

VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: August 25, 2022

Case No. and Project Name: VAR-22-37-1, Groveland Commerce Center

Owner: SFG Groveland I, LLC Applicant: SFG Groveland I, LLC

Requested Action: Variance to Land Development Regulations (LDR) Section 9.02.10.F(2), to allow for the

removal of 17 heritage trees with a cumulative total of 982-caliper inches without payment of mitigation fee and LDR Section 9.02.06(B) to waive the requirement for one-

hundred percent of the total caliper inches of heritage trees to be replaced.

Case Manager: James Frye, Planner

Subject Property Information

Size: 71.93 +/- acres

Location: South of Republic Drive, southwest of Independence Boulevard and west of Lewis

Grove Road, in the Groveland area of unincorporated Lake County

Alternate Key No.: 3871808, 3871809, 3871810, 3871811, 3871812, 3871813, 3871814, 3871815,

3871816, and 3871817

Future Land Use: Industrial

Current Zoning District: Planned Unit Development (PUD) – by Ordinance #2020-31

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: City of Groveland ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Groveland	City of Groveland	Industrial	Industrial warehouse (Amazon Warehouse), adjacent to Republic Drive
South	Conservation	Planned Unit Development (PUD)	Conservation	Gopher Tortoise habitat
East	Industrial	Planned Unit Development (PUD)	Industrial	Industrial warehouse (Samsung SDS), adjacent to Lewis Grove Road
West	Industrial	Light Industrial (LM)	Vacant	Vacant Industrial

Summary of Request.

The subject properties, identified by Alternate Key Numbers 3871808, 3871809, 3871810, 3871811, 3871812, 3871813, 3871814, 3871815, 3871816, and 3871817, consist of a combined 71.93 +/- acres, are zoned Planned Unit Development (PUD) in accordance with PUD Ordinance #2020-31, and are designated with an Industrial Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject properties are located south of Republic Drive, southwest of Independence Boulevard and west of Lewis Grove Road, in the Groveland area of unincorporated Lake County. The subject properties are currently vacant and undeveloped.

A development application for an industrial warehouse facility is currently under Major Site Plan review by the Office of Planning and Zoning (Project No. 2022030012, Application No. 4792). The tree removal plan and landscape plan (Attachment "A") indicates the proposed removal of 17 heritage trees in good condition with a cumulative total of 982-caliper inches. Pursuant to LDR Section 9.02.10.B(1), trees with a 40-inch or greater trunk are considered heritage trees; removal of a heritage tree is prohibited under LDR Section 9.02.10.F(2), unless it poses a danger to persons or property. However, LDR Section 9.02.05.A(4) states that a tree removal permit may be issued when the location of the protected tree restricts use of the property consistent with all other County and state codes, statutes, ordinances, and resolutions, and site location modifications are not feasible or reasonable. The PUD and FLUC for the subject property are consistent with applicant's proposed use and site plan but require the removal of the protected trees that cannot be reasonably modified. Applicant has obtained a tree removal permit by approval of their landscape plan and are requesting a variance from the required mitigation fee of \$166,140.00 due from removal of the 17 remaining Heritage trees. LDR Section 9.02.10.F(2) authorizes such a variance if approved by the Board of Adjustments.

The Applicant has requested a variance to LDR Section 9.02.10.F(2), to allow for the removal of 17 good condition heritage trees with a cumulative total of 982-caliper inches. Pursuant to LDR Section 9.02.06.B, 100-percent of the total caliper inches of a removed heritage tree must be replaced or mitigated.

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the Code, LDR Section 9.02.00, is to recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands, and the general promotion of health, safety, welfare, and well-being of the community.

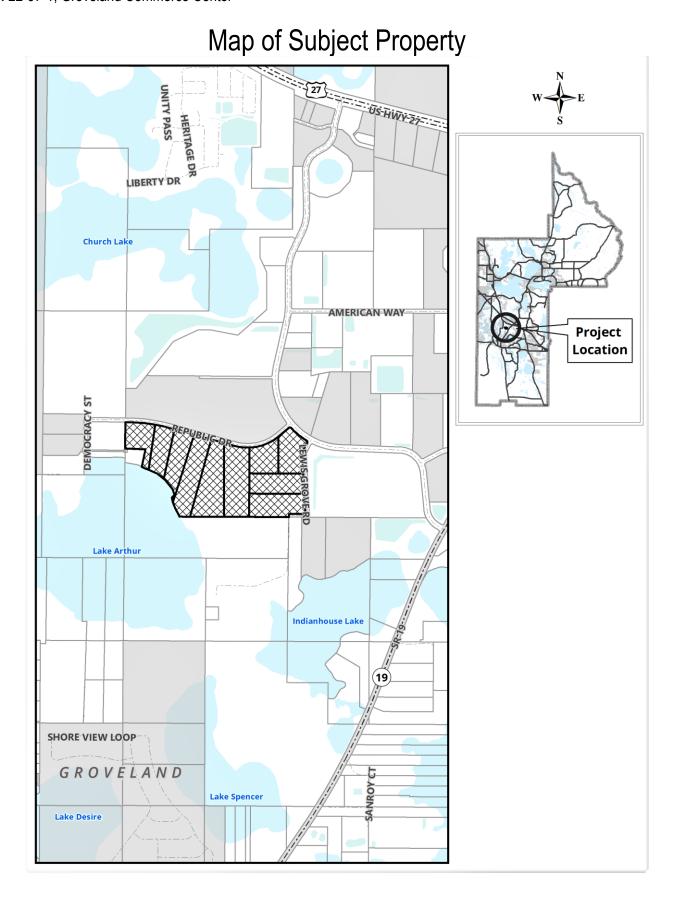
Additionally, the intent of the Code, LDR Section 9.02.10.A, is to acknowledge the existence of certain trees within the County that are significant or unique due to factors such as age, size, historic significance or type and to protect such trees through their designation as heritage trees.

The Applicant provided the following statement as proof that the intent of the Code will be or has been achieved by other means: "We are meeting the Landscape buffering requirements for this property through proposed plantings on site."

