

POLK CITY

City Commission Workshop (6 pm) Special City Commission Meeting (7 pm)

July 29, 2019

Polk City Government Center
123 Broadway Blvd., SE

6:00 & 7:00 P.M.

CALL TO ORDER – Mayor Joe LaCascia

INVOCATION – Pastor Walter Lawlor, New Life Community Church

PLEDGE OF ALLEGIANCE – Mayor Joe LaCascia

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

ESTABLISHMENT OF A QUORUM

PRESENTATIONS AND RECOGNITIONS

AGENDA

1. **PUBLIC HEARING – Ordinance 2019-05** – An Ordinance of Polk City, Florida, amending the official Polk City Zoning Map to change the zoning on approximately 132.14 acres locate on the north side of Mt. Olive Road, East of SR 33, east of Golden Gate Boulevard from Residential Low-4X to Planned Unit Development-X in the Green Swamp Area of Critical State Concern to allow for 400 single family detached homes Parcel number: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020); transmitting said amendment to the Florida Department of Economic Opportunity for finding of Compliance; Providing for Severability; Providing for Conflict; and Providing for An Effective Date. **Second and Final Reading**
2. **PUBLIC HEARING - ORDINANCE 2019-08** – An Ordinance of Polk City, Florida,, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida; amending Section 3.10.00, Development Standards for Conditional Uses; amending Article 7, Development Approval Process, to add a new Section 7.12.00, Conditional Use Permit; providing for applicability; providing for repeal of conflicting Ordinances; providing for severability; providing an effective date. **Second and final Reading**

3. **ORDINANCE 2019-09** – An Ordinance of the City Commission of Polk City, Florida; ratifying Ordinance No 2018-03, which voluntarily annexed certain property into the corporate limits of Polk City, Florida, pursuant to Section 171.044, Florida Statutes; redefining the boundary lines of the municipality to include said property; providing for publication of notice of the proposed annexation and filing of a certified copy of this Ordinance with the Clerk of the Circuit Court in and for Polk County and with the Department of State; providing an effective date, **First Reading**
4. **Resolution 2019-03** – A Resolution approving a Conditional Use Permit to allow for a special events facility on approximately 2.5 acres at 545 Orange Boulevard Parcel ID 25-26-33-296500-045020); and providing for an effective date
5. **Resolution 2019-04** – A Resolution supporting the designation of Interstate 4 between mile markers 36 and 44 as “Trooper John C. Hagerty Memorial Highway;” and providing an effective date

CITY MANAGER ITEMS

CITY ATTORNEY ITEMS

COMMISSIONER ITEMS

Vice Mayor Kimsey
Commissioner Blethen
Commissioner Carroll
Commissioner Harper
Mayor LaCascia

ANNOUNCEMENTS

ADJOURNMENT

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission 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 Government Center, 123 Broadway, Polk City, Florida 33868 Telephone 863) 984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda. Minutes of the City Commission meetings may be obtained from the City Clerk’s office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

**Special City Commission Meeting
July 29, 2019**

AGENDA ITEM #1: PUBLIC HEARING-ORDINANCE 2019-05, AMENDING THE OFFICIAL POLK CITY ZONING MAP TO CHANGE THE ZONING ON APPROXIMATELY 132.14 ACRES

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

1. **Public Hearing on Ordinance 2019-05**, An Ordinance of Polk City, Florida, amending the official Polk City Zoning Map to change the zoning on approximately 132.14 acres locate on the north side of Mt. Olive Road, East of SR 33, east of Golden Gate Boulevard from Residential Low-4X to Planned Unit Development-X in the Green Swamp Area of Critical State Concern to allow for 400 single family detached homes Parcel number: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020); transmitting said amendment to the Florida Department of Economic Opportunity for finding of Compliance; Providing for Severability; Providing for Conflict; and Providing for An Effective Date. **Second and Final Reading**

1.

ATTACHMENTS:

- Ordinance 2019-05
- Staff Report and Proposed Amendments

ANALYSIS:

This is an Applicant-initiated rezoning of approximately 132.14 acres located on the north side of Mt. Olive Road, east of SR 33, east of Golden Gate Boulevard from Residential Low-4X to Planned Unit Development-X in the Green Swamp Area of Critical State Concern to allow for 400 single family homes (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020).

Under Conditions of Approval, Item Number 13 was revised as follows (changes are highlighted):

Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. Prior to the issuance of any Certificate of Occupancy, the Developer/Builder will provide a FWS Silver Certificate to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings. In the event that a FWS Silver Certificate is not obtained, the builder must provide a "Letter of Completion Certifying Compliance with FWS Design Standards" by builder's contracted landscape and irrigation professionals. ***(Please note the language that is underlined above in Condition 13 was added following First Reading of Ordinance 2019-05 and following review by the Southwest Florida Water Management District.)***

Ordinance 2019-05 was approved by the City Commission on first reading July 15, 2019

STAFF RECOMMENDATION:

Move to adopt Ordinance 2019-08 on second and final reading with the recommended changes

ORDINANCE 2019-05

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE OFFICIAL POLK CITY ZONING MAP TO CHANGE THE ZONING ON APPROXIMATELY 132.14 ACRES LOCATED ON THE NORTH SIDE OF MT. OLIVE ROAD, EAST OF SR 33, EAST OF GOLDEN GATE BOULEVARD FROM RESIDENTIAL LOW-4X TO PLANNED UNIT DEVELOPMENT-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN TO ALLOW FOR 400 SINGLE FAMILY DETACHED HOMES (PARCEL NUMBERS: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. FINDINGS AND INTENT. In adopting this Ordinance and amending the City's Official Zoning Map of Polk City, the City Commission of Polk City, Florida hereby makes the following findings:

(1) The applicant, Holly Cove, Inc. is the owner of certain property located within the corporate limits of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020 (hereafter "Property").

(2) The Property consists of approximately 132.14 acres, and, if approved, would change the Official Zoning Map by changing the zoning classification assigned to this property from Residential Low-4X in the Green Swamp Area of Critical State Concern to Planned Unit Development-X in the Green Swamp Area of Critical State Concern as depicted on the map attached to and incorporated in this Ordinance as Exhibit "A".

(3) Pursuant to applicable provisions of the City's Land Development Code, including but not limited to Section 2.04.02.16(V), the Planning Commission has reviewed and recommended for approval subject to conditions said application.

(4) The City Commission of Polk City, Florida, held meetings and hearings regarding the Property, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

(5) The City previously adopted Ordinance No. 1098, creating Article 2 of the City's Unified Land Development Code (hereafter "ULDC") so as to create a Planned Unit Development district within its ULDC.

(6) Among its many purposes, the City's PUD District ordinance is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments, which are not provided for or allowed in other City zoning districts.

(7) The standards and procedures of the PUD 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 Commission the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare.

(8) No development plan shall be approved for a PUD without adequate on-site and offsite public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreation facilities.

(9) In exercise of its authority, the City Commission has determined that in order for the proposed development to be approved, it must be subject to conditions of approval to ensure compliance with the ULDC and the City's Comprehensive Plan.

(10) The PUD Ordinance requires that any proposed PUD must be adopted by ordinance, shall contain a conceptual site plan demonstrating or requiring compliance with the conditions set forth in the PUD Ordinance, and generally depicting the nature, intensity, and location of various uses.

SECTION 2. APPROVAL OF PLANNED UNIT DEVELOPMENT; CONDITIONS OF APPROVAL. The Official Zoning Map of Polk City is hereby amended so as to assign the zoning classification of Planned Unit Development (PUD) District to the Property. The City also hereby approves the conceptual site plan depicted in Exhibit "B" attached to and incorporated in this Ordinance subject to the following conditions of approval:

(1) Prior to issuance of any building permits for construction within the Property, the applicant shall be required to enter into a proportionate share agreement for needed transportation improvements at SR 33 and Mt. Olive Road.

(2) Prior to issuance of the first certificate of occupancy, the developer shall install right and left turn lanes at the project's driveway along Mt. Olive Road. These improvements shall be reviewed and are subject to the approval of both Polk County and Polk City.

(3) Prior to final site plan approval, the applicant shall submit for review a detailed landscape plan showing all perimeter buffering and landscaping within the development consistent with the requirements of the Polk City Unified Land Development Code. Final site plan approval shall be contingent upon City review and approval of the detailed landscape plan.

(4) Prior to issuance of any certificates of occupancy, a boulevard entrance shall be constructed at the project entrance.

(5) The final site plan shall provide a curvilinear roadway design within the project to encourage traffic calming. All roadways and stormwater facilities within the development shall be private and shall be privately maintained.

(6) Prior to final site plan approval, a revised site plan shall be submitted to the City for review and consideration of approval indicating a minimum of a 100' setback from I-4.

(7) A minimum of 30 percent open space shall be reflected on the final site plan.

(8) The development shall allow for:

- a. A minimum of 40' wide lots.
- b. A minimum lot size of 4, 800 square feet.
- c. Minimum building setbacks as follows:

- i. Front yard setback: 20'
- ii. Side yard setback: 5'
- iii. Rear yard setback: 10'
- iv. Corner Lots:
Side yard setbacks: 12' on road frontage side

(9) A maximum of four hundred (400) single family detached dwelling units may be constructed in accordance with the City's Unified Land Development Code and other applicable portions of the City Code of Ordinances, as amended from time to time.

(10) Any major modifications to the applicant's concept plan shall be required to be reviewed and approved subject to duly advertised public hearings by both the Planning Commission and City Commission. The determination of a major modification shall be based on but not limited to the following: Any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

(11) The applicant shall cooperate and work with the homeowner's associations of the adjacent neighborhoods to achieve an acceptable buffer along the project's perimeters.

(12) No site or development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewer,

roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.

(13) Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. Prior to the issuance of any Certificate of Occupancy, the Developer/Builder will provide a FWS Silver Certificate to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings. In the event that a FWS Silver Certificate is not obtained, the builder must provide a "Letter of Completion Certifying Compliance with FWS Design Standards" by builder's contracted landscape and irrigation professionals.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or enforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 4. COPY ON FILE. This Ordinance shall be codified and made part of the official Code of Ordinances of Polk City.

SECTION 5. REPEAL OF ORDINANCES IN CONFLICT. All other ordinances of Polk City, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED, PASSED on FIRST READING, this 15th day of July, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia R. Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ___ day of _____, 2019.

Joe LaCascia, Mayor

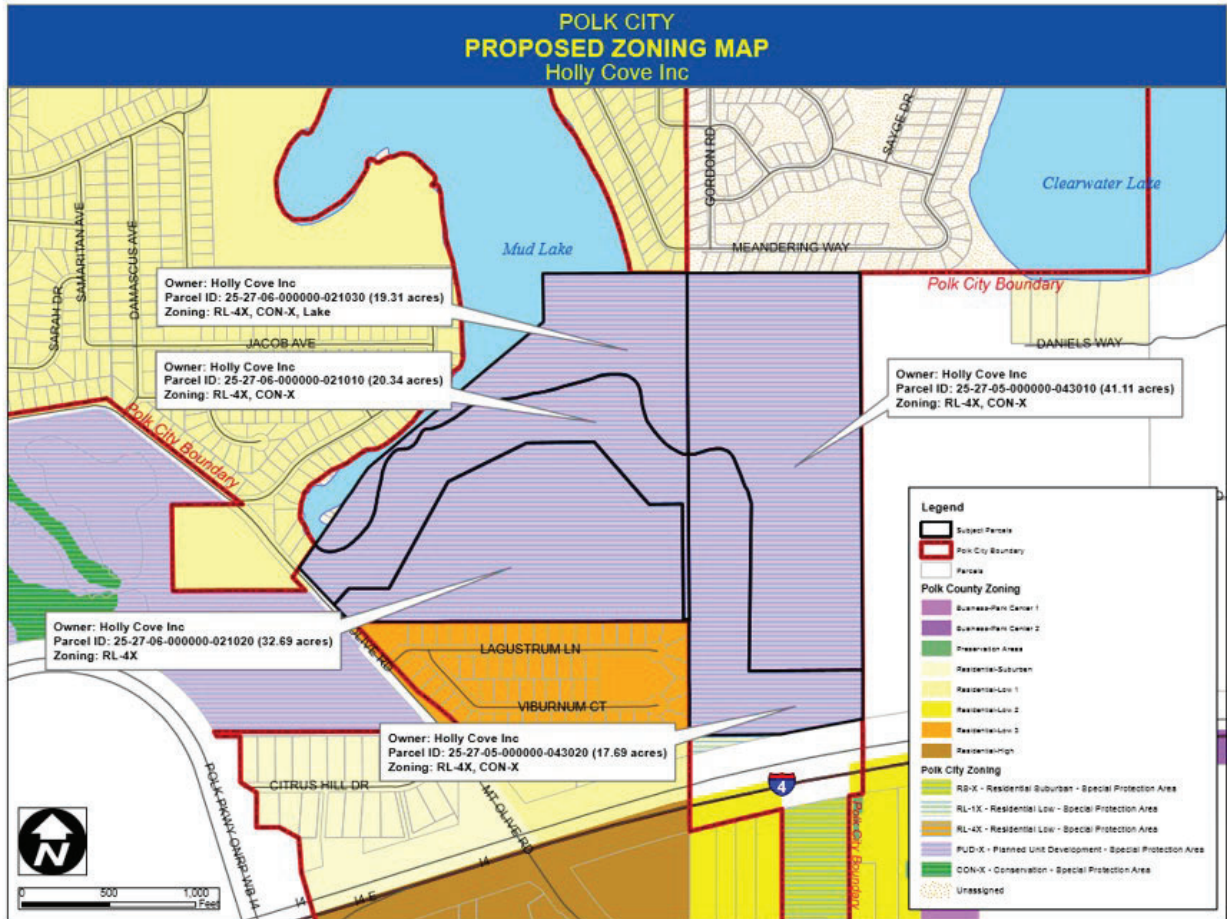
ATTEST:

Patricia R. Jackson, City Manager/Clerk

ORDINANCE 2019-05

EXHIBIT "A"

