



Polk County Planning Commission

Meeting Minutes - Final

June 07, 2023 Regular Planning Meeting

Call Agenda Workshop to Order 8:50 a.m.

Minutes: Ian Nance, Land Development, announced the following changes:

Consider the adoption of denial for LDPD-2023-1.
LDCT-2023-11 has been withdrawn.
LDCPAS-2023-3 and LDCD-2023-5 will be presented together.
LDCPAL-2023-3 and LDCT-2023-5 will be presented together.

Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.

Present	Chair Rebecca Troutman, Vice Chair Rennie Heath, Secretary David Dalton, Robert Beltran, Brooke Agnini, Sean Harper, and Tommy Addison
Excused	Angelic Sims, Jonathan Fleming, and Linda Schultz

Roll Call / Attendance

Pledge of Allegiance

Approve Minutes from the May 3, 2023, Planning Commission Hearing

23-2484 Approve Minutes from the May 3, 2023, Planning Commission Hearing

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Sean Harper
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.

1) Reorder Agenda

a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.

2) Considerations of items to be withdrawn, deferred, or continued.

Minutes: Ian Nance, Land Development, announced the following changes:

Consider the adoption of denial for LDPD-2023-1. LDCT-2023-11 has been withdrawn. LDCPAS-2023-3 and LDCD-2023-5 will be presented together. LDCPAL-2023-3 and LDCT-2023-5 will be presented together.

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	Robert Beltran
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Excused:	Sims, Fleming, and Schultz

Procedures

Minutes: Included and explanation of quasi judicial procedures.

Voir Dire of Expert Witnesses

Voir Dire of Expert Witnesses

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

Staff Resumes

Agenda Item

1. Consider adoption of a written order denying LDPD-2023-1 without prejudice.
1. 23-2430 Consider adoption of a written order denying LDPD-2023-1 without prejudice.

RESULT:	APPROVED
MOVER:	Tommy Addison
SECONDER:	David Dalton
AYE:	Troutman, Dalton, Beltran, Agnini, Harper, and Addison
NAY:	Heath
Absent:	Sims, Fleming, and Schultz

Announcement/Presentation

Minutes: Chanda Bennett, Land Development, introduced the Land Development Planning Department interns, Bryan Padilla and Kayla Duy.

2. LDCT-2023-11 (CLG Ordinance) - **withdrawn**

Minutes: Continued to July 12, 2023, Planning Commission hearing.

3. LDCU-2022-53 (Nemeth St MH CU)

Minutes: Bobby / Andra Howell, owner, requests a Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes within Residential Suburban (RS) Land Use District and Suburban Development Area (SDA) on 0.15 +/- acres. The subject site located west of Sumner Street, north of Renes Avenue, east of Nemeth Street, south of Ethel Avenue, and west of the city of Auburndale in Section 18, Township 28, Range 25.

Ian Nance, Land Development, introduced the case and reported 35 mailers were sent to area property owners on May 18, 2023, one (1) sign was posted on the property on May 5, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

The applicant was not present.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

3. 23-2489 LDCU-2022-53 (Nemeth St MH CU) - Approved with conditions

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Sean Harper
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

4. LDCU-2023-6 (Bella Vista St MH CU)

Minutes: Charlotte McElwain, owner, requests a Conditional Use (CU) approval for an individual mobile home to be located on an un-platted lot within Residential Low-1 (RL-1) Land Use District and Transit Supportive Area (TSDA) on 1.00 +/- acres. The subject site located west of Galloway Road North, north of Bella Vista Street West, east of Sutton Road, and west of the city of Lakeland in Section 04, Township 28, Range 23.

Ian Nance, Land Development, introduced the case and reported 12 mailers were sent to area property owners on May 18, 2023, one (1) sign was posted on the property on May 5, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

Tommy Addison asked of staff if the lot was located in a platted subdivision.

Erik Peterson provided an explanation.

Charlotte McElwain, property owner, spoke regarding the case and agrees with the staff's recommendation.

Madam Chair opened the public hearing.

Dr. Gail Nichols, provided a map handout and voiced her concerns regarding the request stating that three septic systems and wells within five-acres, a small area, is too much and does not like the placement of the proposed mobile home.

Madam Chair closed the public hearing.

4. 23-2495 LDCU-2023-6 (Bella Vista St MH CU) - Approved with Conditions

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

5. LDCU-2023-8 (McKeel - Parker Street W CU)

Minutes: School Board of Polk County, McKeel Academy for Applied Technology, owner, Shelton Rice, applicant, requests a Conditional Use (CU) approval to allow for High Intensity Recreation for improvements and modifications of existing athletic facilities, including outdoor lighting within Residential Low-4 (RL-4) Land Use District and Transit Supportive Development Area (TSDA) on 28.47 +/- acres. The subject property is at 1810 Parker Street West, located west of Brunnell Parkway north, east of Grady Avenue North, south of Memorial Boulevard West, north of George Jenkins Boulevard, west and north of the city of Lakeland in Section 14, Township 28, Range 23.

Ian Nance, Land Development, introduced the case and reported 138 mailers were sent to area property owners on May 18, 2023, four (4) signs were posted on the property on May 22, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Malissa Celestine, Land Development, presented a Power Point presentation with a recommendation of approval.

