

POLK CITY

PLANNING COMMISSION MEETING

February 6, 2023

Polk City Government Center
123 Broadway Blvd. SE

6:30 P.M.

AGENDA

CALL TO ORDER Chairman

PLEDGE OF ALLEGIANCE Chairman

ROLL CALL City Clerk

ESTABLISHMENT OF A QUORUM

MEETING MINUTES

October 3, 2022

September 12, 2022

A. Public Hearing Items:

Text Amendments to the Land Development Code

City-initiated text amendment to Section 2.05.02 of the Polk City Land Development Code to remove the requirement for City Council approval for boat slips/ramps and docks and remedy inconsistencies in the Code

B. Other Business

ADJOURNMENT

PLEASE NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED DURING THIS MEETING, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT, A PERSON WITH DISABILITIES NEEDING ANY SPECIAL ACCOMMODATIONS TO PARTICIPATE IN CITY MEETINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK, POLK CITY 123 BROADWAY BLVD SE, POLK CITY, FLORIDA 33868 TELEPHONE (863) 984-1375, AT LEAST 48HRS IN ADVANCE.

MEETING CANCELLED - NO QUORUM

PLANNING COMMISSION MEETING MINUTES

October 3, 2022

Chairman Gorski called the meeting to order at 6:01 pm.

Meeting was recessed due to a miscommunication of start time. Meeting was reconvened at 6:30 pm.

Those present recited the Pledge of Allegiance led by Chairman Gorski.

Present: Eugene Gorski, Robert Baker, David Prins, William Fienga

Absent: Edward Hanks, Antonio Thomas

Quorum Established

APPROVAL OF MINUTES - None

PUBLIC COMMENTS - None

ORDER OF BUSINESS

Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern

Jennifer Codo-Salisbury (CFRPC) discussed the applicant-initiated Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern "X" to change the Future Land Use from County Convenience Center -X to City Convenience Center-X on approximately 1.37 acres located at O State Road 33 North (parcel number 24-27-01-000000-021020).

Chairman Gorski opened the Public Hearing.

Lynn Newman (5045 Mt. Olive Shores Drive) – spoke regarding noise from traffic, light pollution from sit lighting, increased and acceleration water run-off from impervious surface replacement, impact to existing draining swale along the fence, added trash along fence line, continuing access to SR 33 vinyl fence for cleaning, changes to county setback rules.

Mr. Newman's concerns could not be addressed because there is no specific use at this time. No site plan has been submitted.

Mike Zukoski (5041 Southshore Drive) – would like more review done before final decisions are made.

Chad Brooker (Engineer of record for the applicant) provided reiterated that there is no specific use at this time and several more steps must be completed before any final decisions are made.

Doug Coverdell – (5035 Southshore) – discussed his displeasure with the setback rules of 20ft vs 50ft.

Chairman Gorski closed the Public Hearing.

Vice Chairman Baker asked who will have jurisdiction over this property.

City Manager Jackson responded Polk City.

Lengthy Discussion ensued.

Motion by Member Prins to approve forwarding the Future Land Use Amendment to the City Commission with a recommendation for approval; this motion was seconded by Chairman Gorski.

Motion carried 3/1 by Voice Vote.

Rezoning in the Green Swamp Area of Critical State Concern

Jennifer Codo-Salisbury (CFRPC) discussed the applicant-initiated rezoning in the Green Swamp Area of Critical State Concern "X" to change the zoning from County Convenience Center-X to City Convenience Center-X of approximately 1.37 acres located at O State Road 33 North (parcel number 24-27-01-000000-021020).

Chairman Gorski opened the Public Hearing.

Jerald Haggerty (Shoreline Drive) – asked why the zoning is being changed? He would like to see the Green Swamp preserved.

Dolly McMann (5029 Southshore Drive) Water build up and crime, dumpsters, and rodents.

Doug Coverdell – (5035 Southshore Drive) – discussed his displeasure with the rezoning.

Chairman Gorski closed the Public Hearing.

Vice Chairman Baker is remains concerned about the 20ft setbacks.

Motion by Member Prins to approve forwarding the rezoning amendment to the City Commission with a recommendation for approval; this motion was seconded by Member Fienga.

Motion carried 3/1 by Voice Vote.

City Manager Jackson provided a thorough explanation about the Zoning and Land Use and where we are in the process.

The property is not annexed at this time.

ADJOURNMENT- 7:30 pm

Patricia Jackson, City Manager/Clerk

Gene Gorski, Chairman

PLANNING COMMISSION MEETING MINUTES

September 12, 2022

Chairman Gorski called the meeting to order at 6:00 pm.

