



**PLANNING AND ZONING BOARD AGENDA
APRIL 10, 2024 6:30 PM
AT TOWN HALL
17404 SIXTH STREET
MONTVERDE, FLORIDA 34756**

The Montverde Staff and Council invite you to join the Town Hall meeting in person, on your computer, or by dialing in to listen. You can watch and listen to the meeting from home by following the directions below. **(Note: you will not be able to ask any questions during the meeting if you attend by zoom or dialing in).** Join the Zoom Meeting by clicking on the link below, copying and pasting the link into your browser, or going directly to zoom on your browser. Once in zoom, enter the Meeting ID and Passcode to be joined to the meeting. You may also call into the meeting by using the call-in number.

<https://us06web.zoom.us/j/83699855762?pwd=cGJ4UDRzdkNUL2J2NIU5b2JYaENnZz09>

**Meeting ID: 836 9985 5762
Passcode: 820875
Call in Number: 646-558-8656**

BOARD MEMBERS

Karin Arellano
Josie Weiss
Thomas Johnson
Holly Broecker
Joe Morganelli

STAFF

Paul Larino, Town Manager
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner
Lisa Busto, Associate Town Planner
Sandy Johnson, Town Clerk

Call to Order and Opening Ceremonies

- Call to Order
- Pledge of Allegiance
- Roll Call

I. **Approval Of Minutes**

- A. Minutes of the March 13, 2024 Planning & Zoning Board Meeting.

II. **Public Hearings, Ordinance and Resolutions**

- A. **Resolution No. 2023-87** A Resolution of the Town Council of the Town of Montverde, Florida, granting a conditional use permit in a R-1L Single Family Low Density Zoning District in the Town of Montverde to permit an outdoor storage business for boats, RCs, and trailers on the herein described property generally located at Fosgate Road and Ridgewood Avenue, owned by Parque Verde, LLC; providing for an expiration date; and providing for an effective date. **(Applicant has requested a continuance)**
- B. **Resolution No. 2024-110** A Resolution of the Town Council of the Town of Montverde, Florida, granting a conditional use permit in a Commercial Zoning District and Downtown Overlay District in the Town of Montverde to permit an event venue and commissary in addition to a restaurant/cafeteria on the herein described property located at 17440 Seventh Street, Montverde, Florida, owned by John and Karin Arellano; providing for conditions; providing for an expiration date; and providing for an effective date..

III. **Discussion Items**

- A. Town Manager's Updates
- B. Town Planner's Updates
- C. Town Attorney's Updates

IV. **Adjournment**

The Town reserves the right to move any Agenda item to an earlier time during the meeting as its schedule permits, except in the case of the items and appointments that have been advertised in a newspaper for a specific time.

Pursuant to the provisions of Chapter 286 Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this Council meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needed assistance to participate in any of these proceedings should contact Town Hall at (407) 469-2681, 48 business hours in advance of the scheduled meeting.

Notice is hereby given, that one or more Members of the Montverde Town Council may be present at this meeting.

PLANNING AND ZONING MEETING

MARCH 13, 2024

MINUTES

Members Present

Thomas Johnson
Karin Arellano
Josie Weiss
Holly Broecker

Staff Present

Paul Larino, Town Manager
Anita Geraci-Carver, Town Attorney
Lisa Bustor, Associate Town Planner
Sandy Johnson, Town Clerk

Administrative

Town Manager Larino stated the first order of business is to swear in Joseph Morganelli, new member of the board.

Town Attorney Geraci-Carver swore in Joe Morganelli.

Town Manager Larino stated the first order of business is to select a chair and vice chair.

Board Member Weiss nominated Board Member Arellano for Chairman. Board Member Broecker seconded.

Roll Call Vote:

Board Member Weiss	Yes
Board Member Arellano	Yes
Board Member Johnson	No
Board Member Broecker	Yes
Board Member Morganelli	No

Board Member Arellano elected as Chairman 3-2

Chairman Arellano asked for nominations for Vice Chairman

Board Member Weiss nominated Board Member Johnson. Board Member Broecker seconded.