Bart Allen, applicant, spoke regarding the case and agrees with the staff's recommendation.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

5. 23-2467 LDCU-2023-8 (McKeel - Parker Street W CU) - Approved with conditions

RESULT:	APPROVED
MOVER:	Sean Harper
SECONDER:	Rennie Heath
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

6. LDPD-2023-2 (Bimini Bay Tract K)

Minutes: Investors Regg LLC, owner, Deana Cochran of Kimley-Horn and Associates, Inc., applicant, requests a modification to Planned Development (PD) 00-21 to increase townhome units from 360 to 412 and add an amenity center. The development is on Tract K of Bimini Bay. This request includes short-term rental approval in Residential Low-1X (RL-1X), North US 27 Selected Area Plan (SAP), Ridge Special Protection Area, Green Swamp ACSC, and Transit Supportive Development Area (TSDA) on 7.19 +/- acres. The subject property is west of U.S. 27, east of Sentry Palm Way, south of Fan Palm Dr, and north of the City of Haines City in Section 02, Township 25, Range 26.

Ian Nance, Land Development, introduced the case and reported 85 mailers were sent to area property owners on May 18, 2023, two (2) signs were posted on the property on May 5, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Rennie Heath made a motion to expedite and was seconded by Sean Harper which was passed unanimously.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

Jason Alligood, applicant, spoke regarding the case and agrees with the staff's recommendation.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

6. 23-2488 LDPD-2023-2 (Bimini Bay Tract K) - Approved with conditions

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	Sean Harper
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

7. LDWA-2023-14 (Whipperwill Lane Access Waiver)

Minutes: David Kevin Weir, owner, requests approval of waivers to LDC Sections 705.B and 821.A necessary to allow the issuance of a building permit for a single-family home on a property that gains access solely via an easement that exceeds ¼ mile, provides access to more than four (4) lots, and traverses property within a platted subdivision within Agricultural/Residential Rural (A/RR) Land Use District and Rural Development Area (RDA) on 18.95 +/- acres. The subject site is located at 9095 Whipperwill Lane, west of Lake Marion Creek Road, south of Cypress Parkway, north of Lake Marion, east of Haines City in Section 29, Township 27, Range 28.

Ian Nance, Land Development, introduced the case and reported 13 mailers were sent to area property owners on May 18, 2023, two (2) signs were posted on the property on May 23, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval.

Rennie Heath asked of staff if any improvements would be needed.

Ian Nance, Land Development, stated it would be a private matter.

David Weir, applicant, spoke regarding the case and agrees with the staff's recommendation.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

7. 23-2437 LDWA-2023-14 (Whipperwill Lane Access Waiver) - Recommendation of approval to the Board of County Commissioners on June 20, 2023.

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

8. LDCU-2023-10 (Spirit Lake Road Monopole Tower)

Minutes: Edward H. Bolick Revocable Trust, owner, Mattaniah S. Jahn, P.A., applicant, requests a Conditional Use (CU) approval of a 155-foot-tall monopole communication tower within Residential Low-4 (RL-4) Land Use District and Urban Growth Area (UGA) on 6.71 +/- acres. The subject property is located between Spirit Lake Road and Spirit Lake Drive, northeast of Country Place, southeast of Flamingo Boulevard, south of Winter-Lake Road (SR 540), north of Rolling Oaks Drive, north and east of the city of Bartow, west of the city of Eagle Lake, and southwest of the city of Winter Haven in Section 35, Township 28, Range 25.

Ian Nance, Land Development, introduced the case and reported 117 mailers were sent to area property owners on May 18, 2023, eight (8) signs were posted on the property on May 22, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. Eight (8) responses in opposition were received.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

Mattaniah Jahn, applicant, spoke regarding the case using a Power Point presentation and agrees with the staff's recommendation.

Madam Chair asked of applicant regarding tower sharing.

Mattaniah Jahn, applicant, stated there are only four national cell providers.

Madam Chair asked of the applicant the height of the canopy trees in the area.

Mattaniah Jahn, applicant, explained the approximate height of the canopy trees for line of sight analysis.

Madam Chair opened the public hearing.

Dr. Melissa Morris spoke in opposition stated they would not gain any benefit from a cell phone tower proposed location. She stated that there is a null zone that will not allow communications to those directly under the tower (approximately 300 feet). She recommended another large lot within the vicinity.

Robert Beltran asked what type of engineer the speaker is and if she was an expert.

Dr. Morris stated she is an electrical-mechanical engineer, she stated she was not precisely an expert in this field.

Audrey Weaver spoke in opposition stating her home is within 500 feet of the proposed sight and voiced concerns of potential health issues, negative affects to the environment and wildlife due to the electro-magnet emissions from the cell tower. She stated that the negative health effects will cause autism in children and will ultimately become a financial risk to tax payers.

Madam Chair asked if Audrey Weaver is an expert in the field.

Audrey Weaver responded she has a bachelor in Science, but it is not directly related to environmental studies.

Elizabeth Voss, County Attorney, reminded members of the Planning Commission that Federal law prohibits them from considering emissions.

