



## Planning & Zoning Board Meeting

October 03, 2024 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

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### MINUTES

Vice Chair Wagler called the meeting to Order at 6:00 PM.

#### **ROLL CALL**

#### **MEMBERS PRESENT:**

Board Member Joshua Husemann | Board Member Alan Hayes | Board Member Richard Mulvany | Board Member Ellen Yarckin | Board Member Shawn Johnson | Vice Chair Frances Wagler

#### **MEMBERS ABSENT:**

Chair Tina St. Clair

#### **STAFF PRESENT:**

Sean O'Keefe, Town Manager | Tom Harowski, Town Planner | John Brock, Deputy Town Manager/Town Clerk

#### **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 August 22, 2024, Planning and Zoning Board Meeting minutes.

**Motion made by Board Member Hayes to approve the Consent Agenda; seconded by Board Member Husemann. Motion approved unanimously by voice vote.**

#### **Voting**

**Yea:** Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler

**Nay:** None

#### **PUBLIC HEARING**

2. Consideration and Recommendation: **Whispering Heights Rezoning to MDR-2**

Town Planner, Tom Harowski, gave a short history of the Whispering Heights project. Mr. Harowski stated that the 2018 rezoning request (which would have rezoned the property from MDR-1 to MDR-2) was not properly completed. Mr. Harowski stated that the Town Attorney had reviewed the situation

and had stated that, since the 2018 Rezoning application was never approved or executed, all subsequent approvals (such as the Preliminary Subdivision Approval) were invalidated. Mr. Harowski reviewed his Staff Report with the Board.

Vice Chair Wagler asked for a representative for the applicant to come forward, introduce themselves, and make their presentation. Clay Frankel, representative for Red Jacket Development Group, came forward and spoke. Mr. Frankel stated that he believed the rezoning to MDR-2 should be an administrative action (even though the original 2018 request was never approved or executed) because the Town had approved a Preliminary Subdivision Plan since then which referenced the development being MDR-2. Mr. Frankel stated that this project started in 2005.

Vice Chair Wagler opened Public Comment for this item only.

**Tim Everline, 1012 N. Lakeshore Blvd.** – Mr. Everline stated that the meeting’s packet did not include subdivision specifics, which he felt it should have. Mr. Everline stated that he believed that, regardless of the rezoning request, he believed that the subdivision would still be required to connect to sewer.

**Jim McIlvaine, 23822 N Buckhill Rd.** – Mr. McIlvaine stated that his family had moved here 5 years ago and urged all to think of why they moved here.

Vice Chair Wagler closed Public Comment.

Board Member Yarckin stated that she believes the sewer system is outdated, and that Venezia was promised reclaim water and has never received it. Board Member Yarckin stated that she believed anything less than 1/3 of an acre was too small.

Board Member Hayes stated that he believed there was a market for larger homes and larger lots. Board Member Hayes stated that he thought it would be acceptable for the larger lots on the lake to be on septic systems.

Board Member Husemann asked, if the development was approved for the zoning change, which version of Land Development Code (LDC) requirements they would have to follow (since the Town had recently amended its LDC. Mr. Harowski stated that the developer would have to follow the new LDC.

Mr. Frankel stated that he believed that this was an overlooked administrative task and that the Town should approve his rezoning request. Mr. Frankel stated that his development group had undertaken a lot of expenses for engineering for the recent Final Subdivision Plans that they had commissioned.

**Motion made by Board Member Mulvany to recommend denial of Ordinance 2024-011 to the Town Council; seconded by Board Member Hayes. Motion approved by a roll call vote.**

#### **Voting**

**Yea:** Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Vice Chair Wagler

**Nay:** Board Member Husemann, Board Member Johnson

### **OLD BUSINESS**

### **NEW BUSINESS**

### **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.*

**Tim Everline, 1012 N Lakeshore Blvd.** – Mr. Everline stated that he did not believe that the rezoning request was an administrative task.

**Paul Hoar, 503 Mission Ln.** – Mr. Hoar stated that he believes that, if the 2018 rezoning had occurred, that someone would have had a copy.

**BOARD COMMENTS**

Board Members Hayes stated that the applicant for the rezoning request had waited over 6 years from their previous rezoning request.

Board Member Husemann was concerned that, if the developer doesn't get their rezoning from MDR-1 to MDR-2, they may be able to use septic instead of being required to hook to sewer. Town Manager, Sean O'Keefe stated that this septic or sewer requirement was a legal question, and he would investigate it.

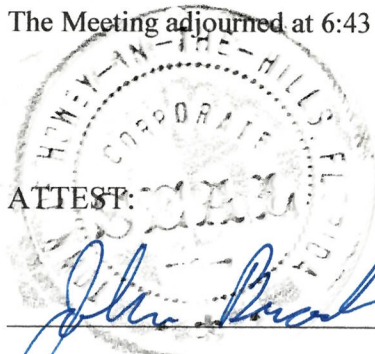
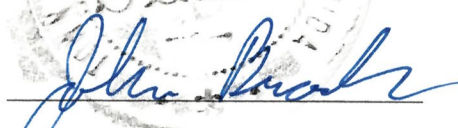
Board Member Mulvany stated he agreed with Mr. Everline's comments earlier in the meeting and thought the Planning and Zoning Board should have received the current site plans for the proposed development.

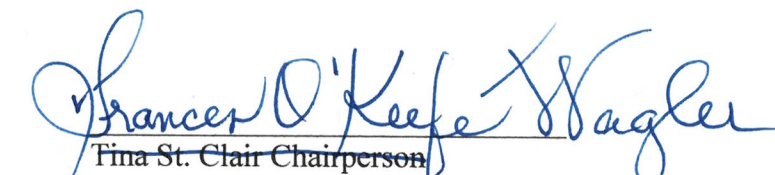
Board Member Yarckin wondered why this zoning discrepancy had not been discovered sooner.

**ADJOURNMENT**

**There being no further business to discuss, a motion was made by Board Member Hayes to adjourn the meeting; Board Member Mulvany seconded the motion. Motion was approved unanimously by voice vote.**

The Meeting adjourned at 6:43 p.m.

ATTEST:   
  
John Brock, Town Clerk

  
Tina St. Clair Chairperson  
FRANCES O'KEEFE WAGLER  
VICE - CHAIR