

## MEMORANDUM

**TO:** Development Review Committee  
**CC:** Thomas Knight  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Mission Rise Pre-Application Meeting Follow-Up  
**DATE:** May 5, 2020

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This memorandum is a follow-up to the pre-application meeting for the Mission Rise development that was held May 5, 2020. This follow-up addresses the comprehensive plan requirements and overall project scheduling. This report will also note a few other areas that the applicant needs to consider in developing the project and some points that the Town has found to be useful to cover in the development agreement. To the extent possible, these comments reflect determinations made in the review of the 2018 Mission Rise plan submittal on items related to the comprehensive plan requirements and land development regulations.

### **Comprehensive Plan and Project Yield**

The project area is designated as Village Mixed Use on the future land use map. The requirements for development under the Village Mixed Use classification are set out in Policy 1.1.1 of the Future Land Use Element. The key requirements are as follows:

1. The property needs to be a minimum of 25-acres.
2. The maximum allowable density without bonus units is 4 units per acre.
3. Residential development cannot exceed a maximum of 85% of the net land area.
4. At least 15% of the project area must be devoted to non-residential land uses.
5. As the project exceeds 100 acres, 5% of the non-residential land must be dedicated for public/civic buildings.
6. Public recreational uses must occupy a minimum of 10% of the usable open space.
7. A minimum of 25% open space is required.

In applying these criteria, a few notes are applicable. Where the comprehensive plan requires public uses or buildings (items 5 and 6 above), these facilities do not have to be dedicated to the public and owned by the Town. The provision of recreation facilities and community buildings that are owned by a property owners association and available to residents and guests will meet this requirement. The 15% non-residential land use does not have to be commercial development. Civic, recreational and other similar land uses

can be applied to meet this requirement. The 25% minimum open space may include wetlands and retention area, but there is a limit of 50% to the percentage of water and wetland that can be applied to the requirement. *(Along with this memo I am sending a copy of my March 5, 2019 report to the Planning Board. This report discusses how each of the comprehensive plan requirements was met by the 2018 plan submittal, and this report may provide some guidance on how these issues will be evaluated for the new submittal.)*

Policy 1.1.4 of the Future Land Use Element defines net land area and describes how open space and density is calculated. These are the definitions that will be applied to determining compliance with the criteria from Policy 1.1.1.

Net land area is calculated by the gross land area less any lakes and water bodies, and subtracting from that any open space requirements, and then subtracting any remaining wetlands. Up to 50% of the open space requirement may be met with wetlands. The resulting net land area can then be multiplied by 4 units per acre to get the project yield. *(We assume the smaller project now proposed will fall within the density maximum, but the calculation will be run as part of the preliminary subdivision plan submittal.)*

**EXAMPLE:**

150-acre project site with one 2-acre lake and 30 acres of wetlands will calculate net land area and density as follows:

Gross Land Area	150.0 acres
<u>Waterbodies (minus)</u>	<u>2.0 acres</u>
	148.0 acres
<u>Open Space (minus)</u>	<u>37.5 acres</u>
	110.5 acres
<u>Other Wetland (minus)</u>	<u>11.3 acres</u>
Net Land Area	99.2 acres

- The open space figure is based on 25% of the 150-acre project. Of the 37.5 acres of required open space, 50% or 18.7 acres may be wetlands, leaving a wetland balance of 11.3 acres as the additional deduction.
- The maximum unit yield is 397 units ( $99.2 \times 4$ )
- The maximum area that may be devoted to residential uses is 84.3 acres ( $99.2 \times .85$ )
- The minimum area required to be devoted to non-residential use is 14.8 acres.
- At least 0.7 acres must be devoted to public/civic buildings ( $14.8 \times .05$ )
- Public recreational uses must occupy 1.9 acres ( $18.8 \times .10$ ). This figure assumes the minimum usable open space is provided. As usable open space

increases in the project, the percentage devoted to public recreational uses increases as well.

When the application is submitted for review, the DRC review will focus in part on compliance with the comprehensive plan requirements and in part on the proposed project design. We will also review the application for compliance with the general concurrency review. Helen LaValley is the contact ([lavalleyh@lake.k12.fl.us](mailto:lavalleyh@lake.k12.fl.us)) for school concurrency. The project requires a Tier 3 traffic study, as any off-site traffic improvements that may be required will need to be enumerated in the development agreement. This traffic study was done in 2018-2019 and may be updated to account for more recent traffic conditions. Lake County will need to be contacted regarding any right-of-way issues on Number Two Road that may need to be addressed.

