

**MONTVERDE TOWN COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 14, 2025, AT 7:00 P.M.**

**TOWN COUNCIL MEMBERS PRESENT**

Joe Wynkoop, Mayor  
Carol Womack, Vice Mayor  
Jim Ley Councilmember  
Allan Hartle, Councilmember  
Joe Morganelli, Councilmember

**STAFF PRESENT**

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

**CALL TO ORDER AND OPENING CEREMONIES**

Mayor Wynkoop called the meeting to order and lead the Pledge of Allegiance.

**Attendance 57**

**PRESENTATION, ADMINISTRATIVE MATTERS AND DISCUSSION**

Appointment to MPO Board Member.

Councilmember Hartle nominated Vice Mayor Womack to the MPO Board. Mayor Wynkoop seconded. Nomination accepted 5-0.

**CITIZENS QUESTION/COMMENT PERIOD**

Bob Tomlinson, 16634 Magnolia Terrace would like to know what is going to be done at the intersection of Ridgewood and Fosgate after the bridge over the Turnpike is completed. And when is the visioning committee going to meet again?

Town Planner Parks stated there will be roundabouts installed at that and other intersections.

Town Manager Larino stated we are scheduling a meeting in the near future.

Banks Helfrich, Clay Road Farms tip of the day plant tomatoes through mid-April. November 5th 89% of Lake County voted. We the people!!

Brian Mendez, 17432 2<sup>nd</sup> Street, the park at the end of Porter is closed up, do you know when it will open?

Mayor Wynkoop stated it sustained extensive damage in Hurricane Milton, and we have not been able to get it cleaned up and the walkway repaired. Until that is done, it will not be open.

## **DEPARTMENT & COMMITTEE REPORTS**

### **Town Manager Larino's Report.**

Truskett Park meeting with FEMA tomorrow. Review the damaged board walk. Insurance denied the claim for wind damage. Working on getting help from FEMA. They will also look at debris on Stetcher Property. Special meeting January 28<sup>th</sup> at workshop – CRA areas, impact fees to town council, renewing Impact fees, Comp plan super majority vote for lot changes.  
Final documentation of Hills of Montverde signed and recorded. Agreement is complete.

### **Town Attorney Geraci-Carver Report. None**

### **David Kilgard Lake County fire rescue**

The Chief gave an update on December call volumes, batteries for smoke alarms. We are beginning to discuss the groundbreaking for station 85. Accelerate fireworks permit for Montverde Academy.

### **Town Planner Parks Report.**

Typical zoning clearances, adoption phase of the comp plan

### **Lake County Commission Report.**

January 22<sup>nd</sup> meeting at 6:00 p.m. at Ferndale Baptist Church, sheriff, county commissioners, ISBA. Councilmember Hartle requested an update on clean-up of hurricane debris. Would like the two trees at CR 455 and Fosgate (just passed) cleaned up – can't see on the road.

### **Town Council Reports.**

Councilmember Hartle stated last year in April after the house had burned on Franklin we discussed trespassing on public property, Town Attorney will speak on this at next meeting.

Councilmember Morganelli asked about the procedures for response to emails from citizens. Had a citizen tell him they sent an email at the beginning of year, and it still hasn't be responded to. We should have a quality-of-service procedure for staff. Paul needs to delegate.

Town Manager Larino stated we are in a cycle with the grants, audit, hurricane, sewer discussion we are playing catch up.

Councilmember Morganelli continued that we either need to thin out what is going to be in our packets or get the packets to us on time. Having a weekend to review everything in this packet is difficult.

Vice Mayor Womack agreed with Councilmember Morganelli regarding the packets. What is the status of the Visioning Committee. Why don't we get the written fire report in our packets anymore?

Town Manager Larino stated that he is going to start having meetings probably in March. The fire reports are in your packets when the County has time to pull the information together.

Councilmember Ley in the Woodland area there are still piles of debris that need to be cleared off the road. When they are clearing debris there needs to be a sign on the roadway, letting motorist know there is a crew ahead – it's a safety issue.

## **Mayor Wynkoop Report**

Do we want the Auditors to come in and give us a report every year? They will need to schedule one for 2023 audit, we did not get that last year.

I notice the Charter isn't on the website, this needs to be added.

Grants going through the money, I want to see beginning balance, what we spent and what is being reimbursed, wants a super easy report on the grant money.

We need to be able to see the check register, credit card expense, ACH transactions in the monthly report.

We bought Stetcher property with water fund, then decided we wouldn't use it for a water tower, and we had to have the water fund pay back the general fund. Does this need to change now that we are using the Stetcher property for a water tower?

## **DECEMBER FINANCE REPORT**

Beginning Bank Balance	\$ 4,643,870.69
Revenues	\$ 1,382,158.58
Expenditures	\$ 977,648.24
Ending Balance	\$ 5,048,381.03
Pending Liabilities	\$ 304,964.86
Available Cash	\$ 4,743,416.17
Grant Clearing Account	\$ 4,109,072.76
Total Bank Balance	\$ 8,852,488.93

## **CONSENT AGENDA**

Minutes of the Town Council Regular Meeting held December 10, 2024.

Minutes of the Town Council Special Meeting held December 23, 2024.

Vice Mayor Womack moved to approve the consent agenda items. Councilmember Morganelli seconded.

Consent Agenda approved 5-0.

## **DISCUSSION AND ACTION ITEM**

Town Manager Larino gave an update of the Town's Capital Projects:

Library construction is wrapping up interior is going quickly, mechanical, plumbing, fixtures will be starting soon.

Water \$13M grant – We will review in March

\$19M for stormwater several projects being reviewed.

Council had asked the town to purchase a spare motor for the well, that has been done and motor is there if any of them fail.

We will investigate maintenance of the shaft bearings.

## **PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 2025-155** A Resolution the Town of Montverde, Florida approving the Clean Water State Revolving Fund Planning, Design and construction loan agreement for WW351330 which provides for 100% loan forgiveness in the amount of \$19,823,318.00; authorizing the Town Manager to execute the loan agreement; directing the Town Manager to carry out the terms of the loan agreement; providing for conflicts, severability, and effective date.

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

Town Manager Larino explained the Resolution.

Mayor Wynkoop opened the public hearing.

No one spoke in favor of or against the Resolution.

Mayor Wynkoop closed the public hearing.

