

2/20  
6947 Hazeltine Circle  
Lakeland, Florida 33810

January 4, 2023

Land Development Division  
Drawer GM03  
P.O. Box 9005  
Bartow, FL 33831-9005

Dear Ms. Kaufman:

After attending the Public Hearing regarding LDWA-2023-58 on Wednesday, January 3, 2024, I would like to share concerns regarding the approval.

Since those wishing to speak for or against the proposal were not allowed to ask further questions after the petitioner's rebuttal. I would like to state the following:

In considering this property the petitioner only gave the best hopes scenario for what could happen to this property, however, please consider the worst fears scenarios as well, as no guidelines or parameters were confirmed.

The petitioners counsel suggested the 4 lots could be estates, which conjures up a visual of expensive homes. The surrounding properties are modest homes so it seems unlikely someone would build a prestigious home on these properties.

If the passing LDWA-2023-58 is the first step in a plan to modify what the 4 lots will be this would create distrust for the system that is supposed to act in the best interest of all citizens not in favor of a profitable venture for one company or individual.

Staff should explain why they supported this proposal, as it is unclear why they agree with a vague plan that is not consistent with the existing neighborhood.

The lack of available information regarding the future of what was proposed and approved yesterday, is unsettling to those of us that work to maintain the value our homes.

Full transparency regarding what the property owner purposes would go a long way in diffusing the concern of neighbors, however the lack of information leaves us wondering why it was supported and approved.

Sincerely,

  
Kathy Massey

**Polk County Land Development Division**

330 Church Street Bartow, FL 33831-9005

December 27, 2023

This is a request to **DENY Case No. LDWA-2023-58**- Waiver to Chapter 8, Sect 821.A of Polk County's Land Development Code to access through a platted lot with intent to create four residential lots.

The following property owners in **Huntington Hills Subdivision** adamantly request the **denial** of the proposed Waiver to access the property behind this neighborhood. Huntington Hills is a gated, privately maintained residential community. The current area in question is located within 500 feet of many residential homes. Owners pay to keep the community safe and limit activities that may cause harm to its residents and property. With increased traffic on to Duff Road (Huntington Hills' main entrances), will add an increased burden to drivers, school children, walkers and bikers.

**Property Owners of Huntington Hills Subdivision:**

**Signature:**

**Address:**

Helen T Jones

6843 Huntington Hills Blvd.

Jared Jones

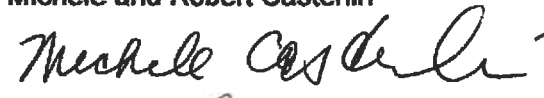

6843 Huntington Hills Blvd

Polk County Land Development Division  
330 Church Street Bartow, FL 33831-9005

December 29, 2023

This is a request to DENY Case No. LDWA-2023-58- Waiver to Chapter 8, Sect 821.A of Polk County's Land Development Code to access through a platted lot with intent to create four residential lots. We are property owners in Huntington Hills Subdivision and adamantly request the denial of the proposed Waiver to access the property behind this neighborhood. Huntington Hills is a gated, privately maintained residential community. The current area in question is located within 500 feet of many residential homes. Owners pay to keep the community safe and limit activities that may cause harm to its residents and property. With increased traffic on to Duff Road (Huntington Hills' main entrances), will add an increased burden to drivers, school children, walkers and bikers.

Michele and Robert Casterlin

2684 Huntington Hills Dr.  
Lakeland, FL 33810  
[mcasterlin223@gmail.com](mailto:mcasterlin223@gmail.com)  
908.672.7943

7041 Hazeltine Circle  
Lakeland FL 33810  
December 27, 2023

Re: LDWA-2023-58

Dear Sir:

We are very concerned about the pending application for approval of 4 house lots near our Huntington Hills community. Approving this application would set off a series of problems for homeowners nearby. Home values, increased traffic and noise, and above all safety. Approval would also set a precedent for future development of other nearby acreage that would indeed have a huge impact on Huntington Hills as access would then become an issue via HH.