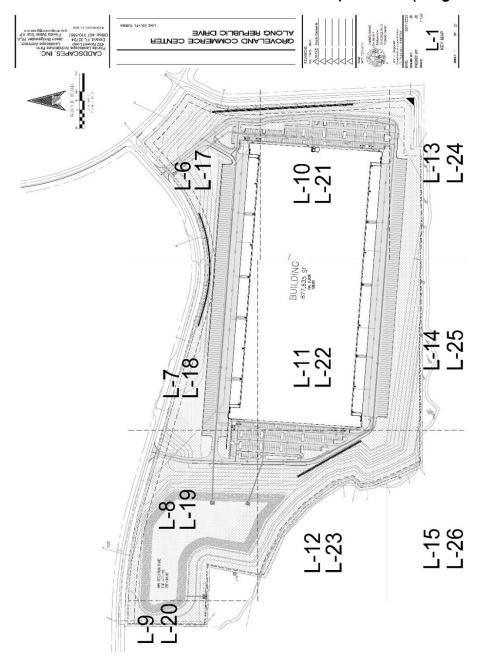
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2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

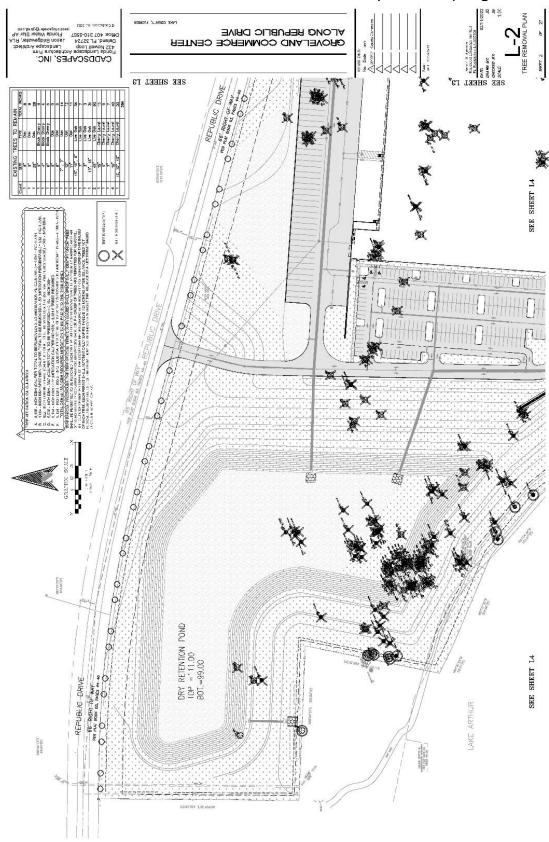
The Applicant provided the following statement as proof of a substantial hardship: "We are removing a total of 812 existing trees with approximately 10,094 DBH as well as the poor condition trees which include some poor condition Heritage trees, we do not have the ability to replant this quantity of trees on site in order to meet code requirements. Also, upon inspection of the existing trees, many trees are in poor condition and nearing the end of their life. We kindly request the variance from the tree mitigation code for these trees and to remove the Heritage trees."



Attachment "A" – Tree Removal and Landscape Plan (Page 1 of 27)

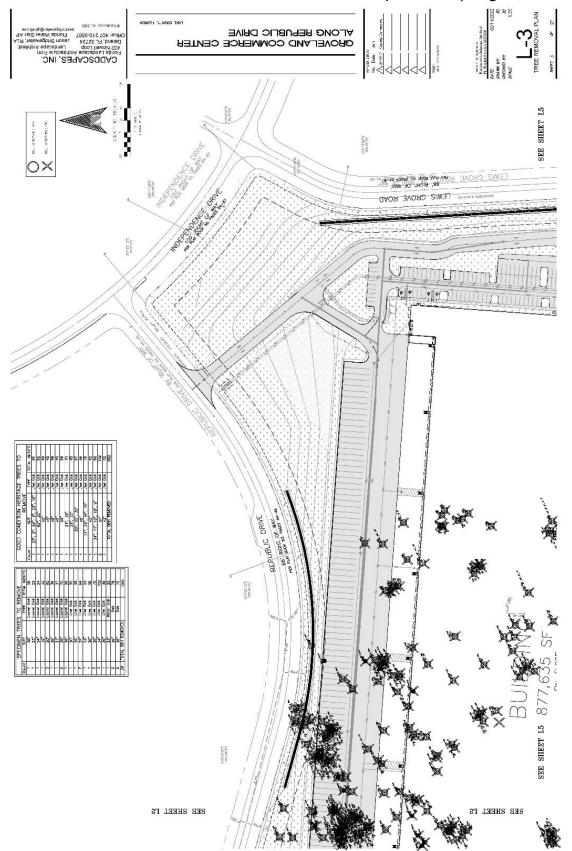


Attachment "A" – Tree Removal and Landscape Plan (Page 2 of 27)



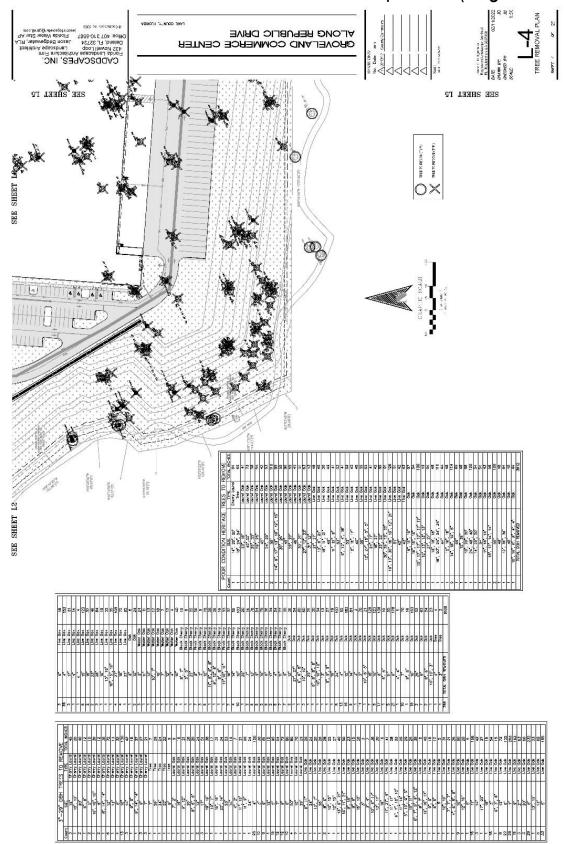
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Attachment "A" – Tree Removal and Landscape Plan (Page 3 of 27)

