

POLK CITY
PLANNING COMMISSION MEETING

February 5, 2024

Polk City Government Center
123 Broadway Blvd. SE

6:00 p.m.

AGENDA

CALL TO ORDER	Chairman
PLEDGE OF ALLEGIANCE	Chairman
ROLL CALL	City Manager Patricia Jackson

ESTABLISHMENT OF A QUORUM

APPROVAL OF MEETING MINUTES – January 8, 2024

NEW BUSINESS

1. Public Hearing

Zoning Map Amendment: The Applicant, Boyd D Stephens and Laura J Stephens Revocable Trust, is requesting a Zoning Map amendment from Single Family Residential (R-1) to Planned Unit Development (PUD) on approximately 15.45 acres in Polk City, located on the east side of Berkley Road (Parcel numbers 252632-000000-022020 and 252632-000000-022030)

- 2. Conditional Use Permit – Special Events Facility:** This item needs to be tabled to the next meeting as the applicant is still working to provide required documents.

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.

PLANNING COMMISSION MEETING MINUTES

January 8, 2024

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

Those present recited the Pledge of Allegiance led by Vice-Chairman Baker.

Present: Robert Baker, David Prins, Edward Hanks, Ricky Wilson

Absent: Antonio Thomas

Quorum Established

APPROVAL OF MINUTES

Motion by Member Hanks to approve the August 7, 2023, Planning Commission Meeting Minutes as presented; this motion was seconded by Vice-Chairman Baker.
Approved by Voice Vote 4/0.

PUBLIC COMMENTS - None

Selection of Chairman

Motion by Member Prins to nominate Robert Baker to serve a one-year term as Chairman; this motion was seconded by Member Wilson.

Motion carried 4/0 by Voice Vote.

Selection of Vice Chairman

Motion by Member Prins to nominate Ricky Wilson to serve a one-year term as Vice-Chairman; this motion was seconded by Chairman Baker.

Motion carried 4/0 by Voice Vote.

ORDER OF BUSINESS

PUBLIC HEARING

Future Land Use Map Amendment

Marissa Barmby discussed the Applicant, Dwayne Prestage, is requesting a Future Land Use Map amendment from Convenience Center-X (CCX) to Residential Suburban-X (RSX) on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-644210).

Mrs. Barmby clarified the correct designation is RLX.

Mr. Prestage wants to construct a family home. This home will be in the Green Swamp and does not have to abide by the Green Swamp rules.

No comments or questions.

Motion by Member Prins to approve the Future Land Use Map Amendment from CCX to RSX to the City Commission; this motion was seconded by Chairman Baker.

Motion carried by Voice Vote 4/0.

Zoning Map Amendment

Marissa Barmby also discussed the Applicant, Dwayne Prestage, is requesting a Zoning Map amendment from Convenience Center-X (CCX) to Residential Suburban-X (RSX) on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210). This is a companion to the Future Land Use Amendment.

Motion by Member Prins to approve the Future Land Use Map Amendment from CCX to RLX to the City Commission; this motion was seconded by Chairman Baker.

Motion carried by Voice Vote 4/0.

Preliminary Site Plan - Polk City Retail Plaza

Marissa Barmby discussed the applicant, Wagh Deelip and Manjani N Aswad, is requesting preliminary site plan approval of a 9,720 square-foot retail plaza located on approximately 1.37 acres in Polk City, located at O SR 33 (Parcel number 242701-000000-021020).

Kathy Delp explained that the Engineering plans have not been submitted yet. If there are changes to the Site Plan, the applicant will have to re-submit.

Vice-Chairman Wilson inquired about the noise buffers.

Mrs. Delp responded that the deliveries could be restricted to daytime hours. But they will be retail. No deliveries after 10 pm and nothing before 7 am.

If FDOT alters any of what has been submitted, then the applicant must come back to the Planning Commission.

Chairman Baker open the Public Hearing.

Deborah Smith (505 Southshore Drive) discussed traffic and security concerns. Does not want this in her backyard.

Mike Zolkowski (5041 Southshore Drive) – Discussed delivery times, sound barrier, and drainage problems. Is this area going to turn into a four-lane. Chairman Baker stated Polk City has no control over SR 33.

Lynn Newman (5045 Mt. Olive Shores Drive) stated the surface area on the lots have been increased to avoid the problem.

Chairman Baker stated we can't tell the developer/owner what they can or cannot do, but they must meet all requirements.

Member Hanks asked the Engineer if they had any concerns about the delivery times. He stated...No!

Chairman Baker Closed the Public Hearing.

This item will go to the City Commission for First Reading, and then to the DCA (Tallahassee) for a detailed review, and if no additional changes are warranted, it will go back to the City Commission for Second and Final Reading.

Motion by Member Prins to approve with conditions as stated; this motion was seconded by Chairman Baker.

Motion carried by Voice Vote 4/0.

Conditional Use Permit-Special Events Facility

Marissa Barmby discussed the applicant Gary Hoshing, is requesting a Conditional Use permit approval for a special events facility situated on approximately 2.09 acres in Polk City, located at 545 Orange Boulevard (Parcel number 252633-296500-045020).

Chairman Baker opened the Public Hearing.

Gary Hoshing described in detail what special events involved at this facility would entail.

Mrs. Barmby stated that this facility cannot be used for food truck events unless they are a part of the event itself.

Mr. Hoshing stated he is interested in putting up red Cedar trees and the irrigation is already in place.

Mr. Hoshing was instructed to update the Site Plan before the revision could proceed to the City Commission.

There can be no more than twelve (12) events per year.

Mr. Hoshing should get the buffer situation done before the next meeting.

Mrs. Barmby and Mrs. Delp will schedule a meeting with Mr. Hoshing to go over the details. Therefore, this item should be tabled until the next month's meeting.

Motion by Chairman Baker to table this item until next month; the motion was seconded by Member Hanks.

Motion carried by Voice Vote 4/0.

ADJOURNMENT- 7:25 pm

Patricia Jackson, City Manager/Clerk

Bob Baker, Chairman



**CITY OF POLK CITY
ZONING MAP AMENDMENT
OVERVIEW REPORT
FEBRUARY 5, 2024**

TO: POLK CITY PLANNING COMMISSION
FROM: Central Florida Regional Planning Council
SUBJECT: APPLICANT-INITIATED OFFICIAL ZONING MAP AMENDMENT

A request by Boyd D Stephens and Laura J Stephens Revocable Trusts to amend the official zoning map designation for property from Single Family Residential (R-1) to Planned Unit Development (PUD) on approximately 15.45 acres in Polk City, located on the east side of Berkley Road north of Lakeview Drive and south of Crape Myrtle Lane (Parcel numbers 252632-000000-022020 and 252632-000000-022030).