Dee McCall spoke in opposition and stated the images provided (contained within the Power Point presentation) of the tree canopy has been removed in preparation of this

proposed construction. She stated there would be noise and safety issue for the local residents. She stated that the original site that was selected was directly across from the owner's son's home and the owner's son stated he did not want the tower directly in front of his home and then the proposed site was moved to the current proposed location.

Roy Markly spoke in opposition providing a brief history of the area stating there are 20 homes on the street and there has been revitalization of this area. This area is located in flood zone since it is in close proximity to Spirit Lake. He asked about lighting (beacon) in the future on top of the tower and his concern for a flashing light affecting them. He commented about the entrance for the property on Spirit Lake Drive.

Deborah Scott spoke in opposition stated that the drilling for the tower and is concerned about their wells. She wants to know what will happen to her well and is concerned about her well collapsing and the quality of her water if this is built. She does not have a canopy to block her view. She is concerned about the quality of her life and household.

Wayne Scott spoke in opposition. He stated he does not want to view a communications tower from his home.

Linda Forrest spoke in opposition. She stated there is plenty of other places for this proposed project. Her recurring migraines will be affected. It is not necessary to locate a tower in a densely residential area and there are other open spaces to place a tower. She is opposed to the location and feels a more rural location would be a better location.

Edward Forrest spoke in opposition due to its proposed location. He stated there was not a need for another tower in the area because there are other towers in this vicinity.

Madam Chair closed the public hearing.

Mattaniah Jahn Jahn provided a rebuttal. The location was selected by her to meet the distance requirements of Polk County. She spoke regarding the location of proposed project in a flood zone and it will be placed on a elevated platform to accommodate the flood requirements. SWFMD permits will be required before building. A tower of over 200 feet would require a beacon, this tower is not that tall. If there is expansion of Spirit Lake Road, there is space. Noise issues has to be compliant with Polk County code and are not an issue because the noise level would be less than the noise of a four-lane road. A geo-technical report is provided for a level 2 application. A cell tower has a range of about 3/4 mile. This area is a "gap area" for more consistent coverage in the area. Null zones are not factually documented and the network, as it is set up, accommodates for null zones.

Robert Beltran asked of Mattaniah Jahn regarding the outlining of the cell tower locations on the map in her presentation and if this represented little or no coverage under the tower.

Mattaniah Jahn explained this was just an outline for contrast and did not represent no

coverage under the tower's location. She then continued with her rebuttal stating information about nimbyism cannot be used as substantial evidence. The request meets all of Polk County's code and is over and above compatibility requirements.

Robert Beltran asked of Erik Peterson if there was another pole existing in this area.

Erik Peterson explained there used to be a SCADA pole in the area, but it is no longer in use and could not be used for this purpose.

David Dalton asked of staff if this was completely compliant with the Polk County code.

Erik Peterson confirmed.

Madam Chair stated that when considering compatibility.

8. 23-2435 LDCU-2023-10 (Spirit Lake Road Monopole Tower) - Approved with conditions.

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Harper, and Addison
Absent:	Agnini, Sims, Fleming, and Schultz

9. LDCPAS-2023-3 (Brennen Road West CPA)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of amendment LDCPAS 2023-3; an amendment to the Polk County Comprehensive Plan; Ordinance 92-36, as amended to change the Future Land Use designation on 9.02 +/- acres from Residential Medium (RM) to Business-Park Center (BPC) in the Transit Supportive Development Area (TSDA). The subject site is located east of State Road 37 (South Florida Avenue), north of County Road 540A and Ridge Drive, and south of Brennen Road West near the city of Lakeland in Section 13, Township 29, Range 23; providing for severability; and providing for an effective date.

Chanda Bennett, Land Development, introduced the case and reported 34 mailers were sent to area property owners on May 18, 2023, two (2) signs were posted on the property on May 19, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Rennie Heath made a motion to expedite these case and David Dalton seconded this motion, but there is opposition in the audience so this motion was not completed.

Mark Bennett, Land Development, presented a Power Point presentation with a recommendation of approval for both cases, LDCPAS-2023-3 and LDCD-2023-5 which were presented together.

John McVay, applicant, spoke regarding the case and agrees with the staff's recommendation.

Tommy Addison asked of the applicant the purpose of changing to BPC-2.

John McVay stated that nothing can be stored within the power line easement.

Madam Chair opened the public hearing.

Eric Templin, spoke in opposition stated he is concerned about noise issues and the esthetic/visual affects of this proposal.

Madam Chair asked of staff to bring up an aerial image of the project.

Shelly Air, representing the SPCA, is concerned about how the proposed will impact the SPCA and it's operations. She is concerned about Brennen Road and how the traffic would affect their operations.

Madam Chair closed the public hearing.

John McVay provided a rebuttal. He stated the access would be at West Brennen Road and will be minimal traffic impact.

9. 23-2521 LDCPAS-2023-3 (Brennen Road West CPA) - Recommendation of approval to the Board of County Commissioners on July 25, 2023.

