



Town Council Meeting

March 11, 2024 at 6:00 PM

Howey-in-the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:01 p.m.
Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.
Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

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

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lannamañ to approve the meeting's agenda; seconded by Councilor Lehning. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish 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.

Mayor MacFarlane asked to have the agenda item #2 Notice of Denial (Asma Project), pulled from the Consent Agenda and discussed.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the February 12, 2024 Town Council Meeting.
2. Consideration and Approval: **Notice of Denial** (Asma Project)

Town Attorney, Tom Wilkes, gave a quick explanation of the Notice of Denial (Agenda Item #2). Mr. Wilkes explained that that State Law requires municipalities to send a notice to property owners when the municipality denies requests such as Comprehensive Plan changes and Rezoning requests. Mr. Wilkes stated that, in addition to attending and listening to the Town Council's discussion at the February 12, 2024, hearing, he had reviewed the proposed minutes for the February 12, 2024, Town Council Meeting and his own notes from the hearing to infer the Town Council's legal authority for denying the requested Comprehensive Plan changes and Rezoning request.

Mr. Wilkes stated his conclusion that the Town Council's findings and legal grounds for denial of the requested comprehensive plan change, and rezoning were the following:

1. *Changing the future land use designation of the subject property to "Neighborhood Commercial" would result in an intrusion of incompatible and inconsistent nonresidential land use into an historic residential neighborhood. Granting the designation would be inconsistent with and would violate Policies 1.2.3 and 1.4.10 of the Future Land Use Element of the Town's Comprehensive Plan. The proposed nonresidential use would comply with the Comprehensive Plan if located in the designated commercial area along Central Avenue, in compliance with Future Land Use Policy 1.4.10.*
2. *Rezoning the subject property to Neighborhood Commercial would be inconsistent with the future land use designation of "Medium Density Residential," in violation of sections 163.3194 and 163.3202 of Florida Statutes. Also, a commercial use of the subject property would increase risk to the safety of vehicular traffic due to the material limitations on sight distance for traffic exiting from Citrus Avenue on to Palm Avenue southbound.*

Mayor Pro Tem Gallelli stated that she agreed with the proposed Notice of Denial as it was written.

Motion made by Mayor Pro Tem Gallelli to approve both items in the Consent Agenda; seconded by Councilor Miles. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

PUBLIC HEARING

3. Discussion: (second reading) **Ordinance 2024-001 Mission Rise PUD Rezoning**

Town Attorney, Tom Wilkes, read Ordinance 2024-001 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING FOUR PARCELS OF LAND LOCATED GENERALLY IN THE SOUTHWEST PART OF THE TOWN AND COMPRISING THE PROPOSED PLANNED UNIT DEVELOPMENT TO BE KNOWN AS "MISSION RISE" ON AN L-SHAPED AGGREGATE OF ABOUT 243.3 ACRES WEST AND SOUTH OF THE DEVELOPMENT KNOWN AS "THE RESERVE AT HOWEY-IN-THE-HILLS" (NOW ALSO KNOWN AS "HILLSIDE GROVES"), WITH PART OF THE LANDS BEING SOUTH OF NUMBER TWO ROAD AND EAST OF SILVERWOOD LANE AND OTHER PARTS OF THE LAND BEING WEST OF STATE ROAD 19 AND SOUTH OF REVELS ROAD, THE FOUR PARCELS BEING IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER ALTERNATE KEY NUMBERS 1780616, 1780811, 1030421, AND 3835991; AMENDING THE TOWN'S ZONING MAP TO APPROVE PLANNED-UNIT-DEVELOPMENT (PUD) ZONING FOR THE PARCELS; PROVIDING FINDINGS OF THE TOWN COUNCIL; APPROVING PUD ZONING FOR THE PARCELS, WITH DEVELOPMENT TO BE GOVERNED BY A DEVELOPMENT AGREEMENT AND A

REVISED CONCEPTUAL LAND USE PLAN AND BY THE TOWN'S LAND DEVELOPMENT CODE AND OTHER TOWN ORDINANCES GOVERNING THE DEVELOPMENT OF LAND; REPEALING PRIOR ORDINANCES AND SUPERSEDING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report with the Town Council.

Mayor MacFarlane asked the applicant's representatives to introduce themselves and give their presentation. The team representing the applicant consisted of Jonathan Huels (land use attorney representing the applicant), who introduced the team for the applicant and asked Rhea Lopes (project planner) to give the applicant's presentation.