PLANNING COMMISSION MEETING DATE:

Planning Commission Meeting: February 5, 2024 at 6:00 PM
City Commission Meeting (First Reading): February 20, 2024 at 7:00 PM
City Commission Meeting (Second Reading): March 19, 2024 at 7:00 PM

OWNER/APPLICANT: Boyd D Stephens and Laura J Stephens Revocable Trusts
Jeff Stephens, Representative

ATTACHMENTS:

- Location Map
- Aerial Map
- Existing Zoning Map
- Proposed Zoning Map
- Master Development Plan
- Sect. 2.04.02.16 Planned Unit Development District
- Application

PROJECT DESCRIPTION/REQUEST:

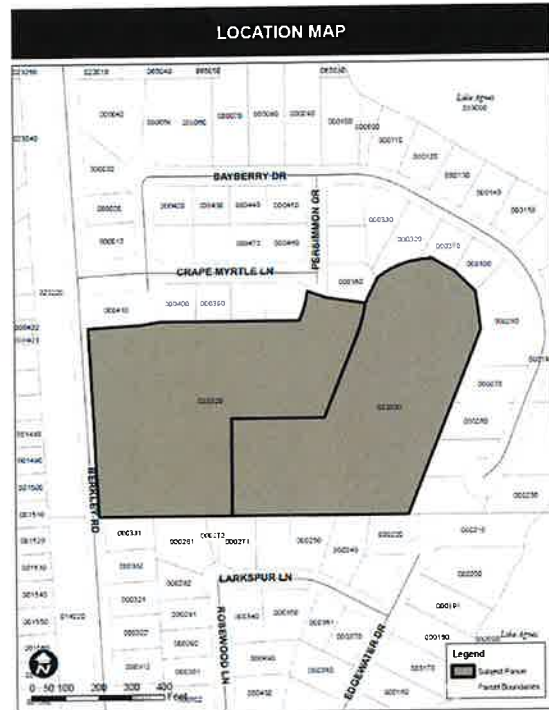
Background

The property, which is located on the east side of Berkley Road north of Lakeview Drive and south of Crape Myrtle Lane, includes two parcels, comprising approximately 15.45 acres of land (per Polk County Property Appraiser). The land is presently vacant.

Sandy Pointe was originally planned as three phases. This portion includes what would have been phases II and III. The property related to the zoning map amendment request includes Low Density Residential (LDR) Future Land Use.

Request

The applicants, Boyd D Stephens and Laura J Stephens Revocable Trusts, are requesting an applicant-initiated rezoning of approximately 15.45 acres located on the east side of Berkley Road north of Lakeview Drive and south of Crape Myrtle Lane from Single Family Residential (R-1) to Planned Unit Development (PUD) to allow for 61 single family homes as Sandy Pointe Phase II. This use correspond with the Residential Low Future Land Use designation.



ZONING MAP AMENDMENT	
Applicant	Boyd D Stephens and Laura J Stephens Revocable Trusts
Property Owner	Boyd D Stephens and Laura J Stephens Revocable Trusts
Property Size	15.45 acres
Parcel ID	252632-000000-022020 (7.98 acres) 252632-000000-022030 (7.47 acres)
Future Land Use	Residential Low
Zoning	Existing: R-1 Single Family Residential Use Proposed: Planned Unit Development

SITE ANALYSIS:

Description of Property

The property is currently vacant.

Zoning

The property includes two parcels that have an assigned zoning designation of Single Family Residential (R-1) as shown on the Existing Zoning Map. This request is to change the Zoning on parcels totaling 15.45 acres to Planned Unit Development (PUD) to allow for 61 single family dwelling units.

A description of each existing Zoning designation as defined in the City of Polk City's Land Development Code is provided below.

2.04.02.03 R-1 Single Family Residential

- (B) *Purpose:* To establish areas which are uniquely appropriate for low density residential neighborhoods with ample open space and outdoor living areas; and to establish development standards appropriate to ensure proper development and a low-density residential environment.

2.04.02.16 Planned Unit Development District.

- (B) *Purpose*
 1. The planned unit development district is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments (PUD), which are not provided for or allowed in the zoning districts otherwise established by this chapter.

Table 1 includes the density/intensity for the existing and proposed Zoning designations for the property.

**Table 1:
Analysis of Impacts from Proposed Zoning change**

	Existing Zoning: R-1 (15.45 acres)	Proposed Zoning: PUD (15.45 acres)
Density/Intensity	R-1: 2.5 du/acre	4.0 du/gross acre (Based on LDR)
Density Potential	38 DU	61 DU
Difference	Increase of 23 DU	

Table 2 includes the development standards required for the R-1 zoning district.

**Table 2:
Development Standards for R-1 Zoning District**

Zone	Max. Density (units/acre)	Min. Lot Size (sq.ft.)	Min. Lot Width (feet)	Min. s.f. of dwelling unit	Setbacks (feet)			Max. Lot Covg. (%)	Max. Bldg. Height (feet)
					Front	Rear	Sides		
R-1	2.5	15,000	100	1,200	30	20	15	45%	40

LAND USE COMPATIBILITY

Northwest	North	Northeast
Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family	Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family	Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family
West	Subject Parcels	East
Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family	Future Land Use: Residential Low Zoning: <u>Existing: R-1</u> <u>Proposed: PUD</u> Existing Land Use: Vacant	Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family
Southwest	South	Southeast
Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family	Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family	Future Land Use: Residential Low Zoning: Single Family Residential (R-1) Existing Land Use: Single Family

PUBLIC FACILITIES AND SERVICES ANALYSIS:

This is an infill residential development. The subject property will be required to undergo concurrency review during the development approval process. The following is an analysis of current conditions and capacity of public facilities that would be impacted by maximum development of the site.

Potable water

To estimate potential potable water consumption for residential component, it is estimated that for residential uses, approximately 110 gallons per capita per day (gpcpd) can be assumed. Below are the estimates for the subject parcels using this equation:

- *Estimated water consumption for Residential based on maximum development potential of 61 residential dwelling units and 2.75 people per household:*

$$[61 \text{ units} \times 2.75 \text{ people per household} = 168 \text{ people}] \times [110 \text{ (gpcpd)}] = 18,480 \text{ gpcpd}$$

The City's water use permit (WUP) allows an average pumping of 967,200 gallons per day. Average daily water use in Polk City is 486,543, or one-half of its WUP capacity. No negative impacts are anticipated at this time. When development occurs on the subject parcel, the developer would be required to extend municipal water service to the site, and

the City would require additional potable water calculations to be performed to address the possible need for additional permitted capacity.

