



Planning & Zoning Board Meeting

September 26, 2024 at 6:00 PM

Howey-in-the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/89659406796?pwd=nwaQbe52KbybadjZXcy11FSsppgXWJ.1>
Meeting ID: 896 5940 6796 | **Passcode:** 147323

AGENDA

CALL TO ORDER ROLL CALL

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.

PUBLIC HEARING

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

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.

BOARD COMMENTS

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as

Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STTS) and Enhanced Speech to Speech.

NOTICE: ONE OR MORE COUNCILORS MAY BE PRESENT TO HEAR OR PARTICIPATE IN DISCUSSION REGARDING MATTERS WHICH MAY COME BEFORE TOWN COUNCIL FOR ACTION.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: Planning & Zoning Board Meeting

Time: Sep 26, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/89659406796?pwd=nwaQbe52KbybadjZXcy1lFSsppgXWJ.1>

Meeting ID: 896 5940 6796

Passcode: 147323

Dial by your location

+1 646 558 8656 US (New York)

+1 720 707 2699 US (Denver)

+1 346 248 7799 US (Houston)

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Passcode: 147323

Find your local number: <https://us06web.zoom.us/j/kdOxX7qyk1>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.



Planning & Zoning Board Meeting

August 22, 2024, 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:

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

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Harowski, Town Planner | Tom Wilkes, Town Attorney | John Brock, 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 May 23, 2024, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Husemann to approve the May 23, 2024, Planning and Zoning Board Meeting minutes; seconded by Board Member Mulvany. 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

2. Consideration and Approval of the June 27, 2024, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Yarckin to approve the June 27, 2024, Planning and Zoning Board Meeting minutes; seconded by Board Member Johnson. 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, Chair St. Clair
 Nay: None

PUBLIC HEARING

3. Consideration and Recommendation: **Ordinance 2024-002 LDC Amendments**

Town Attorney, Tom Wilkes, read Ordinance 2024-002 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND DEVELOPMENT; PROVIDING FINDINGS AND DETERMINATIONS OF THE TOWN COUNCIL; AMENDING THE TOWN'S LAND DEVELOPMENT CODE (LDC) TO REVISE PROVISIONS GOVERNING "MEDIUM DENSITY RESIDENTIAL-1" (MDR-1), "MEDIUM DENSITY RESIDENTIAL-2" (MDR-2), AND PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, EMPHASIZING LOT-SIZE AND OPEN-SPACE REQUIREMENTS; ADDING NEW "HIGH DENSITY RESIDENTIAL-1" (HDR-1) AND "HIGH DENSITY RESIDENTIAL- 2" (HDR-2) ZONING DISTRICTS AND THE RESTRICTIONS AND REQUIREMENTS THAT GOVERN LAND USE WITHIN THOSE DISTRICTS; AMENDING MISCELLANEOUS PROVISIONS OF OTHER ZONING DISTRICTS; CHANGING ALL REFERENCES TO "MAYOR" TO READ "TOWN MANAGER"; AMENDING SECTION 10.00 TO LIMIT PUD ZONING DISTRICTS TO LAND OF 100 ACRES OR MORE; AMENDING SUBSECTION 4.10.1 TO SPECIFY THE FORM AND MANNER IN WHICH CONDITIONS OF APPROVAL FOR PUD ZONING WILL BE MEMORIALIZED; ENACTING SUBSECTION 4.13.05 TO SPECIFY REQUIREMENTS FOR APPROVING VARIANCES; REVISING SUBSECTION 4.15.00 REGARDING PROCEDURAL REQUIREMENTS FOR AMENDMENTS TO THE LDC; AMENDING NUMEROUS REQUIREMENTS IN CHAPTER 7 OF THE LDC GOVERNING SIDEWALKS, CANOPY TREES, LANDSCAPE BUFFERS, ROOT BARRIERS, AND RELATED SEPARATION DISTANCES; ENACTING NEW SUBSECTION 7.10.02 TO CLARIFY TREE REQUIREMENTS IN RESIDENTIAL DEVELOPMENT; AMENDING TABLE 8.03.02 REGARDING REQUIREMENTS FOR LOCAL ROADS; AMENDING PARAGRAPH 8.05.01.3 TO SPECIFY REQUIREMENTS OF OWNERSHIP, OPERATION, AND MAINTENANCE OF WASTEWATER AND RECLAIMED-WATER SYSTEMS IN NEW DEVELOPMENTS; ENACTING PARAGRAPH 8.06.01D TO SPECIFY LIMITATIONS ON EXTERIOR LIGHTING NEAR RESIDENTIAL PROPERTIES; ENACTING SUBSECTION 8.08.02 TO SPECIFY REQUIREMENTS FOR APPROVALS OF RECREATIONAL AMENITIES IN NEW DEVELOPMENTS; TRANSFERRING SUBSECTION 8.10.0 TO NEW SUBSECTION 1.06.07 WITHOUT CHANGE; AMENDING SUBSECTION 10.02.03 TO SPECIFY THAT ROAD IMPROVEMENTS FOR NEW DEVELOPMENT TO MEET CONCURRENCY REQUIREMENTS MUST BE CONSTRUCTED AT NO COST TO THE TOWN; ADDING AND AMENDING NUMEROUS DEFINITIONS IN SUBSECTION 1.12.00 TO CONFORM AND COMPLEMENT SUBSTANTIVE AMENDMENTS IN OTHER SECTIONS OF THE LDC; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Planner, Tom Harowski, introduced and explained this agenda item. Mr. Harowski began by recommending that Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map be included in the amendment to the Land Development Code (LDC).

