



**PLANNING AND ZONING BOARD AGENDA
MARCH 13, 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

Glen Brecheen
Karin Arellano
Josie Weiss
Thomas Johnson
Holly Broecker

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 November 8, 2023 Planning & Zoning Board Meeting.

II. **Administrative items**

- A. Appointment of Chairman
- B. P&Z Training

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

- A. **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.
- B. **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.

IV. **Discussion Items**

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

V. **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 & Zoning Meeting
Minutes
November 8, 2023**

BOARD MEMBERS PRESENT

Glen Brecheen
Karin Arellano
Holly Broecker

BOARD MEMBERS ABSENT

Josie Weiss
Thomas Johnson

STAFF PRESENT

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

Call to Order and Opening Ceremonies

Chairman Brecheen lead the Pledge of Allegiance.

Approval Of Minutes

Minutes of the July 12, 2023 Planning & Zoning Board Meeting. Board Member Broecker stated there was a error in the minutes, on page three it states she seconded a motion and she was not at the meeting.

Board Member Broecker moved to approve as amended. Seconded by Board Member Arellano. Minutes approved as amended 3-0.

I. Public Hearings, Ordinance and Resolutions

- A. Ordinance 2023-31** An Ordinance of the Town of Montverde, Florida, amending Sec. 10-82 in Chapter 10 of the Town of Montverde Land Development Code to impose a maximum size of eight hundred square feet for accessory buildings, impose a maximum height for accessory buildings and clarify design requirements for certain accessory buildings within the Town of Montverde; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date. (**Tabled 7-12-2023**)

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

Town Manager Larino explained this was tabled at the July meeting because the Board wanted changes made regarding setbacks and agriculture properties.

Board Member Arellano requested the title of the Ordinance be changed to include: "impose a maximum size of eight hundred square feet or 50%.."

Chairman Brecheen opened the public hearing.

No one spoke in favor or opposed the Resolution.

Chairman Brecheen closed the public hearing.

Board Member Arellano moved to approve Ordinance No. 2023-31 as amended. Board Member Broeker seconded. Ordinance No. 2023-31 approved as amended 3-0. (Board Member Johnson and Weiss were absent)

- B. Resolution No. 2023-84** A Resolution of the Town Council or the Town of Montverde, Florida granting a variance from Section 10-91 in Chapter 10 of the Montverde Land Development Code from the minimum fifty foot setback from the delineation of the seasonal high-water elevation jurisdictional wetland line, whichever is higher, to allow the existing concrete boat ramp to remain on the real property located at 16233 Four Lake Lane, Montverde, Florida, owned by Mark and Rachel Duncan; providing for conditions; and providing for an effective date.

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

Town Manager Larino explained this was tabled at the July meeting because the Board wanted changes made regarding setbacks and agriculture properties.

Chair Brecheen opened public hearing.

John Arellano spoke on behalf of the petitioner. Stated all the conditions the Town requested have been done.

Bill Vanderwill, 16639 Morningside Drive addressed the Board.

Chairman Brecheen closed the Public Hearing.

Board Member Arellano moved to approve Resolution No. 2023-84 with the conditions stated by staff. Board Member Broecker seconded. Resolution No. 2023-84 approved 3-0. (Board Member Johnson and Weiss were absent)

- C. Resolution No. 2023-85** A Resolution of the Town Council of the Town of Montverde, Florida, granting a Conditional Use Permit in a Commercial C-1 Zoning District in the Town of Montverde to permit a manufacturing business with product storage that employes ten or fewer persons on the herein described property located at 17521 County Road 455, Montverde Florida owned by Dermastat Labs, LLC; providing for conditions; providing for an expiration date; providing for an effective date.

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

Town Manager Larino explained the conditional use is for manufacturing. They have addressed the ADA and traffic issues.

Chairman Brecheen asked if there was any discussion.

Chairman Brecheen opened the public hearing.

No one spoke in opposition or in favor of the Resolution.

An email of support was sent by Montverde resident Gary Schidele for Ms. Dobson.

Chairman Brecheen closed the public hearing.

