

## RESOLUTION 2008 - 09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM ONSITE PARKING REQUIREMENTS AND MAXIMUM LOT COVERAGE REQUIREMENTS IN A SINGLE FAMILY AFFORDABLE HOUSING/MOBILE HOME MEDIUM DENSITY ZONING DISTRICT TO ALLOW AN INCREASE IN MAXIMUM LOT COVERAGE, TO ALLOW A DECREASE IN THE NUMBER OF ONSITE PARKING SPACES REQUIRED, AND TO ALLOW UNIMPROVED/UNPAVED PARKING SPACES PROVIDED A CHURCH SANCTUARY IS CONSTRUCTED AND OPERATED ON THE PROPERTY LOCATED AT 17409 8<sup>TH</sup> STREET, TOWN OF MONTVERDE, FLORIDA OWNED BY THE FIRST BAPTIST CHURCH; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the First Baptist Church has filed an application for a Conditional Use Permit to construct a one building Church sanctuary consisting of 4,950 square feet within a Single Family Affordable Housing/Mobile Home Medium Density District located 17409 8<sup>th</sup> Street, Town of Montverde (the "Property");

**WHEREAS**, construction of the above described Church sanctuary will result in 40.58% of lot coverage, however, Section 4.6.5.5(d) of the Town of Montverde Land Development Regulations permits only a 35% maximum lot coverage;

**WHEREAS**, the First Baptist Church has requested a variance from Section 4.6.5.5(d) of the Town of Montverde Land Development Regulations to allow an increase in the maximum lot coverage permitted;

**WHEREAS**, an increased maximum lot coverage to 40.58% is not inconsistent with similar uses;

**WHEREAS**, the First Baptist Church has requested a variance from Section 7.5.2.9 of the Town of Montverde Land Development Regulations to decrease the onsite parking from 50 onsite parking spaces to 15 onsite parking spaces, and to allow less than 40% of the onsite parking spaces to be unimproved/unpaved parking, specifically, 13 of the 15 onsite parking spaces;

**WHEREAS**, the Planning and Zoning Committee and the Town Council have considered the application in accordance with the criteria for granting a

variance contained in Section 4.5, Town of Montverde Land Development Regulations; and

**WHEREAS**, this Resolution was properly advertised twice in a newspaper of general circulation in Lake County, Florida and property owners within 300 feet of the Property were timely provided written notice delivered by U.S. Mail, Return Receipt Requested;

NOW THEREFORE,

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

1. The Town Council of Montverde has determined that the construction and operation of a Church sanctuary on the Property is not detrimental to the character of the area or inconsistent with the trends of development in the area.
2. The Town Council of Montverde has determined that the construction and operation of a Church sanctuary on the Property does not and will not have an unduly adverse effect on existing traffic patterns, movements and intensity.
3. The Town Council of Montverde has further determined that the proposed use is consistent with the Comprehensive Plan for the Town of Montverde and will not adversely affect the public interest.
4. The variances will not be detrimental to the property or improvements in the area in which the Property is located so long as additional offsite parking is to adversely affect the public health, safety and general welfare of the citizens of the Town of Montverde.
5. The application for a variance from Section 4.6.5.5(d) of the Town of Montverde Land Development Regulations and Section 7.5.2.9 of the Town of Montverde Land Development Regulations filed by the First Baptist Church for the property more particularly described as follows is **GRANTED** subject to conditions set forth below:

**LOT 1 OF BLOCK 6, OF DIVISION E, TOWN OF MONTVERDE, FLORIDA, AS PLATTED AND OF RECORD IN THE OFFICE OF THE CLERK OF COURT OF LAKE COUNTY, FLORIDA, ALSO NORTH 2/3 OF LOT 2 OF BLOCK 6, DIVISION E, TOWN OF MONTVERDE, FLORIDA, AS PLATTED AND OF RECORD IN THE OFFICE OF THE CLERK OF COURT OF LAKE COUNTY, FLORIDA.**