Board Chair St. Clair recommended that in Section 1.06.02 B, any references to Town Mayor be changed to Town Manager. There was a consensus from the Board to include this recommendation.

Mr. Harowski began the discussion on Chapter 2 of the LDC. Mr. Harowski stated that the Town may have the most issues in the future with proposed changes to its MDR-2 zoning.

Board Chair St. Clair stated that in LDC 2.02.04 (E) (2), the garage minimum size was listed at 400 square feet, and she was unclear if it was meant to be listed at 400 or 440 square feet. Board Member Husemann stated that in LDC 2.03.03 (B) (13) townhomes had a minimum garage square footage of 441 feet.

Board Member Mulvany stated that increasing the minimum garage square footage from 400 to 440 square feet would increase the cost of the of the house between \$8,000 and \$9,000.

Motion made by Chair St. Clair to recommend that the Town’s minimum garage square footage be set to 400 square feet; seconded by Board Member Husemann. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler, Chair St. Clair

Nay: None

Board Chair St. Clair stated that under MDR-1 zoning standards, in LDC 2.02.04 (D) (8), the street side yard setback was not listed in the Ordinance with 12.5 feet just having a strikethrough.

Motion made by Chair St. Clair to recommend that the Town’s MDR-1 street side yard setback be set to 12.5 feet; seconded by Board Member Mulvany. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler, Chair St. Clair

Nay: None

Mr. Harowski stated that it would be better to have the Agricultural (AG) have its minimum square footage of principal dwelling size set at a numeric number rather than having it mirror another zoning designation

Motion made by Board Member Mulvany to recommend Agricultural (AG) Zoning have a minimum square footage for its principal dwelling be set at 1,500 square feet; seconded by Board Member Hayes. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler, Chair St. Clair

Nay: None

There was a discussion on proposed changes to minimum dwelling size for SFR, MDR-1 and MDR-2.

Motion made by Chair St. Clair to recommend going back to the original minimum square footages for SFR, MDR-1, and MDR-2 for require minimum dwelling size; seconded by Board Member Husemann. Motion approved by a roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Johnson, Chair St. Clair
Nay: Board Member Yarckin, Vice Chair Wagler

Mr. Harowski spoke about how changing all of the LDC requirements will make many of the historic lots in in “Old Howey” in the MDR-2 Zoning area be not conforming and would require more variance requests in the future because of this. Mr. Wilkes suggested that a Grandfather clause could eliminate the need for many future variances and he recommended that this be considered.