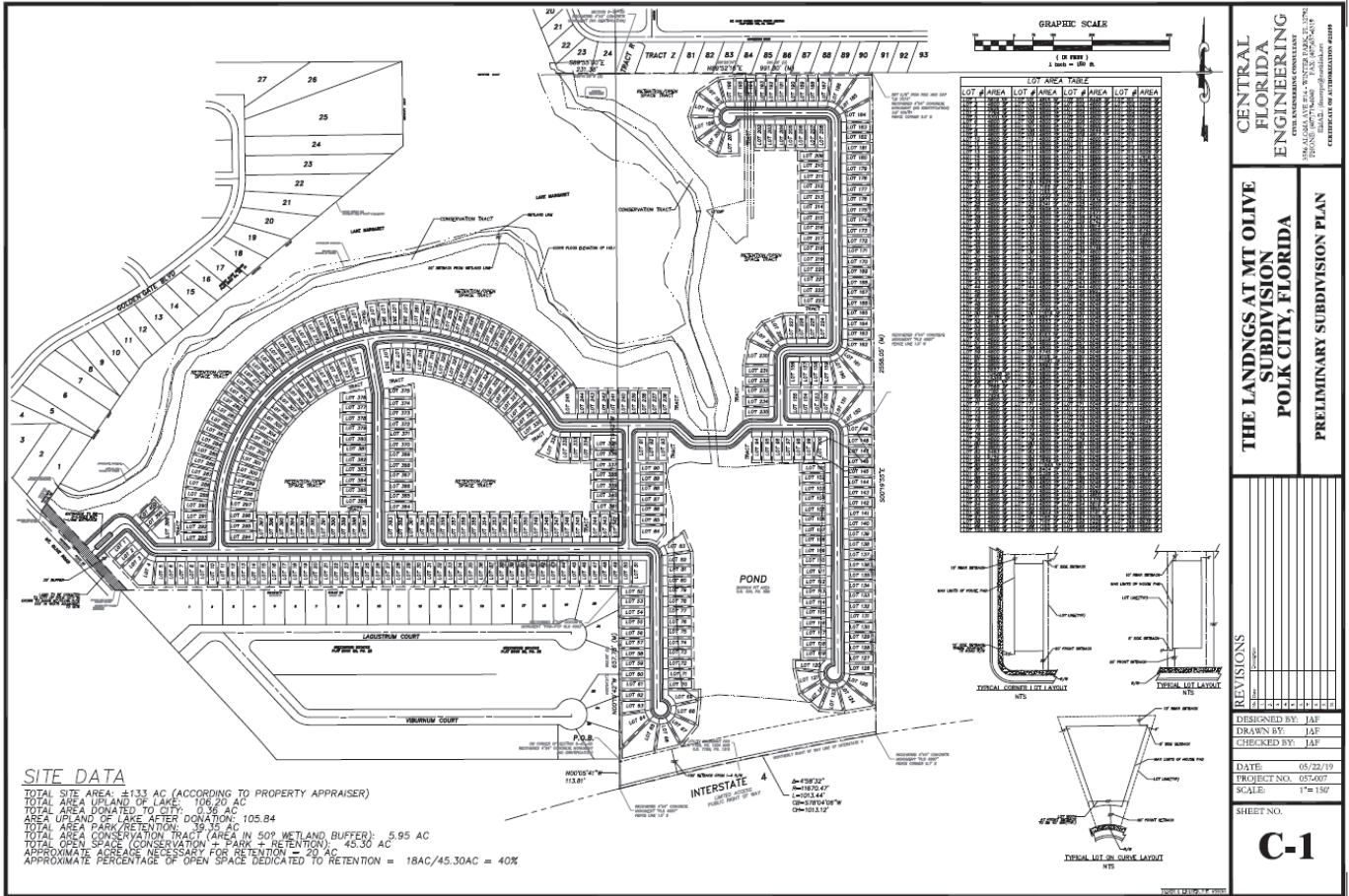
Zoning Map Amendment



ORDINANCE 2019-05

EXHIBIT "B"

Conceptual Site Plan





**POLK CITY COMMISSION
REZONING TO PLANNED UNIT DEVELOPMENT
STAFF REPORT
JULY 29, 2019**

SUBJECT: ORDINANCE 2019-05 - REZONING: Applicant-initiated (Holly Cove Inc) rezoning of approximately 132.14 acres located on the north side of Mt. Olive Road, east of SR 33, east of Golden Gate Boulevard from Residential Low-4X to Planned Unit Development-X in the Green Swamp Area of Critical State Concern to allow for 400 single family homes (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020).

AGENDA & HEARING DATES:

Planning Commission Meeting: May 30, 2019 at 6:00 PM

City Commission Meeting (First Reading): June 17, 2019 at 7:00 PM

City Commission Meeting (First Reading continued): July 15, 2019 at 7:00 PM

City Commission Meeting (Second Reading): July 29, 2019 at 7:00 PM

PAST ACTIONS:

Polk City Commission: On Monday, July 15, 2019, the Polk City Commission voted 5-0 to approve the first reading of Ordinance 2019-05.

Polk City Commission: On Monday, June 17, 2019, the Polk City Commission voted 5-0 to continue the first reading of Ordinance 2019-05.

Polk City Planning Commission: On Thursday, May 30, 2019, the Polk City Planning Commission held a public Hearing to on this request for a rezoning to Planned Unit Development. The Planning Commission **voted 4 – 1 to forward the proposed amendment to the City Commission with a recommendation of approval with conditions.**

Attachments

- Overview Report
- Aerial Photo Map
- Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Wetlands Map and Floodplain Map
- Site Plan

OVERVIEW REPORT

PROJECT DESCRIPTION/REQUEST:

Property Location/Request:

Five parcels totaling approximately 132.14 acres located on the north side of Mt. Olive Road and I-4, east of SR 33, east of Golden Gate Boulevard.

Applicant-initiated rezoning of approximately 132.14 acres located on the north side of Mt. Olive Road, east of SR 33, east of Golden Gate Boulevard from Residential Low-4X to Planned Unit Development-X in the Green Swamp Area of Critical State Concern to allow for 400 single family homes (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020).

REZONING	
Applicant/Owner	Holly Cove Inc.
Property Size	Total of ±132.14 acres
Previous Hearing Dates	None
Parcel IDs	25-27-06-000000-021020 (32.69 acres) 25-27-06-000000-021010 (20.34 acres) 25-27-06-000000-021030 (19.31 acres) 25-27-05-000000-043010 (42.11 acres) 25-27-05-000000-043020 (17.69 acres)
Future Land Use	Conservation X, Residential Low X
Zoning	Existing: Residential Low-4X Proposed: Planned Unit Development-X

SITE ANALYSIS:

Description of Property:

The five parcels totaling approximately 132.14 acres are currently vacant.

Future Land Use:

Currently, the properties have a Future Land Use designation of Conservation X, Residential Low X, and Lake.

Conservation (CONX): The primary function of the Conservation classification is to protect natural resources while allowing passive recreation. Wetlands and 100-year floodplains in the Green Swamp ACSC shall be designated as Conservation. Passive recreation land uses including docks, fishing, and hiking are permissible. No residential, commercial, industrial or other development is allowed except as listed below and in the Polk City Table of Uses in the Unified Land Development Code.

Residential-Low (RLX): The Residential Low provides areas for the low-density residential needs of residents in urban areas. Residential Low areas shall be developed at densities up to, and including, four dwelling units per acre in the Green Swamp ACSC (4 DU/AC). Development within designated RLX shall be limited to: a) residential development containing single-family dwelling

units, duplex units, family care homes, and small-scale multi-family units; b) agricultural support uses; c) community facilities; and, d) elementary, middle, and high schools.

Zoning:

Currently, the property is zoned as Residential Low-4X. The request is to rezone the ± 132.14 acres from Residential Low-4X to Planned Unit Development-X. A description of each Zoning designation as defined in the City of Polk City's Land Development Code is provided below.

Section 3.11.02.07(7.): Residential Low-4 (RL-4): The purpose of the RL-4 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet.

3.11.03: Planned Unit Development (PUD) in the Green Swamp ACSC

A. Planned Unit Development. All Planned Unit Development within the Green Swamp ACSC shall meet the following standards:

1. Use of innovative design techniques and additional open space.
2. Conservation of natural resources.
3. Utilization of land economically and efficiently.
4. Efficient use of existing and programmed public services and facilities.
5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.

Surrounding Existing Uses:

<p><u>Northwest:</u> FLU: Polk County Residential Low-1 ZONING: Polk County Residential Low-1 EXISTING USE: Mobile Home Subdivision, Mt Olive Baptist Church</p>	<p><u>North:</u> FLU: Polk County Residential Low-1, Polk City Unassigned ZONING: Polk County Residential Low-1, Polk City Unassigned EXISTING USE: Lake, Mobile Home Subdivision, Residential Subdivision</p>	<p><u>Northeast:</u> FLU: Polk City Unassigned ZONING: Polk City Unassigned EXISTING USE: Residential Subdivision</p>
<p><u>West:</u> FLU: Residential Low-X ZONING: PUD-X EXISTING USE: Fountain Park Phase 2 Subdivision</p>	<p><u>Subject Property</u> FLU: Residential Low-X, Conservation X, Lake ZONING: Residential Low -4X EXISTING USE: Vacant land</p>	<p><u>East:</u> FLU: City of Auburndale City, Public Uses, Parks ZONING: City of Auburndale OUA EXISTING USE: City of Auburndale Spray Field</p>
<p><u>Southwest:</u> FLU: Residential Low-X ZONING: PUD-X EXISTING USE: Fountain Park Phase 2 Subdivision</p>	<p><u>South:</u> FLU: Polk County Residential Low-3 ZONING: Polk County Residential Low-3 EXISTING USE: Residential Subdivision, I-4</p>	<p><u>Southeast:</u> FLU: Polk County Residential Low-2 ZONING: Polk County Residential Low-2 EXISTING USE: I-4, Single Family Homes</p>

PUBLIC FACILITIES AND SERVICES ANALYSIS

Any future development of the subject property will be required to undergo concurrency review during the site plan approval process.

COMPREHENSIVE PLAN COMPATIBILITY AND ZONING COMPATIBILITY:

The rezoning is compatible with the Future Land Use designation of Residential Low-X and is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed zoning classification of Planned Unit Development-X (PUD-X) is compatible with the existing development in the area.

RECOMMENDED CONDITIONS OF APPROVAL:

The following are recommended conditions of approval that will be included in the Ordinance approving the proposed development.

1. The applicant shall be required to enter into a proportionate share agreement for needed transportation improvements at SR 33 and Mt. Olive Road.
2. Prior to the first certificate of occupancy, the developer shall install right and left turn lanes at the project's driveway along Mt. Olive Road. These improvements shall be reviewed and approved by Polk County and Polk City.
3. Prior to final site plan approval, the applicant shall submit a detailed landscape plan showing all perimeter buffering and landscaping within the development consistent with the requirements of the Polk City Land Development Code. Final site plan approval shall be contingent upon City review and approval of the detailed landscape plan.
4. A boulevard entrance shall be constructed at the project entrance.
5. The final site plan shall provide a curvilinear roadway design within the project to encourage traffic calming. All roadways and stormwater facilities within the development shall be private and shall be privately maintained.
6. Prior to final site plan approval, a revised site plan shall be submitted indicating a minimum of a 100' setback from I-4.
7. A minimum of 30 percent open space shall be reflected on the final site plan.

8. The development shall allow for:
 - a. A minimum of 40' wide lots.
 - b. A minimum lot size of 4, 800 square feet.
 - c. Minimum building setbacks as follows:
 - i. Front yard setback: 20'
 - ii. Side yard setback: 5'
 - iii. Rear yard setback: 10'
 - iv. Corner Lots:
Side yard setbacks: 12' on road frontage side
9. A maximum of 400 single family detached dwelling units shall be permitted.
10. Any major modifications to the applicant's concept plan shall be required to be approved in public hearings by the Planning Commission and City Commission. The determination of a major modification shall be based on but not limited to the following: Any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.
11. The applicant shall work with the homeowner's associations of the adjacent neighborhoods to achieve an acceptable buffer along the project's perimeters.
12. No site or development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewer, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.
13. Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. Prior to the issuance of any Certificate of Occupancy, the Developer/Builder will provide a FWS Silver Certificate to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings. In the event that a FWS Silver Certificate is not obtained, the builder must provide a "Letter of Completion Certifying Compliance with FWS Design Standards" by builder's contracted landscape and irrigation professionals. *(Please note the language that is underlined above in Condition 13 was added following First Reading of Ordinance 2019-05 and following review by the Southwest Florida Water Management District.)*

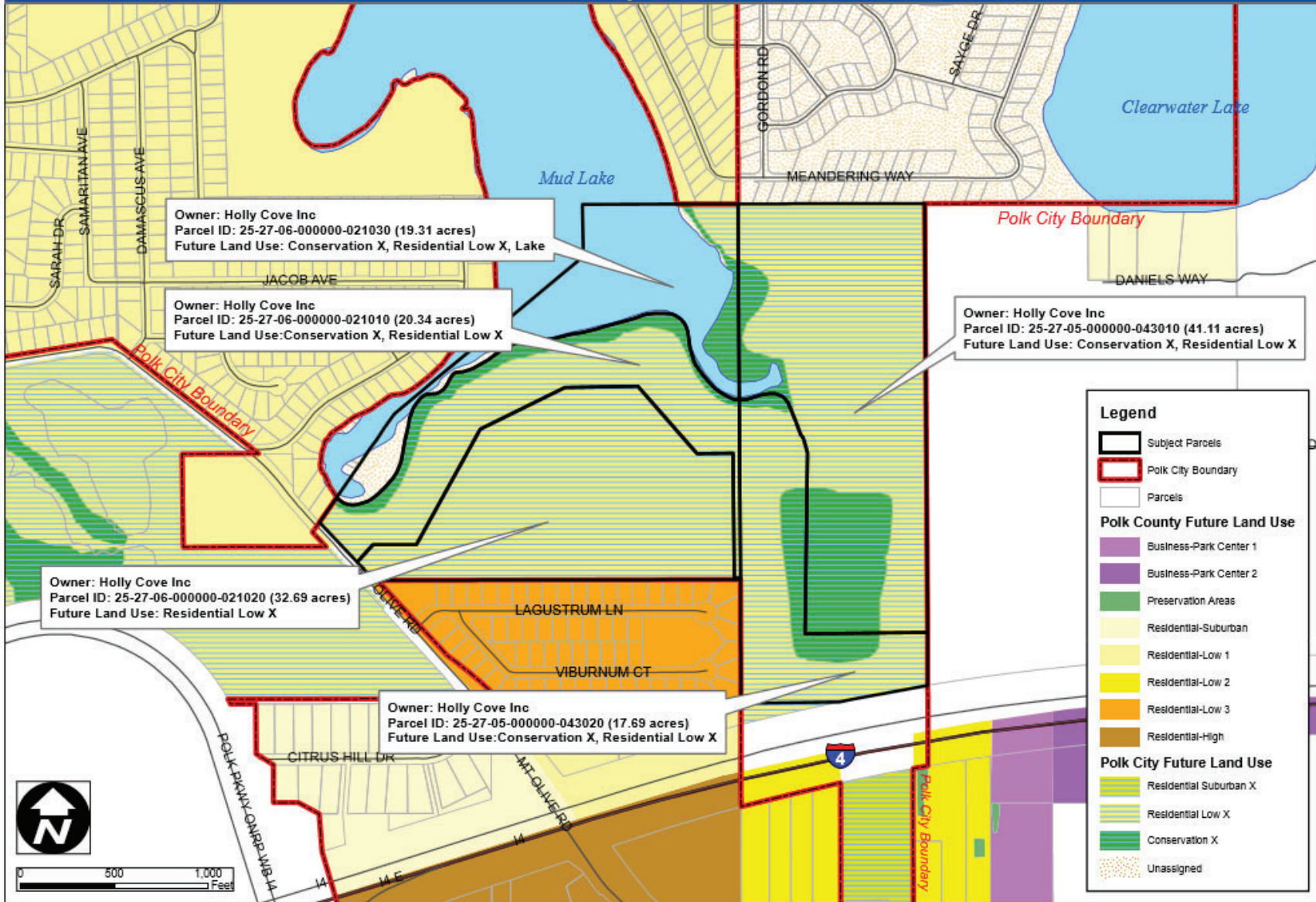
CITY COMMISSION MOTION OPTIONS:

1. I move to **approve** Ordinance 2019-05 on Second Reading.
2. I move to **approve** with changes Ordinance 2019-05 on Second Reading.
3. I move to **deny** Ordinance 2019-05 on Second Reading.

