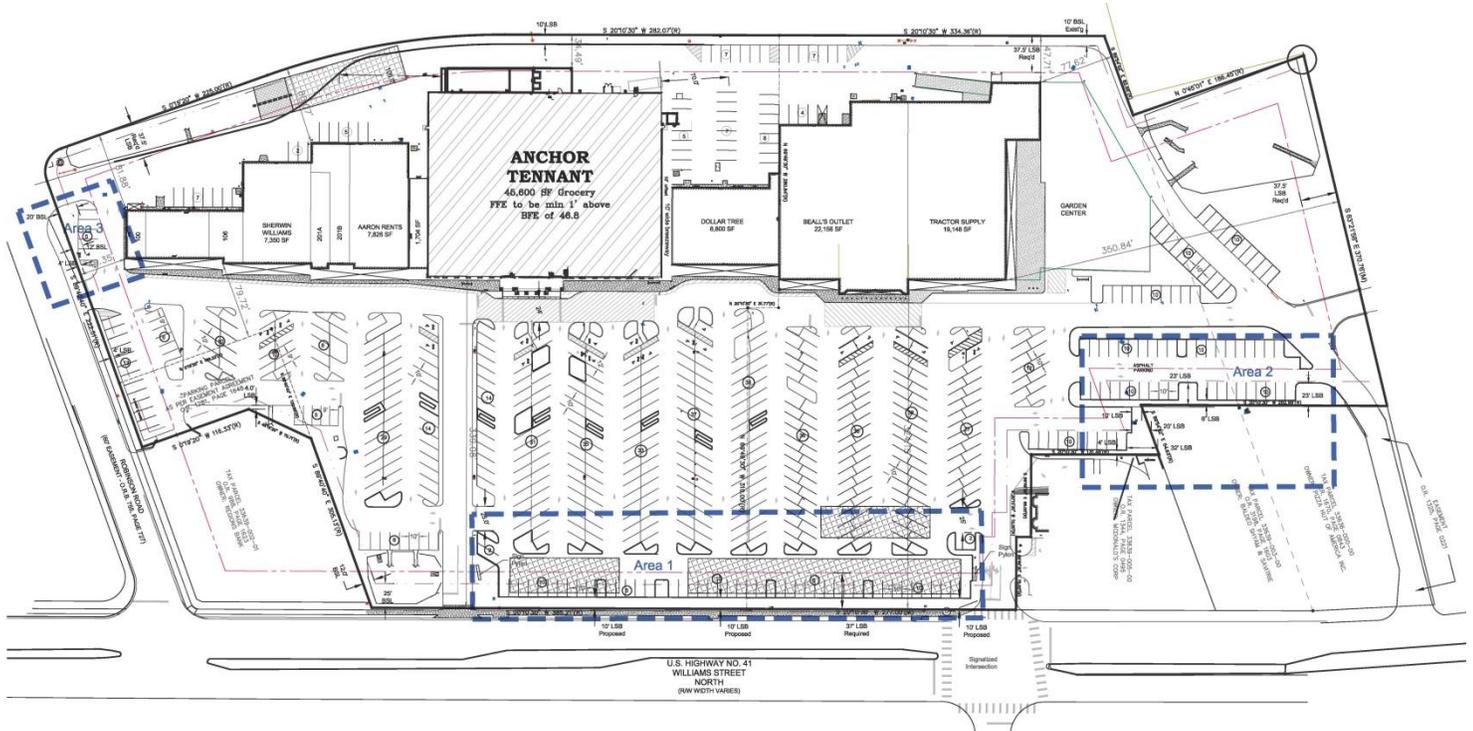
Applicant is requesting a 10 foot landscape buffer along Williams Street(Area 1). Applicant is requesting an average of 16 foot (Min 4 feet, Max 26 feet) landscape buffer behind McDonalds and Pizza Hut(Area 2). Applicant is requesting an average 12 foot (Min 4 feet, Max 20 feet) landscape buffer along 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. At that time the codes were much different than they are now. This site is constrained by those regulations and is not able to support the requirements of new development without razing the whole structure. Currently there are active leases in the center so the only options are to work within the confines of the existing development. This situation constitutes a special circumstance and condition peculiar to this structure.

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 owner is attempting to revitalize the center in a cost effective way and to utilize it to its highest and best use.

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 and will not confer any special privileges to the applicant.

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 have a parking field which is functionally-efficient. To require that Rainbow Square be razed in its entirety and rebuilt to a standard that would substantially reduce the size of the leasable area 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 upgrade it with a new, nationally-renowned grocer. With this will be improvements to the façade, landscaping, and drainage systems, 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 this grocer to the center and upgrading the property as a whole.

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 and the city's Planning Commission recommend that City Council approve the seven variances as requested.