Motion made by Board Member Husemann to recommend that the Town Attorney create a Grandfather Clause for LDC requirements, for already platted or built on lots within MDR-2 zoning for the Town and that street side, side setback for both MDR-1 and MDR-2 be set to 12.5 feet; seconded by Board Member Hayes. Motion approved by a roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Johnson, Vice Chair Wagler, Chair St. Clair
Nay: Board Member Yarckin

There was a lengthy discussion on the remaining LDC chapters, but no recommendations for change or action.

Chair St. Clair open Public Comment for this item only. Hearing no comments, Public Comments were closed for this item.

Motion made by Chair St. Clair to recommend Ordinance 2024-002 to the Town Council with the previously voted recommended amendments to the Ordinance; seconded by Board Member Husemann. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler, Chair St. Clair
Nay: None

OLD BUSINESS

None

NEW BUSINESS

- 4. Consideration and Approval: **Fiscal Year 2024-2025 Planning & Zoning Board Meeting and DRC Meeting Schedules**

Motion made by Board Member Johnson to approve the Fiscal Year 2024-2025 Planning & Zoning Board Meeting and DRC Meeting Schedules; seconded by Board Member Hayes.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Vice Chair Wagler, Chair St. Clair
Nay: 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.

None

BOARD COMMENTS

Town Planner, Tom Harowski, told the Board that the Evaluation and Appraisal Report (EAR) process amendments were nearly ready to come back up before the Board. He stated that he would try to have this ready for the Board to make its final recommendation for their September meeting.

Mr. Harowski announced to the Board that he was resigning as Town Planner effective October 1, 2024.

ADJOURNMENT

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

The Meeting adjourned at 8:15 p.m.

Tina St. Clair Chairperson

ATTEST:

John Brock, Town Clerk



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Whispering Heights Rezoning Request
DATE: September 12, 2024

On July 5, 2024 the Town received an application from Red Jacket Development Group to rezone the Whispering Heights property from MDR-1 to MDR-2 based on a determination by the Town's legal staff that the same rezoning request considered in 2018 was never properly completed. The Whispering Heights (nee Whispering Hills) project has a long history with the Town stretching back to the early 2000s, and a brief history of the project's movement through the review process may be helpful in the Planning Board's effort to provide a recommendation to Town Council. Ultimately there are three options the Board may consider.

Whispering Heights History

The Original Project: The original project was approved (2007) for 107 lots under the MDR-1 zoning standards. The proposed subdivision would use private streets to allow for a gated community. The plan was to use Town water but allow septic tank use for sewer for the 107 lots. The project was on hold during the recession, but in 2013 the plan was revived with applications for preliminary subdivision approval and final subdivision plan approval as required by the Town land development code. The Town Council approved the final subdivision plan on December 9, 2013. At this point in time the development had the basic approval needed to proceed with construction of subdivision improvements.

The Rezoning: In 2018, the developers proposed an alternative plan to rezone the property from MDR-1 to MDR-2 which would allow for lots of 9,000 square feet rather than the 15,000 square foot lots required by MDR-1. The MDR-2 zoning would allow for a project expansion from 107 units to 156 units. The primary trade-off for the rezoning and increased unit total was an agreement to connect the entire project to the Town's sewer system. The applicant also committed to retaining larger lots along the lakefront. The rezoning request was considered by the Planning Board in August and September of 2018. The request was forwarded to the Town Council for consideration.



At this point, the proposed ordinance (2018-008) to effect the rezoning was considered by the Town Council for adoption at their November 13, 2018 meeting. The available Town records do not show a final action on the rezoning or a revised development agreement. However, the developer and the Town proceeded as if the rezoning had been fully completed. The official zoning map was updated to show the MDR-2 zoning as current and the applicant proceeded with both preliminary and final subdivision designs.

The records issue was discovered when the final subdivision plan was presented to the Town Council for approval, when the Town staff was asked to confirm the zoning. After a review of the records by the Town Clerk and the Town Attorney, a ruling was given that due to the lack of confirming documentation, the MDR-2 zoning was never properly completed and therefore the current zoning is MDR-1.

Subdivision Design: With the parties to the project believing the 2018 zoning request had been properly completed, the applicant proceeded with a preliminary subdivision plan based on the MDR-2 zoning. This plan was approved by Town Council in October

2020. A final subdivision plan was subsequently prepared for Planning Board consideration in June, 2024 and presented to the Town Council in July 2024. At this point the issues with final zoning actions arose and the final subdivision plan was placed on hold. Seeking to revisit the MDR-2 zoning change, the developer filed an application for rezoning on July 5, 2024.

