

### PLANNING AND ZONING BOARD AGENDA

### December 11, 2024 6:30 PM AT TOWN HALL 17404 SIXTH STREET MONTVERDE, FLORIDA 34756

The Montverde Staff and Council invite you to join the meeting in person or on your computer; you can watch and listen to the meeting from home by clicking the link below.

https://southlake.tv/player/44150/44150

### **BOARD MEMBERS**

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 November 6, 2024 Planning & Zoning Board Meeting.

### II. Public Hearings, Ordinance and Resolutions

A. <u>RESOLUTION NO. 2023-87</u> 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.

- B. ORDINANCE NO. 2024-43 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AMENDING THE TOWN OF MONTVERDE'S COMPREHENSIVE PLAN PURSUANT TO 163.3187, FLORIDA STATUTES. BY AMENDING THE COMPREHENSIVE LAND-USE PLAN DESIGNATION FROM TOWN OF MONTVERDE SINGLE-FAMILY MEDIUM TO TOWN OF MONTVERDE OFFICE, RESIDENTIAL, COMMERCIAL (ORC) ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY CONSISTING OF APPROXIMATELY 0.365 +/- ACRES : PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS: DIRECTING THE TOWN MANAGER TO AMEND SAID COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH: PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE. (TABLED 11-6-2024)
- C. ORDINANCE NO. 2024-42 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE CHANGING THE ZONING DESIGNATION OF REAL PROPERTY OWNED BY MICHAEL AND MARIE THERESA KAY AND LOCATED AT 17510 COUNTY ROAD 455, MONTVERDE, LAKE COUNTY, FLORIDA FROM A SINGLE-FAMILY MEDIUM DENSITY (R1M) TO OFFICE, RESIDENTIAL, COMMERCIAL (ORC); PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; AND SETTING AN EFFECTIVE DATE. (TABLED 11-6-2024)
- D. RESOLUTION NO. 2024-156 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-52 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE REAR YARD SETBACK FOR THE REAL PROPERTY LOCATED AT 17632 9<sup>TH</sup> STREET, MONTVERDE, FLORIDA, OWNED BY GIOVANNI CUNHA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. ORDINANCE NO. 2024-44 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, TO CHANGE THE ZONING FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE-FAMILY RESIDENTIAL PUD FOR THE HEREIN DESCRIBED PROPERTY OWNED BY MONTVERDE LANDCO, LLC AND LOCATED NORTH OF OSGOOD ROAD, WEST OF LAKE APOPKA AND PARTIALLY EAST OF KIRK ISLAND RD; DIRECTING THE TOWN MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; APPROVING VARIANCES FROM TOWN CODE WITH CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

F. RESOLUTION 2024-158 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING PRELIMINARY PLAT APPROVAL FOR A 139 SINGLE FAMILY LOT RESIDENTIAL SUBDIVISION GENERALLY LOCATED NORTH OF OSGOOD ROAD, EAST OF COUNTY ROAD 455, AND WEST OF LAKE APOPKA WITHIN THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

### III. <u>DISCUSSION ITEMS</u>

- 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 for items and appointments that have been advertised in a newspaper for a specific time.

According 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 who need assistance to participate in any of these proceedings should contact Town Hall at (407) 469-2681 48 business hours before 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 BOARD MINUTES NOVEMBER 6, 2024, 6:30 PM

### **BOARD MEMBERS PRESENT**

Karin Arellano Josie Weiss Thomas Johnson Holly Broecker

### STAFF PRESENT

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

### **Call to Order and Opening Ceremonies**

Chairwoman Arellano called the meeting to order and lead the Pledge of Allegiance.

### **Approval Of Minutes**

Minutes of September 17, 2024, Planning & Zoning Board Meeting. Board Member Johnson moved to approve. Board Member Weiss seconded. September 17, 2024, minutes approved 4-0.

### Public Hearings, Ordinance and Resolutions

Resolution No. 2024-138 A Resolution of the Town Council of the Town of Montverde, Florida, granting major site plan approval to Montverde Academy for the expansion of the Henry D. Roberts Gymnasium located internal to the campus; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-138.

Town Planner Lisa Busto presented the information on the expansion plan.

Board Member Weiss asked if they would be paying Impact fees.

Town Manager Larino stated yes and noted that the Town is working with Montverde Academy on future projects.

Board Member Broecker asked if they are adding additional restrooms.

Town Manager Larino stated that if they added new restrooms, they have their own treatment plant and would have to have DEP approval.

There was brief discussion.

Chairwoman Arellano opened the public hearing.

No one spoke in favor of or against the Resolution.

Chairwoman Arellano closed the public hearing.

Board Member Weiss moved to approve Resolution No. 2024-138. Board Member Johnson seconded. Resolution No. 2024-138 approved 4-0.

<u>Resolution No. 2024-140</u> A Resolution of the Town Council of the Town of Montverde, Florida, granting a variance from Section 4-256 in Chapter 4 of the Montverde Land Development Code from the maximum height restriction on fences for the real property located at 17650 Doris Street, Montverde Florida, owned by Robson Bonatti and Mariana De Angelo; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-140.

Town Planner Lisa Busto presented the information for the variance.

Town Manager Larino stated the topography of the lot is higher and lower in these areas. This prevents the back of the property from having privacy because of the topography.

There was brief discussion.

Chairwoman Arellano opened the public hearing.

Cecilia Gomes 17705 Virginia Circle, we are their neighbors, and we have no problem with the fence.

Chairwoman Arellano closed the public hearing.

Board Member Weiss stated she did drive by the property and the neighbors have been notified and they don't have a problem with it, it looks fine.

Board Member Weiss moved to approve Resolution No. 2024-140. Board Member Johnson seconded. Resolution No. 2024-140 approved 4-0.

Ordinance No. 2024-42 An Ordinance of the Town Council of the Town of Montverde changing the zoning designation of real property owned by Michael and Marie Theresa Kay and located at 17510 County Road 455, Montverde, Lake County, Florida from a Single-Family Medium Density (R1M) to Office, Residential, Commercial (ORC); providing for directions to the Town Manager; providing for severability and scrivener's errors; providing for conflict; and setting an effective date.

Chairwoman Arellano recused herself with a conflict of interest.

Town Attorney Geraci-Carver read Ordinance 2024-42.

Town Planner Lisa Busto presented the this is a zoning change and a future land use map.

Town Attorney Geraci-Carver stated that we should be hearing the land use plan prior to the zoning change.

Board Member Johnson moved to table Ordinance 2024-42 to December 11<sup>th</sup> at 6:30 p.m. Board Member Weiss seconded. Ordinance No. 2024-42 tabled with a roll call vote; Board Member Weiss-Yes, Board Member Johnson-Yes, Board Member Broecker-Yes, Ordinance 2024-42 tabled 3-0.

Ordinance No. 2024-43 An Ordinance of the Town Council of the Town of Montverde, Lake County, Florida, amending the Town of Montverde's Comprehensive Plan pursuant to 163.3187, Florida statutes, by amending the Comprehensive Land-Use plan designation from Town of Montverde Single-Family Medium to Town of Montverde Office, Residential, Commercial (ORC) on the Future Land-Use map for the herein described property consisting of approximately 0.365 +/- acres; providing for severability and scrivener's errors; directing the Town Manager to amend said comprehensive plan; repealing all Ordinances in conflict herewith; providing for the forwarding of this ordinance to the State of Florida Department of Economic Opportunity; and providing for an effective date.

Town Attorney Geraci-Carver read Ordinance 2024-43 by title only.

Town Planner Lisa Busto presented information about the property wanting to change from Single Family Medium to Office, Residential Commercial because it is currently a house.

Board Member Johnson asked, "is this a house now?"

Town Planner Busto Yes.

Board Member Broecker is trying to understand the difference between a full-scale restaurant to this ORC.

Town Planner Fisher stated the site plan is going to drive the zoning consideration.

Theresa Kay explained in detail what they are hoping to do with the property. A place to gather over coffee, beer and wine with live music. Partner with local restaurants and food trucks. Property can accommodate 12-13 parking spaces. There will be TVs to watch sports, but it is a causal location to relax.

Board Member Broecker asked if the surrounding property owners received notification.

Town Manager Larino stated yes.

Board Member Johnson opened the public hearing.

Matthew Baumann, 1122 Imperial Eagle, Groveland FL, how many seats are you going to have and whether the outside septic will handle the use.

Theresa Kay stated they would be getting an architect out to determine how many seats we can accommodate and if the septic needs upgraded.

Board Member Broecker stated that it seems it's going to be more than a coffee shop.

Thersa Kay stated that was on the application, online.

Weiss is disappointed that it will be more than a place to have a coffee shop, based on what I hear it's going to be different and allow beer and wine.

Board Member Johnson closed the public hearing.

Town Attorney Geraci-Carver stated if restaurants were allowed under ORC, it would specifically list it.

Weiss stated she understands your intention, but I think alcohol is an issue.

Board Member Johnson I have faith in the staff, and they have approved it.

Board Member Broecker stated that she thought she understood what this was going to be based on what was in the packet, but there was no mention of alcohol being served.

Town Attorney Geraci-Carver it's a matter of policy, these uses under ORC are appropriate for this area.

Theresa Kay directly to the east is F&M gas station, to the north is storage, there are no properties around the area. It's not a bar, we aren't looking for a liquor license.

Town Planner Busto, to the south of the property, is commercial.

Town Manager Larino stated you need more time to investigate this you can table.

Board Member Johnson moved to approve Ordinance No. 2024-43. Board Member Weiss seconded. Ordinance No. 2024-43 fails with a roll call vote: Board Member Johnson Yes, Board Member Weiss No, Board Member Broecker No. Vote: 1-2 (Chairwoman Arellano recused herself)

Board Member Johnson moved to table Ordinance 2024-43 to December 11<sup>th</sup> at 6:30 p.m. Board Member Weiss seconded. Ordinance No. 2024-43 tabled with a roll call vote; Board Member

Weiss-Yes, Board Member Johnson-Yes, Board Member Broecker-Yes, Ordinance 2024-43 tabled 3-0.

Chairwoman Arellano returned to the dais.

Ordinance No. 2024-41 An Ordinance of the Town of Montverde, Florida, amending the Town of Montverde's Comprehensive Plan to include changing in all elements of the Town's Comprehensive Plan the planning timeframes from five years to ten years as required by SB 1604/chapter 2023-31 Laws of Florida; relocating Archaeological protection language in the Future Land Use element to the Archaeological and Historic Resources element; increasing the minimum open space percentages required for each Future Land Use designation in the Future Land Use element; requiring access management to be consistent with the Montverde walks plan; removing a requirement to identify wetlands as conservation open space; clarifying architectural design guidelines as permitted by state statutes will be added to the land development regulations to assist in compatibility between adjacent uses; excluding jurisdictional wetlands from gross land area; including the types of dwelling units that may be constructed in areas designated as affordable housing on the Future Land Use maps; including Commercial District 2 (C-2) as a type of commercial Future Land Use designation; clarifying open space definition; adding utility as a Future Land Use designation; include reference to a Joint Planning Agreement; amend table-2 in the Future Land Use element relating to density and intensity of land use designations; amending the Capital Improvements element and Public Facilities element as required by HB 1379/Chapter 2023-169 relating to water quality and Upper Ocklawaha BMAP; providing for conflicts; providing for severability; providing for inclusion in the Town of Montverde Comprehensive Plan; and providing for approval and an effective date.

Town Attorney Geraci-Carver read Ordinance 2024-41 by title only.

Town Planner Fisher stated the purpose of the Ordinance and the steps that will be taken after the ordinance is approved.

Board Member Broecker stated it looks like the open space requirement has increased.

Town Planner Fisher stated several changes were made regarding Future Land Use.

The following recommendations were made by the board:

- Provide a definitions section of all acronyms used in the Comprehensive Plan, such as Floor Area Ratio (FAR), and Metropolitan Planning Organization (MPO).
- Element I, Page 24, Future Land Use Element- Revise Table 4 to strike "Institutional" and replace it with "Public Facilities" as the prior categories of Utility Open Space, Recreational, and Institutional have been grouped under Public Facilities.
- Element III, Page 4, Housing Element- Under Policy 3-1.4.1 in the sixth line down, after the word "construction", strike the word "that" and replace it with the word "than."
- Element IV, Page 5, Public Facilities Element- Under Policy 4-1.4.1 add "when it is available" to the end of the last sentence. Element IV, Page 8, Public Facilities Element-Under Policy 4-1.4.5 add "when it is available" after the word "system" in the last sentence.
- Element IV, Page 13, Public Facilities Element- Revise Table 2 to incorporate new water consumption data as it becomes available.
- Element V, Pages 27 and 32, Conservation Element- Where "Lake County Environmental Services Department" has been stricken, add language that states, "or other organizations qualified to evaluate."
- Element V, Pages 7-8, Conservation Element- Ensure formatting is correct.

- Element VII, Page 11, Intergovernmental Coordination Element- Under Policy 7-1.3.6 (a), add Franklin Pond to the list of water bodies to coordinate with St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP).
- Element VII, Page 13, Intergovernmental Coordination Element- Under Objective 7-1.5, add "Sunshine Water Services" to the list of agencies.
- Element IX, Page 3, Concurrency Element- Under D.) strike the word "contends" and replace with the word "intends."
- Element IX, Page 4, Concurrency Element- Ensure spacing between paragraphs is formatted correctly.

Chairwoman Arellano opened the public hearing.

No one spoke in favor of or against Ordinance 2024-41.

Chairwoman Arellano closed the public hearing.

There was brief discussion.

Board Member Weiss moved to approve as amended Ordinance No. 2024-41. Councilmember Broecker seconded. Ordinance 2024-41 approved as amended 4-0.

### **Discussion Items**

Town Manager's Updates None

Town Planner's Updates None

Town Attorney's Updates None

### Adjournment

Board Member Broecker moved to adjourn. Board Member Johnson seconded. The meeting was adjourned at 7:54 p.m.

|                           | Karin Arellano   | Karin Arellano |  |
|---------------------------|------------------|----------------|--|
|                           |                  |                |  |
| Attest:                   |                  |                |  |
|                           |                  |                |  |
| Sandy Johnson, Town Clerk | 1.1. 1.100mas=10 |                |  |

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 ¾ of the West ½ of the Southwest ¼ of the Northwest ¼ , Section 11, Township 22 South, Range 26 East, Lake County, Florida.