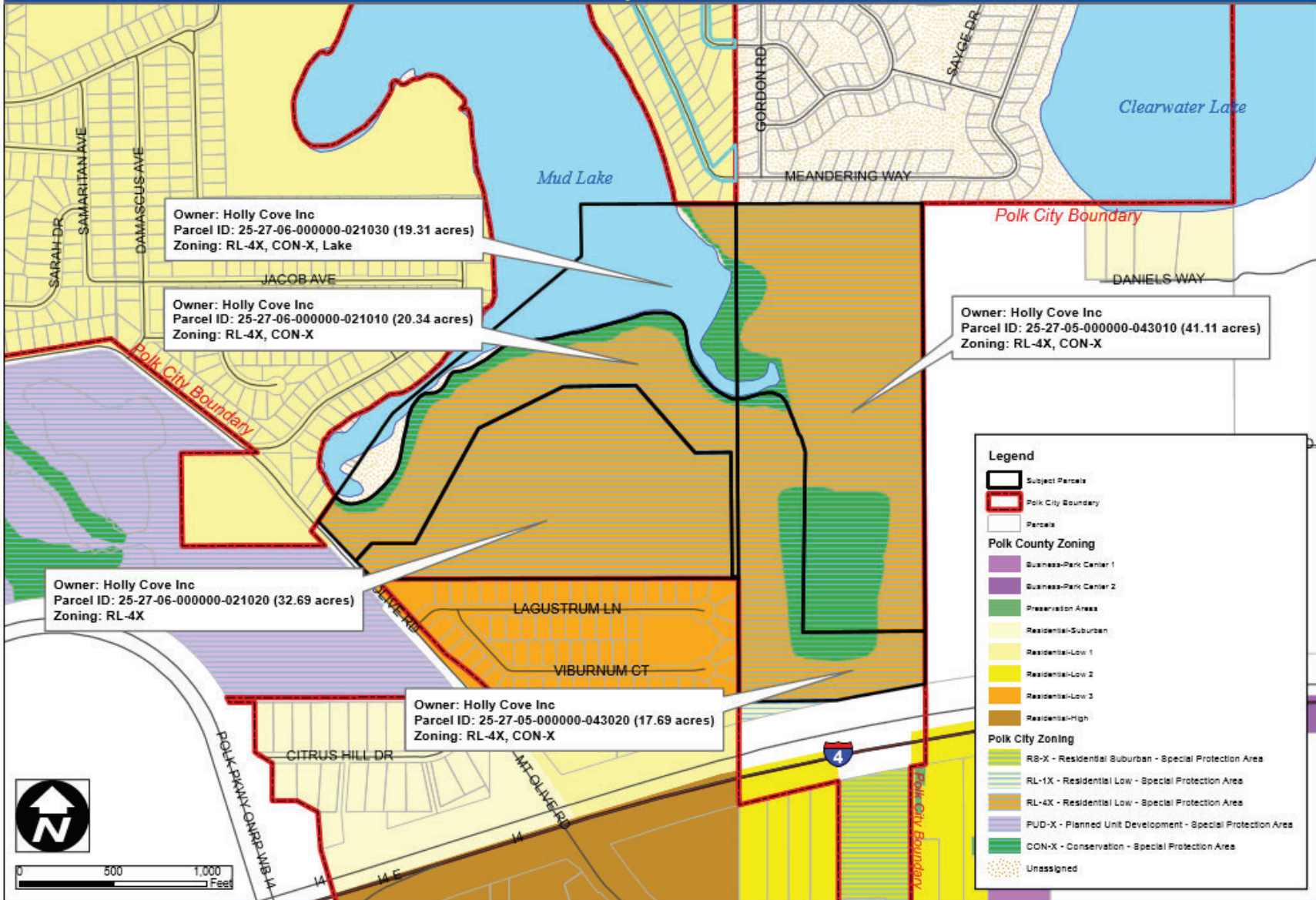
POLK CITY
AERIAL PHOTO MAP
 Holly Cove Inc



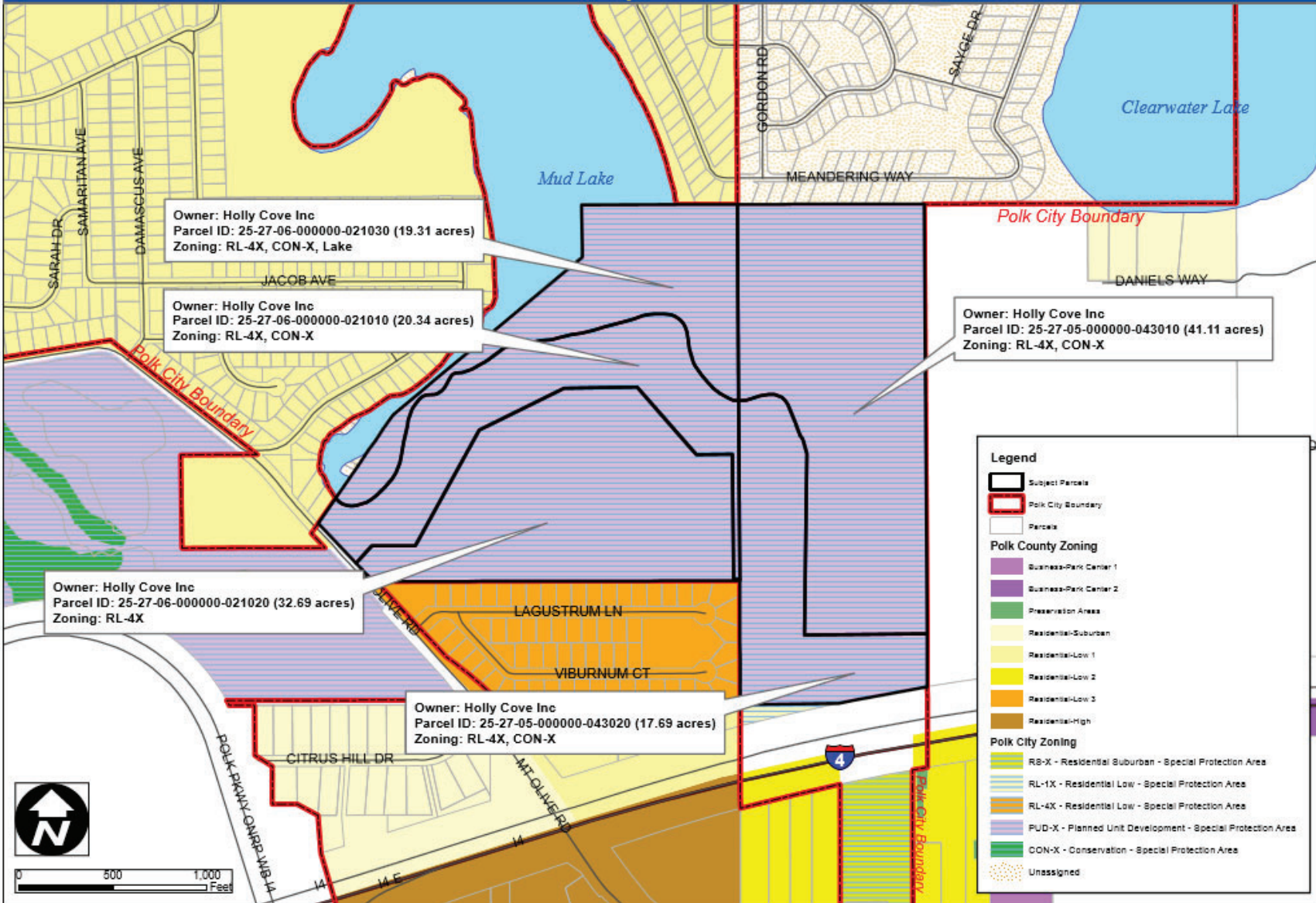
POLK CITY FUTURE LAND USE MAP Holly Cove Inc



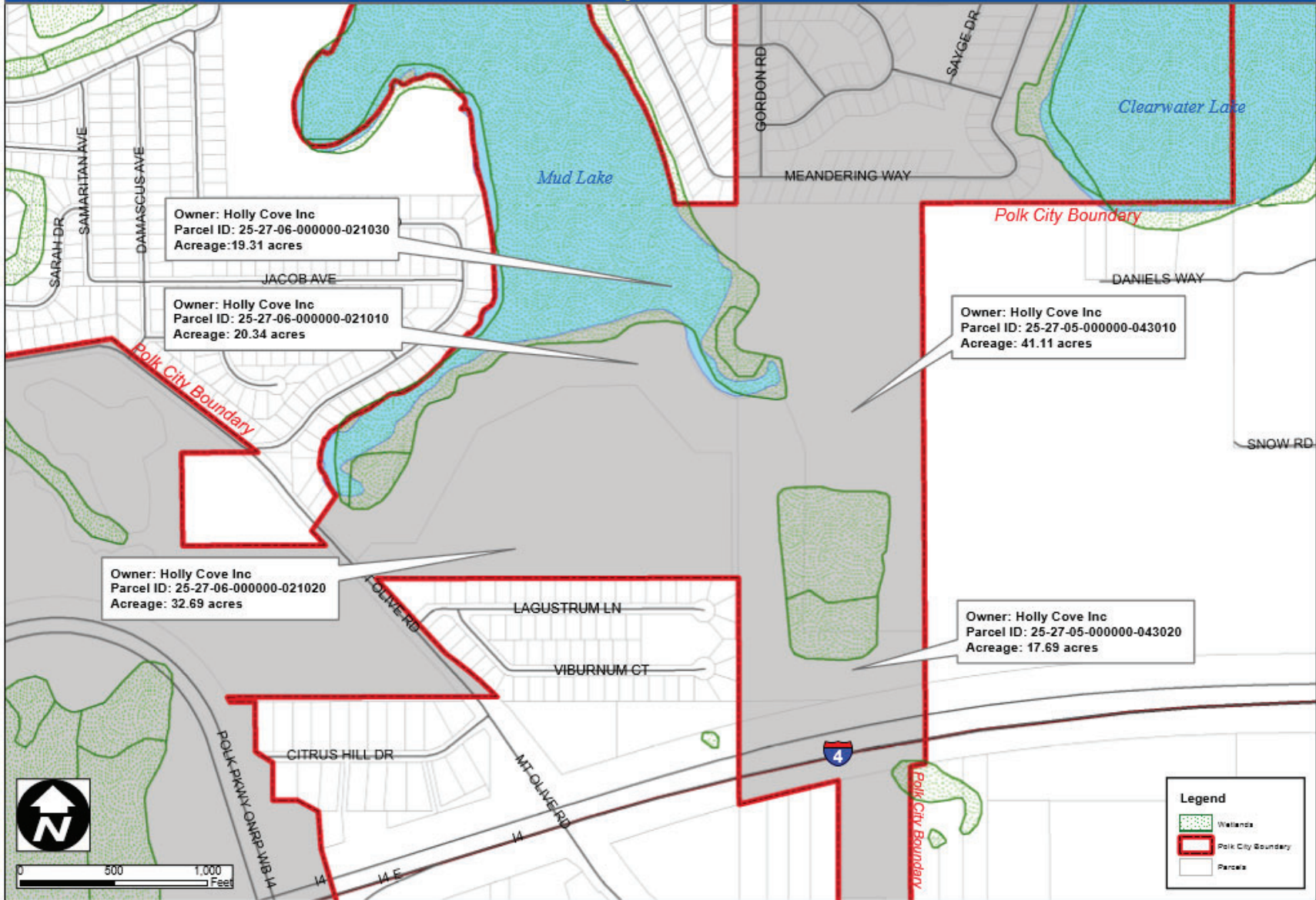
**POLK CITY
EXISTING ZONING MAP**
Holly Cove Inc



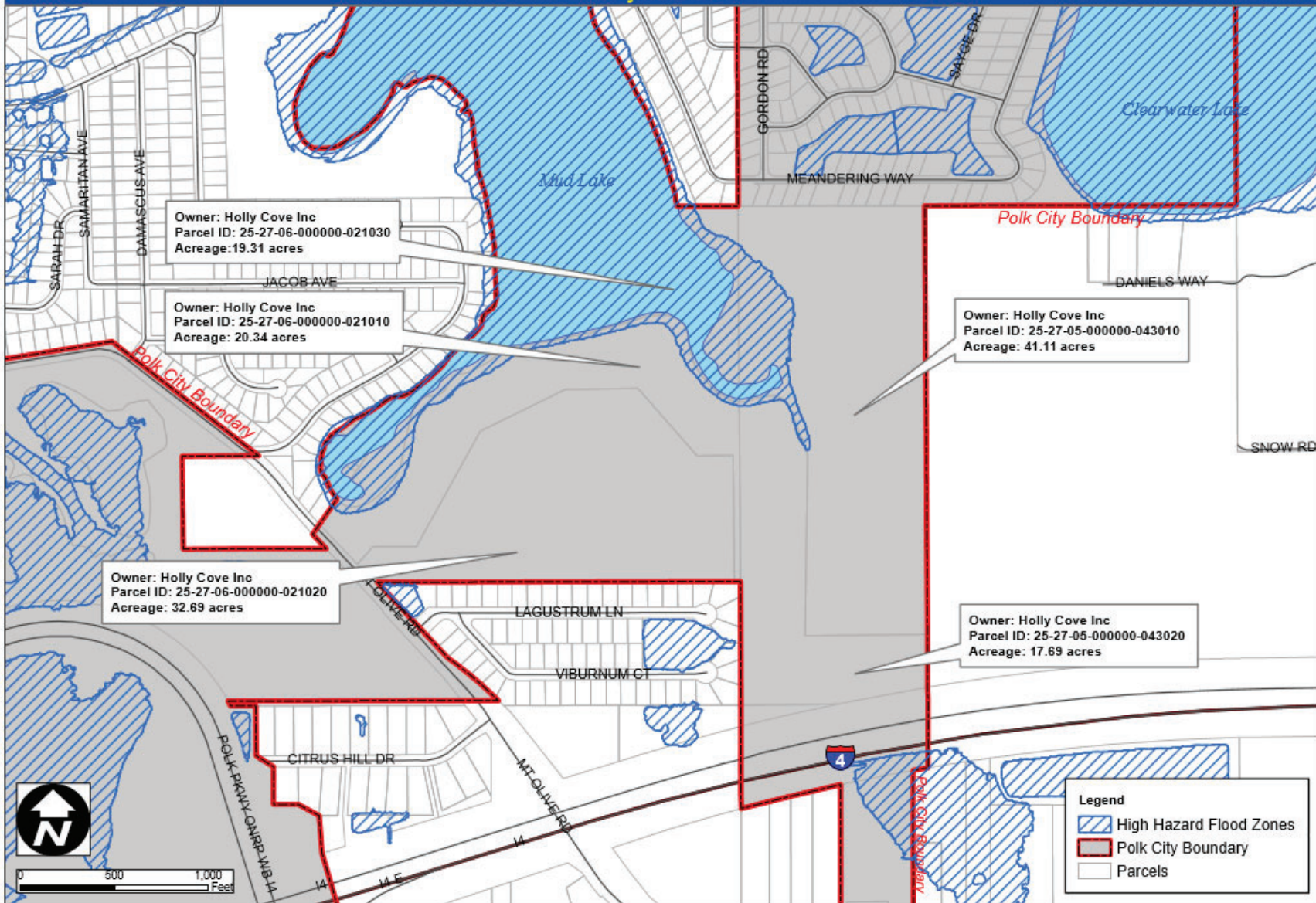
POLK CITY PROPOSED ZONING MAP Holly Cove Inc