Roll Call Vote:

Board Member Weiss	Yes
Board Member Arellano	Yes
Board Member Johnson	Yes
Board Member Broecker	Yes
Board Member Morganelli	Yes

Board Member Johnson elected as Vice Chairman 5-0

Chairman Arellano asked for the Town Attorney to read the Resolution 2023-87.

Resolution No. 2023-87 A Resolution of the Town Council of the Town of Montverde, Florida, granting a conditional use permit in a R-1L Single Family Low Density Zoning District in the Town of Montverde to permit an outdoor storage business for boats, RCs, and trailers on the herein described property generally located at Fosgate Road and Ridgewood Avenue, owned by Parque Verde, LLC; providing for an expiration date; and providing for an effective date.

Town Attorney Geraci-Carver read the Resolution by title only.

Town Manager Larino told the board the applicant has requested a continuance.

Board Member Weiss moved to continue Resolution 2023-87 to April 10, 2024.
Board Member Broecker seconded.

A member of the public asked why it was continued.

Roll Call Vote:

Board Member Weiss	Yes
Board Member Arellano	Yes
Board Member Johnson	Yes
Board Member Broecker	Yes
Board Member Morganelli	Yes

Resolution No. 2023-87 tabled until April 10, 2024 Meeting 5-0.

Ordinance No. 2024-100 An Ordinance of the Town of Montverde, Florida, amending Sec. 10-59 in Chapter 10 of the Town of Montverde Land Development Code to allow as a permanent use Conex Boxes and similar temporary storage containers/units in the Town of Montverde public facilities zoning district only; providing for codification and severability; providing for the repeal of Ordinances in conflict herewith; and providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino explained the ordinance and the purpose of requesting the ordinance.

There was brief discussion.

Chairman Arellano opened the public hearing.
No one spoke in favor of or against the Ordinance.

There was brief discussion.

Board Member Weiss moved to approve Ordinance No. 2024-100. Board Member Broecker seconded. Ordinance No. 2024-100 approved 5-0.

Town Attorney Geraci-Carver presented an overview of rules and regulations for the board.

Items covered:

- Roberts Rules of Order
- Florida Sunshine Law
- Quasi-Judicial Hearings

Board Member Broecker moved to adjourn. Board Member Johnson seconded. Meeting adjourned at 7:40 p.m.

Karin Arellano, Chairman

Attest:

Sandy Johnson, Town Clerk

**Record and Return to:
Town of Montverde
P.O. Box 560008
Montverde, FL 34756**

RESOLUTION 2024-110

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A CONDITIONAL USE PERMIT IN A COMMERCIAL ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT IN THE TOWN OF MONTVERDE TO PERMIT AN EVENT VENUE AND COMMISSARY IN ADDITION TO A RESTAURANT/CAFETERIA ON THE HEREIN DESCRIBED PROPERTY LOCATED AT 17440 SEVENTH STREET, MONTVERDE, FLORIDA, OWNED BY JOHN AND KARIN ARELLANO; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Karin Arellano and Amirah Kayy, as applicants, petitioned for a Conditional Use Permit to allow for an event venue and commissary in addition to a restaurant/cafe within a Commercial zoning district and within the Downtown Overlay District located at 17440 Seventh Street in Montverde; and

WHEREAS, such property is more particularly described below (the "Property") and is owned by John & Karin Arellano Investments, LLC, a Florida limited liability company; and

WHEREAS, property owners within a 300 foot radius of the property corners were provided written notice delivered by U.S. Mail, Return Receipt Requested in accordance with Sec. 10-11, Town of Montverde Code of Ordinances in advance of Planning and Zoning; and

WHEREAS, this Resolution has been properly advertised in a newspaper of general circulation prior to the public hearing before Town Council; and

WHEREAS, Planning and Zoning and the Town Council have considered the petition in accordance with standards for granting a Conditional Use Permit contained in Section 10-11, Town of Montverde Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, as follows:

1. The Town of Montverde has determined that the use of the Property for operation of an event venue and commissary in addition to a restaurant/cafe is desirable at the location of the Property.
2. The Town Council has determined that these uses on the Property will not be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity of the Property, and is not detrimental to the character of the area or inconsistent with trends of development in the area.

