

From: [Bolton, Robert](#)
To: [Kaufman, Angela](#)
Subject: LDCPAL-2022-15 US Hwy 27 Opposition
Date: Tuesday, January 24, 2023 1:52:24 PM
Attachments: [image001.png](#)

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: [Bolton, Robert](#)
To: [Kaufman, Angela](#)
Subject: FW: Case ID#44 (LDCPAL-2022-15)
Date: Friday, February 17, 2023 4:06:17 PM
Attachments: [image001.png](#)

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

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(863) 534-6468 Phone
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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: [Bolton, Robert](#); [Bohde, John](#)
Subject: [EXTERNAL]: Re: [EXTERNAL]: Re: [EXTERNAL]: Re: [EXTERNAL]: Re: Final Staff Report LDCPAL-2022-15
Date: Tuesday, June 6, 2023 3:33:46 PM
Attachments: [image001.png](#)

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 <AngelaKaufman@polk-county.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



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

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 <AngelaKaufman@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
<AngelaKaufman@polk-county.net> 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

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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 <AngelaKaufman@polk-county.net>

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>