Wastewater

To estimate potential wastewater treatment for the residential component, it is estimated that for residential uses, approximately 100 gallons per capita per day (gpcpd) can be assumed. Below are the estimates for the subject parcels using this equation:

- *Estimated wastewater treatment for Residential based on maximum development potential of 61 residential dwelling units and 2.75 people per household:*

$$[61 \text{ units} \times 2.75 \text{ people per household} = 168 \text{ people}] \times [100 \text{ (gpcpd)}] = 16,800 \text{ gpcpd}$$

The current treatment capacity of the Mount Olive Treatment Plant is 215,000 gallons per day, and the current volume treated is approximately 93 percent of capacity. No negative impacts are anticipated at this time. When development occurs on the subject parcel, the developer would be required to extend municipal wastewater service to the site, and the City would require additional wastewater calculations to be performed to address the possible need for additional permitted capacity.

Traffic Circulation

The project connects to Berkley Road via Crape Myrtle Lane. Berkley Road is an FDOT maintained right-of-way. A traffic study was completed as part of the application. Findings of the study include:

- The proposed development is projected to generate 641 new daily trips, of which 48 trips occur during the AM peak hour and 62 trips occur during the PM peak hour.
- The roadway segment capacity analysis reveals that the study roadway segment currently operates within adopted capacity and is projected to continue to operate at an adequate Level of Service (LOS) at the project buildout.
- The intersection capacity analysis reveals that all study intersections are projected to continue to operate within capacity at buildout conditions.
- Ingress turn lanes are not required at the project entrance on Berkley Road.

Drainage

Stormwater Level of Service is based on each new development project meeting the standards as reviewed and permitted by Southwest Florida Water Management District (SWFWMD). Development of the site will have to meet SWFWMD standards during the site plan approval process.

Recreation

The proposed Planned Unit Development will create minimum impacts on the recreation system.

Solid Waste

Polk County plans solid waste capacity for all municipalities in Polk County as well as unincorporated Polk County. Solid waste capacity would not be adversely impacted by the proposed Planned Unit Development.

School Concurrency

To be provided by the School Board of Polk County.

Emergency Services

The County provides police protection, EMS, and fire protection.

PROPOSED CONDITIONS OF APPROVAL

1. The Sandy Pointe Phase II Planned Unit Development shall consist of 61 single family dwelling units that meet the following requirements for single-family lots.

Min Lot Width	Setbacks			Min Lot Size	Max Lot Coverage	Max Building Height
	Front	Rear	Side			
50'	25'	10' 20' for Lots 22-27 and 44-47	5'	5,500	50%	35'

2. All roads must be privately owned and maintained.
3. Wastewater must be extended to the site.
4. Open Space (Tract D) shall be maintained for use of residents to access the sidewalk adjacent to Berkley Road.
5. The Applicant has submitted preliminary subdivision plans meeting the requirements of Section 7.05.04.01 and staff has completed review. The Master Development Plan as approved through this Planned Unit Development Ordinance shall serve as the Preliminary Subdivision Plans for the Sandy Pointe Phase II subdivision. Consistent with Section 7.05.04.02, the Preliminary Subdivision Plan shall remain valid for one year from the date of approval. The full set of Preliminary Subdivision Plans are on file with the City.
6. The proposed project shall meet all regulations of the City of Polk City, Florida.
7. Proposed developmental area of this site shall be limited to the uses and proposed site design that shall be approved by the Planning Commission and the City Commission.
8. Any modification to the approved Site Plan shall be approved by the Planning Commission and the City Commission unless the proposed modifications are minor and in accordance with the City's ULDC.
9. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, fencing, and specific building sites, construction shall commence within 90 days after completion of clearing and grubbing.

10. The Applicant shall provide discharge control and treatment of the stormwater run-off in accordance with all applicable agency requirements in effect at the time of the permit application. The drainage system shall be maintained in an acceptable condition in accordance with the stormwater management plan.
11. The Applicant shall enter into a recordable developer's agreement for the provision of water and wastewater service by Polk City. At a minimum, said agreement shall provide for the connection of the Property to the City's water and wastewater system, extension of the City's existing wastewater pipeline to the Property at the expense of the Applicant, construction and installation of all onsite and proximate offsite improvements necessary for the City to provide water and wastewater service to the Property, and for payment of applicable water and wastewater capital charges to the City for water and wastewater service capacity adequate to service the development within the Property.

PLANNING COMMISSION MOTION OPTIONS:

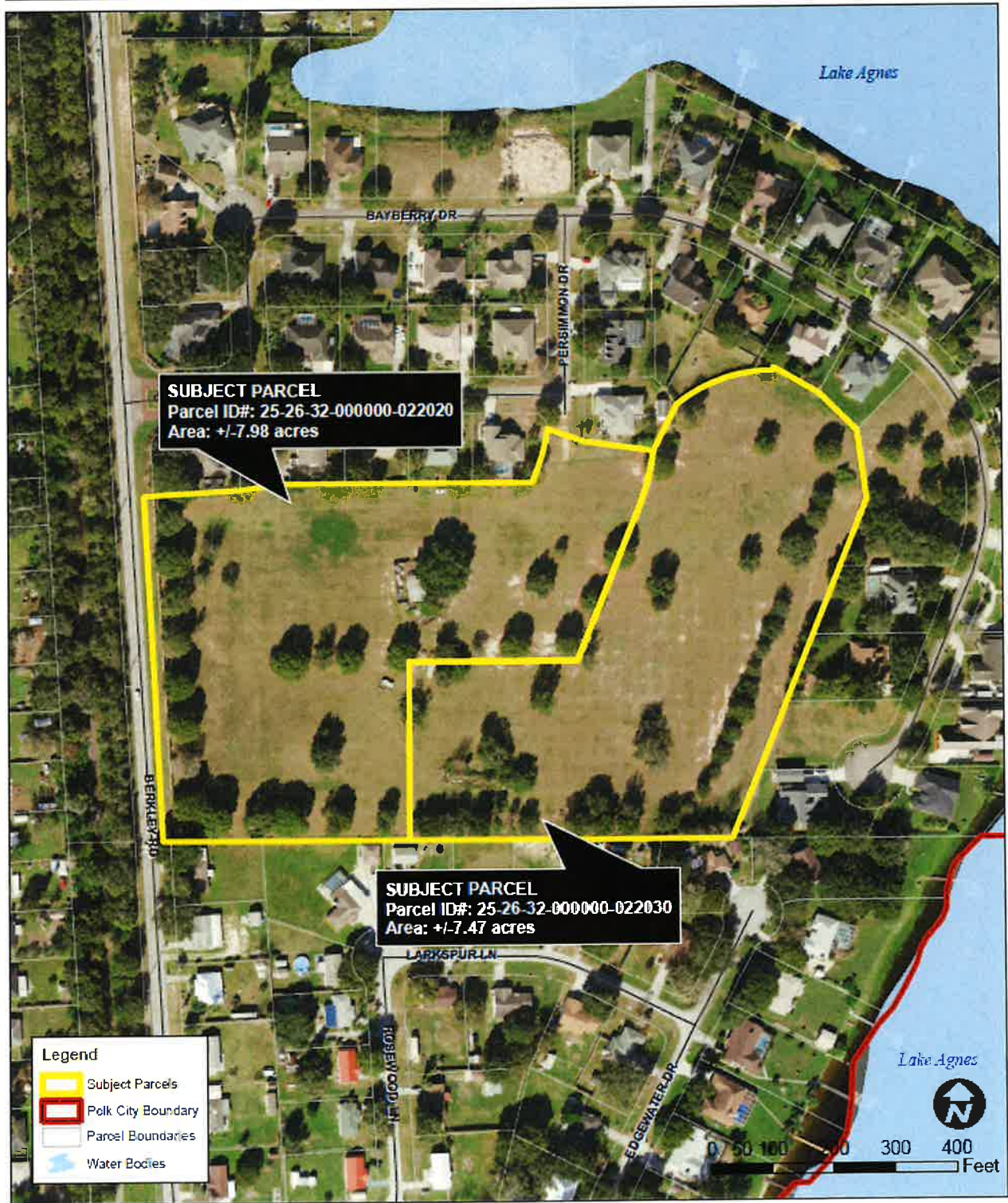
Options for motions are listed below.