3. The Town Council has determined that the proposed use of the Property will comply with the regulations and conditions specified in the codes for such use.
4. The proposed use will not have an unduly adverse effect on existing traffic patterns, movements and intensity.
5. The Town Council has further determined that the proposed use is consistent with the Comprehensive Plan for the Town of Montverde and will not adversely affect the public interest.
6. The petition for a Conditional Use Permit filed by Karin Arellano and Amirah Kayy, for the property located at 17440 Seventh Street in the Town of Montverde, Lake County, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

Parcel No: 01-22-26-1000-001-00001

The North $\frac{3}{4}$ of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 11, Township 22 South, Range 26 East, Lake County, Florida.

7. **Conditions.**

- (a) Conditional Use is granted for an event venue and commissary in addition to a restaurant/cafeteria, and for no other purposes.
- (b) Submit a schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including but not limited to signs, driveways, off-street parking areas, loading and unloading areas, roads and streets and utility easements.
- (c) Submit a detailed description of the nature and extent of the proposed conditional use, including maximum number of occupants at any one time.
- (d) Submit plans or reports describing traffic conditions that will be created by the conditional use. If there is insufficient parking on the property, please indicate additional parking areas around the village core of Montverde.
- (e) Minor site plan may be required.
- (f) The owner and applicants must comply with all other Town land development regulations and provide any and all other items requested by the Town reviewers during the application review process that have not been provided.
- (g) Such Conditional Use shall expire or be revoked in accordance with Sec.10-11(h), Code of Ordinances, the earlier of (1) the Property ceases to be used for an event venue and commissary; or (2) if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.

8. This Conditional Use shall become effective immediately on its approval and adoption by the Town Council of the Town of Montverde, Florida.

ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Lake County, Florida, this ____ day of _____, 2024.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

	YEA	NAY
Jim Peacock, Vice Mayor		
Jim Ley, Councilmember		
Allan Hartle, Councilmember		
Carol Womack, Councilmember		
Mayor Joe Wynkoop		

ACCEPTED BY:

Owner:
John & Karin Arellano Investments, LLC

By: _____
John Arellano, Its Manager

By: _____
Karin Arellano, Its Manager

Date: _____

Applicants:

Karin Arellano

Amirah Kayy

Date: _____

Date: _____

STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 10, 2024
SUBJECT: Resolution 2024-110 – Conditional Use Permit (CUP)
CS Permit #CU24-000001 | ALT Key #1531039

APPLICANT: Karin Arellano & Amirah Kayy

SUBJECT PROPERTY DESCRIPTION:

The Subject Property is located at 17440 Seventh Street (corner of Seventh and Park Lane) in the Town of Montverde. The property is zoned Commercial (C-1) and is located within the Downtown Overlay District. See Figure 1.

REQUESTED ACTION / RECOMMENDATION:

This is a quasi-judicial action requested of the Planning & Zoning Board. Staff recommends that if approval is granted for this CUP Request, the Applicant must submit any outstanding Requests for Information and agree to all the conditions outlined in Resolution 2024-110.

RESOLUTION 2024-110

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A CONDITIONAL USE PERMIT IN A COMMERCIAL ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT IN THE TOWN OF MONTVERDE TO PERMIT AN EVENT VENUE AND COMMISSARY IN ADDITION TO A RESTAURANT/CAFETERIA ON THE HEREIN DESCRIBED PROPERTY LOCATED AT 17440 SEVENTH STREET, MONTVERDE, FLORIDA, OWNED BY JOHN AND KARIN ARELLANO; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Karin Arellano and Amirah Kayy, as applicants, petitioned for a Conditional Use Permit to allow for an event venue and commissary in addition to a restaurant/cafeteria within a Commercial zoning district and within the Downtown Overlay District located at 17440 Seventh Street in Montverde; and

STAFF REPORT

WHEREAS, such property is more particularly described below (the “Property”) and is owned by John & Karin Arellano Investments, LLC, a Florida limited liability company; and

WHEREAS, property owners within a 300 foot radius of the property corners were provided written notice delivered by U.S. Mail, Return Receipt Requested in accordance with Sec. 10-11, Town of Montverde Code of Ordinances in advance of Planning and Zoning; and