RESULT:	APPROVED
MOVER:	Sean Harper
SECONDER:	Robert Beltran
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

10. LDCD-2023-5 (Brennen Road West District Change)

Minutes: An Ordinance of the Polk County Board of County Commissioners regarding the adoption of LDCD-2023-5, an amendment to the Polk County Land Development Code Sub-District Map (Ordinance 01-69), as amended, amending the sub-district map to change 3.45 +/- acres from Business Park Center-1 (BPC-1) to Business Park Center (BPC-2) in the Transit Supportive Development Area (TSDA). The subject site is located east of State Road 37 (South Florida Avenue), north of County Road 540A and Ridge Drive, and south of Brannen Road West near the city of Lakeland in Section 13, Township 29, Range 23; providing for severability; and providing for an effective date.

This case was presented with LDCPAS-2023-3.

10. 23-2523 LDCD-2023-5 (Brennen Road West District Change) - Recommendation of approval to the Board of County Commissioners on July 25, 2023.

RESULT:	APPROVED
MOVER:	Sean Harper
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison

Absent: Sims, Fleming, and Schultz

11. LDCPAL-2023-4 (N US 27 SAP CPA)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of LDCPAL-2023-4, an amendment to the Polk County Comprehensive Plan, Ordinance 92-36, as amended, to change the Future Land Use Map designation on 12.86 +/- acres from Professional/Institutional (PIX) to Residential High (RHX) within the North US 27 SAP, located north of Interstate 4, west of US Highway 27, south of US Highway 192, east of Green Swamp, near the city limits of Haines City in Section 12, Township 25, Range 26; providing for severability; and providing for an effective date.

Chanda Bennett, Land Development, introduced the case and reported 96 mailers were sent to area property owners on May 18, 2023, three (3) signs were posted on the property on May 5, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. No responses were received.

Rennie Heath made a motion to expedite, Sean Harper seconded the motion, but when vote was taken, there was not a full agreement to expedite this case.

Chanda Bennett, Land Development, presented a Power Point presentation with a recommendation of approval.

Shelton Rice, applicant, spoke regarding the case and agrees with the staff's recommendation.

Rennie Heath asked of Shelton Rice how far north from I-4 this location is.

Shelton Rice stated it was about 4-5 miles.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

11. 23-2479 LDCPAL-2023-4 (N US 27 SAP CPA) - Recommendation of approval to the Board of County Commissioners on August 8, 2023, for Transmittal and December 5, 2023, for Adoption.

RESULT: APPROVED
MOVER: David Dalton
SECONDER: Rennie Heath
AYE: Troutman, Heath, Dalton, Beltran, Agnini, and Harper
NAY: Addison
Absent: Sims, Fleming, and Schultz

12. LDCPAL-2022-15 (US Highway 27 OCX)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of amendment LDCPAL-2022-15; an amendment to the Polk County Comprehensive Plan; Ordinance 92-36, as amended to change the Future Land Use designation on 0.94+/- acres from Residential Low-X (RLX) to Office Center-X (OCX) in the Transit Supportive Development Area (TSDA), North US 27 Selected Area Plan (SAP), Ridge Special Protection Area (SPA) of the Green Swamp Area of Critical State Concern (ACSC), and the Corridor and Center of the Transit Centers and Corridors Overlay (TCCO). The subject site is located on the west side of US Hwy 27 north of Oglethorpe Drive, east of Williamson Drive and south of Tuscan Ridge Drive north of Haines City limits in Section 36, Township 25 and Range 26; providing for severability; and providing for an effective date.

Chanda Bennett, Land Development, introduced the case and reported 66 mailers were sent to area property owners on May 18, 2023, two (2) signs were posted on the property on May 5, 2023, and a legal advertisement was published in the Lakeland Ledger on May 23, 2023. Three (3) responses in opposition were received.

Robert Bolton, Land Development, presented a Power Point presentation with a recommendation of denial.

Rennie Heath asked of staff the access point from Highway 27.

Robert Bolton stated their discussions with DOT stated the access needs to be further west on Oglethorpe Road to prevent stacking from traffic turning onto to Oglethorpe Road.

Bart Allen, applicant, spoke regarding the case and disagrees with the staff's recommendation and presented a Power Point presentation.

Madam Chair asked of the applicant regarding the DOT's stance of their approval regarding the additional space for a legal easement.

Bart Allen, applicant, provided clarification.

Rennie Heath asked if the small "blue piece" in the aerial provide by Bart Allen.

Chanda Bennett, Land Development, explained the safety element of this access.

Robert Beltran asked the specific size of the "blue area."

Bart Allen stated that would be explained later in his presentation.

Rennie Heath asked of Chanda Bennett about whether the "blue piece" a waiver.

Chanda Bennett, Land Development, discussed the concerns with staff offering a recommendation of approval and the drive waiver that would be needed and safety concerns.

Tommy Addison asked of the applicant the radius of the access and if a condition can

be granted in the approval.

Elizabeth Voss and staff stated a condition cannot be issued for a CPA.

Rennie Heath asked if this could be continued until the agreement is recorded for the access.

Chanda Bennett explained that they would have to re-advertise if they continued this case.

Elizabeth Voss stated that there has been a new state law that requires the re-advertising of cases.

Madam Chair asked if a continuance is advisable.

Bart Allen stated her would like to continue his presentation and then a discussion of this would follow.

Bart Allen continued with his presentation.

Matthew Johnson, engineer, spoke regarding the radius of the driveway and stated they only need 8-10 square feet to meet the access requirements. He explained there is a way to engineer the access to use the space currently allotted but it would require a waiver. He spoke regarding the grade change needed to acclimate the grade of the drive.