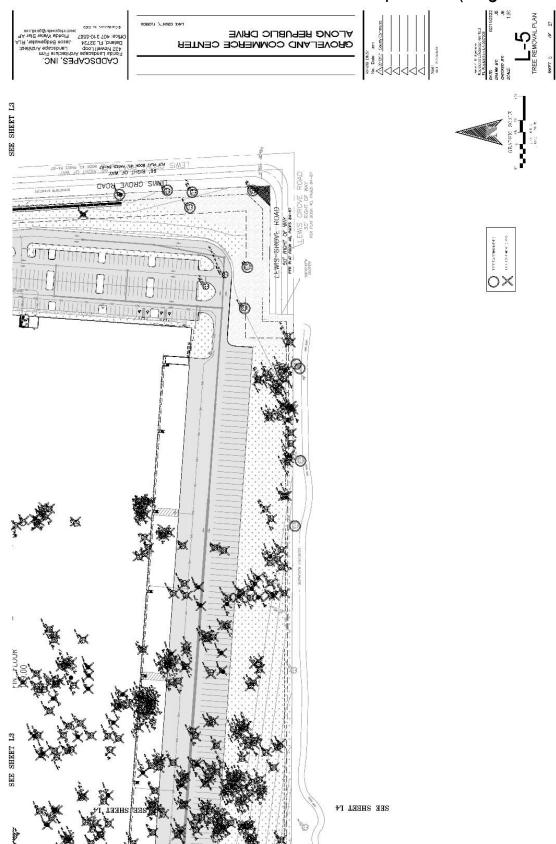


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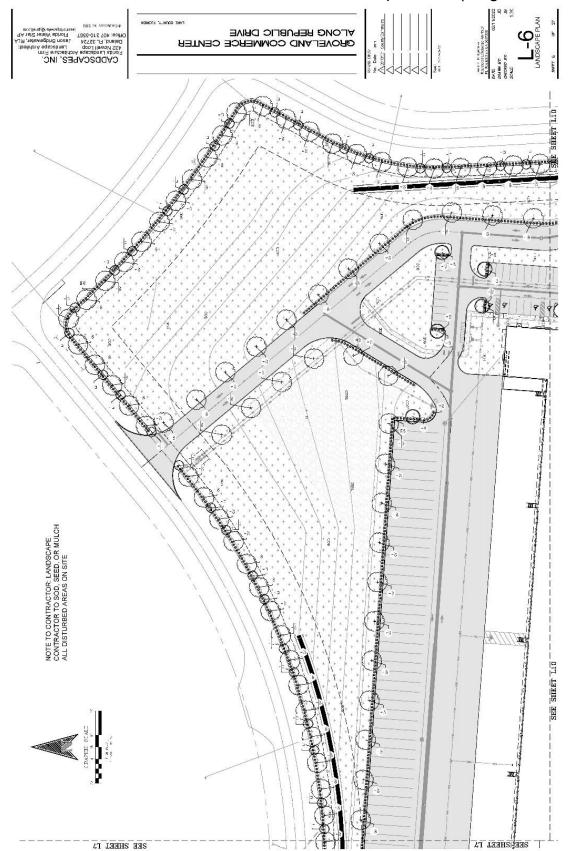
Attachment "A" - Tree Removal and Landscape Plan (Page 4 of 27)



Attachment "A" – Tree Removal and Landscape Plan (Page 5 of 27)

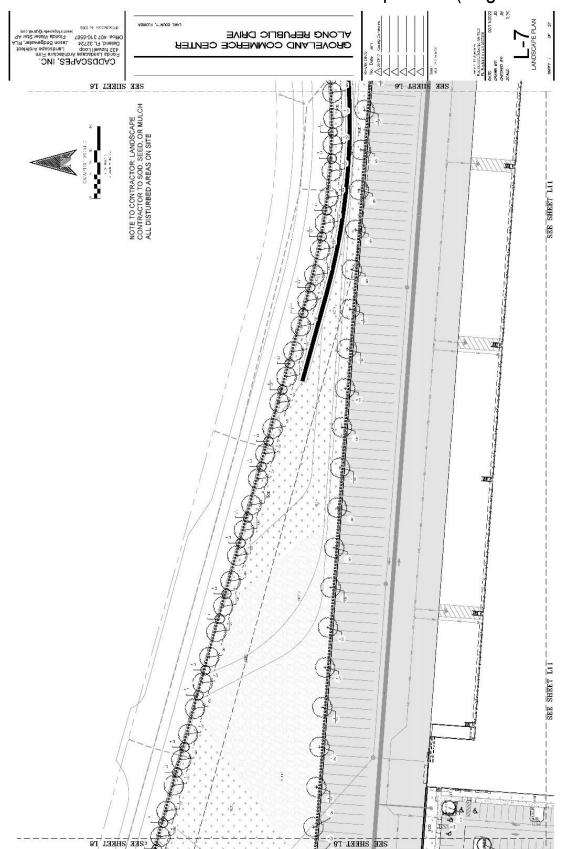


Attachment "A" – Tree Removal and Landscape Plan (Page 6 of 27)



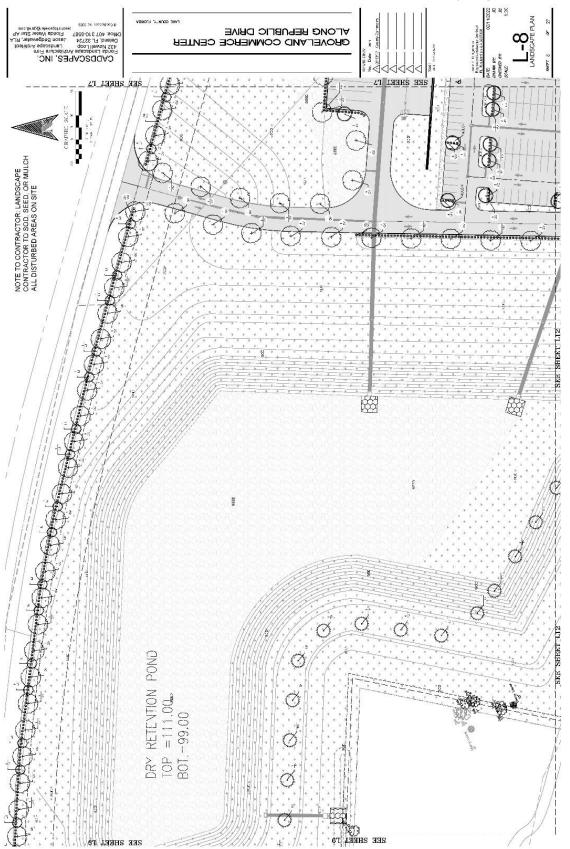
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Attachment "A" – Tree Removal and Landscape Plan (Page 7 of 27)

