

TOWN COMMISSION MEETING AGENDA ITEM

TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution 2019-113 (First and Final Reading) — Villages RV Storage — Discount Mini Storage of Lady Lake, LLC — Variance Request to Authorize the Removal of a 36-inch Historic Live Oak Tree to Accommodate the Construction of a Proposed RV Storage Facility at 650 South Highway 27/441, Referenced by Alternate Key 1015049

AGENDA ITEM ID

2019206

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTION

Staff recommends approval of Resolution 2019-113 as presented.

SUMMARY

The variance application is in accordance with the provisions of Chapter 10, Section 10-5). c).3)., of the Town of Lady Lake Land Development Regulations which requires the submittal of a Historic Tree Removal variance application for any property owner who desires to remove a healthy historic tree in a commercial property. The variance request is to allow the removal of a 36-inch Historic Live Oak Tree located within the proposed Villages RV Storage Development, addressed as 650 S. U.S. Hwy 27/441 (Alternate Key No. 1015049), owned by Discount Mini Storage of Lady Lake, LLC, within the town limits of the Town of Lady Lake, Florida.

BACKGROUND

On Wednesday, August 14, 2019, Applicant Edward M. McDonald, P,E with Thomas Engineering Group, filed a Historic Tree Removal variance application on behalf of property owner Discount Mini Storage of Lady Lake, LLC for the proposed Villages RV Storage development to be addressed as 650 S. U.S. Highway 27/441, within the town limits of the Town of Lady Lake, Florida.

As part of the review process for the Villages RV Storage new major site plan, five historic trees (Trees No. 420, 539, 558, 560, and 616) were identified as needing to be removed to accommodate the site plan layout, including outlined drive aisles. The Historic Tree Removal Variance application requests the removal of the five historic trees; however, based on the

condition of these trees which were certified by the enclosed arborist reports as diseased and decaying, only one tree (Tree No. 616) is required to be included in the Historic Tree Removal Variance application.

In reviewing the arborist reports, the trees were given a percentage to rate condition and health. Four trees were found to be 50 percent or less viable as they are in advanced stages of decay. Due to their substantial declining condition, even if the applicant tries to do the best to preserve them, the trees will pose a threat to people and property and the stress of a developing site will likely accelerate the trees' deterioration and weakening. In short, the trees would be considered a liability if kept. On another note, the applicant is proposing to preserve four other historic trees at the site (Trees No. 62, 68, 99, and 102).

Lastly, the applicant stated within the Justification Statement that given the wooded condition of the site, they are preserving over 100 existing trees and adding almost 100 additional trees, as well as hedges, shrubs, and groundcovers to provide for adequate screening and aesthetically pleasing plant material.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

- No diminution in value of surrounding properties would be suffered.
- Granting the permit would be of benefit to the public interest.
- Denial of the permit would result in unnecessary hardship to the owner seeking it.
- The use must not be contrary to the spirit of this Code.

Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.

Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

The subject property is in Section 21, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. The variance application has been reviewed and determined to be complete. The application meets the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Staff mailed notices to inform the surrounding 18 property owners within 150 feet of the property proposed by the variance request on Monday, August 26, 2019. The property was also posted on Monday, August 26, 2019.

As of Thursday, August 29, 2019, no objection or support has been received by Town staff either by phone, mail or in person regarding this variance request.

PAST ACTIONS

The Technical Review Committee individually reviewed the variance application and found that Resolution 2019-113 was ready for transmittal to the Planning and Zoning Board.

At the September 9, 2019 meeting, the Planning and Zoning Board voted 4-0 to forward Resolution 2019-113 to the Town Commission with the recommendation of approval.

FISCAL IMPACT

Not applicable

SOURCE OF FUNDING

Not applicable.

FUNDING ACCOUNT

Not applicable

WT/nvs