



# ZONING MEMORANDUM

**December 6, 2024**

Prepared for  
Town of Howey-in-the-Hills  
Attn: Sean O'Keefe, Town Manager



## **Whispering Heights: Final Subdivision Plan**

**Applicant: Red Jacket Development**

### **Project Description and Background:**

At their June 27, 2024 hearing, the Planning and Zoning Board, the Board made a motion to recommend approval of the final subdivision plans for Whispering Heights with four conditions. These include:

1. The plan for sewer is to use a force main to connect the project to the lift station on the school board property. The Town and the School District have worked out the terms of an easement to allow the connection, but the easement still needs to be finalized and recorded.
2. The Central Lake Community Development District has provided the applicant with a letter stating their willingness and ability to serve the project. The applicant still needs to pay the necessary fees to reserve the actual treatment capacity.
3. The applicant will need to provide current permits for stormwater treatment facilities, utility construction, and connection to Buckhill Road.
4. The School District has responded to the Town Planner's inquiry that the concurrency assessment is current and valid for 107 units. When the project size was increased to 156 units, the added units were not vetted for school concurrency. Staff recommends the Planning Board add the update to school concurrency as a condition of approval. The applicant will need to make an application for concurrency review to the School District for the additional units. The application should be filed prior to consideration of the application by Town Council.

Please know that the applicant has complied with condition Number 4 prior to this Town Council meeting and is coordinating with the Lake County School District for concurrency review. A letter is forthcoming from the School District.



Additionally, Parks Consulting reviewed the plans for consistency with buffer and landscaping requirements of the Land Development Code (LDC) that were in effect at the time of the Final Subdivision Plan submittal. These may have not been reviewed previously and some revisions are necessary to be consistent with the applicable LDC. Wetland impacts were also evaluated and all review comments provided to the applicant. Staff respectfully adds these as conditions to approval as well.

**Recommendation:** Approve the proposed Final Subdivision Plans subject to the conditions noted below:

1. The plan for sewer is to use a force main to connect the project to the lift station on the school board property. The Town and the School District have worked out the terms of an easement to allow the connection, but the easement still needs to be finalized and recorded.
2. The Central Lake Community Development District has provided the applicant with a letter stating their willingness and ability to serve the project. The applicant still needs to pay the necessary fees to reserve the actual treatment capacity.
3. The applicant will need to provide current permits for stormwater treatment facilities, utility construction, and connection to Buckhill Road.
4. The School District has responded to the Town Planner's inquiry that the concurrency assessment is current and valid for 107 units. When the project size was increased to 156 units, the added units were not vetted for school concurrency. Staff recommends the Planning Board add the update to school concurrency as a condition of approval. The applicant will need to make an application for concurrency review to the School District for the additional units. The application should be filed prior to consideration of the application by Town Council.
5. Buffers- Please ensure the plan set meets the buffer requirements of the Town's Land Development Code (LDC) Sec 7.02.01 in effect at the time of plan submittal:
  - a. There is a note on Sheet L200 but the table on L200 does not call out the required wall and its materials and details.
  - b. The buffer table on Sheet L200 does not appear to accurately describe the location and requirements of proposed buffers. Please verify and revise as necessary.
  - c. Sheets L100-L207 do not provide details of the required wall. Please update the Wall Detail Sheet and these Sheets as applicable so that the Town can ensure consistency with the LDC requirements regarding



- height (must maintain six feet in height) and whether it has columns that meet the spacing requirements.
- d. Please provide a separate graphic solely depicting the proposed buffer zones and their landscape requirements. Please notate on Sheet L200 the location of the required wall. Additionally, please provide buffer details around proposed common areas and recreation areas.
  - e. The shrubs listed for the buffer on Sheet L100 do not all meet the minimum height requirement of 30 inches. All shrubs shall be at least 30 inches in height upon installation. Please revise plans.
  - f. A buffer detail sheet must be provided so the Town can review and ensure that the trees are not closer than the applicable LDC permits to a walk or wall and that the canopy trees will have root barriers.
  - g. Although not a requirement at the time of submittal, the LDC now requires root barriers. A root barrier is required for trees proposed for 7.5-ft or less from a sidewalk and/or street. It is respectfully requested that the plans incorporate this standard and note on the plans and provide a detail.
6. Wetland Protection - The applicant proposes a swale along the shoreline of Lake Harris. The swales should be vegetated with Florida native ectotonal and/or littoral zone vegetation such as Sand Cordgrass (*Spartina bakerii*) in order to provide both hydrological and ecological function and value in protecting the water resources of Lake Harris (Chapter 3, LDC). Additionally, how does the applicant propose that this swale including the required 50-ft wetland/surface water setback zone shall maintain its function in perpetuity? Chapter 3 of the LDC requires signage and proper maintenance of buffer zones and swales to maintain in perpetuity, the environmental and hydrological function and character.

### **Motion Examples:**

1. Approve the proposed Whispering Pines Final Subdivision Plans subject to the conditions provided in the staff recommendation.
2. Deny the proposed Whispering Pines Final Subdivision Plans due to inconsistency with the Comprehensive Plan and/or Land Development Code. [Provide specific reasons for denial.]
3. Continue action on the proposed Whispering Pines Final Subdivision Plans. [Provide specific reasons for continuance and identify additional items needed for consideration.]