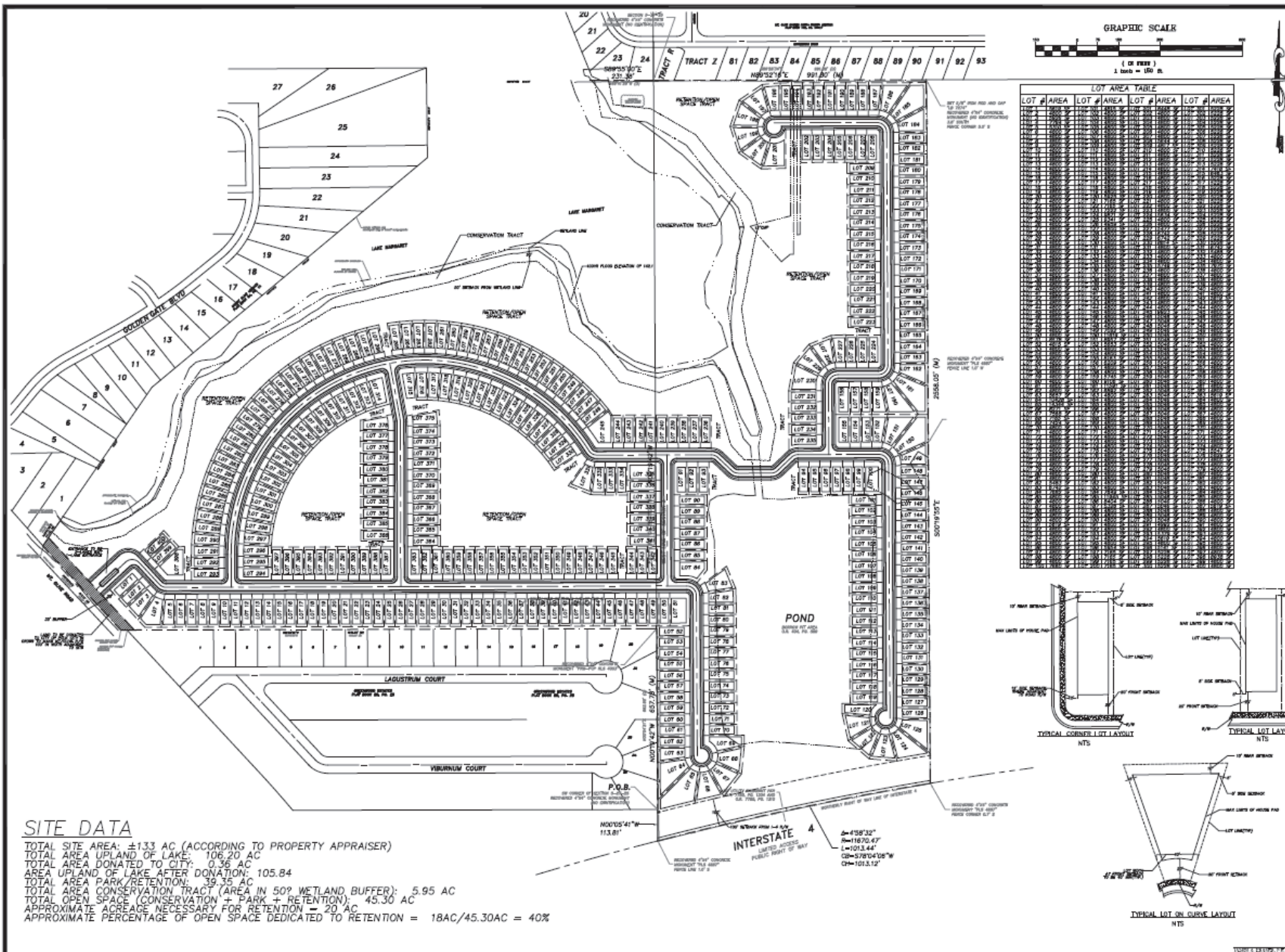


**POLK CITY
WETLANDS MAP**
Holly Cove Inc



POLK CITY FLOODPLAIN MAP Holly Cove Inc



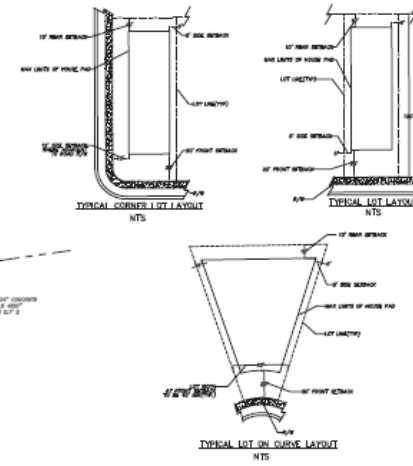


LOT AREA TABLE

LOT #	AREA	LOT #	AREA	LOT #	AREA	LOT #	AREA
LOT 101	0.10	LOT 121	0.10	LOT 241	0.10	LOT 361	0.10
LOT 102	0.10	LOT 122	0.10	LOT 242	0.10	LOT 362	0.10
LOT 103	0.10	LOT 123	0.10	LOT 243	0.10	LOT 363	0.10
LOT 104	0.10	LOT 124	0.10	LOT 244	0.10	LOT 364	0.10
LOT 105	0.10	LOT 125	0.10	LOT 245	0.10	LOT 365	0.10
LOT 106	0.10	LOT 126	0.10	LOT 246	0.10	LOT 366	0.10
LOT 107	0.10	LOT 127	0.10	LOT 247	0.10	LOT 367	0.10
LOT 108	0.10	LOT 128	0.10	LOT 248	0.10	LOT 368	0.10
LOT 109	0.10	LOT 129	0.10	LOT 249	0.10	LOT 369	0.10
LOT 110	0.10	LOT 130	0.10	LOT 250	0.10	LOT 370	0.10
LOT 111	0.10	LOT 131	0.10	LOT 251	0.10	LOT 371	0.10
LOT 112	0.10	LOT 132	0.10	LOT 252	0.10	LOT 372	0.10
LOT 113	0.10	LOT 133	0.10	LOT 253	0.10	LOT 373	0.10
LOT 114	0.10	LOT 134	0.10	LOT 254	0.10	LOT 374	0.10
LOT 115	0.10	LOT 135	0.10	LOT 255	0.10	LOT 375	0.10
LOT 116	0.10	LOT 136	0.10	LOT 256	0.10	LOT 376	0.10
LOT 117	0.10	LOT 137	0.10	LOT 257	0.10	LOT 377	0.10
LOT 118	0.10	LOT 138	0.10	LOT 258	0.10	LOT 378	0.10
LOT 119	0.10	LOT 139	0.10	LOT 259	0.10	LOT 379	0.10
LOT 120	0.10	LOT 140	0.10	LOT 260	0.10	LOT 380	0.10
LOT 121	0.10	LOT 141	0.10	LOT 261	0.10	LOT 381	0.10
LOT 122	0.10	LOT 142	0.10	LOT 262	0.10	LOT 382	0.10
LOT 123	0.10	LOT 143	0.10	LOT 263	0.10	LOT 383	0.10
LOT 124	0.10	LOT 144	0.10	LOT 264	0.10	LOT 384	0.10
LOT 125	0.10	LOT 145	0.10	LOT 265	0.10	LOT 385	0.10
LOT 126	0.10	LOT 146	0.10	LOT 266	0.10	LOT 386	0.10
LOT 127	0.10	LOT 147	0.10	LOT 267	0.10	LOT 387	0.10
LOT 128	0.10	LOT 148	0.10	LOT 268	0.10	LOT 388	0.10
LOT 129	0.10	LOT 149	0.10	LOT 269	0.10	LOT 389	0.10
LOT 130	0.10	LOT 150	0.10	LOT 270	0.10	LOT 390	0.10
LOT 131	0.10	LOT 151	0.10	LOT 271	0.10	LOT 391	0.10
LOT 132	0.10	LOT 152	0.10	LOT 272	0.10	LOT 392	0.10
LOT 133	0.10	LOT 153	0.10	LOT 273	0.10	LOT 393	0.10
LOT 134	0.10	LOT 154	0.10	LOT 274	0.10	LOT 394	0.10
LOT 135	0.10	LOT 155	0.10	LOT 275	0.10	LOT 395	0.10
LOT 136	0.10	LOT 156	0.10	LOT 276	0.10	LOT 396	0.10
LOT 137	0.10	LOT 157	0.10	LOT 277	0.10	LOT 397	0.10
LOT 138	0.10	LOT 158	0.10	LOT 278	0.10	LOT 398	0.10
LOT 139	0.10	LOT 159	0.10	LOT 279	0.10	LOT 399	0.10
LOT 140	0.10	LOT 160	0.10	LOT 280	0.10	LOT 400	0.10
LOT 141	0.10	LOT 161	0.10	LOT 281	0.10	LOT 401	0.10
LOT 142	0.10	LOT 162	0.10	LOT 282	0.10	LOT 402	0.10
LOT 143	0.10	LOT 163	0.10	LOT 283	0.10	LOT 403	0.10
LOT 144	0.10	LOT 164	0.10	LOT 284	0.10	LOT 404	0.10
LOT 145	0.10	LOT 165	0.10	LOT 285	0.10	LOT 405	0.10
LOT 146	0.10	LOT 166	0.10	LOT 286	0.10	LOT 406	0.10
LOT 147	0.10	LOT 167	0.10	LOT 287	0.10	LOT 407	0.10
LOT 148	0.10	LOT 168	0.10	LOT 288	0.10	LOT 408	0.10
LOT 149	0.10	LOT 169	0.10	LOT 289	0.10	LOT 409	0.10
LOT 150	0.10	LOT 170	0.10	LOT 290	0.10	LOT 410	0.10
LOT 151	0.10	LOT 171	0.10	LOT 291	0.10	LOT 411	0.10
LOT 152	0.10	LOT 172	0.10	LOT 292	0.10	LOT 412	0.10
LOT 153	0.10	LOT 173	0.10	LOT 293	0.10	LOT 413	0.10
LOT 154	0.10	LOT 174	0.10	LOT 294	0.10	LOT 414	0.10
LOT 155	0.10	LOT 175	0.10	LOT 295	0.10	LOT 415	0.10
LOT 156	0.10	LOT 176	0.10	LOT 296	0.10	LOT 416	0.10
LOT 157	0.10	LOT 177	0.10	LOT 297	0.10	LOT 417	0.10
LOT 158	0.10	LOT 178	0.10	LOT 298	0.10	LOT 418	0.10
LOT 159	0.10	LOT 179	0.10	LOT 299	0.10	LOT 419	0.10
LOT 160	0.10	LOT 180	0.10	LOT 300	0.10	LOT 420	0.10

SITE DATA

TOTAL SITE AREA: 41.33 AC (ACCORDING TO PROPERTY APPRAISER)
TOTAL AREA UPLAND OF LAKE: 106.20 AC
TOTAL AREA DONATED TO CITY: 0.36 AC
AREA UPLAND OF LAKE AFTER DONATION: 105.84
TOTAL AREA PARK/RETENTION: 39.35 AC
TOTAL AREA CONSERVATION TRACT (AREA IN 50% WETLAND BUFFER): 5.95 AC
TOTAL OPEN SPACE (CONSERVATION + PARK + RETENTION): 45.30 AC
APPROXIMATE ACREAGE NECESSARY FOR RETENTION = 20 AC
APPROXIMATE PERCENTAGE OF OPEN SPACE DEDICATED TO RETENTION = 18AC/45.30AC = 40%



CENTRAL FLORIDA ENGINEERING
CONSULTING ENGINEERING CONSULTANT
3596 ALOMA AVE. #14 - WINTER PARK, FL 32912
PHONE: (407) 496-9600 FAX: (407) 496-3202
CERTIFICATE OF AUTHORIZATION #00000422

THE LANDINGS AT MT OLIVE SUBDIVISION
POLK CITY, FLORIDA

PRELIMINARY SUBDIVISION PLAN

REVISIONS

NO.	DATE	DESCRIPTION

DESIGNED BY: JAF
DRAWN BY: JAF
CHECKED BY: JAF

DATE: 05/22/19
PROJECT NO. 057-007
SCALE: 1"=150'

SHEET NO.

C-1

**Special City Commission Meeting
July 29, 2019**

AGENDA ITEM #2: PUBLIC HEARING-ORDINANCE 2019-08, AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE – CONDITIONAL USE PERMITS

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

1. **Public Hearing on Ordinance 2019-08**, An Ordinance of Polk City, Florida,, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida; amending Section 3.10.00, Development Standards for Conditional Uses; amending Article 7, Development Approval Process, to add a new Section 7.12.00, Conditional Use Permit; providing for applicability; providing for repeal of conflicting Ordinances; providing for severability; providing an effective date.
Second and final reading
- 2.

ATTACHMENTS:

- Ordinance 2019-08
- Staff Report and Proposed Amendments

ANALYSIS:

CONDITIONAL USE PERMITS:

City-initiated Amendment to the establish criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At this time, the City's Land Development Code does not provide criteria.

Please refer to the attached report. This Ordinance was adopted on first reading July 22, 2019.

