



Planning & Zoning Board Meeting

December 21, 2023 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

CALL TO ORDER ROLL CALL

BOARD MEMBERS PRESENT:

Board Member Alan Hayes | Board Member Richard Mulvany | Board Member Ellen Yarckin | Board Member Shawn Johnson | Board Member Frances Wagler | Vice-Chair Ron Francis III | Chair Tina St. Clair

STAFF PRESENT:

Sean O'Keefe, Town Manager | John Brock, Town Clerk | Tom Harowski, Town Planner | Tom Wilkes, Town Attorney

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. Consideration and Approval of the November 16, 2023, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Johnson to approve the Consent Agenda; seconded by Board Member Mulvany. Motion approved unanimously by voice-vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

Nay: None

PUBLIC HEARING

2. Consideration and Recommendation: **Mission Rise Development PUD Rezoning Submittal**

Town Planner, Tom Harowski, introduced and explained this item. Mr. Harowski reviewed his staff report with the Board. Mr. Harowski explained that the project included 499 single-family homes with lots measuring 55' x 120' and 75' x 120'.

Mr. Harowski summarized that the applicants have presented a conceptual plan that meets the minimum Village Mixed Use requirements as presented in Future Land Use Policy 1.1.1 and that the proposed development agreement includes setbacks that address the issues related to onsite parking and adequate area to accommodate accessory structures.

Mr. Harowski explained to the Board that there were three options before the Board. Those options included: recommending approval of the proposed development as submitted; recommending denial of the proposed application (based on a failure to comply with Policy 1.1.2 regarding community character, the addition of traffic to road segments that are projected to fall below the level of service standard [even though the road segments will still fail without the project], failure to comply with Policy 1.2.6 on the allocation of residential density in the community, and/or other findings that the Planning Board may determine); or recommending a conditional approval providing the project make some changes.

Chair St. Clair asked the applicant to introduce themselves and give their presentation to the Board. Jonathan Huels (Attorney for the applicant) introduced himself and the group of applicant representatives. They included Jason Humm (Owner Representative), Jacqueline St. Juste (Engineer), Charlotte Davidson (Transportation Planner), Mark Ausley (Biologist), Jack Caldwell (Landscape Architect), and Alexis Crespo (Planner). Ms. Crespo gave the applicant's presentation to the Board.

Board Member Yarckin quoted proposed changes to the Town's Comprehensive Plan that would require developers to have at least 50% of all Single-Family Residences to have a minimum area of 10,800 square feet and the applicant's biggest lots were only 9,000 square feet. Mr. Huels stated that this is a policy under consideration and has not yet been adopted and the applicant has been working with the existing regulations.

Chair St. Clair open Public Comment for this item only.

Eric Gunesch, 448 Avila Place – Mr. Gunesch stated that he wanted a recommendation of denial until the applicant comes back with a site plan that follows the Town's MDR-2 zoning requirements.

Greg Kiffer, 11348 Valley View Dr., Howey-in-the-Hills (unincorporated Lake County) – Mr. Kiffer had questions about school concurrency. Mr. Kiffer was concerned about the traffic getting worse in the area.

Frank Martinez, 10400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez stated that he appreciated the applicant's consideration as it relates to the connection to Orange Blossom on the south side of the project but does not think it is enough. Mr. Martinez stated that he wanted a recommendation for denial.

Nathaniel White, Owner of Contours Landscaping Solutions – Mr. White was concerned about the flow of traffic around his business and wanted an access to the neighborhood through the south side of his property.

Janice McLain, 109 S Lakeshore Blvd. – Ms. McLain stated that she thought her 65' wide lot that she lives on is too small and that she wanted the Board to make a recommendation of denial.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline stated that Florida is no longer a paradise due to growth. Mr. Everline stated that he believed the lots were too small and that Number Two Rd. may not be fixed in 10 years. Mr. Everline stated that he wanted a recommendation for denial.

