

## MEMORANDUM

**TO:** Howey-in-the-Hills Development Review Committee  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Mission Rise Proposed Development  
**DATE:** August 4, 2023

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The Mission Rise project is a 243 acre parcel located to the south and the west of the Hilltop Groves project. Mission Rise was approved in the early 2000s for 400 single-family units on 75 x 100 foot lots. This project approval expired in 2017. This proposal is the second effort at obtaining a development agreement for development of the site. The property is designated as Village Mixed Use by the comprehensive plan, and any zoning approval has to be consistent with that land use classification and the applicable policies from the comprehensive plan.

This development group held a pre-application meeting with the Town's development review committee in December, 2022 and submitted a development proposal in April, 2023. Comments were provided to the applicant by the development review committee, and this submittal is the follow up proposal to the April submittal.

### Mission Rise Parcel Data

The subject parcel is reported as being 241.3 acres, with wetlands accounting for 60.3 acres of the property. There are no surface waterbodies reported. The property is accessed from SR 19 at Revels Road and from Number Two Road east of Silverwood Lane. Revels Road extends through the southern portion of the subject property eventually connecting to Orange Blossom Road. The property also abuts the Hillside Groves development (The Reserve) which has proposed interconnections with the subject property.

The concept plan submitted with the application package calls for a residential development of 592 units with two amenity centers. All development is proposed as single-family residences with lot widths proposed at 75 feet and 55 feet. The 55-foot-wide lots are the predominant lot type with the 75-foot lots proposed at the project perimeter along Silverwood Lane and along the southern part of the parcel. The plan identifies three phases of proposed construction but does not identify the number of dwelling units by lot size for either the entire project or for each phase. The plan includes a proposed bicycle path within the central collector right-of-way extending

through the project from SR 19 to Number Two Road. Supplemental pedestrian paths are proposed at locations throughout the project. The project site includes an active eagle nest, and the plan provides buffer zones around the nest.

### **Village Mixed Use Criteria**

The Village Mixed Use classification has a set of specific criteria the development must meet. These are set out in Policy 1.1.1 and Policy 1.1.2 of the Future Land Use Element. Policy 1.1.4 includes essential information on open space and density calculation and Policy 1.2.2 sets out the minimum open space requirements. The criteria for VMU are reviewed below:

1. Residential development can occupy a maximum of 85% of the net land area of the project. (Net land area is the total land area of the project less wetlands and waterbodies. In this case the net land area is reported as approximately 153 acres.) The maximum allowable land area to be devoted to residential development is 130 acres. The submittal states that the project allocates 129 acres to residential use.
2. Non-residential development must occupy 15% of the net land area but not more than 30% of the net land area. In previous development plans for the subject property, it was accepted that the property does not have reasonable commercial development potential, but other options for non-residential use are available. For example, a church site could be proposed. In one previous submittal the Town agreed to allow the land area devoted to a regional bicycle facility to count towards the non-residential component, and the current submittal appears to be offering that option again.

In this case the proposed regional bicycle trail is located within the central collector road right-of-way and is not specifically an allocated land use. The project requires 23 acres of non-residential use. The applicant claims to meet this requirement by providing a civic use site (1.2 acres), community amenities (3.6 acres), a regional park (8.3 acres), and stormwater ponds (7.7 acres). More definition is needed to determine whether the regional park is a qualified use. Most of the park area falls within the eagle nest buffer area, and no information has been provided about proposed recreation and park uses. The stormwater pond allocation also needs to be further reviewed to determine if it qualifies as a non-residential use. If the use supports residential development, then it should be counted as residential land.

3. A minimum of 5.0% of the non-residential land area of the project needs to be devoted to public/civic buildings. (1.14 acres required.) Again, this could be a church site, or it could be community center buildings or similar buildings open to the public and devoted to civic activities. The concept plan proposes a civic use site along the SR 19 frontage. The specific use is not declared, and the site is not integrated into the overall project design.

4. Public recreation area is required at a minimum of 10% of the usable open space. (Open space that is not wetland or waterbodies). This requirement is calculated at a minimum of 3.0 acres. Two neighborhood parks totaling one acre have been identified and the proposed regional park is identified at 8.3 acres.
5. Total open space is required to be a minimum of 25% of the project area. Wetland areas may account for only half of this requirement. Required open space is calculated on the gross project area or 60.8 acres in this case. Total open space is reported as 65.4 acres or 27% of the project area. Stormwater ponds can only count toward the open space requirement if they are designed as natural pond areas and supported with trails. The proposal does show walking trails located with pond areas.

