



## Planning & Zoning Board Meeting

February 22, 2024 at 6:00 PM  
Howey-in the-Hills Town Hall  
101 N. Palm Ave.,  
Howey-in-the-Hills, FL 34737

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### MINUTES

#### **CALL TO ORDER ROLL CALL**

#### **MEMBERS PRESENT:**

Board Member Alan Hayes | Board Member Richard Mulvany (via Zoom) | Board Member Frances Wagler |  
Chair Tina St. Clair

#### **MEMBERS ABSENT:**

Board Member Ellen Yarckin | Board Member Shawn Johnson | Vice-Chair Ron Francis III

#### **STAFF PRESENT:**

Sean O'Keefe, Town Manager | John Brock, Town Clerk | Tom Wilkes, Town Attorney

**Motion made by Board Member Wagler to allow Board Member Mulvany to participate and vote remotely via ZOOM; seconded by Board Member Hayes. The motion passed unanimously by voice vote.**

#### **Voting**

**Yea:** Board Member Hayes, Board Member Mulvany, 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.*

Board Member Wagler stated that Jan McLain's sister was not named "Tara" (as was written in the minutes), but her name was "Carol". Chair St. Clair agreed with Board Member Wagler

1. Consideration and Approval of the January 25, 2024, Planning and Zoning Board Meeting minutes.

**Motion made by Board Member Wagler to approve the Consent Agenda with the changes discussed in the 1/25/2024 Planning and Zoning Board Minutes; seconded by Board Member Hayes.**

## **Voting**

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

**Nay:** None

## **PUBLIC HEARING**

### 2. Consideration and Recommendation: **Lake Hills - Preliminary Subdivision Plan Submittal**

Sean O'Keefe, Town Manager, explained that the Town's Planner (Tom Harowski) was unable to attend the meeting. Mr. O'Keefe summarized Mr. Harowski's staff report which had been given to the board in the meeting's packet.

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 (attorney with the law firm of Cobb Cole), Dean Barberree (from Reader Communities), and David Stokes (engineer and Cice President of the engineering firm Madden Moorhead & Stokes).

Mr. Watts explained that the proposed Lake Hills development would be a 55+ active adult community which would comply with the approved PUD. Mr. Watts explained that there were 2 areas with proposed/requested revisions to the PUD.

Mr. Watts explained that the original PUD showed that duplexes or villas would have alley access. Mr. Watts explained that active adults preferred front access for villas or duplexes and, as such, they were requesting that change. Mr. Watts did say that they had limited the number of villas, but did create them with front access, not alley access. Mr. Barberree explained that, by going after active adults, they were working to attract a premium buyer for the community.

Mr. Watts explained that they were requesting a revision for the public park location, and they felt that the location that they placed it in would be more accessible to the public.

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

**Tim Everline, 1012 N Lakeshore Blvd** – Mr. Everline stated that he felt that Reader Communities was trying to bring the Villages to Howey, and he did not want that. Mr. Everline stated that putting villas with front access in the development will cause street parking issues. Mr. Everline was not in favor of the Board recommending this development.

**Eric Gunesch, 448 Avila Pl.** – Mr. Gunesch was not in favor of this proposed development. Mr. Gunesch thinks that this development does not work with the Town's new proposed changes to the Town's Land Development Code (LDC) and Comprehensive Plan. Mr. Gunesch thinks the Town should not have a 55+ community.

**David Miles, 500 E Camellia Way** – Town Councilor Miles had questions on whether the community would be a gated community and if the proposed lots would be smaller than what would be allow in the Town's newly proposed changes to the LDC and Comprehensive Plan.

Councilor Miles recommended to the Board that they recommend to Town Council a moratorium on development within the Town.

Chair St. Clair closed Public Comment for this item.

Mr. Watts explained that the Town's zoning requirements cannot address age issues, otherwise they would be in direct federal violation. Mr. Watts also explained that the full engineering for this proposed development has not been completed yet; that this was just a preliminary plan. Permitting and

Engineering would be the next step. Mr. Watts also stated the community would be gated with a “soft gate” (which means anyone driving up asking to enter would be allowed).

Mr. Watts explained that the Development Agreement for this project vests the rights of this development including lot sizes. Mr. Watts explained that the Town’s amendment of its Comprehensive Plan will not change the vested rights for this PUD.

Board Member Mulvany had questions about the sunset clause for this community’s Development Agreement. Mr. Watts explained that there was a sunset clause, and that the current expiration date was December 2026.