The agreement hasn't been changed from wastewater to stormwater, and I am not comfortable approving this until it is corrected.

Mayor Wynkoop moved to table Resolution No. 2025-155 until the next meeting on February 11, 2025, meeting. Vice Mayor Womack seconded. Resolution No. 2025-155 tabled 5-0.

**RESOLUTION NO. 2025-157** A Resolution of the Town Council of the Town of Montverde, Florida, approving Task Order Proposal dated January 8, 2025 between the Town of Montverde and Woodard & Curran, Inc. for development of a Stormwater Facilities Plan; authorizing the Town Manager to execute the agreement; providing for an effective date.

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

Mayor Wynkoop stated this goes with Resolution 2025-155 and should also be tabled.

Mayor Wynkoop moved to table Resolution No. 2025-157 until the next meeting on February 11, 2025, meeting. Vice Mayor Womack seconded. Resolution No. 2025-157 tabled 5-0.

**RESOLUTION NO. 2025-160** A Resolution of the Town Council of the Town of Montverde, Florida, Awarding contract to Blackwater Construction Services, LLC resulting from the Town's invitation to bid for Stormwater Improvements issued October 7, 2024; approving the conformed agreement between the Town of Montverde, Florida and Blackwater Construction Services LLC in an amount not to exceed \$723,021.00 for Montverde Stormwater Improvements project being funded through a Florida EPA grant and Lake County Water Authority Stormwater grant; authorizing the Town Manager to execute the agreement; and providing for an effective date.

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

Town Attorney Geraci-Carver stated there are Statutory items that need to be added to the agreement.

Town Manager Larino explained the bid and agreement for stormwater improvements on Lakeside from 3<sup>rd</sup> Street to 7<sup>th</sup> Street.

Mayor Wynkoop opened the public hearing.

No one spoke in favor of or against the Resolution.

Mayor Wynkoop closed the public hearing.

Town Manager Larino stated this has a four (4) month construction timeline.

Councilmember Hartle moved to approve Resolution No. 2025-160. Councilmember Morganelli seconded. Resolution No. 2025-160 approved 5-0.

**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.

Town Attorney Geraci-Carver read the Resolution by title only. She requested anyone having ex-parte communications regarding the project report it now. None reported.

Town Attorney asked if anyone had ex parte communications regarding this Resolution, none reported.

Town Associate Planner Busto explained the request the petitioner is making for the variance on the location of a 20' x 30' shed.

Giovanni Cunha explained why he wanted to get the shed in the back of the house so he has space in his garage for vehicles and room in the yard for his children to play. This request is for a 20' x 30' shed.

Vice Mayor Womack stated he doesn't meet two of the criteria for a variance, so this is a no because he has to meet them all.

Councilmember Morganelli asked what the topography of the yard is?

Giovanni Cunha, property owner, is flat.

Doesn't have the 25' setback if he puts in driveway. There is also a Heritage tree in that area that he would have to remove to put the shed there.

Vice Mayor Womack stated she likes it will match the house.

Mayor Wynkoop suggested putting in two sheds.

Councilmember Morganelli stated he did not agree with that.

Mayor Wynkoop opened the public hearing.

Annette Parkhurst 17331 Parker, 2<sup>nd</sup> Street it seems he is trying to do the right thing by preserving vegetation.

Mayor Wynkoop closed the public hearing.

Councilmember Ley stated it's not the shed, it's the size.

Councilmember Ley moved to approve Resolution No. 2024-156. Councilmember Morganelli seconded. Resolution No. 2024-156 approved 4-1 with a roll call vote:

Vice Mayor Womack	Yes
Councilmember Ley	Yes
Councilmember Morganelli	Yes
Councilmember Hartle	Yes
Mayor Wynkoop	No

**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. (First Reading)

Town Attorney Geraci carver read the ordinance by title only and set February 11, 2025, as the second reading.

Town Planner Parks explained the property and what the petitioner is requesting.

Mayor Wynkoop opened the public hearing.

No one spoke in favor of or against the Ordinance.

Mayor Wynkoop closed the public hearing.

Theresa Kay is a longtime resident of Montverde. We would like to create an indoor and outdoor space for socializing, it is a process, look at parking and whether the property is large enough to create the space she is looking for.

Councilmember Morganelli, 8<sup>th</sup> street seems to be the cut-off commercial property and noise could be a problem. We have a lot of unused commercial properties that could be used. If we allow the zoning to change and she decides not to go ahead with the project, can it go back to R1.

Town Planner Parks, you cannot change it back, it would still be residential.

Town Manager Larino stated that the property can still be used as residential.

Councilmember Ley asked what is west of property.

Theresa Kay stated a Hardin property.

Councilmember Womack business district – you don't have anywhere else to go, this is it. This is the only direction you can go.

Councilmember Hartle, I don't see it going to hurt.

Councilmember Hartle moved to approve Ordinance 2024-43. Councilmember Ley seconded. Resolution No. 2024-43 approved 5-0 and set for second reading on February 11, 2025.

**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. (First Reading)

Town Attorney Geraci carver read the ordinance by title only and set February 11, 2025, as the second reading.

Quasi-Judicial hearing – Councilmember Morganelli spoke to the property owner across the street.

Town Planner Parks explained this is the other part of the request to change the zoning designation of the property.

Mayor Wynkoop opened the public hearing.

No one spoke in favor of or against the Ordinance.

Mayor Wynkoop closed the public hearing.

There was brief discussion

Councilmember Morganelli moved to approve Ordinance 2024-42. Councilmember Hartle seconded. Ordinance 2024-42 approved 5-0 and set for second reading on February 11, 2025.

**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. (First Reading)

Town Attorney Geraci – Carver read the ordinance by title only and requested for disclosure from the Council members regarding any ex parte discussion that they have had regarding this property.

Councilperson Morganelli knows where it is but has not had any discussion.

Councilperson Womack stated she walks by the property.

Town Planner Parks informed the Council that the P&Z board recommended approval with Lot frontage minimum 60' and lots side setback at 7 ½'.

Brian Cairn spoke regarding the overall project. Stated they don't have an issue with the front lot width being no less than 60'. Side setbacks no less than 7 ½', but would wish to have the HVAC units placed on the side yard.

The applicant feels the roads are not sufficient, this is a pre-existing issue. Would like to have the impact fees for transportation waived.

