



Planning & Zoning Board Meeting

March 28, 2024 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

CALL TO ORDER ROLL CALL

MEMBERS PRESENT:

Board Member Alan Hayes | Board Member Richard Mulvany (via ZOOM) | Board Member Ellen Yarckin | Board Member Shawn Johnson | Board Member Frances Wagler | Chair Tina St. Clair

MEMBERS ABSENT:

Vice-Chair Ron Francis III

STAFF PRESENT:

Sean O'Keefe, Town Manager | John Brock, Town Clerk | Tom Harowski, Town Planner

Motion made by Board Member Wagler to allow Board Member Mulvany to participate and vote remotely via Zoom; seconded by Board Member Yarckin. Motion approved unanimously by voice vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. Consideration and Approval of the February 22, 2024, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Yarckin to approve the Consent Agenda; seconded by Board Member Hayes. Motion approved unanimously by voice vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

PUBLIC HEARING

2. Consideration and Recommendation: **Lake Hills - Preliminary Subdivision Plan (PSP) Submittal**

Chair St. Clair asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report with the Planning and Zoning Board. Mr. Harowski stated that the major conditions offered for consideration include:

1. The Town Council will need to approve the development of the paired lot units without the alley access currently required by the development agreement. Paragraph 14 of the development agreement allows the applicant to pursue this request.
2. The development agreement and conceptual land use plan identifies the public park location as being in POD 4 which is centrally located on the lake front. The applicant is requesting the public park be relocated to an area outside the gated portion of the community. Again, Paragraph 14 allows the request. According to the development agreement, the public park is not required until the building permit for 500th unit is issued. The Town may wish to ask that the public park be advanced to Phase 1 if the new location is approved.
3. Should the proposed location be approved; the Town Council needs to approve the placement of storm water retention for the access road within the public park.
4. Compliance with the minimum open space requirement for the overall project needs to be documented. The data submitted for the residential portion of the overall project notes that 10-acres of the required open space will come from other areas of the project. The property owner needs to document these sources.
5. Prior to approval of the final subdivision plan for the entire project or a phase of the project, the applicant needs to provide evidence that the access road from SR 19 to the residential phase of the project will be constructed.
6. The tree analysis for specimen trees needs to be provided.
7. The project covenants and restrictions need to include language that either prohibits individual swimming pools and other accessory structures or states that the owner waives his right to seek a variance to the setback requirements.
8. The applicant needs to calculate the “fair share” cost of its impact on the SR-19 and CR-48 intersection and provide the payment for use in intersection improvements. Design and construction will be coordinated with FDOT and Lake County.
9. The applicant needs to provide an adequate guarantee for improvements to the east entrance of the project from SR 19. This guarantee can be done in conjunction with the commercial development component. These improvements are solely project related and the funding contributions need to be assured if the intersection upgrades do not occur with the initial construction. The traffic study recommendations suggest signalization may not be warranted with the initial project phases.
10. The applicant will provide at its cost the access controls required by FDOT for SR19 and Lake County for CR-48 as part of their respective permitting process. These items will include turn lanes, deceleration lanes, and other access controls and, if necessary, right-of-way required by the permitting agencies.

Board Member Wagler expressed her concern about the high levels of traffic on SR 19. Mrs. Wagler stated that there had been a fatality on SR 19 during the previous week. Board Member Wagler was also concerned about why the developer, and not the Town, was going to make the first computation and recommendations a traffic fair share payment.

Chair St. Clair asked the applicant's team to come forward, introduce themselves, and give their presentation to the Board. The applicant's team consisted of Mark Watts (Land Use Attorney with the firm of Cobb Cole), Dean Barberree (CEO of Reader Communities), and David Stokes (Project Engineer and Vice President with Madden Moorehead & Stokes LLC).

Mr. Watts stated the proposed PSP was consistent with the Planned Unit Development (PUD)'s approved Development Agreement and the development team was requesting 2 waivers. The first waiver was for the location of the public park. Mr. Watts stated that the development team was requesting to move the location of the park so that the park would act as buffer between the commercial and residential components of the PUD. Mr. Watts explained that, if the Town was willing to allow the new location of the park, the development team was willing to build the park during phase 1 of the project (rather than just before the 500th unit was built, which is what the PUD currently required). Mr. Watts explained that the second waiver the development team was requesting was for the development of paired lot units without the alley access that was currently required in the PUD.