Those present recited the Pledge of Allegiance led by Chairman Gorski.

Present: Eugene Gorski, David Prins, Edward Hanks, William Fienga

Absent: Robert Baker, Antonio Thomas

Quorum Established

APPROVAL OF MINUTES

Motion by Member Fienga to approve the June 6, 2022 and August 7, 2022 Planning Commission Meeting) minutes; this motion was seconded by Chairman Gorski. **Unanimously approved by Voice Vote.**

ORDER OF BUSINESS

Easement Vacation: Applicant-initiated request to vacate existing easements on either side of Sweet Gum Lane between Lots #28 and #29 as depicted on the Sandy Pointe Subdivision Plat.

Jennifer Codo-Salisbury (CFRPC) provided a presentation, briefly discussed and addressed any questions or concerns from the Planning Commission Members.

Member Fienga asked why Polk City was doing this Easement Vacation?

Jennifer Codo-Salisbury and City Manager Jackson responded that the applicant wants to merge the lots. There were two lots, but Mrs. Borsje' split it into two, which requires two plat easements to be in place. The applicant has supplied all the information necessary for this process. City Staff and the City Attorney have reviewed all items for this process.

City Manager Jackson stated there were two lots originally, but when the Borsje's purchased the lots, they combined them into one large lot. Now someone is interested in the property, the Borsje's are dividing the lots. Its not the same schematic; therefore, a Re-Plat needs to be done. This easement needs to be moved in order for this to work.

Chairman Gorski opened the Public Hearing. No one spoke for or against this item. Chairman Gorski closed the Public Hearing.

Motion by Member Hanks to approve the Easement Vacation; this motion was seconded by Member Fienga.

Motion carried 4/0 by Voice Vote.

MEETING CANCELLED - NO QUORUM

Replat: Applicant-initiated re-plat of Lots #28 and #29 of the Sandy Pointe Subdivision Plat.

Jennifer Codo-Salisbury discussed that the property owner (Susan Borsje') has submitted a request to vacate the two existing easements on either side of Sweet Gum Lane between Lots #28 and #29 as shown on the Sandy Pointe Subdivision Plat for 133 Bayberry Drive. This is the same parcel as mentioned in the previous item. The proposed replat will provide two lots. Lot 1 to the north and Lot 2 to the south.

Chairman Gorski opened the Public Hearing. No one spoke for or against this item. Chairman Gorski closed the Public Hearing.

Motion by Member Prins to approve the Easement Vacation; this motion was seconded by Member Hanks.

Motion carried 4/0 by Voice Vote.

Small Scale Future Land Use Map Amendment: A City-initiated Small Scale Future Land Use Map Amendment to change the Future Land Use from Commercial to Residential Medium on approximately 0.27 acres located at 957 Lakeshore Drive (parcel number 25-26-33-000000-023100). This amendment corrects a mapping error.

Jennifer Codo-Salisbury discussed that this FLU map amendment on property located at 957 Lakeshore Drive. The city has as FLU with hundreds of maps on it and this is a simple mapping error. In an effort to do this cleanly, it was important to bring this before the Planning Commission in a Public Hearing to correct a mapping error in the FLU Map and the Zoning Map. Both maps show commercial; but should reflect Residential. Therefore, we would like to correct the mapping error to reflect both maps as Residential.

Chairman Gorski opened the Public Hearing. No one spoke for or against this item. Chairman Gorski closed the Public Hearing.

Motion by Member Prins to approve the change the Future Land Use from Commercial to Residential Medium on approximately 0.27 acres at 957 Lakeshore Drive. This amendment corrects a mapping error; this motion was seconded by Member Fienga.

Motion carried 4/0 by Voice Vote.

Rezoning: A City-initiated rezoning of approximately 0.27 acres located at 957 Lakeshore Drive from Commercial (C-2) to R-3 Single Family and Duplex (Parcel number: 25-26-33- 000000-023100). This rezoning corrects a mapping error.

Jennifer Codo-Salisbury discussed rezoning of the 0.27 acres at 957 Lakeshore Drive.

Member Fienga inquired about why we would not use a R-1 designation.

Jennifer Codo-Salisbury responded with the configuration of this property, the R-3 designation was the better fit and there is already a home on this subject property.

Chairman Gorski requested clarity on the lot sizes.

Jennifer Codo-Salisbury provided lot size information. Brief discussion ensued.

Chairman Gorski opened the Public Hearing. No one spoke for or against this item. Chairman Gorski closed the Public Hearing.

Motion by Member Prins to approve to change the Future Land Use from Commercial to Residential Medium on approximately 0.27 acres at 957 Lakeshore Drive. This amendment corrects a mapping error; this motion was seconded by Member Fienga.