**ALSO DESCRIBED AS FOLLOWS:**

**LOT 1 AND THE NORTH 2/3 OF LOT 2, OF BLOCK 6, DIVISION E, TOWN OF MONTVERDE, FLORIDA, AS PLATTED AND OF RECORD IN THE OFFICE OF THE CLERK OF COURT OF LAKE COUNTY, FLORIDA, BEING IN THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 26 EAST.**

**BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGIN AT AN INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF FRANKLIN AVENUE AND THE WESTERLY RIGHT OF WAY LINE OF EIGHTH STREET, SAID INTERSECTION ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK 6, SAID CORNER BEING A MONUMENT WITH AN ONE INCH DIAMETER IRON PIPE, NO NUMBER DESIGNATED; THENCE NORTH 89°59'43" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID BLOCK 6, A DISTANCE OF 270.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF NINTH STREET OF SAID UNRECORDED PLAT, SAID INTERSECTION ALSO BEING THE NORTHWEST CORNER OF SAID BLOCK 6; THENCE SOUTH 00°00'12" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID EASTERLY RIGHT OF WAY LINE ALSO BEING THE WESTERLY LINE OF SAID BLOCK 6, A DISTANCE OF 89.50 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE AND SAID WESTERLY LINE, SOUTH 89°57'02" EAST, A DISTANCE OF 135.00 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 1, BLOCK 6; THENCE SOUTH 00°00'12" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 44.80 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 6; THENCE SOUTH 89°55'31" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 6, A DISTANCE OF 135.00 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF EIGHTH STREET, SAID INTERSECTION BEING THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 6; THENCE NORTH 00°00'12" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID EASTERLY LINE, A DISTANCE OF 134.58 FEET TO THE POINT OF BEGINNING.**

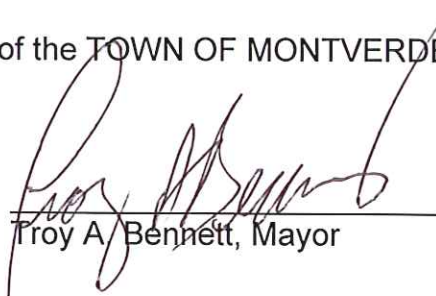
**CONTAINING 0.69 ACRES MORE OR LESS**

6. The maximum lot coverage may be increased from 35% to 40.58% in accordance with plans approved by the Town of Montverde.
7. The required onsite parking may decrease from 50 parking spaces to 15 parking spaces, and less than 40% of the onsite parking spaces may be unimproved/unpaved parking, specifically, 13 of the 15 onsite parking spaces may be unimproved/unpaved parking. However, the First Baptist Church shall provide an additional 45 off-site parking spaces and provide the Town with a copy of an agreement entered into by the First Baptist Church and a third party(ies) as evidence of its ability to provide 45 off-site parking spaces.

8. Such Variances shall expire the earlier of (1) a lease or conveyance of the Property by the First Baptist Church to a third party; (2) either of the buildings cease to be used as classrooms for Church use or a Church sanctuary; (3) a violation of any of the conditions set forth herein; (4) construction of the Church sanctuary is not commenced within one year of the effective date of this Resolution or (5) three years from the effective date of this Resolution, unless otherwise extended by the Town Council.

9. This resolution shall be effective immediately upon adoption.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this 13<sup>th</sup> day of May, 2008.

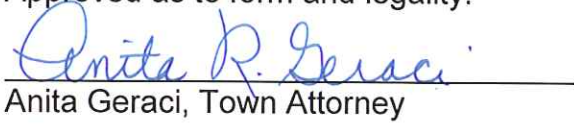
  
\_\_\_\_\_  
Troy A. Bennett, Mayor

  
\_\_\_\_\_  
Bill Bates, Council President

Attest:

  
\_\_\_\_\_  
Wendy S. Wickwire, Town Clerk

Approved as to form and legality:

  
\_\_\_\_\_  
Anita Geraci, Town Attorney

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

	YEA	NAY
Bill Bates	✓	
Mike Davis	✓	
Jim Pierce	✓	
Joe Wynkoop	✓	
Glenn Burns	✓	