WHEREAS, this Resolution has been properly advertised in a newspaper of general circulation prior to the public hearing before Town Council; and

WHEREAS, Planning and Zoning and the Town Council have considered the petition in accordance with standards for granting a Conditional Use Permit contained in Section 10-11, Town of Montverde Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, as follows:

1. The Town of Montverde has determined that the use of the Property for operation of an event venue and commissary in addition to a restaurant/cafeteria is desirable at the location of the Property.
2. The Town Council has determined that these uses on the Property will not be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity of the Property, and is not detrimental to the character of the area or inconsistent with trends of development in the area.
3. The Town Council has determined that the proposed use of the Property will comply with the regulations and conditions specified in the codes for such use.
4. The proposed use will not have an unduly adverse effect on existing traffic patterns, movements and intensity.

STAFF REPORT

5. The Town Council has further determined that the proposed use is consistent with the Comprehensive Plan for the Town of Montverde and will not adversely affect the public interest.

6. The petition for a Conditional Use Permit filed by Karin Arellano and Amirah Kayy, for the property located at 17440 Seventh Street in the Town of Montverde, Lake County, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

Parcel No: 01-22-26-1000-001-00001

The North $\frac{3}{4}$ of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 11, Township 22 South, Range 26 East, Lake County, Florida.

7. **Conditions.**

- (a) Conditional Use is granted for an event venue and commissary in addition to a restaurant/cafeteria, and for no other purposes.
- (b) Submit a schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including but not limited to signs, driveways, off-street parking areas, loading and unloading areas, roads and streets and utility easements.
- (c) Submit a detailed description of the nature and extent of the proposed conditional use, including maximum number of occupants at any one time.
- (d) Submit plans or reports describing traffic conditions that will be created by the conditional use. If there is insufficient parking on the property, please indicate additional parking areas around the village core of Montverde.
- (e) Minor site plan may be required.

STAFF REPORT

- (f) The owner and applicants must comply with all other Town land development regulations and provide any and all other items requested by the Town reviewers during the application review process that have not been provided.

- (g) Such Conditional Use shall expire or be revoked in accordance with Sec.10-11(h), Code of Ordinances, the earlier of (1) the Property ceases to be used for an event venue and commissary; or (2) if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.

8. This Conditional Use shall become effective immediately on its approval and adoption by the Town Council of the Town of Montverde, Florida.

ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Lake County, Florida, this ____ day of _____, 2024.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

STAFF REPORT

First Reading _____

	YEA	NAY
Jim Peacock, Vice Mayor		
Jim Ley, Councilmember		
Allan Hartle, Councilmember		
Carol Womack, Councilmember		
Mayor Joe Wynkoop		

ACCEPTED BY:

Owner:
John & Karin Arellano Investments, LLC

By: _____
John Arellano, Its Manager

By: _____
Karin Arellano, Its Manager

Date: _____

Applicants:

Karin Arellano

Amirah Kayy

Date: _____

Date: _____

STAFF REPORT

BACKGROUND INFORMATION

This property is located within the Downtown Overlay District. For more information visit: Article XXVII. - Montverde Downtown Overlay:

https://library.municode.com/fl/montverde/codes/code_of_ordinances?nodeId=PTIIMOLADECO_CH4DEST_ARTXXVIIMODOOVDI

STAFF REVIEW COMMENTS

Reviewer: Brett Tobias, Pending Comments

1. What will be the proposed use of the shed itself? The application states it is necessary to offer a restaurant and cafeteria, plus commissary and event venue. Why is it necessary?
2. Application states that there is an existing walk-in freezer that will be replaced by the shed. This (the freezer) isn't seen on the site plan. Will the shed occupy the exact space as the walk-in freezer? More square footage? Less square footage?
3. The site plan doesn't show setbacks. Will the proposed shed meet setback requirements? Will a variance be applied for if setbacks cannot be met?
4. If CUP is approved, a site plan submittal may be required by the town.

