

MINUTES OF THE HOWEY IN THE HILLS PLANNING AND ZONING BOARD MEETING
HELD DECEMBER 5, 2019

Chairman St. Clair called the meeting to order at 6:00 p.m.

Present: Chairman St. Clair, Vice Chairman Francis III, Member Lehning, Member Formhal

Also Present: Administrative Assistant I Tubbs and Town Planner Harowski.

CONSENT AGENDA

1. Consideration and Approval of the minutes for the September 26, 2019 Planning and Zoning Board Meeting.

Member Lehning seconded by Member Formhals move to approve. A motion carried unanimous.

PUBLIC HEARING

2. Review of and recommendation to the "Board of Adjustment" (the Town Council will be sitting as the Board of Adjustment) for a Variance Application for setbacks from the Land Development Regulations for a pool located at 423 Bellissimo Place, Lot 133

Town Planner Harowski reviewed the proposed swimming pool location and pool deck and pool enclosure location based on the two photographs of the plan that he was sent on October 14, 2019. Based on the information provided in that submittal the proposed location for the pool, pool deck and screen enclosure does not meet the code requirements. The pool should not be permitted as proposed unless a variance is obtained to allow construction in the required side yard setback.

The relevant section of the code is Section 5.01.08 Swimming Pools and Pool Enclosures. Subsection B requires a 10-foot side yard setback for any screen enclosure and a 10-foot rear yard setback for the screen enclosure. The rear yard setback meets the code as does the left side yard setback (looking at the lot from the street). The right side yard setback is shown as 5.5 feet to the edge of the pool enclosure and pool deck and therefore fails to meet the code. Subsection F requires 10 feet from any side yard to the pool and pool deck. The plan is dimensioned at nine feet to the pool edge, so this placement also fails to meet the code. Subsection D requires pool equipment to be placed at least five feet from any side yard property line. The distance to the pool equipment is not dimensioned, but given the other dimensions shown of the plan, it appears the pool equipment meets the side yard setback requirements.

John Bladek from Meritage Homes stated that the residents are 100% disabled veterans and the reason for the shift was because they can't see their grandchildren swimming. It's 100% a safety issue with them. They are not enclosing the pool, just the deck.

Public comments: None

Vice Chairman Francis III seconded by Member Formhals motion to amend to Town Council. Motion carried unanimously.

NEW BUSINESS

3.Consideration and recommendation to the Town Council the vacation of Palm Avenue behind 911 S. Lakeshore.

The Town has received a request from Mr. and Mrs. Bruce Johnson to vacate an unopened road that runs behind their property and between Lake Hills School and the Venezia Subdivision, extending from SR 19 to Revels Road. The right-of-way in question is shown on a 1924 plat (see attached copy). The applicants have not stated a specific reason for the requested right-of-way vacation; having only made the request to do so.

An examination of the right-of-way and its surroundings shows the right-of-way is bounded on the right side (east) by the Lake Hills School parcel and the applicant's property. It is bounded on the left side (west) by the Venezia South subdivision. The right-of-way abuts several tracts with varying ownership and purposes within the Venezia Subdivision. The tracts are listed below in order extending from SR 19 to Revels Road.

Tract ID	Owner	Purpose
JJ	Privately Owned	Future Development
Y	Town	Lift Station
A	Property Owners Assoc.	Conservation
MM	Privately Owned	Future Development
Lot 118	Privately Owned	Single Family Home
Lot 119	Privately Owned	Single Family Home
Lot 120	Privately Owned	Single Family Home
Tract TT	Property Owners Assoc.	Landscape Buffer
Tract B	Property Owners Assoc.	Conservation

NOTE: There is an easement across Tract JJ in favor of Progress Energy to provide access to the lift station parcel. The Town also uses this easement to access the lift station. Tracts A and B also have a conservation easement given in favor of the St. Johns River Water Management District.

When a right-of-way is vacated, the area is divided along the centerline of the right-of-way with the property owners on each side receiving 50% of the former right-of- way. Notice will be provided to each property owner to advise them of the pending action and offer an opportunity to comment on the application. Notice will also be provided to Lake County Public Works to determine if the County has any interest in the right-of-way that may require action on their part.