Town Manager Larino stated the roads are an essential part of this agreement, this is a matter of safety.

Town Associate Planner Busto read the waivers into the record:

**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 a 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: General Conditions.**

- 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.

Mayor Wynkoop, the dry lines need to be put in accordance with the code, the developer request eliminating this requirement.

Tom Settle, developer stated the roads are deficient as they are now.

Councilmember Ley and Councilmember Morganelli asked for clarity on the roads.

There was extensive discussion.

Town Planner Parks stated the current width of the roads are substandard in accordance with town code.

Town Manager Larino stated the town wants the roads, concrete ribbons, and sidewalk added to the three roads that will be used by people in the development. We need direction for the Council regarding their wishes.

Mayor Wynkoop moved to table Ordinance 2024-44 to the next council meeting on February 11, 2025. Councilmember Ley seconded. Tabled 4-1 (with Councilmember Morganelli voted nay)

Town Attorney Geraci-Carver request that the Mayor not allow any public comments since we have tabled the Resolution.

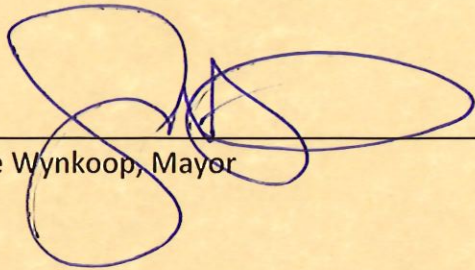
Catherine Wiginton, 16703 Magnolia Terrace, you should protect the town as much as you protect Ferndale.

### **REMINDERS AND ADJOURNMENT**

Motion to Adjourn

Councilmember Morganelli moved to adjourn. Councilmember Ley seconded. Motion to adjourn approved 5 -0.

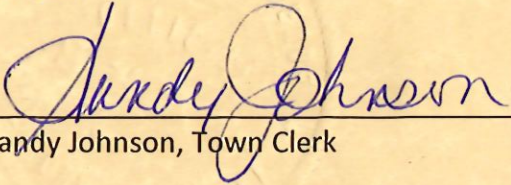
Meeting adjourned at 10:24 p.m.



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Joe Wynkoop, Mayor

ATTEST:



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Sandy Johnson, Town Clerk

# Town Code - 2 pages

Town of Montverde Transportation Impact Fees

[Division 3.16.46 and following]

## Introduction:

In the recent Supreme Court case of *Sheetz v. County of El Dorado, California*, decided April 12, 2024, the Court mandated **that legislative imposed traffic impact fees are to be reviewed under the Nollan/Dolan two-part test.** Under *Nollan v. California Coastal Comm'n*, 483 U.S. 825, and *Dolan v. City of Tigard*, 512 U.S. 374, the review steps are:

- 1) [Legislative imposed traffic impact fees] must have an **“essential nexus”** to the government’s land-use interest.
- 2) [Legislative imposed traffic impact fees] must have **“rough proportionality”** to the development’s impact on the land-use interest.

The Town of Montverde’s Code instead uses the terms **“reasonable connection”** and **“reasonably related”** in Section 16-46 (b), which states, **“The city council finds the transportation impact fees are reasonably related to the cost of providing capital facilities/equipment needed for roads to accommodate new growth. The city council also finds there is a reasonable connection between the anticipated expenditures of the transportation impact fees collected and the benefits accruing to anticipated new development.”**

## Relevant Code Sections:

The Town’s **“Legislative Findings”** in Section 16-47 **“finds, determines and declares”** the following highlighted subsections show that traffic impact fees ARE the fair share contribution of the developer:

- Development necessitated by the growth contemplated in the comprehensive plan will require improvements and additions to the town road system to accommodate the development generated by such growth and **maintain the standards of service currently provided by the town.**
- Future growth, as represented by residential construction, **should contribute its fair share to the cost** of improvements and additions to the town road system that are required to accommodate such growth.
- **Implementation of a transportation impact fee to require future construction to contribute its fair share to the cost** of required transportation capital improvements and additions is an integral and vital element of the regulatory plan of growth management incorporated in the comprehensive plan of the town.

- **The imposition of a transportation impact fee is to provide a source of revenue to fund the construction or improvement of the town road system necessitated by growth** as delineated in the capital improvement element of the comprehensive plan.

- *Construction occurring within the town impacts upon the town road system; therefore, new construction should pay its **fair share of the cost of maintaining the town's existing standard of service.***

- The purpose of this article is **to require payment of transportation impact fees by those who engage in construction and to provide for the cost of capital improvements to the town road system which are required to accommodate such growth.**

Section 16.50, of the town code entitled, "Dedication of land and impact fee credits" states that **"In lieu of all or part of the transportation impact fee, the town council, may enter into a developer's agreement with a person seeking to develop land to allow such person to construct off-site road system improvements determined necessary as a result of the development of the property.** The person seeking to enter into the developer's agreement shall submit a construction cost estimate certified by an engineer registered pursuant to F.S. Ch. 471, to the town manager or designee. **If acceptable, the town shall agree to credit the cost of construction of the improvements towards the transportation impact fee chargeable to the proposed development."**

#### **Conclusion:**

The Town of Montverde's legislatively imposed transportation impact fees are declared by the Town to be the developer's **"fair share of the cost of maintaining the town's existing standard of service."** Any off-site road system improvements are "in lieu of all or part of the transportation impact fee." The "all" is the calculated amount of impact fees.

*State Statute 5 pages*

**163.3180 Concurrency.—**

(1) Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues shall be processed under the expedited state review process in s. 163.3184(3), but the amendment is not subject to state review and is not required to be transmitted to the reviewing agencies for comments, except that the local government shall transmit the amendment to any local government or government agency that has filed a request with the governing body and, for municipal amendments, the amendment shall be transmitted to the county in which the municipality is located. For informational purposes only, a copy of the adopted amendment shall be provided to the state land planning agency. A copy of the adopted amendment shall also be provided to the Department of Transportation if the amendment rescinds transportation concurrency and to the Department of Education if the amendment rescinds school concurrency.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection to serve new development.



(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities.

(4) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(5)(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.
2. With special part-time demands on the transportation system.
3. With de minimis impacts.
4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.
2. Adoption of an areawide level of service not dependent on any single road segment function.
3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.
4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.
5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.
6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:

- a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.
- b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.
- c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

(l) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this

subsection. The agreement must provide that after an applicant makes its contribution or constructs its proportionate share pursuant to this sub-sub-subparagraph, the project shall be considered to have mitigated its transportation impacts and be allowed to proceed if the applicant has satisfied all other local government development requirements for the project.

