

## MEMORANDUM

**TO: HOWEY-IN-THE-HILLS DEVELOPMENT REVIEW COMMITTEE**  
**CC: D. BURKE TOWN CLERK; APPLICANT**  
**FROM: THOMAS HAROWSKI, AICP, PLANNING CONSULTANT**  
**SUBJECT: MISSION RISE PUD SUBMITTAL**  
**DATE: DECEMBER 21, 2018**

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The following comments are based on the submittals dated November 29, 2018 and comments dated November 7, 2018 provided for the November 15, 2018 DRC meeting. In addition to the comments provided, the applicant needs to:

- ❖ Review the development standards set out in the code (in particular Chapter 4, Chapter 7 and Chapter 8) to determine if there are any potential issues with compliance.
- ❖ Ensure that all proposed attachments to the development agreement, all exhibits to the agreement and the conceptual land use plan, and the full and complete conceptual land use plan is included in the submittal to the Planning Board.

### Comprehensive Plan Requirements

The November 7, 2018 memo summarized the status of the proposed project with regard to the goals, objectives and policies applicable to development within the Village Mixed Use land use classification. Of eight requirements identified, the concept plan was found to comply with six requirements. The revised concept plan submitted with the November 29, 2018 document package is sufficiently consistent with the initial submittal that compliance with these six requirements continues. The November 7<sup>th</sup> review noted that a PUD development agreement is required, and the November 29<sup>th</sup> submittal includes the original draft of a proposed agreement.

The last comprehensive plan criterion which needs to be met is the requirement for 15% of the net land area to be applied to non-residential use. This requirement has been particularly difficult to satisfy when the proposed project has little prospect for commercial development. This is the case with the proposed Mission Rise project as the site has no frontage on SR 19 other than the project entrance, and the frontage on Number Two Road is not in an area where commercial development is likely. The staff response to this concern has been to encourage the proposed project to meet the 15% requirement with civic uses such as community facilities and recreation uses above and

beyond what is required as minimum recreation facilities expected of VMU development. In the Mission Rise case the applicant has proposed a multi-use pedestrian and bicycle facility that will connect through the project linking SR 19 and Number Two Road. The staff is inclined to recommend this element of the project be considered as meeting a portion of the 15% non-residential use provided the applicant presents a calculation of the area devoted to the trail network (assume a 12-foot wide trail with some allowance for side clearance) and that a cross-section of the planned trail be included as an exhibit in the development agreement. This trail area can be combined with other planned civic facilities to meet the 15% non-residential land use allocation. The Town Council will confirm this recommendation when they consider adoption of the development agreement.

## **General Design Comments**

As noted in our earlier comments, the Town Council has at times been resistant to the approval of smaller lot sizes. Given that the proposed Mission Rise project has lots ranging from 40 feet width up to 60 feet in width, the proposed housing designs are going to be critical to creation of a residential community that is not dominated by a garage-scape street view. Single-family homes in the Town are required to provide a minimum two-car garage with at least 400 square feet of area. With a garage door at 22 feet in width on a 40-foot-wide lot with the proposed 5-foot side yard setbacks, the garage will dominate 73% of the buildable lot frontage. This percentage is 55% for the 50-foot lots and 44% for the 60-foot lots. None of these lot sizes are enough to allow for a side-entry garage. While some design standards are proposed in the development agreement, the design standards need to include specific provisions to address the dominant garage issue. These may include limitations on the percentage of the façade that may be allocated to garages; recessed garages; or other potential treatments that will serve to achieve the desired objective.

Other comments include:

- Provide a cross-section detail on the proposed trail. The Lake County Trails Plan Section 4.0 Design Standards may be consulted as a guideline for appropriate design standards.
- Section 7.02.01 of the Town's land development code details the required residential buffer along SR 19 and Number Two Road. The development agreement needs to include a detail of the proposed buffer, preferably for the full length of the buffer or through the provision of a typical section with the wall design and proposed plant material.
- The table of lots does not appear to match the lot distributions as shown on the graphics. (For example, 60-foot lots count as 176 versus 219 shown on the table.)

- Consideration should be given to adding a local park in Phase 1. The amenity center is at the extreme west end of the project making park access for many Phase 1 residential units greater than for other project areas.
- The development agreement does not include any timing commitment on the provision of the amenity center.
- The concept plan includes a statement that 50% of wetlands may count toward open space. This is incorrect. Wetlands may count for up to 50% of the minimum required open space area. All of the wetlands may be applied to overall project open space. Please correct the note.