Reviewer: Town Planner, Pending Response to RAI

1. Setbacks are: 0' front yard, 3' side yards, 10' back yard (25' if backed up to a residential lot). Off-street parking requirement See chapter 4 Design Standards Landscaping and buffers See chapter 4 Design Standards Signs: See chapter 4 Design Standards Access: See chapter 4 Design Standards
2. RAI: Accessory structures must be architecturally similar to and match the material and colors of the principal structure on the property. Please provide a detailed depiction that illustrates how the accessory structure will meet these requirements.
3. RAI: Please provide the distance from the proposed accessory structure to the property lines.
4. RAI: Please provide a schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed

STAFF REPORT

buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets and utility easements.

5. RAI: Signage. In addition to meeting all requirements in chapter 4 for signage, all signage within this commercial zoning overlay must be consistent with the Green Mountain Scenic Byway design style. Please provide a description of the signage to be utilized.
6. RAI: Traffic. Please provide a plan or report describing traffic conditions that will be created by the conditional use. If there is insufficient parking available on the property, please indicate additional parking areas around the village core of Montverde.
7. The planning and zoning board shall hear and decide requests for conditional uses allowed in this chapter. In doing so, the commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the commission may allow conditional uses only upon a determination that use requested: (1) Is not detrimental to the character of the area or inconsistent with trends of development in the area; (2) Does not have an unduly adverse effect on existing traffic patterns, movements and intensity; (3) Is consistent with the comprehensive plan; and (4) Will not adversely affect the public interest.
8. The town clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and the date and time of the hearing. The planning and zoning board may recommend approval subject to stated conditions. The planning and zoning board shall submit its recommendations to the town council. Within 30 days thereafter, the town council shall hold a public hearing with due public notice to consider the recommendations. The town council may grant the conditional use permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of the county. The town council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.
9. A formal site plan process may be required.
10. Conditional use permits shall run with the land as long as the conditions of the original conditional use permit are met.

STAFF REPORT

11. The applicant acknowledges that the activity outlined in this application will be completed in accordance with the Town's Land Development Code and Applicant is responsible for any cost associated with required changes subsequent to inspection by the Town.

BASIS OF REVIEW:

Sec. 10-11. - Procedures for conditional use permits.

- (a) If any zoning district requires a conditional use permit, no person shall erect, construct or alter any building or structure for such conditional use until a conditional use permit is reviewed by the planning and zoning board and approved by the town council.
- (b) The planning and zoning board shall hear and decide requests for conditional uses allowed in this chapter. In doing so, the commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the commission may allow conditional uses only upon a determination that use requested:
 - (1) Is not detrimental to the character of the area or inconsistent with trends of development in the area;
 - (2) Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
 - (3) Is consistent with the comprehensive plan; and
 - (4) Will not adversely affect the public interest.
- (c) A conditional use permit may be granted for a use that is generally not permitted in a particular zoning district, but which, if controlled, restricted or otherwise regulated, would not adversely affect the public health, safety and general welfare. Such uses may be permitted only if there is compliance with the provisions and standards of this chapter.
- (d) Every person requesting a conditional use permit shall file an application for a permit with the town clerk. The application shall be accompanied by an application fee payable to the town. The amount of the application fee shall be established by separate resolution.
- (e) Applications for conditional use permits shall include the following information:
 - (1) The name, address, and telephone number of the applicant and the owner of the property.

