



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Town of Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Esch Veterinary Office Development Proposal
DATE: May 15, 2024

Introduction

The subject property is a 4.45-acre parcel located on SR-19 south of Revels Road (ALT 1704171). The applicant is seeking to construct a veterinary office and provide at least one additional parcel for future office or retail use. Based on the survey, the parcel measures about 740 feet along SR 19 with a depth of 262 feet. The parcel is rectangular and slopes from SR 19 at 100 feet in elevation to the west where the elevation is approximately 85 feet at the western boundary. The environmental assessment report submitted with the application shows no wetlands on site and only a minor impact of Flood Zone A property (2012 map) along the western fringe of the site. Just off the site to the west is a wooded depressional area that likely receives stormwater runoff from the subject property. The subject parcel has some scattered trees on site.

The property is designated Village Mixed Use on the future land use map which requires PUD zoning. The future land use designation may have been applied in error when the original Mission Rise project was approved. At 4.45 acres the property is too small to meet the minimum size for VMU land use, and the Town needs to change the land use and zoning to a classification that is more suitable for the parcel. This revision is the same process used for the parcel at Revels Road and SR 19 which has been developed as a landscape business and plant nursery.

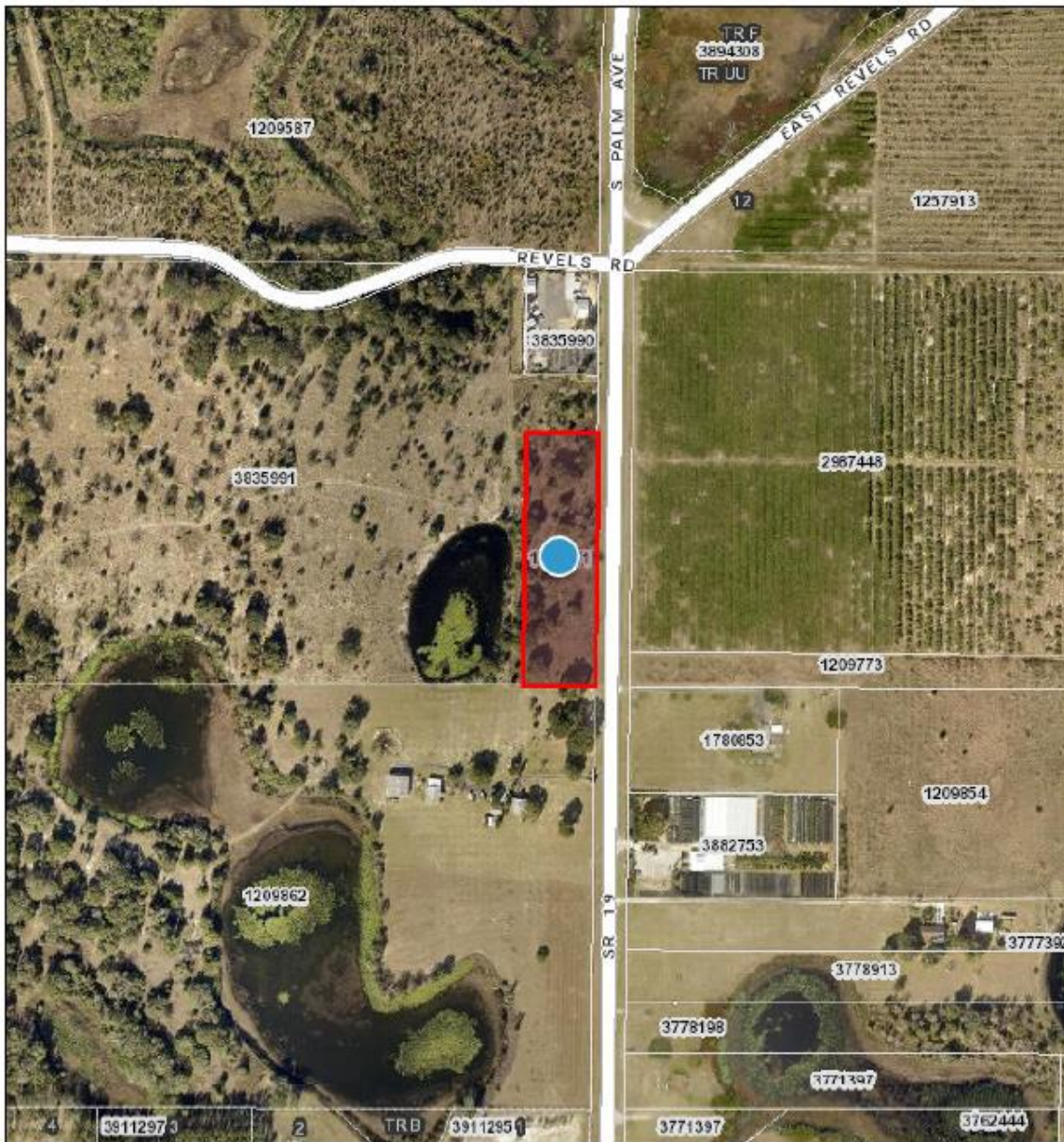
To accomplish the land use and zoning changes and to take the steps to accommodate the proposed development, the following actions are required:

1. Adopt a small-scale amendment to the future land use map.
2. Adopt zoning consistent with the future land use designation.
3. Grant a conditional use approval for a veterinary clinic.
4. Grant a variance to allow a building larger than 6,000 square feet in NC
5. Approve a preliminary site plan for the construction of any proposed buildings
6. Approve a final site plan for the proposed buildings

7. Approve a subdivision plat or lot split for any proposed lots.

The current review program will address items one through four. The Town has sufficient information to review the application for preliminary site plan approval as well, but the necessary advertising for the preliminary site plan could not be completed in sufficient time for the Planning Board meeting. However, the preliminary site plan data was used to demonstrate compliance with the comprehensive plan policies.

Esch Parcel Location



May 15, 2024

1:5,000

Comprehensive Plan Amendment

As noted in the introduction, the current land use and zoning assignment for the subject parcel require more land than is available to meet code requirements. The assignment of Village Mixed Use land use which requires Planned Unit Development (PUD) zoning may have been made in error. In 2021 the Town addressed a similar case for a property also owned by the Chon Trust. This parcel, at the southwest corner of the intersection of Revels Road with SR 19, was changed to an industrial land use to allow for the development of a conditional use – the plant nursery which is currently operating on the site. The subject parcel is seeking the same treatment, although with different land uses. Based on the comprehensive plan menu of future land uses, the land use which most closely supports the proposed use is Neighborhood Commercial. The first determination is whether the property is suitable for Neighborhood Commercial Land Use.

The parcel is the last parcel in the Town going south on SR 19. The property to the west and to the north of the subject property is in the Mission Rise development which has recently been approved by the Town for a residentially based mixed use development. The residential portion of the Mission Rise project lies west of the subject parcel. The small tract to the north of the subject parcel is proposed for use as a trail head for the bicycle system and the closest areas to west are proposed for stormwater retention area. Also to the north of the subject property is the previously discussed landscape nursery, and then across Revels Road is the beginning of The Reserve mixed use development. Opposite the subject property to the east is the Watermark residential PUD. This approved development is separated from the subject property by SR 19 and then a project buffer. To the south is land in unincorporated Lake County which is designated as Rural Transition and zoned agriculture. The Rural Transition land use allows development up to one unit per acre.

Any amendment of the future land use designation requires the proposed land use to be consistent with the goals, objectives, and policies of the comprehensive plan, to be able to be served by the necessary public services at the time of development and to avoid urban sprawl. The proposed amendment will be a small-scale map amendment. The process for approving a small-scale map amendment requires a recommendation from the planning board and approval by the Town Council with appropriate public involvement and intergovernmental coordination followed by a submittal of the amendment to the Florida Department of Commerce for review. Typically, the DOC will not conduct a detailed review of small scale map amendments, but will act if other review agencies or the general public raise issues of concern.

In addition to the application form, the applicant submitted a concept site plan showing the anticipated layout for an office building of 6,000 square feet along with parking and stormwater management facilities. This review is not a formal site plan review, but the plan submitted by the applicant will be used to analyze the request in comparison with the comprehensive plan goals, objectives, and policies.

Public Policy Considerations

The following policies are drawn from the Town's comprehensive plan Future Land Use Element and are applicable to the requested map amendment.

Policy 1.1.1 contains a section on the Neighborhood Commercial Land Use presenting limits on density and intensity of development. The key numbers are:

Maximum Floor Area Ratio (FAR)	0.50
Maximum Impervious Surface Ratio (ISR)	0.70
Maximum Building Size	5,000 square feet
Maximum Building Height	35 feet.

Based on the proposed site layout the project will comply with all the dimensional requirements except for the maximum building size. The applicant is seeking a waiver of the 5,000 square foot building maximum.

Policy 1.1.2 contains a section on the Neighborhood Commercial Land Use listing the uses permitted in neighborhood commercial development noting general commercial categories including general commercial, limited commercial and professional office along with examples of each type.

