



## Planning & Zoning Board Meeting

June 22, 2023 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

#### BOARD MEMBERS PRESENT

Board Member Richard Mulvany | Board Member Ellen Yarckin | Board Member Shawn Johnson | Board Member Frances Wagler | Vice-Chair Ron Francis III | Chair Tina St. Clair

#### BOARD MEMBERS ABSENT

Board Member Alan Hayes

#### STAFF PRESENT

John Brock, Town Clerk | Tom Harowski, Town Planner | Azure Botts, Code Enforcement Officer

#### 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 May 25, 2023, Planning and Zoning Board Meeting minutes.

**Motion made by Vice-Chair Francis III to approve the Consent Agenda; seconded by Board Member Yarckin. Motion approved unanimously by voice vote.**

#### Voting

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

#### PUBLIC HEARING

2. Consideration and Recommendation: **Amendments to the Land Development Code**

Town Planner, Tom Harowski, introduced and explained this agenda item. Mr. Harowski stated that primarily this amendment package to the Town's Land Development Code (LDC) came from requests

for changes from the Town's Code Enforcement Officer. Mr. Harowski reviewed his staff recommendations report on the package of proposed amendments.

Code Enforcement Officer, Azure Botts, stated that a change needed to be made in the proposed amendment to LDC 5.01.11 (F), it should state that flagpoles over 20 feet, not 15 feet, would require a permit. It was identified that that in 5.01.11 (B), there was a typo in the first sentence, "mor" should have been "more".

When discussion 5.02.06 *Movable Module Storage Units*, Board Member Yarckin asked what if a resident needed more than 30 days. Mr. Harowski suggested that a clause be added to give the ability to extend a permit for "Just Cause".

There seemed to be consensus from the Board that the proposed amendment to 2.03.03 *Townhomes* was appropriate.

There seemed to be consensus from the Board that the proposed amendment to 7.09.02 *Maintenance of Plant Materials* was appropriate. Board Chair St. Clair asked who a resident should speak with if a tree in the Right-of-Way (ROW) was hanging too low. Officer Botts stated that she would get with the Public Works Director to discuss that issue.

Mr. Harowski then reviewed his staff report on proposed amendment to 7.10.00 *Approved Tree and Plant List*. Board Member Wagler suggested that she would like to see this section of the proposed amendment tabled to a future meeting for further discussion. Board Member Johnson disagreed and did not want this section tabled. Board Chair St. Clair agreed with Board Member Johnson about not tabling this section of the proposed amendments. There was a consensus from the remainder of the Board, all but Board Member Wagler, to keep the proposed amendment of 7.10.0 in the package.

There seemed to be consensus from the Board that the remainder of the proposed amendments were appropriate.

Board Chair St. Clair opened Public Comment for this item only.

**Tim Everline, 1012 N Lakeshore Blvd.** – Mr. Everline did not want the list of approved trees to be changed as he saw this as catering to developers, instead of having developers cater to the Town. Mr. Everline did not think the Board should vote on all the things as one lump sum.

Mr. Everline was concerned about turf. He was concerned about grass on a lot without a building on it, as he believed that empty lots should be allowed to be irrigated.

Mr. Everline was concerned about if the standards for workshops change, will existing workshops be grandfathered in.

Mr. Everline was also concerned about the List of Approved Trees section. He believed that the List of Approved Trees portion of this amendment package should be table for further consideration.

**Larry Morris, 800 N Citrus Ave.** – Mr. Morris was concerned about what would happen when a specific species of tree was being removed off the approved list of trees. Mr. Morris was concerned that those trees would need to be cut down. Mr. Harowski stated that existing trees would be grandfathered in.

**Tim Everline, 1012 N Lakeshore Blvd.** – Mr. Everline was concerned about roll-off waste containers being part of the 5.02.06 *Movable Module Storage Units* regulation. Mr. Everline stated that contractors sometimes needed roll-off dumpsters for months while reconstruction projects were ongoing. Officer Botts stated that roll-offs were not part of the proposed amended regulations.

**Joshua Husemann, 671 Avila Pl.** – Mr. Husemann stated that he believed that tree spacing should be regulated somewhere in the LDC. Mr. Husemann also stated that he would like to see storage sheds allowed outside of the footprint of the house.

**Larry Morris, 800 N Citrus Ave.** – Mr. Morris is concerned that his water utility meter box is sinking into the ground and has sunk about eight or ten inches into the ground. Board Chair St. Clair recommended to Mr. Morris that he speak with the Public Works Director, Morgan Cates, about the issue of his water meter box sinking.