Ms. Lopes explained that the applicant has reduced the proposed unit number of lots in the development from 499 to 439. Ms. Lopes highlighted that the applicant was also raising the proposed lot widths from 55' to 60' and 75' to 80'.

Mayor MacFarlane opened Public Comment for this item only.

Tom Ballou, 1005 N. Tangerine Ave. – Mr. Ballou was not in favor of the proposed development as he did not feel it was compatible with the current developments within the Town.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch was not in favor of this development and urged the Town Council to deny.

Mayor MacFarlane closed Public Comment.

Councilor Lehning asked why the Ordinance was rezoning the land from a PUD to a PUD. Mr. Wilkes explained that the original PUD for this development had expired and that a new PUD would be required.

Councilor Miles stated that the original PUD had only allowed 400 units.

Motion made by Councilor Miles to approve Ordinance 2024-001 Mission Rise PUD Rezoning, subject to the following conditions:

- 1. All minor changes must go through the Planning and Zoning Board for recommendation and approved by the Town Council.**
- 2. At least 20% of the lots in the PUD must be at least 10,800 square feet and the remaining 80% of the lots must be at least 9,600 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.**
- 3. Setbacks – Front setback shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.**
- 4. The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 441 square feet, and the maximum dwelling size 4,600 square feet under air.**
- 5. The maximum impervious lot coverage shall be 50%.**
- 6. For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).**
- 7. The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.**
- 8. In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.**

9. **In the landscape requirement of the Development the street trees (in buffer/public areas) shall be a minimum of 3” caliper.**
10. **Street lighting shall be set to intervals of 250 feet.**
11. **The height of residential structures may not exceed 35 feet or 2 stories.**

Mr. Huels stated that there were several significant changes from the original PUD to the proposed PUD. Aside from asking for a higher unit count in the PUD, the developer was proposing several amenities, while the original PUD proposed no amenities. Also, the original PUD did not have a 90’ wide collector road going through it. Mr. Huels stated that providing for those changes would require more than 400 units to be economically feasible.

Councilor Lehning asked if the Town would be due another traffic study for this project. Mr. Wilkes stated that the developer has proposed that, rather than producing future traffic studies, the developer will build a roundabout intersection at Revels Rd. and SR 19.

Mayor MacFarlane stated that she thought the proposed roundabout intersection was a real benefit for the Town and that she thought the developer had done a good job with their proposal.

Councilor Miles’ motion was seconded by Mayor MacFarlane.

Mr. Huels stated that his clients might be willing to accept a Development Agreement with all of the items except for item #2. Mr. Huels was concerned about the proposed lot sizes and was not sure if the proposed lot sizes would work financially or not. Mr. Huels asked for more time so that his team and their client could review the numbers prior to the Town Council voting on this item.

Mr. Wilkes stated that the Town Council could continue this item to a future date even with a motion pending.

Motion made by Mayor MacFarlane to continue this item to the March 25, 2024, Town Council Meeting. Motion to continue this item to the March 25, 2024 Town Council Meeting was approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

4. Consideration and Recommendation: **Lake Hills Shopping Center - Variances**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report with the Town Council.

Mayor MacFarlane announced at 7:56 p.m. that the Town Council would take a short recess. Mayor MacFarlane brought the Town Council out of recess at 8:04 p.m.

Mr. Harowski explained that the applicant was requesting a variance from LDC 7.04.02, which would have required foundation plantings on all sides of a commercial building and LDC 7.05.01 (C) which requires landscape divider islands between abutting rows of parking. Mr. Harowski explained that at the February 22, 2024, meeting, the Planning and Zoning Board had recommended denial of the requested variances.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he saw no reason to grant the request variances.

Mayor MacFarlane closed Public Comment.

Craig Buchanan (WindCrest Companies), representative for the applicant, and David Stokes (Madden, Moorhead, and Stokes), Project Engineer, introduced themselves. Mr. Buchanan stated that the variances were not about the money, it was about convenience to the future customers. Mr. Buchanan stated that the required foundation plantings and landscape divider island would be trip hazards.

Mayor MacFarlane stated that she thought the initial proposals were good and that the variances were warranted.

Councilor Lehning stated that the number one cause of injury for seniors was tripping and that the required dividers in the parking lot was a bad idea.

Motion made by Councilor Miles to approve the variance requests; seconded by Mayor MacFarlane. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

5. Consideration and Recommendation: **Lake Hills Shopping Center - Preliminary Site Plan**

Tom Harowski, Town Planner, reviewed his staff report on this item in its entirety. Mr. Harowski stated that the applicant will have to show their sewer plans when they submit their final construction plans to the Town.

