

## MEMORANDUM

**TO:** Howey-in-the-Hills Town Council  
**CC:** John Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Cedar Creek Comprehensive Plan and Zoning Actions  
**DATE:** March 2, 2023

---

The subject property is an approximately 160-acre group of four parcels located to the west of the Mission Inn golf course property and north of Number Two Road (location map attached). The property is owned by Blue Sky Capital LLC and the project is currently using Cedar Creek as the project name. The Town has previously dealt with the parcel under the name Daryl Carter Trust, and the property may be identified in some Town reports under the previous name. The Town Council has previously dealt with the parcel in considering annexation of the subject property. To complete the package of amendments that accompany annexation, the Town needs to adopt an amendment to the future land use map and provide a zoning designation consistent with the future land use plan. Additionally, under the current interlocal agreement with Lake County, the County needs to consent to the annexation as the property does not directly abut the Town limits or meet all of the other requirements of the interlocal agreement. The applicant has been advised of this requirement and directed to contact the county to initiate the approval process.

The annexation of the subject property is also contingent upon approval of the requested comprehensive plan amendment and zoning pattern or other land use and zoning pattern acceptable to the applicant. Should either the land use designation or zoning not be approved by the Town or approved in a version not acceptable to the applicant, the parcel will remain in unincorporated Lake County and continue with the county land use and zoning designations. The applicant would then have the option of pursuing plan approval through Lake County.

In conjunction with annexation, the applicant is seeking an amendment to the future land use map to designate approximately 80 acres of the property as medium density residential. About 60-acres is proposed as conservation and another 20+ acres designated as Public/Utility. The accompanying map shows the distribution of the proposed land uses with the medium density residential located on the eastern two-thirds of the property. Conservation areas based on surface waters and wetlands are interspersed with the medium density residential land use and in the western one-third

of the property. The Public/Utility designation is applied in upland areas in the western 40-acres of the property. A portion of the Public/Utility area is being devoted to stormwater retention for the proposed development and the balance of the Public/Utility area is being reserved for the potential development of a wastewater treatment facility.

The applicant is NOT seeking a planned unit development classification but has requested the Town's MDR-2 Single-Family Residential zoning be applied. MDR-2 has a minimum lot dimension of 75-feet by 120-feet and a minimum lot size of 9,000 square feet. Should the Town approve the application, MDR-2 will be applied to the medium density residential area, Conservation will be applied to the areas designated for conservation and preservation, and the balance of the tract will be zoned Public (PUB). The applicant has submitted a concept development plan which shows how the proposed project complies with the requested zoning designations. The concept plan proposes 171 lots that meet or exceed the minimum dimensional standards. The plan also includes community amenity areas and small parks located throughout the proposed subdivision. The residential density is 2.14 units per acre as net density (residential area only) and 1.07 units per acre gross density (total project area).

At their regular meeting of February 23, 2023, the Planning Board reviewed the application and recommended the future land use designation of Low Density Residential rather than the Medium Density Residential requested by the applicant. Low Density Residential has a maximum density of two units per acre. Other than planned unit development, the only zoning classification determined to be consistent with the Low-Density Residential land use is single family residential (SFR), and the Planning Board recommended that zoning. The SFR district has a minimum lot size of one-half acre and a minimum lot width of 100 feet.

## **Discussion**

At the Town Council goal setting workshop of January 9, 2023, one of the suggested goals was annexation and responsible development. With the Cedar Creek project, the Town Council has supported annexation of the parcel through first reading of the annexation ordinance. Since the first reading of the annexation ordinance was some months ago, the town attorney has advised holding another first reading on the annexation question. The next steps in the process are to select a future land use classification and assign a zoning compatible with that classification. The applicant has made a proposal that it believes is consistent with their intended development of the site, and the Planning Board has recommended an alternative selection of land use and zoning.

The land use recommended by the Planning Board is very close to the proposed development density offered by the applicant. Based on the policies in the comprehensive plan, the total number of units allowed in Low Density Residential (160 units based on net land area devoted to residential use) is close to the 171 units proposed by the current Cedar Creek concept plan. The larger issue comes with the lot sizes allowed by the applicable zoning. The lot sizes consistent with the MDR-2 zoning and proposed by the current concept plan are not available under the Low-Density

Residential land use designation except by application of a planned unit development. This leads to five options for consideration.

Option 1: Approve the applicant's request for Medium Density Land Use and MDR-2 zoning.

Option 2: Approve the Planning Board recommendation of Low Density Residential and SFR zoning.

Option 3: Approve Low Density Residential and apply a PUD zoning based on the MDR-2 zoning requirements.

Option 4: Approve Medium Density Residential land use and apply MDR-2 zoning with a maximum unit cap of 171 lots.

Option 5: Take no action on land use and zoning and abandon annexation of the parcel.

Option 1 would allow the applicant to initiate development of the parcel according to their intended plan. The 171 proposed units is likely the maximum number of units that can be accommodated on the developable portion of the property using the requested zoning, however, Option 4 would assure the maximum unit total if the applicant will agree to the cap. As projects proceed through the process of formally determining the location and extent of wetland areas, the tendency is for the wetland areas to expand with the review of more specific data rather than shrink. The Town's comprehensive plan policies exclude the modification of wetland areas to create building lots. The Town has allowed minor impacts to wetlands for road crossings and utility crossings. This factor also mitigates against the expansion of the number of potential residential units.

Should the Council wish to more specifically link the comprehensive plan density to the potential unit yield for the parcel, the Council could assign the Low Density Residential land use designation as recommended by the planning board and match the requested zoning layout by using the MDE-2 zoning classification as the basis for a planned unit development zoning. This process is essentially what the Council did in approving the Watermark project at Revels Road and SR 19. This action will result in fewer lots (160) as the unit yield at the approved density is based on the net land area. In this case the 80 acres.

Should the proposed project gain planning approval at this point, the Town has a plan for serving the project with water and sewer and providing for traffic impacts identified by the traffic study. Timing on the implementation of the services is an open question at this time as the applicant will need to extend water lines from the treatment plant to the project site and to provide for the construction of a wastewater treatment plant or connection to the existing community development district facility. The next formal step in the Town's review process will be the submittal of a preliminary

subdivision plan based on the concept plan submitted by the applicant, and the timing of utility extensions will be discussed in more detail at that point.

Should the Town Council recommend annexation and a land use and zoning plan supported by the applicant, the next formal step by the applicant will be obtaining annexation approval from Lake County.