### 7. <u>Conditions.</u>

- (a) Conditional Use is granted for operation of an outdoor storage business for vehicles, boats, RVs, and trailers, and for no other use or purpose. Storage of vehicles, RV's and trailers having air brakes is prohibited. The usage may also include vehicles related to the owner's landscaping business; however, retail sales is prohibited.
- (b) The maximum weight for the boats, RVs and trailers outlined above is restricted to 28,000 gross vehicle weight..
- (c) The Property must comply with the setbacks for R1L Single-Family Low Density zoning district. Setbacks must be shown on the site plan.
- (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 storage within 50-feet of a delineated wetland line. The owner must construct a split rail or "Montverde Style" fence around the storage area to protect against encroachment into the wetland buffer.
- (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. Semi-tractor trailer parking is prohibited.
- (h) The owner must submit traffic circulation plan satisfactory to town manager, town planner and town engineer as part of site plan application to reflect how vehicles will enter, circulate and exit. Use of arrows and notes to illustrate the circulation will be required on the site plan.
- (i) The owner must meet and adhere to requirements of Lake County Public Works because access to the Property is from a County Road. An access (right-of-way utilization permit) must be obtained from Lake County prior to any construction activities.
- (j) Signage must be constructed in accordance with the Town's sign code.
- (k) Maintenance and/or repairs of the stored vehicles, boats, RVs, and trailers on the Property is prohibited.
- (l) Lighting is limited to the one (1) Dark Sky compliant, motion activated light at the entry point to assist with opening and closing of a gate.
- (m) 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.
- (n) In addition to an Environmental Swale, split rail or "Montverde Style" fencing must be installed around the storage 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 must be posted every 50-ft. along or near the wetland line in areas on Property that are being used for storage. The signage must read "Do not enter. Wetland Area" in English as well as Spanish.
- (o) 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.
- (p) Vehicle maintenance, including but not limited to oil changes, is prohibited from being performed on the Property.
- (q) Movement of vehicles, boats, RVs, and trailers within the Property, on to the Property or exiting the Property (hours of operation) shall be limited to the hours between 7am and 9pm, 7 days a week.

- (r) 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. 09-22-26-0201-017-00000; 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.
- (s) 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.
- (t) 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.
- (u) The Town reserves the right to enter the Property during regular business hours to ensure compliance with the conditions of this Conditional Use. The Town must provide 24-hours advance notice to ensure someone will be on site to allow access.
- (v) All stored vehicles, boats, RVs and trailers must have a valid tag/registration.
- (w) Any trees planned for removal will require an application for a tree removal permit. The minimum number of trees and caliper required in the R1L zoning district must be maintained. The current requirement is 4 canopy trees at a minimum of 4-in. caliper.
- (x) The owner must sign and accept all conditions of this Conditional Use.
- (y) 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 vehicles, 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 meetin | g 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 Attorne |
| First Reading                     |

|                              | YEA | NAY |
|------------------------------|-----|-----|
| Vice Mayor Carol Womack      |     |     |
| Councilmember Jim Ley        |     |     |
| Councilmember Allan Hartle   |     |     |
| Councilmember Joe Morganelli |     |     |
| 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:

| Parq  | ue Verde, LLC                 |       |
|-------|-------------------------------|-------|
| Ву:_  | Grant Roberts, Its Manager    | Date: |
| By: _ | Wendy L. Roberts, Its Manager | Date; |
| By: _ | John C. Roberts, Its Manager  | Date: |



TO:

**Planning & Zoning Board** 

FROM:

Sean M Parks, AICP, QEP Town Planner

DATE:

December 11, 2024

SUBJECT:

Resolution 2023-87 – Conditional Use Permit (CUP)

CS Permit #CU23-000002 | ALT Key #3779570

**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:

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 herein and in Resolution 2023-87 (Exhibit A).

- 1. The setback dimensions to the wetlands must be included on the site plan, showing that the minimum setback requirements to the wetlands are 50-ft.
- 2. Parking shall be limited to the residential side of the property only.
- 3. Any trees planned for removal will require an application for a tree removal permit. The minimum number of trees and caliper required in the R1L zoning district must be maintained. The requirement is 4 canopy trees at a minimum of 4" caliper.
  - Previous comments:
- 4. The Applicant has failed to provide the requested information with the application. Insufficient data has been provided to determine potential environmental effects pursuant to the Town's Comprehensive Plan and LDC. A wetland delineation pursuant to Chapter 62-340, F.A.C. should be completed and survey/map information submitted to the Town.
- 5. The Applicant is in violation of code for use of property. An Order of Enforcement was issued.
- 6. The Applicant has ignored the Order of Enforcement.
- 7. Stormwater detention/retention information pursuant to the Town's LDC has not been submitted.



8. 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:
  - (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.
- 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.



Figure 1 – Aerial Photo

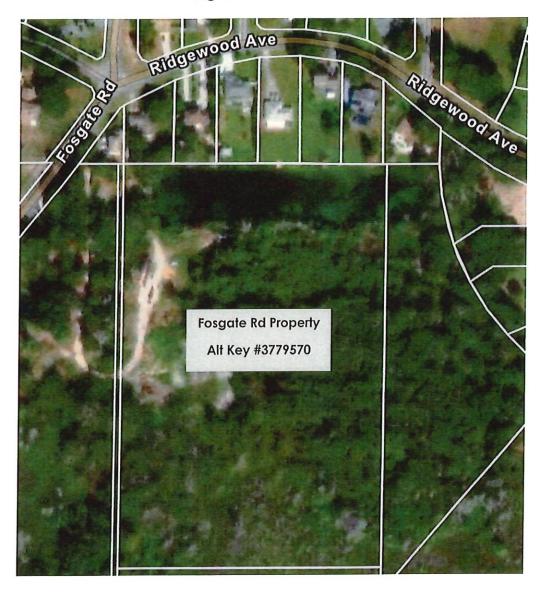




Figure 2 – Current Future Land Use Map Single-Family Low-Density (SFL)

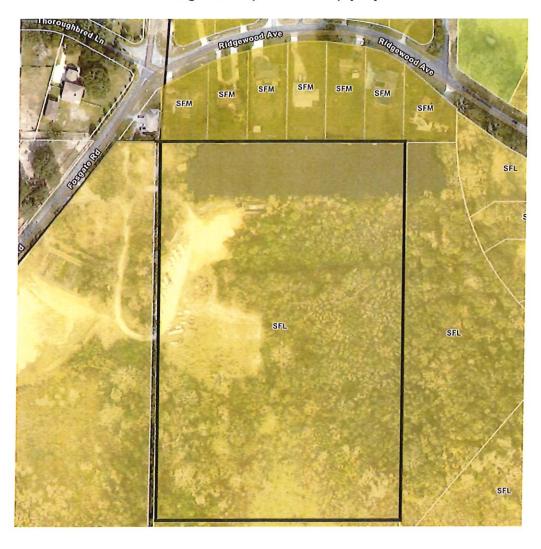




Figure 3 – Zoning Map Single-Family Low-Density (R1L)





Figure 4 – Site Plan



The following pages include Review Comments made by the Town and the applicant's responses to the Comments. The Town's subsequent response (in blue) are the recommended conditions for issuance of the Conditional Use Permit (CUP) should it be approved.

 Conditional Use is granted for operation of an outdoor storage business for boats, RVs, and trailers, and for no other use or purpose.
 Response: We would also request that to be able to operate our own landscaping business from this parcel as well.

Town's Response: The usage shall be limited to storage of boats, trailers, RVs, and related vehicles. The usage may also include vehicles related to the applicant's landscaping business. This excludes any retail landscape use.

The maximum weight for the vehicles outlined above must be 1-ton or less.
 Response: We request that the maximum weight be restricted to 26,000 GVW (Gross Vehicle Weight). This is the maximum weight that is allowed that does not require a CDL (Commercial Driver's License). Furthermore, we would like to note that we will restrict the storage to no vehicles that have air brakes.

Town's Response: The maximum weight of vehicles shall be restricted to 26,000 GVW (Gross Vehicle Weight) and will prohibit the storage of vehicles that have air brakes.

3. The Property must comply with the setbacks for R1L Single-Family Low Density zoning district. Response: Agree. However, we would request that the CUP not restrict us to the 25' Setback from the right of way that is located between our two parcels as we are working with staff for a resolution of this right of way.

Town's Response: The Property shall comply with the setbacks for R1L Single-Family Low Density zoning district. Setbacks must be shown on the site plan.

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.

Response: We do not plan to create any structures for the storage operation. We would like to note, that as this property will also be used for Agricultural purposes as we expand our nursery. The setbacks for Agricultural uses are 25' average along the wetland line.

Town's Response: 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. Response: We agree to not store any vehicles, boats, RVs, or trailers within the 50' Wetland setback but we wish not to be restricted to this setback for vehicles associated with our Agricultural operation

Town's Response: The applicant shall construct a split rail or "Montverde Style" fence around the proposed storage area to protect against encroachment into the buffer areas.

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.
Response: We request that a minor site plan be sufficient for the project due to the limited

Response: We request that a minor site plan be sufficient for the project due to the limited impacts of what we are requesting.

Town's Response: A major site plan application and approval is required by the Town Code and must be obtained prior to construction activities.

Comply with any applicable codes for trailer parking.
 Response: Please provide any codes that may be applicable for what we are requesting so we will be able to determine a more accurate response to this request.

Town's Response: Semi-tractor trailer paring shall be prohibited.

8. The owner must meet and adhere to requirements of Lake County Public Works because access to the Property is from a County Road.

Response: Please provide a list of requirements that Lake County Public Works will require so will be able to determine a more accurate response to this request.

Town's Response: An access permit must be acquired from Lake County prior to construction activities.

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. Response: We request that a 24" by 36" sign be placed along Fosgate so customers will be able to correctly identify the storage location. We will present and request approval from staff of signage when we are ready to install it.

Town's Response: Signage shall be constructed in accordance with the Town's sign code.

10. Vehicle maintenance, including but not limited to oil changes, is prohibited from being performed on the Property.

Response: We agree that any person or business storing their vehicles, boats, RVs, or trailers is prohibited from performing maintenance on site. However, we do not wish to limit our Agricultural operation from doing so.

Town's Response: Any person or business storing their vehicles, boats, RVs, or trailers is prohibited from performing maintenance on site.

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.

Response: We request that hours be limited from 5am to 9pm, 7 days a week.

Town's Response: Hours of operation shall be limited from 5am to 9pm, 7 days a week.

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.

Response: We are currently working with staff for a resolution of the right of way between our two parcels.

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.

Response: Agree

Town's Response: The applicant 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.

Response: Agree

Town's Response: 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.

Response: Please explain in more detail what you are requesting we will be able to determine a more accurate response to this request.

Town's Response: On your preliminary site plan, please show how vehicles will enter, circulate and exit. Use arrows and notes to illustrate the circulation. More detail can be provided as part of the site plan application. For more information, please review Montverde LDC Sec 6-26, for major site plan.

16. The owner must submit a Lighting Plan, including measures to comply with Dark Sky lighting requirements.

Response: It is not our intention to install any lighting for this project. We would like the only exception to this to be a low-lumen, motion activated light to assist with opening and closing of the gate on site.

Town's Response: The applicant shall be limited to the installation of one (1) dark sky compliant, motion activated light at the entry point to assist with opening and closing of gate.

17. The owner must install an Environmental Swale per the Town's specifications.

Response: Agree

Town's Response: The applicant must install an Environmental Swale per the Town's code 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.

Response: Since areas within the 50' Setback may be in use for our Agricultural operation, we request that no fence be installed along the 50' setback line. However, we agree to post signage every 50' along or near the wetland line in areas on the property that are being used for storage. The signage will read "Do not enter. Wetland Area" in English as well as Spanish.

Town's Response: The proposed storage area must be fenced utilizing split rail or "Montverde Style" fencing. The applicant will post signage every 50' along or near the wetland line in areas on the property that are being used for storage. The signage will read "Do not enter. Wetland Area" in English as well as Spanish.

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

Response: Agree

20. The Town reserves the right to enter the property during regular business hours to ensure compliance with the conditions of this Conditional Use.
Response: Agree. However, we request a 24 hours' notice to make sure someone is onsite to allow access.

Town's Response: The Town reserves the right to enter the property during regular business hours to ensure compliance with the conditions of this Conditional Use. The Town shall provide 24-hours notice to the property owner before site visitation.

21. The Applicant must sign and accept all conditions of this Conditional Use. Response: Agree

From: noreply-portal@citizenserve.com

08/14/2023 - 12:26 PM Sent:

To: anita@agclaw.net;townmanager@mymontverde.com

Subject: Online Application Received

### CITIZENSERVE ONLINE APPLICATION RECEIVED

A Conditional Use application has been received from your online portal.

