

BOARD OF COUNTY COMMISSIONERS, POLK COUNTY FLORIDA

FINAL ORDER

(Level 4 reviews)

Case Number: LDWA-2023-58 (Silver Fox Path Access Waiver)

Applicant: Sarah Case

Property Owner: Tyrone King

Hearing Date: 1/3/24

I. Request:

- II. The applicant is requesting a Waiver to Chapter 8, Section 821.A of Polk County's Land Development Code (LDC) to access through a platted residential lot with the intent of creating four (4) residential lots. (the "Application").

III. Planning Commission Recommendation:

On January 3, 2024, the Planning Commission held a public hearing on the Application and voted 5-1 to recommend approval of the Application.

IV. Findings:

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

1. Pursuant to section 907D.10 of the Polk County Land Development Code, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
 - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 821, 907, and 705.B.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.

V. Incorporation of Record

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

VI. Board's Decision:

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

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 20th day of February **2024**, by the Polk County Board of County Commissioners.

**Polk County Board of
County Commissioners**

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

By: _____
George Lindsey, III, Chairman

By: _____
Deputy Clerk

Date rendered to the Clerk: _____

Exhibits to Board's Order

Exhibit A-Staff Report and Exhibits