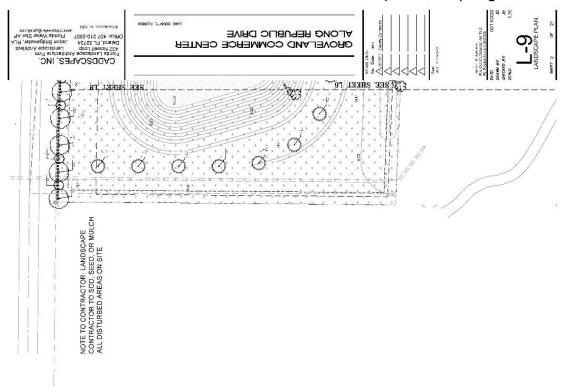


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Attachment "A" – Tree Removal and Landscape Plan (Page 8 of 27)

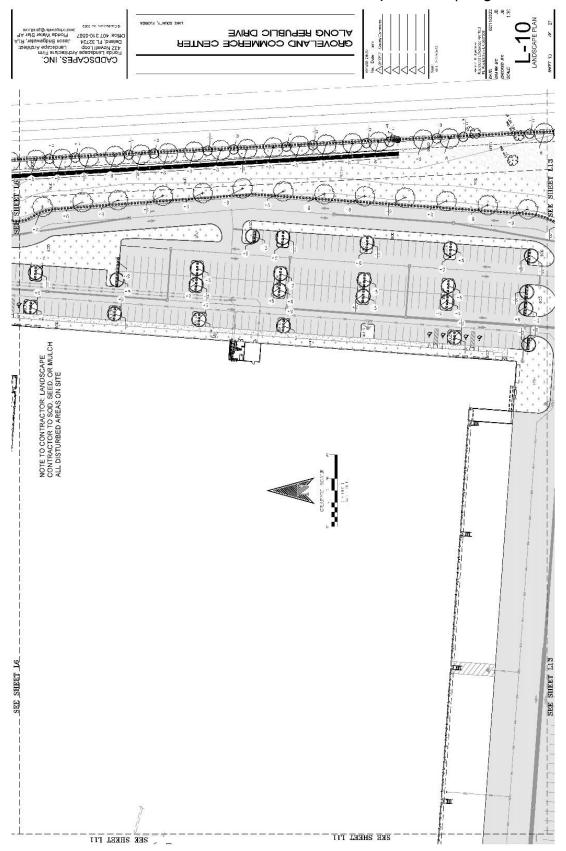


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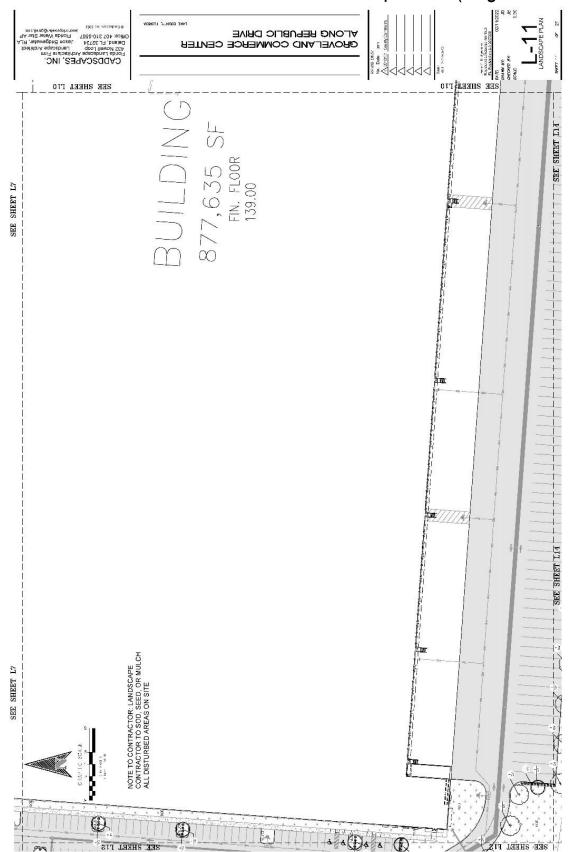




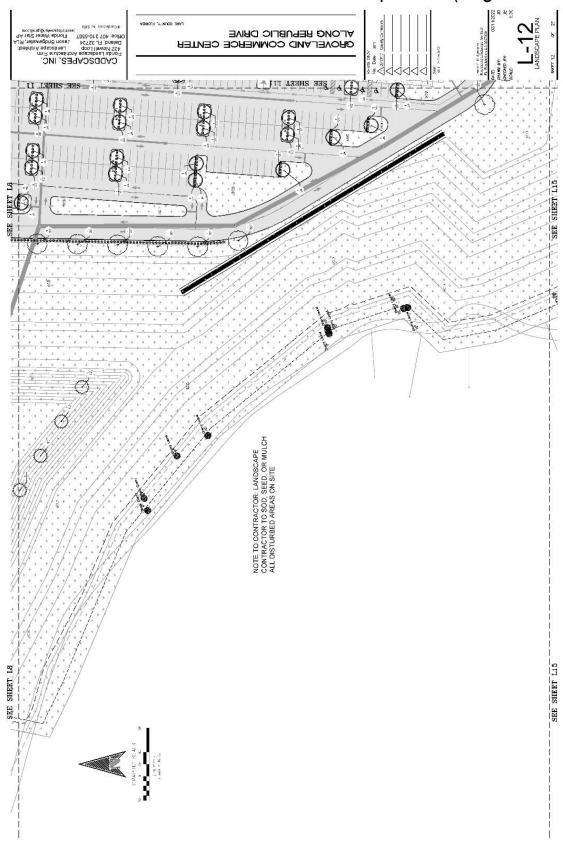
Attachment "A" - Tree Removal and Landscape Plan (Page 10 of 27)



