



Planning & Zoning Board Meeting

**March 24, 2022 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

MEMBERS PRESENT:

Tina St. Clair - Chairperson | Ron Francis III – Vice Chairperson | John Manning | Richard Mulvany | Frances O'Keefe Wagler

STAFF PRESENT:

Sean O'Keefe - Town Administrator (via Zoom) | John Brock - Town Clerk | Victoria Elfers - Building Services Clerk | Tom Harowski - Town Planner (via Zoom) | Azure Botts – Code Enforcement Officer

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.

1. Consideration and Approval of the February 24th, 2022, Planning and Zoning Board Meeting minutes.

Motion made by Vice Chairperson Ron Francis III to approve the agenda; Board Member John Manning seconded the motion. Motion was approved unanimously by voice vote.

PUBLIC HEARING

None.

OLD BUSINESS

None.

NEW BUSINESS

2. Consideration and Recommendation: Shawn Johnson Planning & Zoning Board Applicant

Chairperson Tina St. Clair asked Mr. Shawn Johnson to come up to the podium to introduce himself to the Planning and Zoning Board.

Mr. Johnson provided background information; and stressed he wants to lend a voice to the Talichet residents and the Howey-In-The-Hills community.

Chairperson Tina St. Clair asked Mr. Johnson if he had participated in civic volunteerism in previous communities he has resided in.

Mr. Johnson explained he has not been involved previously but he is inspired to be a civil servant to the Howey-In-The-Hills community.

Motion made by Board Member Richard Mulvany for recommendation of approval to Town Council; seconded by Board Member John Manning. Motion was approved unanimously by voice vote.

3. Consideration and Recommendation: Sheldon Lucien Planning & Zoning Board Applicant Town

Chairperson Tina St. Clair asked Mr. Sheldon Lucien to come up to the podium to introduce himself to the Planning and Zoning Board.

Mr. Lucien provided background information; and informed the board he had not come across a community quite like the Town of Howey-In-The-Hills; and that he is interested in its constructional growth.

Board Member John Manning asked Mr. Lucien if he was an architect.

Mr. Lucien explained that he specializes in network architecture—wireless and internet infrastructure.

Motion made by Board Member Frances O'Keefe Wagler for recommendation of approval to Town Council; seconded by Vice Chairperson Ron Francis III. Motion was approved unanimously by voice vote.

4. Consideration and Approval: Annual Selection of Board Chair and Vice-Chair

Chairperson Tina St. Clair asked Town Clerk John Brock to review.

Town Clerk John Brock explained that annually, during the month of March, a Chair and Vice-Chair must be selected. He reviewed the duties of each position; and encouraged the board to make their selection.

Board Member Frances O'Keefe Wagler asked Mr. Brock if board members must be selected annually as well.

Mr. Brock clarified that board members are appointed to three-year positions.

Motion made by Vice Chairperson Ron Francis III for recommendation to elect Tina St. Clair as Chairperson; seconded by Richard Mulvany. Motion was approved unanimously by voice vote.

Motion made by John Manning for recommendation to elect Ron Francis III as Vice Chairperson; seconded by Richard Mulvany. Motion was approved unanimously by voice vote.

Town Clerk John Brock clarified that the final approval will be completed by Town Council during their next meeting.

5. Consideration and Approval: Biscayne single-family model A, B, and C with alternate floor plans for use in Talichet Phases 1 and 2

Chairperson Tina St. Clair asked Town Planner Tom Harowski to review.

Town Planner Tom Harowski reviewed the newly proposed model via Dream Finders, explained that it meets the Land Development Code requirements, and that he recommended for approval.

The board viewed the model plans on Town Hall smart board.

Vice Chairperson Ron Francis III asked Tyler Williams, Permit Technician of Dream Finders, the square footage difference between the Biscayne model compared to the models built in Talichet: Venezia North currently.

Town Planner Tom Harowski answered that it is over 2200 sq ft.

Motion made by Board Member John Manning for recommendation of approval; seconded by Board Member Richard Mulvany. Motion was approved unanimously by voice vote.

6. Consideration and Approval: Applicant is seeking approval for location of a residential storage shed per Section 5.01.09 F of the Town's Land Development Code

Chairperson Tina St. Clair asked Town Planner Tom Harowski to review.

Board Member, Richard Mulvany, explained that he had previously done work for this property owner, consulted with the property owner about this item, and recused himself from voting on this item.

Town Planner Tom Harowski informed the board that the property owner, David Grant at 135 West Magnolia Avenue, purchased and installed a 10 x 10 residential storage shed without first obtaining a building permit. The Town's Code Enforcement Officer, Azure Botts, notified the property owner that a permit is required, and the property owner agreed to purchase the permit. When the permit application was reviewed, it became clear that the site does not include a location that easily accommodates a shed in full conformance with Section 5.01.09 of the land development code.

The board members viewed an ariel image of the triangular property with the possible shed locations labeled as "A", "B", and "C". Location "A" is the front plane of West Magnolia Ave, location "B" is the front plane of West Cypress Ave, and location "C" is the corner plane of West Cypress Ave and West Magnolia Ave.

Code Enforcement Officer Azure Botts reasoned location "B" would be too close to the home's entrance. Officer Botts then referred to pictures she took of the property and the shed in question.

The administrative applicant, David Grant of 135 West Magnolia, claimed he has submitted various permit applications; and called Town Hall and was informed by Town Staff that a permit is not required if there isn't a concrete slab for the shed to be placed upon. He informed the board he asked surrounding

neighbors if they had any issues with the shed's installation location. Mr. Grant requested that the shed remain in the same location—location "A", due to safety, privacy, and aesthetic reasons.

Board member Frances O'Keefe Wagler exclaimed location "C" is preferable.

Board member John Manning rationalized location "A" is the best area.

Motion made by Board Member John Manning for recommendation of approval for Mr. Grant's residential storage shed in its current location; seconded by Vice Chairperson Ron Francis III. Motion was approved unanimously by voice vote.

CITIZEN 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.



No public comment.

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Frances O'Keefe Wagler to adjourn the meeting; Ron Francis III seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 6:38 p.m. | **Attendees: 15**

ATTEST:



John Brock, Town Clerk


Tina St. Clair Chairperson

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Mulvaney Richard Riley</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PNZ Housing in the Hills</i>	
MAILING ADDRESS <i>308 DuPont Circle</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Hawkeye the Hills</i>	COUNTY <i>Lake</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>March 24th 2022</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Mulvaney, hereby disclose that on ~~April 10th~~ March 24th, 2022:

(a) ☒ A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

He had previously been a client and inured to me to build a shed in that location.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 5th 2022
Date Filed

Richard P. Mulvaney
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.