CU23-000002

Type:

Conditional Use

Application Date: 08/14/2023

Address:

Description:

Boat/RV/Trailer Storage

Applicant:

**Grant Roberts** 

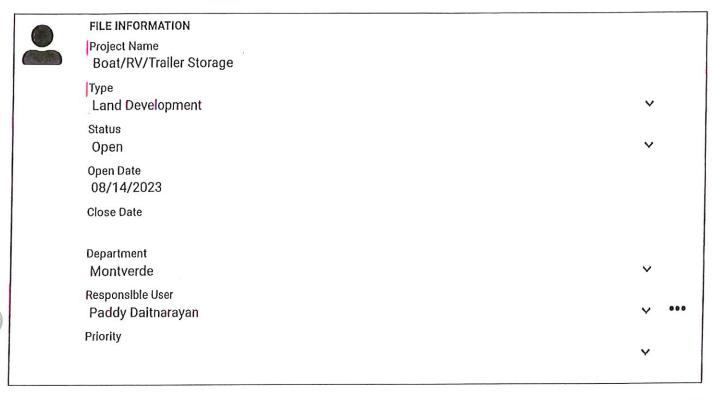
CLICK HERE TO VIEW THIS APPLICATION

Grant Roberts - Plant Express Conditional Use Permit CU23-000002 Vaid \$ 5000.00 Deposit. Application Fee 1825000



PERMIT PROJECT
FILE #: 23-000272
MONTVERDE FL 34756
BOAT/RV/TRAILER STORAGE

### 血 注 茴 ▮ ▲ ♣ ≔ ♬ ■



| PROPERTY INFORMATION           |    |            |       |
|--------------------------------|----|------------|-------|
| Property Address               |    |            | 0     |
| Y                              |    | ~          | Q     |
|                                |    |            |       |
| MONTVERDE                      | FL | 34756      |       |
| Parcel #<br>112226000200004100 |    |            |       |
| Owner Name<br>PARQUE VERDE LLC |    |            |       |
| Owner Address PO BOX 560312    |    |            |       |
| MONTVERDE                      | FL | 34756-0312 |       |
| Owner Phone                    |    |            |       |
| , ·                            |    |            | x - 2 |
| Legal Description              |    |            |       |
|                                |    |            |       |
| Approximate L'ocation          |    |            |       |
| ć                              |    |            |       |
|                                |    |            | 1     |

|  | 0665   |
|--|--|
| Plant Express P.O. Box 560533 Montverde, FL 34756 407-408-0664                   | DATE 8-14-2023 63-1380/631   |
| PAY TO THE TOWN OF MONTUENDE GORDER OF TOWN OF MONTUENDE G                       | Fixty Co DOLLARS 10 DO |
| SEACOAST NATIONAL BANK 1000 E Hwy 50 Clermont, FL 34711 FOR Conddial Use Pernits | A Care 100   |
| "OOO665" "O6311380B"   | 111035101"   |

# Grant Roberts

CU23-00002

# Conditional Use Permit

TOWN OF MONTVERDE

Printed 17:24:55 - 08/14/23

Batch:10887 Transaction:20

Reference Number: COND USE PERMIT Name: PLANT EXPRESS - GRANT ROBERTS Address: PO BOX 560533 (MONTVERDE FL. 34756]

Item(s) Description:

Check # 0665 5250.00
Credit Paid
Credit Paid
Less Change Given ( )

TOTAL: 5250.00



### Receipt

Permit Number: CU23-000002

Date: 08/15/2023

Amount: \$5250.00

Received From: Grant Roberts



### **EXHIBIT A**

**RESOLUTION 2023-87** 



# EXHIBIT B LETTERS OF CONCERN





July 22, 2024

Town of Montverde Montverde Town Council 17404 Sixth Street Montverde, FL. 34756

RE: Opposition to Resolution 2023-87 A Conditional Use Permit

Dear Montverde Town Council,

As President of the Magnolia Terrace Homeowner's Association ("HOA"), I am writing on behalf of the HOA Board of Directors in opposition of granting the Conditional Use Permit outlined in Resolution 2023-87 ("CUP"). The CUP, as requested, would permit land previously designated as R1L Single-Family Density zoning, to be used as an outdoor storage facility for the storage of boats, RVs, and trailers. Our concerns are as follows:

A) We are concerned that any maintenance would allow for the contamination of the waters and wetlands with oils, machine waste, or other commercial contaminants.

B) To ensure that the petitioner does not evade his responsibilities if contamination of the HOA common property should occur, thus, causing undue financial burden to the homeowners of Manolia Terrace HOA if clean up becomes its' responsibility.

C) The possibility of trespassing and/or dumping waste on the HOA common area from the petitioners or the customers.

We recognize that there may be homeowners within our subdivision that may desire this new outdoor storage facility; however, we have a fiduciary duty to protect the common property of the HOA. Our concern is this land is adjacent to HOA's common property and it being used as a twenty-four-hour storage facility where large vehicles will be parked on top of a previous waste site and adjacent to wetlands will negatively impact our common area land.

While we strongly oppose this CUP, should the Town Council and Mayor determine it is in the Town of Montverde's best interest to permit this establishment, we encourage to the Town Council to impose the most stringent restrictions to protect the Magnolia Terrace HOA common area that is adjacent to this land.

To protect the HOA's property we would ask that the Town Council and Zoning Board would consider the following:

- a. The customers of the petitions should not be allowed to perform ANY maintenance on their vehicles or equipment while on the property. We are concerned that any maintenance would allow for the contamination of the waters and wetlands with oils, machine waste, or other commercial contaminants. It may be argued that there has been waste from the past permitted and unpermitted waste disposal; however, this previous waste disposal is now buried and should not be disturbed. And there should be no new disposal.
- b. Secondly, the Town Council should place the burden of waste disposal of the site on the petitioner. Pursuant to Environmental Laws, the current landowner is already responsible for the clean-up of any waste and would be responsible for any additional waste on the site that potentially impacts the water, wetlands, and adjoining lands. To ensure that the petitioner does not evade his responsibility should he and/or his customers' activities impact the HOA's community property, the petitioner should be required to place and maintain at least a onemillion-dollar (\$1,000,000.00) performance bond as surety for these activities. The surety bond should be pledged to the Town of Montverde who will, in turn, be required to use that money to clean up the wetlands and adjacent property should the petition fail in his responsibilities. This performance bond should be mandatory as Florida has long been promised adherence to environmental protection by businesses only to have those businesses file for bankruptcy to avoid cleanup costs. Thus, sticking the Magnolia Terrace HOA homeowners with the costs of clean up after the business has received all the benefits from their previously existing operations. Montverde has the opportunity and obligation that, should they find it is in the Town's best interest to issue the requested CUP, to put into place protections for the future payment of remediation. This can be achieved by requiring a performance bond significant enough to ensure sufficient funds for remediation.
- c. Finally, we would ask that the petitioner place signage and/or fencing that would prevent any person using the facility to trespass on the HOA common properties. We feel this would alleviate any confusion for the customers of this facility as to where the facility's land ends, and our common property begins. We believe this may also prevent anyone from confusing the boundaries and using HOA property in a manner we consider to be harmful to the common area of the HOA.

Again, we oppose this CUP as it is an unnecessary risk to the adjacent HOA property. However, if the Town Council and Mayor determine it is in the Town's best interest to grant this CUP, we would ask that the Council and Mayor first explain why it is in the Town's best interest and then impose the strictest rules necessary to ensure the least impact to the HOA's land.

Kind Regards,

Cindy Sledziona, President Magnolia Terrace HOA

16331 Florence Oak Ct, Montverde, FL 34756 hm,gallagher@comcast.net

November 8, 2023

Town of Montverde Planning and Zoning Board 17404 Sixth Street Montverde, Florida 34756

RE: Opposition to Resolution No. 2023-87

Dear Planning and Zoning Board Members;

In the Agenda provided for your meeting of November 8, 2023, you have listed Resolution No. 2023-87 which would provide for a conditional use permit in an R-1L Single-Family Low-Density Zoning District for an outdoor storage business for boats, recreational vehicles, and trailers. I, along with other Montverde residents, are strongly opposed to this variance.

Issues Associated with Changes in the Residential Zone – as noted in your agenda item, this land is zoned for single family homes. Montverde is a quiet residential area, and it should retain this distinction. This area enjoys farms and a country-like setting. The proposed change would invite hundreds of spaces for outdoor vehicles (boats, RVs, and trailers). These outdoor vehicles, while great to enjoy, are often an eyesore in subdivisions if not kept in a garage or behind a fence. If they were not such an eyesore, the homeowners would house these on their own property. Unfortunately, outdoor vehicle owners must take these to large, industrial facilities that will allow for storage. These facilities can be several stories high depending on how they are built and can allow for hundreds of stored vehicles. Each of these vehicles, if not creating an eyesore in the facility itself, will have to be hauled over the roads of Montverde. Due to the proposed location of the facility, this would be accessed from residents of Minneola, Clermont, and other developing areas.

To change land from a residential zoned area for this use, would be a significant impact on the enjoyment of our town and would be inconsistent with anything in the area.

Impacts to wetlands - Wetlands are an essential part of the ecosystems and help maintain water quality, aid in flood control, and provide habitat for various animal and plant species. Wetlands in the upper reaches of a watershed often provide the greatest ecological and water quality value. The land adjacent to Fosgate contain these essential wetlands. At the very least, the Planning and Zoning Board should require that the Developer/Requestor prepare and submit a Phase One Wetlands Delineation Study so that the Board and the affected Montverde residents can see exactly where and what type of wetlands would be subject to the provision of the Clean Water Act ("CWA"). A wetland delineation is the fieldwork that determines the boundary between

uplands and wetlands on a property. This on-site work follows guidelines established by the United States Army Corps of Engineers. Under the CWA Section 404, wetland delineations are required when developing a project that may impact a wetland. A delineation is legally required when a wetland is found on a property that is planned for development. The U.S. Army Corps of Engineers, the Planning and Zoning Board, along with other potential regulatory agencies, must approve the wetland boundary to receive a permit to impact regulated wetlands.

Following a Phase One Wetland Delineation study, the Developer/Requestor could then submit a wetland mitigation plan to the Planning and Zoning Board. Wetland mitigation requires the creation, restoration, and/or enhancement to a wetland to make up for losses due to land disturbance, including development. These mitigation actions are required by Clean Water Act Section 404 when destroying a wetland. Once these mitigation plans have been established, they must receive the approval of the Natural Resources Conservation Service (NRCS.)

I would encourage the Board to deny the application for a conditional use permit or, at a minimum, before any other action is taken, to require the Developer/Requestor to submit the CWA required Phase One Wetlands Delineation Study. Additionally, the Developer/Requestor should be required to remove all vehicles and commercial equipment from this property until the Phase One Wetlands Delineation Study is complete at which time the Planning and Zoning Board will have the information it needs to assess the request.

Respectfully submitted,

Helen Gallagh

Attn: Town of Montverde Planning and Zoning Board,

Ref item Alt Key #3779570

I have been sent, via certified mail, notice of the intent of the owner to request a Conditional Use Permit from the town council to permit an outdoor storage business of which I am strongly opposed. This area is a reported dump site by the Tower Chemical Company many years ago. If construction were to be permitted my fear is that the chemicals buried would begin to leak and contaminate the ground water which supplies my well and my neighbor's wells, used for irrigation. In addition, if storage of boats and RV items was permitted there would be maintenance performed, either permitted by the owner or surreptitiously by tenants, which could flow into adjacent wetlands causing contamination. Again I am strongly opposed to any use for this parcel.

Larry Kontny

16516 Magnolia Terrace Blvd

Montverde, FL 34756

September 8, 2024

Attn: Town of Montverde Planning and Zoning Board and Council

Ref item Alt Key #3779570

We have been sent, via certified mail, notice of the intent of the owner to request a Conditional Use Permit from the town council to permit an outdoor storage business of which we are strongly opposed. This area is a reported dump site by the Tower Chemical Company many years ago as well as a town dump. If construction were to be permitted our fear is that the chemicals buried would begin to leak and contaminate the ground water which supplies my well and my neighbor's wells, used for irrigation. If storage of boats and RV items were permitted there would almost certainly be maintenance performed, either permitted by the owner or surreptitiously by tenants, which could flow into adjacent wetlands causing contamination.

Additionally, the DEP/EPA have issued a conditional use permit requirement for this parcel (I have attached a pdf of the email from the DEP). Were they contacted when the town gave a zoning variance for agriculture? Will the DEP/EPA be notified of this request to build on said property? I think it is the town's responsibility and, as stated by the DEP agent, should be very aware of the historical issues with this parcel and its limited use regulations.

Again, we are strongly opposed to any use for this parcel.

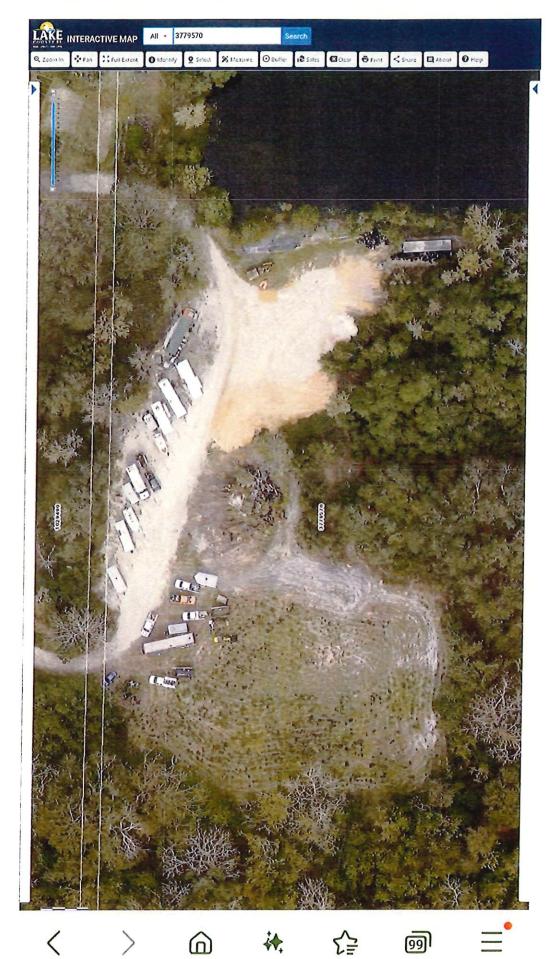
Paul and Cynthia Ajemian 16524 Magnolia Terrace Blvd Montverde, FL. 34756





# 





### **Paul Larino**

From:

linda h < lindakhufty@gmail.com>

Sent:

Wednesday, December 4, 2024 11:20 AM

To:

Towwnclerk@mymontverde.com; Paul Larino; Joe Wynkoop

Subject:

P&Z Meeting Dec 11th

Hello all -

I just wanted to express my full support for Grant Roberts in his quest to build a simple storage facility on his property. I live in the Trails of Montverde and know Grant and his family personally. My neighbors, especially those who live directly across from the property in question fully support him as well.

Best regards, Linda Hufty 15731 Thoroughbred Ln, Montverde, FL 34756 407-963-7115

### **ORDINANCE 2024-43**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE **AMENDING** THE TOWN OF **MONTVERDE'S** COUNTY. FLORIDA. COMPREHENSIVE PLAN PURSUANT TO 163.3187, FLORIDA STATUTES, BY AMENDING THE COMPREHENSIVE LAND-USE PLAN DESIGNATION FROM TOWN OF MONTVERDE SINGLE-FAMILY MEDIUM TO TOWN OF MONTVERDE OFFICE, RESIDENTIAL, COMMERCIAL (ORC) ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY CONSISTING OF APPROXIMATELY 0.365 +/- ACRES; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; THE DIRECTING THE TOWN MANAGER TO AMEND SAID COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, the Town of Montverde desires to amend the Comprehensive Plan for the Town of Montverde by assigning a future land use designation to the property more particularly described below and amending the future land use map to reflect the assigned future land use designation; and

WHEREAS, the Planning and Zoning Board sitting as the Local Planning Agency of the Town of Montverde held a public hearing on this ordinance which was advertised in accordance with law, and

WHEREAS, the Town Council of the Town of Montverde public hearing has been advertised as required by law for two public hearings with the first public hearing occurring at least 7 days after the first advertisement was published and the second public hearing for adoption of this ordinance occurring at least 5 days after the day of the second advertisement; and

WHEREAS, the Town Council of the Town of Montverde hereby finds and determines that the plan amendment is internally consistent with the Town s Comprehensive Plan; and

WHEREAS, it is in the best interests of the Town of Montverde to amend the Comprehensive Plan for the Town of Montverde as set forth herein.

