

BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA

FINAL ORDER

(De Novo)

Case Number: LDPD-2024-2 (Shepherd Rd multi-family)

Applicant: John McVay

Property Owner: GGAJAM Investments LLC

Hearing Date: November 19, 2024

I. Request:

The applicant is requesting a Planned Development to construct 200 multifamily units in the Residential High (RH) land use district.

II. Planning Commission Decision:

On June 5, 2024, the Planning Commission held a public hearing on the Application and voted 5-2 to deny the Application.

III. Findings:

The Board hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to Section 922 of the Polk County Land Development Code (the "LDC"), the Board shall, in the review of the Application, consider all applicable provisions of the LDC, including but not limited to, the provisions pertaining to a Level 3 Review.
2. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;

- c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
 - d. How the concurrency requirements will be met if the development was built.
3. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 906 and 303.
 4. The Application is consistent with all applicable policies of the Comprehensive Plan.
 5. The Application is compatible with surrounding uses and the general character of the area.
 6. Concurrency requirements can be met if the development is built.

IV. Incorporation of Record

The record is hereby incorporated by reference into this order and is on file with the County Clerk. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff’s PowerPoint presentation, the Planning Commission’s decision, and all testimony and evidence presented at the hearing.

V. Board’s Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report. This order becomes final on the date rendered to the Clerk.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 19th day of November **2024**, by the Polk County Board of County Commissioners.

**Polk County Board of
County Commissioners**

**ATTEST: Stacy M. Butterfield, Clerk
and Auditor to the Board**

By: _____
W.C. Braswell, Chairman

By: _____
Deputy Clerk

Date rendered to the Clerk: _____

Exhibits to Board’s Order
Exhibit A-Staff Report and Exhibits