When considering whether to vacate a right-of-way the Town needs to consider several factors related to the current and future use of the right-of-way. In the case of a street these factors include:

- Is the street necessary to provide access to any properties?
- Is the street necessary or potentially useful in providing any other types of transportation service such as a traffic bypass, transit route, bicycle route or pedestrian route?
- Does the street contain any utilities, or could the street be used for future utility purposes?

The staff analysis will look at each of these factors.

Access Needs: All the abutting properties have access from other sources and therefore, the right-of-way is not necessary to provide access to private property.

Transportation Uses: The Town has considered options to provide sidewalk and bicycle access from the Venezia subdivision to connect to Revels Road and Lakeshore Drive as part of an effort to provide linkages between Venezia and the rest of the Town. The need for this connection was highlighted in the Bicycle and Pedestrian Master Plan completed earlier this year. With the current right-of-way connecting SR 19 to Revels Road and ultimately Lakeshore Boulevard, the Palm Avenue right-of-way seems perfectly situated to support bicycle and pedestrian transportation uses. If the right-of-way is vacated, an access easement could be retained to allow for sidewalk and bicycle facilities.

Utility Applications: It is common to use street right-of-way for a variety of utilities including water, sewer, gas and a full range of wire-based services. The right-of-way currently includes a connection from the lift station to the school property, and this connection would need to be retained. The route also appears to be a well-positioned location to connect water and sewer facilities from the southeast area of the Town to the main distribution networks as well as allowing for looping of the water distribution system. Sewer and water connections to the proposed Whispering Hills Subdivision are a good example of this type of opportunity. If the right-of-way is vacated, retention of a broad-based utility easement could provide opportunity for access to the Town's primary service networks.

Staff Recommendation

Based on the information provided, the analysis of existing conditions, and the potential uses for the existing right-of-way, the staff is recommending the Town not vacate the right-of-way. While the right-of-way is not needed for access to private property and does not contain any large-scale utilities, the right-of-way does have substantial value as a route for future utility networks and it has value as a potential route for bicycle and pedestrian facilities to serve the Venezia neighborhood and the Town as a whole. The portion of the right-of-way that would accrue to the applicant is not needed for development of their property in accordance with the RE Residential Estate zoning. Transportation and utility access could be accomplished through properly prepared easements, but this solution seems unnecessarily complex to achieve an end that essentially reflects the current situation.

Mr. Johnson stated that he bought this property to build his retirement home after being a firefighter for 25 plus years.

A lengthy discussion ensued in regards to the easements.

Member Lehning Motion to recommend to Town Council the vacation of Palm Ave. and do more research regarding the easements seconded by Vice Chariman Francis III. Motion carried unanimous.

4. Consideration and recommendation to appoint Bernice Hower, 444 Bellissimo Place to the Planning and Zoning Board. The agenda was amended to also consider and recommendation appoint Frances O'Keefe Wagler, 409 W. Central Ave. to the Planning and Zoning Board.

Bernice stated she likes living in Howey-in-the-hills and wants to be more involved in the community. Fran stated she is a Realtor and teaches real-estate and also loves Howey. Fran stated she has seen things she likes and seen things she doesn't like in planning and zoning, therefore wants to get involved.

Vice Chariman Francis III. seconded by Member Formhal to appoint Bernice Hower and Frances O'Keefe Wagler to the Planning and Zoning Board. Motion carried unanimously.

5. Update:EAR Based Comprehensive Pal Amendments.

In 2018 the Planning Board held a series of meeting over the summer and early Fall to complete amendments to the Town's comprehensive plan as part of the period review required by State law. The revisions were based on changes in the Town's needs, items that were accomplished and other factors that suggested the plan be revised. In January of 2019 the Town Council transmitted the package of proposed amendments to the Department of Economic Opportunity and other agencies for review and comment. The DEO issued their report in August of 2019 after which the Town has 180 days to adopt any proposed amendments. The Town Clerk has set January 13, 2020 as the date for the public hearing and adoption of the proposed plan amendments.