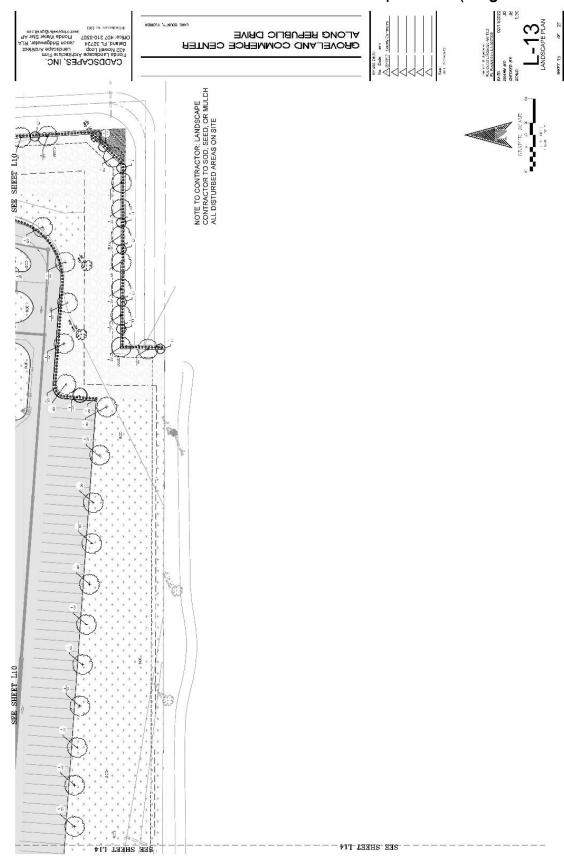
Attachment "A" – Tree Removal and Landscape Plan (Page 11 of 27)



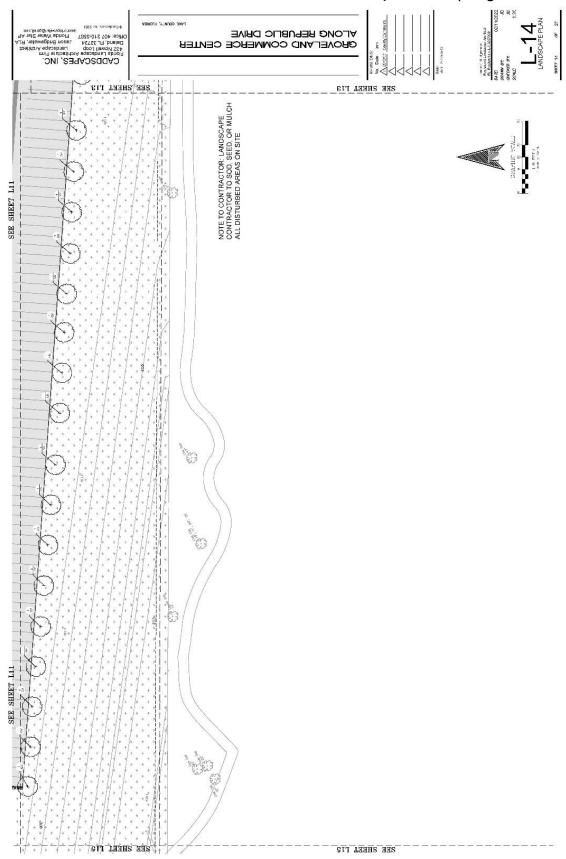
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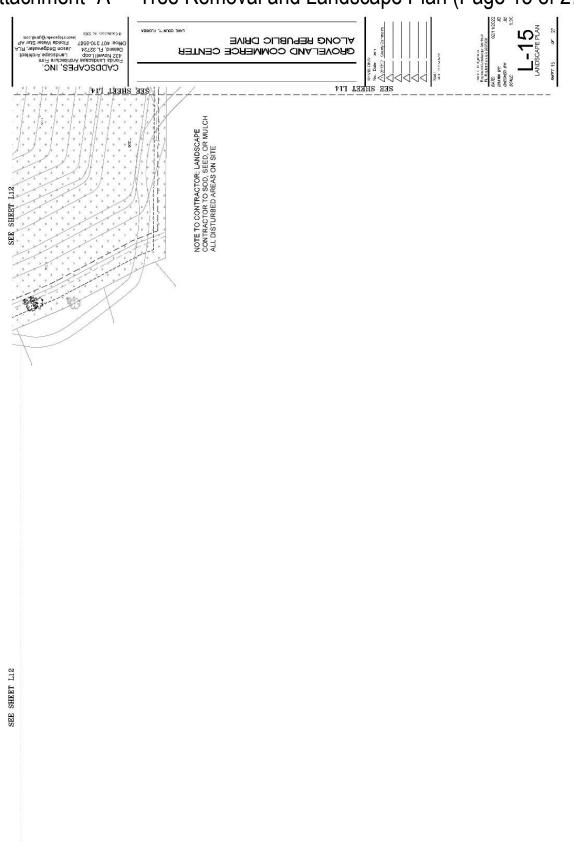
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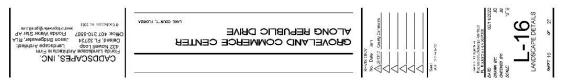
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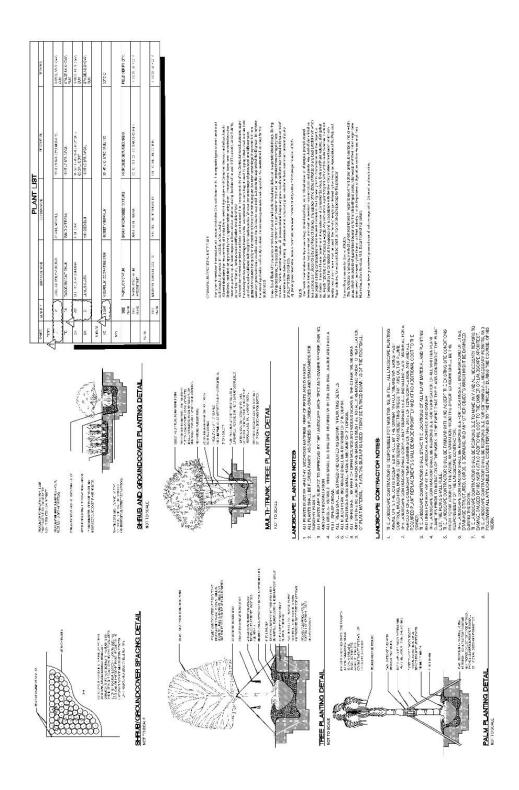


Attachment "A" – Tree Removal and Landscape Plan (Page 15 of 27)

