



STAFF REPORT

TO: Montverde Town Council
DATE: March 14, 2023
APPLICANT: Montverde Landco, LLC
RE: Ordinance 2022-21 Future Land Use Map Amendment
FROM: Sean M. Parks, AICP, QEP – Consulting Town Planner

FUTURE LAND USE MAP AMENDMENT

- Requested Action/Recommendation
- Applicant/Owner Information
- Property Information
- Background Information
- Basis of Review
- Waiver/Variance Requests
- Staff Recommendations / Conditions for Approval
- Ordinance 2022-21 (FLUM Amendment)

REQUESTED ACTION / RECOMMENDATION:

The subject Property has been annexed into the Town of Montverde for at least fifteen (15) years. The Property was annexed into the Town without a Town of Montverde Future Land Use Map Designation. All cities and counties in Florida are required to have Comprehensive Plans and must contain a Future Land Use Map (FLUM) with land use designations.

Whether approval is granted or not for the applicant's subsequent request for a subdivision, the Montverde land use designation of *Single-Family Low Density Residential – PUD* is appropriate for the Property because the "PUD" designation and *Town's Neighborhood Standards & Guidelines Manual for New Subdivisions* will always require an additional three step approval process (Sec. 8-4 LDC) by Town Council before proceeding with any development.

Therefore, staff recommends **Consideration of Ordinance 2022-21** granting the applicant's petition to amend the Town's Future Land Use Map designating the "Osgood Property" as Single-Family Low-Density Residential - PUD (Planned Unit Development).



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Applicant: Thomas J. Settle
2 N Tamiami Trail, Suite 800
Sarasota, FL 34236

Owner: Montverde Landco, LLC
2 N Tamiami Trail, Suite 800
Sarasota, FL 34236

PROPERTY INFORMATION:

The Property is located on Dodie Trail in Montverde (Alt Keys 1031168, 1066352, 1064112, 1028124). See Figure 1. The Subject Property is comprised of four (4) parcels which total approximately 111.4-acres.

BACKGROUND INFORMATION:

Two (2) parcels of the subject Property (ALT Key Nos. 1031168 and 1066352) were annexed into the Town of Montverde in 1998. The remaining two (2) parcels (ALT Key Nos. 1028124 and 1064112) were annexed into the Town in 2007. All four parcels retained their Lake County Comprehensive Plan Future Land Use designation of Agriculture.

BASIS OF REVIEW:

Land Use decisions shall be based on the availability of public services and in the ability of an applicant's proposed project to meet or exceed the Town's Land Development Codes and policies pertaining to the proposed Future Land Use Map category, all Elements of the Comprehensive Plan, and the proposed Zoning Map District Designation.

The applicant will be required to adhere to the subdivision and development criteria prescribed in Chapter 4, Chapter 8, and Chapter 10, Town of Montverde including the *Town's Neighborhood Standards & Guidelines Manual for New Subdivisions*.

During review of this FLUM application, staff had the following concerns about whether the applicants' proposed FLUM designation based on intended use is consistent with all Elements of Montverde's Comprehensive Plan:



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1.) **Traffic and consistency with the *Montverde Trails and Sidewalk Plan***

- a. The Town is going to require offsite road improvements to the development's main entrances.
- b. The Osgood Property Application proposes a significant traffic impact to the surrounding local road system. The two proposed access points are located at 9th Street (Main Entrance) and 8th Street (Secondary Emergency Ingress). The plan also shows access from Temple Street which is 20-ft in width or less. The width and condition of these roads are not capable of addressing the proposed increase traffic demand. Therefore, the Town would require 9th Street, 8th Street and Temple Street to be improved to a standard width of 24-ft.
- c. The Town would require installation of a 6-ft sidewalk to connect to CR455 along Kirkland Road and to the Montverde Trail along Broad Street (at intersection with Lakeside Drive). Additionally, at a minimum, a 6-ft sidewalk will be required on Osgood from Broad Street to Kirkland Road. Note: John Arrellano (Alt Key No. 1462657) will be responsible for installation of 6-ft sidewalk along Kirkland Road that begins at Cherry Avenue and ends at Oak Avenue.

2.) **Consistency with the Goals, Objectives and Policies of Montverde's *Archaeological and Historic Resources Element of the Comprehensive Plan*.**

The Osgood Property is eligible for designation on the National Registry of Historic Places based on its archaeological resource value (see the Montverde Heritage Project – 2018).

The Applicant must demonstrate how the request for land use will be consistent with the following portions of the Town's *Archaeological and Historic Resources Element of the Comprehensive Plan*:

Policy 1.2.1.

Continue ongoing comprehensive survey of all archeological, historical, and cultural resources within and around the Town.

Policy 1.2.2.

Utilize the Florida Master Site File, Department of State, Division of Historical Resources, or other best available and appropriate resources to assess the archeological or historical significance of properties within the Town.



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Policy 2.1.1.

Administratively review all requests for additions, alterations, rehabilitation, and demolition of historically significant structures within historic districts or neighborhoods to ensure such activities are compatible with the continued historic viability of the area.

OBJECTIVE 3.1.