Subsequent to the State comments there are two changes that are recommended to the amendment package submitted in 2018. These changes are being provided to the Planning Board so the Town Council may have the benefit of the Planning Board's comments when they consider the final adopting ordinance.

Revision 1

The draft plan amendments as transmitted recommended deletion of Policy 1.13.1 of the Public Facilities Element related to the 10-year water supply plan. The St. Johns River Water Management District objected to the deletion of this policy as it affects coordination between the Town and the District on water supply issues. The staff had recommended deletion of the policy as staff understood the reference water supply plan had been superseded by a more recent plan. This presumption was incorrect. As a result, the staff recommends the policy be retained as suggested by SJRWMD and DEO. The policy reads as follows:

POLICY 1.13.1: *Adoption of Water Supply Work Plan. The Town hereby adopts by reference the goals, objectives, and policies in the Town's 10-year Water Supply Facilities Work Plan (2010-2020) to ensure that the*

adopted *Comprehensive Plan* is consistent with and compatible to the adopted *Work Plan*.

Revision 2

State law requires the Town to maintain a current 5-year capital improvements schedule. The last time this schedule was updated was 2017, and since an update is due, it seems convenient to include the update with current plan amendments. While the Town is “required” to update the CIP there is no sanction for failing to do so, nor is there a requirement to demonstrate that the CIP is financially feasible. However, in order to keep the Town’s comprehensive plan in compliance with State requirements, we are again proceeding with the update to the CIP based on the most recent adopted budget, and on changes that have occurred since the CIP was last updated.

While the CIP now has reduced requirements, it can and should still function as a useful planning tool by identifying desired capital improvements and focusing attention on longer term funding needs. Staff has developed a proposed five-year plan and is asking Planning Board to review the plan and make a recommendation to the Town Council on the proposal. Attached to this memorandum is a revised Table 20 that, once adopted, will be incorporated into the comprehensive plan. Adoption is done by local ordinance, and then we will send a copy of the adopted CIP to the Department of Economic Opportunity to provide evidence that the Town has met the requirement for a current five-year capital plan.

The revised Table 20 assigns capital projects to one of four areas including Public Services, Police Department, Community Facilities and Parks and Recreation. Each project is identified by title, total project cost and year or years when expenditures are anticipated. Note that the CIP Total may differ from the Total Cost for a project as some expenditures for an individual project may be projected to occur beyond the five-year window of the current CIP. In subsequent updates additional expenditures will be planned for these projects. The funding source column identifies that likely funding source or sources. The code letters refer to:

- A - Current Revenue
- B - Impact Fees
- C - SRF Loan
- D - Grants
- E - Developer Contributions
- F - Other

Please keep in mind that the CIP as presented is simply a plan for capital expenditures. It is likely that project amounts, funding sources and timing for projects will change as circumstances dictate.

The changes from the most recent five-year capital improvements plan reflect projects that have been completed; changes to existing projects; any new projects that have been identified; and modifications to projects already on the list. In most cases modifications consist of moving anticipated projects to outer years in the five-year plan when resources were not available to allow budgeting in the current year. The key changes from the latest version are as follows:

1. The Central Avenue sewer project is the major short-term project under Public Services. The project is partially funded and needs to be under way this fiscal year.
2. Water system improvements are recognized as needs but are placed in the outer years until funding and short-term needs become evident.
3. A new project item has been added to make a connection from Venezia South to Revels Road.

Member Lehning seconded by Member Formhal moved to recommend to the Twpn Council POLICY 1.13.1: Adoption of Water Supply Work Plan. The Town hereby adopts by reference the goals, objectives, and policies in the Town's 10-year Water Supply Facilities Work Plan (2010-2020) to ensure that the adopted Comprehensive Plan is consistent with and compatible to the adopted Work Plan and the revised updated to the capital improvement plan. Motion passed unanimously.

PUBLIC COMMENTS-No Comment

The meeting adjourned at 7:00 p.m.

Chairman St. Clair

ATTEST:

Debbie Tubbs
Administrative Assistant I