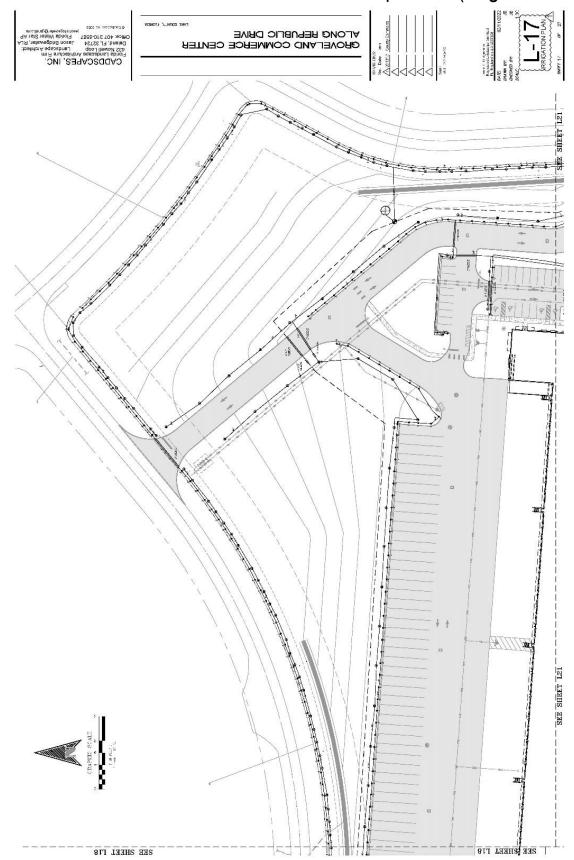


Attachment "A" - Tree Removal and Landscape Plan (Page 16 of 27)



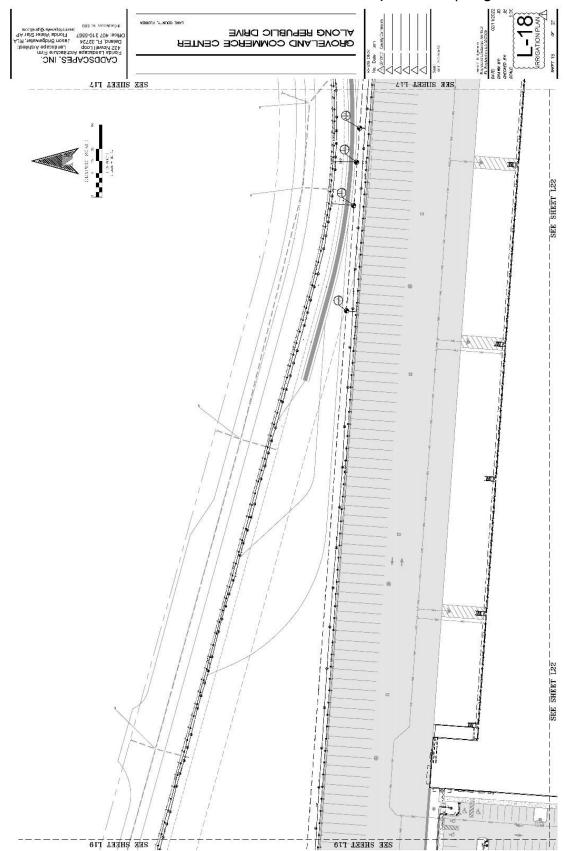


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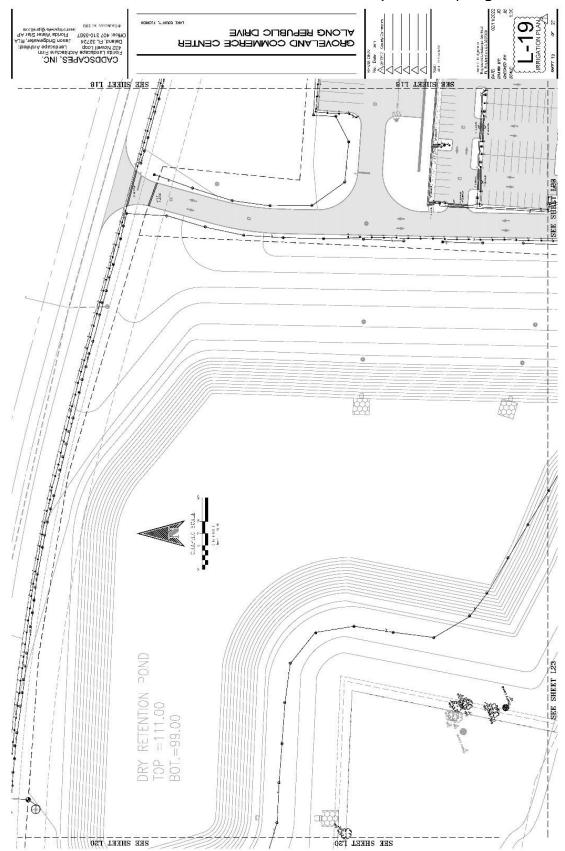
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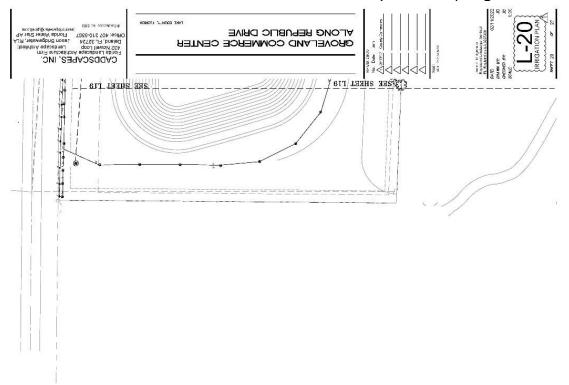


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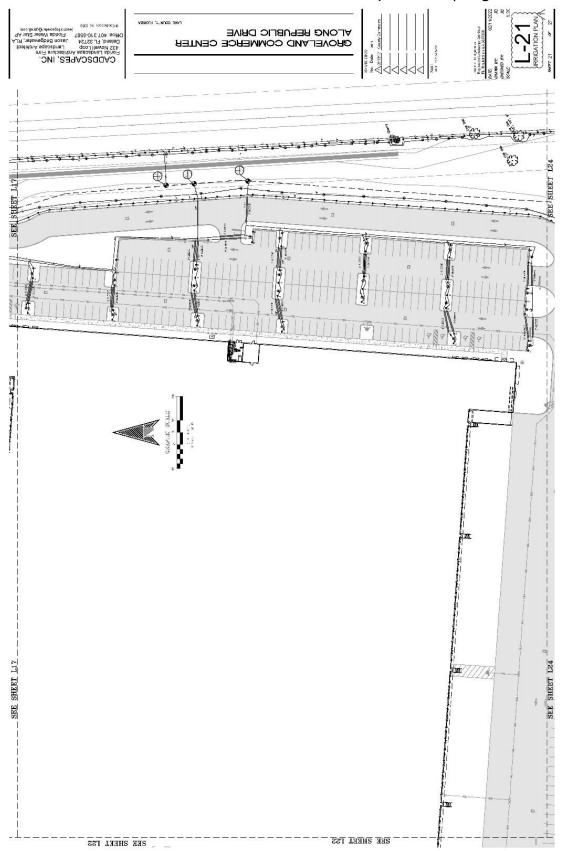