### **Project Review Process**

The review process for projects done through the Village Mixed Use land use requires the approval of a development in the form of a planned unit development followed by subdivision and construction design. The development agreement will establish the zoning for the parcel; address any actions required to meet concurrency; and address any other provisions that relate specifically to the proposed project. The Town Council does have the ability to modify some requirements of the land development code that may be necessary to support the proposed project design, but the Council does not have the ability to modify requirements of the comprehensive plan without formally amending the plan. If the applicant is seeking relief from some portion of the land development code, the application should include a written explanation of why the requirement should be modified and how the regulatory intent of the provision is otherwise being addressed in the project design.

The initial submission for the approval of the project should follow the format for Planned Unit Developments as set out in Section 4.10.00. We have completed the Pre-Application Conference (4.10.03) and the next step is to submit the proposed conceptual land use plan (See 4.10.09 for contents) and supporting text. We will review our previous approvals to offer a proposed format for the written component. As an ordinance, the agreement will require two readings before the Town Council. The key steps are as follows:

Step 1 DRC Review Completeness Check Technical Compliance Overall Design Suggestions Concurrency Review Other Comments
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For scheduling purposes, the applicant should allow for at least two reviews at the DRC level. Once the Town has received a complete application, the DRC will prepare

comments and then meet with the applicant to review the comments. Review at this level may also involve other agencies such as Lake County, Lake County Schools and FDOT as appropriate. Concurrency review at this stage is a demonstration that the Town can provide all required services or include a plan and actions for providing services if shortfalls are expected. The formal issuance of a certificate of concurrency will happen with the approval of the first phase of construction.

Step 2 Planning Board Review Plans and PUD Recommend to Town Council
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Once DRC completes its review of the proposed project, the staff will prepare a report summarizing the DRC recommendation and any comments the DRC may have that will be provided to the Planning Board. The Planning Board hearing is a public meeting that must be properly advertised (See Section 4.10.06 for advertising requirements.). Planning Board meets the fourth Thursday of the month and the Town Clerk will determine the cut-off date for that month's meeting.

Step 3 Town Council Review Plans and PUD Review PB Recommendation Review DRC Reports Consider Application 1 <sup>st</sup> Reading
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The first appearance before the Town Council will need to be advertised in the same manner as the Planning Board meeting. The Town will attempt to schedule the meetings so that a combined advertising process may be used. There is a wide range of possible outcomes from this meeting ranging from approval as submitted to formal denial with a full range of potential modification to the plan and/or agreement. The Town Council meets the second and fourth Monday of the month with scheduling determined by the Mayor and Town Clerk.

Step 4 Town Council Review Plans and PUD Review PB Recommendation Review DRC Reports Review Initial Public Hearing Consider Application 2 <sup>nd</sup> Reading
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The second appearance before Town Council will also be fully advertised. Assuming the project survives the first reading, the second reading will review the proposal for compliance with any conditions required at first reading. Once adopted on second reading, the zoning component is complete, and the applicant may proceed with construction design.

### **Other Comments**

- Regarding a development agreement template, I think we can use the last Mission Rise development agreement as a format. The agreement covers the basic topic areas and we can fill in the agreement with new data and modify it, as necessary. If you no longer have a copy of the agreement, I can provide one.
- In earlier reviews we determined that the existing survey would be adequate for preparation of the conceptual land use plan; but a new survey will be required for the design phase. If there is a sense that the basic elevation data has changed for some reason, we should proceed with a current survey now.
- So far as tree surveys are concerned, the DRC indicated we would be willing to look at alternative identification methodology to gather the data.
- The code allows a specific number of model homes (5.02.05). The applicant should review these limits and suggest modifications as needed. The Town has allowed model homes in excess of the code limits in some other PUD ordinances.
- If the applicant wishes any specific advertising signage, these should be proposed as well.
- Where wetland buffers are required, the Town prefers that these be in common areas rather than on easements on individual lots. Experience has shown that wetland buffers outside of common areas are not preserved over time.
- Section 4.06 should be consulted for architectural guidelines that will be applied to the project. The Town is particularly concerned that each project includes a wide diversity of housing styles to provide a more eclectic appearance to residential neighborhoods.