

COMMISSION MEETING AGENDA ITEM

TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution 2020-112 — First and Final Reading (Tabled from February 1, 2021) — Sun Water Oak Expansion LLC & Sun Communities Finance LP -Pursuant to Chapter 5, Section 5-4).h).7).D).1).d).- Variance Request to Reduce Front Yard Setback from 25 feet to 20 feet for Residential Structures within the Water Oak Hilltop Expansion Phases 1-5 Development Proposed South of Griffin Avenue and East of the Water Oak Country Club Estates, Referenced by Alternate Keys 1238111, 1770483, 1238277 and 3538951

AGENDA ITEM ID

2021050

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTION

Staff recommends approval of the first and final reading of Resolution 2020-112.

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 through 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 front yard setback of residential structures to be reduced to 20 feet to the edge of the road pavement within the Water Oak Hilltop Expansion Phases 1 to 5 Development.

BACKGROUND

On Monday, January 6, 2020, the Town of Lady Lake issued a development order for a major modification to site plan titled “Water Oak Country Club Estates Hilltop Expansion Phase I”, proposing the construction of 29 home sites, private roads, utility infrastructure, stormwater infrastructure and amenities to be developed on an 11.30-acre parcel near the location of the former spray fields.

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 on an 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 of 25-foot front yard setback within the MH-9 district for developments that propose local private streets.

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 front yard setback 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 setback provides that the same home products can be used; which are currently being installed in the other recent expansions made within the community. Changing the front-yard setback 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.

PAST ACTIONS

The Technical Review Committee found that Resolution 2020-112 was ready for transmittal to the Planning and Zoning Board.

At the December 14, 2020 meeting, the Planning and Zoning Board voted 3 to 0 to forward Resolution 2020-112 to the Town Commission with the recommendation of approval.

At the January 4, 2021 meeting, the Town Commission tabled Resolution 2020-112 to a date certain, being the February 1, 2021 meeting.

At the February 1, 2021 meeting, the Town Commission tabled Resolution 2020-112 to a date certain, being the March 1, 2021 meeting.

FISCAL IMPACT

Not applicable

SOURCE OF FUNDING

Not applicable

FUNDING ACCOUNT

Not applicable

TC/ns