(II) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose. A local government may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share requirement if the applicant has satisfied all other local government development requirements for the project.

d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

2. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

a. The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

b. In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in subparagraph 4. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be

calculated only for the needed transportation improvements that are greater than the identified deficiency.

c. When the provisions of subparagraph 1. and this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

d. In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

e. The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

Town Court CHAPTER II PLAN w/ Draft Changes  
TRAFFIC CIRCULATION AND TRANSPORTATION ELEMENT

### Goals, Objectives and Implementing Policies

GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives and policies for implementing the desired traffic system of the Town of Montverde.

#### 2-1. GOAL: PROVIDE SAFE, CONVENIENT, EFFICIENT TRANSPORTATION SYSTEM FOR BOTH MOTORIZED AND NON-MOTORIZED TRANSPORTATION MODES.

OBJECTIVE 2-1.1: SAFE, CONVENIENT, AND EFFICIENT TRANSPORTATION SYSTEM. Provide a Safe, Convenient, Efficient and Traffic Circulation and Multimodal System Through the Establishment of Minimum Level of Service Standards and the Joint Provision of Non-Motorized Transportation Facilities with Proposed Road Improvements.

Policy 2-1.1.1: Minimum Level of Service Standards. The Town of Montverde hereby adopts the following level of service (peak hour) standards for the below listed roadway classifications:

<u>Road Class</u>	<u>Peak Hour Minimum Level of Service (*)</u>
Principal Arterials: <i>None are present</i>	C
Minor Arterials: <i>None are present</i>	C
Major Collectors: <i>County Road 455</i>	D
Minor Collectors: <i>None are Present</i>	C
Local Roadways: <i>All roadways not classified as collectors or arterials.</i>	C

(\*) Level of service shall be predicated on the lowest quality design hour, which shall represent the thirtieth highest hour of traffic, as determined by FDOT.

Policy 2-1.1.2: Review of Proposed Developments. The Town of Montverde shall review all proposed development for compliance and consistency with the adopted levels of service through the Town's Concurrency Management System. No development shall be approved until the concurrency management system has been evaluated to determine that estimated impacts will not cause the level of service on roads adjacent to the development to decrease below the adopted minimum standard.

Policy 2-1.1.3: Use of Traffic Impact Fees. The Town of Montverde shall designate revenues distributed to the Town from Lake County's traffic impact fees for only collector road improvements included in the Town's ~~Five~~ Ten-Year Capital Improvement Program.

Policy 2-1.1.4: Use of Traffic Impact Fees for the Bicycle and Pedestrian Transportation Facilities. The Town of Montverde shall coordinate with Lake County to amend the Lake County Traffic Impact Fee Ordinance to make bicycle and pedestrian transportation improvements identified within the Town's ~~Five~~ Ten-Year Capital Improvement Program eligible to receive traffic impact fee funds.

Policy 2-1.1.5: Access Management for County and Local Roads. The Town has amended Land Development Regulations to incorporate provisions which define regulations and design standards for access to local roads: and shall require new development and redevelopment along County roads to comply with or exceed Lake County curb cut regulations and design standards. The minimum spacing between access connections on County roadways without access roads shall be as follows:

<b><u>Posted Speed</u></b> <b><u>(Miles/hour)</u></b>	<b><u>Minimum Connection</u></b> <b><u>Spacing (feet)</u></b>
35 or less*	245
36 – 45	440
Over 45	660

(\*) The 35 miles/hour or less standard shall be 125 feet where existing development ~~(November 1991)~~ averages at least fifty (50) connections per mile.

Policy 2-1.1.6: Functional Classification System. The Town of Montverde shall classify all roadways within its jurisdictional area according to the most current functional classification system established by the Florida Department of Transportation (FDOT). The Town shall request FDOT to re-evaluate the functional classification of a roadway upon reaching the capacity threshold for the adopted minimum level of service.

Policy 2-1.1.7: On-Site Transportation Improvements. The Town of Montverde has incorporated provisions in the Land Development Regulations to require applicants of new developments and redevelopments to establish safe and convenient on-site traffic flow that considers circulation and parking needs of both motorized and non-motorized transportation modes.

Traffic circulation provisions shall include minimum aisle widths based on parking space widths and angles, and minimum pedestrian and bicycle path widths based on the anticipated use. Residential parking requirements shall be a minimum of two (2) parking spaces per dwelling unit, while other land use parking requirements shall be a minimum of three (3) parking spaces per establishment and based on the number of employees, the number of square feet of gross building area, and other appropriate unit of measurement identified in the most recent edition of the ITE Trip Generation Manual.

Policy 2-1.1.8: Minimum Conflicts Between Motorized and Non-Motorized Transportation Modes. To minimize conflicts between motorized and non-motorized transportation modes, the Town of Montverde has coordinated with Lake County to assure that shoulders are added to CR 455 within the Town Boundaries at the time reconstruction or additional capacity improvements occur. The town recognizes the international popularity of cycling in the area and encourages future improvements to maintain and promote the sport, while maintaining the small-town character.

OBJECTIVE: 2-1.1: COORDINATE THE TRAFFIC CIRCULATION SYSTEM WITH FUTURE LAND USES OF THE FUTURE LAND USE MAP. The Traffic

Circulation System Shall be Consistent and Compatible with Proposed Growth and Development Shown in the Future Land Use Element.

Policy 2-1.2.1: Future Traffic Circulation Map. The Town of Montverde hereby adopts Map II-1, "Future Traffic Circulation Map", as the Town's Future Traffic Circulation Map.