Huntington Hills is a gated community of 395 properties. This is not a 55 and over community. Our private community is run by a hard working group of volunteers who try to keep the community beautiful and safe. Our roads are private. We maintain them. We are very conscious about their condition and we have reserve studies done every three years to plan for their maintenance.

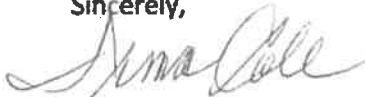
Not all streets in Huntington Hills have sidewalks. About 40% of Huntington Hills has sidewalks. The area in question does not have sidewalks. There are children riding bikes and kicking soccer balls on our streets. People walk their dogs in the streets. People walk and jog and run in our streets. People drive their golf carts on our streets. There are 15 mph speed limit signs posted.

We are VERY concerned about having more traffic on our streets on a full time basis and question how any future homes would access entry when our gates are closed. The builders, suppliers, delivery people, etc. would all require access. Once the homes are built there will be residents, their visitors, yard salers, postal, Amazon, UPS, FedEx, etc. all needing to drive through our community to reach any future houses on a regular basis. I mention Yard Sales, because one of our covenants limits yard sales to once a year so we have a community wide sale once per year. Our streets are not intended to have that kind of traffic every weekend and we appreciate that those who came before us had that foresight and thus, instituted that rule. Our streets are not normal width, they are narrow so no parking on the streets overnight is enforced, which allows any emergency vehicles clear access.

Our concerns are for safety, access, wear and tear to our roads, noise, privacy, property values, infrastructure to support these and future residences, etc.

We respectfully submit our strong desire for you to **NOT** approve LDWA-2023-58.

Sincerely,



Irma Cole  
Secretary, HHPOA

To:  
Polk County Board of County Commissioners  
LAND DEVELOPMENT DIVISION  
Drawer GM03, P.O. Box 9005  
Bartow FL 33831-9005

December 24, 2023

Regarding LDWA-2023-58

Dear Polk County Commissioners, we are writing to you to express why LDWA2023-58 should not be approved.

Huntington Hills is a gated community of 395 properties. This is not a 55 and over community. Our private community is run by a hard working group of volunteers who try to keep the community beautiful and safe. Our roads are private. We maintain them. We are very conscious about their condition and we have reserve studies done every three years to plan for maintenance.

Not all streets have sidewalks. About 40% of Huntington Hills has sidewalks. The area in question does not have sidewalks. There are children riding bikes and kicking soccer balls on our streets. People walk their dogs in the streets. People walk and jog and run in our streets. People drive their golf carts on our streets. There are 15 mph speed limit signs posted, but as we all know, this is a wish more than a reality.

We are VERY concerned about having more traffic on our streets on a full time basis and question how these homes would access entry when our gates are closed. The builders, suppliers, delivery people, etc. would all require access. Once the homes are built there will be residents, their visitors, yard salers, postal, Amazon, UPS, FedEx, etc. all needing to drive through our community to reach these 4 houses on a regular basis. I mention Yard Salers, because one of our covenants limits yard sales to once a year so we have a community wide sale once per year. Our streets are not intended to have that kind of traffic every weekend and we appreciate that those who came before us had that foresight and thus, instituted that rule.

Our concerns are for safety of our residents, access, wear and tear to our roads, noise, privacy, etc. We respectfully submit for your consideration the information provided by our attorneys and residents with the strongest desire for you to not approve **LDWA-2023-58**.

Regards

Mary and Duffy Donovan  
3080 Westmoreland Dr  
Lakeland FL 33810

## Polk County Land Development Division

330 Church Street Bartow, FL 33831-9005

December 27, 2023

This is a request to **DENY Case No. LDWA-2023-58**- Waiver to Chapter 8, Sect 821.A of Polk County's Land Development Code to access through a platted lot with intent to create four residential lots.

The following property owners in **Huntington Hills Subdivision** adamantly request the **denial** of the proposed Waiver to access the property behind this neighborhood. Huntington Hills is a gated, privately maintained residential community. The current area in question is located within 500 feet of many residential homes. Owners pay to keep the community safe and limit activities that may cause harm to its residents and property. With increased traffic on to Duff Road (Huntington Hills' main entrances), will add an increased burden to drivers, school children, walkers and bikers.

