

## MEMORANDUM

**TO:** HOWEY-IN-THE-HILLS TOWN COUNCIL  
**CC:** D. BURKE, TOWN CLERK  
**FROM:** THOMAS HAROWSKI, AICP, PLANNING CONSULTANT  
**SUBJECT:** TALICHET PROPOSED DEVELOPMENT AGREEMENT AMENDMENTS  
**DATE:** JULY 5, 2018

---

This report is a follow up to the Planning Board meeting held June 28, 2018 regarding proposed amendments to the existing Venezia development agreement to accommodate the proposed Talichet development. The initial staff report and supplemental staff report provided by me to the Planning & Zoning Board are referenced as attachments to this report. These reports provide important information regarding the proposed project including its compliance with the comprehensive plan and the Town's land development regulations.

The Development Review Committee recommended denial of the proposed amendment based on seven reasons listed on page 9 of the primary staff report. The Planning & Zoning Board also recommended denial of application as a whole rather than reviewing each requested amendment item individually. The Planning Board's task in reviewing the application was made more difficult as the applicant presented a report at the meeting that identified items that were being requested to be amended from the current land development regulations. Some of these items have not been reviewed by the Development Review Committee as these were not included in the latest official development agreement submittal dated June 1, 2018, and other items which had been included in that June 1, 2018 submittal have been revised. Later in this report, the PUD request submitted at the Planning & Zoning Board meeting will be reviewed, but staff recommends that the Town Council not consider any request until a complete and correct draft development agreement is submitted and reviewed.

### **Staff Report Summary**

The staff report dated June 11, 2018 is a summary of meetings held with the applicant by the Development Review Committee over a period of several months to review the proposed development agreement amendments and concept plan to create the Talichet subdivision. The report discusses comprehensive plan requirements (mandatory) and requested revisions to the Town's land development regulations (discretionary based on the judgement of the Town Council). The supplemental staff report dated June 20, 2018 identifies the revisions requested by the applicant (as they

were understood at that time) in a list format to more clearly identify the decisions that need to be made. The primary staff report contains the full analysis and discussion of the application components and should be thoroughly reviewed. The most recent DRC report is attached as part of the primary staff report as this DRC report includes recommended changes and edits to the draft development agreement that are in addition to the items called out in the two staff reports. These items tend to be less significant but still are important to a complete document.

### **Applicant's Additional Report**

At several points during the review process the DRC requested the applicant submit a summary justification for every item that was being requested for variance from the land development regulations. No response was received to these requests until the evening of the Planning & Zoning Board meeting, when the applicant presented a summary table of items they were seeking to vary. As noted above, some of these requests were consistent with the most recent development agreement submittal and were reviewed by the DRC; some items were included in the most recent development agreement submittal but differed dimensionally from the submittal; and some requests were new. The following review discusses each of the items presented. This review follows the format of the supplemental staff report so as to provide a concise review tool for the convenience of the Town Council.

**Request:** Set side yard setback at 5 feet.

**Requirement Source:** Dimensional requirements for lots to be set by PUD agreement.

**Applicant Justification:** Setbacks allow for maximization of building footprint.

**Staff Comment:** This request is one of the items which differ from the official development agreement submittal. Refer to page 7 of the primary staff report for a comparison of the side yard setbacks presented in the May 7<sup>th</sup> and June 1<sup>st</sup> drafts. The June 28<sup>th</sup> request returns to the May 7<sup>th</sup> draft proposal. The key factor is to have dimensional requirements that allow for sufficient lot area to accommodate the minimum house requirements. The proposed setback is 10% of the lot width; for most standard Town zoning classifications the side yard setbacks range from 12% to 17% of the lot width.

**Request:** Reduce setbacks for pools and accessory structures to 5 feet.

**Requirement Source:** Section 5.01.03 F (accessory structures) and 5.01.08 (pools).

**Applicant Justification:** To maximize building footprint. Standard for other jurisdictions.

**Staff Comment:** The request will allow structures closer to property lines than for the Town generally. The Town Council and Planning Board have spent nearly a year researching and revising the rules for location of accessory structures, and staff is concerned that issues that have generated this review could arise again in a new subdivision. The applicant claims a 5-foot setback is standard for pools in other communities, but no comparison data was presented identifying which communities were considered in the evaluation.

**Request:** Set minimum lot width requirements at 51 feet.

**Requirement:** Current approved development agreement sets minimum lot widths at 65 and 75 feet.

**Applicant Justification:** Requires less yard maintenance and create more lots for the subdivision.

**Staff Comment:** The overall project falls within the maximum density allowed by the comprehensive plan. Minimum lot size for any individual project is a policy decision of the Town Council.

**Request:** Allow cul-de-sac to extend 1,320 feet (their measure).

**Requirement:** Section 8.02.06 (See also page 6 of the primary staff report.)

**Applicant Justification:** Was not previously required; requirement is overbearing and inconsistent with other jurisdictions.

**Staff Comment:** The DRC has previously objected to this request as it also violates the section of the code requiring a second access point. The current development agreement included a concept street plan similar to the one requested by the applicant today, but the development agreement did not address cul-de-sac length. The land development code in effect at the time the current PUD was approved set the maximum length for a cul-de-sac at 600 feet. (Reference Section 1-17.2 J 7). Again, the applicant presented no comparative data indicating what communities were used for comparison purposes.