STAFF RECOMMENDATION:

Move to adopt Ordinance 2019-08 on second and final

ORDINANCE 2019-08

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA; AMENDING SECTION 3.10.00, DEVELOPMENT STANDARDS FOR CONDITIONAL USES; AMENDING ARTICLE 7, DEVELOPMENT APPROVAL PROCESS, TO ADD A NEW SECTION 7.12.00, CONDITIONAL USE PERMIT; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.

(2) The City Commission recognizes the need for procedures and regulations for the review and consideration of conditional use permits within Polk City.

(3) The City Commission has determined that having the ability to issue conditional use permits will provide additional flexibility and enforceability for the City Commission in its review and implementation of its Unified Land Development Code.

(4) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held meetings and hearings to amend the Unified Land Development Code as presented in the attached exhibit, such exhibit attached as Exhibit "A" and made a part hereof.

(5) The meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

SECTION 2. AMENDMENT TO SECTION 3.10.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.10.00, Unified Land Development Code, is hereby amended to read as follows:

“3.10.00 Development Standards for Conditional Uses

The purpose of this section is to set criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such

that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Conditional Use Permits shall be granted in accordance with the provisions of Section ~~7.08.00~~ 7.12.00. Special standards and requirements presented in this section are conditions for approval of Conditional Uses and shall be binding on all development authorized under the Conditional Use Permit. Where standards provide herein exceed and /or create greater restrictions than those of the underlying zoning district, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant zoning district shall apply.”

SECTION 3. CREATION OF SECTION 7.12.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 7.12.00, Unified Land Development Code, is hereby created to read as follows:

“Section 7.12.00 Conditional Use Permits (CUP)

7.12.01 Purpose and Intent

Conditional Uses are generally considered to be appropriate for any zoning district that permits that particular use by Conditional Use Permit; however such uses by their nature may need to be more closely examined for compatibility at a particular location.

- A) Conditional Use Permits run with the use of the property. Ownership may change, but so long as the character and conditions of the Conditional Use do not change, the Conditional Use Approval remains in effect.
- B) Should the use change to a use permitted in the zoning district that is not the use approved as the Conditional Use Permit, and remain so for six (6) months or more, a new application will be required to reestablish any Conditional Use Permit use.
- C) The expansion or reconfiguration of any use or development that is subject to Conditional Use Permit approval shall require a new or amended Conditional Use Approval prior to the issuance of a building permit.

7.12.01.01. Conditional Use Approval Review.

- (A) The applicant shall submit five (5) copies of the Conditional Use Permit application and site plans, and the applicable review fee, as established by resolution by the City Commission, to the City for Development Review Committee (DRC) distribution and review.
- (B) The DRC shall review and provide written comments to the applicant.

Section 7.12.01.02. Application.

A) When requesting a Conditional Use Permit, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership.

B) The application shall contain the following items, as applicable:

1. The property owner's name, address, telephone number and email address if available;
2. The designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;
3. A notarized authorization of the owner when the applicant is other than the owner, or is an attorney for the owner;
4. The street address of the property;
5. A legal description of the property;
6. A copy of the Polk County Property Appraiser's plat map and the parcel identification number;
7. The Future Land Use classification and zoning designation of the property;
8. A site plan or sketch plan drawn to scale showing the dimensions of the property;
9. The existing and proposed location of structures on the property including signage;
10. Paved surfaces including sidewalks, vehicular accessways and circulation areas, off-street parking and loading areas, and refuse and service areas;
11. The number of required and provided off-street parking and loading spaces;
12. Required yards, and other open spaces, and landscape buffer yard areas;
13. The measurements of existing and proposed adjacent rights-of-way, building setbacks, distances between buildings, widths of accessways and driveways, and sidewalks;

14. A description of the proposed use of the property including conditions of the use, such as hours of operation, numbers of residents, numbers of employees, and other pertinent information;
15. Existing and proposed density;
16. Amount of existing and proposed commercial or industrial space;
17. Location of all public and private streets, existing and proposed utilities, driveways and utility easements, within and adjacent to the site;
18. Provisions for stormwater management and detention related to the proposed development;
19. Where applicable, delineation of all watercourses, wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the flood insurance rate maps (FIRM) published by the Federal Emergency Management Agency (FEMA);
20. Where applicable, the identification of significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

Section 7.12.01.03. Lot and Building Requirements.

Lot and building requirements shall comply with the lot and building requirements for the district in which the Conditional Use is to be located or with such requirements as may be imposed in the Conditional Use Permit.

Section 7.12.01.04. Planning Commission Review, Public Hearing and Recommendation.

The Planning Commission shall hold a public hearing, after due public notice, to review Conditional Use Permit request and make a recommendation to the City Commission to approve, approve with conditions, or disapprove any Conditional Use. The Planning Commission shall review and evaluate the Conditional Use Permit request with specific regard to the following:

- A) Adequate provision is made through setbacks, fences, etc., to protect adjacent properties from possible adverse influences of the proposed use such as noise, dust, vibration, glare, odor, electrical disturbances and similar factors;

- B) Vehicular traffic and pedestrian movement on adjacent streets will not be hindered or endangered;
- C) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the uses;
- D) Public facilities and utilities are capable of adequately serving the proposed use, and;
- E) The proposed use will not adversely affect the level of property values or general character of the area.

Under no circumstances shall a Conditional Use Permit request be approved if it is found to be inconsistent with any term contained in this Code, unless a variance has been granted.

Section 7.12.01.05. City Commission Review and Action.

Following a Planning Commission recommendation, the City Commission shall hold a public hearing, after due public notice is given, on all recommendations associated with a Conditional Use Permit from the Planning Commission.

The City Commission may accept, reject or modify the original request; it may accept, reject or modify the recommendations of the Planning Commission; it may continue and seek additional information concerning the recommendations of the Planning Commission; or it may return the request to the Planning Commission. The City Commission may impose any conditions or safeguards found to be necessary to ensure the compatibility of the Conditional Use with surrounding properties or the community in general.

A Conditional Use Permit shall be adopted by resolution. Any conditions adopted as a part of the approval shall be explicitly stated in the resolution, and shall be the basis for any subsequent development agreement or development order associated with the Conditional Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of Polk City.

Section 7.12.01.06. Effect of Conditional Use Approval.

Conditional Use Permits shall remain valid if a building permit or business tax receipt is obtained within one (1) year of City Commission approval.

Extensions for approved uses may be granted by the City Manager, or his or her designee, for a single period up to one (1) year from the date when a Conditional Use Permit would otherwise expire. An extension may be granted if the City Manager, or his or her designee, concludes that the recipient of the Conditional Use Permit has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the Conditional Use Approval stating the reason for the time extension request.

Section 7.12.01.07. Non-Compliance.

Failure to comply with a Conditional Use Permit resolution or any of the conditions upon which such approval was granted, including time limits for performance, shall be cause to deny issuance of a building permit or business tax receipt, or where a permit or business tax receipt has been issued, to render such permit or receipt invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section shall constitute a violation of this Code and may be subject to a stop-work order.

Section 7.12.01.08. Abandonment of a Conditional Use.

Should an approved Conditional Use be discontinued for a period greater than one hundred eighty (180) days, the approved Conditional Use shall become invalid. Any reestablishment of an abandoned Conditional Use after one hundred eighty (180) days shall require a new application for Conditional Use Approval.

Section 7.12.01.09. Appeal of Conditional Use Approval Decision.

Any person or persons aggrieved by a Conditional Use Approval decision made by the City Commission may, within thirty (30) days after the date of the public hearing at which the decision was rendered but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

SECTION 4. CODIFICATION OF ORDINANCE. This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED AND PASSED on FIRST READING, this ___ day of _____, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ___ day of _____, 2019.

Joe LaCascia, Mayor

ATTEST:

Patricia Jackson, City Manager/City Clerk



**POLK CITY PLANNING COMMISSION
TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE
STAFF REPORT & PROPOSED AMENDMENTS
JULY 29, 2019**

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 2019-08: CONDITIONAL USE PERMITS:** City-initiated Amendment to the establish criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At this time, the City's Land Development Code does not provide criteria.

AGENDA & HEARING DATES:

Planning Commission Public Hearing: Monday, July 22, 2019, 5:30 pm

City Commission – First Reading: Monday, July 22, 2019, 7:00 pm

City Commission – Second Reading: Monday, July 29, 2019, 7:00 pm

PAST ACTIONS:

Planning Commission: On Monday, July 22, 2019, the Polk City Planning Commission held a Public Hearing on Ordinance 2019-08. The Planning Commission voted unanimously to forward the proposed amendment to the City Commission with a recommendation of approval.

City Commission: On Monday, July 22, the Polk City Commission voted unanimously to approve Ordinance 2019-08 on First Reading.

PROPOSED AMENDMENTS: The proposed amendments are provided on the following pages.

MOTION OPTIONS:

Options for motions are listed below.

1. Move to approve Ordinance 2019-08 on Second Reading.
2. Move to approve with changes Ordinance 2019-08 on Second Reading.
3. Move to deny Ordinance 2019-08 on Second Reading.

ATTACHMENTS:

- Proposed text amendments & Ordinance 2019-08

OVERVIEW OF PROPOSED AMENDMENTS:

The items below provide an overview of the proposed amendments to add process and procedures for Conditional Use Permits which are currently not included in the City's Land Development Code. The detailed proposed amendments follow this portion of the staff report.

- Article 3, Section 3.10.00 – Development Standards for Conditional Uses

Proposed Amendment:

Provide a revised section reference in Article 7 from Section 7.08.00 to Section 7.12.00.

- Article 7, New Section 7.12.00 – Conditional Use Permits (CUP)

Proposed Amendment:

Add this new section to provide the following specifics for Conditional Use Permit.

- Purpose and Intent
- Conditional Use Approval Review
- Application
- Lot and Building Requirements
- Planning Commission Review, Public Hearing and Recommendation
- City Commission Review and Action
- Effect of Conditional Use Approval
- Non-Compliance
- Abandonment of a Conditional Use
- Appeal of Conditional Use Approval Decision

Proposed Text Amendments to the Polk City Land Development Code

The proposed amendments to the Land Development Code (LDC) regarding Special Events Facilities are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Proposed Amendments to:

AMENDMENT TO SECTION 3.10.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.10.00, Unified Land Development Code, is hereby amended to read as follows:

“3.10.00 Development Standards for Conditional Uses

The purpose of this section is to set criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Conditional Use Permits shall be granted in accordance with the provisions of Section ~~7.08.00~~ 7.12.00. Special standards and requirements presented in this section are conditions for approval of Conditional Uses and shall be binding on all development authorized under the Conditional Use Permit. Where standards provide herein exceed and /or create greater restrictions than those of the underlying zoning district, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant zoning district shall apply.”

CREATION OF SECTION 7.12.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 7.12.00, Unified Land Development Code, is hereby created to read as follows:

“Section 7.12.00 Conditional Use Permits (CUP)

7.12.01 Purpose and Intent

Conditional Uses are generally considered to be appropriate for any zoning district that permits that particular use by Conditional Use Permit; however such uses by their nature may need to be more closely examined for compatibility at a particular location.

- A) Conditional Use Permits run with the use of the property. Ownership may change, but so long as the character and conditions of the Conditional Use do not change, the Conditional Use Approval remains in effect.
- B) Should the use change to a use permitted in the zoning district that is not the use approved as the Conditional Use Permit, and remain so for six (6) months or more, a new application will be required to reestablish any Conditional Use Permit use.
- C) The expansion or reconfiguration of any use or development that is subject to Conditional Use Permit approval shall require a new or amended Conditional Use Approval prior to the issuance of a building permit.

7.12.01.01. Conditional Use Approval Review.

- (A) The applicant shall submit five (5) copies of the Conditional Use Permit application and site plans, and the applicable review fee, as established by resolution by the City Commission, to the City for Development Review Committee (DRC) distribution and review.
- (B) The DRC shall review and provide written comments to the applicant.

Section 7.12.01.02. Application.

- A) When requesting a Conditional Use Permit, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership.
- B) The application shall contain the following items, as applicable:
1. The property owner's name, address, telephone number and email address if available;
 2. The designated project applicant or representative if other than the property owner, a contact address, telephone number and email address if available;
 3. A notarized authorization of the owner when the applicant is other than the owner, or is an attorney for the owner;
 4. The street address of the property;
 5. A legal description of the property;
 6. A copy of the Polk County Property Appraiser's plat map and the parcel identification number;
 7. The Future Land Use classification and zoning designation of the property;
 8. A site plan or sketch plan drawn to scale showing the dimensions of the property;
 9. The existing and proposed location of structures on the property including signage;
 10. Paved surfaces including sidewalks, vehicular accessways and circulation areas, off-street parking and loading areas, and refuse and service areas;
 11. The number of required and provided off-street parking and loading spaces;
 12. Required yards, and other open spaces, and landscape buffer yard areas;
 13. The measurements of existing and proposed adjacent rights-of-way, building setbacks, distances between buildings, widths of accessways and driveways, and sidewalks;
 14. A description of the proposed use of the property including conditions of the use, such as hours of operation, numbers of residents, numbers of employees, and other pertinent information;
 15. Existing and proposed density;
 16. Amount of existing and proposed commercial or industrial space;

17. Location of all public and private streets, existing and proposed utilities, driveways and utility easements, within and adjacent to the site;
18. Provisions for stormwater management and detention related to the proposed development;
19. Where applicable, delineation of all watercourses, wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the flood insurance rate maps (FIRM) published by the Federal Emergency Management Agency (FEMA);
20. Where applicable, the identification of significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

Section 7.12.01.03. Lot and Building Requirements.

Lot and building requirements shall comply with the lot and building requirements for the district in which the Conditional Use is to be located or with such requirements as may be imposed in the Conditional Use Permit.

Section 7.12.01.04. Planning Commission Review, Public Hearing and Recommendation.

The Planning Commission shall hold a public hearing, after due public notice, to review Conditional Use Permit request and make a recommendation to the City Commission to approve, approve with conditions, or disapprove any Conditional Use. The Planning Commission shall review and evaluate the Conditional Use Permit request with specific regard to the following:

- A) Adequate provision is made through setbacks, fences, etc., to protect adjacent properties from possible adverse influences of the proposed use such as noise, dust, vibration, glare, odor, electrical disturbances and similar factors;
- B) Vehicular traffic and pedestrian movement on adjacent streets will not be hindered or endangered;
- C) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the uses;
- D) Public facilities and utilities are capable of adequately serving the proposed use, and;
- E) The proposed use will not adversely affect the level of property values or general character of the area.

Under no circumstances shall a Conditional Use Permit request be approved if it is found to be inconsistent with any term contained in this Code, unless a variance has been granted.

Section 7.12.01.05. City Commission Review and Action.

Following a Planning Commission recommendation, the City Commission shall hold a public hearing, after due public notice is given, on all recommendations associated with a Conditional Use Permit from the Planning Commission.