Mr. Harowski explained that the February 22, 2024, Planning and Zoning Board had recommended approval of the proposed Preliminary Site Plan, with the following 10 conditions:

1. *Redesign of the parking lot layout to include landscaped medians between facing rows of parking stalls (Section 7.05.01) unless the requested variance is approved. The applicants are proposing a design with no medians between rows of parking stalls.*
2. *Foundation plantings around buildings (Section 7.04.02) be provided unless the requested variance is given.*
3. *Perimeter buffers of 10-feet or 15-feet as required be provided along the north side of the parent parcel and along the perimeter of each proposed outparcel. The applicant has agreed to this condition.*
4. *A 10-foot landscaped buffer be provided along the interior parcel lines between the parent parcel and the outparcels. The applicant has agreed to this condition.*
5. *In areas where existing trees are to be retained, no grade change or only minor grade change be allowed to support the tree preservation. Tree preservation areas are along the east side of Outparcel A and the south property line of Outparcel C, so preservation should be reasonably completed. The applicant is proposing removal of seven trees to allow for the driveway construction alongside Outparcel C. The applicant has agreed to this condition.*
6. *The access point to Outparcel C from the entrance drive be shifted further north. The applicant has agreed to this condition.*

7. *The sidewalk on SR 19 in front of Outparcel C be constructed with any improvements to Outparcel C. The sidewalk is required of the applicant, but the timing is being adjusted to allow for the final resolution of the SR-19 and CR 48 intersection. The applicant has agreed to this condition.*

8. *The applicant needs to calculate the "fair share" cost of its impact on the SR-19 and CR-48 intersection and provide the payment for use in intersection improvements. Design and construction will be coordinated with FDOT and Lake County.*

9. *The applicant needs to provide an adequate guarantee for improvements to the east entrance of the project from SR 19. This guarantee can be done in conjunction with the residential development component. These improvements are solely project related and the funding contributions need to be assured if the intersection upgrades do not occur with the initial construction. The traffic study recommendations suggest signalization may not be warranted with the initial project phases.*

10. *The applicant will provide at its cost the access controls required by FDOT for SR-19 and Lake County for CR-48 as part of their respective permitting process. These items will include turn lanes, deceleration lanes, and other access controls and, if necessary, right-of-way required by the permitting agencies.*

Mayor MacFarlane opened Public Comment for this item only. Seeing no public comment, Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve the proposed Preliminary Site Plan, subject to conditions 3 through 10 from the Planning and Zoning Board's recommendation; seconded by Councilor Lannamañ. Mr. Wilkes stated that condition item #9 would need to be resolved during the Final Site Plan submittal. Councilor Miles added Mr. Wilkes' suggestion. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

OLD BUSINESS

None

NEW BUSINESS

6. Consideration and Approval: **Cedar Creek Water Agreement**

Town Attorney, Tom Wilkes, stated that the property owners for the proposed Cedar Creek development were asking the Town Council to grant them a contract right to potable water for their development from the Town. Mr. Wilkes reminded the Town Council that the Cedar Creek Development was not within the Town's borders nor was it contiguous to the Town's borders and could not currently be annexed into the Town but still wanted water service. Mr. Wilkes stated that this was the first time that the Town had gotten a major development outside of the Town's borders which was not eligible for annexation, asking for potable water service from the Town.

Mr. Wilkes stated that the Town Council had policy choices before them. The first item Mr. Wilkes thought that the Town Council would need to address is if the Town Council was willing to serve potable water to developments outside of the Town. The second item that the Town Council would

need to address is whether the Town Council was willing to reserve capacity for future use of developments outside of the Town's borders. The third item that may need to be addressed would be: if the Town Council did want to allow reservation of potable water capacity, how much did the Town Council want to charge for this reservation? Mr. Wilkes stated that the developer of Cedar Creek suggested that they deposit 10% once they get final engineering approvals from Lake County. Mr. Wilkes suggested that, if the Town did want to reserve this capacity, it should charge 100% of the capital costs up front to allow the developer to reserve its potable water capacity.

Mr. Wilkes recommended tabling this agenda item to a future Town Council meeting to allow the Town Manager time to review this item and come up with some recommendations. Mr. Wilkes further recommended that, if the Town Council did decide that they would allow reservation of this capacity, the agreement for this reservation needed to have a stipulation that the development would voluntarily annex into the Town the moment that the development became contiguous to the borders of the Town.