Attachment "A" – Tree Removal and Landscape Plan (Page 20 of 27)

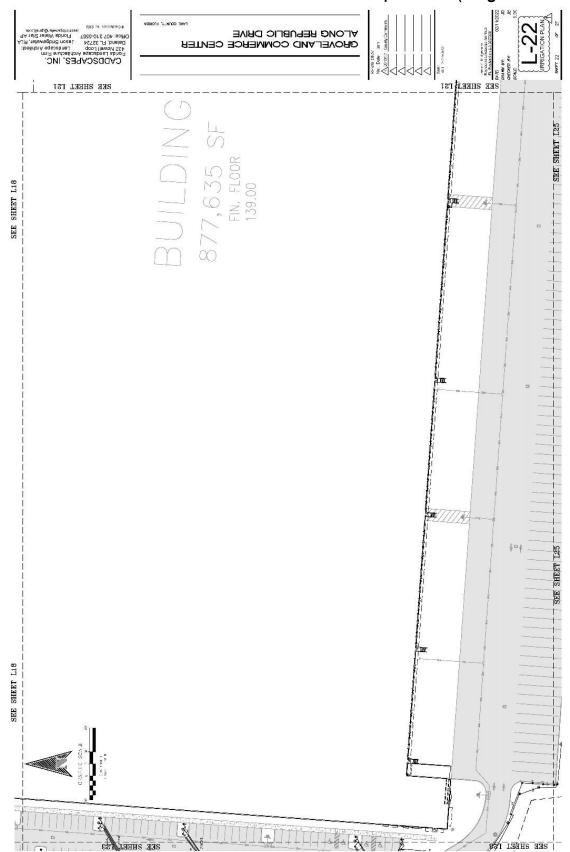




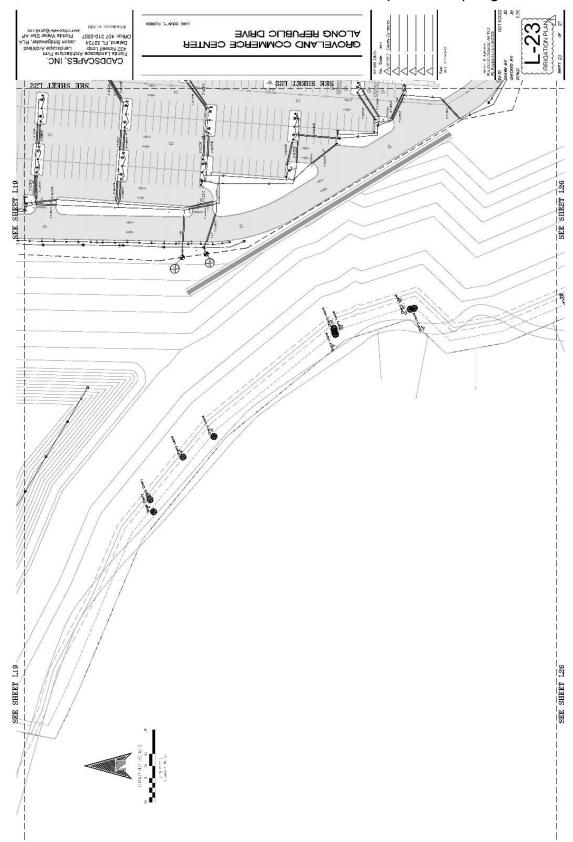
Attachment "A" - Tree Removal and Landscape Plan (Page 21 of 27)



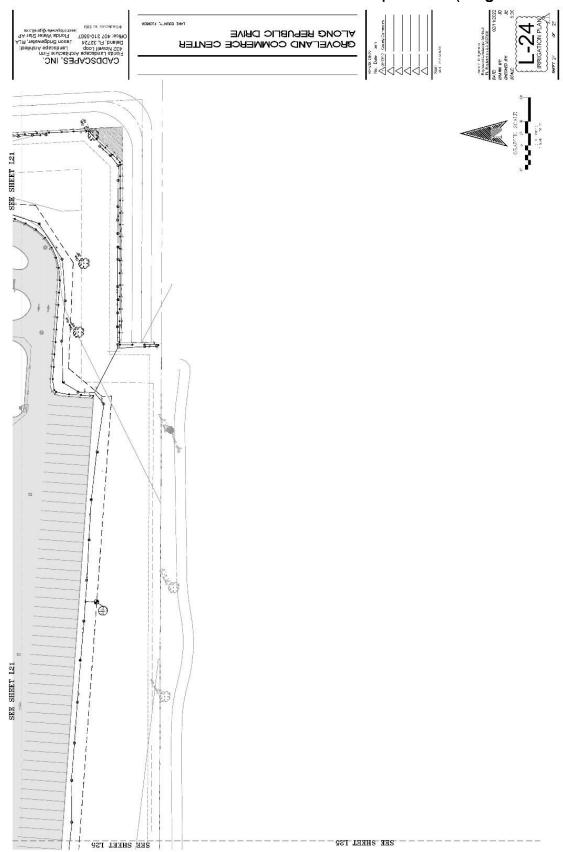
Attachment "A" - Tree Removal and Landscape Plan (Page 22 of 27)