**Request:** Eliminate median islands as landscape and traffic calming features in local streets.

**Staff Comment:** Refer to the supplemental staff report. The DRC has agreed to recommend this modification.

**Request:** Eliminated landscaped center island in cul-de-sacs.

**Staff Comment:** Refer to the supplemental staff report. The DRC has agreed to recommend this modification.

**Request:** Reduce perimeter landscaped buffer to 5 feet.

**Requirement:** Section 7.02.01 offers an option for landscaped buffers for residential projects. The option including a screening wall requires a minimum 15-foot buffer.

**Applicant Justification:** No justification is provided. The submittal simply states that 10 feet is being dedicated to the Town. This dedication is not identified as additional right-of-way, and additional right-of-way on Florida Avenue has not been requested.

**Staff Comment:** Reducing the buffer minimum to 5 feet leaves almost no room for landscape plantings once a wall is installed. If the intent is to place landscaping in 10-foot dedicated strip, this simply shifts the maintenance cost to the Town. Since no additional right-of-way has been requested for Florida Avenue, the 10-foot dedication can be combined with the proposed 5-foot landscape buffer to meet the current 15-foot requirement. Right-of-way is required for the frontage on Number 2 Road, but the same issues apply to the landscape buffer requirements along the Number 2 Road frontage. The full buffer should be provided and the subdivision design modified to accommodate the full buffer. This request should be denied.

**Request:** Reduce minimum tree size from 4-inch to 2-inch caliper.

**Requirement:** Section 7.09.01

**Applicant Justification:** Smaller trees are more readily available and use less water.

**Staff Comments:** Please review the primary and supplemental staff report for details. During the discussion, the applicant stated that a 4-inch caliper tree would be used for the street tree requirements and the smaller trees would be used elsewhere on the properties, however, this position is not what is stated in the written material. DRC has taken the position that there is no justification for reducing the tree size other than reduced cost to applicant in exchange for a lesser landscape appearance in the new subdivision.

**Request:** Reduce recreation requirement from 1.72 to 0.60 acres.

**Requirement:** Future Land Use Policy 1.1.1.

**Applicant Justification:** Proposed 5-foot sidewalk on Florida Avenue between SR 19 and Central Avenue and provide internal trails and a dog park.

**Staff Comments:** This requirement is set by the comprehensive plan and may not be waived by a PUD or other development agreement. The concept development plan as submitted shows only an isolated walking trail loop and does not identify a dog park. The DRC had discussed the concept of a multi-use trail along Florida Avenue as an active recreation option that the Town Council might consider. However, a 5-foot sidewalk is required anyway for the project frontage so the proposed commitment as presented offers no additional benefit beyond what the code now requires. A multi-use trail (pedestrians and cyclists) needs to be a minimum of 10-feet wide and preferably 12-feet wide to meet current FDOT standards. If the Council does not wish to accept the multi-use trail as an acceptable alternative for a portion of the recreation component of the project, then the concept plan will need to be modified to demonstrate compliance with the comprehensive plan policies. In either event, the concept plan needs to be modified to fully show all proposed trail locations and recreation facilities.

**Request:** Eliminate the second required subdivision entrance.

**Requirements:** Section 8.02.05 (See also page 5 of the staff report.)

**Applicant Justification:** Code does not define access.

**Staff Comment:** DRC remains opposed to any proposal which provides only a single point of access for a subdivision in excess of 50 lots. It is clear from ongoing experience with current subdivisions that alternate public access is desirable.

## Other Discussion Points

During the applicant's presentation at the Planning & zoning Board meeting, the applicant made some additional comments which need to be considered. In the staff report, there is discussion about the volume of traffic which will impact Lakeview Drive between Florida Avenue and SR 19 (45% of total project traffic). This impact led to the staff proposal that the applicant improve Lakeshore Drive in this area as the road is substandard, and the land development regulations require upgrading based on the anticipated impacts. The applicant proposed signing this segment of Lakeview Drive as "no through access". Any traffic regulation needs to be supported by a public safety review before any restrictions are imposed. Should this restriction be authorized, it will apply equally to existing residents of the area as well as residents of the proposed Talichet subdivision.

Secondly the applicant stated that have smaller lots would allow more homes in the community which would allow for additional amenities to be supported with affordable association fees. However, the concept plan as presented does not meet the minimum requirements for basic amenities such as recreation facilities, let alone additional amenities. The current comprehensive plan requirements for Village Mixed Use development and the supporting requirements of the land development regulations are intended to create new developments that offer a wider variety of community assets and activities in close proximity to each other in a manner that contributes to an overall diverse community. What is proposed is bare-bones subdivision that at best marginally meets the basic plan requirements.

One member of the public raised an issue about compliance of the proposed project with policies in the comprehensive plan limiting development within the 100-year flood plane and limiting impacts to wetlands. The policy in the comprehensive plan dealing with development in flood prone areas is:

*“Policy 1.3.3 Development within the 100-year flood plain shall provide necessary mitigation to maintain the natural stormwater flow.”*

The subject property may have some flood prone areas, and the code requires that any fill that might be placed within the 100-year flood plan be supported with compensatory storage of an equal volume of flood water storage. The compensatory storage is in addition to any storage volume required to meet storm water management requirements.

The same individual commented about impacts to wetlands. The concept plan design includes a 25-foot upland buffer to wetlands as required by the code. The only impacts to wetlands will result from the road crossing of an existing ditch near Number 2 Road. Good engineering design will limit these impacts, and any mitigation that might be required will be done as part of the permitting through SJRWMD.