Sherry Dobson is the owner of the company. The manufacturing is for bottling and labeling for final use.

There was brief discussion.

Board Member Broecker moved to approve Resolution No. 2023-85. Board Member Arellano seconded it. Resolution No. 2023-85 approved 3-0 (Board Members Johnson and Weiss were absent)

- D. Resolution No. 2023-86** A Resolution of the Town Council of the Town of Montverde, Florida, granting a Conditional Use Permit in a Single Family Low Density Zoning District in the Town of Montverde to permit a RV to be parked on and lived in for a period not to exceed twenty-four (24) months, in order to allow for the care of an ill family member on the herein described property located at 16342 Cardy Street, Montverde Florida, owned by Wayne R and Sandra K Fields; Providing for conditions; providing for an expiration date; and providing for an effective date.

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

Town Manager Larino explained the situation is involved in this case.

Chairman Brecheen as if there was any questions.

Board Member Broecker asked what is being done with the waste from the RV.

Sandra Fields, (homeowner) stated this is being held in a tank (not underground) and is emptied twice a week by a septic company.

Chairman Brecheen opened the public hearing
No one spoke in opposition or in favor of the Resolution.
Chairman Brecheen closed the public hearing.

Board Member Arellano moved to approve Resolution No. 2023-86. Board Member Broecker seconded. Resolution No. 2023-86 approved 3-0 (With Board Members Johnson and Weiss absent).

- E. 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 explained the situation is involved in this case.

Chairman Brecheen as if there was any questions.

The petitioner Grant Robert's and his Attorney Jimmy Crawford presented information regarding the conditional use reasoning.

Laura Eldridge 16040 Ridgewood, only concern is that the trees that buffer the property might be cut down in the future. Wants a buffer to not see the stored vehicles.

Grant Roberts, owner stated he is not going to cut down any trees.

Jeffrey Krabbenhoft, 16819 Florence Oak, spoke in support of the use.

Board Member Broecker asked where the closet commercial property.

Town Manager Larino, downtown or YWAM. Not sure if there are any home based business. One of the problems we have when we haven't received detailed information from them. Staff might have a different recommendation if we had all the information. We have a lot of environmental issues and how many spots, traffic patterns are another issue.

Wendy Robert commercial business would be the nearest is my business on the corner.

Attorney Jimmy Crawford ask to postpone this for thirty days and get with the town, planner, etc. to make sure they have all the documents they need.

Board Member Arellano moved to table Resolution No. 2023-87 to the December 13, 2023 meeting. Board Member Broecker seconded. Resolution No. 2023-87 tabled 3 – 0. (Board Members: Johnson and Weiss absent)

II. Discussion Items

A. Town Manager's Updates

B. Town Planner's Updates

C. Town Attorney's Updates

III. Adjournment

Board Member Arellano moved to adjourn. Board Member Broecker seconded. Meeting adjourned at 7:35 p.m.

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.

WHEREAS, the Town finds that accessory buildings of a certain square footage should be aesthetically consistent with the architectural style of the principle structure by using similar materials and colors as the primary structure and therefore clarification of the code is needed; and

WHEREAS, the Town of Montverde also finds that accessory buildings exceeding the height of the primary structure is not aesthetically appealing and should not exceed 14-ft. or the height of the primary structure, whichever is less; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 10-82 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-82. Location, design and maximum floor area of accessory buildings and uses in residential districts.

- (a) The first floor area of an accessory ~~building structure~~ within a residential district shall be no greater than 800 square feet or 50% of the square footage of the primary structure whichever is lesser and shall not exceed a height of 14-ft. or the height of the primary structure whichever is lesser. ~~the first floor area of the primary structure.~~

- (b) When an accessory building is attached to a main structure by a breezeway or any other structure requiring a Town of Montverde building permit it shall comply with the setback requirements of the main building.
- (c) All accessory buildings must be issued a permit by the town prior to installation or construction.
- (d) Accessory buildings 90 square feet or less shall be set back and located a minimum of seven and one-half feet from ~~any~~ the side property line. Accessory buildings greater than 90 square feet shall conform to the applicable zoning setbacks.
- (e) Accessory buildings greater than 150 feet² must be constructed or installed to be similar to the architectural style and materials of the principle structure. Properties located in agriculture zoning district are exempt from this requirement.
- (f) Each residential lot (determined by ALT key or parcel identification number) may have no more than two accessory buildings.
- (g) Temporary storage structures shall be limited to 60 consecutive days and no more than 120 days in any calendar year and shall be located a minimum of ten feet from all property lines.
- (h) Accessory buildings shall be placed in side or back yards only.

SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

Council Member _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:

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



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: March 13, 2023
SUBJECT: Ordinance 2024-100 – Conex Boxes Code Addition
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Staff recommends **APPROVAL** of Ordinance 2024-xx allowing the use of Conex boxes and similar temporary storage units as a permanent use in the Public Facilities zoning district.

The proposed code protects property rights and is not an economic burden to potentially affected parties. The proposed ordinance protects the Town's quality of life and small-town charm.

Sec. 10-59. - PF—Public facilities.

(a) *Description of district.* The PF zoning district is designed to allow the construction of public facilities (i.e., municipal buildings, schools, etc.) within a specific zoning district.

(b) *Permitted uses.* The following are permitted uses in the PF zoning district:

- (1) Public facilities or structures owned or operated by the town, county, the state or the federal government.
- (2) Buildings, structures or uses maintained or operated by the town.
- (3) Classrooms, auditoriums, dormitories, gymnasiums, laboratories, cafeterias, athletic fields, administration buildings, libraries, and other buildings or structures incidental to or related to the operation and maintenance of a school.



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(4) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles.

(5) Accessory buildings and structures customarily used in connection with any permitted use.

(6) Conex boxes and similar temporary storage containers/units are allowable as a permanent use in the Public Facilities zoning district only.

(c) *Conditional uses.* The following structures, buildings and uses shall be permitted only with a conditional use permit approved by the town council:

(1) Houses of worship.

(2) Cemeteries.

(3) Uses which, as determined after consideration by the planning and zoning board and approval of the town council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.

(d) *Site development standards.* The following are the minimum lot, height, and yard requirements in the PF zoning district:

Minimum lot size for buildings	5,000 square feet
Minimum lot width at building	50 feet
Minimum street frontage	50 feet
Maximum lot coverage	70%
Front yard minimum building setbacks	25 feet
Side yard minimum building setbacks	10 feet
Rear yard minimum building setbacks	25 feet
Maximum building height	Two stories or 35 feet



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Parking, residential	Minimum of two off-street spaces
Parking, other uses	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

(Ord. No. 2003-01, § 4.6.11, 3-11-2003; Ord. No. 2016-07, § 5, 4-12-2016)

**INSERT
RESOLUTION 2024-xx**

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

RESOLUTION 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, RVs, AND TRAILERS ON THE HEREIN DESCRIBED PROPERTY GENERALLY LOCATED AT FOSGATE ROAD AND RIDGEWOOD AVENUE, MONTVERDE, FLORIDA, OWNED BY PARQUE VERDE, LLC; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Grant Roberts, manager of Parque Verde, LLC, petitioned for a Conditional Use Permit to allow for an outdoor storage business for boats, RVs and trailers within a R1L Single-Family Low Density zoning district generally located at Fosgate Road and Ridgewood Avenue in Montverde; and

WHEREAS, such property is more particularly described below (the “Property”); 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 outdoor storage business for boats, RVs, and trailers 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 Grant Roberts, manager of Parque Verde, LLC, for the property located generally located at Fosgate Road and Ridgewood Avenue in the Town of Montverde, Lake County, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

Parcel No: 11-22-26-0002-000-04100

The North ¼ of the West ½ of the Southwest ¼ of the Northwest ¼ , Section 11, Township 22 South, Range 26 East, Lake County, Florida.