### Summary:

The project meets the basic limits for the maximum allowable residential development and generally with the minimum open space requirement. The civic use requirement can be met with the site proposed if the site is integrated into the overall project design. The compliance with park standards requires additional clarification as to the proposed regional park. The non-residential project component also needs additional clarification as the allocation of stormwater ponds to this requirement seems inappropriate. This conclusion was clearly stated in our April 6, 2023 report.

### **PUD/Development Agreement**

The applicant has provided a draft development agreement along with the updated concept plan. Section 4.10.09 of the land development code lists the minimum items that need to be included in the conceptual plan package. A review of this code section notes the following deficiencies:

- 4.10.09 A. The developer's name was not shown on the concept plan document.
- 4.10.09 N. The number of units by type and lot size for the project and each phase were not shown.

### **Traffic Impact Assessment**

The Town has approved a methodology for the traffic study and is awaiting the report. In addition to the standard traffic analysis, the study should take note and comment on Number 2 Road. The road is substandard in width and to the extent that this affects the road capacity this should be noted and included in the traffic study. Note also that Number 2 Road is prescriptive right-of-way for most of its length, and this may affect any study recommendations regarding widening.

### **Environmental Considerations**

In reviewing the proposed plan, the Town will need to consider whether the full clear zone around the eagle's nest should be preserved rather than allowing residential development within the 660-foot area. The application states that the buffer areas are

in accord with federal guidelines. For any proposed development within the 660-foot area documentation should be provided to demonstrate compliance with the guidelines.

As noted previously, the proposed regional park needs to be further detailed with regard to planned improvements and how these improvements comply with federal eagle nest protections.

As an alternative, staff suggests excluding development from the central area around the wetlands core. While few homes are proposed for this area, the plan shows excavating upland areas for stormwater retention. These are some of the most heavily treed areas on the site and should not be removed to support a function that can easily be located elsewhere on the site. The development in this area should be limited to the collector road crossing. A sketch of the subject area has been attached. A tree survey will be required for each phase of the project as it is presented for preliminary subdivision approval. Trees within areas designated for preservation will not need to be surveyed or considered for replacement under the Town's tree protection requirements.

### **Concept Plan Comments**

1. Actual lot sizes are a policy decision for the Planning Board and Town Council to approve. Please note that the Town has not been approving lot widths below 75 feet across recent project submittals, and at least some members of Council will have difficulty with 75-foot wide lots.
2. The plan could take better advantage of the terrain by locating the multi-use trail outside of the collector road right-of-way when possible. This placement will open the door for consideration of the trail as a component of the non-residential area requirement.
3. Lake County will require additional right-of-way for Number Two Road and will be the permitting agency for the intersection and other external road improvements.
4. Access points for vehicular use are appropriately located, with the following notes.
  - Revels Road will need to be improved from the project boundary to the intersection with Orange Blossom Road.
  - The connection with Hilltop Groves will need to be coordinated with the Hilltop Groves development plan to ensure the connection is in the proper location. The Town is currently reviewing a final subdivision plan which will specifically locate the connector road.
  - The Revels Road connection at SR 19 will need to be coordinated with the Hilltop Grove development plan.
5. The design of the major collector needs to plan for a median and turn lanes at intersections. The two cross-section provided do not include a landscaped median area. Where properties have direct access from the collector road, periodic openings can be provided.

6. Where a lot must access from the central collector road, the lot sizes need to be larger than 55-foot wide to minimize the number of driveways in this segment.
7. The on-street parking proposal needs to be reviewed with regard to placement of the parking. Based on the cross-sections the road width could vary from block to block which might be confusing.
8. Where 55-foot lots are proposed, access should be from an alley to avoid a continuous garage-scape street view. Paired one-way alleys may be workable.
9. Is there any intent to consider housing options such as assisted living or nursing home? Providing a potential site for these types of uses might be another way of meeting the non-residential land area requirement.
10. The parcel has an opportunity to create a significant park area in the open space adjacent to Wetland Area 1 and link with bicycle and pedestrian trails.
11. Each neighborhood area should contain some type of appropriate park facility. Why does phase 2 and phase 3 have a neighborhood park but none is proposed in phase 1? Why do phases one and three have an amenity center while phase 2 does not?
12. The civic use parcel needs to be fully integrated into the project design. As shown there is no internal access to the parcel, and there is no assurance that access can be provided from SR 19.
13. The plan appears to show wetland impacts in the northern section along what looks to be a ditch line. Is this in fact wetland area?
14. There also appears to be a wetland impact on the parcel proposed for the Phase 1 amenity center. If this is in fact a wetland impact, it needs to be preserved as it cannot be filled to create building sites.