Tim Loucks, representative for the Cedar Creek Developer, gave a history of the Cedar Creek development. Mr. Loucks stated that they were working with Lake County to develop a neighborhood with 110 homes. Mr. Loucks stated that the developer was proposing to fully pay for the cost of running water from the Town to their neighborhood. Mr. Loucks also stated that, if the property becomes contiguous prior to Lake County approving their final engineering plans, they would annex into the Town. Mr. Loucks stated that the City of Groveland would take a 10% non-refundable deposit to reserve water capacity, and they were proposing that the Town of Howey-in-the-Hills also do this.

Councilor Miles stated that he wanted the Town Attorney and Town Manager to draft a more favorable agreement. Mayor MacFarlane stated that she thought the Town would need to do a capacity analysis prior to any vote to reserve capacity for neighborhoods outside of the Town.

Mayor MacFarlane opened Public Comment for this item only. Seeing no public comment, Mayor MacFarlane closed Public Comment for this item.

Motion made by Mayor Pro Tem Gallelli to table this agenda item to the May 13, 2024, Town Council Meeting; seconded by Mayor MacFarlane. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

7. Consideration and Approval: (First Reading) **Ordinance 2024-004 Fireworks Regulations**

Motion made by Councilor Miles to table this agenda item to the March 25, 2024, Town Council Meeting; seconded by Mayor MacFarlane. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

8. Consideration and Approval: **Scheduling the Second May 2024 Town Council Meeting**

Town Clerk, John Brock, explained that the regularly scheduled date for the second May Town Council meeting would fall on Monday, 5/27/2024 (Memorial Day). Mr. Brock recommended either canceling the second May Town Council Meeting or moving the meeting to Tuesday 5/28/2024.

Motion made by Councilor Miles to move the second May 2024 Town Council Meeting to Tuesday 5/28/2024; seconded by Mayor MacFarlane. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

DEPARTMENT REPORTS

9. Town Hall

This report was included in the meeting's packet.

10. Police Department

This report was included in the meeting's packet.

11. Code Enforcement

This report was included in the meeting's packet.

12. Public Works

This report was included in the meeting's packet.

13. Library

This report was included in the meeting's packet.

14. Parks & Recreation Advisory Board / Special Events

None

15. Town Attorney

None

16. Finance Supervisor

This report was included in the meeting's packet.

17. Town Manager

Sean O'Keefe, Town Manager, reminded the Town Council of a workshop meeting that would occur on March 12, 2024, and about the Town's Easter Egg Dash event on Saturday, March 30, 2024.

COUNCIL MEMBER REPORTS

18. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

19. Councilor Lehning

Councilor Lehning stated would not be able to go to the April 25th MPO meeting and asked Mayor MacFarlane to attend in his stead. Councilor Lehning stated that the FDOT work on the SR 19 sidewalks would begin in July.

20. Councilor Miles

Councilor Miles stated he, Mr. Wilkes, and Mr. O’Keefe were speaking with Scott Line (representative for the Central Lake CDD) about their additional wastewater treatment capacity.

Councilor Miles stated that the Town had received the results from the engineering coring study, which showed no problems with building a park at the Peak Park parcel (the Town’s old landfill site). Councilor Miles stated that he would like to see the Town move forward with negotiations with the Lynch family about the Town building a park at the Peak Park site and naming it after the Lynch family in exchange for the family donating a 5-acre parcel of land off of Number Two Road.

21. Councilor Lannamañ

Councilor Lannamañ had questions from several constituents in Venezia about Code Enforcement letters that have gone out to them in relation to trees. Town Clerk, John Brock, suggested that the Town Council look at recommendations that it had made during a September 2022 Town Council meeting that had never been codified. Mr. Brock suggested that these recommendations could be added into a proposed Land Development Code (LDC) amendment that the Town Council was reviewing. Those changes to the LDC would assist the Town and its residents with this tree issue that it was having.

Councilor Lannamañ stated that many residents are concerned about a water quality test that the Town had failed. James Southall, Public Utilities Supervisor, stated that Florida Department of Environmental Protection had acknowledged that the test failure was a lab error and that the Town had passed the last two water quality tests.

22. Mayor MacFarlane

Mayor MacFarlane had nothing to report.

PUBLIC COMMENTS

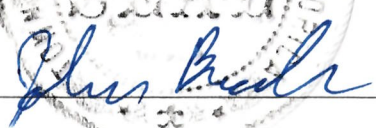
Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann thanked Mr. Brock for his explanation of the tree issue that he had given during Councilor Lannamañ’s report.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilor Lehning to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:20 p.m. | **Attendees: 40**

ATTEST:


John Brock, Town Clerk



Mayor Martha MacFarlane