7. **Conditions.**

- (a) Conditional Use is granted for operation of an outdoor storage business for boats, RVs, and trailers, and for no other use or purpose.
- (b) The maximum weight for the boats, RVs and trailers outlined above must be 1-ton or less.
- (c) The Property must comply with the setbacks for R1L Single-Family Low Density zoning district.
- (d) All structures including but not limited to fences, sheds, and accessory structures, shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line, whichever is higher, as established by a qualified professional using soil conditions and vegetative indicators.
- (e) There shall be no vehicle parking within 50-feet of a delineated wetland line.
- (f) A major site plan in conformance with Town regulations for commercial use must be submitted and approved prior to use of the Conditional Use and prior to any site work or improvements on the Property. A site plan includes, but is not limited to stormwater calculations, wetland locations, traffic study, environmental assessment, fully engineered plans signed and sealed by a licensed professional, and application for a SJRWMD permit.
- (g) Comply with any applicable codes in the Lake County Commercial zoning district (C-1) for trailer parking.

- (h) The owner must submit traffic circulation plan satisfactory to town manager, town planner and town engineer as part of site plan application.
- (i) The owner must meet and adhere to requirements of Lake County Public Works because access to the Property is from a County Road.
- (j) The owner must submit a Lighting Plan, including measures to comply with Dark Sky lighting requirements.
- (k) The owner must install an Environmental Swale per the Town's specifications around the entire parking area, and anywhere else as required by Town Code.
- (l) In addition to an Environmental Swale, fencing must be installed around the driving and parking area to further prevent intrusion into the 50' minimum setback from the delineated seasonable high-water elevation or jurisdictional wetland line, whichever is higher. Must be reflected on the site plan submitted for consideration. Signage delineating the setback must be affixed to the fence every 100-ft.
- (m) No parking or driving is permitted within 50' minimum setback from the delineated seasonable high-water elevation or jurisdictional wetland line, whichever is higher. This condition is applicable for uses allowed in this Conditional Use and for personal use vehicles and equipment.
- (n) Vehicle maintenance, including but not limited to oil changes, is prohibited from being performed on the Property.
- (o) Movement of boats, RVs, and trailers within the Property, on to the Property or exiting the Property shall be limited to the hours between 7am and 8pm on Monday-Friday, and 10am and 6pm on Saturday/Sunday.
- (p) This Conditional Use is being granted despite the Property not fronting on a public road. Therefore, title to the Property (Parcel Id No. 11-22-26-0002-0000-4100; Alt. Key 3778570) and the property identified as Parcel Id No. 09-22-26-0201-0170-0000; Alt. Key 1029490 must be vested in the same owner because this second parcel fronts on a publicly maintained County road and provides access to the Property. Currently the owner of both properties is Parque Verde, LLC.
- (q) Resolution of the right of way dedicated by plat called out on the survey of the Property to the satisfaction of the Town's engineer, surveyor and town attorney.
- (r) The owner 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.
- (s) The Town reserves the right to enter the Property during regular business hours to ensure compliance with the conditions of this Conditional Use.

- (t) The owner must sign and accept all conditions of this Conditional Use.
 - (u) 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 operation of an outdoor storage business for boats, RVs, and trailers; 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
Vice Mayor Jim Peacock		
Councilmember Jim Ley		
Councilmember Allan Hartle		
Councilmember Carol Womack		
Mayor Joe Wynkoop		

THE UNDERSIGNED ACCEPT THE CONDITIONS SET FORTH IN RESOLUTION 2023-87 (a copy of which is attached hereto) AND AGREE TO ABIDE BY AND ENFORCE ALL SAID CONDITIONS:

Parque Verde, LLC

By: _____ Date: _____
Grant Roberts, Its Manager

By: _____ Date: _____
Wendy L. Roberts, Its Manager

By: _____ Date: _____
John C. Roberts, Its Manager



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: March 13, 2023
SUBJECT: Resolution 2023-87 – Grant Roberts Conditional Use Permit (CUP)
APPLICANT: Grant Roberts

SUBJECT PROPERTY DESCRIPTION:

The 15.09-acre parcel is located on Fosgate Road and is within Town limits (Alt Key 3779570). The property is zoned Single-Family Low-Density (R1L). See Figure 1.

