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MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Daryl Carter Trust Annexation Request
DATE: May 16, 2022

The Town has received an application from the Daryl M. Carter Trust for annexation of approximately 160 acres of land lying north of Number Two Road and west of the old railroad line. The applicant is interested in developing single-family residences on the parcel but is applying only for annexation at this time. The applicant has requested the annexation have an effective date linked to the approval of a comprehensive plan amendment and zoning, so that should the Town and the applicant not come to agreement on the future use of the property, the annexation will not be consummated.

The formal application, survey of the property and aerial map of the property have been attached. Also attached to this memo is a copy of the Town's official zoning map with the property location highlighted.

Annexation Procedures

In Florida, annexation occurs in either of two ways. Voluntary annexation is the most common method whereby an applicant submits a request for annexation to local government. There are standards that apply to a voluntary annexation with the most important requiring the property to be annexed about the annexing authority and that no enclaves of unincorporated area be created. In the subject case, the property does not abut the current Howey-in-the-Hills corporate limit, but annexation is allowed by the interlocal agreement. The annexation will not create an enclave.

The second method for annexation is a voted annexation where the majority of the voters in designated area agree to annexation. This method is typically applied in areas where there is substantial development and residents believe the quality of services would improve if they were provided by a local government rather than at the county level. This method of annexation is not applicable to this case.

Carter Trust Annexation

The Carter Trust annexation includes about 160 acres divided into four parcels as shown in the following table:

Parcel	ALT Number	Area
1	3852069	1.32
2	3887680	0.83
3	1101051	118.58
4	1036119	39.99
Total		160.73

Following annexation the Town will need to assign a land use classification on the future land use map and assign a zoning classification that is consistent with the future land use designation. The applicants have indicated they plan to seek a medium density residential land use and a planned unit development zoning. The assignment of medium density land use would ensure the total project size would remain under 300 units, otherwise a Village Mixed Use land use classification will be required.

Undertaking annexation without an accompanying land use and zoning is unusual, but the proposed process has some advantages for both parties. Making the effective date of the annexation the same as the zoning approval allows the applicants to retain Lake County jurisdiction should the annexation not be completed. This approach likely means some savings in tax exposure for the Trust. For the Town, the delayed annexation approach means the applicants will be working with the Town on a development plan and it ensures that any development approved on the site will provide full benefits to the Town. Development of a substantially sized project in an unincorporated area adjacent to or near a local government can result in the local government experiencing any negative impacts (traffic as an example) while getting none of the tax benefits nor having any say in the project design.

Staff has held two pre-application meetings with the applicants and noted a number of significant issues that will need to be addressed before any development can be approved. Provision of water and sewer service, management of traffic impacts, and compliance with urban sprawl provisions of the comprehensive plan are examples of the considerations that need to be addressed. The review process at the staff level is likely to take some time to complete, and any proposed development package will need to be brought to the Planning Board and Town Council for review and approval.

Staff Recommendation

Staff recommends the Planning Board support the annexation as proposed and recommend the item favorable to Town Council