### Property Owners of Huntington Hills Subdivision:

Signature:

Address: 3179 Huntington Lane  
Lakeland, FL 33810



Yasheika Acevedo



Rafael Zambrana

## Polk County Land Development Division

330 Church Street Bartow, FL 33831-9005

December 27, 2023

This is a request to **DENY Case No. LDWA-2023-58**- Waiver to Chapter 8, Sect 821.A of Polk County's Land Development Code to access through a platted lot with intent to create four residential lots.


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### Property Owners of Huntington Hills Subdivision:

Signature:

  
Jeremy Dinnick

Address: 6959 HAZELTINE  
CIRCLE  
LAKELAND FL 33810

  
Amanda Dinnick

**Kimberlee Snow  
6546 Bendelow Drive  
Lakeland, FL 33810  
(863) 712-5871**

December 28, 2023

To: Malissa Celestine, Planner II  
Drawer GMO3, PO Box 9005  
Bartow, FL 33831-9005

In Re: Residential Access Waiver LDWA-2023-58

Good Day,

This letter is in opposition to the granting of a waiver for the above mentioned application. The Applicant, CGF Retail, LLC, seeks a Waiver to Chapter 8, Section 821.A of the Polk County's Land Development Code (LDC) to access through a platted residential lot with the intent of creating four (4) additional residential lots.

**This application should be denied for the following reasons:**

*According to Chapter 8, Section 821.A, Access Through Platted Residential Lots:*

- 1. Access through a platted subdivision to adjoining property shall not be permitted through existing lots which have been platted for residential purposes.*
- 2. Access may be allowed through tracts which have been recorded as part of a plat for the expressed purpose of future road access.*
- 3. All roads and road rights-of-way recorded as of 1992 for future road access shall be the minimum required for a road based on the potential functional classification of the road and the master development plan for the area.*
- 4. Any deviance from Section 821 A. shall require a Level 4 Review*

The applicant has stated in his application that "*Additionally, in accordance with Chapter 7, Section 705.B, a property may be developed for residential purposes with access solely via easement.*" This is partially correct, but the applicant has failed to mention that Chapter 7, Section 705.B is also subject to the very strict Codes of Polk County Florida Land Development:

**705.B.7. Waivers to Section 705 B. (subsections 1.a. [number of lots] and 1.c. and 2. only) may be granted by the Board of County Commissioners pursuant to a Level 4 Review and subject to the waiver provisions in Section 932 of this Code.**

**All waivers to technical standards have minimum, requirements for consideration as is set forth in Section 932 of the Polk County Florida Land Development Code:**

## **Section 932 - Waivers to Technical Standards**

### **A. Minimum Requirements for Consideration of Waivers (Rev. 02/05/19 - Ord. No. 19-008; 05/06/09 - Ord. 09-021)**

*Upon submittal of a sufficient application for a waiver to technical standards of this Code, as prescribed in this section, the Development Review Committee shall consider and grant or deny waivers from the requirements set forth in this Code, as outlined in Section 932 B. below, and impose such conditions and safeguards that are reasonably necessary to comply with the provisions of this Code and Comprehensive Plan or for the protection of the health, welfare or safety of the general public. When considering the waiver application, the Development Review Committee shall consider all of the following criteria:*

- 1. Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;*
- 2. Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;*
- 3. Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;*
- 4. The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and*
- 5. Whether all other avenues of relief have been exhausted.*

**I will respond by number to Section 932 as follows:**

**As to 932.A.1 -** The southwest tip of the subject property lies in The "Special Flood Hazard Areas" identified by the Federal Emergency Management Agency in the Flood Insurance Study for Polk County, Florida and Incorporated Municipalities dated December 22, 2016, FEMA Flood Zone AE defined as low lying with high risk of flooding. It also has wetlands on that Southwest area. The subject property also abuts neighboring properties which are Conservation Easements and Croplands to the South and Southwest. The water runoff from the subject property flows to the South and Southwest, onto its neighboring properties. Any construction or homes built on the subject property (North of these abutting properties) may affect the Florida aquifer, wetlands and detention areas in possible violation of Polk County Florida Land Development Code 630 - Flood Hazard Management and Floodplain Protection.