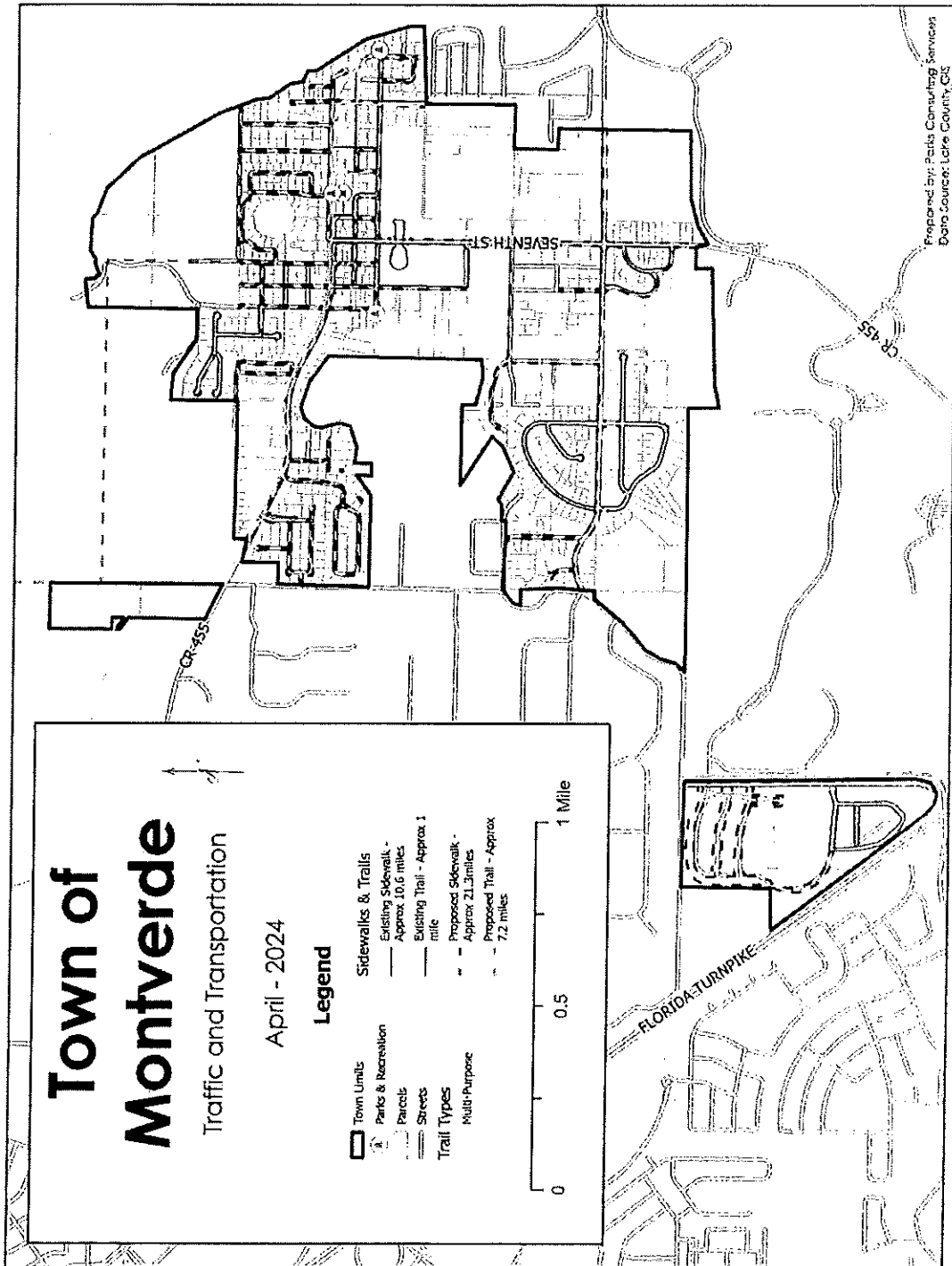
Policy 2-1.2.2: Coordination with Future Land Uses. The Future Land Use Map shall delineate all arterial and collector roadways on the Town's Future Transportation Map Map. Land Use allocations and densities on the Future Land Use Map shall not generate more traffic than that which can be supported by the transportation system at the levels of service established in Policy 2-1.2.1, Minimum Level of Service Standards.

Policy 2-1.2.3: Coordination with Lake County Development Impacts. The Town of Montverde has coordinated with Lake County to assure that impacts generated by future development occurring within adjacent unincorporated Lake County will not cause levels of service on collector and local roads within the Town to diminish below adopted minimum standards. Coordination shall be accomplished through a formal JPA process and via the Town of Montverde providing a written recommendation of project approval or project denial for any proposed development project located within the Town of Montverde joint planning area, as identified in the Intergovernmental Coordination Element. The Town shall also coordinate with Lake County on issues pertaining to road improvements along C.R 455



# Town of Montverde

## MAP II-1 Insert new Map here



Policy 2-1.2.4: Regulate Impacts of Development on Adopted Levels of Service. The Town of Montverde has regulated the impacts created by new development on adopted levels of service by incorporating provisions in the Land Development Regulations that (1) require future development to comply with level of service standards, (2) deny approval of or regulate the density of development according to available capacity on adjacent roadways, and (3) require future development to pay an equitable share of the costs necessary to support transportation facilities demanded by the development.

Policy 2-1.2.5: Establish a Concurrency Management System and Adequate Facilities Ordinance. The Town of Montverde shall implement and administer a concurrency management system to monitor impacts on the traffic circulation system created by development and growth occurring in the designated land use districts established on the Future Land Use Map and determined within the Future Land Use Element. Procedures and provisions of the concurrency management system shall monitor and evaluate impacts of existing and future land development on the transportation system to assure integration of future land uses with available capacities on transportation corridors.

The Land Development Regulations have been revised to incorporate an adequate facilities requirement that is consistent with procedures established within the Town's Concurrency Management System. These procedures shall mandate that future development applications evaluate all traffic impacts placed on thoroughfares adjacent to the subject site by the proposed development according to criteria set forth within the Concurrency Management System. Prior to the issuance of a development order or permit, an applicant must:

- (A) Prove that the proposed development shall not cause levels of service to decline below minimum adopted standards,
- (B) Assure that adequate roadway capacity shall be available concurrent with the impacts of development (at the time a certificate of occupancy is issued by the Town).

**OBJECTIVE 2-1.3: RIGHT-OF-WAY PRESERVATION AND ACQUISITION.**  
Provide for the Protection and Acquisition of Existing and Future Right-of-Way.

Policy 2-1.3.1: Right-of-Way Preservation Map. By February, 2010 the Town of Montverde shall preserve right-of-way for all roads by adopting a right-of-way preservation map.

Policy 2-1.3.2: Right-of-Way Preservation. The Town of Montverde shall amend Land Development Regulations by February, 2010 to establish setback requirements designed to preserve right-of-way for all roads delineated on the Right-of-Way Preservation Map.

