

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 WITHLACOOCHEE 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 Hilton and seconded by Commissioner Sheffield and upon being put to a vote, the result was as follows;

Commissioner Brenda D'Arville	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Lisa Sheffield	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Tracy Fero	<input 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
Brenda D'Arville, Chairwoman
Planning Commission, City of Dunnellon

BY: Andrew Hand
Andrew Hand, Esq.
City Attorney

This 2nd day of February, 2016.

This 2nd day of February, ~~2015~~
2016