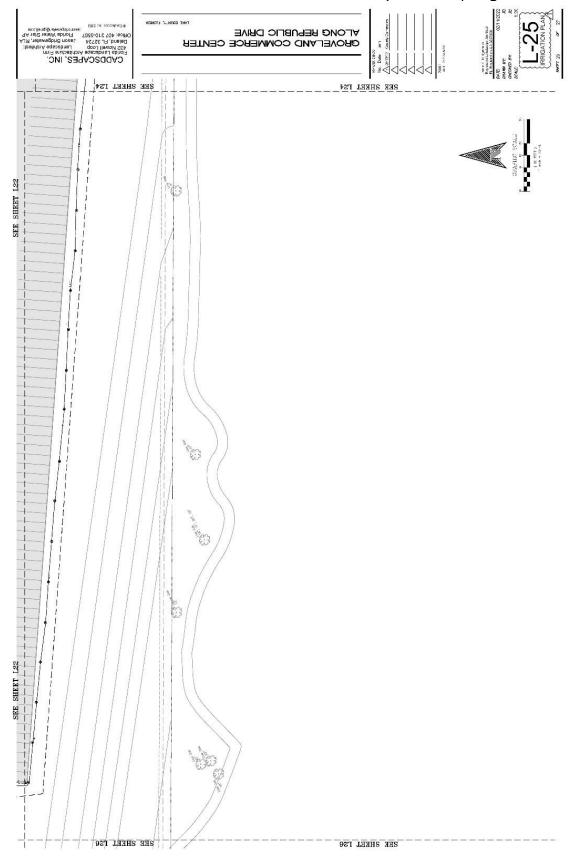
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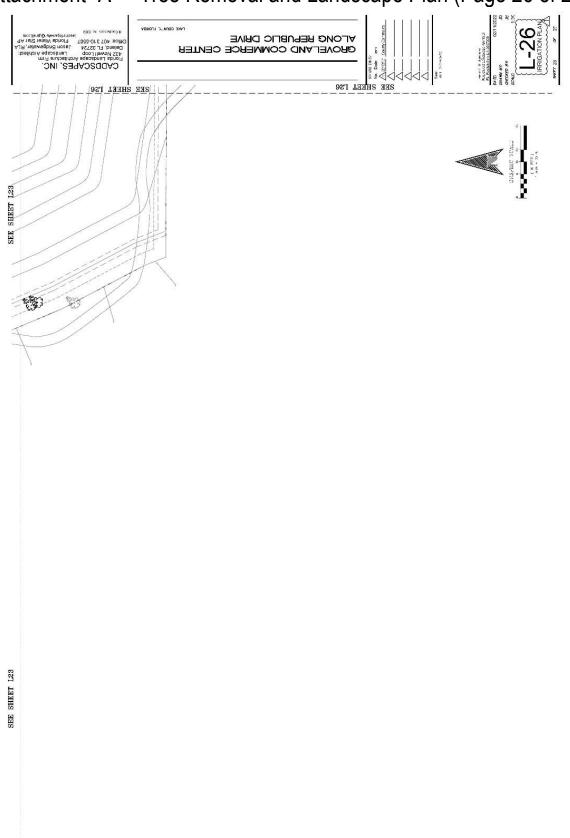
Attachment "A" - Tree Removal and Landscape Plan (Page 24 of 27)



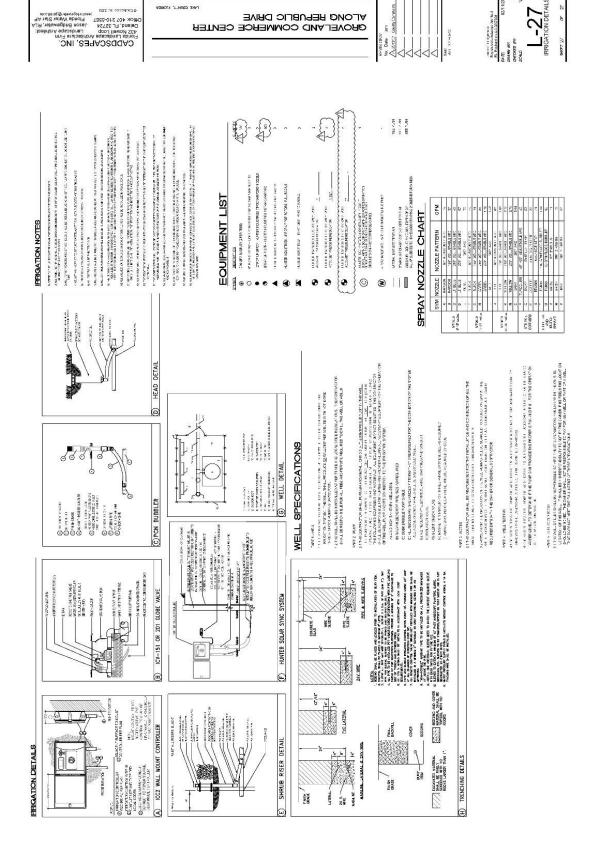
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Attachment "A" - Tree Removal and Landscape Plan (Page 27 of 27)



Final Development Order VAR-22-37-1 Groveland Commerce Center

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SFG Groveland I, LLC (the "Owner" and the "Applicant) requested a variance to Land Development Regulations (LDR) Section 9.02.10.F(2), to allow for the removal of 17 heritage trees with a cumulative total of 982-caliper inches without payment of mitigation fee and to LDR Section 9.02.06(B) to waive the requirement for one-hundred percent of the total caliper inches of heritage trees to be replaced; and

WHEREAS, the subject property consists of 71.93 +/- acres and is located south of Republic Drive, southwest of Independence Boulevard and west of Lewis Grove Road, in the Groveland area of unincorporated Lake County, in Section 29, Township 21, Range 25, having Alternate Key Numbers 3871808, 3871809, 3871810, 3871811, 3871812, 3871813, 3871814, 3871815, 3871816, and 3871817, and more particularly described below; and

Lots 2 through 11, Christopher C. Ford Central Park Phase III, according to the plat thereof as recorded in Plat Book 63, Pages 44 through 47, inclusive, Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on August 25, 2022; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on August 25, 2022, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

- **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-22-37-1, to allow for the removal of 17 heritage trees with a cumulative total of 982-caliper inches, waive the required mitigation fee, and to waive the requirement for one-hundred percent of the total caliper inches of heritage trees to be replaced.
- **Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 3.	Effective Date. This Ordinance will become effective as provided by law.			
	ENACTED this 25th day of August 202	2.		
	EFFECTIVE August 25, 2022.			
		BOARD OF ADJUSTMENT		
		LAKE COUNTY, FLORIDA		
		Lauran Armanta Obalinnan		
		James Argento, Chairman		
State of Flo	rida			
County of L	ake			
-	, this <u>25th day of August</u> 2022, by <u>James</u>	by means of □ physical presence or □ online Argento, as Chairman of the Lake County Board		
Personally I	Known OR Produced Identification			
Type of Ider	ntification Produced			
		Notary Signature		
		(SEAL)		