Tommy Addison asked of Bart Allen stating the packet they are reviewing in their agenda states the width of the existing access is 40 feet.

Bart Allen stated they would review this and provide it as part of the record.

Madam Chair opened the public hearing.

Allan Schwartzseid, attorney for the Laurel Estates HOA Board, spoke stated there is an agreement between the HOA and the property owner. He stated there is only one term that is needed and requires a survey.

Rennie Heath asked if the survey is ongoing.

Allan Schwartzseid, attorney, stated there may be one that needs to be recertified. The area adjacent to the easement and is not a water retention area and they have spoke about any drainage issues that might be concerns of the opposition/residents of the area. He spoke of landscaping. He stated that there has been an unofficial Facebook page stating incorrect information regarding this situation.

Kaitlyn Hammack spoke in opposition spoke for other residents of this proposal restating the staff's report. She cited the staff report regarding traffic levels and the impact of the proposed site. She stated the HOA board knowingly acted against majority present regarding this issue.

Edward Mlotkiewicz spoke in opposition stated that some of the facts stated the drainage easement was incorrect. The members of the HOA were not included in this agreement by the board members. He spoke regarding the berms and that the access is only 18 feet wide and will not allow emergency vehicles to access the property. He stated the property should be left residential. He stated that if the land use is changed to OCX will not limit to specific type of business.

Jennifer Anderson spoke in opposition and stated that Oglethorpe is the only access to the community and she is concerned about safety. There are not traffic signals and is concerned about traffic accidents with the a potential business. School buses come in and out during peak hours, as well. The roads are narrow and parking alongside the road constricts traffic more.

Sarah Snow Brine spoke in opposition to the rezoning and stated residents were not included in the decision of the HOA board. Because the access is located close to the intersection of Oglethorpe Road and Highway 27. She stated that vehicle stacking would be an issue. The roads are already narrow in the neighborhood. She would like the board to keep the property as residential.

Mark Petrucelli spoke in opposition stating there is a safety issue to use Oglethorpe and there is not a traffic signal and the only access to the neighborhood and is already constricted at times. He stated there is not proof the HOA has agreed to this. The members of the community were not

David Dalton confirmed with Elizabeth Voss, County Attorney, that the members of the Planning Commission should not be considering the disagreement with the HOA and the residents of the community.

Jessie Arias spoke in opposition stating their HOA board is not "in line" with the residents of this neighborhood. He stated there is no traffic light from Highway 27 to Oglethorpe and the high speed traffic and the blind spot of a right turn to use the access to enter this proposed property will cause traffic/safety issues. Adding commercial to a residential area of Laurel Estates is causing very big concerns for safety.

Allan Schwartzseid, attorney, spoke regarding the drainage statement. He stated that multiple meetings announced via emails to inform the residents of the neighborhood and provided information for the residents to request more information from the management company. He represents the HOA of Laurel Estates.

Chanda Bennett offered a clarification of the list of land uses of OCX.

Madam Chair closed the public hearing.

Bart Allen clarified the 30' easement is actually a 40' easement. He offered clarification of the access as it was stated in meetings with County staff and DOT. He stated they are close to an agreement with the HOA for an easement agreement and finalize the legal description for the trapezoid area. He stated they are requesting a continuance

for 30 days / July 12, 2023.

12. 23-2524 LDCPAL-2022-15 (US Highway 27 OCX) - Approved to be continued to the July 12, 2023, Planning Commission Hearing.

RESULT:	CONTINUED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

Reordering of the Agenda

RESULT:	APPROVED
MOVER:	
SECONDER:	
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Excused:	Sims, Fleming, and Schultz

13. LDCU-2023-7 (Drew St Bed & Breakfast CU)

Minutes: Richard Kiddey, owner, requests a Conditional Use (CU) approval for a bed & breakfast located within an Agricultural Rural Residential (A/RR) Land Use District and Rural Development Area (RDA) on 12.10 +/- acres. The subject property is at 1097 Drew Street, west of Morning Star Drive, south of Pattie Lane, north of Swindell Road, east of Country Oaks Lane, north of the city of Lakeland in Section 7, Township 28, Range 23.

Ian Nance, Land Development, introduced the case and reported 34 mailers were sent to area property owners on May 18, 2023, one (1) sign was posted on the property on May 19, 2023, a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and 30 signatures on a petition and one (1) email in support of the case was received.

Amy Little, Land Development, presented a Power Point presentation with a recommendation of approval.

Richard and Laura Kiddey, property owners, spoke regarding the case and agrees with staff's recommendation.

Madam Chair opened the public hearing.

Mike Gaffey spoke in opposition stating they live an open area and multiple acreage. The silo was built 149 feet from his front door. It affects their privacy and security due to strangers renting this silo. His children are not secure, either, due to the strangers allowed to visit and stay so close to their property. The applicant has a gate to keep the renters away from them and their personal home is far from rental silo.

Angela Gaffey spoke in opposition provided a Power Point presentation showing the location of the silo in conjunction to their home. She showed images of strangers in the

driveway at early hours of the morning. She is alarmed for their safety.