Motion carried 4/0 by Voice Vote.

Land Development Code Amendment: City-initiated text amendment to the Polk City Land Development Code to address medical marijuana treatment center dispensing facilities.

Jennifer Codo-Salisbury provided a thorough presentation and discussion on the City-initiated text amendment to the Polk City Land Development Code to address Medical Marijuana Treatment Center Dispensing Facilities.

There are two options:

- 1 – Approve Medical Marijuana Treatment Center Dispensing Facilities
- 2 – Ban Medical Marijuana Treatment Center Dispensing Facilities

Whichever option is chosen, the language would be added to Polk City's Land Development Code.

Chairman Gorski opened the Public Hearing. No one spoke for or against this item. Chairman Gorski closed the Public Hearing.

Member Fienga asked if the upcoming Publix Pharmacy would have any bearing on this?

Jennifer Codo-Salisbury had no insight on Publix Pharmacy's involvement with the Medical Marijuana facilities. Also reiterating that all requirements must be met on a State level, prior to an applicant meeting the local government requirements.

After lengthy discussion, **Motion by Member Fienga** to approve forwarding Option #2 to ban the Medical Marijuana facilities to the City Commission for final approval; this motion was seconded by Member Prins.

Motion carried 4/0 by Voice Vote.

ADJOURNMENT- 7:20 pm

Patricia Jackson, City Manager/Clerk

Gene Gorski, Chairman



**POLK CITY PLANNING COMMISSION
TEXT AMENDMENT TO POLK CITY LAND DEVELOPMENT CODE
CONCERNING BOAT DOCKS AND RAMPS**

OVERVIEW

February 6, 2023

TO: Polk City Planning Commission

FROM: Central Florida Regional Planning Council

SUBJECT: **Text Amendments to the Land Development Code:**
City-initiated text amendment to Section 2.05.02 of the Polk City Land Development Code to remove the requirement for City Council approval for boat slips/ramps and docks and remedy inconsistencies in the Code.

AGENDA DATE:

Planning Commission Meeting: February 6, 2023 at 6:30 PM
City Commission Meeting (First Reading): February 21, 2023 at 7:00 PM
City Commission Meeting (Second Reading): March 21, 2023 at 7:00 PM

PLANNING COMMISSION MOTION OPTIONS:

1. Move to forward the proposed text amendments to the City Commission with a recommendation of **approval**.
2. Move to forward the proposed text amendments to the City Commission with a recommendation of **approval with changes**.
3. Move to forward the proposed text amendments to the City Commission with a recommendation of **denial**.

MEETING CANCELLED - NO QUORUM

SUMMARY OF PROPOSED TEXT AMENDMENTS:

The Florida Department of Environmental Protection (FDEP) is the acting agency responsible for permitting boat docks and ramps in the state of Florida. Currently, the City's Land Development Code establishes provisions requiring the City Commission to review and approve such activities. To ensure consistency with permitting requirements established by FDEP, the City Commission has expressed the desire to remove certain standards set forth in the City's Land Development Code and the requirement for the City Commission to review and approve boat docks and ramps.

PROPOSED TEXT AMENDMENTS:

The proposed amendments to the Land Development Code (LDC) are provided below. Text that is underlined is text to be added and text that is shown as ~~strike out~~ is to be removed.

2.05.02 Boat Slips/Ramps and Docks

Boat slips/ramps, docks, boat houses and fishing piers are permitted in all districts as an accessory use. Private boat slips/ramps and docks may be constructed by the owner on any lot bordering a lake, providing they comply with the following:

- (A) Docks shall not extend into the lake a distance greater than fifty (50) feet measured from the Ordinary High-Water Line. ~~regulatory water line, which shall be established by the City Council on any lake that is not a meandering lake.~~
- (B) In residential districts, no boat house or permanent structure covering a dock, pier, boat slip or boat ramp is permitted beyond the regulatory water line. Permanent accessory structures may be permitted landward of the regulatory water line, when permitted and constructed in accordance with all pertinent codes of Polk City.
- (C) ~~No permit shall be issued for a boat house, dock, pier, boat slip or boat ramp, except with the review and approval of the City Council. The applicant shall provide to the Building Official complete plans, specifications and details, at least thirty (30) days prior to a regular meeting of the City Council at which the proposed structure is to be considered. The Building Official shall determine if such plans meet all requirements of this Code, any state or other governmental rules or regulations and transmit his findings to the City Council. The applicant shall post a cash or surety bond, as the City Council may determine, to assure that the work proposed is completed in a manner fully consistent with an approved Development Order.~~