



# STAFF REPORT

**TO:** Montverde Planning & Zoning Board

**DATE:** May 31, 2022

**APPLICANT:** John Roberts, Parque Verde LLC

**RE:** Ordinance 2022-12 Future Land Use Map Amendment  
Ordinance 2022-13 Re-Zoning Designation

**FROM:** Sean M Parks, AICP, QEP Town Planner

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## SECTION 1 – FUTURE LAND USE MAP AMENDMENT

### REQUESTED ACTION / RECOMMENDATION:

Staff recommends **Approval of Ordinance 2022-12** granting the applicant's petition to amend the Town's Future Land Use Map designating the subject Property as Agriculture.

**Applicant:** John C. Roberts, Parque Verde LLC  
16004 Ridgewood Avenue  
Montverde, FL 34756

**Owner:** Same

### PROPERTY INFORMATION:

The Property is located on Fosgate Road, south of Ridgewood Avenue, ALT Key No. 1029490 (See Figure 1). The subject parcel totals approximately 20-acres.

### BACKGROUND INFORMATION:

The Property is in the Single-Family Low-Density (R1-L) Zoning and Future Land Use districts.



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Parks Consulting Services (PCS) has reviewed the Rezoning Application and the Large-Scale Comprehensive Land Use Amendment Application for the above referenced project. Parque Verde LLC is proposing to utilize the property as an ornamental nursery. The application was reviewed to ensure consistency with the Town of Montverde Land Development Code (LDC).

## **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.

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:

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

The applicant will be required to submit a site plan indicating adequate parking and proper ingress and egress.

### **2.) The Town's Future Land Use Element and Conservation Element – Protection of wetland resources.**

The applicant will be required to maintain a 50-ft setback from wetlands and obtain permits from the SJRWMD/FDEP for any proposed wetland impacts.



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## **ADDITIONAL CONDITIONS FOR APPROVAL:**

Staff recommends the following conditions for approval the applicant's request for a FLUM designation of Agriculture:

- 1.) The property owner shall submit a map indicating the jurisdictional wetlands prior to site plan approval and construction.

## **ORDINANCE 2022-12**

### **ORDINANCE 2022-12**

**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 SINGLE FAMILY LOW DENSITY TO AGRICULTURAL ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY CONSISTING OF LESS THAN 50 ACRES OWNED BY PARQUE VERDE, LLC; AUTHORIZING THE TOWN MANAGER TO AMEND SAID COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

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 Committee serving 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



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WHEREAS, the Town Council of the Town of Montverde public hearing has been advertised as required by law for one public hearing with the adoption of this ordinance occurring at least 10 days after the date of the 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 as:

Tracts 17, 18, 31 and 32 lying southeasterly of Fosgate Road, Map of Section 10, Township 22 S. Range 26 E. Lake County, Florida, as laid off by Lake Highland Company, according to the plat thereof as recorded in Plat Book 3, Page 51, Public Records of Lake County, Florida, Section 10, Township 22 South, Range 26 East (the "Property")

Lake County Florida Property Appraiser Parcel Identification Number:  
09-22-26-0201-017-00000

The Property is depicted on Exhibit A attached hereto.

The Property consists of 18 +/- acres and has an address of xxx  
Fosgate Road, Montverde, FL





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- 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 above from Single Family Low Density and designating the Property on the Future Land Use Map to:

## ***TOWN OF MONTVERDE AGRICULTURAL***

### Section 3. Direction to the Town Manager

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

### Section 4. Repeal

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

### Section 5. 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 6. 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 7. Effective Date

This ordinance shall become effective upon the 31<sup>ST</sup> day after adoption, unless challenged and then shall 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 163.3187, Florida Statutes. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.



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## SECTION 2 – CHANGE OF ZONING DESIGNATION

### **REQUESTED ACTION:**

Staff recommends **Approval of Ordinance 2022-13** granting the applicant's petition to change the zoning designation of the subject Property from Single Family Low Density to Agriculture.

### **BACKGROUND INFORMATION**

The Property is located on Fosgate Road, south of Ridgewood Avenue, ALT Key No. 1029490 (See Figure 1) in Montverde, Florida in the Single Family Low Density (R1-L) Zoning and Future Land Use districts. The size of the property is approximately 20-acres. The applicant is proposing to utilize the property as an ornamental nursery.

### **ZONING & EXISTING CONDITIONS**

The property is currently zoned Single Family Low Density (R1-L). The proposed use is consistent with Agricultural zoning.

