

RESOLUTION 2008-27

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A CONDITIONAL USE PERMIT IN A COMMERCIAL ZONING DISTRICT TO ALLOW THE OPERATION OF A RESTAURANT UPON GRANT OF SITE PLAN APPROVAL, BUT ALLOWING 18 MONTHS TO COMPLETE THE APPROVED PARKING PLAN PAVEMENT FOR THE PROPERTY LOCATED AT 17436 SEVENTH STREET, TOWN OF MONTVERDE, FLORIDA OWNED BY WILLIE FULMORE; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Willie Fulmore has filed an application for a Conditional Use Permit to allow operation of Willie's Grill Restaurant in an existing structure within a Commercial District located at 17436 Seventh Street, Town of Montverde (the "Property") upon grant of site plan approval and allowing 18 months to complete the approved parking plan pavement;

WHEREAS, two existing concrete block structures are located on the property, however, improved parking is required to operate the proposed restaurant;

WHEREAS, the Planning and Zoning Board and the Town Council have considered the application in accordance with the standards for granting a Conditional Use Permit contained in Section 4.4, 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 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 operation of a restaurant, specifically, Willie's Grill Restaurant, on the Property prior to construction and completion of the parking plan in accordance with an approved site plan and approved engineering plans 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 operation of a restaurant, specifically Willie's Grill, on the Property prior to construction and completion of the parking plan in accordance with an approved site plan and approved engineering plans 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 proposed use will not adversely affect the public health, safety and general welfare of the citizens of the Town of Montverde.
5. The application for a Conditional Use Permit filed by Willie Fulmore for the property more particularly described as follows is **GRANTED** subject to conditions set forth below:

THE SOUTH 82 FEET OF THE NORTH 142 FEET OF THE WEST 135 FEET OF BLOCK 1, SCHOOL DIVISION OF MONTVERDE, DIVISION E, TOWN OF MONTVERDE, FLORIDA, AS PLATTED AND OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LAKE COUNTY, FLORIDA,

ALSO KNOWN AS

BEGIN AT A POINT 100 FEET NORTH OF THE SOUTHWEST CORNER OF BLOCK 1 OF DIVISION E, TOWN OF MONTVERDE, FLORIDA, AS PLATTED AND OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LAKE COUNTY, FLORIDA, RUN EAST 135 FEET, NORTH 82 FEET, WEST 135 FEET, SOUTH 82 FEET TO THE POINT OF BEGINNING, LESS 10 FEET ON WEST AND FOR SIDEWALK

the "Property".

6. Willie Fulmore may only open and operate the restaurant named Willie's Grill Restaurant, in the existing single story concrete block structure with screen porch lying in the northwest corner of the Property as depicted in the Plat of Boundary Survey with field dated October 11, 2006, prepared by Azimuth Surveying & Mapping, Inc. with an address of 17436 Seventh Street, Montverde, upon site plan approval and prior to completion of the parking plan pavement in accordance with approved engineering plans.
7. Operation may commence upon approval of a site plan and in accordance therewith. Construction of the parking plan pavement must be completed within 18 months of the effective date of this Resolution. Construction must be completed in accordance with a site plan approved by the Town of Montverde and engineering plans approved by the Town of Montverde.

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8. The grant of this Conditional Use Permit shall in no way relieve the applicant from complying with any and all health department and ADA requirements for the operation of a restaurant, or regulations of any other agency having jurisdiction.

9. Such Conditional Use Permit shall expire the earlier of (1) Willie Fulmore ceases operation of Willie's Grill Restaurant on the Property; (2) conveyance of the Property to a third party; (3) a violation of any of the conditions set forth herein, or (4) construction of the parking plan pavement is not completed in accordance with an approved site plan and engineering plans within eighteen months of the effective date of this Resolution.

10. This resolution shall be effective immediately upon adoption.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this 14th day of October, 2008.



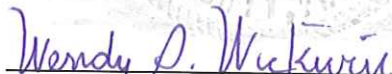


Troy A. Bennett, Mayor



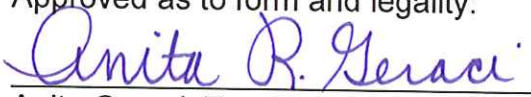
Bill Bates, Council President

Attest:



Wendy S. Wickwire, Town Clerk

Approved as to form and legality:



Anita Geraci, Town Attorney

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

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