REQUESTED ACTION / RECOMMENDATION:

If approval is granted for this CUP Request, Staff recommends that the Applicant agrees to all the conditions outlined below and in Resolution 2023-87:

1. Conditional Use is granted for operation of an outdoor storage business for boats, RVs, and trailers, and for no other use or purpose.
2. The maximum weight for the vehicles outlined above must be 1-ton or less.
3. The Property must comply with the setbacks for R1L Single-Family Low Density zoning district.
4. All structures including but not limited to fences, sheds, and accessory structures, shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line, whichever is higher, as established by a qualified professional using soil conditions and vegetative indicators.
5. There shall be no vehicle parking within 50-feet of a delineated wetland line.
6. A major site plan in conformance with Town regulations for commercial use must be submitted and approved prior to use of the Conditional Use and prior to any site work or improvements on the Property. A site plan includes, but is not limited to stormwater calculations, wetland locations, traffic study, environmental assessment, fully engineered plans signed and sealed by a licensed professional, and application for a SJRWMD permit.
7. Comply with any applicable codes for trailer parking.



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8. The owner must meet and adhere to requirements of Lake County Public Works because access to the Property is from a County Road.
9. No posting of any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatsoever on any public property or highway or roads.
10. Vehicle maintenance, including but not limited to oil changes, is prohibited from being performed on the Property.
11. Movement of boats, RVs, and trailers within the Property, on to the Property or exiting the Property shall be limited to the hours between 7am and 8pm on Monday-Friday, and 10am and 6pm on Saturday/Sunday.
12. Resolution of the right of way dedicated by plat called out on the survey of the Property to the satisfaction of the Town's engineer, surveyor and town attorney.
13. The owner 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.
14. 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 operation of an outdoor storage business for boats, RVs, and trailers; or (2) if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.
15. The owner must submit traffic circulation plan satisfactory to town manager, town planner and town engineer as part of site plan application.
16. The owner must submit a Lighting Plan, including measures to comply with Dark Sky lighting requirements.
17. The owner must install an Environmental Swale per the Town's specifications.
18. In addition to an Environmental Swale, fencing must be installed around the driving and parking area to further prevent intrusion into the 50' minimum setback from the delineated seasonable high-water elevation or jurisdictional wetland line, whichever is higher. This condition is applicable for uses allowed in this Conditional Use and for personal use vehicles and equipment.
19. This Conditional Use is being granted despite the Property not fronting on a public road. Therefore, title to the Property (Parcel Id No. 11-22-26-0002-0000-4100; Alt. Key 3778570) and the property identified as Parcel Id No. 09-22-26-0201-0170-0000; Alt. Key 1029490 must be vested in the same owner because this second parcel fronts on a publicly maintained County



STAFF REPORT

road and provides access to the Property. Currently the owner of both properties is Parque Verde, LLC.

20. The Town reserves the right to enter the property during regular business hours to ensure compliance with the conditions of this Conditional Use.
21. The Applicant must sign and accept all conditions of this Conditional Use.

BACKGROUND INFORMATION

1. This is the second Planning & Zoning hearing for this CUP Application. The first Application took place on November 8, 2023, and was tabled to allow the Applicant additional time to provide documentation for Town Staff to be able determine potential environmental effects pursuant to the Town's Comprehensive Plan and LDC. A wetland delineation pursuant to Chapter 62-340, F.A.C. has been requested as well as survey/map information. Stormwater detention/retention information pursuant to the Town's LDC has not been submitted.
2. The Applicant is in violation of code for use of property. An Order of Enforcement was issued.
3. The Applicant has ignored the Order of Enforcement.
4. It is unknown if the Applicant has utilized Best Management Practices to prevent soil contamination from vehicular use.

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:



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- (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.
 - (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



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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.



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INSERT
RESOLUTION 2023-87



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ACCEPTED BY:

Parque Verde, LLC

By: _____
Grant Roberts, Its Manager

Date: _____

By: _____
Wendy L. Roberts, Its Manager

Date: _____

By: _____
John C. Roberts, Its Manager

Date: _____



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Figure 1