Promote Montverde's archeological, historical, and cultural resources to create an awareness throughout the Town of Montverde, Lake County, the region, and Florida of the unique history and cultural and educational opportunities within Montverde.

Policy 3.1.1.

Establish and expand educational and public information programs to promote historic resources and their importance to the community.

Policy 3.1.2.

Make available and accessible to the public documents pertaining to the identification and preservation of historical and archeological resources within Montverde including documents and maps pertaining to surveys, analyses and reports, as well as historical public records.

Policy 3.1.4.

Promote the educational, cultural, and recreational value of locally designated historic resources by distribution of public information on these resources in order to promote eco-tourism.

3.) Consistency with the Town's Open Space and Recreation Element

The Applicant must demonstrate consistency with the Town's Open Space and Recreation element. The Applicant must address required open space and mitigating the increased demand for recreational and open space as a result of increasing the Town's population.

4.) Sewer

The Property is within the Lake Apopka Basin with special water quality criteria. Standard septic tank systems are not permitted.



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5.) **Montverde's Neighborhood Standards and Guidelines Manual for New Subdivisions.**

The applicant will be required to adhere to *Montverde's Neighborhood Standards and Guidelines Manual for New Subdivisions*. The applicant must demonstrate compliance and/or obtain waivers from the Town Council prior to issuance of the Preliminary Plat and may be required to amend the PUD ordinance.

WAIVER/VARIANCE REQUESTS:

The applicant is requesting the following waivers from the *Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions* (Guidelines). Most of the requested waivers can be addressed during the Preliminary Plat approval process.

- a. A gated community is indicated on the plans. Gated communities are not part of the subdivision design criteria.
- b. E.3.e.i. Where lots are 50' or less in width, garages must be alley loaded.
- c. E.3.e.v. Garages must be a minimum 27' x 29' interior size.
- d. F.2.a. Traffic circle at main entry point.
- e. 6' wide internal sidewalks
- f. Allow Accessory Dwelling Units (ADU's)

Staff recommends not approving waiver requests at this time. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

The applicant's supporting information and staff's comments are provided in the Appendix to this report.



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STAFF COMMENTS & RECOMMENDATIONS:

Consideration of the applicant's request and if approved, staff recommends the following conditions for approval:

1. TIA - Study Area does not include the local roads. Study limits site access as being provided via Kirk Island Road. Study is needed of local roads to include Broad Street, Temple Street, Doris Street.
2. Method of Providing Services - Lake County provides fire protection for the Town of Montverde.
3. Application incorrectly states no application has been filed within last year.
4. Provide description of how the proposed project is being changed from the prior submittal for the same FLU designation that was denied by Town Council.
5. A road agreement must be executed between the applicant and the Town to improve three (3) entry roads (9th Street, 8th Street, and Temple Street) including sidewalk installation.
6. An archaeological resource feature must be incorporated into the subdivision. This shall include at a minimum, three (3) large interpretive displays placed in the designated open space (not within retention areas).
7. The community must not be gated. A gated community is indicated on the plans. Gated communities are not part of the subdivision design criteria. However, since a gated community is proposed, please prepare a draft agreement to establish an assessment mechanism for long term maintenance of roads. Relying on the HOA for maintenance of the roads is not desirable. Please also indicate if the proposed open space, recreation areas and access to Lake Apopka will be open to the public.
8. The Town and developer shall implement a funding structure whereby each home is assessed an annual fee that is for the sole purpose to maintain the roads and sidewalks within the proposed subdivision.
9. A trail or "widewalk" must be constructed along the southern boundary of the Property connecting the east and west entry points (location to be determined during the Preliminary Plat process).
10. Please indicate the width of the landscape buffer area. The buffer area must be vegetated with 100 percent Florida Native vegetation.
11. Applicant will need to verify wastewater infrastructure in the proposed project area. It is unclear if existing infrastructure has capacity to serve the proposed development. Any/all upgrades to existing infrastructure are the sole responsibility of the applicant.



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12. Montverde pumps all wastewater to City of Clermont for treatment. It is the applicant's responsibility to ensure wastewater plant capacity, and to obtain any and all needed permits from Clermont to use plant capacity.
13. A stormwater retention swale shall be required along Lake Apopka in keeping with Montverde code.
14. Is there a third access point at Temple Street? There appears to be an opening, but this is not called out or referenced on the provided exhibit.
15. The traffic study includes 8th Street and 7th Street, however the proposed layout shows that 9th Street is the primary access point, with 8th only being for emergency access. The traffic study also estimates that Kirkland Road will see a significant amount of the trips generated by the new development. Both Kirkland Road and 9th Street are substandard roadways with overall widths being less than 17-feet in some areas. Kirkland and 7th will need to be improved to support access to the development, with a total pavement width of at least 24-feet. Hickory Ave. is also only approximately 20-feet in width and serves as the only connection between Kirkland Road and 9th Street and will need to be widened to 24-feet. If there is an access point at Temple Street, it should be determined to what degree access is proposed, and if this should be added to the traffic study, and if other offsite roadway improvements may be required.
16. Any design parameters not specifically mentioned within the proposed FLUM amendment shall default to Town of Montverde Land development regulations.