Madam Chair closed the public hearing.

The applicant provided a rebuttal. He stated they have their own children and they screen their renters. He stated they have lit up the area.

13. 23-2475 LDCU-2023-7 (Drew St Bed & Breakfast CU) - Approved with conditions.

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Rennie Heath
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

Recess for Lunch

Minutes: 30 minute lunch break.

16. LDSPD-2023-2 (Bomber Rd SPD)

Minutes: Weber Revocable Trust and Weber Revocable Trust of March 2006, owners, Sarah Case of Next Level Planning & Permitting, applicant, requests Suburban Planned Development approval for 240 single-family lots with reduced lot sizes and increased density in a Residential Suburban (RS) Land Use District and Suburban Development Area (SDA) and Gateway and Wahneta Neighborhood Plan (SAP) on 112.73 +/- acres. The subject property is located south of Bomber Road, east of Gerber Dairy Road, west of Rifle Range Road, north of Morgan Road, east of the city of Eagle Lake in Sections 17 and 20, Township 29, Range 26.

Ian Nance, Land Development, introduced the case and reported 75 mailers were sent to area property owners on May 18, 2023, four (4) signs were posted on the property on May 19, 2023, a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and no responses were received.

Rennie Heath made a motion to expedite and David Dalton seconded, but there is opposition present, so the motion was declined.

Amy Little, Land Development, presented a Power Point presentation with a recommendation of approval.

Rennie Heath asked of staff if there are water and sewer services available.

Amy Little responded.

Sarah Case, applicant, spoke regarding the case and agrees with staff's recommendation.

Tommy Addison asked of Sarah Case if the access on Gerber Dairy Road if it would be a lock box.

Sarah Case stated they had not made a decision regarding this part of the plan. She stated any development over 100 units requires two access points per the Fire Marshal standards.

Madam Chair opened the public hearing.

Andrea Mason spoke in opposition and represented a couple of other neighboring residents. She stated that Gerber Dairy Road is inadequate for the proposed development and voiced concerns for wildlife and environment.

Madam Chair closed the public hearing.

Sarah Case provided a rebuttal. She acknowledged the traffic count in the staff report and it states that it is adequate for traffic and they are clustering away from the protected wetlands. She referred to a mobile home park and another large community established in this area and compared the home to acreage ratio in this area and that public utilities are established in this area and can be extended to this site. This is not urban sprawl.

16. 23-2476 LDSPD-2023-2 (Bomber Rd SPD) - Approved with conditions.

RESULT:	APPROVED
MOVER:	Sean Harper
SECONDER:	Rennie Heath
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

14. LDPD-2023-9 (Myrtle Road PD)

Minutes: Thomas B Still Jr and Joann Murell Still Intervivos Revocable Trust Agreement, owners, Nicki Rowan of Wood & Associates Engineering LLC, applicant, request a Planned Development for increased density, reduced lot sizes, and reduced setbacks for a 77 single-family detached unit subdivision in Residential Low-1 (RL-1) Future Land Use and Urban Growth Area (UGA) on 17.5 +/- acres. The subject property is located at 2190 Myrtle Road, west of Green Road, north of Daughtery Road, south of Duff Road, north of Lakeland in Section 22, Township 27, Range 23.

Ian Nance, Land Development, introduced the case and reported 99 mailers were sent to area property owners on May 18, 2023, two (2) signs were posted on the property on May 22, 2023, a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and ten (10) responses in opposition were received.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval.

Bart Allen, applicant, spoke regarding the case, provided a Power Point presentation, and agrees with staff's recommendation.

Madam Chair confirmed with Bart Allen that their professionals are professionals in

their fields.

Madam Chair opened the public hearing.

Jocelyn Emerson spoke in opposition with her 7 acres to the south side of the proposed project. She stated that she has saw gopher tortoises on the property. She is concerned about their farm and animals. She requests the project have larger lots and to relocate the gopher tortoises. She would like higher fences for better privacy.

Lisa Hodges spoke in opposition and a question. At the end of Silver Lakes Drive, they are not allowed to install fencing because it is a turtle crossing which has been mandated by the state. She voiced concerns about wildlife/turtles in the area and the existing wetlands that are on the northeast corner of Silver Lakes.

Madam Chair closed the public hearing.

Bart Allen provided a rebuttal. According to their reports, they are not aware of any wildlife impact to this property. He read their wildlife walk through report. If there are any gopher tortoises found during the construction, they will be flagged and they will re-survey the property. If there are any found on the property, they will be relocated according the Fish and Wildlife criteria. Silver Lakes is not adjacent and there are not any wetland impacts on this projected property and he cannot answer the fencing issue that was raised.

14. 23-2511 LDPD-2023-9 (Myrtle Road PD) - Approved with conditions.

RESULT:	APPROVED
MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

15. LDSPD-2023-1 (Deeson Road SPD)

Minutes: Deeson Road LLC, owner, Eric Swanson, Swan Capital Partners LLC, applicant, requests a Suburban Planned Development approval for 147 single-family lots with reduced lot sizes, reduced setbacks, and increased density in a Residential Suburban (RS) Land Use district and Suburban Development Area (SDA) on 117.68 +/- acres. The subject property is located at 4235 Deeson Road, west of Kathleen Road, east of Payne Road, south of 1st Street NW, northwest of the city of Lakeland in Section 20, Township 27, Range 23.

