

PLANNING AND ZONING BOARD MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution 2020-113 — Sun Water Oak Expansion LLC & Sun Communities Finance LP — Pursuant to Chapter 15, Article II). Section 15-52).D).3)., a Variance Request to Allow the Construction of Internal Private Roads within the Water Oak Hilltop Expansion Phases 2 through 5 to be 20-Foot Paved Roads to Keep Consistency with the Construction and Layout of the Existing Water Oak Country Club Estates, Referenced by Alternate Keys 1238111, 1770483, and 1238277

AGENDA ITEM ID

2020180

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTIONS

1. Motion to forward Resolution 2020-113 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Resolution 2020-113 to the Town Commission with the Recommendation of Denial.

Staff is in support of Motion Number 1

SUMMARY

On Thursday, October 29, 2020, applicant, Daniel R. Gibbs with Atwell, Inc. filed two variance applications on behalf of Sun Water Oak Expansion, LLC and Sun Communities Finance LP for the Water Oak Hilltop Expansion Phases 1 to 5 Master Manufactured Home Park proposed just south of Griffin Avenue and east of the existing Water Oak Country Club Estates, referenced by Alternate Keys 1238111, 1770483, 1238277, and 3838951, within the town limits of the Town of Lady Lake, Florida.

The request is to allow the construction of internal private roads within the Water Oak Hilltop Expansion Phases 2 through 5 be 20-foot paved roads to keep consistency with the construction and layout of the existing Water Oak Country Club Estates.

BACKGROUND

On Wednesday, September 2, 2020, staff received the submittal of a Major Modification to Site Plan application for the Water Oak Country Club Estates Hilltop Expansion Phases 2 through 5

proposing 296 home sites including construction of private roadways, utility infrastructure, stormwater infrastructure, open space, and amenities at a 88.0-acre parcel approximately one mile east of the intersection of Teague Trail (County Road 25) and Griffin Avenue.

In reviewing the Land Development Regulations, Town staff communicated to the applicant there is a requirement that proposed private roads be constructed to Town road standards, and of sufficient function and capacity to accommodate the increase traffic.

The applicant's justification statement indicates that the existing Water Oak Country Club Estates is a 55 plus private and gated community that has the 20-foot paved roads throughout the existing development and has been in existence since the 1980's. The developer establishes that new sections should be consistent with the aesthetic look and feel of the existing site; which is characteristic of a community that appeals to seniors both for its village-like setting and its amenities.

Allowing the 20-foot paved private roads will ensure that the same home products can be used; which are currently being installed in the other recent expansions made within the community. Changing the 20-foot paved roads to meet Town road standards would require the reduction of the size of the homes or the density of the development; making the final product significantly different from what is currently being built.

Lastly, the applicant states that there will be no diminution in value of surrounding properties. However, denying the variance will cause the developer to use a different house product that would cost extra to design and would not match the other home products going in other areas of the community; thus making this area less desirable to the rest of the community.

All other requirements, including lot size, side and rear yard setbacks, as well as emergency vehicle access and fire rescue requirements will be adhered to.

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.

Given that this is a private and gated community, Town staff supports the request for the granting of the variance, noting that health and safety aspects will be met within the site plan proposal.

Notices to inform the surrounding nine property owners within 150' of the subject property of the proposed variance were mailed on Monday, October 26, 2020. The property was also posted on Monday, October 26, 2020.

FISCAL IMPACT

Not applicable.

FUNDING SOURCE

Not applicable.

FUNDING ACCOUNT

Not applicable.

PAST ACTIONS

The Technical Review Committee found that Resolution 2020-113 was ready for the Planning and Zoning (P&Z) Board.

PUBLIC HEARINGS

The Commission's first and final reading of Resolution 2020-113 is tentatively scheduled for Monday, December 7, 2020, at 6 p.m.