Board Member Wagler asked if the community had gotten its sewer capacity yet. It was stated that it was still being worked on. Board Member Wagler also wanted to know if the community would have its own boat ramp; it would not.

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

**Tim Everline, 1012 N. Lakeshore Blvd.** – Mr. Everline asked if the collector road (behind the gates) would be deeded to the Town. Mr. Watts explained that it would be.

**David Miles, 500 E Camellia Way** – Councilor Miles explained that the Villages roads (which were gated) had issues with reimbursement from FEMA. Councilor Miles had concerns about whether the roads would be public, the small lot sizes, and canals.

Mr. Watts quoted the Town’s own Comprehensive Plan section 8.03.01(C) which states that all streets shall be public unless the Town Council agrees for it to be private. Mr. Watts stated that all Town residents deserve public roads.

Chair St. Clair closed Public Comment for this item.

Board Member Wagler stated that she wanted to table/continue this item to the March 2024 Planning and Zoning Board meeting, so that the Board could have time to review sunset clauses and a moratorium on building. Board Member Wagler stated that there were too many members absent to make a decision on this item.

**Motion made by Board Member Wagler to continue this item to the March 2024, Planning and Zoning Board Meeting; seconded by Board Member Hayes. The motion was approved by a roll-call vote.**

**Voting**

**Yea:** Board Member Hayes, Board Member Wagler, Board Member Mulvany

**Nay:** Chair St. Clair

Board Member Hayes requested that all Planning and Zoning Board Members be given a copy of the approved Development Agreement for this community prior to the next Board meeting.

3. Consideration and Recommendation: **Lake Hills Shopping Center - Variances**

Mr. O’Keefe summarized Mr. Harowski’s staff report which had been given to the board in the meeting’s packet. Mr. O’Keefe explained that the applicant was requesting a variance from LDC 7.04.02 which would have required foundation plantings on all sides of a commercial building and LDC 7.05.01 (C) which requires landscape divider islands between abutting rows of parking.

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 Tom Murray (Vice President of WindCrest Development Group) and Benjamin Beckham (engineer with Madden, Moorhead & Stokes).

Mr. Beckham stated that their client, Publix, did not want the foundation planting in front of the building as it would cause trip and fall hazards and would be a maintenance issue. Mr. Beckham explained that Publix also did not want the landscape divider island between abutting parking spots as it would reduce parking and also cause trip and fall hazards.

Board Member Hayes stated that he did not think that the applicant needed the variance from LDC code 7.04.02 (relating to the foundation plantings) and that he wanted any commercial development with the Town to look unique.

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

**Tim Everline, 1012 N. Lakeshore Blvd.** – Mr. Everline stated that he felt that the Town Planner should be at the meeting and that this item should also be tabled and quoted a provision in the Town's LDC which stated that commercial buildings can only be 30,000 square feet unless a special exemption is granted by the Town Council.

**Eric Gunesch, 448 Avila Pl.** – Mr. Gunesch also thought this item should be tabled.

Chair St. Clair closed Public Comment for this item.

Chair St. Clair was concerned about the LDC provision that Mr. Everline had quoted since the proposed building was 50,000+ square feet.

**Motion made by Board Member Wagler to recommend denial of the requested variances; seconded by Board Member Hayes. Motion to recommend denial approved by roll-call vote.**

**Voting**

**Yea:** Board Member Hayes, Board Member Mulvany, Board Member Wagler

**Nay:** Chair St. Clair

4. Consideration and Recommendation: **Lake Hills Shopping Center - Preliminary Site Plan (PSP)**

Mr. O'Keefe summarized Mr. Harowski's staff report which had been given to the board in the meeting's packet. Mr. O'Keefe explained that Mr. Harowski recommended approval with the following conditions:

1. Redesign of the parking lot layout to include landscaped medians between facing rows of parking stalls (Section 7.05.01) unless the requested variance is approved. The applicants are proposing a design with no medians between rows of parking stalls.
2. Foundation plantings around buildings (Section 7.04.02) be provided unless the requested variance is given.
3. Perimeter buffers of 10-feet or 15-feet as required be provided along the north side of the parent parcel and along the perimeter of each proposed outparcel. The applicant has agreed to this condition.
4. A 10-foot landscaped buffer be provided along the interior parcel lines between the parent parcel and the outparcels. The applicant has agreed to this condition.