Policy 2-1.3.3: Minimum ROW Standards. The Town of Montverde hereby adopts the following right-of-way standards (measured according to corridor width) and has incorporated these as provisions in the Land Development Regulations.

<u>Roadway Classification</u>	<u>Minimum ROW Standards (Width)</u>
Major Collectors:	80ft
Minor Collectors:	80 ft
Local Streets:	50 ft

The Town shall revise these standards, where appropriate, upon the completion of the Florida Department of Transportation's right-of-way preservation study, now underway (~~May, 1990~~). Right-of-way widths for local roads within planned unit developments shall be determined during the development review process.

Policy 2-1.3.4: Right-of-Way Acquisition. The Town has revised the Land Development Regulations to include provisions that mandate dedication of right-of-way, or fees in lieu thereof, as a required condition of a development approval associated with PUDs, site plans, plats and replats where associated traffic impacts generated by such development will create or contribute to the need to establish

new, or to expand existing right-of-way necessary to provide a safe and convenient traffic circulation system.

OBJECTIVE 2-1.4: FUTURE ROADWAY IMPROVEMENTS. Provide transportation Improvements to Meet Projected Needs of Growth and Development Anticipated for ~~2010~~ 2033.

Policy 2-1.4.1: Five-Ten-Year Transportation Improvement Program. Based on needs identified in the analysis accomplished for the Traffic Element, the Town of Montverde hereby adopts the following transportation improvements to be implemented by year ~~2012~~ 2033:

No improvements are required by the Town to meet Minimum level of service requirements

Improvements shall be implemented according to priorities enumerated above.

Policy 2-1.4.2: State and County Proposed Plans and Improvements. The Town of Montverde shall annually analyze transportation plans and programs of the FDOT, ECFRPO, MPO and Lake County to establish consistency and compatibility to plans and policies set forth within the Town's Comprehensive Plan. The Town shall likewise notify these entities of all programs and improvements, amendments to the Comprehensive Plan, and status of the Concurrency Management System therein which pertain to transportation.

Policy 2-1.4.3 Concurrency System Coordination. The Town of Montverde shall coordinate with the Metropolitan Planning Organization (MPO) and Lake County Public Works to establish and maintain a countywide concurrency system. To date Montverde has adopted a Transportation Proportionate Share Ordinance and is working with the MPO on the draft concurrency interlocal agreement.

Policy 2-1.4.4: Monitor Transportation System System. The Town of Montverde shall adopt a concurrency management system which establishes procedures to annually monitor the available capacity on

all collector. The Town shall use the most recent traffic count figures recorded by Lake County or FDOT to update roadway capacities, or use traffic counts recorded specifically by the Town or a designated professional engineering firm. The Concurrency Management System shall include provisions requiring developers to perform, or pay fees for services in lieu thereof, a traffic impact study to measure proposed impacts on the current availability of road capacities as a requirement in the development review process.

OBJECTIVE 2-1.5: FACILITIES FOR BICYCLE AND PEDESTRIAN WAYS; AND ESTABLISHMENT OF SCENIC ROADWAYS. Promote a System of Bicycle and Pedestrian Ways in Planning for Transportation Facilities, and Analyze Roadways for Scenic Designations.



Policy 2-1.5.1: Planning for Bicycle and Pedestrian Facilities. The Town of Montverde and MPO have prepared a plan for developing bicycle and pedestrian ways which connect residential areas to recreation areas and major activity centers.

Policy 2-1.5.2: Rails to Trails Program. The Town of Montverde shall coordinate with Lake County to analyze the feasibility of acquiring abandoned railroad right-of-ways within the Town for use as regional bicycle and pedestrian paths.

Policy 2-1.5.3: Provision of Bicycle and Pedestrian Ways for New Developments. The Land Development Regulations for the Town of Montverde include provisions within the development review process that requires applicants of PUDs, site plans, subdivisions, and replats to provide for the needs of bicycle and pedestrian facilities.

Policy 2-1.5.4: Consideration of Bicycle Storage Facilities for Existing Public Facilities and for New Developments. The Town of Montverde shall provide bicycle storage facilities at existing Town parks by 2010 2033, and shall analyze the need to provide such facilities at other Town public buildings with the proposed bicycle and pedestrian plan. ~~By February, 2012,~~ Land Development Regulations shall incorporate



 Bub's   
TRAILSIDE BREWS

SIP, SAVOR, AND STAY AWHILE

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current as of  
8 AUG 2024

Bub's Trailside Brews

Created by  
Theresa Kay

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# Contents

Summary	01
Company Description	02
Mission & Vision	03
Operations Plan	04
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# 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...**



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# 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.*



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## Mission

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



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## Vision

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



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# 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.

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## 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
-

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# 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

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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.





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Bub's Trailside Brews

[tkaysells@outlook.com](mailto:tkaysells@outlook.com)