### **Conceptual Land Use Plan – Additional Requirements**

Section 4.10.09 of the Town's land development regulations lists the content required for a conceptual land use plan. The plan as submitted needs a few additions as follows:

- B. Developer name, address and telephone number
- F. Boundary survey (electronic submittal is acceptable)
- N. Residential: minimum living areas, typical lot sketch, maximum building height, minimum parking required.
- Q Public or civic space: gross floor area, maximum building height
- V Proposed architectural style of buildings
- W. Buffer treatments and entryway treatments
- X. Note on how development will be served for potable water and sanitary sewer

### **Draft Development Agreement Comments**

The following comments are offered on the proposed development agreement. The review for planning issues ends at Item 19 as the following sections require legal review.

- Under "Recitals" the second Whereas clause needs to be completed with 2019 date.
- Under "Recitals" the sixth Whereas frames this action as an amendment and restatement of the original developer's agreement. That agreement expired in 2017, so this submittal is a new development agreement.
- In Section 4 the agreement needs to cite LDR Section 4.10.10 for the definition of substantial and non-substantial amendments to the agreement. The

terminology in the agreement should use substantial and non-substantial rather than minor modifications for maximum consistency.

- In Section 5.2, the table of values needs to be completed and it needs to be consistent with the conceptual development agreement.
- In Section 5.3, the maximum number of residential units is listed as 602, but the conceptual land use plan shows 629 units. The numbers need to agree.
- In Section 5.4 the setback for swimming pools is shown as 5-feet for the pool, pool deck and any enclosure. The Town code is 10-feet from rear lot lines. Please justify why a lesser setback is needed.
- In Section 5.5 a minimum lot size of 40 x 110 feet is indicated. This section needs to provide a table with width and length for all three proposed lot sizes as shown on the conceptual development plan. The conceptual development plan for the November 15<sup>th</sup> DRC meeting scaled the lot depth as 125 feet. Has the minimum lot depth changed from the initial proposal? If so why?
- In Section 5.6 please add a note that a two-car garage with a minimum of 400 square feet will be provided for each unit.
- In Section 5.7, is the minimum lot width at the building line of 40 feet to be applied to all lots regardless of minimum lot width? If the intention is to measure lot width at the building line, then the agreement should clearly state this.
- Section 5.11 on Building Design needs more analysis and description. Reference the previous discussion regarding mitigation of a design appearance that has dominant garages on the building frontage. Sections 4.06.02 and 4.06.03 have specific design standards that need to be incorporated into this section as well. The conceptual land use plan requirement includes the provision of architectural styles intended for the project. The proposal architectural styles need to reflect the building design standards of this section.
- Section 5.12 on model homes should be reviewed. The code limits the number of model homes for the project. If multiple builders are expected, the agreement may wish to state a number of model units that may be used by each builder.
- The blanks in Section 6 need to be filled in consistent with the conceptual land use plan calculations.
- Section 8 on Phasing shows a maximum of 684 units. All the sections of the PUD agreement need to be consistent with the conceptual and use plan.
- Section 10 lists four ingress/egress points, but the plan shows six are planned. This section needs to be consistent with the conceptual development plan.

- Section 12 on landscaping proposes a lesser standard for street trees. Any reduction in the standard needs to be justified, or the project needs to meet the code requirements. The required street tree for each lot is a 4-inch caliper and the two additional required trees are 2.5 inch caliper. Note caliper is not measured at DBH.
- In Section 12 the section should state that developer installed trees on common areas as street trees or to meet other requirements shall be installed with the subdivision improvements. This same requirement needs to apply to sidewalk installation as well. The sidewalk provision can be added to Section 11.
- Section 15 needs to note the proposed trail will be hard surface. A hard surface will minimize maintenance and maximize usage. The project needs to provide for unrestricted public access to the trail network by way of easement or some other type of dedication.
- Section 15 needs to clarify that recreation improvements will be provided at each designated park area. If the park content needs to be revised based on resident demand or other factors, the redesign can be considered a non-significant amendment.
- Under Section 16, please note the temporary signage plan shall be approved by the Planning Board.
- The development agreement needs to provide for stormwater drainage for streets and public rights-of-way to the private stormwater systems maintained by the property owners association.