Now, therefore, it be ordained by the Town Council of the Town of Montverde, Florida:

### Section 1. Legislative Findings

The recitals set forth above are hereby adopted as legislative findings of the Town Council of the Town of Montverde.

### Section 2. Future Land Use Designation Amendment.

- A. The Property is legally described in **Exhibit A** attached hereto. The location of the property is depicted on **Exhibit B** for visual reference.

  The Property consists of 0.365 +/- acres.
- B. That portion of the Future Land Use Element referenced as the Future Land Use Map of the Town of Montverde Comprehensive Plan is hereby amended by changing the Town of Montverde Future Land Use Map designation of the property described in **Exhibit A** (the "Property") from Town of Montverde Single-Family Medium Density and designating the Property on the Future Land Use Map to:

# TOWN OF MONTVERDE OFFICE, RESIDENTIAL, COMMERCIAL (ORC)

### Section 3. Severability.

Upon a determination that by a court of competent jurisdiction that a portion of this ordinance or the comprehensive plan adopted hereby is void, unconstitutional or unenforceable, all remaining portions shall remain in full force and effect.

#### Section 4. Scrivener's Errors.

Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

### Section 5. Direction to the Town Manager

Upon the Effective Date of this ordinance, the town manager or designee is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3187 and F.S. 163.3184(11).

### Section 6. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### Section 7. Adoption

After adoption, a copy hereof shall be forwarded to the Department of Economic Opportunity.

### Section 8. Effective Date

This ordinance shall become effective upon the 31<sup>st</sup> day after adoption unless timely challenged, and then will become effective upon the date a final order is issued by the Department of Economic Opportunities or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

| BE IT ORDAINED | at a meeting of the | Town Council of the Town of Montverde, Lake | County, |
|----------------|---------------------|---|---------|
| Florida, this  | day of              | , 20  |         |

|   | Joe Wynkoop, Mayor  |
|---|---|
| Attest:   |   |
| Sandy Johnson, Town Clerk   |   |
| Approved as to form and legality:   |   |
| Anita Geraci-Carver, Town Attorno   | <del>y</del>  |
| First Reading<br>Second Reading   | <b></b>   |
| Council MemberOrdinance. Motion was seconded by the motion the vote was as follows: | moved the passage and adoption of the above and foregoing by Council Member and upon roll call on |
|   | VEA NAV   |

Vice Mayor Jim Peacock
Councilmember Jim Ley
Councilmember Allan Hartle

Mayor Joe Wynkoop

Councilmember Carol Womack

### **EXHIBIT A**

### **Legal Description of Property**

Lot 4, Block 9, Division F, Town of Montverde in Section 2, Township 22 South, Range 26, Public Records of Lake County, Florida (the "Property")

Lake County Florida Property Appraiser Parcel Identification Number: 01-22-26-1200-009-00400

EXHIBIT B

Map Depicting Property



RECORD AND RETURN TO: TOWN OF MONTVERDE P.O. BOX 560008 MONTVERDE, FL 34756

### **ORDINANCE 2024-42**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE CHANGING THE ZONING DESIGNATION OF REAL PROPERTY OWNED BY MICHAEL AND MARIE THERESA KAY AND LOCATED AT 17510 CR 455, MONTVERDE, LAKE COUNTY, FLORIDA, FROM A SINGLE-FAMILY MEDIUM DENSITY (R1M) DESIGNATION TO C1 COMMERCIAL; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Michael and Marie Theresa Kay, Owners, are requesting to change the zoning designation for the real property described below from Single-Family Medium Density to C1 Commercial in order to have a coffee shop on the property; and

WHEREAS, the property has a future land use designation of Office, Residential, Commercial (ORC) as shown on the Town of Montverde Comprehensive Plan Future Land Use Map; and

WHEREAS, the requested zoning is consistent with the future land use designation of the property; and

WHEREAS, the Planning & Zoning Committee has considered this ordinance at a duly noticed public hearing; and

WHEREAS, the Town of Montverde has advertised as required by law prior to adoption of this ordinance, and provided surrounding property owners notice; and

WHEREAS, the Town Council has considered adoption of this ordinance at a public hearing

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

Section 1. Zoning Classification. Based on the petition by Michael and Marie Theresa Kay the property hereinafter described which petition has been approved by the Town Council of the Town of Montverde, Florida, pursuant to the provisions of the Laws of Florida, the zoning designation of the said property located in the Town of Montverde, Lake County, Florida, is hereby changed from Single-Family Medium Density to Office, Residential, Commercial (ORC) as designated by Town of Montverde, to wit:

Lake County Florida Property Appraiser Parcel Identification Number: 01-22-26-1200-009-00400

Lot 4, Block 9, Division F, Town of Montverde in Section 2, Township 22 South, Range 26, Public Records of Lake County, Florida (the "Property")

The Property is depicted on Exhibit A attached hereto.

- Section 2. Consistent with Comprehensive Plan. The zoning classification is consistent with the Comprehensive Plan of the Town of Montverde, Florida.
- Section 3. Official Zoning Map. The town manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the Town of Montverde, Florida, to include said designation consistent with this Ordinance.
- Section 4. Severability. That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.
- Section 5. Scrivener's Errors. Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.
- Section 6: Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 7. Effective Date. This ordinance shall be effective immediately upon adoption by the Town Council of the Town of Montverde.

| PASSED AND ORDAINED        | in regular session | of the Town Council | of the Town | of Montverde, |
|----------------------------|--------------------|---------------------|-------------|---------------|
| Lake County, Florida, this | day of             | , 2024.             |             |               |
|                            |                    |                     |             |               |

|         | Joe Wynkoop, Mayor |
|---------|--------------------|
| Attest: |                    |
|         |                    |
|         |                    |

| Approved as to form and legality:  |                   |   |
|--|-------------------|---|
| Anita Geraci-Carver, Town Attorne  | ey                |   |
| First Reading  |                   |   |
| Council MemberOrdinance. Motion was seconded the motion the vote was as follows: | by Council Member | option of the above and foregoing and upon roll call or |

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

### EXHIBIT A

### Map of the Property

Lake County Florida Property Appraiser Parcel Identification Number: 01-22-26-1200-009-00400



#### **RESOLUTION 2024-156**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-52 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE REAR YARD SETBACK FOR THE REAL PROPERTY LOCATED AT 17632 9<sup>TH</sup> STREET, MONTVERDE, FLORIDA, OWNED BY GIOVANNI CUNHA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Giovanni Cunha and Graziela Franco as owners have petitioned for a variance from the minimum rear setback for a shed as set forth in the Montverde Land Development Code, for property assigned Alt. Key No. 3037511 located at 17632 9<sup>th</sup> St. in the Town of Montverde, Florida; and

WHEREAS, applicant requests a variance from the Town of Montverde's minimum 25-ft. rear setback for sheds established for property in the R1M Single-Family Medium-Density Residential zoning district in the municipal boundaries of Montverde; and

WHEREAS, applicant asserts a variance to reduce the 25-ft. minimum rear setback to 7.5-ft. for a shed is necessary due to the existing site consideration, including (a) the presence of a historic oak tree that would need to be removed in order to meet the required minimum setback; and

WHEREAS, the variance being granted is the minimum available that will allow reasonable use of the land because an alternative would not meet property setback requirements; and

WHEREAS, a public hearing on this Resolution was held by the Planning and Zoning Board and property owners within 300 feet of the subject site were provided written notice no less than fourteen prior the public hearing delivered by U.S. Mail containing the name of the applicant, the nature of the requested variance and the date and time of the public hearing; and

WHEREAS, a public hearing on this Resolution was held by the Town Council after public notice advertising this resolution no less than 14 days prior to Town Council holding the public hearing; and

WHEREAS, the Planning and Zoning Board and Town Council of the Town of Montverde have considered the petition in accordance with the standards for granting variances contained in Section 10-12 of the Montverde Land Development Code and there is competent substantial evidence in support of the requested variance.

**NOW THEREFORE**, be it resolved by the Town Council of the Town of Montverde, Florida, as follows:

**Section 1.** The petition for variance filed by Giovanni Cunha, for real property located 17632 9th St., Montverde, Florida, more particularly described as:

Lot 3, Block 5, Division F, according to the MAP OF MONTVERDE, filed July 2, 1988 in the Public Records of Sumter County, Florida, now being a part of Lake County, Florida; Parcel ID No. 01-22-26-1200-005-00300; Alt. Key 3037511

### is **GRANTED** with the following conditions:

Anita Geraci-Carver, Town Attorney

- 1. One shed may encroach into the 25-ft rear setback; however, it must maintain a minimum rear setback of 7.5-ft., and must otherwise comply with Town Code.
- 2. Issuance of a Variance Permit shall not constitute zoning clearance or permit approval from the Town of Montverde.
- 3. Such Variance shall expire sixty (60) days from the effective date of this Resolution if owner does not obtain any required permit and/or zoning clearance.

| Section 2.                            | This resolution shall be effe   | ective after adoption in accordance with law. |    |
|---------------------------------------|---------------------------------|---|----|
| · · · · · · · · · · · · · · · · · · · | pted by the TOWN COUN of, 2024. | CIL of the TOWN OF MONTVERDE, Florid          | la |
|                                       |                                 | Joe Wynkoop, Mayor                            |    |
| Attest:                               |                                 |   |    |
| Sandy Johnson,                        | Town Clerk                      |   |    |
| Approved as to                        | form and legality:              |   |    |



## FUTURE LAND USE MAP AMENDMENT AND REZONING

**Public Hearings:** 

Planning & Zoning Board (P&Z): December 11, 2024

Town Council (TC): January 14, 2025

Ordinance No.:

Ordinance 2024-43 and Ordinance 2024-42

Applicant/Owner: Michael and Marie Theresa Kay

Requested Action: The applicant seeks a Future Land Use Map Amendment and Rezoning of approximately 0.365 +/- acres from Single Family Medium (SFM) Future Land Use and Single-Family Medium Density (R1M) Zoning District to Office, Residential, Commercial District (ORC) Future Land Use and Zoning District.

Staff Determination: Staff finds both the Future Land Use Map amendment and the rezoning application consistent with the Comprehensive Plan and Land Development Regulations (LDR). This is based on the analysis provided below.

### Subject Property Information

**Size:** 0.365 +/- Acres

Location: 17510 County Road 455, Montverde, FL 34756 (Home built in 1900)

Alternate Key No.: 1462568

Existing Zoning District: Single Family Medium District (R1M)

Proposed Zoning District: Office, Residential, Commercial (ORC)

Existing Future Land Use Category: Single Family Residential (SFR)

Proposed Future Land Use Category: Office, Residential, Commercial (ORC)



### **Adjacent Property Land Use**

| Direction | Future Land Use | Zoning | Existing Use                 | Comments   |
|-----------|-----------------|--------|------------------------------|--|
| North     | SFR             | R1M    | Vacant                       |  |
|           |                 |        | Residential                  |  |
| South     | C1              | C1     | Single Family<br>Residential | The zoning is C1 although there is a single-family home on the property. |
| East      | SFR             | R1M    | Single Family<br>Residential |  |
| West      | SFR             | RIM    | Single Family<br>Residential |  |

### **Staff Analysis**

The applicant seeks a Future Land Use Map Amendment and Rezoning of approximately 0.365 +/- acres from Single Family Medium (SFM) Future Land use and Single-Family Medium-Density (R1M) Zoning District to Office, Residential, Commercial District (ORC) Future Land Use and Zoning District.

### <u>Existing and Proposed Development</u> Standards Zoning District Maximum

|          | Zoning<br>District | Maximum<br>Density          | Maximum<br>Floor<br>Area<br>Ratio | Maximum<br>ISR | Minimum<br>Open<br>Space* | Maximum<br>Building Height |
|----------|--------------------|-----------------------------|-----------------------------------|----------------|---------------------------|----------------------------|
| Existing | R1M                | 4<br>dwelling<br>units/acre | NA                                | 60%            | 15%                       | 35 feet                    |
| Proposed | ORC                | NA                          | 0.7 FAR                           | 80%            | 30%                       | 35 feet                    |

<sup>\*</sup> Please note that a Comprehensive Plan Amendment is currently being processed by the Town that will require a minimum of 25% Open Space for R1M.

### Standards for Review

1) Land Development Code (LDC) Sec. 10-7 requires that a rezoning request to commercial district and office/residential/commercial district must include a conceptual site plan. The applicant has provided a proposed conceptual site plan that shows development consistent with a nonresidential use. This supports the request for rezoning as nonresidential uses are not permitted in the current R1M Zoning District designation.