Seeing no further public comments, Board Chair St. Clair closed Public Comment for this item.

**Motion made by Vice-Chair Francis III to independently vote on each section in the proposed Amendments to the Land Development Code; seconded by Board Member Wagler. Motion passed unanimously by voice vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Ron Francis III, Chair St. Clair

**Nay:** None

**Section: 5.01.11 *Flagpoles.***

**Prior to the vote, Mr. Harowski reminded the board that they had fixed the typo and changed the height of flagpoles requiring a permit to over 20 feet.**

**Motion made by Vice-Chair Francis III to approve Section 5.01.11 Flagpoles with the 2 edits Mr. Harowski had stated; seconded by Board Member Mulvany.**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 5.02.06 *Movable Module Storage Units***

**Prior to the vote, Mr. Harowski reminded the board that they had revised the proposed amendment, that under 5.02.06 (A) they had added language to allow permits to be extended for Just Cause.**

**Motion made by Vice-Chair Francis III to approve 5.02.06 Movable Module Storage Units with the edit Mr. Harowski had stated; seconded by Board Member Yarckin.**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 2.03.03 Townhomes**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.09.02 Maintenance of Plant Materials**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.10.00 Approved Tree and Plant List**

**The section passed by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice-Chair Francis III, Chair St. Clair

**Nay:** Board Member Wagler

**Section: 7.10.01 Prohibited Plant List**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.11.01 Tree Protection**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.08.01 *Required Landscaping***

**The section passed by roll-call vote.**

**Voting**

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

**Nay:** Vice-Chair Francis III

**Section: 5.01.10 *Workshops***

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.04.04 *Visibility Triangle at Intersections***

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: 7.12.01 *Permit Required***

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: *Definition of Street Tree***

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: Definition of Primary Façade**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**Section: Clear Zone for Utility Meters 8.05.02 (L) & 8.05.04 (F)**

**The section passed unanimously by roll-call vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

**OLD BUSINESS**

None

**NEW BUSINESS**

3. Consideration and Approval: **Rescheduling the August 2023 Planning and Zoning Board Meeting**

Town Planner, Tom Harowski, stated that, for personal reasons, he would be unable to attend the August 2023 regularly scheduled Planning and Zoning Board Meeting. This meeting was scheduled for August 24, 2023. Mr. Harowski asked the Planning and Zoning Board to consider rescheduling the August 2023 meeting.

**Motion made by Vice-Chair Francis III to reschedule the August 2023 Planning and Zoning Board Meeting to August 17, 2023; seconded by Board Member Mulvany. Motion passed unanimously by voice vote.**

**Voting**

**Yea:** Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

**Nay:** None

Board Member Wagler asked if the Planning and Zoning Board was still having a joint Workshop in August. Board Chair St. Clair stated that she had not heard any updates. Town Clerk, John Brock, stated that the Town Council was waiting for responses (from the Town Council and Board on amendments to the LDC and Comprehensive plan) that were due at the end of the month before scheduling the next Workshop. Board Chair St. Clair asked for confirmation that those responses were due on the 30<sup>th</sup> of the month and Mr. Brock confirmed that they were.

Board Member Yarckin stated that when the next Workshop did occur, she would like to see it be much more structured and with a clear purpose.

**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.*

**Tom Ballou, 1005 N Tangerine Ave.** - Mr. Ballou would like to see bigger lots in neighborhoods so there would be fewer problems relating to adding pools and sheds.

**Mercedes Holcomb, 902 N Citrus Ave.** – Ms. Holcomb wanted to know when the Asma Project Rezoning and Comprehensive Plan Amendment would come up before the Planning and Zoning Board for consideration.

**Larry Morris, 800 N Citrus Ave.** – Mr. Morris was not in favor of the proposed Asma Project saying that it would hurt line of vision for traffic moving off of Citrus Avenue and onto State Road 19.

**Joshua Husemann, 671 Avila Pl.** – Mr. Husemann spoke about the last workshop meeting and said that when the next workshop was scheduled, he would like to see it have more structure.

**BOARD COMMENTS**

None

**ADJOURNMENT**

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

The Meeting adjourned at 7:44 p.m. | **Attendees: 18**

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Tina St. Clair Chairperson

ATTEST:

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John Brock, Town Clerk