The City Commission may accept, reject or modify the original request; it may accept, reject or modify the recommendations of the Planning Commission; it may continue and seek additional information

concerning the recommendations of the Planning Commission; or it may return the request to the Planning Commission. The City Commission may impose any conditions or safeguards found to be necessary to ensure the compatibility of the Conditional Use with surrounding properties or the community in general.

A Conditional Use Permit shall be adopted by resolution. Any conditions adopted as a part of the approval shall be explicitly stated in the resolution, and shall be the basis for any subsequent development agreement or development order associated with the Conditional Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of Polk City.

Section 7.12.01.06. Effect of Conditional Use Approval.

Conditional Use Permits shall remain valid if a building permit or business tax receipt is obtained within one (1) year of City Commission approval. Extensions for approved uses may be granted by the City Manager, or his or her designee, for a single period up to one (1) year from the date when a Conditional Use Permit would otherwise expire. An extension may be granted if the City Manager, or his or her designee, concludes that the recipient of the Conditional Use Permit has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the Conditional Use Approval stating the reason for the time extension request.

Section 7.12.01.07. Non-Compliance.

Failure to comply with a Conditional Use Permit resolution or any of the conditions upon which such approval was granted, including time limits for performance, shall be cause to deny issuance of a building permit or business tax receipt, or where a permit or business tax receipt has been issued, to render such permit or receipt invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section shall constitute a violation of this Code and may be subject to a stop-work order.

Section 7.12.01.08. Abandonment of a Conditional Use.

Should an approved Conditional Use be discontinued for a period greater than one hundred eighty (180) days, the approved Conditional Use shall become invalid. Any reestablishment of an abandoned Conditional Use after one hundred eighty (180) days shall require a new application for Conditional Use Approval.

Section 7.12.01.09. Appeal of Conditional Use Approval Decision.

Any person or persons aggrieved by a Conditional Use Approval decision made by the City Commission may, within thirty (30) days after the date of the public hearing at which the decision was rendered but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

**Special City Commission Meeting
July 29, 2019**

AGENDA ITEM #3: PUBLIC HEARING-ORDINANCE 2019-09, RATIFYING ORDINANCE 2018-03, VOLUNTARILY ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF POLK CITY, FLORIDA – ADDING EXHIBIT “B” GIVING MEETS AND BOUNDS DESCRIPTION

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

1. **Public Hearing on Ordinance 2019-08**, An Ordinance of the City Commission of Polk City, Florida; ratifying ordinance No. 2018-03, which voluntarily annexed certain property into the corporate limits of Polk City, Florida, pursuant to Section 171.044, Florida Statutes; redefining the boundary lines of the municipality to include said property; providing for publication of notice of the proposed annexation and filing of a certified copy of this Ordinance with the Clerk of the Circuit Court in and for Polk County and with the Department of State; providing an effective date -- **First Reading**

2.

ATTACHMENTS:

- Ordinance 2019-09, with Exhibits

ANALYSIS:

The initial annexation of this property, which was done by Ordinance 2018-03, did not include an exhibit with the meets and bounds description. The Polk County Property Appraiser needs this to put inside the city limits on their records. Ordinance 2019-09 corrects that by including Exhibit “B”.

STAFF RECOMMENDATION:

Move to adopt Ordinance 2019-09 on first reading

09ORDINANCE 2019-09

AN ORDINANCE OF THE CITY COMMISSION OF POLK CITY, FLORIDA; RATIFYING ORDINANCE NO. 2018-03, WHICH VOLUNTARILY ANNEXED CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF POLK CITY, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF THE MUNICIPALITY TO INCLUDE SAID PROPERTY; PROVIDING FOR PUBLICATION OF NOTICE OF THE PROPOSED ANNEXATION AND FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE CLERK OF CIRCUIT COURT IN AND FOR POLK COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk City, Florida (“City”), received a Petition for Voluntary Annexation of certain lands (“Property”) into the incorporated boundaries of the City; and,

WHEREAS, the Property is presently located in unincorporated Polk County, is contiguous to the City, and is reasonably compact and will not result in the creation of enclave as required by section 171.044, Florida Statutes; and,

WHEREAS, the map and legal description of the Property attached to and incorporated in this Ordinance as Exhibit “A” depicts the land and parcel proposed to be annexed by this Ordinance; and,

WHEREAS, the City Commission hereby determines that the Petition bears the signature of the owner of all the Property, which means all of the owners of the area proposed to be annexed in accordance with and pursuant to Section 171.044, Florida Statutes, and,

WHEREAS, the City Commission hereby determines that the owner of the property and the area proposed to be annexed has consented to the annexation, and pursuant to Section 171.044, Florida Statutes, no referendum is required; and;

WHEREAS, the City Commission lawfully conducted a public hearing and adopted Ordinance No. 2018-03 that voluntarily annexed the Property; and,

WHEREAS, after the adoption of the ordinance, the Polk County Property Appraiser asked that the City readopt the Ordinance of annexation to include a more fully defined legal description which was not previously available to the City; and,

WHEREAS, the City has once again held the necessary public hearing, conducted two public readings of the title to this ordinance, and has made all necessary findings required by law to voluntarily annex the Property as more fully described below.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

Section 1. Ratification of Ordinance No. 2018-03 and Ratification of Prior Annexation. The City hereby ratifies and readopts and confirms the adoption of Ordinance No. 2018-03. As an accommodation to the Polk County Property Appraiser, the City also includes a metes and bounds legal description of the Property as Exhibit “B” incorporated into this Ordinance and into Ordinance No. 2018-03. The Property described in Exhibit “A” and Exhibit “B” to this Ordinance has been and continues to be annexed into Polk City, Florida..

Section 2. Notice of Proposed Ratification Ordinance. Notice of this proposed ordinance shall be published at least once each week for two consecutive weeks in a newspaper published in Polk City, Polk County, Florida, before final passage. Not fewer than 10 days prior to publishing or posting the ordinance notice required under section 171.044(2), the City Commission shall provide a copy of the notice, via certified mail, to the Board of County Commissioners of Polk County, Florida. .A certified copy of this Annexation Ratification Ordinance shall, after adoption, be filed with the Clerk of the Circuit Court and the Chief Administrative Officer in and for Polk County, Florida, and with the Department of State, of the State of Florida, within seven (7) days after the adoption of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by state law.

PASSED ON FIRST READING this ____ day of _____, 2019.

PASSED ON SECOND READING this ____ day of _____, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

Patricia Jackson, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

Thomas A. Cloud, Esquire
City Attorney

Exhibit "A": City of Polk City ANNEXATION ORDINANCE 2019-09

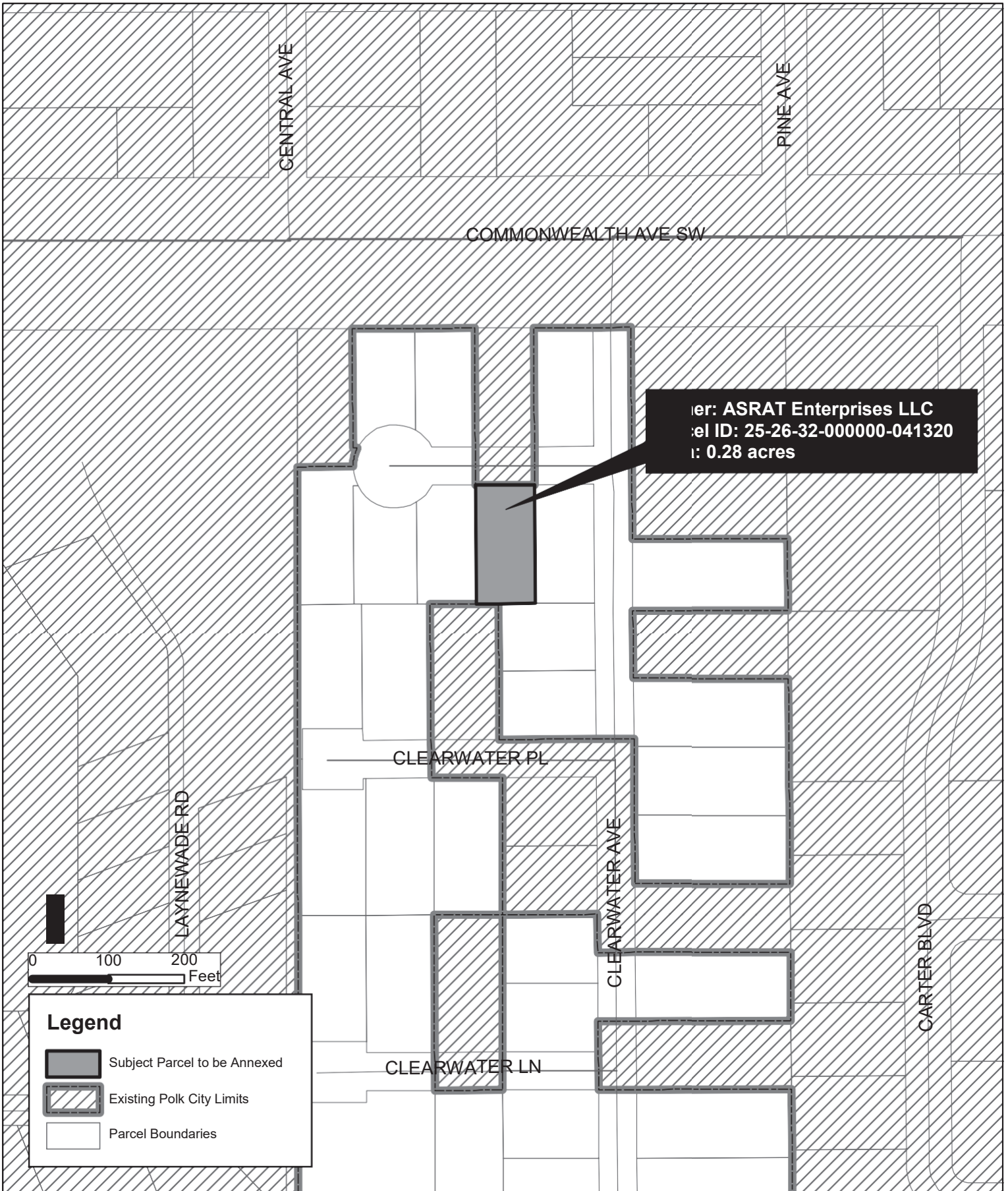


EXHIBIT "B"
MEETS AND BOUNDS DESCRIPTION
111 CLEARWATER ESTATES

**S 156 FT OF N 482 FT OF W 78 FT OF E 411 FT OF NE1/4 OF NE1/4 OF
SW1/4 BEING LOT 157 OF UNRE CLEARWATER LK ESTS ADD**

**Special City Commission Meeting
July 29, 2019**

**AGENDA ITEM #4: RESOLUTION 2019-03 – APPROVING A CONDITIONAL USE PERMIT
TO ALLOW FOR A SPECIAL EVENTS FACILITY**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

1. **Resolution 2019-03**, A Resolution approving a Conditional Use Permit to allow for a special events facility on approximately 2.5 acres at 545 Orange Boulevard (Parcel ID 25-26-33-296500-045020); and providing an effective date

ATTACHMENTS:

- Resolution 2019-03
- Staff Report, which includes a copy of the application

ANALYSIS:

On March 18, 2019, the City Commission adopted Ordinance 2019-02 on second and final reading which amended the Polk City Code of Ordinances and the Unified Land Development Code by amending Article 2, Regulations for specific districts, Table 2 – table of uses for each zoning district to add special events facilities.

The Commission is considering adoption of Ordinance 2019-08 on second and final reading on 7/29/2019 (action to be taken prior to this Resolution) amending the Polk City Unified Land Development Code amending Section 3.10.00, Development Standards for Conditional Uses; amending Article 7, Development Approval Process, to add a new Section 7.12.00, Conditional Use Permit.

If Ordinance 2019-08 is adopted on second and final reading, Resolution 2019-03 will consider a Conditional Use Permit allowing for a special events facility on approximately 2.5 acres at 545 Orange Boulevard.

The applicant, Gary Hoshing, has submitted the Serendipity Space Event Plan, which is attached in the staff report.

The Planning Commission recommended approval at their May 30, 2019 meeting.

STAFF RECOMMENDATION:

Move to approve Resolution 2019-03

RESOLUTION 2019-03

A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SPECIAL EVENTS FACILITY ON APPROXIMATELY 2.5 ACRES AT 545 ORANGE BOULEVARD PARCEL ID 25-26-33-296500-045020); PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gary Ho Shing, hereinafter referred to as the 'Applicant') has requested a conditional use permit to allow a special events facility 545 Orange Boulevard (Parcel ID # 25-26-33-296500-045020); and

WHEREAS, the property is owned by Gary Ho Shing; and

WHEREAS, the property is located in the R-2 (Single Family) Residential District; and

WHEREAS, special events facilities are a permitted use if approved as a conditional use in the R-2 zoning district; and

WHEREAS, the Polk City Planning Commission, acting as the designated Local Planning Agency, has reviewed the Conditional Use Permit application, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the City Commission has reviewed the Conditional Use Permit application, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

Section 1. Findings. The Commission hereby declares that the foregoing findings are true and correct, incorporated herein by reference, and made a part of this Resolution.

Section 2. Conditional Use Permit; Conditions of Approval. The application for a Conditional Use Permit to allow a special events facility at 545 Orange Boulevard (Parcel ID # 25-26-33-296500-045020) is approved subject compliance with the site plan provided as Exhibit A attached to and incorporated in this Resolution and subject to the following conditions of approval:

- 1) Prior to final City Staff permitting, the applicant must provide a revised site plan acceptable to City Staff that depicts all special event activities are set back a minimum of 30 feet from both the north and south property lines. A minimum of an opaque fence or opaque landscaping shall be installed on the property prior to and as a condition of any use of this

permit.

2) Prior to final City Staff permitting, the applicant shall provide a signed and notarized parking agreement with the adjacent property owner to north indicating accommodation of overflow parking on the neighboring property.

3) Parking within the public right-of-way shall be and is hereby prohibited.

4) Lighting to illuminate buildings, stages, open areas or advertising shall be designed and installed by the applicant so as to shine only on the subject property, and shall be directed away from any public street or residential area.

5) This special events facility shall be subject to applicable performance standards provided in section 3.06.00 of the Polk City Land Development Code.

6) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

7) Outdoor music may be played only between 10:00 a.m. and 10:00 p.m.

8) Events attracting more than 100 people are prohibited without special event approval by the City. There shall be a minimum of two (2) hours between events to limit the potential off-site traffic congestion.

9) There shall be no permanent alcohol or retail sales as a part of this conditional use permit.

10) Prior to final City Staff permitting, the applicant shall prepare an event management plan consistent with major event management techniques for the Polk City staff to review, approve, and keep on file. Should this plan need to be changed or modified for any reason, Polk City staff shall review and approve any changes or modifications in writing prior to any changes or modifications being commenced or enacted.

11) There shall be no more than 12 events per year held or conducted upon the property.

