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**MEMORANDUM**

**TO:** Howey-in-the-Hills Development Review Committee  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Lake Hills Residential Preliminary Subdivision Plan  
**DATE:** November 28, 2023

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The applicant, Reader & Partners, has submitted an application for preliminary subdivision approval for the residential portion of the Lake Hills Development. The Lake Hills property ownership has previously sold a 22-acre tract to the Lake County School Board and a 3.23 acre tract to the Town for use as a water treatment plant site. An application for development of the 18-acre commercial parcel is also undergoing concurrent review for site plan approval. The parcel sales were done without formal subdivision, and before any of the projects move beyond the initial review stage, a subdivision plat needs to be created and recorded so that all of the parcels will have been legally created. This requirement was noted in the initial review comments for the commercial site plan.

The Lake Hills master parcel is designated as Village Mixed Use on the comprehensive plan and is subject to a development agreement amended by the Town and recorded as the January 25, 2016 version. The agreement covers the entire 264 acres which currently break out as follows:

Lake County School Board (civic tract)	22.00 acres
Town of Howey-in-the-Hills (civic tract)	3.23 acres
Commercial Tract	18.06 acres
Residential Tract	220.71 acres

The requirements for compliance with Future Land Use Policy 1.1.1 setting out the standards for a mixed use development will apply to the master tract, and evidence will be required that the various individual developments, in combination, satisfy the Future Land Use Policy.

**Village Mixed Use Standards**

The standards for development of Village Mixed Use designated properties are presented in Policy 1.1.1 of the future land use element. The following analysis summarizes the current status of the master project with regard to the adopted policy.

Note that open space requirements are based on gross project acreage while density and land use allocations are based on net land area.

### Calculation of Net Land Area

Net land area is determined by total project area less the minimum required open space and any wetland and surface water bodies that do not contribute to the required open space. The minimum open space requirement is 25% with a maximum of 50% of wetland area contributing to the required open space. Based on the survey submitted with the application, the following calculations have been made:

Minimum Required Open Space: 66 acres (264 x 0.25)

Total Wetlands on Site: 30.61 acres (Wetlands parcels 1 through 6)

Wetlands assignable to Minimum Open Space: 15.30 acres

Surface water bodies on site: 5.27 acres (Waterbodies 1 through 7)

Total Required Open Space:	66.00 acres (minimum requirements)
	15.31 acres (additional wetland area)
	<u>5.27 acres (surface water bodies)</u>
	86.58 acres (total minimum open space)

Net Land Area: 177.42 (264 - 86.58 acres)

### Calculation of Land Use Assignments

- Residential land use must occupy between 70% and 85% of the net land area. This range is 124.19 acres to 150.81 acres. The calculation for the residential portion of the project totals 98.64 acres. (Includes residential property, stormwater ponds, and wetland buffers.)
- Non-residential uses must occupy between 30% and 15% of the net and area. This range is 53.23 acres to 26.61 acres. The civic and commercial land uses total 43.23 acres and the park area an additional 4.23 acres.
- Five percent of the non-residential land is to be dedicated for public and civic uses. The minimum amounts to 2.37 acres but the total allocated for the school site and the water treatment plant is 25.23 acres.
- Public recreational uses need to be at least 10% of the useable open space (less wetlands and water bodies). Open space excluding wetlands and waterbodies is reported as 79 acres, which makes the recreation requirement 7.9 acres total. The public park (4.38 acres) and the community recreation/park (6.36 acres) provides 10.74 acres in combination.
- The minimum open space requirement is 25% of the total project area. Required open space is 66 acres. The reported open space is 110.85 acres. The pond

areas are not counted as open space as they are not designed to meet the threshold criteria.

The only issue is that the land area devoted to residential use falls below the 70% floor. Since the other factors fall within the specified ranges, expanding the residential use area is likely to come at the expense of open space. Some additional analysis will be needed to address the residential percentage factor.

