From: Bolton, Robert
To: Kaufman, Angela

Subject: LDCPAL-2022-15 US Hwy 27 Opposition Date: Tuesday, January 24, 2023 1:52:24 PM

Attachments: <u>image001.png</u>

Angie,

You may record a call of opposition for this case, from:

John Colelli

405 Oglethorpe Dr

Davenport, FL 33897

He wants the property to remain Residential. He believes that a change to Office Center would bring too much traffic to the residential area.

Robert Bolton

Planner III

Land Development Division 330 W. Church Street Bartow, FL 33830 (863) 534-6468 Phone (863) 534-6407 Fax RobertBolton@polk-county.net



From: <u>Bolton, Robert</u>
To: <u>Kaufman, Angela</u>

 Subject:
 FW: Case ID#44 (LDCPAL-2022-15)

 Date:
 Friday, February 17, 2023 4:06:17 PM

Attachments: <u>image001.png</u>

I called and spoke to this lady; she is in opposition. She will also be sending you an email, not sure how you count these contacts for the contact form.

Robert Bolton

Planner III

Land Development Division 330 W. Church Street Bartow, FL 33830 (863) 534-6468 Phone (863) 534-6407 Fax RobertBolton@polk-county.net



From: Sarah Snow-Brine <sarahsnow-brine@hotmail.com>

Sent: Friday, February 17, 2023 3:24 PM

To: Bolton, Robert <robertbolton@polk-county.net>

Subject: [EXTERNAL]: Case ID#44

You don't often get email from sarahsnow-brine@hotmail.com. Learn why this is important

Hi Mr. Bolton,

I am writing concerning case #LDCPAL-2022-15, off Route 27 at the entrance of the neighborhood I live in, Laurel Estates. I have seen some posts in our neighborhood group about the project and have some questions and concerns. I was given your name as a contact for more information.

It is my understanding that someone has purchased that plot of land and is trying to get it rezoned from residential to commercial and that once it is rezoned, pretty much anything could be put there without further input from our community. I also read that the entrance to this property must be off Oglethorpe and cannot be changed to be off Rt. 27. Can you confirm that those items are indeed true? I know there is a public hearing on March 1st, but I am out of town that day. Am I able to submit a letter or email to you (or someone else) regarding concerns I have if the above information is correct? Is the 3/1 meeting the only opportunity to speak regarding concerns? I see there are two other dates listed. I definitely don't know how this process works and I want to be sure my concerns are on record.

I appreciate your time. You can reach me through this email or on my cell (978-204-4847).

Thanks again!

Sarah Snow-Brine 228 Williamson Dr From: John Colelli

To: Kaufman, Angela

Cc: <u>Bolton, Robert; Bohde, John</u>

Subject: [EXTERNAL]: Re: [EXTERNAL]: Re: [EXTERNAL]: Re: Final Staff Report LDCPAL-2022-15

Date: Tuesday, June 6, 2023 3:33:46 PM

Attachments: <u>image001.png</u>

Hi Ms Kaufman and Mr Bolton,

In case this wasn't clear from the beginning, my wife and I vehemently oppose the zoning change request from Edmund Jose Delgado noted in the subject line. This entire project has been a secretive plan between Mr Delgado and our HOA Board President. They have met secretly to discuss plans and now our board has voted to allow Mr Delgado a larger easement without any input or vote of the owners. Again in a secret unannounced meeting violating Florida HOA law. The reasons, in part, for our opposition are:

- 1. This easement is WAY too close to US 27 and will be dangerous to cars entering Laurel Estates from US 27.
- 2. The additional traffic entering and leaving Laurel Estates community during the day (from 6am to 10pm) will cause major safety and traffic concerns. There is only one entrance to the entire development which will have to handle all of that extra traffic. There is no other way to enter or exit the development.
- 3. That existing easement is too steep for fire trucks and ambulances to enter that lot. I recently saw a fire truck bend its tailboard trying to go up that ramp and it had to back out.
- 4. This in essence will be putting a commercial development inside of our community and that was never intended by the original easement. It was for residential only!
- 5. Our home is directly across the street from this lot and by expanding this easement it will make that driveway even closer to our property causing more noise and traffic directly in front of our house.
- 6. Ogelthorpe drive was not intended nor designed for commercial traffic nor a commercial Development.
- 7. The anticipated re-grading and expansion of that lot for the purpose of commercial use will cause major traffic issues with trucks constantly going in and out of that development using the driveway and will block the homeowners of our development from entering and exiting safely.
- 8. The new agreement between Mr Delgado and the HOA has been done completely illegally and will most definitely result in legal action.