ADJACENT PROPERTY ZONING DESIGNATIONS	
North	Lake County R1 and Montverde Single Family Medium Density
South	Lake County PUD (Bella Collina)
East	Lake County Agricultural and Montverde Single Family Low Density
West	Lake County R1



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## BASIS OF REVIEW AND ANALYSIS:

- **Sec. 10-9 - Review criteria.**

The town shall consider the following criteria in reviewing applications for rezoning:

(1) **The need and justification for the change;** To provide proper Zoning Designation and Amend the Future Land Use Map to allow for an ornamental nursery in a predominantly single-family low-density district.

(2) **The effect of the change, if any, on the particular property and on surrounding properties;** Town staff does not believe the change will have a negative effect on the subject property nor the surrounding properties as they are mostly undeveloped or open space to the east and south. The owner also owns the parcel located directly east which is currently zoned R1L and undeveloped. The residential properties to the west are zoned Lake County R1. The Bella Collina golf course and community is directly south of the property.

(3) **The amount of undeveloped land having the same classifications as that requested in the general area and throughout the town;** This application is a downzoning to a land use typically less intense and dense. There are no other properties in the southwest corner of the town limits that are zoned Montverde Agricultural. The only other remaining parcel of land that is zoned Agricultural is the "Osgood Property" which is currently undergoing a request for Rezoning and Future Land Use Map amendment from Agriculture to Single-Family Low-Density PUD. There is a small parcel directly to the east that is not in the town limits and is zoned Lake County Agricultural.



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(4) **The relationship of the proposed amendment to the purposes of the town's comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this LDC and the plan;**

NA

(5) **The availability and provision of adequate services and facilities;**

No impacts to the Town's water services are anticipated.

(6) **The impact on the natural environment;** The property is a mixture of open land and trees. The applicant will most likely need to clear a portion of the property to build the nursery. Irrigation and fertilizer use will be required to follow BMP's approved by the State of Florida.

(7) **Other criteria as may be applicable;**

NA

(Ord. No. 2003-01, § 4.3.4, 3-11-2003)

## **APPLICABLE CODE:**

### **Sec. 10-49. - A—Agriculture district.**

(a) *Description of district.* The A zoning district is intended for single-family residences to preserve and enhance low-density neighborhood values and to retain a rural atmosphere.

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

(1) Single-family dwelling units having a minimum living area of 1,100 square feet for one or two bedroom residences and 1,250 square feet for three or more bedroom residences exclusive of garages, carports and screened areas.



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- (2) Family day care homes.
- (3) Community residential homes with six or fewer residents.
- (4) Buildings, structures or uses maintained or operated by the town.
- (5) Home occupations conducted within single-family dwelling units and operated in accordance with this chapter.

**(6) Field crops, groves and other agricultural uses and associated retail sales.**

- (7) Accessory buildings customarily used in connection with each permitted use.

## **SUMMARY:**

The Town of Montverde's LDC requires all development of land be conducted in a harmonious, orderly, and progressive fashion while protecting the health, safety, and welfare of the citizens of Montverde. The applicant submitted an application and supporting materials for Rezoning on February 24, 2022.

If the applicant's request for a FLUM amendment and rezoning is approved, the applicant will be required to develop the property in accordance with the Town's Comprehensive Plan and the LDC to ensure harmonious and logical development that is consistent with the Town's intent to protect its small-town charm.

- **Sec. 10-10 - Restrictions on reconsideration.**

- (a) Whenever the town council has taken action to deny a petition to rezone property, the town shall not consider any further petition for the same rezoning of all or any part of the same property for a period of one year from the date of such action.
- (b) The time limits of this subsection may be waived by the town council when such action is deemed necessary to prevent injustice.



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## **LAND DEVELOPMENT REGULATIONS REVIEW**

The following general information pertains to the Town of Montverde Land Development Code and Zoning Code.

<b>Pertinent Site Data</b>	<b>Zoning Requirement</b>	<b>Project Data</b>
Zoning Designation	R1-L	Agricultural
Future Land Use Designation	R1-L	Agricultural
Rear Yard Setback	25 feet	25 feet
Maximum Lot Coverage	50%	20%
Minimum Lot Size	21,780 s.f.	5 acres

The proposed request is consistent with the Town of Montverde Goals, Objectives & Policies within its Comprehensive Plan for the amending the Future Land Use Map. Ref. Policy 1-3.1.2 and Objective 1.3.2.

## **WRITTEN COMMENTS FILED**

SUPPORTIVE: 0

OPPOSITION: 0

## **PLANNING & ZONING BOARD**



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## **STAFF RECOMMENDATION**

Staff recommends **APPROVAL WITH CONDITIONS** of Parque Verde's request for a Zoning Designation Change and Future Land Use Amendment from R1-L to Agriculture for construction of an ornamental nursery. Site Plan approval will be required prior to construction or opening of an ornamental nursery.

