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MEMORANDUM

TO: Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Lake Hills Preliminary Subdivision Plan
DATE: April 3, 2024

On March 28, 2024, the Town's planning board considered the application of Reader and Partners LLC for approval of a preliminary subdivision plan for the residential portion of the Lake Hills development. The preliminary subdivision plan will allocate the components of the project over the site in preparation for the final subdivision plan which will include the detailed engineering design as the preparatory step for construction. The preliminary subdivision plan will:

- Locate open space areas on the site.
- Identify the location of streets.
- Identify the location and size of residential lots.
- Identify the location of proposed community amenities.
- Identify pedestrian and bicycle improvements.
- Identify any other elements of the project that need to be recognized.

The review of the project submittal needs to verify that the requirements of the Village Mixed Use classification, the Town's applicable development standards and the approved development agreement are met. This analysis led to the staff report to the planning board including ten conditions that staff believes are required to meet the Town's overall requirements. The conditions were discussed in detail by the planning board as part of the public hearing. The planning board recommended approval of the preliminary subdivision plan subject to the conditions as modified.

The applicant has prepared a supplemental document responding to the conditions and the outcome from the planning board recommendation. A copy of this submittal is included with the agenda packet. The following review looks at each of the conditions and provides some analysis for each of the conditions.

1. The Town Council will need to approve the development of the paired lot units without the alley access currently required by the development agreement.

Paragraph 14 of the development agreement allows the applicant to pursue this request.

The requirement for the alley access is included in the approved development agreement. The Town can amend this requirement, and the planning board recommended the alley access requirement be deleted.

2. The development agreement and conceptual land use plan identifies the public park location as being in POD 4 which is centrally located on the lake front. The applicant is requesting the public park be relocated to an area outside the gated portion of the community. Again, Paragraph 14 allows the request. According to the development agreement, the public park is not required until the building permit for 500th unit is issued. The Town may wish to ask that the public park be advanced to Phase 1 if the new location is approved.

The public park commitment is included in the development agreement and the conceptual plan included as part of the agreement. The agreement does not require the park to be constructed until the 500th unit is permitted. The planning board recommended the park location as shown on the current plan with the commitment from the applicant that the park will be constructed as part of the phase one residential development.

3. Should the proposed location be approved, the Town Council needs to approve the placement of storm water retention for the access road within the public park.

The conceptual design shows a stormwater retention area within the public park. The retention area has been identified as retention for the central collector access road. The location of the retention pond as shown shifts a general project requirement onto the Town's park parcel. Development of the park itself may require additional stormwater retention area. There is a planned retention area directly across the entry road from the park area. If the inclusion of the retention area is acceptable to the Town Council, the council should approve the design location.

4. Compliance with the minimum open space requirement for the overall project needs to be documented. The data submitted for the residential portion of the overall project notes that 10-acres of the required open space will come from other areas of the project. The property owner needs to document these sources.

The applicants contend that they are providing their share of the required open space and that other portions of the project need to be directed by the Town to provide the balance of the total open space requirement. This position represents a substantial difference in how the staff and the applicant review the VMU requirements.

The Town reviewed the Lake Hills development as a unified project with all uses being evaluated against the VMU requirements. In approving the initial development agreement and conceptual plan, the Town then expected the

property owner/applicant to ensure that all of the conditions were met. The owner sold the 22-acre site to the school district without getting a commitment for the site to meet at least a portion of the open space requirement. The school site did satisfy the requirement for insititutional uses by the nature of the school function. The owner then sold a portion of the project to the Town for the new water plant without again asking for a contribution to the open space requirement. The utility site does satisfy other requirements of the original concept plan and will provide essential water service to the project.

The preliminary site plan for the commercial portion of the project was allowed by the owner to proceed without again getting a commitment to an open space contribution. When asked directly about supporting the overall open space requirement, the commercial applicant declined to make any commitment in this regard.

The residential applicant, as the last in line for review is in the unenviable position of having to ensure any remaining requirements of the VMU code are met for the project as a whole. This comment is asking the applicants to document how the full open space requirement is being satisfied. The commercial component of the project does include project buffers and other designated open space that could count toward the requirement as do the Town's parcel and the school district parcel. The applicant could seek a commitment from these properties to the overall project requirement to cover all or most of the 10-acre remaining area. Otherwise, the Town has to look to the residential portion of the project to ensure the full standard is met.

5. Prior to approval of the final subdivision plan for the entire project or a phase of the project, the applicant needs to provide evidence that the access road from SR 19 to the residential phase of the project will be constructed.

This condition is really a coordination issue. The applicant needs to provide documentation regarding who will construct the access road if the commercial portion of the development is delayed or does not proceed at all. The Town needs to ensure the required access road will be constructed and properly platted for dedication to the Town. The road according to the current plan falls outside the proposed residential ownership.

6. The tree analysis for specimen trees needs to be provided.

At the planning board meeting the applicant stated that they have done an analysis that demonstrates they can comply with the 50% preservation requirement for speciment trees. If this is the case, then there should be no reason to defer the compliance evaluation to a later date.

The applicant also stated at the meeting that they did their analysis based on the cross-sectional inches of specimen trees preserved. This approach may result in the preservation of fewer than 50% of the actual specimen trees but protection of the largest trees. A review of the code shows that the requirement addresses

only the number of trees to be preserved. The Council may wish to express an opinion on whether the cross-sectional analysis is acceptable.

7. The project covenants and restrictions need to include language that either prohibits individual swimming pools and other accessory structures or states that the owner waives his right to seek a variance to the setback requirements.

This condition is proposed to address the swimming pool issues on smaller lots. The applicant has agreed to include a provision addressing this issue. Compliance will need to be verified before the association documents are approved.

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.

The proposed approach is to have the applicant prepare an assessment that can then be reviewed by Town staff. A similar requirement is applied to the commercial portion of the project.

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 commercial 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.

The applicant has responded to the potential requirement for a signal at the SR 19 intersection as not being warranted by the residential portion of the project alone. The issue here goes back to the previous discussion regarding the open space minimum where the applicant wants to behave as if they are a “stand alone” project rather than a component of a unified project. The project as a whole needs to provide for the traffic management elements. The Town should not be in a position of assigning percentages or specific elements of the traffic management system. The commercial and residential applicants need to work out these details to ensure the Town that whatever traffic management improvements are required are provided when required.

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.

See the discussion above.

There are a two other comments that are offered for consideration in addition to the specific conditions addressed by the planning board. The staff report reviewed by the planning board addressed the need for services to the site. The applicant has provided a statement that agreement has been reached with the CDD on the provision of sewer service to the residential portion of the project. This is information that was not available at the planning board hearing, but is noted here for the Council's consideration. The provision of sewer treatment service satisfies one of the outstanding concurrency considerations. No information is available on whether service has been agreed upon for the commercial portion of the project.

The other item of discussion that has not been addressed is the proposal to provide a gated entry on public roads to the residential portion of the project. This "soft gate" concept has been used in other locations where traffic is asked to stop at an entry gate for interview but cannot be denied entry. Approval of the preliminary subdivision plan as currently constituted will approve the gated entry for the project. Since the roads are proposed as public roads with Town maintenance, the Council should have approval over what is constructed in the right-of-way.