I will be unable to attend tomorrow's planning meeting so I would like this email to serve as my official opposition of the project.

Thank you John Colelli 405 Ogelthorpe Drive Davenport

On Jun 6, 2023, at 12:58 PM, Kaufman, Angela < Angela Kaufman@polkcounty.net> wrote:

Thank you, John!

I will forward this to the case planner, Robert Bolton, for his information, as well.

Thank you!

Angie Kaufman
Development Coordinator II
Land Development



From: John Colelli <disneyjohn@gmail.com>

Sent: Tuesday, June 6, 2023 12:56 PM

To: Kaufman, Angela <AngelaKaufman@polk-county.net>

Subject: [EXTERNAL]: Re: [EXTERNAL]: Re: [EXTERNAL]: Re: Final Staff Report LDCPAL-

2022-15

FYI. We owners just got this email from our HOA concerning the lot

Dear Members:

As you may know from earlier Association emails, your Board has been working to ensure the County's use designation for the parcel located at the corner of Ogelthorpe Dr. and US 27 does not negatively impact the Association. Specifically, this Wednesday, the parcel owner's counsel intends to request that the Polk County Planning Board change that use designation from residential use, to allow for commercial use of the parcel. The Board (as well as the Association's

attorney and manager) reached a mutually acceptable resolution of these issues and the related concerns, and on 6/5/23, the Board voted in favor of a negotiated, written agreement, which will be signed once a survey of the area is complete. It will then be recorded in the County Public Records and govern use of the parcel (regardless of who owns it) going forward. Specifically, the goal has been to allow the owner's reasonable use of the parcel without allowing that use to interfere in the day-to-day activities, safety, or traffic of the Laurel Estates community as a whole.

To clarify, an easement (a use right, not an ownership transfer) for the parcel owner's access from US 27 through Ogelthorpe, to the parcel's driveway, already existed; it is merely being extended via the Agreement. The basic terms which the Board anticipates the Members will care about most are briefly outlined as follows:

- The Association's Board, attorney, and manager will support the proposed commercial use designation. The Board hopes but does not require that the Members will do the same;
- The parcel's signage cannot interfere with the Association's community signage;
- No lighting from the parcel will flow onto any lots;

- The parcel will not be used for a smoke shop, dispensary, liquor store, or 24 hour fitness facility, and any businesses located on the parcel can only be open to the public from 6 am to 10 pm;
- The parcel's owner must maintain the median at the community entrance, the landscaping in the median and on Ogelthorpe Dr. on the parcel's side of the road from US 27 to the crosswalk, and a sufficient stormwater management system to avoid any additional stormwater entering the Laurel Estates community. If the parcel owner fails to do so, the Association can demand curative action, and if the parcel owner does not comply, the Association can perform the necessary maintenance and is entitled to reimbursement for all expenses incurred; and
- The Association's attorney's fees and management charges for the negotiation of the agreement and attendance at meetings, etc., and compensation for the expansion of the easement, will all be paid to the Association, regardless of whether the use designation is ever actually changed for the parcel. Essentially, rather than deal with a lengthy and costly lawsuit, your Board, manager, and attorney will recover the full cost of resolving this land use issue, in addition to compensation for

use of the additional easement space.

The Agreement has not yet been signed as the Board, manager, and attorney want to first obtain the survey mentioned above and fully clarify the area governed by the Agreement. We will provide an update once that happens and any related attorney-client privileged communications are completed.

Best Regards,

Alan Schwartzseid, Esq

Sent from my iPhone

On Jun 5, 2023, at 4:43 PM, Kaufman, Angela < AngelaKaufman@polk-county.net > wrote:

Good afternoon, John!

I am attaching Staff's Final Report regarding case LDCPAL-2022-15 for your review.

We have not received any communications from the HOA or the HOA attorney regarding this parcel/request.

Thank you!