STAFF REPORT

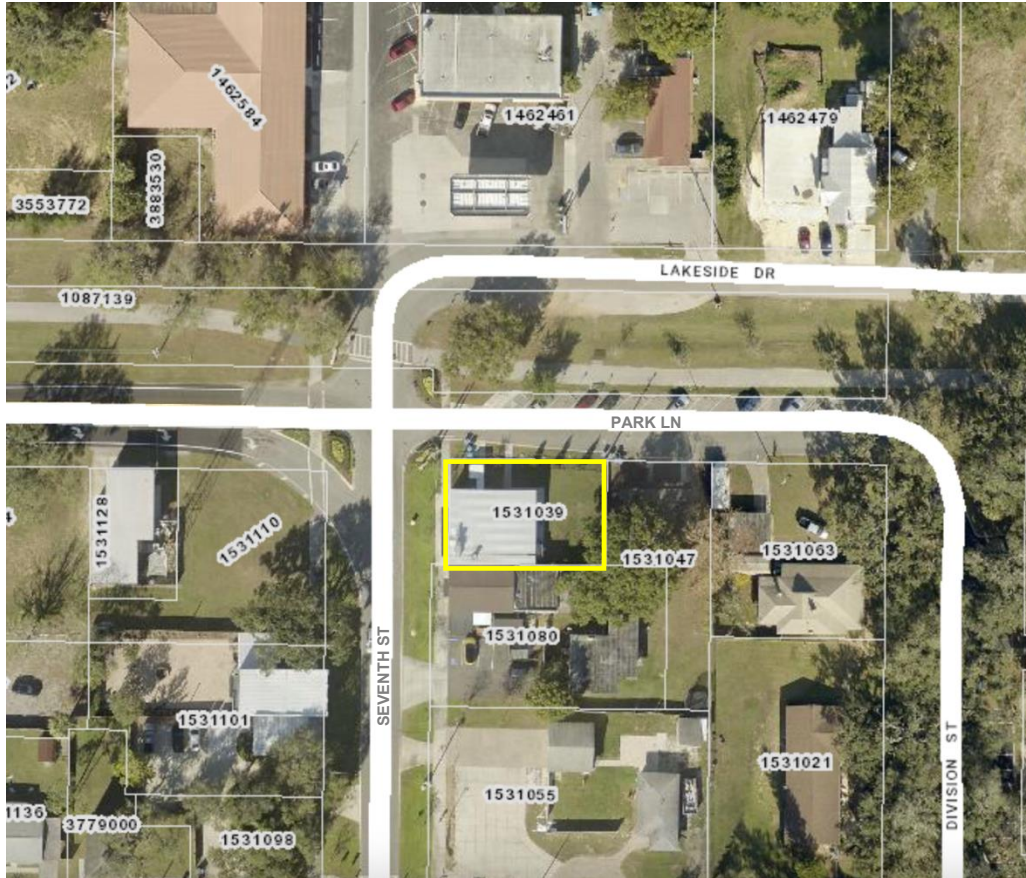
- (2) A schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets and utility easements.
 - (3) A detailed description of the nature and extent of the proposed conditional use.
 - (4) Plans or reports describing traffic conditions that will be created by the conditional use.
 - (5) Complete legal description of the property, including a survey prepared by a state-registered land surveyor.
 - (6) Any other information or data required by the planning and zoning board or the town council.
 - (7) The town council, in its sole discretion, may waive any or all of the requirements in subsections (e)(2) through (e)(5) of this section.
- (f) The planning and zoning board shall hold a public hearing on every application for a conditional use permit. The town clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and the date and time of the hearing. The planning and zoning board may recommend approval subject to stated conditions. The planning and zoning board shall submit its recommendations to the town council. Within 30 days thereafter, the town council shall hold a public hearing with due public notice to consider the recommendations. The town council may grant the conditional use permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of the county. The town council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.
- (g) Every conditional use permit shall be signed by the applicant who shall agree to be bound by its terms.
- (h) The town council, with notice to the petitioner, may revoke a conditional use permit if the permittee fails to use or develop the property in full compliance with the terms and conditions of the permit.
- (i) If the town council rejects the conditional use permit, it may not reapply for a period of one year.
- (j) Conditional use permits shall run with the land as long as the conditions of the original conditional use permit are met.

STAFF REPORT

STAFF REPORT

Figure 1

Arrellano Property - Alt Key 1531039





APPLICATION FOR A CONDITIONAL USE PERMIT

1. Project Name: Gather on Seventh
2. Owner's Name: John + Karin Arellano
Address: 17531 CR 455, Montverde, FL 34756
Phone: 407-948-0767
3. Applicant's Name: Karin Arellano + Amirah Kayy
Address: 17531 CR 455 Montverde, FL 34756
Phone: 407-948-0767 & 352-638-2113
4. The property is generally located in the vicinity of the following streets or the following street addresses: 17440 Seventh Street, Montverde, FL 34756
5. Area of property: 1840 square feet .12 acres
6. Does the property have, or will it have, the following:
 Central water & sewer Well & septic tank ✓
7. Present zoning is Commercial
Present Land Use Category is Restaurant / Cafeteria
8. Number of any existing structures on the property and the present use of those structures and of the property two, Main building + one walk in cooler to be replaced by a shed (separate permit)
9. The property is proposed to be used for Restaurant / Cafeteria, commissary, and event venue
10. A conditional use permit is requested that is expressly permissible in Section _____ of the Land Development Code.