### **Concurrency Considerations**

There are three areas where concurrency compliance needs to be verified. The first is traffic, and a traffic study has yet to be submitted. The second issue is sewer service. The applicant will need to provide a plan and program to address sewer service. The third item is school capacity. The applicant needs to submit a request to the Lake County School Board for a capacity determination using the district process. These items will need to be addressed prior to Planning Board consideration.

The assumption is that the Town's plan for the new water treatment plant will provide sufficient supply for domestic use and fire protection. The assumption is also that on-site stormwater retention will meet the Town's standards.

### **Preliminary Subdivision Plan Comments**

The preliminary subdivision plan submittal was reviewed for compliance with Section 4.04.11 and Section 4.05.12 along with the adopted development agreement and the design standards set out in the Town codes. The minimum submittal requirements as specified in 4.05.12 are included in the application, except for the minimum required open space which has been calculated above. Note the following comments:

- The detail for the paired home requirements is incorrect. The development agreement requires the paired homes to be served by alley access. Alleys should be a simple addition to the design as presented.
- The plan for the access road through the commercial section of the project is unclear. Is the intent to dedicate the portion of the collector road through the commercial section to the Town?
- The Town has requested that a future road access be provided from the Lake Hills project to properties to east. The intent is to allow future development to the east to access the commercial area without using SR-19. Based on the design presented, the most logical places to make the connection are at the service driveway to the commercial area or at the access point opposite the outparcel east of the access road. The applicant is directed to coordinate with the commercial project applicant to settle on which of these locations will be proposed.

- With the proposal to gate the project, will the bicycle path along the collector road be open to the general public?
- Sidewalk will be required along County Road 48.
- A connection from the project to the commercial access drive needs to be considered for the adjacent residential area.
- The buffer detail for CR 48 includes a buffer area to the inside of the screening wall required by Town code. This area should be landscaped. Additional shade tree plantings in this area will add significant depth to the screening.
- All buffer areas should be in separate tracts controlled by the property owners association.
- Phase 2 includes the stormwater pond that is proposed to accommodate runoff from the commercial project as well as for residential area runoff. How is this timing to be addressed if the commercial parcel precedes either Phase 1 or Phase 2?
- The public park area in Phase 1 shows a stormwater pond as included. If this pond serves residential development it needs to be outside of the park area.
- When the final subdivision plan is presented, the applicant needs to include the proposed park improvements in that design. According to the development agreement, the park to be dedicated to the Town.
- The tree protection analysis needs to identify historic trees and specimen trees to be preserved and to be removed. All historic trees and a minimum of 50% of specimen trees must be preserved.
- The stormwater retention ponds seem to have a significant impact in terms of trees proposed for removal. Section 7.11.04 B directs that stormwater facilities be located and designed to minimize tree removal. The plan needs to be reviewed with this outcome in mind. For example Tract B4, a dry retention pond, calls for the removal of trees that should be easily avoided.
- The plan generally needs to be reviewed to minimize tree removal.
- An official wetlands determination has not been done for the parcel. This will be required for the final subdivision plan.
- Wetland and lakefront buffers are shown but not dimensioned. Section 3.02.03 specifies a 25-foot buffer to wetlands and a 50-foot buffer to buildings and impervious surfaces. The 50-foot buffer requirement excludes wet retention ponds.

- There is a shoreline protection zone of 50-feet from the landward extent of wetlands and shoreline. Docks and piers are excepted.
- Residential rear yard setbacks need to be sufficient to allow for the Town's 10-foot setback for swimming pools along with the pool itself. The Town has been requiring a 25-foot setback to accommodate pools. The lots as proposed do not meet this requirement. If the lot designs are to be retained, then the deed restrictions need to state that pools and other accessory structures are not allowed.
- Why is there a difference in setbacks for the cottage homes not on CR-48? The setback proposal generally seems to be too small to conform to Town Council policies.
- The minimum floor area per unit is 1,800 square feet per the development agreement.
- Garage setbacks are to be recessed a minimum of 5-feet from the building front façade per the development agreement.
- Does the project propose one-car or two-car garages? If one-car garages are proposed, what alternatives are proposed for additional parking demand?
- The Town has a wellhead protection requirement which needs to be considered and clearly marked on the plans.