Angie Kaufman Development Coordinator II Land Development

Polk County BoCC 330 W. Church St. Bartow, FL 33830 (863)534-6479 AngelaKaufman@Polk-County.net ----Original Message-----

From: John Colelli < disneyjohn@gmail.com>

Sent: Monday, June 5, 2023 4:32 PM

To: Kaufman, Angela < Angela Kaufman@polk-county.net >

Subject: [EXTERNAL]: Re: [EXTERNAL]: Re: Final Staff Report LDCPAL-2022-

15

Hi Ms Kaufman, just wanted to see if anything has changed concerning this parcel and the staff report since the hearing is Wednesday. I see that our HOA had a meeting with the attorney today concerning this zoning change and it was closed to the members. Have you received any communication from the Hoa or its attorney concerning this zoning change? Is the staff's recommendation still for denial?

John C

Sent from my iPhone

On Apr 14, 2023, at 3:20 PM, Kaufman, Angela <<u>AngelaKaufman@polk-county.net</u>> wrote:

Good afternoon!

I am uncertain who may have been out there yesterday.

At this time, I have received no changes to the report or the recommendation from staff.

The case is still on schedule to be heard at the June 7th, 2023, Planning Commission hearing.

Thank you!

Angie Kaufman

Development Coordinator II

Land Development

Polk County BoCC

330 W. Church St.

Bartow, FL 33830 (863)534-6479

AngelaKaufman@Polk-County.net

----Original Message-----

From: John Colelli < disneyjohn@gmail.com >

Sent: Friday, April 14, 2023 3:02 PM

To: Kaufman, Angela <<u>AngelaKaufman@polk-county.net</u>>
Subject: [EXTERNAL]: Re: Final Staff Report LDCPAL-2022-15

Hello Ms Kaufman,

My wife and I noticed a Polk County planning truck sitting in the median in front of the lot in question for about an hour and a half yesterday. It almost looked like they were doing some type of traffic study in front of that lot. Has something changed concerning that lot or the Final Staff report's recommendation of denial for the zoning change? Are they reconsidering their recommendation?

John Colelli

<1 - LDCPAL-2022-15 US Highway 27 OCX CPA Staff Report.pdf>

CPAL-2022 - 15
Received at June 7, 2023 PC hearing

June 6, 2023

Polk County Board of County Commissioners Polk County 330 W Church St. Bartow, FL 33830

To Whom It May Concern:

I would like to register my opposition to the change in zoning for the parcel of land adjacent to US Rt-27 and the Laurel Estates common land as shown in photo below.

Additionally, the Laurel Estates Homeowners Association Board of Directors and the solicitor representing them do not speak for me. They have not polled the member of the Association for their input as there is much opposition to this change. Despite what the Laurel Estates HOA BOD states, they have not asked for, nor have they received, member's permission to enter into an agreement with the parcel owner.

This change would create additional traffic that our roads and the community's entrance/exit were not designed for. The easement granted to the parcel for ingress / egress allows for residential vehicular movements, not commercial. Without moving the ingress/egress to Williamson Drive, fire emergency vehicles needed for commercial structures would not be able to access the site, putting the surrounding homes in jeopardy.

The parcel was zoned residential and should stay zoned residential.

I ask that the Polk County Board of County Commissioners deny this change of zoning.

Sincerely,

James Haskins

Homeowner & Laurel Estates HOA Member Laurel Estates Lot 5 144 Williamson Dr. Davenport, FL 33897



6/12/2023

Edward Mlotkiewicz 141 Williamson Drive Davenport, FL 33897

Land Development Division 330 West Church Street P.O. Box 9005 Drawer GM03 Bartow, FL 33801-9005

LDCPAL-2022-15 Parcel: 62536-000000-02010

Planning Board Commission Members:

My name and my wife's and address are:

Edward Mlotkiewicz and Annamay Penoza

141 Williamson Drive

Davenport, FL 33897

We are the owners of the property.

The property shown above and live within 500' of the subject property of the proposed zoning change.

We had attended the Planning Board meeting on 7June2023 to hear from Staff and the owner's representatives regarding the potential retention of RLX against a zoning change to OCX.

During the presentation of Mr. Bart Allen, Esq. of Peterson and Myers and the engineer from JSK, many pieces of information that were provided are either omitted or inaccurate and the primary focus was on a driveway easement to allow the property to be rezoned OCX from RLX to deflect from other deficiencies germane to the rezoning effort. Since rebuttals are limited to three minutes for residents, I am presenting this review for consideration by the Board.

