

# **TOWN COMMISSION MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA**

## **AGENDA ITEM TITLE**

Resolution 2020-109 — First and Final Reading — A Resolution Granting a Variance from the Provisions of Chapter 5). 5-4). n).4).B)., of the Town’s Land Development Regulations which Restricts Building Height within the Heavy Commercial Zoning District to 45 Feet with a Limitation of Three Stories for Multi-Family Apartments. The Variance Request is to Allow One Apartment Building (Building “F”) to be Four Stories and 50 Feet in Height within the Lady Lake Square Apartment Complex Proposed at the Southwest Corner of County Road 25 and Griffin Avenue, Referenced by Alternate Keys 3306376 And 3302494, Owned by Lady Lake Square LLC, in Lady Lake, Florida

## **AGENDA ITEM ID**

2020162

## **DEPARTMENT**

Growth Management

## **STAFF RECOMMENDED MOTION**

Staff recommends approval of first and final reading of Resolution 2020-109.

## **SUMMARY**

On Thursday, August 27, 2020, applicant Martin DelleBovi filed two variance applications on behalf of Lady Lake Square LLC requesting to increase the building height to four stories and 50 feet in height on one apartment building (Building “F”) to be developed within the Lady Lake Square Apartment complex proposed at the southwest corner of County Road 25 and Griffin Avenue (Alternate Keys 3306376 and 3302494). The applicant is requesting the same variance on two different sections of the code because the building spans into two zoning districts (Heavy Commercial and Light Commercial); therefore, two applications are required.

The first variance application is from Chapter 5, Section 5-4).n).4).B). of the Heavy Commercial Zoning District (Resolution 2010-109) which restricts building height to 45 feet with a limitation of three stories for multi-family apartments. Building “F” is proposed at the very south end of the parcel and will be facing the Sam’s Club retention pond area. The building will be placed approximately over 800 linear ft. from Griffin

Avenue and over 550 linear ft. from CR 25. Additionally, landscaping buffers will be provided all around the perimeters of the property boundaries.

## **BACKGROUND**

On August 17, 2020, the applicant presented to the Town Commission the site plan layout, architectural renderings, landscaping, and floor plans for the Lady Lake Square Apartments. During that meeting, it was discussed that one of the buildings (Building “F”) would be proposed at four stories and 50 feet in height. At this time, the Town is in the process of adopting building height restrictions that would require apartment buildings not to exceed three stories and 45 feet in height. The building height restrictions ordinance will have its final adoption reading prior to this application having its final consideration meeting before the Town Commission.

During the Special Town Commission presentation, it was disclosed that in 2018, the Benchmark Group acquired the 44-acre parcel and has been conducting site development due diligence to move forward with the site application submittals. During the past year, the developer has been actively involved in performing surveys, traffic impact analysis, release of easements, and other site studies/reports in preparation for the site plan submittal.

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 applicant has stated that the variance is necessary to provide a living option for people who have to live in a property with amenities on the first level and have elevator access to all floors. The amenities and elevator have been important elements of the

market study that the developer wants to offer in Lady Lake. The building itself will be 46 feet in height but the elevator tower increases it to 50 feet.

The applicant stated that the project has been in planning for seven months and that the building height restrictions were not in placed when they started designing the project. However, from the beginning they have taken great care in designing a project that features additional green space throughout the development to provide better amenities for the residents.

Lastly, the applicant indicated that the building has been located in such a manner that it has no impact on any surrounding residential area in addition to be proposed at the lowest topographic point of the site backing up to a detention area for Sam's Club Store and the back of the Lady Lake Post Office property.

Notices to inform the 19 surrounding property owners within 150 feet of the subject property of the proposed variance were mailed on Monday, August 31, 2020. The property was posted on Tuesday, September 1, 2020.

**FISCAL IMPACT**

Not applicable.

**FUNDING SOURCE**

Not applicable.

**FUNDING ACCOUNT**

Not applicable.

**PAST ACTIONS**

The Technical Review Committee found that Resolution 2020-109 is ready for the Planning and Zoning Board's review and recommendation.

At the September 14, 2020 meeting, the Planning and Zoning Board voted 3 to 0 to forward Resolution 2020-09 to the Town Commission with the recommendation of denial.

TC/ns