Section 3. Expiration of Permit. This conditional use permit shall expire on June 17, 2022. Should the use change to a use permitted in the zoning district that is not the use approved by this conditional use permit, and remain so for 180 days or more, then this conditional use permit shall expire and a new application will be required to reestablish any Conditional Use Approval use.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage.

INTRODUCED, PASSED AND DULY ADOPTED, by the City Commission of Polk City, Florida, meeting in Regular Session on this _____ day of _____, 2019.

Joe LaCascia, Mayor

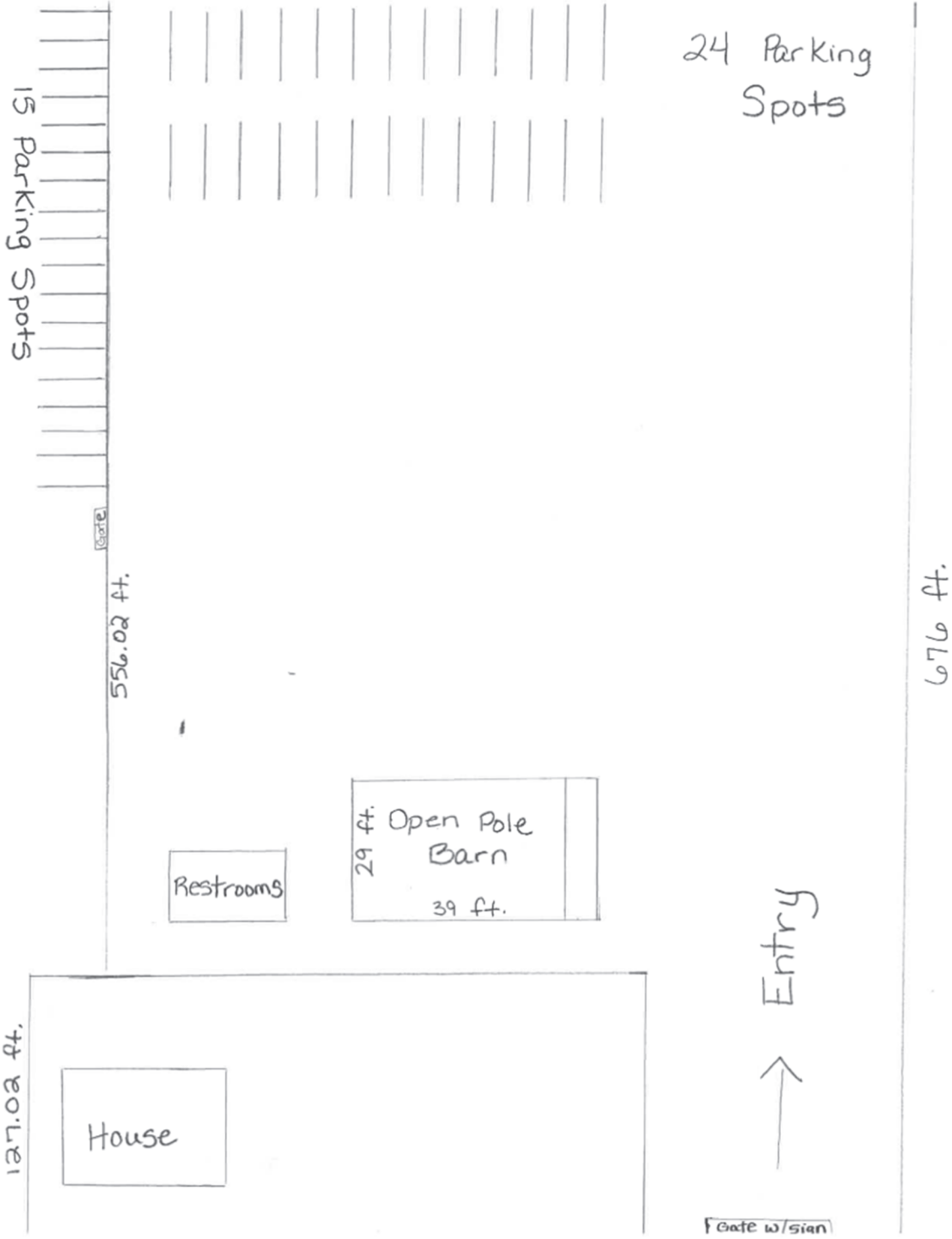
ATTEST:

Approved as to form and correctness

Patricia R. Jackson, City Manager

Thomas A. Cloud, City Attorney

POLK CITY RESOLUTION 2019-03
EXHIBIT "A"
SITE PLAN





**POLK CITY COMMISSION
CONDITIONAL USE PERMIT
STAFF REPORT**

JULY 29, 2019

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: RESOLUTION 2019-03 - SPECIAL EXCEPTION:

Applicant-initiated (Gary Ho Shing) Conditional Use Permit to allow for a Special Events Facility on approximately 2.5 acres at 545 Orange Boulevard (Parcel ID 25-26-33-296500-045020).

AGENDA & HEARING DATES:

Planning Commission Meeting: May 30, 2019 at 6:00 PM

City Commission Meeting (Public Hearing): July 29, 2019 at 7:00 PM

PAST ACTIONS:

On Thursday, May 30, 2019, the Polk City Planning Commission held a public Hearing on this request for a Special Events Facility. The Planning Commission voted unanimously to forward the proposed amendment to the City Commission with a recommendation of approval with conditions.

Attachments

- Overview Report and Recommended Conditions of Approval
- Aerial Photo Map
- Future Land Use Map
- Zoning Map
- Site Plan
- Serendipity Space Event Plan
- Application

OVERVIEW REPORT

PROPERTY OVERVIEW:

Property Owner	Gary Ho Shing
Subject Parcels	25-26-33-296500-045020
Acreage	2.09 acres
Existing Future Land Use	Residential Low
Existing Zoning	R-2, Single Family Residential

REQUEST:

The applicant, Gary Hoshing, Conditional Use Permit to allow for a Special Events Facility on approximately 2.5 acres at 545 Orange Boulevard (Parcel ID 25-26-33-296500-045020).

The applicant has submitted the Serendipity Space Event Plan which is attached to this staff report and includes the following information.

- Events to be hosted include weddings, birthday celebrations and activities such as yoga.
- An open pole barn onsite will be used as well as general outdoor space.
- Parking will be provided onsite and on the neighboring property to the north.

SITE ANALYSIS:

Description of Property:

The subject property is a single-family residence on approximately 2.09 acres with a barn.

Special Events Facilities:

Special Events Facilities are subject to the requirements of the City of Polk City's Land Development Code provided below.

3.10.01.2. – Special Events Facilities

Such facilities shall be subject to the following requirements:

- (A) No special events facilities shall be located within 30 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Polk City Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed special events facilities would be located.
- (B) Minimum lot size shall be one acre.

(C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.

(D) Special events facilities shall be subject to applicable performance standards provided in section 3.06.00.

(E) Additional requirements may be applied based on the proposed use and its location to mitigate off-site impacts.

FINDINGS OF FACT:

- Applicant requests a condition use permit to allow for a Special Events Facility on the subject property.
- The subject property would serve as a multipurpose space for special events such as wedding, birthdays, and other events.
- Parking would be on the subject property and the property owner has the permission of his neighbor to utilize his property as overflow parking if needed.
- Special events facilities are permitted in R-2 zoning with an approved conditional use permit.
- The property is 2.09 acres in size.

RECOMMENDED CONDITIONS OF APPROVAL:

The following are recommended conditions of approval for the proposed use.

- 1) Prior to final City Staff permitting, the applicant must provide a revised site plan show that all special event activities are set back a minimum of 30 feet from the north and south property lines. A minimum of an opaque fence or opaque landscaping shall be installed.
- 2) Prior to final City Staff permitting, the applicant shall provide a signed and notarized parking agreement with the adjacent property owner to north indicating accommodation of overflow parking on the neighboring property.
- 3) Parking within the public right-of-way shall be prohibited.
- 4) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- 5) This special events facility shall be subject to applicable performance standards provided in section 3.06.00 of the Polk City Land Development Code.

- 6) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.
- 7) Outdoor music may be played between 10:00 a.m. and 10:00 p.m.
- 8) Events attracting more than 100 people are prohibited without special event approval by the City. There shall be a minimum of two (2) hours between events to limit the potential off-site traffic congestion.
- 9) There shall be no permanent alcohol or retail sales except in accordance with the Land Development Code, including but not limited to obtaining the proper land use designation.
- 10) Prior to final City Staff permitting, the applicant shall prepare an event management plan consistent with major event management techniques for the Polk City staff to review, approve, and keep on file. Should this plan need to be changed or modified for any reason, Polk City staff shall review and approve any changes or modifications in writing prior to any changes or modifications being commenced or enacted.
- 11) There shall be no more than 12 events per year held on the property.

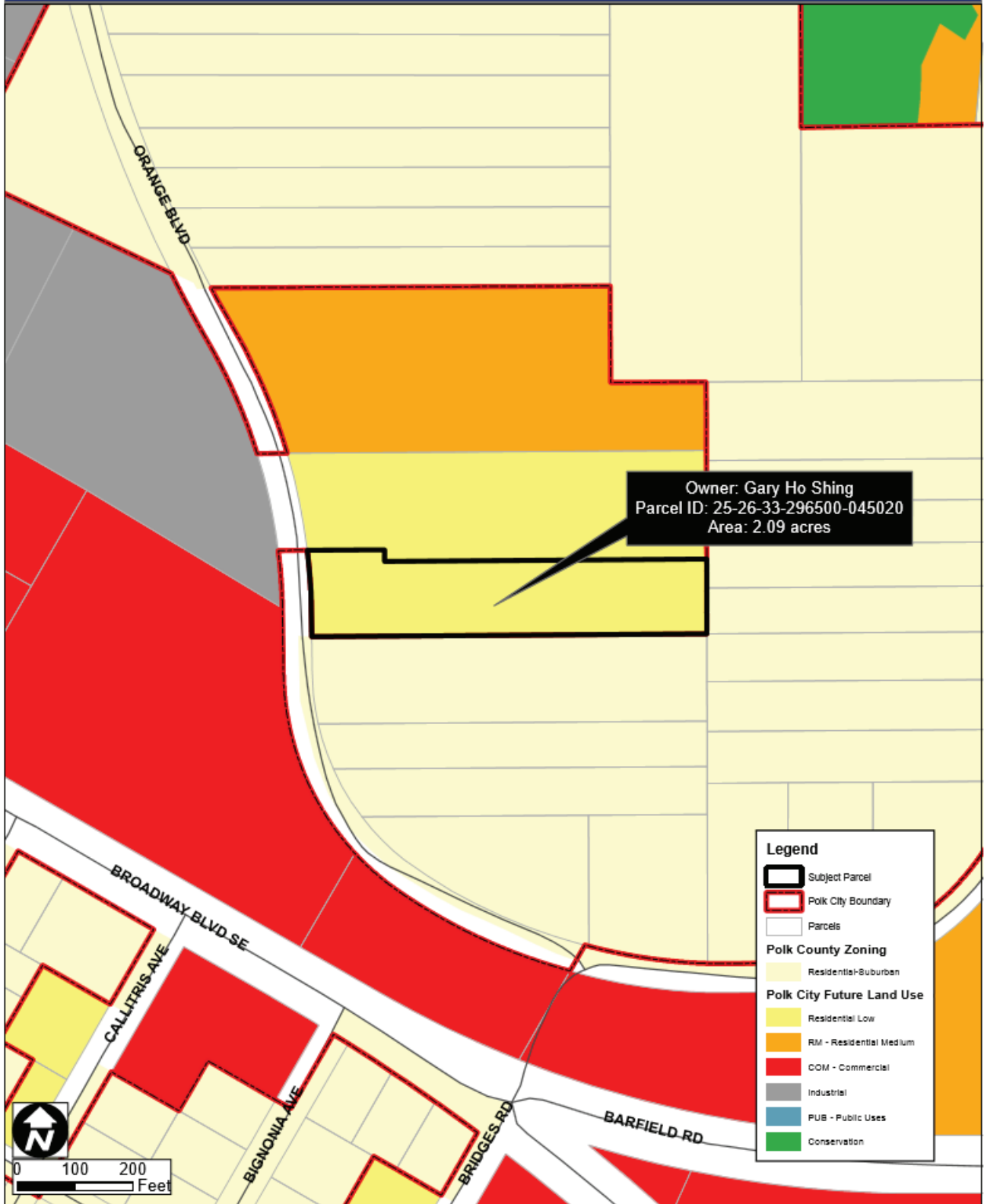
CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission **approve** Resolution 2019-03.
2. I move the City Commission **approve with changes** Resolution 2019-03.
3. I move the City Commission **deny** Resolution 2019-03.