As for my background, I have a BSME from NJIT (1983), served as an adjunct professor at my alma mater, have had extensive facilities upgrades, maintenance and construction projects as well as environmental compliance responsibilities for a 27 acre plant and grounds for a major defense contractor.

The information I have presented in this document, although not as polished as Mr. Allen's, is from actual field measurements and factual information.

I present the following to refute some of the presented information and less than accurate preliminary engineering data:

A. Mr. Allen stated that this property, parcel 262536-000000-022010, is ON the Transit Supportive Corridor. Only a small portion of the frontage is, the reminder of the property is WITHIN boundaries of the Laurel Estates (see FIG.1and FIG.1A).

The other property Mr. Allen noted is on Harrell Road and U.S. 27, .71 +/- mile north, is NOT located within either West Stonebridge (south of Harrel Rd.) or Four Corners.

This parcel is served by a county road but Harrell Road does not have any islands and that parcel is approximately 3+ acres and can have multiple accesses from Harrel Road as well as a potential access from U.S. 27 (FIG. 1B). The parcel of 0.94+/- acre lacks all of these.

- B. The site drawing and measurements provided by JSK (FIG. 2) shows a retention pond on the subject property which was misidentified as "at grade with Williamson Drive" which is actually 15+/- feet above Williamson Drive. The topographic drawing from JSK (FIG. 3) is misleading as it shows the adjacent areas (Williamson and Oglethorpe Drives) as on the same plane as the subject property and doesn't show contour lines, or details, consistent with the actual area. The area is uphill which FIG. 4 will bear out. Retention ponds or swales are normally put at the lowest point.
- C. FIG. 4 shows field measurements that were taken to provide actual measurements of areas concerning this zoning change.
 First, the property proposed to be rezoned is, at a measured point, 15'4"+/- above Williamson Drive at the point of measurement shown and above the eleven surrounding properties in direct line-of- sight and eighteen properties that have oblique lines-of-sight.
 In addition, Mr. Allen stated, "...the nearest property, on Oglethorpe Drive is

In addition, Mr. Allen stated, "...the nearest property, on Oglethorpe Drive is 100' away" from the site, it is not; the nearest property, 128 Williamson Drive is just 48' north of the site, and downgrade 15+/- feet.

D. Mr. Allen's main focus was securing an easement for additional width in order to convince the board to change the zoning. This was an effort to turn the focus from the major problems which are: location, road width, additional traffic load and rezoning property not suitable for the use the owner wishes. As he stated, FLDOT had no opine because this is a Polk County road and therefore the County's responsibility.

Staff was not convinced the change would be effective. That assessment is valid. Mr. Allen, and the JSK engineer stated: "We require an additional ten SQUARE FEET to bring the driveway into TY. 1 commercial use." This statement was made numerous times therefore that is the requirement they asked Laurel Estates Board of Directors representative Mr. Alan Schwanseid, which he also concurred with. Ten SQUARE FEET equates to: 3.16 INCHES additional width on the

existing driveway that is 38' long (See FIG. 4 & FIG. 5). That request will not bring the driveway into compliance either added east or west.

In addition, Polk County Development Code Chapter 7, Table 7.4b, shows that the roadway should be 24' wide to accommodate a driveway at 105' from the end of intersection which is the corner. The subject driveway is 86'6" from the corner of the TURN lane and Oglethorpe drive on the westbound side is 18' wide with an island. The drawing from JSK show 135' but from the RIGHT LANE of southbound U.S. 27 and no width measurement for Oglethorpe Drive. (FIG. & FIG. 4).

FIG. 6 shows the requirements for driveways so belaboring the point that the driveway will not be compliant is unnecessary, the specification speaks to it in detail.

In addition, I have taken consecutive photos of a car entering Laurel Estates and someone (car, truck emergency vehicle) would have a challenge entering the driveway.

I have also spoken with trash truck drivers, who are professional drivers with CDL certification and they all stated that to swing a truck up that driveway is a problem. They would have to swing all the way across it after slowing significantly. That would pose a problem with traffic exiting the driveway as well as potentially causing traffic backup or potential accident.