5. In areas where existing trees are to be retained, no grade change or only minor grade change be allowed to support the tree preservation. Tree preservation areas are along the east side of Outparcel A and the south property line of Outparcel C, so preservation should be reasonably completed. The applicant is proposing removal of seven trees to allow for the driveway construction alongside Outparcel C. The applicant has agreed to this condition.
6. The access point to Outparcel C from the entrance drive be shifted further north. The applicant has agreed to this condition.
7. The sidewalk on SR 19 in front of Outparcel C be constructed with any improvements to Outparcel C. The sidewalk is required of the applicant, but the timing is being adjusted to allow for the final resolution of the SR-19 and CR 48 intersection. The applicant has agreed to this condition.
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 residential 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 SR-19 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.

Mr. Murray stated that the applicant agrees with all 10 conditions with the exceptions of the two conditions (conditions #1 & #2) that they have requested variances from.

Board Member Mulvany asked about how a recommendation should be made since the Board recommended denial of the variance requests. Mr. O’Keefe stated that, if they approved of all 10 conditions and wanted to recommend, the Board could recommend the PSP with all 10 conditions. Mr. Mulvany stated that he wanted some kind of landscaping in the parking lot, so it would look like a community Publix instead of what is in Tavares.

Board Member Wagler asked about condition #8 (the applicant calculating their fair share). Mr. O’Keefe stated that would be in coordination with FDOT and Lake County.

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

**Eric Gunesch, 448 Avila Pl.** – Mr. Gunesch wanted to know what the outparcels would be and didn’t want the Town to approve of this without knowing what would be in the outparcels. Furthermore, Mr. Gunesch did not want a Publix, he wanted a “Mom and Pop” grocery store.

**Tim Everline, 1012 N. Lakeshore Blvd.** – Mr. Everline thinks that 30,000 square feet is a large enough building for a commercial grocery store and does not think that the Town Council should approve a 50,000+ square foot building. Mr. Everline stated that the developer was planning on creating some small wastewater treatment facility on Outparcel A if sewer is not available when they begin construction.

**Andi Everline, 1012 N. Lakeshore Blvd.** – Mrs. Everline stated that the last grocery store that she would want is a Publix. Mrs. Everline stated that she thought their kale and lettuce are bad and that Publix is too expensive.

**Joshua Husemann, 671 Avila Pl.** – Mr. Husemann stated that he is personally against commercial development, but he understands that the Town needs it (from a tax revenue basis). Mr. Husemann stated that members of the public are commenting on wanting “Mom and Pop” grocery stores and complaining about high prices. Mr. Husemann comments that if the Town were able to bring a “Mom and Pop” grocery store, the prices would be sky high due to market conditions. “Mom and Pop” grocery stores can not compete with Publix or Winn-Dixie.

Mr. Husemann commented that he attended a lot of the Town’s meetings and there was an excessive amount of tabling of items. Mr. Husemann thought this was a bad idea and it was just “kicking the can down the road”.

Chair St. Clair closed Public Comment for this item.

Mr. Murray stated that he did not know what would be constructed in the outparcels, but that whatever goes in there would have to go through the site plan process. Mr. Murray stated that, if wastewater service is not available, they would be looking to put in a temporary wastewater system to use until sewer is available.

Chair St. Clair pointed out that the Town had allowed Contour Landscaping to build a commercial building without sewer access. Contour Landscaping was allowed to put in septic and was told that they would have to hook up to sewer when it became available.

**Motion made by Chair St. Clair to recommend the proposed Preliminary Site Plan with Mr. Harowski’s 10 conditions; seconded by Board Member Hayes. The motion was approved by roll-call vote.**

**Voting**

**Yea:** Board Member Hayes, Board Member Mulvany, Chair St. Clair

**Nay:** Board Member Wagler

**OLD BUSINESS**

None

**NEW BUSINESS**

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

**Motion made by Chair St. Clair to table this item to the March 2024 Planning and Zoning Board Meeting; seconded by Board Member Wagler.**

**Voting**

**Yea:** Board Member Hayes, Board Member Mulvany, 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**

Board Member Wagler stated that she wanted the Planning and Zoning Board to be invited to attend and participate in the Town Council’s LDC Workshops.

**ADJOURNMENT**

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

The Meeting adjourned at 8:11 p.m. | **Attendees: 25**

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Tina St. Clair Chairperson

ATTEST:

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John Brock, Town Clerk

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