As to 932.A.2 - Any waiver granted is not within minimum requirements of Section 932.

As to 932.A.3 - An abutting property to the South of subject property is cropland used mostly for hay that feeds local livestock. Any pollution of that crop may be detrimental to those animals. The owner of that cropland allows friends and members of his church to use this land for target practice with a wide variety of firearms (which is certainly within his right). This occurs at least monthly during the summer and at least once per week during hunting season. the week that I am writing this letter, they have practiced every day. This could certainly be a risk to any future residents of the subject property or any maintenance / County worker who may be accessing the property. The requested access is between two homes in a cul-de-sac of Fox Chase subdivision. There are children at play and occasional adults who gather in this cul-de-sac as well as the various residential streets leading to this cul-de-sac.

**As to 932.A.4 - The Applicant incorrectly stated in his application the following: "No precedent will be set with the granting of the waiver; nowhere in the surrounding area is a tract of this size (+/- 25 ac) that is landlocked. The properties to the North, west and East are all developed single-family subdivisions. The property to the South is also a +/- 25 AC parcel however it is pastureland with a barn. Access was obtained through Huntington Hills Subdivision Phase 5, Lot 42 platted in 1992."** The neighboring tract the applicant refers to is listed on POLKPA.ORG as Cropland. The current owner did obtain access in 1992, but his access runs through an easement of back yards and along a portion of the golf course in Huntington Hills Subdivision. It would be impossible for him to pave this easement and as such, he too is landlocked. There is also a landlocked tract abutting subject property addressed as 0 Sheretz Road of 99.39 acres. There is another landlocked property just to the South addressed as 0 Wheeler Road of 40.61 acres. **As such, these property owners could in the future request that they have access to their land through the Fox Chase Subdivision or the Huntington Hills Subdivision.**

As to 932.A.5 - The Applicant was fully aware of his access points when he purchased the subject property in January, 2023 and when he purchased the double lot with home in the Fox Chase Subdivision in July 2023. The access which Applicant is requesting is not currently an "easement", it is merely the center of two adjacent lots at the end of a cul-de-sac in a family residential subdivision. It has never been recorded as part of a plat for the expressed purpose of future road access

The above points should be addressed and considered as they pertain to Polk County Land Development Code Sections 705, 932 and also with scrutiny to 630. It should not fall upon the tax payers of Polk County to subsidize the maintenance of the roads and utilities to this property. You must also consider the environmental impact to the surrounding land and our water system.

Thank you for your kind consideration,



Kimberlee Snow

By Mail and By Email to MalissaCelestine@Polk-County.net

Mr & Mrs R.B. Hendry  
6791 Huntington Hills Blvd  
Lakeland FL 33810

22<sup>nd</sup> December 2023

Land Development Division  
Drawer GM03, P.O. Box 9005  
Bartow, FL 33831-9005

**Ref Proposed LDWA-2023-58**

Huntington Hills is a gated community of 395 properties. This is not a 55 and over community. Our private community is run by a hard working group of volunteers who keep the community beautiful and safe. Our roads are private. We maintain them at our cost. We are very conscious about their condition and we have reserve studies done every three years to plan for maintenance.

Not all streets have sidewalks. About 40% of Huntington Hills has sidewalks. The area in question does not have sidewalks. There are children riding bikes and kicking soccer balls on our streets. People walk their dogs in the streets. People walk and jog and run in our streets. People drive their golf carts on our streets. There are 15 mph speed limit signs posted on all roads with Stop signs at every road Junction.

We are VERY concerned about having more traffic on our streets on a full time basis and question how these homes would access entry when our gates are closed. The proposed builders, suppliers, delivery people, etc. would all require access on to our private land/property which will result in damage to our roads and side walks as they are not built for this type of heavy usage.

Once the homes are built there will be residents, their visitors, yard sellers, postal, Amazon, UPS, FedEx, etc. all needing access to drive through our community to reach these 4 houses on a regular basis. I mention Yard Salers, because one of our Covenants limits yard sales to once a year so we have a community wide sale once per year. Our streets are not intended to have that kind of traffic every weekend and we appreciate that those who came before us had that foresight and thus, instituted that rule.