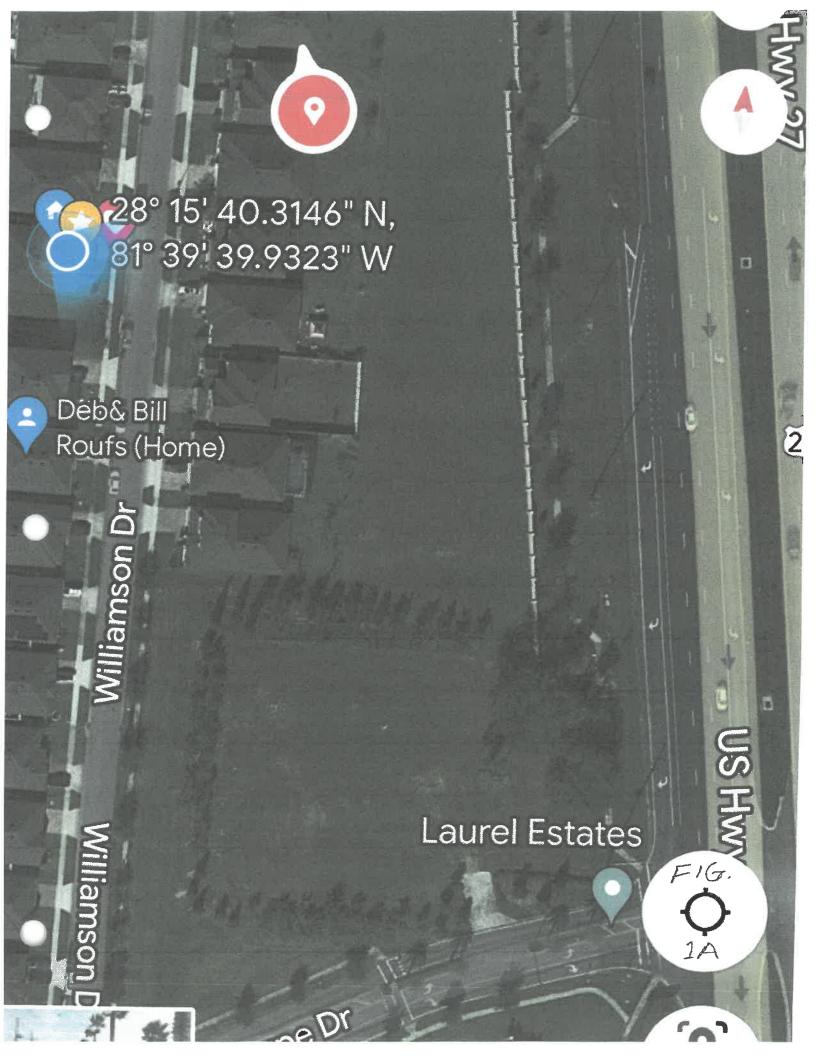
In addition, Mr. Allen's traffic study numbers did not add together to show the full traffic impact. He presented the study for the development separately from the impact data for a rezoned property. They should be summed to show the true impact and potential traffic count.

In conclusion this study will concur with Staff's initial conclusion that the zoning should NOT be changed and the homeowners of Laurel Estates that have objected concur that the zoning remain RLX, low density residential.