Ian Nance, Land Development, introduced the case and reported 96 mailers were sent to area property owners on May 18, 2023, five (5) signs were posted on the property on May 23, 2023, a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and 37 responses in opposition were received.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval.

Tommy Addison asked of Ian Nance if the property to the north was included in their density calculations.

Ian Nance confirmed.

Eric Swanson, applicant, spoke regarding the case, provided a Power Point presentation, and agrees with staff's recommendation.

Madam Chair asked if Otero Engineering are experts in their field and have they been sworn in.

Eric Swanson stated yes they are experts, but had not been sworn in.

Elizabeth Voss, County Attorney, swore in the members of Otero Engineering.

Rennie Heath moved to approve, Sean Harper seconded, a unanimous vote to approve each of these individuals as experts in their fields.

Madam Chair opened the public hearing.

Terrie Crawford spoke in opposition to the case stating that seven generations have lived within this area and some still currently live there. She stated that this is a rural area. She referred to the previous PD proposed last June that was denied. The current proposal still includes the small lot sizes.

Michelle Crawford spoke in opposition and would like to maintain a rural environment. She stated that the previous denied development was 100 lots larger compared to what is currently proposed. This is not comparable to all of the other properties. There are large acreage lots and farmed. This is not compatible for rural Kathleen.

Carolyn Gay spoke in opposition stating it is not consistent with the current area. She is concerned about flooding. She asked the Planning Commission to consider the downstream effects of this project and other proposed project that was heard further north of this project. This project is not the right fit.

Mark Calamaris spoke in opposition due to the failed status of the Kathleen schools is a failed institution. The applicant's presentation did not address the failed schools of Kathleen. This project will make the issue worse.

Peter Haubner spoke in opposition due to water drainage and flooding issues. The applicant did not provide an resolution to the drainage issues. He states the density is too much and they are cramming homes in a rural community. This project does not meet compatibility in real time although it might on paper.

Michael Wood spoke in opposition to this case stating concerns to flooding and the lakes, the traffic issues on the local roads. He stated the bridge on Deeson Road is in poor condition and the construction equipment and sod farm trucks will cause more issues. He spoke of wildlife conservation in this area. He stated the proposed donated

property to the County is a bribe. He stated the rural way of life is priority in this area.

Ricky Shirah spoke in opposition stating that a previously scheduled meeting had cancelled the hearing of this case from May. He stated that the developer had lied to him about why the case was continued to June. He stated the bridge is a restricted bridge. He spoke about the property stating the water is too wet and gopher turtles could not survive, they would drown.

Scott Heard spoke in opposition there is a pond on his property adjacent to the proposed is used for watering cattle and discussed how the area floods. He stated that the development will affect the rain waters flood these neighboring residents. He voiced concerns about wildlife stating wild turkey, deer, and other wildlife exist in the area. They has spoke with SWFMD and the County and there is not much that can be done about the current flooding issues, but the proposed will affect flooding. Kathleen Road is a dangerous road.

Rennie Heath stated the developer cannot allow more drainage off of the developed property onto neighboring properties.

James Abercrombie spoke in opposition stating the roads and sidewalks will be proposed that the County will pay 60% of the cost. He stated that even though experts in the matter are required and contemplated how the only people to speak are experts but what about the residents and their concerns. He spoke about the current road issues and flooding. The County needs to be accountable for the infrastructure.

Kevin Sundorf spoke in opposition and spoke about the sod farm currently there and stated that each time the sod is harvested it reduces the soil and causes more issues with the flooding in this area. Flood water goes right up to residences back doors. The railroad crossing trains blocks access to the roads.

Lindsey Hopner spoke in opposition stating the area is rural and many people moved to the area for the rural way of life. She stated that she knows that the preliminary site plan provided at this meeting and is concerned how it might change although she is not in agreement with a dense development in the area. See cited the current issues with Imperial Lakes and the flooding in the area and how this could potentially happen in this area. She stated gopher tortoises require well drained sandy soils and proves it is a very wet area.

Bill Kinopa spoke in opposition stating his concerns with the current flooding issues and the bridge is an issue. He loves the rural lifestyle that currently exists in this area and this proposal in incompatible.

Keith Shirah spoke in opposition due to the traffic issues that currently exist on Deeson Road. He stated that another 147 residences with at least two vehicles per home how this increased traffic will affect the current roads and that bridge on Deeson Road.

Madam Chair closed the public hearing.

Eric Swanson provided a rebuttal with Charles Otero and Nick Buliga as expert

witnesses.

Nick Buliga spoke regarding the drainage issues on this property. The southeast corner of the is a natural discharge point. The southwest corner discharge will no longer be allowed.

Charles Otero stated that they will be mitigating the drainage issues and whatever plans are approved will be peer reviewed by different agencies.

Robert Beltran stated that this is an open basin and that they are doing everything they can to divert water drainage.

Charles Otero agreed.

Tommy Addison stated he needed clarification from the previous water flow of the previous hearing and the current images appears opposite.

Nick Bulga stated will still flow same, they will not be disturbing the flow.