- 2) LDC Sec. 10-9. Stipulates additional review criteria for a proposed rezoning application that the Town must consider in its evaluation for approval. Each of these are discussed below:
  - a) The need and justification for the change- as stated in 1) above, the applicant has provided a proposed conceptual site plan that shows development consistent with a nonresidential use. This supports the request for rezoning as nonresidential uses are not permitted in the current R1M Zoning District designation.
  - b) The effect of the change, if any, on the particular property and on surrounding properties- the rezoning to ORC for this property will enable it to expand the list of permitted uses beyond what is currently allowed in R1M, which is primarily single family residential, home occupation, public facilities, and limited agriculture without retail sales. The ORC Zoning District permits these same uses but also allows office and specialty retail, which is more limited than the Commercial (C1) Zoning District. The proposed rezoning would provide a transition of intensities between the abutting R1M properties from the properties zoned C1 to the South across County Road 455. Please see the attached Future Land Use map and Rezoning Map that show the relationship of this property between the C1 properties to the South and the R1M properties to the North, West, and, East.
  - c) The amount of undeveloped land having the same classifications as that requested in the general area and throughout the town- there is limited land for the ORC Zoning District in the City. The Future Land Use Map Amendment and Rezoning provides the Town with the opportunity to continue to build a commercial corridor along County Road 455 while also limiting the intensity of development abutting residential properties.
  - d) The relationship of the proposed amendment to the purposes of the Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this LDC and the Plan- as identified in b) and c) above, the Future Land Use Map Amendment and Rezoning is consistent with providing a transition between residential and commercial properties. It also is consistent with the Comprehensive Plan policies regarding protection of residential properties from nonresidential development based on the following Comprehensive Plan policies:
    - i) Future Land Use Policy 1-1.1.3: <u>Mitigation of Impacts from Adjacent</u>
      <u>Development.</u> Residential areas delineated on the Future Land Use Map shall be protected from the encroachment of incompatible nonresidential development. The proposed Future Land Use Map amendment and Rezoning to ORC will provide this transition between Single Family Residential and Commercial properties.
    - ii) Future Land Use Policy 1-1.5.2: <u>Criteria for Identifying Commercial Sites.</u> The location and distribution of commercial land use districts delineated on the Future Land Use Map shall be determined according to the following criteria: (A) Access and vicinity to C.R. 455... The proposed Future Land Use Map



- amendment and Rezoning to ORC is consistent with this Policy as the subject property directly abuts County Road 455.
- iii) Future Land Use Policy 1-1.5.3: <u>General Pattern of Commercial Land Use</u>. ...The office, residential, commercial category serves to prevent high intensive commercial from dispensing throughout the rest of the Town.
- iv) Economic Prosperity Policy 1-1.4.4: <u>The Town shall promote the following targeted industries:</u> ... Small scale retail that is consistent with the Towns small town charm and locally owned small business.
- e) The availability and provision of adequate services and facilities- as the property is currently developed, there are existing services and facilities. Any required improvements will be reviewed as required by a subsequent development plan and permitting process.
- f) The impact on the natural environment- the property is located within the central commercial core of the Town. This location promotes protection of the natural environment as it promotes pedestrian access between residential and commercial uses.
- g) Other criteria as may be applicable
  - i) Approval of the Future Land Use Map Amendment and Rezoning does not grant approval of a specific use for the property, nor does it approve the conceptual plan. LDC Sec. 6.2 (a) requires a separate site plan application process for all office and commercial (including specialty retail) projects proposed in the Town. This would be a separate application following the Future Land Use Map Amendment and Rezoning, which would also require formal consideration by the Planning and Zoning Board and Town Council.
  - ii) Only the uses listed as a permitted use in LDC Sec. 10-57 (b) are allowed and include:
    - (1) Single-family dwelling units having a minimum living area of 1,100 square feet for one- or two-bedroom residences and 1,250 square feet for three or more-bedroom residences, exclusive of garages, carports, and screened areas
    - (2) Family day care homes
    - (3) Community residential homes with six or fewer residents
    - (4) Buildings, structures or uses maintained or operated by the town
    - (5) Home occupations conducted within single-family dwelling units and operated in accordance with this chapter
    - (6) Office
    - (7) Specialty retail.
  - iii) LDC Sec. 10-57 (c) list uses that may be permitted as a conditional use if approved by Town Council. If this Future Land Use Map Amendment and Rezoning are approved, and an application proposes any of the uses below, such will be required to come back before the Planning and Zoning Board



and Town Council for approval. These uses are not allowed unless expressly approved by Town Council in a public hearing. They include:

- (1) Houses of worship
- (2) Office development (requires site plan approval)
- (3) Commercial development (requires site plan approval)
- (4) Public or semi-public facilities or structures owned or operated by the town, county, the state or the federal government
- (5) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles
- (6) Boathouses without living quarters
- (7) Cemeteries
- (8) 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.

### Planning and Zoning Board Motion Considerations:

### Legislative Action 1

Future Land Use Map Amendment- Ordinance 2024-43

- Recommend approval of Ordinance 2024-43, amending the Future Land Use Map designation from Single Family Residential (SFR) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568.
- 2. Recommend denial of Ordinance 2024-43, amending the Future Land Use Map designation from Single Family Residential (SFR) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568. based on the following reasons inconsistent with the Comprehensive Plan and Land Development Code. [Planning and Zoning Board provide specific reasons for recommendation of denial.]
- 3. Continue action on Ordinance 2024-43, amending the Future Land Use Map designation from Single Family Residential (SFR) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568. pending additional information requested by the Planning and Zoning Board. [Planning and Zoning Board provide specific additional information requested.]



#### **Quasi-Judicial Action 2**

### Rezoning-Ordinance 2024-42

- Recommend approval of Ordinance 2024-42, changing the Zoning Map designation from Single Family Medium District (R1M) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568.
- 2. Recommend denial of Ordinance 2024-42, changing the Zoning Map designation from Single Family Medium District (R1M) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568. based on the following reasons inconsistent with the Comprehensive Plan and Land Development Code. [Planning and Zoning Board provide specific reasons for recommendation of denial.]
- 3. Continue action on Ordinance 2024-42, changing the Zoning Map designation from Single Family Medium District (R1M) to Office, Residential, Commercial (ORC) for the property located at 17510 COUNTY ROAD 455, MONTVERDE FL, 34756, Alternate Key No.: 1462568. pending additional information requested by the Planning and Zoning Board. [Planning and Zoning Board provide specific additional information requested.]

### Please note:

Ordinance 2024-43, amending the Future Land Use Map designation from Single Family Residential (SFR) to Office, Residential, Commercial (ORC) is considered a *Small-Scale Comprehensive Plan Amendment* by Florida Statutes (FS).

FS 163.3187 (5) (c) requires that small scale development amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

The rezoning (Ordinance 2024-42) would also not become effective until Ordinance 2024-43 is effective since the rezoning is contingent on the Future Land Use Map amendment.



## Figure 1 **Subject Property**

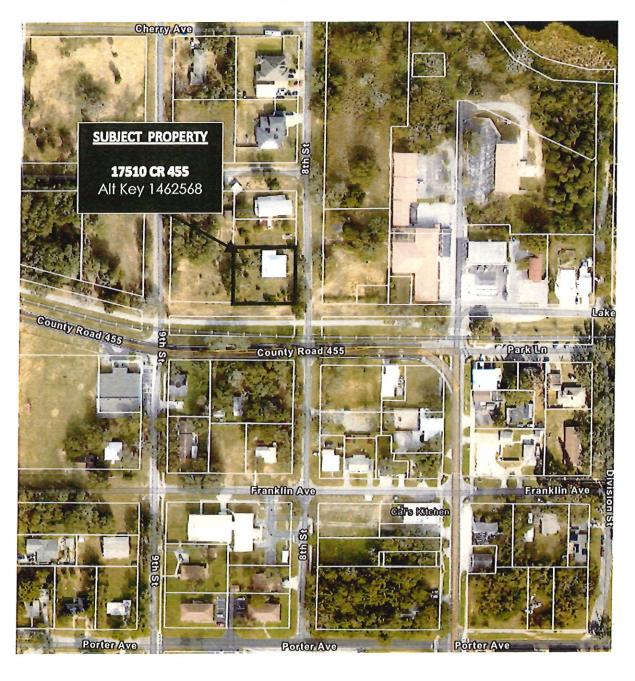




Figure 2
Future Land Use Map
Current FLU: Single Family Medium (SFM)



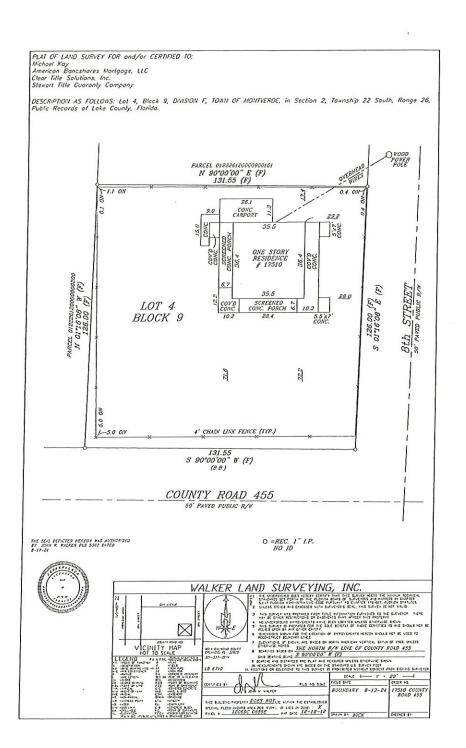


Figure 3
Zoning Map
Current Zoning: Single-Family Medium-Density (R1M)



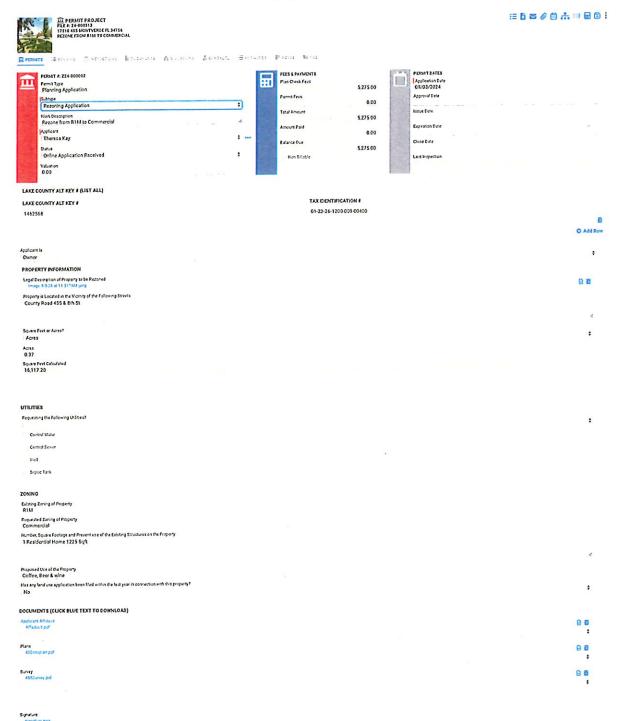


### Survey





## **Application**





| III FEES       |                          |           |               |           |             |          |                 |          | 13 🗟 |
|----------------|--------------------------|-----------|---------------|-----------|-------------|----------|-----------------|----------|------|
| FEE            |                          |           | # DESCRIPTION |           | : (         | YTITKAUG | THUOMA          | TOTAL    |      |
| Application Fe | •                        |           |               |           |             |          |                 | 250.00   |      |
| Review Depos   |                          |           |               |           |             |          |                 | 5,000.00 |      |
|                | ology Administration Fee |           |               |           |             |          |                 | 25.00    |      |
|                |                          |           |               |           |             |          | Plan Check Fees | 5,275.00 |      |
|                |                          |           |               |           |             |          | Permit Fees     | 0.00     |      |
|                |                          |           |               |           |             |          | Total Fees      | 5,275.00 |      |
|                |                          |           |               |           |             |          |                 |          |      |
| 日 PAYNENTS     |                          |           |               |           |             |          |                 |          |      |
| DATE           | TYPE                     | REFERENCE | NOTE          | RECEIPT # | RECEIVED FR | ОМ       |                 | AMOUNT   |      |
|                |                          |           |               |           |             |          | Amount Pald     | 0.00     |      |
|                |                          |           |               |           |             |          | Balance Date    | E 27E 00 |      |



### **EXHIBIT A**

Ordinance 2024-42 Ordinance 2024-43





SIP, SAVOR, AND STAY AWHILE

current as of 8 AUG 2024

Bub's Trailside Brews

Created by Theresa Kay

# Contents

| Summary             | 01 |
|---------------------|----|
| Company Description | 02 |
| Mission & Vision    | 03 |
| Operations Plan     | 04 |
| Marketing Plan      | 05 |
| Conclusion          | 06 |

# Summary

Bub's Trailside Brews aims to become a place where friends and neighbors can come together and socialize. We will offer gourmet coffees along with a curated selection of beers and wines in a cozy, inviting atmosphere. Our mission is to foster a sense of community among our patrons.

# Let's begin...

# **Company Description**

**Business Name: Bub's Trailside Brews** 

Location: 17510 County Road 455 Montverde, FL

**Business Structure: LLC** 

Bub's Trailside Brews will be a coffee, beer and wine shop with a focus on local and regional products.

Our venue will be family friendly featuring outdoor seating, and cozy, comfortable indoor seating areas.

We will also offer food from local food vendors and possibly food trucks to complement our beverages.



## Mission

Our mission is to provide a welcoming environment where customers can enjoy each others company.

## **Vision**

We envision Bub's Trailside Brews as the local hotspot in our community, known for our family friendly atmosphere and comfortable setting.



04

# **Operations Plan**

## Location

Bub's Trailside Brews will be located in a central, easily accessible area just off of a main county road with parking and foot traffic.

## **Hours of Operation**

- Tuesday to Thursday: 7 AM 9 PM
- Friday to Saturday: 7 AM 10 PM
- Sunday 10 AM 6 PM

## Staffing

- General Manager: Oversee daily operations.
- Baristas: Knowledgeable staff to assist customers and manage the beverages & food options.
- Support Staff: For cleaning, stocking, and customer service.