1. Forward the Rezoning request to the City Commission with recommendation for approval with conditions.
2. Forward the Rezoning request to the City Commission with recommended changes and recommendation for approval with conditions.
3. Forward the Rezoning Amendment to the City Commission with recommendation for denial.

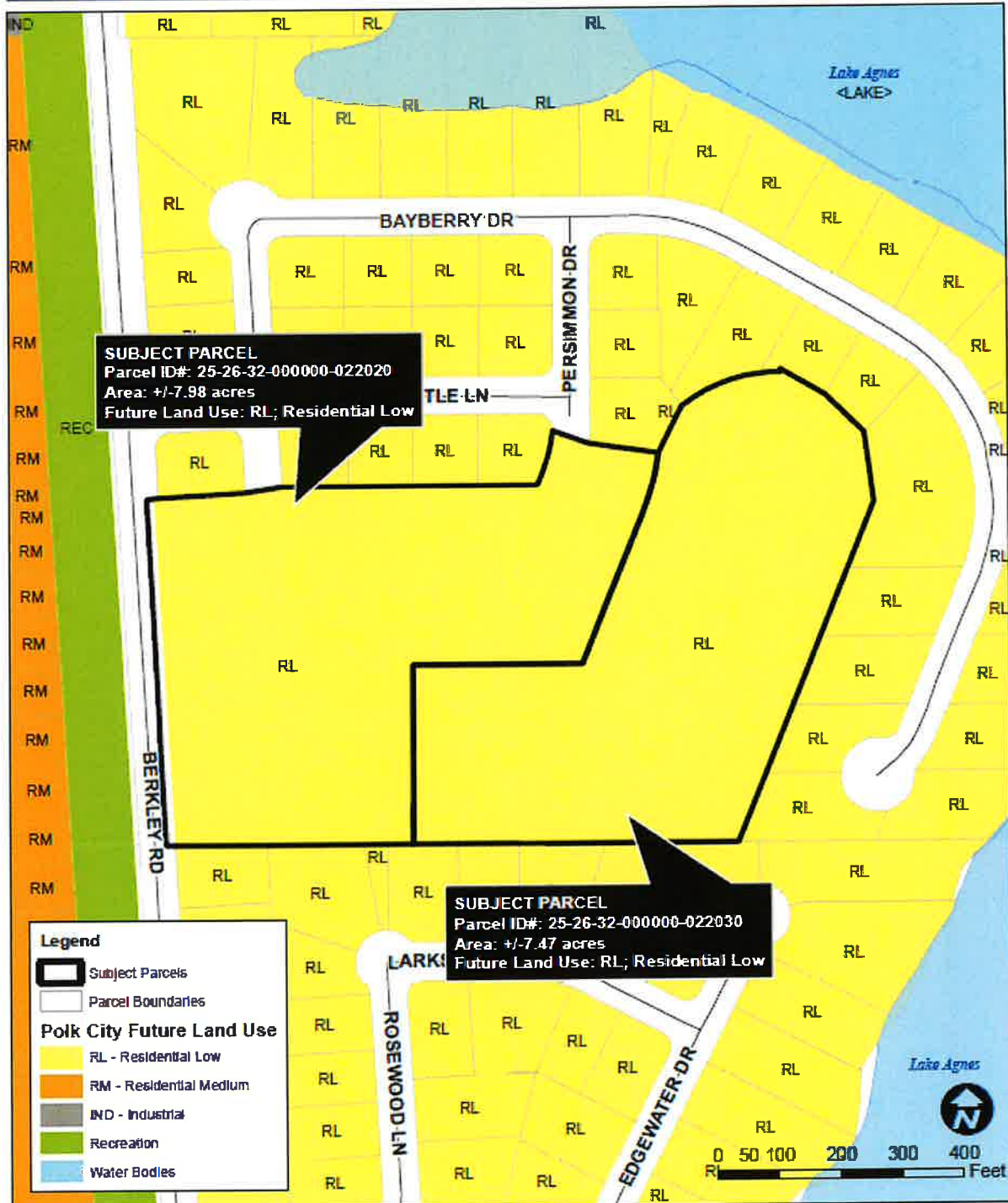
LOCATION MAP



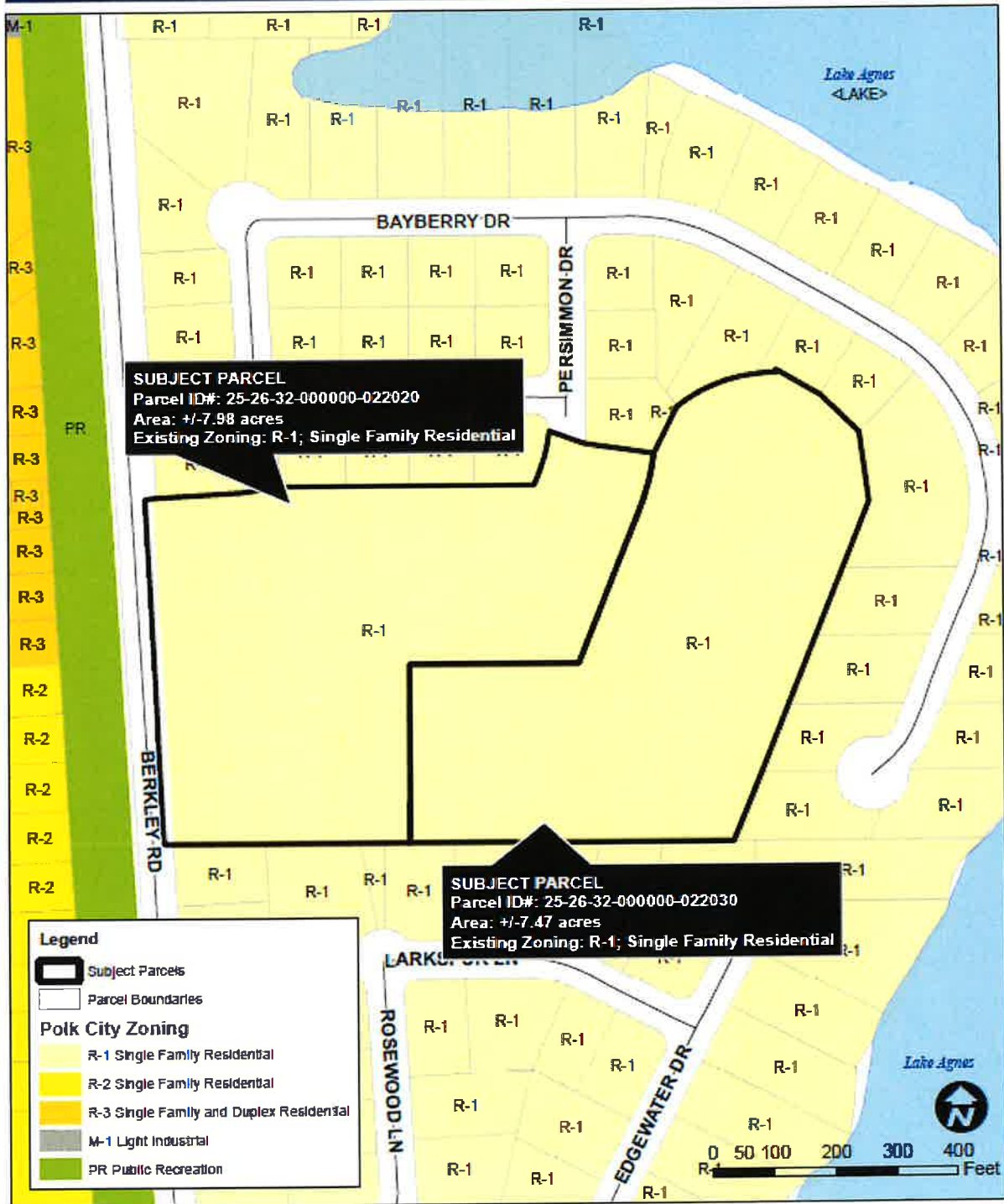
POLK CITY AERIAL PHOTO MAP



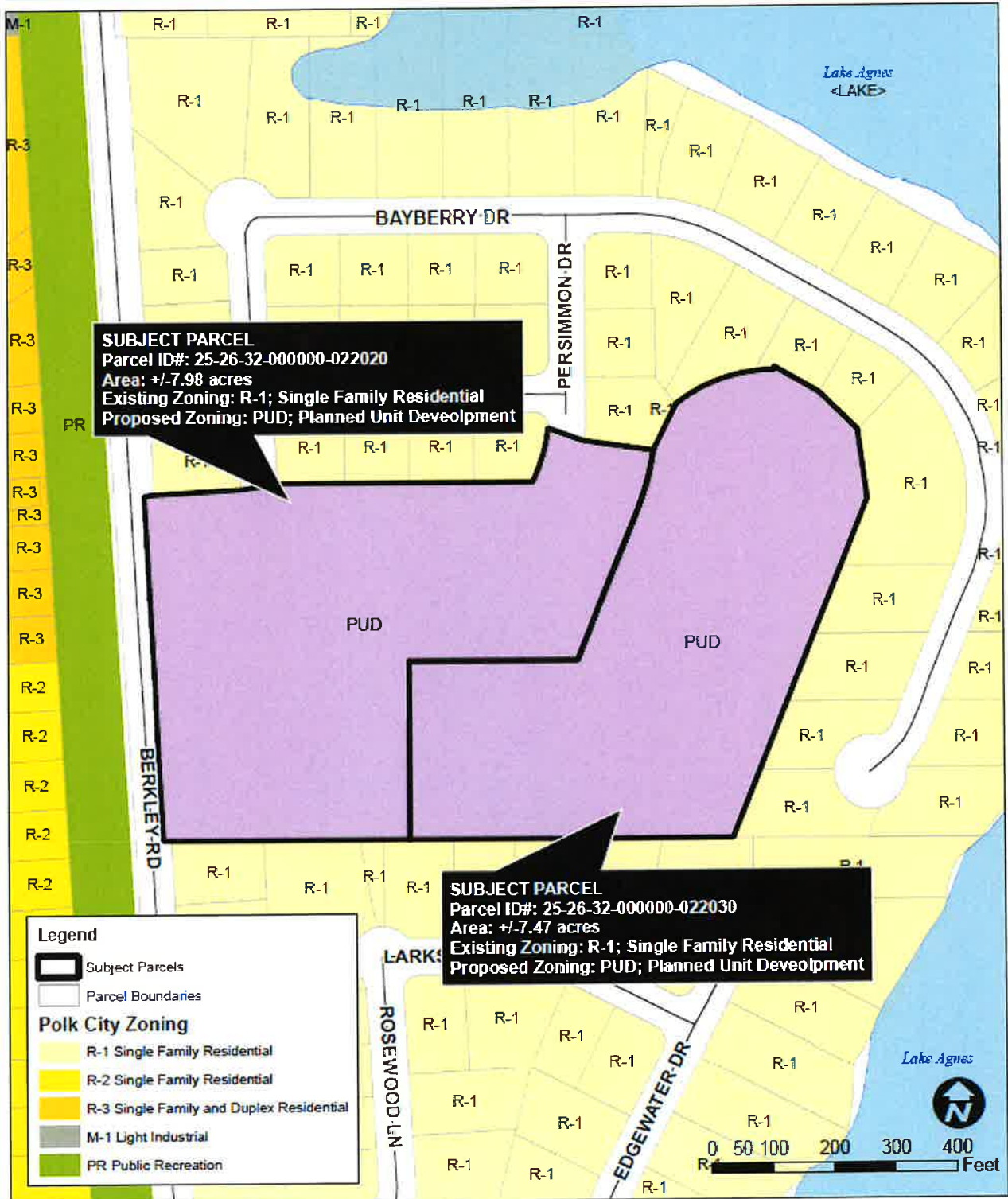
POLK CITY FUTURE LAND USE MAP

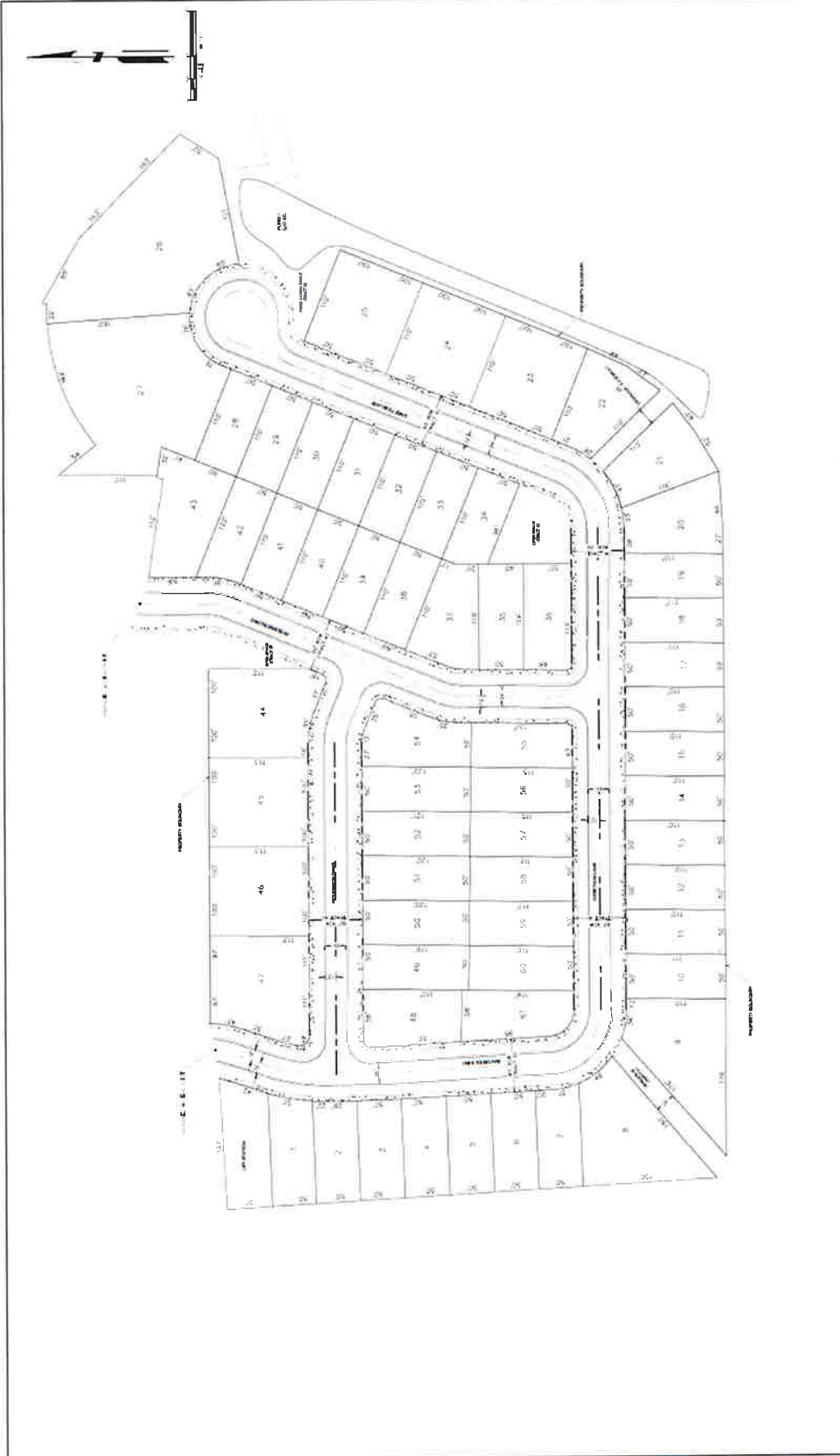


POLK CITY EXISTING ZONING MAP



POLK CITY PROPOSED ZONING MAP





<p>DSE</p> <p>DAVE SCHMITT ENGINEERING, INC. 12301 LAKE WINDS AVENUE, BLDG. 200 ORLANDO, FL 32828 (407) 222-1234 GCSCHMITT@AOL.COM</p>	<p>CONSTRUCTION SCHEDULE</p> <p>1. Make note that the "Schedule" is only a guide. It is not a contract. It is subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.</p> <p>2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.</p>		<p>DATE</p> <p>DESCRIPTION</p> <p>DATE</p> <p>DESCRIPTION</p>		<p>DATE: JULY 2012</p> <p>PROJECT NO.: 07-14</p> <p>DRAWN BY: JDS</p> <p>CHECKED BY: DMS</p> <p>SCALE: 1"=50'</p> <p>SHEET: 24 OF 28</p>
	<p>04 LOT DIMENSION PLAN - 04</p> <p>SANDY POINTE PHASE 2</p> <p>CITY OF POLK CITY, FLORIDA</p>				

2.04.02.16 Planned Unit Development District