### **Development Agreement Comments**

The following comments are offered on the proposed development agreement. These relate to planning issues and other comments may be offered for engineering, legal and other reasons.

1. Page 3 of the agreement proposes a minimum street frontage of 20 feet. The code requires a minimum of 30 feet for lots on cul-de-sacs and curves to ensure that adequate area is available for driveway connections. The lots must meet the minimum lot width at the building line. Staff sees no reason to vary from the code minimum standard.

2. Page 3 proposes maximum lot coverage of 80%. A calculation of actual lot coverage based on the proposed lot areas and setbacks estimates the lot coverage for 55 x 120 lots at 51% and for the 75 x 120 lots at 53%. There should be no need to allow lot coverages in excess of 60%.
3. Page 3 refers to rear setbacks as shown on the conceptual use plan. Rear building setbacks need to be a minimum of 25 feet to allow adequate room for swimming pools and pool decks when the Town's 10-foot setback for swimming pools is applied.
4. The paragraph on wastewater service on page 4 should be modified to allow for other treatment options than exclusively negotiating with the CDD. Current Town policy supports other options.
5. The paragraph on the option for the Town to commit to oversizing utility lines needs to allow more time. There is no reason to artificially terminate this option within three months of approval of the agreement. The deadline for the Town to seek oversizing lines should be tied to the final subdivision approval for each phase of the project. Allowing oversizing of lines at this point allows for more time for the Town to adequately assess overall service needs while still allowing for the adjustment of engineering design to support increased pipe sizing.
6. With regard to reclaimed water service, the agreement needs to state that potable water will not be used for irrigation.
7. The reference on page 5 to connection of the project street network with adjacent property needs to state, "shall be provided". The Town will provide for coordination of the location of interconnections of the street network.
8. The development agreement language in Section 2 page 7 needs to be amended to include standards regarding what constitutes a major amendment. Major amendments would include changes to the conceptual street layout, changes in lot types and sizes, changes in land uses or changes in the allocation of land uses within the project.

## Discussion Issues

Lot Size Proposal: As noted in the comments provided last April, the Town has not been approving projects with lot sizes below a 75-foot lot width. The applicant is welcome to seek approval for any project allowed by the code, but the applicant needs to be aware of the emerging Town Council policies whereby lots in the 75-foot width range have only been supported where there are other significant gains available to the Town.

The applicant may want to consider including some other larger size lots to provide an "estate lot" option, especially at the perimeter of the project.

Sewage Treatment Options: The current Town policy supports the Town entering the sewer plant business rather than relying solely on the CDD facility as only source of treatment capacity. The applicant should certainly continue to negotiate with the CDD with regard to obtaining sewer service, but the applicant may wish to consider discussions with Town regarding including a sewage treatment plant as part of the Mission Rise project.

Tree Protection Considerations: Emerging Town policy is also stressing tree protection through the avoidance of clearing large swaths of treed areas to support new residential development. The comment provided in this report regarding the central area of the site reflects this policy. The applicant should also review the site layout and determine if there are options to coordinate the placement of site elements such as park areas with site areas where there are concentrations of trees.

Village Mixed Use Compliance: The project as proposed still has not fully complied with the 15% non-residential land area requirements. While this site has some limitations in trying to meet this requirement, and some progress has been made since the last submittal, more discussion is needed.

Trails Network: The central trail complies with the Town's bicycle and pedestrian plan. While the Option 1 layout with the 10-foot multi-use trail for walkers and less skilled cyclists is an important element, expanding the trail to 12-feet in width will add to the safety and experience. The trail network should look to link the walking paths around the various retention ponds will enhance the entire system. At one point the trail seems to switch sides of the collector road. Is there a reason for this?

