



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: D. BURKE, TOWN CLERK
FROM: THOMAS HAROWSKI, AICP, PLANNING CONSULTANT
SUBJECT: WHISPERING HILLS REZONING REQUEST
DATE: SEPTEMBER 18, 2018

The applicant has applied for rezoning of the parcels comprising the Whispering Hills residential development from MDR-1 to MDR-2 with proposed amendments to the previously adopted development agreement. At the Planning Board hearing of August 23, 2018, the applicant requested this item to be deferred to the September meeting to allow time for the applicant to review the staff report, and in particular the recommendations for amendments to the proposed development agreement, in more detail. The Planning Board agreed to this request and scheduled the item for the September 27, 2018 regular meeting.

Subsequent to this Planning Board action the applicant has contacted the Town staff and suggested that the rezoning should proceed independent of specific site development considerations as expressed in the proposed development agreement and as addressed in the August 10, 2018 staff report. After some review and discussion, the staff believes that we can recommend proceeding with the rezoning without any action on the development agreement. Completion of the rezoning will essentially close out the current development agreement. The applicant will be free to proceed with subdivision design and approval under the current land development regulations. While we expect the applicant to pursue a street and lot layout similar to the previous design, there will be no commitment on the part of the Town to a specific design layout as part of a development agreement. The applicant will need to demonstrate compliance with the provisions of the land development code through our normal development review committee and public hearing process. Any commitments made on the part of the Town or the applicant as presented in the draft development agreement that are desired as part of the new project will need to be brought forward as part of a new development agreement action.

The August 10, 2018 staff report addressed the proposed rezoning as well as making comments on the proposed development agreement. We call the Board's attention to the sections on the summary of the proposed rezoning, the consistence analysis between the proposed zoning and the comprehensive plan, and the concurrency analysis demonstrating the ability to provide public services to the subject property

under the proposed zoning. The staff analysis concluded that the proposed action was consistent with the comprehensive plan and the proposed development could be supported by the necessary public services; and there is no reason to find that the separation of any proposed development agreement from the rezoning action will result in a different finding. Staff continues to recommend approval of the rezoning as consistent with the comprehensive plan. As has been discussed, the permitting of smaller lots under the proposed MDR-2 zoning in exchange for the conversion of the project to public sewer holds benefits for all concerned.