Also what guarantee do we have that going forward only the 4 proposed houses will be all that will be built in total on his Plot/Land.

Our concerns are for safety, access, wear and tear to our roads, noise, privacy, security as this is a **Gated Community** etc.

We respectfully submit for your consideration the following information as residents of Huntington Hills that you do not approve in the strongest way **LDWA-2023-58**.

Your Sincerely



Robert and Carmen Hendry

**RECEIVED**

DEC 22 2023

**LAND DEVELOPMENT  
DIVISION**

Dear Sirs,

Huntington Hills is a gated community of 395 properties. This is not a 55 and over community. Our private community is run by a hard working group of volunteers who try to keep the community beautiful and safe. Our roads are private. We maintain them. We are very conscious about their condition and we have reserve studies done every three years to plan for maintenance.

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Our concerns are for safety, access, wear and tear to our roads, noise, privacy, etc. We respectfully submit for your consideration the following information from our attorneys and residents with the strongest desire for you to not approve LDWA-2023-58.

Sincerely,



Keith Kocher  
3152 Orange Grove Ct  
Lakeland, FL. 33810  
12/21/2023

James Pennington

6850 Bendelow Drive

Lakeland, FL 33810-5327

Land Development Division

Benjamin J Ziskal, AICP, CECD, Director

330 W Church Street

Bartow, FL 33831-9005

December 20, 2023

RE: Case LDWA-2023-58

Dear Mr. Ziskal,

This letter is to address the proposed request for a Waiver to Chapter 8, Section 821.A of Polk County's Land Development Code to access through a platted residential lot with intent on creating four residential lots. These are located within 500 feet of our residence.

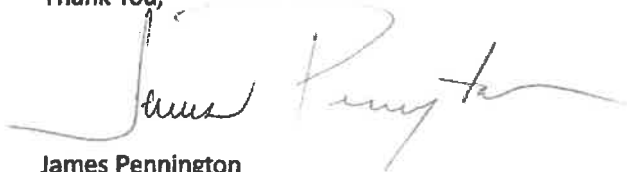
I am adamantly opposed to this request. This is a restricted community with limited road and pathways for additional vehicular traffic. The added use of our Owner fee maintained private roads and gates will add an extreme financial burden to this community. As well, the Huntington Hills Property Owners Association Developers set forth strict guidelines with bylaws that should make this Waiver null and void.

This community has a variety of residents that will be at risk of harm should unrestricted use of vehicles without foreknowledge of the community guidelines be allowed to breach the coded gate system which is closed to outside traffic unless owner access is provided.

The Property Owners Association is run by volunteers and all maintenance of roads, motorized gates, signage, security, lighting, sidewalks, etc. is placed upon this organization. Unless this additional property is willing to be annexed into this Association with all the restrictions and financial obligations that it provides, I cannot in any way understand how this proposal does not infringe on our private property, roads and infrastructure.

In conclusion, I do have compassion for the owners request to develop additional residential lots but I am concerned they are seeking a solution without pursuit of other unrestricted properties. Obviously, the benefit of access through an established, well-maintained subdivision would increase their property value immensely. I implore the Planning Commission to NOT approve this Waiver.

Thank You,

A handwritten signature in cursive script that reads "James Pennington". The signature is written in black ink and is positioned above the printed name.

James Pennington

December 20, 2023

Land Development Division  
Drawer GM03  
P.O. Box 9005  
Bartow, FL 33831-9005

Re: Case # LDWA-2023-58

Dear Sirs:

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Our concerns are for safety, access, wear and tear to our roads, noise, privacy, etc.

**We respectfully submit this for your consideration with the strongest desire for you to NOT approve LDWA-2023-58.**

Respectfully Submitted By,



Michael J and Connie R Mercurio

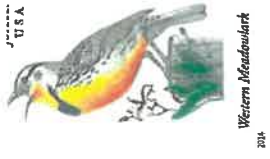
7130 Montreal Dr  
Lakeland, FL 33810

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Lakeland, FL 33810

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Land Development Division  
Drawer GM03  
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Bartow, FL 33831-9005

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33831-900505  
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