Tommy Addison cited another case in another municipality that was approved because the historical flow of water was disturbed causing neighboring residences to be flooded.

Nick Bulge provided clarification.

Eric Swanson provided a rebuttal stating he tried to make this project to improve the Kathleen area. He stated that 50' and 60' size lots but other options are 75' lots. They are preserving some currently farm land. Regarding the schools, they have a non-binding capacity determination. He states that they are consistent with one dwelling unit per acre and have met their open space requirements. The 27 acres of creek does have an upland area. It could be to store storm water or be made into a park.

Rennie Heath made a statement that property owners have property rights. This applicant has provided a plan an over and above the basic requirements to meet the Land Development Code and Comprehensive Plan.

Madam Chair stated that each person considers their opinions, but the Planning Commission are to compare the application and proposal to the Land Development Code and Comprehensive Plan.

David Dalton asked of staff, if the public testimony changed their opinion of this case.

Ian Nance stated it had not.

Robert Beltran made a statement about the base condition to help the drainage of this area. He explained his background and current expertise when asked by Madam Chair.

15. 23-2460 LDSPD-2023-1 (Deeson Road SPD) - Approved with conditions.

RESULT:	APPROVED
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MOVER:	Rennie Heath
SECONDER:	David Dalton
AYE:	Troutman, Heath, Dalton, Beltran, and Harper
NAY:	Agnini, and Addison
Absent:	Sims, Fleming, and Schultz

17. LDCPAL-2023-3 (5-Acre Rounding Error Amendment)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of amendment LDCPAL-2023-3 ; an amendment to the Polk County Comprehensive Plan; Ordinance 92-36, as amended to the Comprehensive Plan Division 2.100 Future Land Use Element, to modify policy 2.119-A3 subsection F, addressing the calculation of density in rural and suburban development areas; amending policy 2.120-A4 subsection A and, policy 2.121-A2 subsection A to address minimum lot size calculations.

Ian Nance, Land Development, introduced the case and reported a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and no responses were received.

This case will be presented with LDCT-2023-5.

Rennie Heath moved to expedite both cases, David Dalton seconded and was approved un

Malissa Celestine, Land Development, presented a Power Point presentation with a recommendation of approval.

This is a county-initiated request.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

17. 23-2525 LDCPAL-2023-3 (5-Acre Rounding Error Amendment) - Recommendation of approval will be forwarded to the Board of County Commissioners on August 8, 2023, for Transmittal and October 3, 2023, for Adoption.

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Robert Beltran
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

18. LDCT-2023-5 (5-Acre Rounding Error Amendment)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding Land

Development Code Amendment **LDCT-2023-5** amending ordinance No. 00-09, as amended, the Polk County Land Development Code, providing findings; amending Chapter 2, Section 205, Footnotes for Table 2.2, and Section 208.A, addressing the calculation of density in rural and suburban development areas and minimum lot size; related to **LDCPAL-2023-3**; providing for severability; and providing for an effective date.

Presented LDCPAL-2023-3.

18. 23-2526 LDCT-2023-5 (5-Acre Rounding Error Amendment) - Recommendation of approval will be forwarded to the Board of County Commissioners on August 8, 2023, for First Reading and October 3, 2023, for Second Reading.

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Robert Beltran
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

19. LDCT-2023-8 (Private Airstrips LDC Text Amendment)

Minutes: An Ordinance of The Polk County Board of County Commissioners regarding Land Development Code Amendment LDCT-2023-8, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code; amending Chapters 2, 4, & 5 to add Airports to use tables in Agricultural/Residential Rural Land Use Districts; amending Section 303 to modify standards for the private use of airports; amending Chapter 10 to update definitions for airports; providing for severability; and providing for an effective date.

Chanda Bennet, Land Development, introduced the case and reported a legal advertisement was published in the Lakeland Ledger on May 23, 2023, and no responses were received.

Rennie Heath moved to expedite and Robert Beltran seconded ...

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval.

This is a county-initiated request.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

19. 23-2519 LDCT-2023-8 (Private Airstrips LDC Text Amendment) - Recommendation of approval will be forwarded to the Board of County Commissioners on July 11, 2023, for First Reading and July 25, 2023, for the Second Reading.

RESULT:	APPROVED
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MOVER:	David Dalton
SECONDER:	Rennie Heath
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

20. LDCT-2023-9 (RV Connection to Electrical)

Minutes: An ordinance of the Board of County Commissioners, Polk County, Florida, Land Development Code Amendment LDCT-2023-9, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code, amending Chapter 2, Section 218, Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles, to allow recreational vehicles and watercraft stored at a residence to connect to electric power for maintenance; providing for severability; providing an effective date.

Rennie Heath made a motion to expedite and was seconded by David Dalton and was approved unanimously.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

This is a county-initiated request.

Madam Chair opened the public hearing.

No response.

Madam Chair closed the public hearing.

20. 23-2522 LDCT-2023-9 (RV Connection to Electrical) - Recommendation of approval will be forwarded to the Board of County Commissioners on July 11, 2023, for First Reading and July 25, 2023, for the Second Reading.

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Troutman, Heath, Dalton, Beltran, Agnini, Harper, and Addison
Absent:	Sims, Fleming, and Schultz

Adjournment