Respectfully submitted,

Edward J. Mlotkiewicz

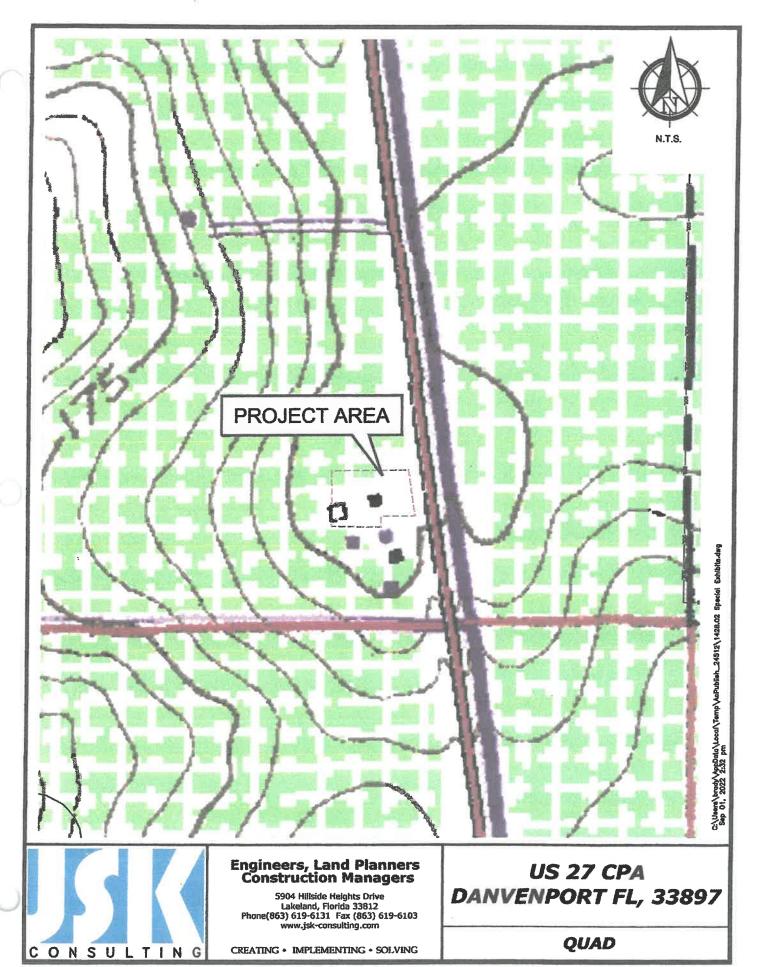




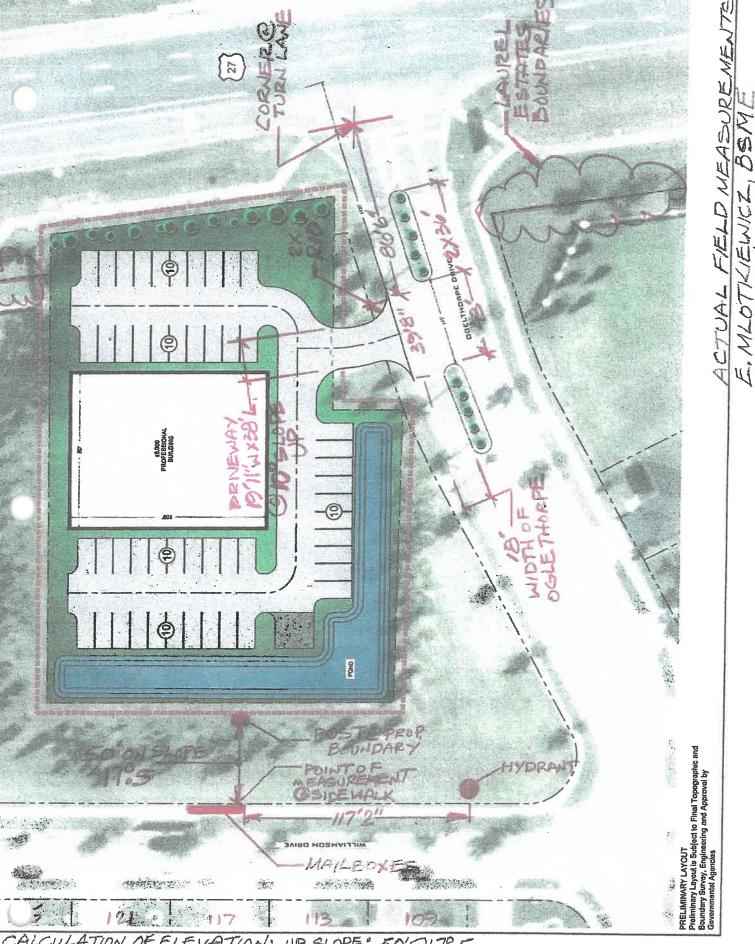
Harrell Rd Harrell Rd d<mark>9</mark>ridge Çir FIG.