## **ORDINANCE 2022-13**

### **ORDINANCE 2022-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE CHANGING THE ZONING DESIGNATION OF REAL PROPERTY OWNED BY PARQUE VERDE, LLC AND LOCATED AT XXX FOSGATE ROAD, MONTVERDE, LAKE COUNTY, FLORIDA, FROM A SINGLE-FAMILY LOW DENSITY (R1L) DESIGNATION TO AGRICULTURE; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICT; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Parque Verde LLC, Owner, is requesting to change the zoning designation for the real property described below from Single-Family Low Density to Agriculture in order to have an ornamental nursery involving retail sales on the property; and



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**WHEREAS**, the property has a future land use designation of Agricultural as shown on the Town of Montverde Comprehensive Plan Future Land Use Map; and

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

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

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

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

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

**Section 1. Zoning Classification.** Based on the petition by Parque Verde, LLC the property hereinafter described which petition has been approved by the Town Council of the Town of Montverde, Florida, pursuant to the provisions of the Laws of Florida, the zoning designation of the said property located in the Town of Montverde, Lake County, Florida, is hereby changed from Single-Family Low Density to **Agriculture** as designated by Town of Montverde, to wit:

Lake County Florida Property Appraiser Parcel Identification Number:  
09-22-26-0201-017-00000

**Tracts 17, 18, 31 and 32 lying southeasterly of Fosgate Road, Map of Section 10, Township 22 S. Range 26 E. Lake County, Florida, as laid off**





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by Lake Highland Company, according to the plat thereof as recorded in Plat Book 3, Page 51, Public Records of Lake County, Florida, Section 10, Township 22 South, Range 26 East (the "Property")

The Property is depicted on **Exhibit A** attached hereto.

**Section 2. Consistent with Comprehensive Plan.** The zoning classification is consistent with the Comprehensive Plan of the Town of Montverde, Florida.

**Section 3. Official Zoning Map.** The town manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the Town of Montverde, Florida, to include said designation consistent with this Ordinance.

**Section 4. Severability.** That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5. Scrivener's Errors.** Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 6: Conflict.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall be effective immediately upon adoption by the Town Council of the Town of Montverde.



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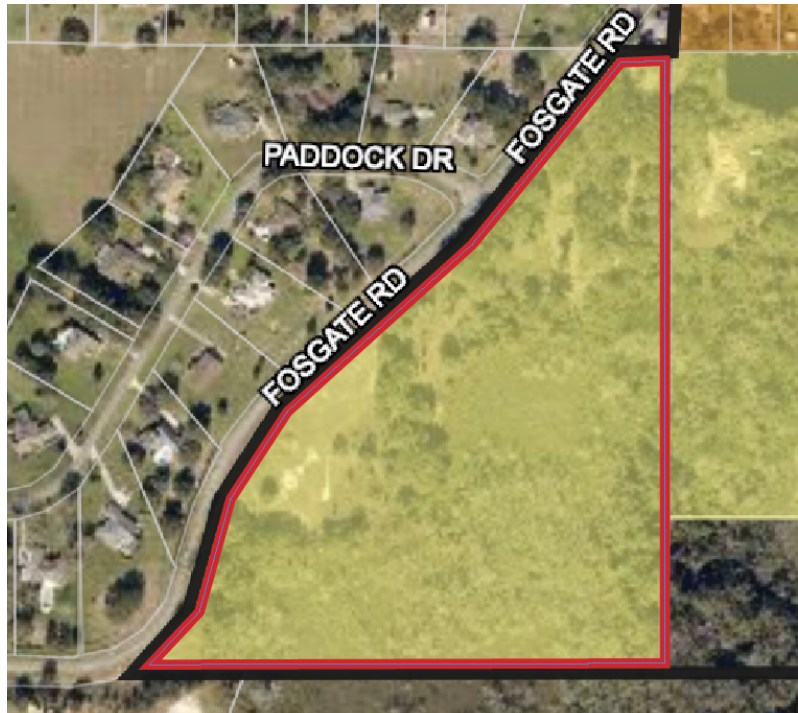
Aerial of Property (2020)





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**CURRENT Future Land Use Map: Single Family Low Density (R1-L)**



**PROPOSED Future Land Use Map Amendment: Agriculture**





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Current Zoning Map: Single Family Low Density (R1-L)



PROPOSED Zoning Map: Agriculture



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Area Map





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