The Neighborhood Commercial Zoning Classification lists Animal Hospital or Veterinary Clinic as a conditional use with the only condition being no outdoor kennels. The applicant has agreed to the condition.

Policy 1.2.2 lists open space requirements for various land use categories. The applicable open space minimum area for Neighborhood Commercial is 30% of the gross land area. This is the inverse of the maximum impervious surface ratio.

The proposed development plan has a maximum impervious area of 40% leaving the balance of the site for preserved flood plain area, stormwater retention and buffers.

Policy 1.2.3 requires the Town to protect residential areas from incompatible non-residential development.

The property location does not directly impact current and planned residential development. The Watermark property is separated from the subject parcel by SR-19 and their buffer area. There is no residential development to the north until the north side of Revels Road with two intervening properties including the plant nursery business. The land to the south is agricultural requiring large lot (one acre) development, and the land to west has residential lots within the Mission Rise PUD that are buffered from the subject property. The subject parcel planned development provides stormwater retention and preserved flood prone area as additional spacing from property to the west.

Policy 1.2.4 addresses screening requirements for non-residential uses.

As noted above, the site does provide some screening from the closest residential properties in addition to the buffers on the adjacent parcels. The project will provide buffers as required by Town code.

Policy 1.2.8 requires the Town to conduct a review of its ability to meet public service demands created by the application.

The property is not served by either potable water or sewer. The development will need to initially use a well and septic system until services are extended to this area. The applicant will be required to connect when services become available. The well can then be converted to irrigation use. The applicant has accepted this condition. (Note: this is the same water and sewer arrangement applied to the plant nursery property.) The applicant provided a traffic analysis and requested the project be exempt from a full traffic impact assessment based on the low volumes generated. The Town engineer has concurred with the exemption. Stormwater will be managed on site. Recreation services and school capacity do not apply to the commercial development.

Objective 1.4 of the Future Land Use Element includes a list of specific policies related to commercial development. A number of these policies address issues covered in the policies enumerated above as well as covering other topics. Objective 1.4 and supporting policies are presented below with commentary on the proposed future land use map amendment.

OBJECTIVE 1.4: *Commercial Planning Activities.* Ensure the Town’s sustainability by allocating sufficient land area to accommodate commercial activities which provide a level of employment as well as goods and services demanded by local residents and guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-Hills.

POLICY 1.4.1: *Location and Distribution of Commercial Sites.* The location and distribution of commercial land use districts delineated on the *Future Land Use Map* shall be determined according to the following criteria:

- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
- b. Promote the integration of uses to include live-work environments;
- c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as

- emission of air pollutants, noise, odor, and generation of hazardous waste or products;
- d. Impact to the conservation and preservation of natural resources;
 - e. Demand on existing and planned public services, utilities, water resources and energy resources;
 - f. Impact on designated scenic and aesthetic transportation corridors;
 - g. Compatibility with surrounding land uses;
 - h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
 - i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

Given the isolated nature of the site and the development commitments on the surrounding properties, the potential for strip commercial is low. The most likely direction for strip commercial is to south where the land use is controlled by Lake County and is currently agriculture with the potential for larger lot residential development. Commercial growth in any other direction is blocked. The applicants submitted an environmental assessment of the site noting only the presence of gopher tortoise, which can be managed through a permit process. The plan design avoids the limited flood prone area on the site. The applicant has submitted a concept plan showing the planned development can comply with the comprehensive plan and zoning standards for site development.

POLICY 1.4.2: *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

Project screening has been previously discussed.

POLICY 1.4.3: *Availability of Facilities to Support Commercial Development.* The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.

Service availability has been previously discussed. Major development in the area will be extending water and sewer service at some time in the near future.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this element.

Open space compliance has been previously discussed.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

The project complies with the applicable floor area ratio standards.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

The applicant is requesting a waiver to allow a 6,000 square foot building.

POLICY 1.4.7: *Commercial Building Height Limitations.* Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.

The applicant is proposing a one-story building of less than 35 feet in height.

POLICY 1.4.8: *Acceptable Uses within Commercial Areas.* Activities allowed within areas designated for commercial uses established in the Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

1. Retail business (drive-thru establishments in the Town Center Mixed Use shall be located to the rear of properties fronting on Central Avenue)
2. Community centers and fraternal lodges;
3. Hotels or motels;
4. Marinas;
5. Service businesses, Personal Services such as barber/beauty, personal training, spa, salons, pottery shops, art/painting galleries or studios, dance studios, etc.;
6. Professional and Business offices;
7. Veterinarian offices, provided the facility has no outside kennels;

8. Financial Institutions and banks;
9. Residential development, low, medium, or high density (second story);
10. Recreation and Parks;
11. Manufacturing, as permitted according to policies cited in this *Element*;
12. Elementary and middle schools in the Neighborhood Commercial land use; and
13. Elementary, middle, and high schools in the Village Mixed Use land use.