CONSULTING

File 1



F16.3



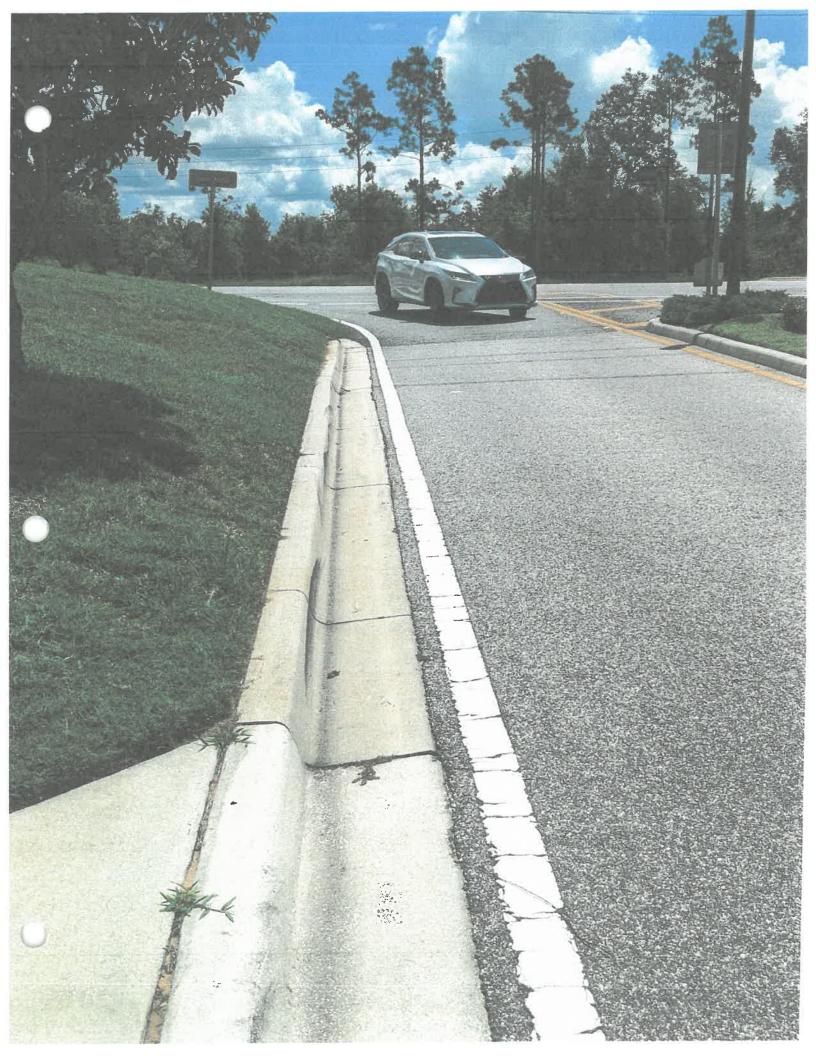
CALCULATION OF ELEVATION UP SLOPE: 50'017',5
ABOVE WILLIAMSON DRIVE : , SIN 6 = RISE HVD

59 RISE = 50(300758) =154"±

F16.4

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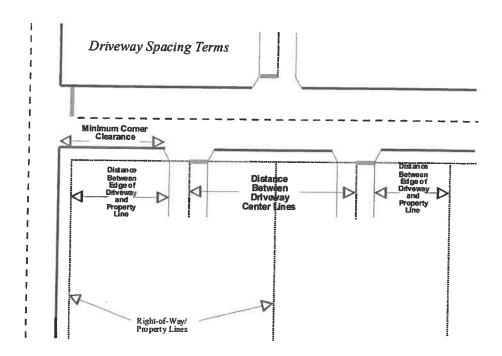




(EXISTING DRIVE) WIDTH 10 SQUARE FEET = LXW :, L=38' A=10 S.F. SO: S.F. = 38'(W) 10 = .263'023'' ω/ 10 S.F. ADD'L

SCALE: 1/4"=1'0"

Figure 7.1 Residential and Non-Residential Driveway and intersection spacing measurements ⁶ (Rev. 8/28/02 – Ord. 0256)



4. Driveway permits shall be issued along with Final Development Plan approval. Building permits for buildings on any Final Development Plan shall not be issued until necessary driveway permits have been issued. No Certificate of Occupancy shall be issued until the required driveway has been constructed in accordance with these regulations.