(A) *FLUM designation:* The primary use of a Planned Use Development must be consistent with the future land use designation of the property.

(B) *Purpose and intent.*

1. The planned unit development district is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments (PUD), which are not provided for or allowed in the zoning districts otherwise established by this chapter.
2. The standards and procedures of this district are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while at the same time reserving to the City Council the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare. In so doing, the PUD district is designed to:
 - a. Promote more efficient and economic uses of land, including bypassed lands.
 - b. Encourage more compatible and harmonious development of contiguous lands.
 - c. Promote home ownership opportunities for all residents of the community.
 - d. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
 - e. Be totally controllable based on the needs of the city, in terms of the impact on the proposed site and surrounding neighborhoods.
 - f. Encourage uses of land, which reduce transportation needs and which conserve energy and natural resources.
 - g. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscaping features and amenities.
 - h. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land- development procedures.
 - i. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
 - J. Accomplish more desirable living and working environments than

would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations.

- k. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a planned unit development.
- l. Provide an environment of stable character compatible with surrounding developments.
- m. Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection of preservation of lands, either internal or external to the planned unit development.

(C) *Voluntary use.* The PUD district shall be a voluntary process commenced by an applicant for PUD (zoning designation). The city shall not initiate a PUD rezoning on privately owned property or designate specific lands for planned unit development in its adopted Comprehensive Plan.

(D) *Minimum conditions for approval.* The approval of planned unit development rezoning or development plan may not be approved unless the following minimum conditions are met:

- 1. The minimum size of the proposed development shall be five (5) acres for a residential development and two (2) acres for a nonresidential development.
- 2. Minimum setbacks at the perimeter of the development shall be equal to those of the abutting districts. Otherwise, there shall be no minimum lot size, setbacks, percentage of lot coverage, or lot width except as specified in the PUD approval document.