The proposed use is listed at number 7.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such

The potential for strip commercial has been previously discussed. The only route for expansion from this proposed commercial site is to the south which is controlled by Lake County.

POLICY 1.4.10: *Adequate Commercial Land and the Future Land Use Map.* The Town will ensure that adequate land is designated on the *Future Land Use Map* to support the commercial needs of the residents and guests of Howey-in-the-Hills during the planning period. All such lands shall be compatible and consistent with the surrounding land uses.

While the goal for commercial development is to direct new commercial projects to the Central Avenue corridor or to the Village Mixed Use projects, the small size and isolated nature of the subject property suggests commercial as a possible option. The currently applied land use and zoning classifications block development of the site as the site is too small to meet their minimum standards. There are no nearby residential units that might be adversely affected by a commercial project at this location, and the parcel is likely too small to support some type of multi-family development.

Proposed Zoning Amendment

The most appropriate zoning and the zoning consistent with the recommended land use designation is also Neighborhood Commercial (Section 2.02.05 in the land development code). Under the NC zoning veterinary offices and clinics are designated as a conditional use, which means that they may be permitted if specific conditions are met (Section 2.02.05 B3 k). In this case the only specific condition is that there be no outside kennels (Section 6.02.13). The applicant has agreed to abide by this condition,

and a note to this effect will be required on the approved site plan. The specific requirements of the NC Neighborhood Commercial Zoning are as follows:

Requirement	Standard	Vet Site	Future Site
Minimum Lot Size	0.5 Acres	2.0 Acres	2.45 Acres
Minimum Lot Width	100 feet	333 feet	407 feet
Minimum Lot Depth	150 feet	262 feet	262 feet
Maximum Building Height	35 feet	>35 feet	>35
Maximum FAR	0.50%	0.07%	TBD
Maximum Lot Coverage	70%	40.1%	TBD
Setbacks			
Front	30 feet	74.5 feet	TBD
Side	20 feet	44.5 feet	TBD
Side	30 feet	202.2 feet	TBD
Rear	30 feet	117.4 feet	TBD

Both of the proposed development sites will meet the minimum dimensional requirements should the applicant elect to develop them as separate parcels. The proposed veterinary building will meet the other dimensional requirements, and any future buildings will be required to complete a site plan review process where compliance with the NC standards can be confirmed.

Conditional Use

A conditional use is one that is appropriate for a zoning classification provided that a specific condition or conditions are met. The only specific standard applicable to the veterinary business is the exclusion of outdoor kennels. The use is also required to meet the minimum requirements of the NC zoning classification. The analysis provided above demonstrates that the standards can be met.

Maximum Building Size

The applicant has proposed a 6,000 square foot building as needed to support the proposed business. The Neighborhood Commercial zoning sets a cap of 5,000 square feet unless the Town Council grants a waiver. Technically buildings in excess of 5,000 square feet are listed as a conditional use in NC, but there are no specific criteria called out in Chapter 6. Policy 1.4.6 on commercial building size (see text above) gives some guidance on the criteria to be applied. The policy cites the following criteria:

1. Needs of the business
2. Compatibility with the business and business site
3. Other affected development
4. Enhanced architectural design
5. Other items

We assume the applicant has sized the building based on his current and future business needs, and the analysis to this point has demonstrated the building is

compatible with the site (meets or exceeds standards). The analysis has also demonstrated limited, if any, effect on nearby development. With regard to the architectural design, the staff recommends a condition that the buildings be designed to meet the architectural standards for non-residential development as set out in Section 4.06.05 and Section 4.06.06.

Recommendation

The Planning Board recommended to Town Council the amendment of the future land use map to designate the subject property as neighborhood commercial and assign neighborhood commercial zoning to the parcel. The Planning Board also recommended the veterinary business be approved as a conditional use provided that no outside kennels are constructed and that this limitation be noted on the the final site plan. The Planning Board also recommended the Town Council grant the waiver to allow the 6,000 square foot building provided the applicant meets or exceeds the design requirements of Section 4.06.05 and 4.06.06 of the Town's land development code. Compliance with the building design requirements are to be confirmed with the final site plan approval.