ORDINANCE 2022-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AMENDING THE TOWN OF MONTVERDE'S COMPREHENSIVE PLAN PURSUANT TO 163.3184, FLORIDA STATUTES, BY AMENDING THE COMPREHENSIVE LAND-USE PLAN DESIGNATION FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL – PUD ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY; 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;



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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 111.411 +/- 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 Lake County Agriculture and designating the Property on the Future Land Use Map to:

TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL – PUD



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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. 163.3184 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 31st 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.

WRITTEN COMMENTS FILED:

SUPPORTIVE: 0

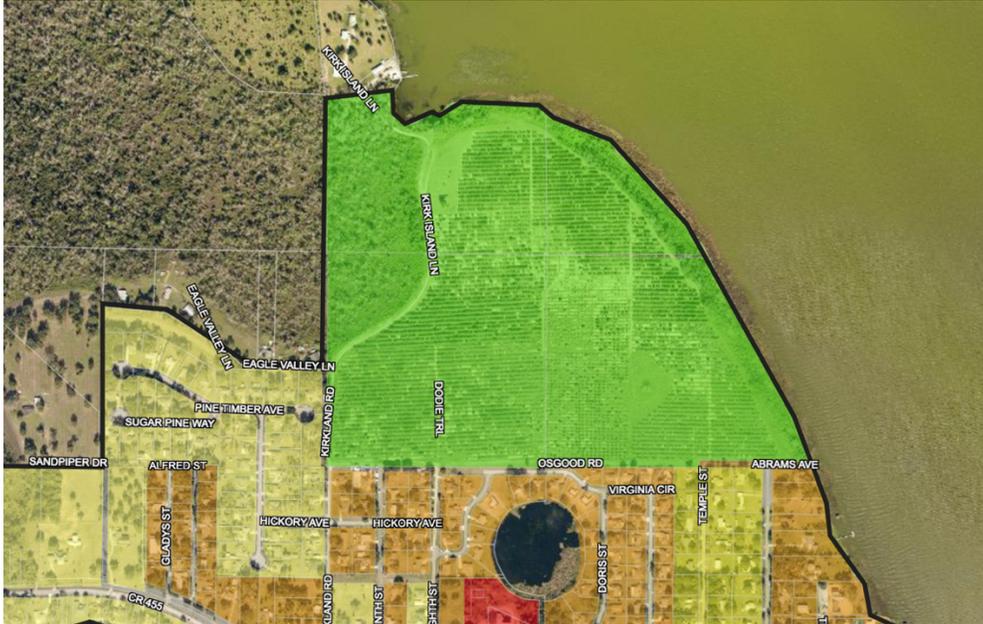
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PLANNING & ZONING BOARD

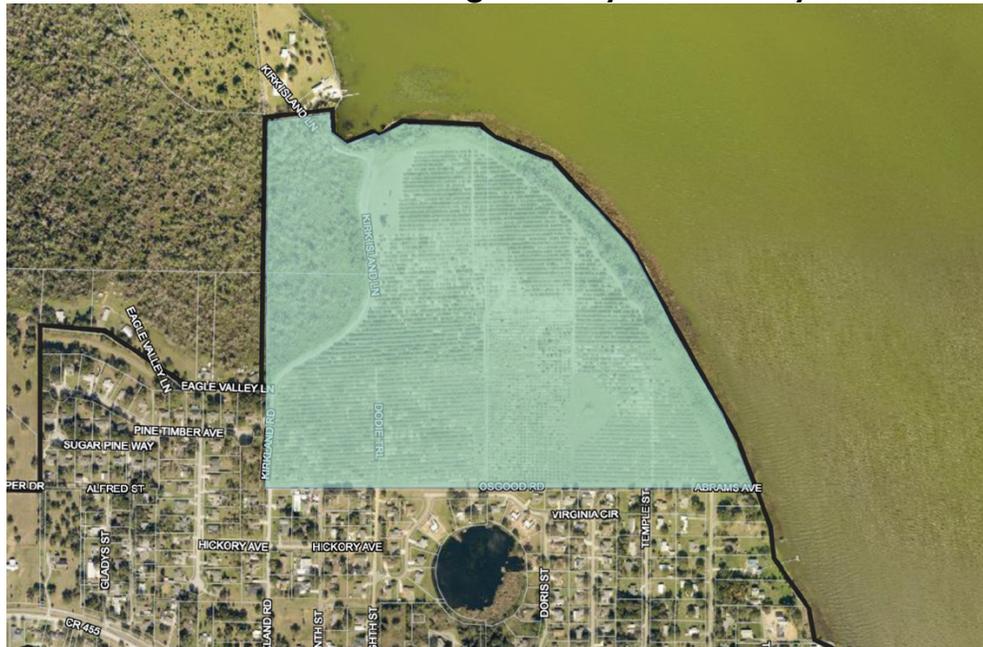


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Current "Future Land Use Map":
Lake County Agriculture



Proposed "Future Land Use Map":
Town of Montverde Single Family Low Density PUD





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Conceptual Plan September 2022