(E) *Permitted uses.* Except where certain uses are specifically disallowed or restricted as part of the PUD approval:

- 1. In a commercial PUD, the uses allowed in Polk City's C-1 and C-2 zoning districts may be permitted as principal or accessory uses.
- 2. In an industrial PUD, the uses allowed in Polk City's M-1 and M-2I-H zoning districts may be permitted as principal or accessory uses.
- 3. In a residential PUD, the following uses shall be permitted:

- a. Dwelling, one-family;
- b. Dwelling, two-family;
- c. Dwelling, multifamily;
- d. Townhouses;
- e. Public and private recreation facilities;
- f. Churches and other houses of worship;
- g. Child and adult daycare centers;
- h. Convenience, goods, retail and personal service stores primarily intended and designed to service the residents of the PUD;
- i. Essential services;
- j. Home occupations subject to the provisions contained herein.

(F) *Internal compatibility.* All land uses within the proposed development shall be compatible with other proposed uses. The planning commission and the city council shall consider the following factors in judging internal compatibility:

1. The streetscape.
2. The existence or absence of, and the location of, open spaces, plazas, recreational areas and common areas.
3. The use of existing and proposed landscaping.
4. The treatment of pedestrian ways.
5. Focal points and vistas.
6. The use of the topography, physical environment and other natural features.
7. Traffic and pedestrian circulation pattern.
8. The use and variety of building setback lines, separations and buffering.
9. The use and variety of building groupings.
10. The use and variety of building sizes and architectural styles.
11. The use and variety of materials.
12. The separation and buffering of parking areas and sections of parking areas.
13. The variety and design of dwelling types.
14. The particular land uses proposed and the conditions and limitations thereon.
15. The form of ownership proposed for various uses.
16. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the proposed development.

(G) *External compatibility.* All proposed land uses shall be compatible with existing and planned uses of properties surrounding the proposed

development. The planning commission and the city council shall consider the following factors in judging external compatibility:

1. All of those factors listed in the preceding section, with particular attention to those areas of the development located on or near its perimeter and the conditions and limitations thereon.
2. The particular uses proposed near the development perimeter and the conditions and limitations on those uses.
3. The type, number and location of surrounding external uses.
4. The Comprehensive Plan goals and objectives and zoning regulations for surrounding external uses.
5. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed development and any existing or planned use of such lands.

(H) *Intensity of development.* The residential density and intensity of use of a development plan shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands. Within the policy limitations of the Comprehensive Plan, the permitted residential density and intensity of use in a proposed development may be adjusted upward or downward in consideration of the following factors:

1. The location of various proposed uses within the development and the degree of compatibility of such uses with each other and with surrounding uses.
2. The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the development.
3. The existing residential density and intensity of use of surrounding lands.
4. The availability and location of utilities services and public facilities and services.
5. The amount and size of open spaces, plazas, common areas and recreation areas.
6. The use of energy-saving techniques and devices, including sun and wind orientation.
7. The existence and treatment of any environmental hazards to the development of surrounding lands.
8. The access to and suitability of transportation arteries proposed within the development and existing external transportation systems and arteries.
9. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare and safety.

(I) *Open spaces, plazas and recreation.* Open spaces, plazas and recreation areas provided within a development plan shall be evaluated based on

conformance with the goals and objectives of the Comprehensive Plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive natural areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

- (J) *Sidewalks, trails, bikeways.* The design of a development plan should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways to provide for a variety of transportation alternatives.
- (K) *Environmental constraints.* The site of the proposed development shall be suitable for use without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. The condition of the soil groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended.
- (L) *Internal access and circulation.* Every dwelling unit or other use permitted in a development plan shall have access to a public street either directly or by way of a private road, pedestrian way, common area guaranteeing access. Private roads and other access ways shall be required to be constructed to ensure that they are safe and maintainable.
- (M) *External transportation access.* The proposed development shall be located on, and provide access to, a major street as designated in the Comprehensive Plan unless, due to the size of the development and the type of uses proposed, it will not adversely affect the type or amount of traffic adjoining local streets.
- (N) *Off-street parking.* Sufficient off-street parking and loading facilities for bicycles and other vehicles as well as cars shall be provided. The requirements of Section 3.03.00 of this chapter shall be used as a general guide in determining the needs for such facilities. Parking areas shall be constructed in accordance with such standards as are approved by the city council to ensure that they *are* safe and maintainable and that they allow for sufficient privacy for adjoining uses.
- (O) *Public facilities.* No development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.

- (P) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city attorney that the applicant is in complete and unified possession and control of the entire area of the proposed planned unit development, whether the applicant shall provide to the city all necessary documents and information that may be required by the city attorney to ensure that the development project may be lawfully completed according to the plans submitted. No application shall be considered until the requirements of this section have been fully complied with.
- (Q) *Phasing.* The city council may permit or require the phasing or staging of the proposed development. When provisions for phasing are included in the development plan, each phase of development must be planned and related to previous development, surrounding properties, and the available public facilities and services so that a failure to proceed with subsequent phases will not adversely affect public facilities or interests, or surrounding properties.
- (R) *Development time limits.* The city council shall establish reasonable periods of time for the completion of the total proposed development, any development phases, any dedicated public facilities which *are* part of the development; and facilities planned for common areas. These time limits may be extended by the city council for reasonable periods upon the petition of an applicant for an amendment to the development plan and based upon good cause, as determined by the city council. Any extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. **If** time limits contained in the approved development plan *are* not complied with and not extended for good cause, the city council may rezone the property or any part of it or amend the approved development plan so as to best protect adjoining properties and the public health, safety and welfare.
- (S) *Bonds.* The city council may include in the development plan requirements for bonds (or appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the development plan, for the benefit of the city and purchasers from the applicant, when the development time limits and phasing schedule do not preclude the sale of individual units prior to the completion of such facilities. In the event that a requirement for bonds or appropriate alternative is not provided for in the plan, then the requirements for such bonds required in this chapter shall be complied with.
- (T) *Applicability of other chapters.* All building code, housing code and other land use regulations of the city *are* applicable to the PUD district, except for those permitting special exceptions and variances and except to the extent that they conflict with a specific provision of the approved

development plan. Analogous land use regulations applying to other areas of the development shall be as determined by the city council as part of the approved development plan or, if not determined therein, during the site plan approval process set forth in this chapter, giving due regard to the purpose of each such regulation and the similarity of each area of the planned unit development to other zoning districts in terms of permitted uses.

(U) *Variiances applicable to the planned unit development.* A property within a planned unit development may apply for a variance provided that all of the following criteria are met:

1. The development order does not prohibit individual property owners from applying for variances.
2. The variance request is not contrary to the recorded covenants and deed restrictions.

(V) *Administrative procedures.* A PUD shall be adopted in the same manner as a rezoning ordinance, except that it shall contain a conceptual site plan demonstrating or requiring compliance with conditions set forth herein and generally depicting the nature, intensity and location of various uses. The PUD Ordinance may provide that minor modifications to the conceptual site plan shall be permitted upon approval by the development director.