G. Residential Driveway Location-Single-Family, Duplex, Triplex, and Quadruplex

- 1. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:
 - All parcels shall be allowed one, two-way driveway or a pair of one-way driveways, except for those properties further restricted by a subdivision plat or a Final Development Plan;
 - b. A third access point may be allowed for properties with at least two times the frontage as provided for in Section 822. Right-in only and right-out only driveways shall be used for this additional access;

Table 7.5 Residential Driveway Standards*7

Roadway Classification	Forty or less AADT	
Minimum Distance Between Driveway Center lines		
Arterial, Principal	8	
Arterial, Minor	100'	
Collector, Urban	100°	-
Collector, Rural Major	100'	
Collector, Rural Minor	100'	
Local, Commercial	100'	-
Minimum Distance Between Edge of Driveway and Property Line ⁹		
Arterial, Principal	n/a	
Arterial, Minor	n/a	
Collector, Urban	n/a	
Collector, Rural Major	n/a	
Collector, Rural Minor	n/a	
Local, Commercial	n/a	
Minimum Corner Clearance		
Arterial, Principal	8	
Arterial, Minor	8	
Collector, Urban	60'	
Collector, Rural Major	60'	
Collector, Rural Minor	60'	
ocal, Commercial	60'	
ocal, Residential	6'	

d. The minimum distance between a two-way driveway centerline and a one-way driveway centerline on one parcel shall be in accordance with Table 7.5;

^{*} General Notes: Does not apply to FDOT accessed roads and Lots-of-Record. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance). Corner clearance shall be measured

- e. No driveways are to be constructed within intersections;
- f. No driveways are to be constructed within turn lanes, or tapers unless no other access is available;
- g. The minimum distance between the driveway and any adjacent property line without a cross-access easement shall be in accordance with Table 7.5.
- 2. Driveways near intersections shall be located to provide for stacking and protection of left turn movements. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance) shall be in accordance with Table 7.5. Return radii of driveway or intersecting roads are not included in this measurement.
- 3. Acceleration, deceleration, and turning lanes shall conform to the construction standards contained in Appendix A Technical Standards Manual.
- 4. All driveways shall be constructed within the limits of the frontage boundary of the property or development they serve.
- 5. Mitered end sections added to existing residential driveway culverts may encroach the frontage boundary of an adjacent property.
- H. Non-Residential Driveway Location, including Multi-Family Structures of 5 Dwelling Units or More (Rev. 3/25/03 Ord. 03-26; 7/25/01 Ord. 01-57)
- 1. Non-residential driveways shall not be permitted on a local road when it results in traffic from a collector or arterial road to pass residentially used or designated property.
- 2. Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center unless otherwise approved as part of a master development plan.
- 3. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:

from the edge of road to the edge of driveway along the right-of-way line. Local residential roads within platted subdivisions are exempt from Table 7.5.

⁷ See Figure 7.1 Residential and Non-Residential Driveway and Intersection Spacing Measurements.

⁸ Undesirable uses on roads of this classification, generally not permitted.

⁹ This distance is measured from the right-of-way line.

Symbol	Design Vehicle Type	Width (ft)	Length (ft)	A. Minimum Design Turning Radius (ft)	B. Minimum Inside Turning Radius (ft)
P	Passenger Car	7.0	19	24	14.4
SU	Single Unit Truck/Ambulance	8.0	30	42	28.3
BUS- 40	Intercity Bus	8.5	40	45	27.6
A- BUS	Articulated Bus	8.5	60	39.8	25.4
WB- 40	Intermediate Semitrailer	8.0	45+	40	19.3
WB- 50	Large Semitrailer	8.5	55	45	17.0
WB- 62	Interstate Semitrailer	8.5	69	45	7.9
WB- 67	Interstate Semitrailer	8.5	74	45	4.4
WB- 100T	Triple Trailer Combination	8.5	105	45	9.9

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. .

109D	Combination	8.5	114	60	14.9
МН	Motor Home	8.0	30	40	25.9
P/T	Car and Camper Trailer	8.0	49	33	17.4
P/B	Car and Boat Trailer	8.0	42	24	8.0
MH/B	Motor Home and Boat Trailer	8.0	53	50	35.1

Source: AASHTO - A Policy on

Geometric Design of Highways and

Streets (2004)

Recommendation

Tollow the recommendations of AASHTO's, A Policy on the Geometric Design of Highways and Streets. >

View a PDF of this Design Element. -

View a PDF of the entire Multi-Modal Handbook. ►

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