RECEIVED
3/6/24

11. A site plan prepared in accordance with the submittal requirements of this application is herewith attached. Yes No

12. State the reason for this request to offer both the use of a restaurant / cafeteria plus commissary endorsement venue.

13. Has any previous application been filed within the last year in connection with this property? yes no.

If yes, briefly describe the nature: _____

14. If the project is to be developed in phases, give a brief description of how it will be phased: n/a

15. The exact legal description and survey of the property being petitioned see attached Property Record Card / site plan

16. If applicant is other than owner, a notarized letter from the owner, authorizing the applicant to act on their behalf shall be required.

17. Proof of Owner must be provided.

18. If site plan is not prepared for the conditional use application, twelve (6) copies of a survey must be submitted.

2. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity Some impact as the restaurant, current use. current Resolution 2017-21 for town parking.
3. Is consistent with the Comprehensive Plan Correct
4. Will not adversely affect the public interest Correct, but will offer a classy location to gather for social events.

KIAAO
Owner/Applicant Signature

3-4-24
Date

Procedures for Conditional Use Permits

- a. If any zoning district requires a conditional use permit, no person shall erect, construct, or alter any building or structure for such conditional use until a conditional use permit is reviewed by the Planning and Zoning Committee and approved by the Town Council.
- b. The Planning and Zoning Committee shall hear and decide requests for conditional uses allowed in Chapter IV, hereof. In doing so, the Commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the Commission may allow conditional uses only upon a determination that use requested:
 1. Is not detrimental to the character of the area or inconsistent with trends of development in the area;
 2. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
 3. Is consistent with the Comprehensive Plan, and;
 4. Will not adversely affect the public interest.
- c. Every person requesting a conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Montverde. A conditional use permit may be granted for a use that is generally not permitted in a particular zoning district, but which, if controlled, restricted, or otherwise regulated, would not adversely affect the public health, safety, and general welfare.

Such uses may be permitted only if there is compliance with the provisions and standards set forth below.

- d. Every person requesting a Conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Montverde. The amount of the application fee shall be established by separate resolution.
- e. Applications for Conditional Use Permits shall include the following information:
 1. The name, address, and telephone number of the applicant and the owner of the property
 2. A schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets, and utility easements.
 3. A detailed description of the nature and extent of the proposed conditional use.
 4. Plans or reports describing traffic conditions that will be created by the conditional use.
 5. Complete legal description of the property, including a survey prepared by a Florida Registered Land Surveyor.
 6. Any other information or data required by the Planning and Zoning Committee or the Town Council.
 7. The Town Council, in its sole discretion, may waive any or all of the requirements in (2) through (5) above.
- f. The Planning and Zoning Committee shall hold a public hearing on every application for a conditional use permit. The Town Clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and

the date and time of the hearing. The Planning and Zoning Committee may recommend approval subject to stated conditions. The Planning and Zoning Committee shall submit its recommendations to the Town Council. Within thirty (30) days thereafter, the Town Council shall hold a public hearing with due public notice to consider the recommendations. The Town Council may grant the Conditional Use Permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of Lake County, Florida. The Town Council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.

- g. Every conditional use permit shall be signed by the applicant who shall agree to be bound by its terms.
- h. The Town Council, with notice to the petitioner, may revoke a conditional use permit if the permittee fails to use or develop the property in full compliance with the terms and conditions of the permit.
- i. If the Town Council rejects the Conditional Use Permit, it may not reapply for a period of one (1) year.
- j. Conditional Use Permits shall run with the land as long as the conditions of the original Conditional Use Permit are met.

Describe how this project meets the above referenced criteria

1. Is not detrimental to the character of the area or inconsistent with trends of development in the area will offer a gathering location for small events for both locals and Lake county residents. Similar to the current use as a restaurant + the town community building.