City of Polk City

• 123 Broadway Blvd, SE • Polk City, Florida 33808 • (863) 884-31375 • Fax (863) 884-2334

Application for Zoning or for Rezoning of Property

Applicant

The following information is required for submission of an application for assignment of a Zoning District in the City or the Rezoning of property in the City limits of Polk City, Florida. Please print or type the required information below. Attach three copies of the current survey of subject property certified to the City of Polk City along with an aerial photograph and location map.

Name of Property Owner: BOYD D STEPHENS REVOCABLE TRUST / LAURA J STEPHENS REVOCABLE TRUST
Mailing Address: 126 BAYBERRY DR POLK CITY Phone: _____
Name of Representative, if applicable: JEFF STEPHENS
Mailing Address: 126 BAYBERRY DR POLK CITY Phone: _____
Reason for Request: DEVELOPMENT

Property Identification

Property Address or General Location: SOUTH OF CRAPE MYRTLE LANE, EAST OF BERRY CEM (PCN)
Present Use of the Property: VACANT LAND
Existing Structures Located on the Site: NONE
Total Acreage: 7.90 + 7.47 Number of Residents on Site: 0
Parcel I.D.#: 25263200 00000 22020 / 25263200 00000 22030
Section: 32 Township: 26 SOUTH Range: 25 EAST
Legal Description of the Property: ATTACHED
Subdivision _____
(If any): _____

Planning and Zoning Information

Current City Zoning Classification: R-1
Current Future Land Use Classification: R-1
Requested City Zoning Classification: PUD

Note: Unless specific zoning designations are requested, the City will assign designations, which most closely conform with the actual use of the property or with designations of surrounding properties. An application fee will be assessed only on requests for land use and zoning changes which result in an increase in land use or zoning intensity over that allowed under the County designations.

Date Received: _____ Received By: _____
Fee Paid: _____ File Number: _____

OWNER'S SIGNATURE PAGE

(I) (We), JEFFREY D. STEPHENS being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Polk City to process this petition for Zoning or Re-zoning, in accordance with all adopted City rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS


Signature of Owner
JEFFREY D. STEPHENS, TRUSTEE
Printed Name of Owner

Signature of Owner

Printed Name of Owner

Signature of Owner

Printed Name of Owner

Signature of Owner

Printed Name of Owner

STATE OF FLORIDA
COUNTY OF POLK

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 15 day of November, 2022, by Jeffrey Stephens, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.




Notary Public
Notarial Seal and Commission
Expiration Date

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), JAMES BAGLEY
being duly sworn, depose and say that (I) (we) serve as AGENT for the
owner(s) BOYO D. STEPHENS REVOCABLE TRUST
AND LAURA J. STEPHENS REVOCABLE TRUST (agent or lessee)

in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)

[Signature]
Signature of Agent, Lessee, or Buyer(s)
JAMES BAGLEY
Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA
COUNTY OF POLK

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

The foregoing instrument was acknowledged before me this 12th day of
NOVEMBER, 2022, by JAMES BAGLEY, who is
personally known to me or who has produced a driver's license as identification and who did
not take an oath.



[Signature]

Notary Public
Notarial Seal and Commission
Expiration Date

Parcel 1:

A parcel of land being in the SE 1/4 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 32, Township 26 South, Range 25 East, Polk County, Florida, being more particularly described as follows: Begin at the Southwest corner of Sandy Pointe as recorded in Plat Book 90, Page 29, Public records of Polk County, Florida; thence Easterly along the South boundary of said Sandy Pointe the following 8 courses; (1) thence N 86°41'03" E 33.00 feet to the Easterly Right of Way line of County Road 655 (Berkley Road) and the Point of Beginning, (2) thence continue N 86°41'03" E 150.00 feet; (3) thence, N 80°39'05" E 60.27 feet; (4) thence S 89°56'17" E 414.60 feet; (5) thence N 21°56'07" E 26.88 feet to a point on a curve concaved to the Westerly having a Radius of 220.00 feet, a Central Angle of 16°53'32", a Chord Bearing of N 13°45'21" E and a Chord Distance of 64.63 feet; (6) thence along said curve 64.88 feet, (7) thence S 70°19'24" E 61.33 feet (8) thence S 81°31'09" E 115.06 feet to appoint on a curve concaved to the Westerly having a Radius of 395.00 feet, a Central Angle of 14°15'51", a Chord Bearing of S 14°57'32" W and a Chord Distance of 98.08 feet; thence along said curve 98.34 feet to the Point of Tangency; thence S 22°05'27" W 264.49 feet; thence N 89°57'22" W 276.09 feet; thence S 00°02'38" W 290.00 feet the South line of the said SE 1/4 of the SE 1/4; thence N 89°57'22" W along said South line and the South line of said SW 1/4 of the SE 1/4 and North line of Citrus Harbor as recorded in Plat Book 66, Page 48, Public Records of Polk County, Florida, a distance of 387.78 feet to the Easterly Right of Way line of County Road 655 (Berkley Road); thence N 03°15'13" W along said Easterly Right of Way line 562.12 feet to the Point of Beginning.

AND

Parcel 2:

A parcel of land lying being in the SE 1/4 of the SE 1/4 of Section 32, Township 26 South, Range 25 East, Polk County, Florida being more particularly described as follows: Begin at the SE corner of Lot 36, Sandy Pointe, as recorded in Plat Book 90, Page 29, public records of Polk County, Florida; thence N 26°53'07" E 84.55 feet to the Southernmost corner of Lot 32 of said Sandy Pointe, said point is a point on a curve concaved to the Southeasterly having a Radius of 245.00 feet, a Central Angle of 40°04'51", a chord bearing of N 71°11'16" E and chord distance of 167.91 feet; thence along said curve and South line of aforesaid Sandy Pointe 171.39 feet; thence along the South line of said Sandy Pointe the following (3) courses, (1) thence N 00°02'29" E 5.42 feet, (2) thence S 60°05'57" E 84.55 feet, (3) thence S 45°45'12" E 87.47 feet; thence S 07°49'17" E 113.21 feet to the NW corner of Lot 28 of said Sandy Pointe; thence S 22°05'27" W along the Westerly line of said Sandy Pointe 593.21 feet to the South line of the SE 1/4 of the SE 1/4 of said Section 32; thence N 89°57'22" W along said South line and the North line of Citrus Harbor as recorded in Plat Book 66, Page 48, of the Public Records of Polk County, Florida, a distance of 526.55 feet; thence N 00°02'38" E 290.00 feet; thence S 89°57'22" E 276.09 feet; thence N 22°05'27" E 264.49 feet to the Point of Curvature of a curve to the left having radius of 395.00 feet and a Central Angle of 14°15'51"; thence along said curve 98.34 feet to the Point of Beginning.