Ken Dunsmoor, 9950 Orange Blossom Rd., Howey-in-the-Hills (unincorporated Lake County) – Mr. Dunsmoor stated that he did not think they could stop people from exiting out onto Orange Blossom Rd. and he was not in favor of this proposed development.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated that he thinks 100% of all future lots should be at least 10,800 square feet and reminded the audience that he had stated this in a recent Town Council Meeting. Councilor Miles stated that he thought the Town’s staff was dragging their feet on getting the Town’s Comprehensive Plan amended.

Councilor Miles stated that he will make a motion in a future Town Council meeting to put a moratorium on building within the Town if they cannot come get this developer to change their path.

Councilor Miles asked the Planning and Zoning Board to reject this proposal. Councilor Miles stated that this proposal would not get his vote and that it would not get several other Councilors’ votes.

Sandy Russ, 6813 Lakeview Dr. Yalaha, FL. – Mrs. Russ stated that she did not think Number Two Road could handle more traffic. Mrs. Russ wanted to know what employment opportunities this development would bring. Mrs. Russ stated that the board should not recommend approval.

Chair St. Clair closed Public Comment for this item.

Mr. Huels addressed several points from the public’s comments.

Board Member Wagler stated that Number Two Rd was a major concern and was dangerous. Board Member Wagler stated the Planning and Zoning Board and Town Council were in favor of restoring larger lot sizes for the Town.

Board Member Mulvany said that the Town Planner has told developers to look at lot sizes and to look at keeping traffic off of Number Two Rd. and developers have yet to come back with larger lots. Board Member Mulvany stated that 55’ x 120’ was an unacceptable size for a lot.

Vice-Chair Francis stated that his 1/4-acre lot was too small and 55’ x 120’ lot was also too small.

Mr. Wilkes explained that the property that the Board was reviewing was currently zoned as PUD and without an active Development Agreement the owners could not develop their land. Mr. Wilkes explained that there had to be a negotiated agreement between the Town and the landowner. Mr. Wilkes explained that the Town cannot refuse to give the landowners a Development Agreement, and that there needed to be a reasonable negotiation. The Planning and Zoning Board was tasked with making a recommendation to the Town Council.

Board Member Wagler asked if the applicant had secured wastewater rights yet. Mr. Huels stated that they had not yet, but that the Development Agreement would have a time frame to allow for them to secure the rights.

Board Member Yarckin stated that she liked the clubhouse and the trail head, but she only wanted to allow them to have 250 homes in the development.

Board Member Wagler made a motion that was seconded by Board Member Yarckin. Board Member Wagler moved that the Planning and Zoning Board recommend approval of Ordinance 2024-001 and the Village Mixed Use PUD for Mission Rise only if the proposed Development Agreement is modified to include:

- 1) 80% of the residential lots can be no smaller than 1/4 acre in size (10,890 sq feet) – the remainder of the lots can be 75' lots as proposed by the applicant.
- 2) Access to Number Two Rd can be constructed but cannot be open to access until Phases 1 and 2 have been completed and access to Number Two Rd shall be constructed and ready to open before a certificate of occupancy is issued for 50% of the lots in Phase 3.

3) The open space area between Phase 2 and Phase 3 shall be redesigned to eliminate the drainage ponds (as recommended in the Town Planner's staff report).

Board Member Hayes made a motion to amend the current motion to require 100% of all the residential lots to be 1/4 acre lots. There was no second to his motion to amend the standing motion, so the motion to amend died.

Motion made by Board Member Wagler; seconded by Board Member Yarckin. Board Member Wagler moved that the Planning and Zoning Board recommend approval of Ordinance 2024-001 and the Village Mixed Use PUD for Mission Rise only if the proposed Development Agreement is modified to include:

1) 80% of the residential lots can be no smaller than 1/4 acre in size (10,890 sq feet) – the remainder of the lots can be 75' lots as proposed by the applicant.

2) Access to Number Two Rd can be constructed but cannot be open to access until Phases 1 and 2 have been completed and access to Number Two Rd shall be constructed and ready to open before a certificate of occupancy is issued for 50% of the lots in Phase 3.

3) The open space area between Phase 2 and Phase 3 shall be redesigned to eliminate the drainage ponds (as recommended in the Town Planner's staff report).

Motion was approved by roll call vote.