## **Suppliers**

- Local breweries and wineries.
- National distributors for specialty products.
- Food Trucks
- · Local food vendors

# **Marketing Plan**

| Method              | Description  |
|---------------------|--|
| Social Media        | Active presence on platforms like Instagram and Facebook                     |
| Local Partnerships  | Collaborations with local breweries, wineries, and food producers.           |
| Events              | Regular events to attract and engage customers. Bingo, family game night etc |
| Grand Opening Event | To create buzz and attract initial customers.                                |
| Loyalty Program     | To retain customers and encourage repeat visits.                             |
| Seasonal Promotions | Special events and discounts during holidays and peak seasons.               |



# Conclusion

Bub's Trailside Brews aims to become a cornerstone of the local community, providing a unique and enjoyable experience for everyone. With a clear vision and a strong market strategy, we are confident in our ability to succeed and grow in this exciting industry.



business plan

09

Bub's Trailside Brews

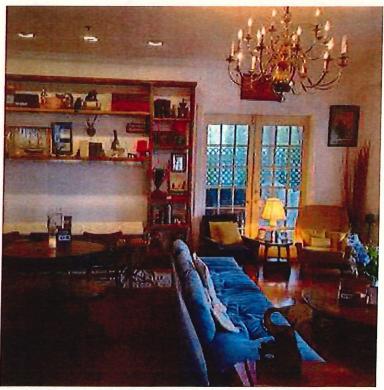
tkaysells@outlook.com

# Interior Inspiration:









# **Exterior Inspiration:**

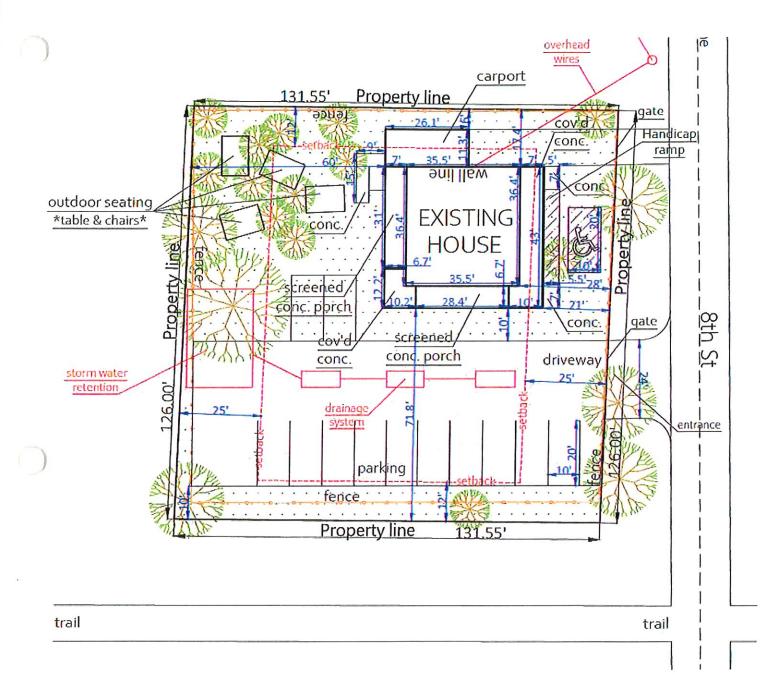












#### **ORDINANCE 2024-44**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, TO CHANGE THE ZONING FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE-FAMILY RESIDENTIAL PUD FOR THE HEREIN DESCRIBED PROPERTY OWNED BY MONTVERDE LANDCO, LLC AND LOCATED NORTH OF OSGOOD ROAD, WEST OF LAKE APOPKA AND PARTIALLY EAST OF KIRK ISLAND RD; DIRECTING THE TOWN MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; APPROVING VARIANCES FROM TOWN CODE WITH CONDITIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thomas Settle, as applicant on behalf of the owner, Montverde LandCo, LLC., requested a rezoning from Lake County Agriculture to Town of Montverde Single-Family Residential PUD; and

WHEREAS, the subject properties consist of 111.411+/- acres located, and is more particularly described herein, consisting of Lake County Parcel Id Nos. 01-22-26-1500-000-000C00 (1066352); 35-21-26-0004-000-00400 (1064112); 36-21-26-0003-000-00100 (1028124); 02-22-26-0001-000-00100 (1031168)

WHEREAS, the property has a future land use designation of Single-Family Low Density Residential PUD and establishing a minimum lot size for residential dwelling units at ½ acre as shown on the Town of Montverde Comprehensive Plan Future Land Use Map with the following limitation: The minimum lot; and

WHEREAS, the proposed zoning is consistent with the future land use designation; and

WHEREAS, all property owners within 600 feet of the Property were provided written notice of a requests for variances from the Town's Code and such requests were considered based on the standards set forth in Sec. 10-12, Art. I, Ch. 10 of the Land Development Code; and

WHEREAS, the Town of Montverde Planning and Zoning Board held a public hearing on this ordinance and made a recommendation to the Town Council; and

WHEREAS, the Town has held such public hearing, and the records of the Town provide that the owners of the land affected have been notified as required by law; and

WHEREAS, this Ordinance has been advertised in a newspaper of general circulation in the town no less than 10 days prior to the public hearing.

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

### Section 1: Zoning Classification.

That the Property shall be designated as Town of Montverde Single-Family Residential PUD in accordance with Land Development Code of the Town of Montverde, Florida, and this Ordinance.

See attached legal description attached hereto as Exhibit A.

Lake County Parcel Id Nos. 01-22-26-1500-000-000C00 (1066352); 35-21-26-0004-000-00400 (1064112); 36-21-26-0003-000-00100 (1028124); 02-22-26-0001-000-00100 (1031168) (the "Property").

The Property is more particularly depicted in Exhibit B attached hereto and incorporated herein.

#### Section 2: Terms.

The uses of the Property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as **Exhibit C**. To the extent there are conflicts between **Exhibit C** and this Ordinance, this Ordinance will take precedence.

#### A. Permitted Land Uses.

- 1. Residential a maximum of 139 single-family dwelling units. Each residential lot shall be a minimum of 0.5 acres in size.
- 2. Accessory uses directly associated with the single-family dwelling units may be approved by the town manager or designee.
- 3. Any other use of the Property not specified herein will require approval of an amendment to this Ordinance by the Town Council.

### B. Setbacks. The minimum setback for residential development shall be as follows:

- Front: 20 feet from the property line
- Side: 5 feet from the property line (unobstructed for example no a/c pads)
- Rear: 20 feet from the property line (50' for waterfront and wetland lots)
- Side Corner: 10 feet from the property line
- Pool, screen and decking: 5 feet from any property line
- Driveway: 3 feet from any property line. There shall be no development such as hardscape or gravel within this setback. Landscape and sod are the only permissible uses within 3-ft of each property line pursuant to Town code.
- Accessory Structures Rear Yard Only: 7.5 feet setback from all property lines (50' for waterfront and wetland lots)
- A/C pads/pool equipment: Shall only be located at the rear of the house.

NOTE: For purposes of determining setbacks, the rear setback will be measured from the conservation easement/LID easement line and NOT the Lot's rear property line unless no conservation easement/LID easement is located on the lot.

- 1. Lot sizes shall be in compliance with the PUD; however modifications may be made during the final engineering process as long as:
  - a. There will be no increase in the total density beyond what is approved in the PUD.
  - b. The minimum lot size must be at least half an acre.
  - c. The general street network and drainage layout remain unchanged.
- 2. All development, including but not limited to fences, sheds, and accessory structures, excluding permitted docks shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line (whichever line is higher). The seasonal high-water elevation and jurisdictional wetland line shall be established by a qualified professional using soil conditions and vegetative indicators. In ground concrete or fiber glass pools and associated pool decking are permitted within the 50-feet setback but must be at least 25-feet from the seasonal high-water elevation or wetland jurisdictional line (whichever line is higher). Sec. 10-90, Art. III, Ch. 10, LDC.
- 3. Any setback not specified must be in accordance with the Town of Montverde Land Development Code, as amended.

#### C. Environmental Requirements.

- Prior to any development, a current environmental assessment must be submitted
  to identify impacts to wetlands, habitat, wildlife corridors, flora, and fauna. The
  environmental assessment must identify the location of nuisance and/or exotic plant
  species (According to UF-IFAS) and proposed methods to remove these plant
  species.
- 2. Must adhere to all Comprehensive Plan and Land Development Code regulations, as amended.
- 3. Figure xx depicts conservation easements and open space for the proposed development. These areas shall be managed by the HOA in perpetuity to protect natural and water resources. Structures, vehicles, and non-native landscaping are not permitted in these areas including within easements located on individual lots.
- **D. Stormwater Management**. The stormwater management system shall be designed in accordance with all applicable Town of Montverde and St. Johns River Water Management District (SJRWMD) requirements; as amended. It is the responsibility of

the HOA to maintain all stormwater systems inclusive of drainage easements in perpetuity.

#### E. Utilities.

- The provision of potable water must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations.
- 2. The provision of wastewater service must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations. The developer will be responsible for the installation and maintenance of a Florida DEP approved sewer system.
- 3. The parties will enter into a utility agreement, if required by the Town, before or simultaneously with preliminary plat approval by Town Council.
- 4. The developer must install dry lines within the development in accordance with Town Code.
- 5. The developer must permit and construct an irrigation water line and related equipment from Lake Apopka to the Property. A utility easement along Osgood Road in favor of the Town for the Town to operate the irrigation to the Property is required.
- 6. Each lot must include utility easements in favor of the Town 5-ft. side, 10-ft. front, and 10-ft. rear.
- 7. All homes must be Water Star Certified.

#### F. Recreation areas.

- 1. Recreation areas must be allocated on the site in accordance with Policy 1-1.14.1 (C), Montverde Comprehensive Plan.
- 2. Provide an 80-ft ROW along Abrams Avenue in the southeastern corner of the Property from Lake Apopka to the western extent of Temple Street to accommodate access to and parking for the boat ramp. (Existing Town ROW is 40-ft)...
- 3. Public access from the ROW to the Rec-Tract 3 is required.

### G. Open space/Impervious Surface Ratio.

- 1. Minimum open space standard is 25 percent in accordance with Policy 1-1.1.2, Montverde Comprehensive Plan.
- 2. Maximum area of site to be covered by impervious surface is 50 percent in accordance with Policy 1-2.27(B), Montverde Comprehensive Plan.

3. Maximum area of each individual lot to be covered by impervious surface is strictly 50 percent in accordance with the Town's Comprehensive Plan and LDC.

### H. Parking.

1. Parking shall be accomplished in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.

### I. Transportation.

- 1. Transportation including roads, trails, sidewalks, and access shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions, the "Montverde Walks" Plan, and with approval from Lake County Public Works and Trails.
- 2. All roads within the Property must be designed and constructed in accordance with City of Mount Dora standard providing for 2-travel lanes, 22-ft wide travel lanes of asphalt and 1-ft. ribbon curb on each side for a total width of 24-ft.
- 3. The following access roads leading into the development,8<sup>th</sup> St, 9<sup>th</sup> St, and Temple St., must be improved to meet City of Mount Dora standard providing for 2-travel lanes, 22-ft. wide travel lanes of asphalt and 1-ft. ribbon curb on each side for a total width of 24-ft. be 2-lanes and 22' wide and also meet Lake County Fire Safety standards. Additionally, an 8' sidewalk on one side of the road is required, with the location designated by the Town. Each time a building permit application is submitted, the builder may request from the Town a partial impact fee credit towards the Town's transportation impact fee for the particular lot..

### J. Lighting.

- 1. Lighting shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions and must be consistent with "Dark Sky" criteria per the International Dark Sky Association (IDA) standards.
- 2. HOA is responsible for the costs of the lighting, electrical and maintenance.

### K. Signage.

1. Signage shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.

#### L. Sidewalks.

Sidewalks inside the development must be 6' in width. A minimum of 16 sidewalk stamps shall be installed at various sidewalk location within the subdivision. The sidewalk stamps shall be installed in accordance with the intent of the "Montverde Walks" plan.

### M. Driveways and Road Aprons.

Driveways and road aprons must be constructed in accordance with Section 4-84 of the Montverde Land Development Code.

### N. Landscaping.

- 1. Historic/Heritage trees on the Property must be preserved unless approved for removal by Town Council.
- 2. Landscaping shall be accomplished in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions, and shall also include:
  - i. Within each residential lot, no more than 55 percent of the total landscape coverage is permitted to contain turfgrass.
  - ii. All landscape materials throughout the subdivision shall be Florida Friendly landscape materials.
  - iii. Landscape perimeter buffers must be comprised of 100 percent Florida native plants.
  - iv. The project will have a 30' perimeter buffer adjacent to the existing development and will utilize the recommended plant quantities for this size of buffer listed in the Standards and Guidelines Manual.
  - v. In accordance with Town LDC, the minimum number of trees and shrubs on each lot shall be as follows. (1) Florida native canopy tree in the front yard with 4" caliper minimum; (2) Florida native canopy trees in the rear yard 4" caliper minimum; and one more accent tree from the Florida Friendly TM list such as crepe myrtle 2" caliper. Shrubs must be 18" tall at the time of planting. The number of shrubs required in the front yard is based on 50% of the lot width (for example a 50-ft wide lot requires 25 shrubs, a 60-ft wide lot requires 30 shrubs planted in the front yard or within 15' of the front building line of the residence in the side yard. These are intended to be foundational shrubs. The HOA shall be responsible for ensuring the minimum number of trees required on each lot per the PUD is maintained in perpetuity.
  - vi. All trees installed for canopy coverage in areas including Residential Lots, Right-of-Way, Open Space, and Common Areas must be comprised of 100% Florida native plants. This does not prevent the use of specimen fruit trees in appropriate areas. Canopy coverage utilizing palm trees must include palm species native to Florida. Trees that grow up to 30' should be planted at least 4' from any sidewalk, 30'-50' trees should be planted at least 6' from any sidewalk, and trees that grow to over 50' should be planted at least 8' from any sidewalk (including fruit trees approved by UF-IFAS). Any trees planted in addition to the minimum number of 100 percent Florida Native Florida trees must be classified as Florida Friendly per UF-IFAS.

- vii. Canopy trees planted closer than 8' to any sidewalk or pavement shall be planted with root barriers to avoid damage. In no case shall be closer than 4' to sidewalks or pavement.
- viii. Invasive Plant Species (as identified by the USDA Federal Noxious Weed List or UF-IFAS) are prohibited and must be removed from the entire Property prior to construction.
  - ix. Irrigation *during first year of landscape plantings*. All landscaping must be irrigated during the first year of being planted to encourage heathy growth of the root system and establishment of the landscaping. The HOA shall be responsible for keeping landscaping maintained in the Right-of-Way, Open Space and Common Areas.
  - x. Outreach Materials Landscaping The developer/builder shall provide an educational brochure as part of the homeowners manual to each homeowner indicating to the homeowner acceptable landscape materials as defined by the Neighborhood Standards and Guidelines Manual for New Subdivisions. The brochure shall include information concerning the use of fertilizers pursuant to the Town's code and proper use recommendations from UF-IFAS.
- xi. A picket fence must be installed to delineate the property line at the rear of the adjacent new lots.
- xii. Low Impact Development techniques will be used for swales and revegetation throughout the stormwater collection system. The revegetation will focus on establishing native habitats throughout the community.
- xiii. Lots shall incorporate a maximum of 55 percent landscape coverage with turfgrass within a standard lot depth of 120 feet. The areas within the designated drainage easement will be stabilized as required by the St. Johns River Water Management District (SJRWMD) and Town of Montverde LDC.
- xiv. HOA documents must include provisions for maintaining in perpetuity all common area features, and LID elements. The town must review and approve HOA documents. Documents must provide a mechanism, such as mandatory reserve accounts to ensure financial sustainability for maintenance as required herein.

### O. Neighborhood Standards and Guidelines Manual for New Subdivisions.

 The development must adhere to all other design criteria within the Neighborhood Standards and Guidelines Manual for New Subdivisions including, but not limited to:

- i. Low Impact Development (LID) principles in accordance with the Neighborhood Standards and Guidelines Manual for New Subdivisions must be incorporated into the site plan and construction plans prior to the Town's Final Plat approval.
- ii. Fences. Acceptable fencing includes wrought iron or aluminum, picket fences (wood or vinyl), and "Montverde Style" fence. Prohibited fence styles include chain link, wire mesh, wood or vinyl stockade style fences of any size, barbed wire, chicken wire (or similar), field fences, and wire fences of any type or construction with opaque fabric. Fences of any type are discouraged in front yards but permitted so long as they are 4 ft in height or less. Privacy fences are permitted around pools and spas but not on property boundaries.
- iii. Outreach Materials LID In order for a development to successfully sustain LID and Landscaping techniques planned for installation, it is important for all stakeholders in a project to understand the LID measures and use of native landscapes and each individual's role to protect the water and landscape environment. Contractors should understand the proper installation methods; builders should understand the value of proper installation and maintenance of the LID measures; and future/ potential property purchasers and owners should be made aware of the value that inclusion of LID in the site design has for the owner, as well as understand the importance of, and ensuring that future maintenance and operation occurs.