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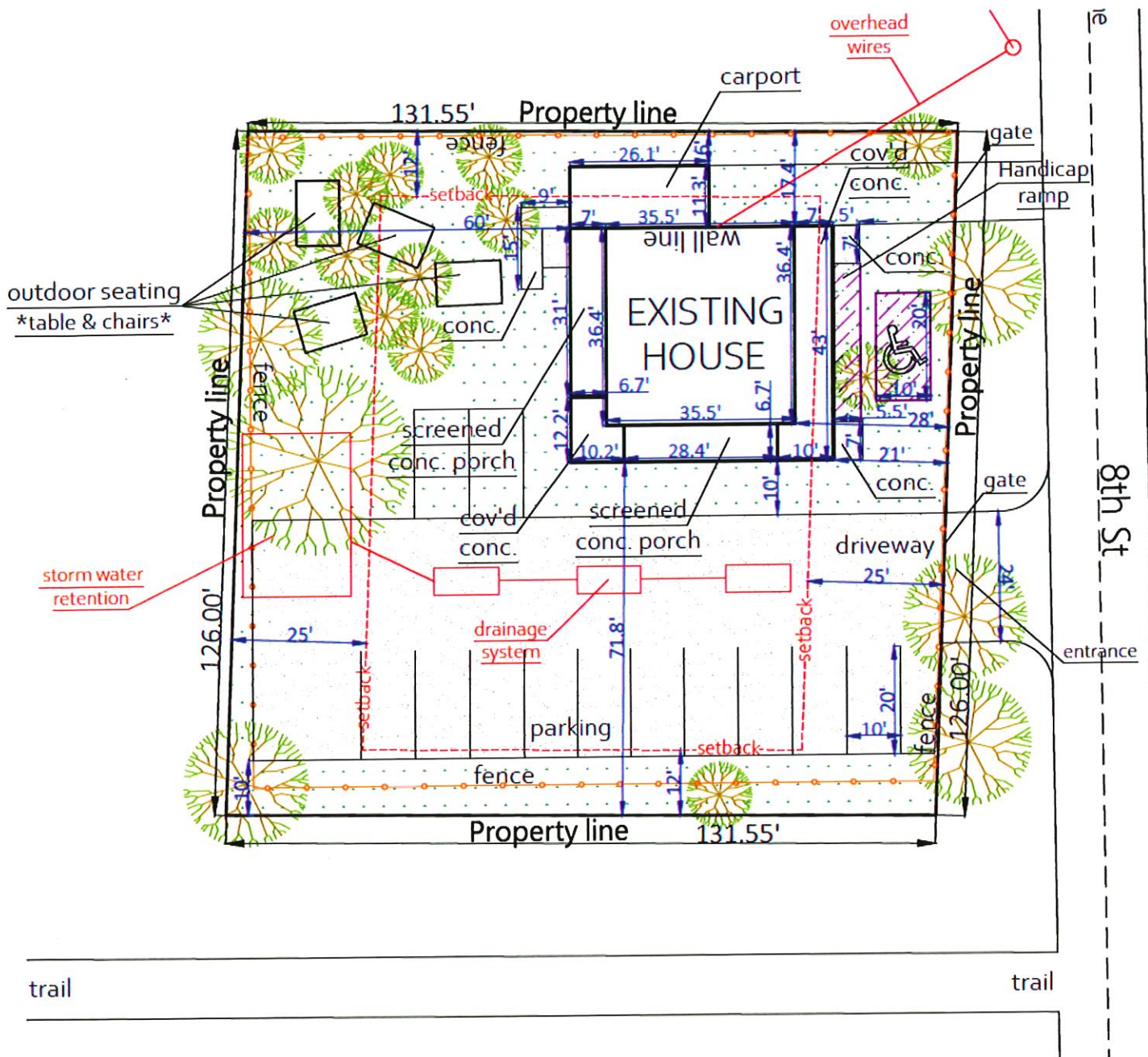
# Interior Inspiration:



# Exterior Inspiration:







trail

trail



December 2, 2024

Town of Montverde

Re: Montverde Single Family  
Application Z24-000001 at 17950 Dodie Trail

To Whom It May Concern:

We are in receipt of your recent comments dated November 21, 2024 regarding the above-referenced project and offer the following in response:

Please also note that the PDP resubmittal has been resubmitted concurrent with this PUD submittal.

**Comments**

**Reviewer: Anita Geraci-Carver, Complete**

1. The Developer shall obtain potable water from Town of Montverde, and when available, reuse water and wastewater service from Town of Montverde. The developer will permit and provide irrigation water and delivery systems from Lake Apopka to the development in a location approved by the Town. The irrigation system will be turned over to the Town for operation as a public utility.

**Response:** The note has been updated on PDP plan sheets C1.0 and C3.0. The developer will permit and provide irrigation water and delivery systems from Lake Apopka to the development in a location approved by the Town. The irrigation system will be turned over to the Town for operation as a public utility. Please see sheet C3.2 for the Irrigation Pump tract location which is subject to final engineering design and is subject to approval by SJRWMD.

2. PUD Ordinance will provide for transfer of LS-1 Tract to the Town when Town sewer is available.

**Response:** Acknowledged. If the town provides wastewater service to the development, the HOA will no longer be responsible for maintaining the wastewater structures. See Sheet C1.0 'Utility Notes' note #3.

**Reviewer: Brett Tobias, Pending Response to RAI**

1. As discussed with town staff, Section 4-83(6) states "Access shall be provided as follows:" "Pave to nearest paved public road. A development shall abut, or have as its primary access, a street paved to the town standards of this Code. The developer shall pave from the entrance of the development to the nearest public paved road. Additional paving may be necessary based upon site conditions and the nature of the use." The code specifically states that the access must abut a street paved to the town standard, which this site does not. The payment of impact fees does not alleviate the need to provide for this provision of the code. Engineering recommends denial of the PUD without improvement of offsite network in conformance with code, or without other agreement with the town. Without approval of the PUD, the preliminary plan cannot be approved.

**Response:** State statute (163.3180) states "An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to

mitigate the development's impacts." Notwithstanding, the town ordinance reportedly states "A development shall abut, or have as its primary access, a street paved to the town standards of this Code." The Town's Code of Ordinances further states "the town shall agree to credit the cost of construction of the improvements towards the transportation impact fee chargeable to the proposed development." In the spirit of cooperation and compromise the applicant shall contribute the sum of its transportation impact fees plus an additional amount whose total shall equal \$500,000.00, representing the project's proportionate share of the cost to improve a street paved to the Town standards of their code.

2. Lake County Fire/EMS should be consulted on access to the site. The surrounding roadway network does not meet NFPA clear zone requirements for emergency vehicles.

**Response:** Lake County is currently responding to emergency calls in the surrounding roadway network. The applicant will construct its internal roads to NFPA standards as well as contribute a proportionate share of the cost to improve a (1) road.

3. Distributed sewer system should be private and owned/maintained by the HOA until such time as sewer is connected to the town transmission system.

**Response:** The HOA shall own and maintain the distributed sewer system unless and until the Town of Montverde or Lake County chooses to take ownership and responsibility for maintenance. Regarding any existing requirement for connection to a future municipal wastewater system, the applicant requests a waiver from those related requirements.

**Reviewer: Town Planner, Pending Response to RAI**

1. The "Conservation Subdivision Concept HOA Easement Map" does not show the entire project area. Please provide a revised figure that shows the entire site.

**Response:** The "Conservation Subdivision Concept HOA Easement Map" was created by Park Consulting Services. The background plans have been updated on Sheets L1.05 and L1.07 and on pages 14 and 16 in the PUD plans. The easement information is located on the civil plans.