Voting

Yea: Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

Nay: Board Member Hayes

3. Consideration and Recommendation: Ordinance 2023-013 Comprehensive Plan Amendment - Future Land Use Element

Town Planner, Tom Harowski, introduced and explained this item. Mr. Harowski reviewed his staff report with the Board. Town Attorney, Tom Wilkes, explained that this Ordinance would amend the Town Comprehensive Plan and would create limitations on future Town Councils.

Mr. Harowski said that, if you limit the lot size too much, the developers would not be able to create amenities to their developments.

Board Member Yarckin stated that she wanted a moratorium on all development within the Town until after the Town changes its Comprehensive Plan and LDC.

Chair St. Clair open Public Comment for this item only.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated that three developers had already taken advantage of the Town. Those three developments were filled with affordable housing due to the small lot sizes. Councilor Miles stated that he had provided 12 pages of recommendations for amendments to the Comprehensive Plan and LDC. Councilor Miles submitted those recommendations in June of 2023. Councilor Miles had stated that many of the recommendations were designed to create larger setbacks.

Councilor Miles reminded everyone that the Talichet neighborhood had no amenities and narrow streets. Councilor Miles also stated that he wanted to get rid of PUDs in the Town.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that Mission Inn was not what it was, people do not like the small lots in Las Colinas and people cannot get tee times on the golf course because there are too many people living there. Mr. Everline stated he had met with a Talichet resident that told him that they didn't like cars parked on the street in their neighborhood.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated he wanted a High Density Residential (HDR)-1 and a HDR-2 zoning category to be created. Councilor Miles wanted to know if the Planning and Zoning Board had received all of the Comprehensive Plan and Land Development Code (LDC) comments that the Town Councilors had created and submitted to Mr. Harowski. Many of the Planning and Zoning Board members stated that they had not and would like a copy of them.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann suggested that the Town should create rules that only allow parking on one side of the road to make it easier for emergency vehicles to travel through the Town. Mr. Husemann was also concerned that, if the Town did not allow PUDs in the future, it would remove potential for new parks.

Greg Kiffer, 11348 Valley View Dr., Howey-in-the-Hills (unincorporated Lake County) – Mr. Kiffer stated that, with the size of homes these days, 1/4 of an acre lot may not be big enough.

Chair St. Clair closed Public Comment for this item.

Board Member Wagler reviewed Policy 1.2.6 and recommended striking the current version and rewriting it. After discussion by the Board, it was decided Policy 1.2.6 should be changed to the following:

Reorientation of Residential Densities. The Town may allow lot sizes smaller than one-fourth acre (10,890 sq. ft.) only in the following locations: areas in or adjacent to the Town center (e.g., the Town central commercial district) and areas abutting major arterial road corridors such as state roads and county roads, not neighborhood roads with higher traffic counts and areas abutting commercial or industrial land uses. The Town shall require single family residential lots in all other areas to be one-fourth of an acre (10,890 sq. ft.) or larger.

Motion made by Board Member Wagler to strike through the original Policy 1.2.6 and amend it to the above listed policy; seconded by Board Member Hayes. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

Nay: None

Motion made by Board Member Hayes recommend approval of the amended Ordinance 2023-013; seconded by Board Member Johnson. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

Nay: None

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

Any person wishing to address the Planning and Zoning Board and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles thanked the Planning and Zoning Board for their hard work.

Janice McLain, 109 S Lakeshore Blvd - Mrs. McLain stated that there was a stop sign and a Do Not Enter sign posted before an alleyway in front of her house. Mrs. McLain stated that no one pays attention to the signs, and she wanted them removed. Sean O’Keefe, Town Manager, said that he would speak with Mrs. McLain after the meeting.

BOARD COMMENTS

Board Member Mulvany stated that he wanted the Board to discuss a letter that the Town had received from Lake County in reference to Number Two Road and he wanted it added to the next Board Meeting’s agenda.

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Yarckin to adjourn the meeting; Vice-Chair Francis III seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:12 p.m. | **Attendees: 38**

Tina St. Clair Chairperson

ATTEST:

John Brock, Town Clerk