### HOA Responsibilities for a Conservation Oriented Neighborhood.

- 1. A printed, bounded, color manual shall be given to each homeowner. The manual shall describe the natural resources within and adjacent to the residential subdivision. At a minimum, but not limited to, the manual shall provide the following. This information must be included in the final plat provided then included in HOA documents as an exhibit to the recorded declarations.
  - i. The manual shall inform the homeowners regarding the ecological and hydrologic importance of the buffer areas and easements and the requirement for these areas to remain passive, free from structures and vehicles, and non-native plants. The subdivision's LID design and intent shall be discussed in this manual.
  - ii. The manual shall provide a list of preferred and prohibited plant and tree species and graphically depict the limits of sod use to a maximum of 55 percent coverage.
  - iii. The manual shall graphically (in color) depict permitted fence types.
  - iv. The manual shall provide information on fertilizer restrictions.

- 2. Signs shall be installed noting the limits and restrictions of the easements. The signs shall be visible to each lot and shall contain language noting the area as a conservation easement and that no structures or landscaping shall be installed beyond the point of the sign. The signs shall also note that the area is to be maintained by the HOA and not the homeowner.
- 3. A management plan for the open space, shoreline areas and conservation easements must be provided to the Town prior to construction activities. The management plan must be prepared by a qualified conservation biologist who is experienced in managing conservation easements. The plan must provide assurances that perpetual management activities include the on-going removal of any nuisance/exotic vegetative species that may occur.

### Section 3: Waivers approved with conditions.

1. Waiver from: Section V.B. Housing Model/Style Variety. No street block should have more than two consecutive single-family homes with the same house model.

### Granted with the following conditions:

- a) Proposed development may have more than two consecutive single-family homes with the same or similar house model. However, façades will differ in style, finishings, and color to maintain a non-monotonous street frontage.
- b) The developer shall provide raised medians for traffic calming measures.
- 2. Waiver from: Section V.E. Architectural Standards. Prohibited Styles. Modern Contemporary or Modern Ranch "Garage Dominated" style homes with garage doors that exceed 30 percent of the front, street facing façade.

### Granted with the following conditions:

- a) Garages facing the street will not exceed 50 percent of the front elevation on the street-facing façade. This is proportionally well balanced with the Accepted Styles given in the Standards and Guidelines Manual (V.E.2.) and are still relative to Acceptable Styles with front-loaded garages.
- b) Should a garage door exceed 30 percent of the front façade, pavers shall be used for the driveway and lead walk in lieu of poured concrete, except for the driveway apron.
- c) All garage doors will be "upgraded" from standard 32 panel garage doors.
- 3. Waiver from: Exterior Finishes: Residential structures should support Montverde traditions and maintain a level of craft in the process of construction. Exterior finishes should be primarily hardy board, brick, rock, and masonry. Stucco is acceptable if consistent with an approved architectural style. Brick and stone veneer are prohibited.

### Granted with the following condition:

- a) Cultured brick and stone veneer must be used. The veneer must have an average thickness of 2-1/2" when applied to the walls or columns adding texture and shadow. The veneer must vary in pattern style and color to enhance the architectural style and paint scheme.
- **4. Waiver from:** Where lots are 50-ft. or less in width, garages must be alley-loaded. *Justification:* There are a minimal number of 50-ft. lots proposed, which are not alley-loaded. They are all a minimum of 400-ft. deep and thus are not practical nor feasible for alleys or alley-loaded garages.
- 5. Waiver from: No more than 50 percent of the lots in proposed subdivision (all phases) are permitted to contain front loaded garages. *Justification:* Alleys and alley-loaded garages are not practical nor feasible for the proposed lot configurations and all lots have an average depth of over 250-ft, front loaded garages shall be allowed.

### Granted with the following conditions:

- a) The builder will provide side-loaded garages on 10 percent of the lots that are 60' or more in width.
- 6. Waiver from: Garages must be at a minimum 27 ft x 29 ft interior size.

### Granted with the following condition:

- a) Homes will feature standard two-car garages which will be a minimum of 20 ft x 20 ft.
- 7. Waiver from: Section V.F. Staying Connected Walkable Neighborhoods. Traffic Calming. Intersections along primary entry road(s) to neighborhoods of ten (10) or more homes must contain a traffic circle at the main entry point of first intersection. Traffic circle size shall be determined by FDOT's Florida Green Book.

#### Granted with the following conditions:

- a) Proposed Traffic Calming measures will not necessarily be consistent with *FDOT's Florida Green Book*. Instead, appropriate Traffic Calming measures as illustrated on page 26 of the Standards and Guidelines Manual must be utilized. Complete Streets Design Measures (V.F.3.) will be implemented and include canopy street trees to provide shaded sidewalks, speed control devices (see traffic circle exhibit on page 26 of Standards and Guidelines Manual), and on street parallel parking spaces where appropriate as determined by the Town.
- 8. Waiver from: Block Length. Connectivity shall be promoted with short blocks, wide sidewalks, pathways, and a mix of uses within walking distance. There shall be a maximum block length of 500 feet and circumference of 1,300 feet. The applicant may vary this requirement up to 25 percent provided site conditions or engineering considerations justify

the variance. *Justification*: The required block length and circumference specifications are not feasible considering the existing site conditions and the proposed large lot, low density master plan that mandates minimum half acre lot sizes. The entire site is walkable with on street canopy trees providing shaded sidewalks.

### Granted with the following condition:

- a) The builder shall provide a 4' wide raised median which will be implemented throughout the development. This median will help calm traffic and provide safe crossing points for pedestrians, improving walkability while supporting the low-density character of the development.
- 9. Waiver from: Section V.H. Conservation Criteria. Landscaping. Canopy Coverage Requirements. All trees installed for canopy coverage in areas including Residential lots, Right-of-Way, Open Space, and Commons Areas must be native to Florida. This does not preclude the use of specimen fruit trees in appropriate areas. Canopy coverage utilizing palm trees must include palm species native to Florida. Trees that grow up to 30' should be planted at least 4' from any sidewalk, 30'-50' trees should be planted at least 6' from any sidewalk, and trees that grow to over 50' should be planted at least 8' from any sidewalk (including fruit trees approved by UF-IFAS). *Justification*: 3-ft to 4-ft from sidewalks is standard practice in the industry and 8-ft is deemed to be excessive and unnecessary.

### Granted with the following conditions:

- a) Canopy trees must adhere to the native species requirements.
- b) When canopy trees are planted closer than 8' to sidewalks, trails, and pavement, root barriers must be utilized to prevent damage. In no case shall a tree be planted less than 4' from a sidewalk, trail, or road.
- 10. Waiver from: H1.f. Landscaping. Water Conservation. Consistent with the Town's Comprehensive Plan, for any proposed subdivision having more than 25 lots, non-potable sources for landscape irrigation must be provided. *Justification*: As non-potable water sources are not available for this community, the Developer may be using potable water for temporary irrigation systems to be utilized during the landscape establishment period.
- 11. Waiver from: Design Standards. Article III. Hillside Development. Sec. 4-52.e. If a retaining wall is required, then the wall should be shown with the grading plan and design certified by a state registered engineer, if over 36 inches in height. Walls over 60 inches will not be allowed. Any wall 36 inches and over shall be installed with a decorative aluminum handrail, as required by the Florida Building Code. Wood retaining walls are prohibited. *Justification*: The proposed development will require retaining wall heights greater than 60 inches due to the severe topography of the site. This will limit the use of tiered retaining walls to allow for easier maintenance and provide more usable yard space.

### Granted with the following condition:

a) Walls must be a maximum height of 60" unless the applicant proves to the town that the wall needs to be higher, then the increased height may be granted by the town manager town planner, or town engineer.

### The following conditions shall be adhered to with approval of the waivers requested above:

- 1. At least six (6) (3 locations) highly visible interpretative kiosks (signs) shall be placed in common areas to showcase the archaeological significance of the site. Additionally, the kiosks may describe the natural resources within and adjacent to the residential subdivision. The interpretive kiosks shall be a minimum size of 4x8' with a roof/cover and shall be maintained by the HOA.
- 2. To provide an opportunity for community engagement and activity, the developer will create recreational features, such as tot lots or outdoor exercise equipment with final concept plan to be approved before final plat.
- 3. The developer shall provide cultural and wayfinding signage to be displayed across the site to promote connectivity and emphasize site heritage.
- 4. The developer/builder will ensure non-monotonous street frontage by using different techniques which will be determined at the time of final engineering.
- 5. A 30-ft landscape buffer with a trail included must be constructed along Osgood Road, at the southern boundary of the site.
- 6. To further interconnectivity, a trail connection to the Lake Co. Trail System must be constructed.
- 7. Construction drawings cannot be submitted for review until the utility agreement is approved.

### Section 5: <u>General Conditions</u>.

- a) No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Town of Montverde Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- b) This Ordinance will ensure to the benefit of, and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present Owner and any successor, and will be subject to each and every condition in this Ordinance.
- c) The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing

- plans and conditions by following procedures contained in the Land Development Code, as amended.
- d) Action by the Town Code Enforcement Special Master. The Town Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

### Section 6: Consistent with Comprehensive Plan.

That the zoning classification is consistent with the Comprehensive Plan of the Town of Montverde, Florida.

### Section 7 Official Zoning Map.

That the Town Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the Town of Montverde, Florida, to include said designation consistent with this Ordinance.

### Section 8: Severability.

That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 9: Scrivener's Errors. Scrivener's errors in the legal description may be corrected without a public hearing or at a public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

### Section 10: Conflict.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### Section 11: Effective Date.

This Ordinance shall become effective immediately upon its approval and adoption by the Town Council of the Town of Montverde.

| ADOPTED AND APPROVED by the Florida this day of | e Town Council of the Town of Montverde, Lake County,<br>_, 2025. |
|---|---|
|   | Joe Wynkoop, Mayor  |
| Attest:   | Approved as to form and legality:                                 |
| Town Clerk/Town Manager                         | Anita Geraci-Carver, Town Attorney                                |
| First Reading                                   |   |

| Council Member                      | moved the passage and adop | tion of the above and foregoing |
|-------------------------------------|----------------------------|---------------------------------|
| Ordinance. Motion was seconded by   | y Council Member           | and upon roll call on           |
| the motion the vote was as follows: |                            |                                 |

|                              | YEA | NAY |
|------------------------------|-----|-----|
| Vice Mayor Carol Womack      |     |     |
| Councilmember Jim Ley        |     |     |
| Councilmember Allan Hartle   |     |     |
| Councilmember Joe Morganelli |     |     |
| Mayor Joe Wynkoop            |     |     |

#### NEEDS TO BE INCORPORATED

- A. Access roads into the development must be improved to 2-lane, 24' width standards with 22' road with based on Mount Dora standards based on Lake County Fire Safety. the 8t, 9th & Temple in accordance with town's codes. Unless other agreement is reached with town council then we don't have to go back and amend. The town req 1' ribbon curb with 22' of asphalt. And an 8' sidewalk on one side of the road, location designated by the Town. At the time of building permit process, the developer/builder may request an impact fee credit. Or work out an acceptable agreement with the town.
- B. .
- C. All review comments must be addressed to the satisfaction of the Town Staff.



### **REZONING & PRELIMINARY DEVELOPMENT PLAN**

Public Hearings: Planning & Zoning Board (P&Z): December 11, 2024

Town Council (TC): January 14, 2024

Ordinance No.: Ordinance 2024-44

Applicant/Owner: Kimley Horn on behalf of Montverde LandCo. (Brian Canin)

**Application No.:** Z24-000001 and P24-000001

**Requested Action:** The applicant seeks a rezoning of their property from Lake County Agriculture (A) to Montverde Single Family Planned Urban Development (PUD) and approval of their Preliminary Development Plan (PDP).

**Staff Determination:** Staff finds the rezoning application consistent with the Comprehensive Plan and Land Development Regulations (LDR) and recommends that if this application is approved, that it be approved with conditions. This is based on the analysis provided below.

### **Subject Property Information**

Size: 111.41 +/- Acres

Location: 17950 Dodie Trail, Montverde, FL. (Located north of Osgood Road,

West of Lake Apopka, and East of Kirk Island Rd).

Alternate Key No.: 1066352, 1064112, 1028124, 1031168

Existing Zoning District: Lake County Agriculture (A)

Proposed Zoning District: Montverde Single Family Residential (PUD)

Future Land Use Designation: Single Family Low Density



### Adjacent Property Land Use

| Direction Zoning |             | Existing Use | Comments              |
|------------------|-------------|--------------|-----------------------|
| North            | N/A         | N/A          | Lake Apopka           |
| East             | N/A         | N/A          | Lake Apopka           |
| South            | R1M & RA/MH | Residential  | Within Town Limits    |
| West             | R1M & R1L   | Residential  | Mostly in Lake County |

R1M: Single Family Medium Density

R1M & RA/MH: Residential Affordable/Manufactured Housing

### **Staff Analysis**

The applicant seeks a rezoning of 111.41 +/- acres from Lake County Agriculture (A) to Single Family Planned Urban Development (PUD).

### Existing and Proposed Development Standards Zoning District Maximum

|          | Zoning<br>District | Maximum<br>Density | Maximum<br>Floor Area<br>Ratio | Maximum<br>ISR | Minimum<br>Open Space* | Maximum<br>Building<br>Height |
|----------|--------------------|--------------------|--------------------------------|----------------|------------------------|-------------------------------|
| Existing | LC-A               | NA                 | NA                             | NA             | NA                     | NA                            |
| Proposed | R1L PUD            | 1/2 Acre Lots      |                                | 50%            | 25%                    | 35 feet                       |

<sup>\*</sup> Please note that a Comprehensive Plan Amendment is currently being processed by the Town that will require a minimum of 25% Open Space for R1L and PUD.

