

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

## AGENDA ITEM TITLE

Resolution 2022-104 - Variance - Green Key Village LLC — Pursuant to Chapter 5). 5-4).e).4).D)., of the Town of Lady Lake Land Development Regulations which requires the maximum impervious surface ratio of paved areas within the RS-6 Zoning District not to exceed 45 percent of the lot size. The variance request is to allow up to 54 percent of impervious surface ratio for any one lot within the Green Key Village Phases 5 & 6 Subdivisions (Lots 87-179), within an average of 48 percent impervious surface ratio overall, on parcel addressed as 1635 Lake Ella Road, referenced by Alternate Key 3903749, owned by Green Key Village, LLC, within the town limits of the Town of Lady Lake, Florida.

## AGENDA ITEM ID

2022067

## DEPARTMENT

Growth Management

## STAFF RECOMMENDED MOTIONS

1. Motion to forward Resolution 2022-104 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Resolution 2022-104 to the Town Commission with the Recommendation of Denial.

Staff recommends approval of Resolution 2022-104.

## SUMMARY

On Monday, April 18, 2022, Applicant, Gregory O. Thomas with Green Key Village, LLC, filed a variance application for property addressed as 1635 Lake Ella Road, being approximately 24.11 acres on the north side of Lake Ella Road approximately ½ mile east of Rolling Acres Road, and identified by alternate key number 3903749.

The variance application is in accordance with the provisions of Chapter 5, Section 5-4.d.4.D., which states that the maximum impervious surface area within the RS-6 Zoning District is restricted not to exceed 45 percent of the lot size. The applicant proposes the impervious surface area to be increased from 45 percent to a maximum of up to 54

percent for any one lot within the Green Key Village Phases 5 & 6 Subdivisions, with an average of 48 percent impervious surface ratio overall for those phases.

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 lies in Section 29 Township 18 Range 24, Lady Lake Florida. The property is zoned “RS-6” (Single Family Medium Density), which permits the construction of single-family residences. The Future Land Use Map designation for the site is SF-MD (Single Family Medium Density).

As required of this application, a Justification Statement has been submitted. The applicant cited that when the original planned community for this parcel (Nine Oaks) was pre-platted, it was for 273 single family residences. The Green Key Village Development is proposing a total of 179 units combined for all the phases (1 through 6), which amounts to almost a 35-percent decrease in the number of units proposed under the original plan. If utilizing a subdivision-wide approach of all phases, the average impervious surface ratio for Green Key Village is 42.8 percent. If utilizing a subdivision-wide approach for only Phases 5 & 6, then the average is 48 percent. The maximum impervious surface ratio that any one lot in Phases 5 and 6 would be allowed is 54 percent.

The developer states that surrounding properties will not suffer any diminution of value in the event that the variance is granted as the proposed homes will continue to uphold the architectural design of the existing community. There are roughly 17 acres reserved as “Green Space,” both active and non-active open space areas throughout the

community. Lastly, granting the variance allows the developer to complete the community and provide quality constructed homes for families moving to the area, sized between the Cottages and Estate homes. Landscaping of the homesites will be consistent with the existing homes throughout the community, and these last two phases will tie the entire subdivision development together. In analyzing the proposal, Town Staff identified that the information provided is accurate.

**Zoning of Adjacent Properties**

West	RS-6 –Single Family Medium Density/SF-MD
East	RS-6 –Single Family Medium Density/SF-MD
North	RS-6 –Single Family Medium Density/SF-MD
South	RS-6 –Single Family Medium Density/SF-MD

Notices to inform the surrounding 28 property owners within 150’ of the subject property of the proposed variance were mailed on Monday, April 25, 2022. The property was also posted on Monday, April 25, 2022.

**PAST ACTIONS**

At the March 14, 2022, Planning and Zoning regular meeting, the board voted 4-0 to forward the Preliminary Plat Plan to the Town Commission with the recommendation of approval.

At the Monday, April 4, 2022, regular Town Commission Meeting, the Town Commission approved the Green Key Village - Phases 5 & 6- Preliminary Plat Plan for a 93-lot Single Family Residence Subdivision.

The Technical Review Committee found that Resolution 2022-104 was ready for the Planning and Zoning Board.

**PUBLIC HEARINGS**

The Commission’s first and final reading of Resolution 2022-104 is tentatively scheduled at the regular meeting to be held on Monday, June 6, 2022, at 6:00 p.m.

**FISCAL IMPACT**

None.

**FUNDING ACCOUNT**

None.