

# PLANNING AND ZONING BOARD MEETING AGENDA ITEM

## TOWN OF LADY LAKE, FLORIDA

### AGENDA ITEM TITLE

Resolution -2023-101 – Variance – Hammock Oaks Phase 1 – 6 Historic Tree Removal – Pursuant to Chapter 10, Section 10-5). c).3).A., of the Land Development Regulations (LDRs) which requires a variance for the removal of historic trees. (Historic trees are classified as a tree with a diameter at breast height (DBH) of 36” or greater.) The variance request is to allow for the removal of 29 viable historic trees located within the common areas of Hammock Oaks Subdivision, Phases 1-6, referenced by Alternate Keys 1770670, 1770661, 1771498, 1770653, 1279810, 1770700, 1279801, 3325451, 1279763, 1279780, and 1279828, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida.

### AGENDA ITEM ID

2023020

### DEPARTMENT

Growth Management

### STAFF RECOMMENDED MOTIONS

1. Motion to forward Resolution 2023-101 to the Town Commission with the Recommendation of Approval.
2. Motion to forward Resolution 2023-101 to the Town Commission with the Recommendation of Denial.

Staff recommends approval of Resolution 2023-101.

### 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 29 historic trees located within the Hammock Oaks Subdivision, Phases 1-6, owned by SK Hammock Oaks, LLC, within the town limits of the Town of Lady Lake, Florida.

On November 9, 2022, Joe Samnick, a Certified Arborist, completed an arborist report on the subject properties which evaluated all Historic trees proposed to be removed and scored them from 1-6, with 1 being the worst score and 6 being the best. The entire 378-acre project contains a total of 184 trees with a diameter at breast height at or above 36". Of the 184 historic trees, it was determined that 74 of these trees will need to be removed based upon the design of the approved preliminary plat. Of the 74 trees required to be removed, only 29 trees were deemed to be viable by the Certified Arborist with a score of 3 or higher.

On Monday, January 16, 2023, a variance application was filed with the Town of Lady Lake, by John Curtis, on behalf of SK Hammock Oaks, LLC, for the Hammock Oaks Subdivision, Phases 1-6, located along Highway 466 and Cherry Lake Road.

The variance is pursuant to Chapter 10, Section 10-5).c).3).A., of the Land Development Regulations (LDRs) which requires a variance for the removal of historic trees. (Historic trees are classified as a tree with a diameter at breast height (DBH) of 36" or greater.)

#### **BACKGROUND**

The subject property is approximately 378 acres of land located in Section 19, Township 18, and Range 24. The property is zoned Lady Lake Planned Unit Development (PUD) and the future land use is Mixed Development District/ Traditional Neighborhood District (MDD-TND).

On Thursday, July 7, 2022, the Town of Lady Lake received a preliminary plat application on behalf of property owner, SK Hammock Oaks, LLC for the construction of an eleven-phase development consisting of 1,142 lots.

On January 4, 2023, the applicant received approval by the Lady Lake Town Commission for the preliminary plat for Hammock Oaks Phases 1-6, and on January 12, 2023, the applicant received approval for a Development Order to proceed with the improvements.

#### **JUSTIFICATION STATEMENT**

The application proposes to retain 110 historic trees, roughly 60% of the total historic count, with a total of 5,093 caliper inches saved.

The 29 viable historic trees to be removed will be in the areas of the proposed roadways, stormwater management facilities, and other required infrastructure. The application notes that the project layout was designed to retain as many historic trees as possible by incorporating them into open space and amenity areas.

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 10-5, Section 3 – Review criteria for variances in the Land Development Requirements:

Should the Town Commission approve the applicant’s request for tree removal, the applicant shall at the time of application for tree removal pay to the Town Tree Bank, three thousand six hundred dollars (\$3,600.00) for each thirty-six inch DBH tree, plus one hundred dollars (\$100.00) for each additional inch over the thirty-six (36) inches. This mitigation fee is to offset the loss of each historic tree.

Developers of all new subdivisions shall be required to apply for a clearing and tree permit along with a tree inventory at the time of initial submittal of the preliminary subdivision plan so that consideration may be given to the protection of native and historic trees and vegetation.

Notices to inform the surrounding 76 property owners within 150’ of the subject property of the proposed variance were mailed on Monday, January 30, 2023, with a corrected notice mailed on Tuesday, January 31, 2023. The property was also posted on Monday, January 30, 2023, with the meeting date corrections posted on Tuesday, January 31, 2023.

**FISCAL IMPACT**

None.

**FUNDING ACCOUNT**

None.

**PAST ACTIONS**

The Technical Review Committee reviewed Resolution 2023-101 and found it was ready for consideration by the Planning and Zoning (P&Z) Board.

**PUBLIC HEARINGS**

The Commission’s first and final reading of Resolution 2023-101 is tentatively scheduled for Wednesday, February 22, 2023, at 6:00 p.m.