### Preliminary Development Plan Purpose and Stage of Proposal

Sec 8-.5 The purpose of the preliminary development plan is to provide for an initial review of the development proposal and the basic development concepts prior to proceeding with the detailed phases of the preliminary development plan. The applicant will provide a concise statement and description of the development proposal. The expenses for engineering studies, detailed surveying, legal information and planning studies may not be necessitated at this stage.

(Ord. No. 2003-01, § 6.4, 3-11-2003)



### **Background Information**

Ordinance 2022-21, amending the Town of Montverde's Comprehensive Land Use Plan Designation from Lake County Agriculture to Town of Montverde Single Family Residential on the Future Land Use Map for the herein described property. Passed 3:2 on March 21, 2022.

### Standards for Review

- Land Development Code (LDC) Sec. 10-7 requires that a rezoning request must include a conceptual site plan. The applicant has provided a proposed Preliminary Development Plan that shows development consistent with Single-Family Low-Density land use. This supports the request for rezoning from Lake County Agriculture to Montverde Single Family PUD zoning district.
- 2) LDC Sec. 10-9. Stipulates additional review criteria for a proposed rezoning application that the Town must consider in its evaluation for approval. Each of these are discussed below:
  - a) The need and justification for the change- as stated in 1) above, the applicant has provided a proposed Preliminary Development Plan that shows development consistent with Single-Family Low-Density land use.
  - b) The effect of the change, if any, on the particular property and on surrounding properties- the rezoning to Single Family PUD for this property will enable the applicant to develop the property as agreed upon during the approval process. The proposed rezoning would provide a housing density that complements the surrounding residential R1L, R1M, and AH/MH zoned properties. Please see the attached Rezoning Map that show the relationship of this property to the surrounding zoning districts.
  - c) The amount of undeveloped land having the same classifications as that requested in the general area and throughout the town- there is limited land for PUDs in the Town. The rezoning provides the Town with the opportunity to be consistent or better with the type of residential properties available throughout the Town and negotiate the best possible outcome for a mutually beneficial new lakefront community.
  - d) The relationship of the proposed amendment to the purposes of the Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this LDC and the Plan- as



identified in c) above, the Rezoning is consistent with residential properties throughout the Town. It also is consistent with the Comprehensive Plan policies regarding residential development:

- e) The availability and provision of adequate services and facilities- the developer will be providing its own sewer system and will hook into the Town's potable water service.
- f) The impact on the natural environment- as the property is located between Lake Apopka on the north and east and wetlands on the west, both the developer and the Town are taking measures to protect the natural environment surrounding the property.
- g) Other criteria as may be applicable- Approval of the Rezoning and the Preliminary Development Plan allows the developer to move forward to the next stage of planning which is the Final Development Plan. This would be a separate application following the Rezoning, which would also require formal consideration by the Planning and Zoning Board and Town Council.

### Sec. 8-4. – Procedures for review of development plans and plats.

There shall be a three-step process for the approval of all subdivision plats. This process is intended to permit full and adequate review by the town in order to ensure and protect the public interest. This process will also benefit the applicant by identifying conceptual problems with the development and offering solutions to alleviating those problems prior to the preparation of detailed plans. This three-step process shall be as follows:

- (1) Preliminary development plan;
- (2) Final development plan; and
- (3) Record plat.

(Ord. No. 2003-01, § 6.3, 3-11-2003)

### Sec. 8-5. - Preliminary development plan—Purpose and stage of proposal.

The purpose of the preliminary development plan is to provide for an initial review of the development proposal and the basic development



concepts prior to proceeding with the detailed phases of the preliminary development plan. The applicant will provide a concise statement and description of the development proposal. The expenses for engineering studies, detailed surveying, legal information and planning studies may not be necessitated at this stage.

(Ord. No. 2003-01, § 6.4, 3-11-2003)

### Sec. 8-6. - Same—Review and approval procedure.

- (a) Initial point and deadline. All submittals must be made to the town clerk in order to be reviewed by the town's consultants and scheduled for a planning and zoning committee hearing.
- (b) Submittals and fees. Preliminary development plan submittals shall be as required. Appropriate fees shall be paid at the time of submittal.
- (c) Review process. Each preliminary development plan shall follow a standard review process as outlined below:
  - (1) All submittals will be compiled and circulated by the town clerk to the consultants for review and comment.
  - (2) The submittals shall be reviewed by the consultants and a written report will be forwarded to the mayor for review.
  - (3) If significant problems with the design layout or physical properties with the site are indicated, the consultants may request that the applicant provide additional information as deemed necessary before making a decision on the preliminary development plan as submitted.
  - (4) The application will be forwarded to the planning and zoning committee along with the consultant's recommendations.
  - (5) The application will then be forwarded to the town council with the planning and zoning committee's recommendation and the consultant's recommendations.
- (d) Street names. All street names must be approved by the addressing division of the county public works department.



(e) Time limit on approval. An approved preliminary development plan will automatically lapse if a final development plan has not been submitted for the site within one year of preliminary development plan approval. An extension to the one-year time limit may be considered by the planning and zoning committee upon written request by the applicant prior to the expiration date which shows good cause for extension. Up to two six-month extensions may be allowed before a reapplication is required.

(Ord. No. 2003-01, § 6.4.1, 3-11-2003)

### Sec. 8-7. - Same—Required submittals.

The preliminary development plan shall be drawn at a scale of not less than 100 feet to one inch, submitted in 15 copies, and shall show the following:

- (1) Title block.
- (2) Legend, title, scale, north arrow, approximate acreage to be subdivided, current zoning, total number of lots, minimum lot size and name, address and telephone number of the applicant or the applicant's representative.
- (3) Legal description of the tract to be subdivided.
- (4) Vicinity map, showing relationship between area proposed for development and surrounding streets and public facilities, shall be at a scale of not less than one-inch equals 2,000 feet.
- (5) Existing streets. The name, location and right-of-way width of all existing streets which abut the proposed subdivision and existing easements on the property and location of all existing driveways and median openings within 100 feet.
- (6) Proposed streets and the width of proposed street right-of-way.
- (7) Lots and preliminary lot layout with approximate dimensions shown.
- (8) Soil classification map drawn on the face of the plan for comparison with proposed development activities shall be provided and shall indicate soil classifications on the plat as identified by the United States



Department of Agriculture Soil Conservation Service in the Lake County Area Soil Survey. An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the town's consulting engineer, the soils shall be correctly identified for the purpose of this LDC. Soil analysis by a qualified soil engineer shall be furnished, upon request of the town's consulting engineer, for submittal with the preliminary plat.

- (9) Topography, contours at one-foot intervals for the tract being subdivided and extending 25 feet beyond the property line, including water surface elevations and date recorded.
- (10) Other natural features, including lakes, marshes or swamps, watercourses and other pertinent features as shown on a recent aerial photo. Location of all trees on site which are a minimum of six inches in diameter measured three feet above ground. Trees with a diameter of 24 inches or greater shall be identified by type, height, diameter and canopy spread.
- (11) Limits of floodplain, indicating flood elevation, drawn on the face of the plan, fora 100-year flood as established by the United States Geological Survey Map series entitled, Map of Floodprone Areas, the Department of Housing and Urban Development Flood and Floodway Boundary Maps or the Federal Emergency Management Agency (FEMA). An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the property does not fall within the designated flood delineation. If the expert determines that the property in question is not within a floodprone area, and this determination is concurred by the town's engineering consultant, the purpose of this section shall be fulfilled.
- (12) Utilities: proposed source of water, sewer, electric and gas.
- (13) Drainage concept plan, indicating general flow directions and retention areas.
- (14) Boundaries of the tract shown by a heavy line.
- (15) Zoning of adjacent properties.



- (16) Names of abutting subdivisions, if any, and the recordation date and plat book and page number.
- (17) Other existing improvements including buildings on the tract.
- (18) Proposed and existing easements.
- (19) Concurrency review.

(Ord. No. 2003-01, § 6.4, 3-11-2003)

Sec. 8-8. - Final development plan—Purpose and stage of proposal.

The purpose of the final development plan is to permit complete and accurate presentation of technical data and engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and surrounding areas.

(Ord. No. 2003-01, § 6.5, 3-11-2003)

### Planning and Zoning Board Motion Considerations: Quasi-Judicial Action

### Rezoning - Ordinance 2024-44

- Recommend adoption of Ordinance 2024-44, changing the Zoning Map designation from Lake County Agriculture (A) to Single Family PUD for the property located at 17950 Dodie Trail, Montverde, FL. Alt Key Numbers: 1066352, 1064112, 1028124, and 1031168.
- 2. Recommend denial of Ordinance 2024-44, changing the Zoning Map designation from Lake County Agriculture (A) to Single Family PUD for the property located at 17950 Dodie Trail, Montverde, FL. Alt Key Numbers: 1066352, 1064112, 1028124, and 1031168 based on the following reasons inconsistent with the Comprehensive Plan and Land Development Code. [Planning and Zoning Board provide specific reasons for recommendation of denial.]
- 3. Continue action on Ordinance 2024-44, changing the Zoning Map designation from Lake County Agriculture (A) to Single-Family PUD for



the property located at 17950 Dodie Trail, Montverde, FL. Alt Key Numbers: 1066352, 1064112, 1028124, and 1031168, pending additional information requested by the Planning and Zoning Board. [Planning and Zoning Board provide specific additional information requested.]

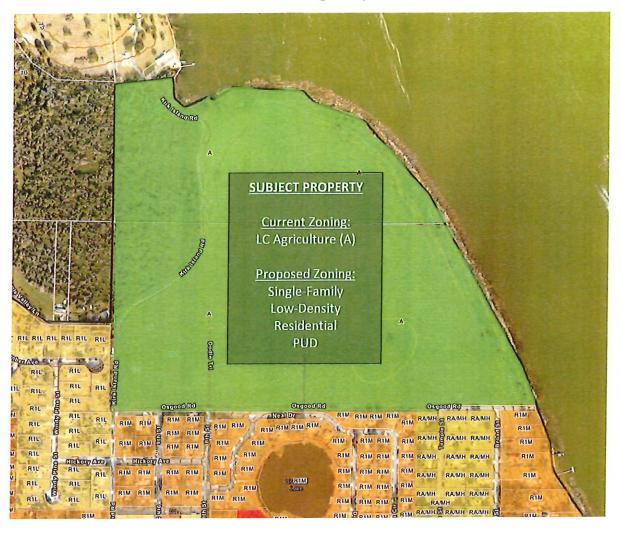
#### Please note:

The developer has requested waivers from the Town of Montverde Neighborhood Standards & Guidelines Manual for New Subdivisions.

These waivers and conditions are outlined in the PUD Ordinance.



### **Rezoning Map**





### **Current Future Land Use Map**





### **Aerial View**





### Conceptual Site Plan

(139) Half-Acre Lots





## Exhibit A Ordinance 2024-44

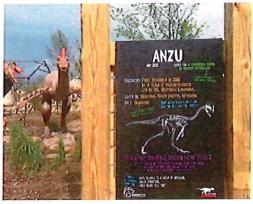
Exhibit A1

Draft Utility Agreement



Exhibit B Kiosk Concepts

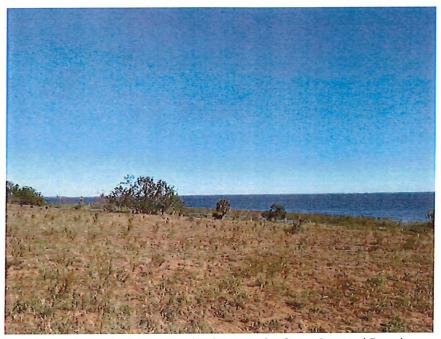




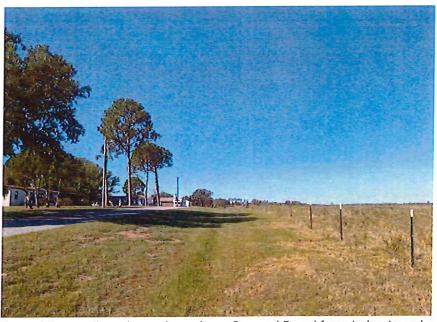




### Exhibit C **Photographs**



Overview of property and Lake Apopka from Osgood Road



View of the southern boundary along Osgood Road from Lake Apopka

#### **RESOLUTION 2024-158**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING PRELIMINARY PLAT APPROVAL FOR A 139 SINGLE FAMILY LOT RESIDENTIAL SUBDIVISION GENERALLY LOCATED NORTH OF OSGOOD ROAD, EAST OF COUNTY ROAD 455, AND WEST OF LAKE APOPKA WITHIN THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thomas Settle, as applicant on behalf of the owner, Montverde Land Co, LLC., filed an application for preliminary plat approval to develop a single-family residential subdivision consisting of 139 lots; and

**WHEREAS**, the Planning and Zoning Committee and the Town Council have considered the application in accordance with the provisions of Section 8.5 - 8.7 Town of Montverde Land Development Regulations; and

WHEREAS, the proposed preliminary plat is consistent with the PUD zoning approved by the Town Council.

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

- 1. The Town Council of Montverde has determined that the preliminary plat as presented for a 139 lot residential subdivision prepared by Kimley Horn having a revision date of 12-02-2024, (the "Preliminary Plat") meets the criteria as set forth in Sec. 8.7, Town of Montverde Land Development Regulations.
- 2. The Town Council of Montverde has further determined that the Preliminary Plat is consistent with the Comprehensive Plan for the Town of Montverde.
- 3. The Preliminary Plat as described above and on file with the Town is APPROVED.

| ADOPTED at a regular 1  | meeting of the Town | Council of the Town of M | fontverde, Lake |
|-------------------------|---------------------|--------------------------|-----------------|
| County, Florida, this   | day of              | , 2024.                  |                 |
| •                       |                     |                          |                 |
|                         |                     |                          |                 |
|                         |                     |                          |                 |
| Joe Wynkoop, Mayor      | <del></del>         |                          |                 |
|                         |                     |                          |                 |
|                         |                     |                          |                 |
| Attest:                 |                     |                          |                 |
|                         |                     |                          |                 |
|                         |                     |                          |                 |
| Sandy Johnson, Town Cle | erk                 |                          |                 |

| Approved as to form and legality:  |  |  |  |  |
|------------------------------------|--|--|--|--|
| Anita Geraci-Carver, Town Attorney |  |  |  |  |
| First Reading                      |  |  |  |  |

|                              | YEA | NAY |
|------------------------------|-----|-----|
| Vice Mayor Carol Womack      |     |     |
| Councilmember Jim Ley        |     |     |
| Councilmember Allan Hartle   |     |     |
| Councilmember Joe Morganelli |     |     |
| Mayor Joe Wynkoop            |     |     |