Chair St. Clair open Public Comment for this item only.

Tim Everline, 1012 N. Lakeshore Blvd – Mr. Everline gave the Planning and Zoning Board a short recap of the Town Council's actions in their most recent meeting. Mr. Everline warned the Board to be careful of fair share calculations. Mr. Everline wanted to make sure all Board Members had read the Development Agreement for this proposed development. Mr. Everline stated that this PSP was similar to a village from the Villages development. Mr. Everline warned Board Members that he believed that this proposed neighborhood could have rental units or Air BNB units in it if it were to be approved.

Sandy Russ, 6813 Lake View Dr., Yalaha – Mrs. Russ stated that she was opposed to this plan.

Eric Gunesch, 448 Avila Pl – Mr. Gunesch was opposed to this development.

Chair St. Clair closed Public Comment for this item.

Board Member Wagler made a motion to move the building of the park to phase 1 of the project. This motion was seconded by Board Member Hays.

Board Member Wagler withdrew her motion.

Motion made by Board Member Johnson to recommend approval of the Lake Hills residential development's Preliminary Subdivision Plan, allowing for a waiver for the suggested location of the public park, as long as the park is built during phase 1 of the project, and allowing the development of the paired lot units without the alley access; seconded by Board Member Yarckin. Motion passed unanimously by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

OLD BUSINESS

None

NEW BUSINESS

3. Consideration and Recommendation: **Annual Selection of Board Chair and Vice-Chair**

Motion made by Board Member Yarckin to recommend the appointment of Tina St. Clair as the Planning and Zoning Board's Chair; seconded by Board Member Wagler. Motion approved unanimously by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler

Nay: None

Motion made by Board Member Hayes recommend the appointment of Fran Wagler as the Planning and Zoning Board's Vice Chair; seconded, Seconded by Board Member Yarckin. Motion approved by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Wagler, Chair St. Clair

Nay: Board Member Johnson

4. Presentation: **Sunshine Laws, Ethics, Public Record Laws Training**

Town Clerk, John Brock, presented a training on Sunshine Law, Ethics, and Public Record Laws to the Planning and Zoning Board.

5. Presentation: **The Town Code of Core Values for Civility and Ethics**

Town Clerk, John Brock gave a short presentation on the Town's Code of Core Values for Civility and Ethics to the Planning and Zoning Board. All Board Members that were present signed the attestation statement for the Town's Code of Core Values for Civility and Ethics.

6. Consideration and Recommendation: **Ordinance 2024-003 - Land Development Code (LDC) Amendment - Signs**

Town Planner, Tom Harowski explained that the Town Attorney had created this Ordinance, which would amend the portion of the Town's LDC on signs. This amendment to the LDC was due to the LDC sign requirements not conforming with a Supreme Court ruling.

Motion made by Board Member Wagler to recommend approval of Ordinance 2024-003; seconded by Board Member Hayes. Motion approved unanimously by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

7. Consideration and Recommendation: **Ordinance 2024-005 Capital Improvement Schedule FY2024**

Town Manager, Sean O’Keefe presented the proposed Capital Improvement Plan (CIP) to the Board. Mr. O’Keefe explained that the Town Council had already made several changes to the proposed CIP during previous workshop meetings.

Motion made by Board Member Johnson to recommend approval of Ordinance 2024-005; seconded by Board Member Hayes. Motion approved unanimously by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

8. Discussion: **Comprehensive Plan - Chapter 2 - Transportation Element**

Motion made by Chair St. Clair to continue this item to the April 25,2024 Planning and Zoning Board's Meeting; seconded by Board Member Wagler. Motion approved unanimously by roll-call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Chair St. Clair

Nay: None

PUBLIC COMMENTS

Any person wishing to address the Planning and Zoning Board and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

None

BOARD COMMENTS

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Wagler to adjourn the meeting; Board Member Johnson seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:15 p.m. | **Attendees: 26**

Tina St. Clair Chairperson

ATTEST:

John Brock, Town Clerk