2. The proposed native landscape buffer zone and easement along Lake Apopka as depicted on the "Conservation Subdivision Concept HOA Easement Map" is in accordance with the Town's Comprehensive Plan and an excellent concept to protect water resources and the further degradation of Lake Apopka. However, the typical lot landscape details for Lake Apopka lakefront lots shows vast expanses of Bahia grass within the easement from the eastern Toe-of Slope to nearly the water's edge. While we recognize some Bahia sod is necessary in this area for stabilization, the lack of native plants is not consistent with shoreline protection for BOTH water resources and upland-natural waterbody transitional ecology. Additionally, vast expanses of Bahia grass sod between the swale and water is not attractive and would encourage high impact usage of these areas that degrade water quality. These areas can be cost effectively landscape with native grasses such as Sand cordgrass and saw palmettos, cypress trees (near water) and sabal palms just as is done along the steep banks of FDOT overpasses around Florida.

**Response:** The easement area along Lake Apopka will be planted with Ernst Seeds mix ERNMX-601 FL UPL Meadow Mix. (Florida upland meadow mix). See sheet L1.05 on PDP or page 14 on PUD plans.

3. Please show existing trees or make note that existing Florida native trees will remain (4" caliper or greater) in all buffer zones and easements.

**Response:** Native trees 4" and greater will be preserved in the required landscape buffer. Due to the significant topography on site, preservation of all trees 4" caliper and greater is not feasible. The applicant will work with Town staff during final design to minimize tree removal. Any Florida native trees 4" caliper or greater that are proposed to be removed will be mitigated per Town of Montverde land development code requirements.

4. Per Montverde's Subdivision Design Standards, please indicate on the plans that all nuisance/exotic tree species will be removed within the Lake Apopka easement/buffer zone.

**Response:** Please reference PDP sheet C1.0 note section titled 'Landscaping' for requested note.

5. The plan states that all lots will be at least 0.5 acres in size. However, there is potentially contradictory information on Page 7 where the Legend indicates some lots will be 50' by min. 400' deep. This minimum lot size is less than the required minimum 0.5 acres.

**Response:** Please reference PDP sheets C1.1 and C1.2 for the lot area tables indicating that all lots are 0.5-acre minimum. Note that some lots are on curvilinear roadways and the lot depths vary to ensure the minimum area of 0.5 acres. The minimum length and width will only be consistent for rectangular lots. The pie-shaped lots along curves will have varying depths and widths to meet the half-acre minimum criteria.

6. Please note on the plans that the HOA will be required to maintain in perpetuity all wastewater structures including the repair of streets and swales if major repairs are required.

**Response:** This note has been added, please reference PDP sheet C1.0 utility note #3.

7. Please ensure consistency with notes on the plans that the HOA will be required to maintain in perpetuity all LID and swales. Response noted that HOA covenants and restrictions document will be provided for review at time of final engineering permitting.

**Response:** Please reference PDP sheet C1.0 for 'Stormwater Management' note section stating that LID and swales will be maintained in perpetuity by the HOA.

8. Please indicate on the plans that each lot must not exceed impervious surface coverage of more than 50% and that addition of pools, decks, and ADUs will be considered an impervious surface.

**Response:** Please reference PDP sheet C1.0 and PUD page 7 for the Impervious Surface Coverage note.

9. Please label the width of the landscaping buffers on the plans.

**Response:** Width of landscape buffers have been called out on PDP sheet C1.1, C1.2 and PUD page 7.

10. Please indicate on the plans that all landscaping and plants used in the buffer areas are 100% Florida native.

**Response:** Please reference PDP sheet C1.0 and PUD page 7 for the Landscaping note stating the above.

11. Please update the cross-section to show the proposed raised median on the Street Cross Sections page.

**Response:** The raised median has been shown within cross section B-B on previous submittals. Please reference PDP sheet C2.3 typical section B-B or PUD page 9. The Type B mountable curb is called out and a 4 FT wide raised median is shown.

12. Amended for clarification: The developer will provide irrigation water and delivery systems from Lake Apopka to the development, as approved by the Town. The system will be turned over to the Town and operated as a public utility. Previously written as: A pump to Lake Apopka must be installed for re-use water for irrigation. Easements may be required.

**Response:** Acknowledged. The applicant will work with the Town and SJRWMD to determine the viability of a stormwater reuse pump for irrigation, and, if allowed the location and design for the pump. Please reference PDP sheet C3.2.

13. A connection into the potable water system must be provided.

**Response:** The project proposes two connections to the Town's potable water system. Please reference PDP sheet C3.2 where connections are shown and called out on Kirkland Road and Temple Street.

14. Please show access and utility easements around all tracts as follows: 10-feet on front and rear, and 5' feet on sides.

**Response:** Utility and Drainage Easements have been added to the site plan. Additionally, please reference the typical lot easement detail on PDP sheet C1.0.

15. All 3 access roads to the neighborhood do not have the proper width to support public safety access.

**Response:** State statute (163.3180) states "An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts." Notwithstanding, the town ordinance reportedly states "A development shall abut, or have as its primary access, a street paved to the town standards of this Code." The Town's Code of Ordinances further states "the town shall agree to credit the cost of construction of the improvements towards the transportation impact fee chargeable to the proposed development." In the spirit of cooperation and compromise the applicant shall contribute the sum of its transportation impact fees plus an additional amount whose total shall equal \$500,000.00, representing the project's proportionate share of the cost to improve a street paved to the Town standards of their code.

Comments 17-20 are from Lake County Public Safety:

1. Access roads are required to be a minimum 20' unobstructed width.

**Response:** All proposed roadways meet the minimum 20' width requirement within the development. The applicant will contribute its fair share to widening.

2. Any dead ends greater than 150' require approved turn-a-round (cul-de-sacs min 100' across with 50' radii)

**Response:** Dead ends are not proposed as part of this development.

3. Include utility sheet with all fire hydrants called out, must meet distance requirements per LDR's.

**Response: All hydrants are spaced 600' or less along the water main.**

4. Include the following note on utility sheet: Fire hydrants to be available prior to any building permits and must be flow tested and witnessed by Lake county fire inspector or designee (fee applies).

**Response: Please reference PDP sheet C3.0 for Note #7 stating the above.**

If you have any further questions, please do not hesitate to contact our office or email me at [brian.canin@kimley-horn.com](mailto:brian.canin@kimley-horn.com).

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Brian Canin, AIA, FAICP, CNU-A, NCARB  
Associate