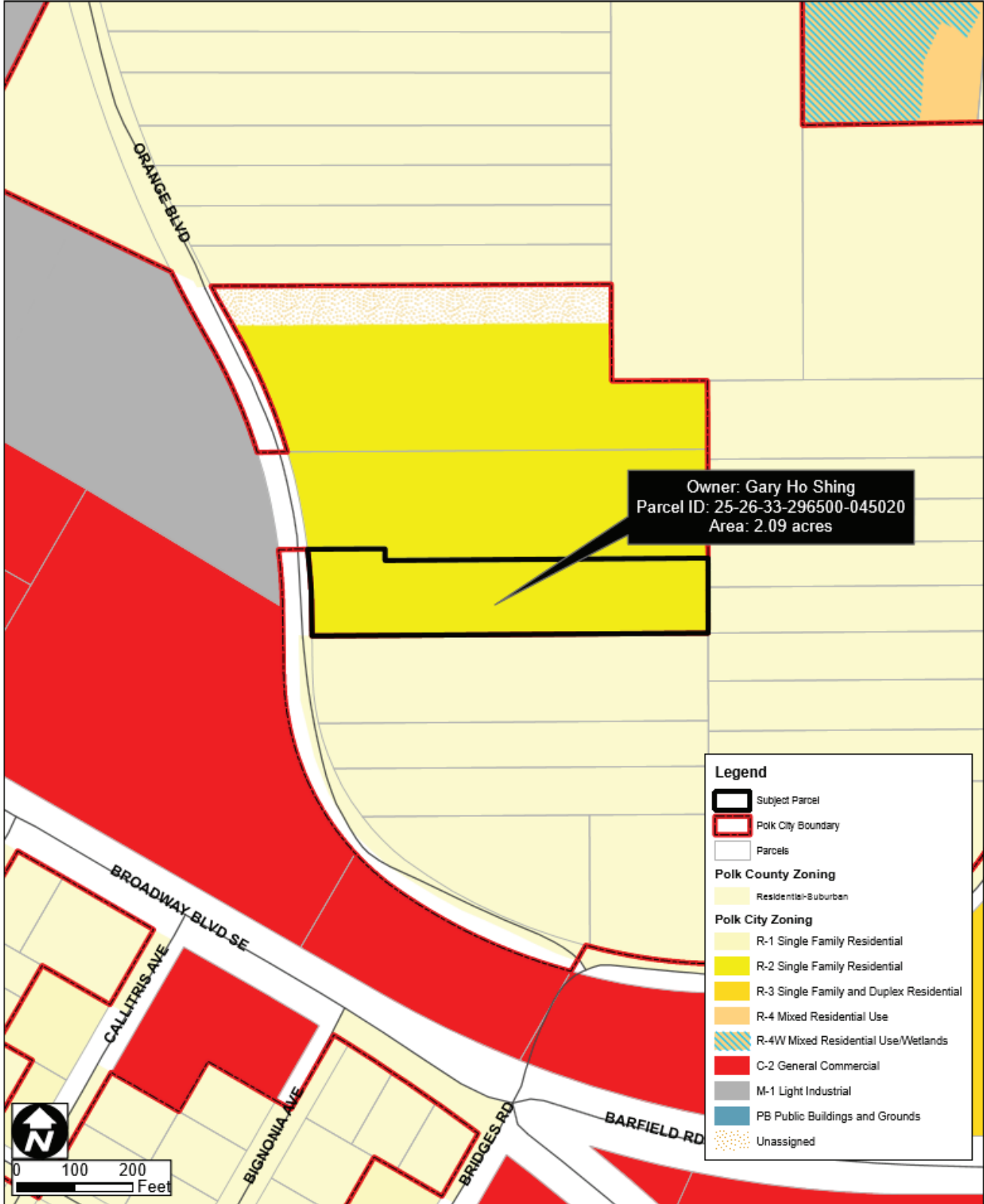
POLK CITY
AERIAL MAP
GARY HO SHING

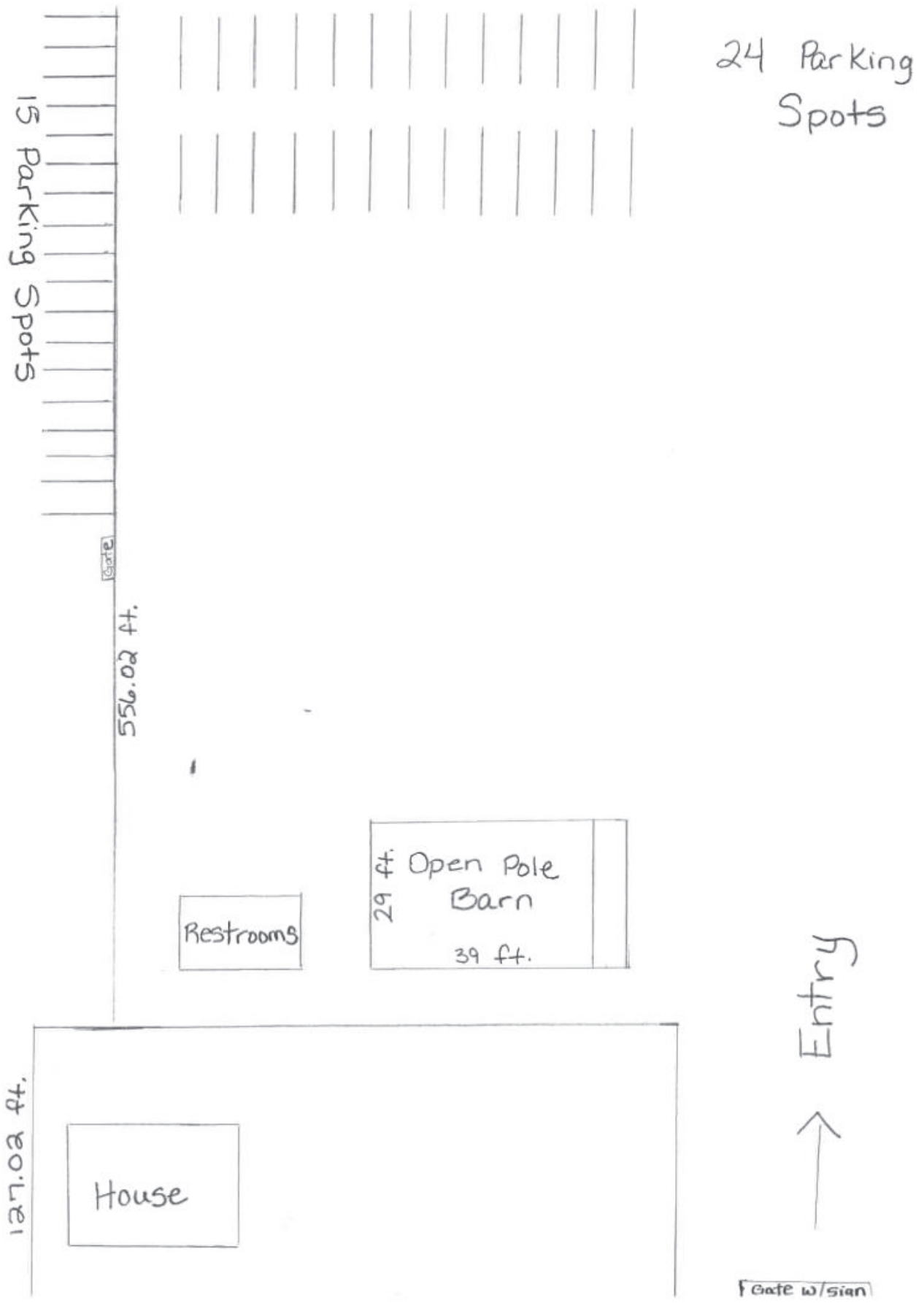


POLK CITY
FUTURE LAND USE MAP
GARY HO SHING



POLK CITY
ZONING MAP
GARY HO SHING





SERENDIPITY SPACE EVENT PLAN

1. **Purpose:** To serve as a multi purpose space for special events such as weddings, birthday celebrations and meetups such as yoga etc.....
2. **Attendance:** Attendance for each event will vary. The Serendipity Space is both an outdoor space as well as an open pole barn with no sides (walls) present. The fire dept will come out to do an assessment of the space to determine an approval number of attendees.
3. **Location:** 545 Orange Blvd Polk City FL 33868
4. **Length of events:** Varies. Typically a wedding will be 6 hours to include ceremony, cocktail hour and reception. All events must conclude by 11p.
5. **General Manager:** I, Gary Ho Shing will be the general manager. I will be in charge of the site, coordinate the events, vendor compliance and emergency management. As The Serendipity Space grows, additional personnel will be added to assist.
6. **Weather:** In the event of inclement weather, the General Manager will inform attendees to seek shelter. If a natural disaster is imminent, we will postpone or cancel events to avoid unsafe conditions for staff and attendees.
7. **Parking:** There are two options for parking.....1) Park to the rear of the property further out in the field. A designated parking area will be set. 2) Neighbor Bob Baker has agreed to allow guests to park their cars on his property as well if needed.
8. **Traffic:** Events will be pulse traffic; guests coming and going in the same direction at approximately the same time. I plan on hiring an off-duty officer to assist with anything including directing drivers where to park.
9. **Fire prevention:** There will be a smoking designated area set up for guests that smoke. Fire extinguishers will be located on the property at designated locations.
10. **Lighting:** There will be appropriate lights set for guests to see and make their way down to the space. The entrance will be properly and elegantly lighted. The actual space will be illuminated with string lights as well as flood lights. Basic dance floor lighting and up-lighting to the walls may be used if the client so chooses.
11. **Sound:** Ceremony and Cocktail hour will consist of one powered 15 in speaker on a stand. Music will be played at a low moderate volume. Reception: Two powered speakers on stands will be used at this time. The direction of sound will be faced away from neighbors and at a moderate level. No bass bins or equipment of the sort will ever be used at the space.



City of Polk City

• 123 Broadway Blvd, SE • Polk City, Florida 33868 • (863) 984-31375 • Fax (863) 984-2334

Application for COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE TEXT AMENDMENT

Applicant

The following information is required for submission of an application for assignment of a Comprehensive Plan/Land Development Code Text Amendment for the City of Polk City, Florida. **Please print or type the required information below. If requesting both a Comprehensive Plan and Land Development Code Text Amendment, complete an application for each request.**

Applicant

Applicant: Gary Ho Shing Polk City FL 33868
Mailing Address: PO Box 870 Phone: 407 375 2733
Name of Representative, if applicable: _____
Mailing Address: _____ Phone: _____
Reason for Request: _____

Description of Proposed Text Amendment

Type of Text Amendment (circle one): Comprehensive Plan or Land Development Code

Section of Text to be amended: _____

Reason text should be amended: _____

Type the current language of the article(s) and/or subsection(s) to be amended (attach on separate paper or submit digitally):

Type the proposed amended version of the article(s) and/or subsection(s) you are requesting (attach on separate paper or submit digitally): The proposed text amendment must list the appropriate text section number(s) and heading(s) with proposed additions or changes in **bold italics** and proposed deletions in **strikethrough**.

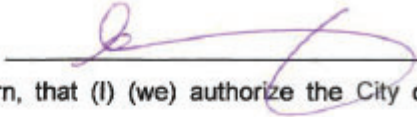
Date Received: _____

Received By: _____

Fee Paid: _____

File Number: _____

APPLICANT'S SIGNATURE PAGE

(I) (We),  being
duly sworn, that (I) (we) authorize the City of Polk City to process this application for text
amendment, in accordance with all adopted City rules and regulations, and in conformance with
State law.

APPLICANTS


Signature of Applicant
Gary Ho Shing
Printed Name of Applicant

Signature of Applicant

Printed Name of Applicant



City of Polk City

1123 Broadway Blvd, SE • Polk City, Florida 33868 • (863) 984-31375 • Fax (863) 984-2334

Application for Conditional Use Permit

Applicant

The following information is required for submission of an application for a Conditional Use Permit in the City limits of Polk City, Florida. **Please print or type the required information below. Attach three (3) copies of this completed application, site plan, and Polk County Property Appraiser's plat map with parcel identification number.**

Name of Property Owner: Gary Ho Shing
 Mailing Address: PO Box 0870 33868 Phone: 407 375 2733
 Name of Representative, if applicable: _____
 Mailing Address: _____ Phone: _____
 Reason for Request: _____

Property Identification

Property Address or General Location: 545 Orange Blvd P.C. FL 33868
 Present Use of the Property: N/A
 Existing Structures Located on the Site: pole barn, workshop, storage building
 Total Acreage: 2.5 Parcel I.D.#: 252633296500645020*
 Legal Description of the Property: Polk City PB 24 PG 1 + 1A BLK 45 →
BGR 309.40 FTS of NE corner S 130.75 FT W 676 FT to pinton curve
NWLY along curve 150.83 FT E 127.02 FT S 20 FT E 556.02 FT to POB

Planning and Zoning Information

Current City Zoning Classification: _____
 Current Future Land Use Classification: _____
 Requested Conditional Use Permit: _____

Date Received: _____

Received By: _____

Fee Paid: _____

File Number: _____


Conditional Use Information

Conditional Use Requested: _____

* Applicant must provide a site plan or sketch drawn to scale showing the following information as applicable:

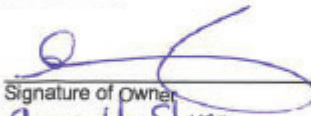
- * a) The dimensions of the property;
- * b) The existing and proposed location of structures on the property including signage;
- c) Paved surfaces including sidewalks, vehicular accessways, and circulation areas, off-street parking and loading areas, and refuse and service areas;
- * d) The number of required and provided off-street parking and loading spaces;
- e) Required yards, other open spaces, and landscape buffer yard areas;
- f) The measurements of existing and proposed adjacent rights-of-way, building setbacks, distances between buildings, widths of accessways and driveways, and sidewalks;
- completed * g) A description of the proposed use of the property including conditions of use, such as hours of operation, numbers of residents, numbers of employees, and other pertinent information;
- h) Existing and proposed density;
- 29x39 i) Amount of existing and proposed commercial or industrial space;
- j) Location of all public and private streets, existing and proposed utilities, driveways, and utility easements, within and adjacent to the site;
- k) Provisions for stormwater management and detention related to the proposed development;
- l) Where applicable, delineation of all watercourses, wetlands and flood prone areas as delineated by the National Wetlands Inventory and the flood insurance rate maps (FIRM) published by the Federal Emergency Management agency (FEMA);
- m) Where applicable, the identification of significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

OWNER'S SIGNATURE PAGE

(I) (We),  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 Conditional
Use Permit, 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
Gang He Shing
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 ___ day of
_____, 20___, by _____, 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

**Special City Commission Meeting
July 29, 2019**

AGENDA ITEM #5: **RESOLUTION 2019-04 – SUPPORTING THE DESIGNATION OF INTERSTATE 4 BETWEEN MILE MARKERS 36 AND 44 AS “TROOPER JOHN C HAGERTY MEMORIAL HIGHWAY”**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

1. **Resolution 2019-03**, A Resolution support the designation of Interstate 4 between mile markers 36 and 44 as “Trooper John C. Hagerty Memorial Highway” and providing an effective date.

2.

ATTACHMENTS:

- Resolution 2019-04

ANALYSIS:

The City has received a request from the Florida Highway Patrol to pass a Resolution honoring Trooper John C. Hagerty by designating Interstate 4 between mile markers 36 and 44 as “Trooper John C. Hagerty Memorial Highway.”

I receive a telephone call and email from Lieutenant Chris Miller on behalf of the Florida Highway Patrol.

STAFF RECOMMENDATION:

Move to approve Resolution 2019-04

RESOLUTION 2019-04

A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; SUPPORTING THE DESIGNATION OF INTERSTATE 4 BETWEEN MILE MARKERS 36 AND 44 AS "TROOPER JOHN C. HAGERTY MEMORIAL HIGHWAY"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Trooper John C. Hagerty served the residents of Florida from October 15, 1956 to his End of Watch on March 18, 1970; and

WHEREAS, Trooper Hagerty was conducting a speed enforcement sky patrol over Interstate 4 in Polk County when his plane was struck by a low-flying U.S. Navy Jet and crashed, killing him at 44 years of age; and

WHEREAS, in recognition of Trooper Hagerty's service and sacrifice, the 2019 Florida Legislature designated the portion of Interstate 4 between Mile Markers 36 and 44 as the "Trooper John C. Hagerty Memorial Highway";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. The City Commission endorses and recommends the designation of this section of Interstate 4 within its corporate city limits as "Trooper John C. Hagerty Memorial Highway" to remind motorists of the risks and sacrifices incurred by our law enforcement officers that protect Florida's residents and visitors on our highways.

SECTION 2. This Resolution shall take effect immediately upon its passage.

RESOLVED, PASSED AND DULY ADOPTED, by the City Commission of Polk City, Florida, meeting in Regular Session on this _____ day of _____, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness

Patricia R. Jackson, City Manager

Thomas A. Cloud, City Attorney