The Rules Change: On August 26, 2024, the Town Council approved a package of zoning revisions that included changes to the MDR-2 zoning district. The minimum lot size for MDR-2 property was increased from 9,000 square feet to 10,890 square feet. Should the Town Council approve a rezoning to MDR-2, the change in lot size will require the preliminary and final subdivision plans to be redesigned to the larger lot size. The project will still be required to connect to the Town's sewer network.

Rezoning Options

The Planning Board has three options to recommend to the Town Council based on the history of the project, the previous MDR-2 zoning rules and the revised MDR-2 zoning rules.

- Option 1: Recommend denial of the rezoning and leave the MDR-1 zoning in place. This option will likely have the project revert to its original design.
- Option 2: Recommend rezoning to MDR-2 with the current lot size of 10,890 square feet. Option 2 will allow some increase in total lots above the original 107 lots but the total project size will be less than the 156 lot design.
- Option 3: The Board could recommend the Town Council rezone the property to MDR-2 under the old rules based on the application for rezoning having been submitted prior to the adoption of the current rules. This option would allow the 156 lot design to proceed.

All of these options would be consistent with the future land use designation of Medium Density Residential.

ORDINANCE NO. 2024-011

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2) APPROXIMATELY 70.15 ACRES OF LAND LOCATED EAST OF THE NORTHERNMOST SEGMENT OF NORTH BUCKHILL ROAD AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER’S PARCEL NUMBERS 36-20-25-0004-000-00900, 36-20-25-0001-000-01000, AND 36-20-25-0004-000-01500, AS WELL AS BY ALTERNATE KEY NUMBERS 3564219, 3877787, AND 3907438; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. In enacting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida (“Town Council”), declares the following findings, purposes, and intent:

- (1) Red Jacket Development Group LLC, and Bredco Development Group now own the 70.15 ± acres of land that is to be developed as the project known as Whispering Heights.
- (2) The land is located east of the northernmost segment of North Buckhill Road and is identified by the Lake County Property Appraiser’s parcel numbers 36-20-25-0004-000-00900, 36-20-25-0001-000-01000, and 36-20-25-0004-000-01500 and by AltKey numbers 3564219, 3877787, and 3907438 (“Property”).
- (3) The owners have requested a change in the zoning of the Property from Medium Density Residential 1 (MDR-1) to Medium Density Residential 2 (MDR-2).

(4) The Town Council determines that rezoning the Property from MDR-1 to MDR-2 is consistent with both the Town’s Comprehensive Plan, as amended, and the Town’s Land Development Code (“LDC”), as amended.

Section 2. Amendments to the Official Zoning Map. The Town Council hereby amends the Official Zoning Map to change the zoning of the Property from Medium Density Residential 1 (MDR-1) to Medium Density Residential 2 (MDR-2).

Section 3. Severability. If a provision of this ordinance is declared by a court of competent jurisdiction to be void or unenforceable, all the remaining provisions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict between this ordinance and other ordinances existing as of the date of this enactment, this ordinance shall control and supersede.

Section 5. Codification. The amendments to the Official Zoning Map in section 2 of this ordinance shall be codified and made part of the LDC for the Town of Howey-in-the-Hills.

Section 6. Effective Date. This ordinance takes effect upon its enactment.

ORDAINED AND ENACTED this 28th day of October, 2024, by the Town Council of the Town of Howey-in-the-Hills, Florida.

[Signatures on the following page]

ORDAINED AND ENACTED this 28th day of October, 2024.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**

By: its Town Council

By: _____
Hon. Martha MacFarlane, Mayor

Attest:

John Brock, Town Clerk

Approved as to form and legality
(for the use and reliance of the Town only)

Thomas J. Wilkes
Town Attorney

Planning and Zoning Meeting held **September 26, 2024**

First Reading held **October 14, 2024**

Second Reading and enactment **October 28, 2024**

Advertised **September 16, 2024** and **October 18, 2024**

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