

Office of Planning and Development  
Tom Deardorff, AICP, Director

Land Development Division



330 West Church Street  
P.O. Box 9005, Drawer GM 03  
Bartow, FL 33831-9005  
(863)534-6792  
Fax (863)534-6407  
www.polk-county.net

*Board of County Commissioners*

**AGENDA FOR DEVELOPMENT REVIEW COMMITTEE**

**DATE:** July 01, 2015  
**TO:** Development Review Committee Members  
**FROM:** John M. Bohde, AICP, Director  
Tom Pierce, Sr, Development Review Specialist  
**SUBJECT:** Meeting Schedule for July 09, 2015

The Development Review Committee will meet on **Thursday, July 9, 2015 IN THE LAND DEVELOPMENT DIVISION (PLANNING CONFERENCE ROOM 2ND FLOOR)**

**LEVEL 1 PRE-APPLICATION REQUESTS WILL START AT 8:30 A.M.**

**ALL OTHER LEVELS OF REVIEW WILL BE SCHEDULED BY APPOINTMENT.**

Please bring all case files and pertinent information on the cases listed in the attached agenda to the meeting.

If you have any questions, please contact my office at (863) 534-6792.

MC/BG

Attachments: Pre-Application Request

## LEVEL 1 APPLICATIONS

### PRE-APPLICATION

- 1.) BROWN  
ROCKY BROWN  
(863)557-1411 x Project #: 58005 232905-000000-042010  
Applicant would like to change the land use from BPC-2 to a residential land use so he can build a single family residence.
- 2.) IGLESIA PENTECOSTAL  
IGLESIA PENTECOSTAL LUZ Y VERDAD INC  
(863)280-4745 x Project #: 58015 272731-000000-042080  
The applicant would like to have a church in an existing building that is 7,100 sf and have related activities that go along with the church.
- 3.) HENDERSON  
RICHARD HENDERSON  
(561)261-9862 x Project #: 58018 303030-000000-014160  
Applicant would like to build a structure so he can sell his containers.
- 4.) GETAWAY PARADISE  
EMILIANO RODRIGUEZ  
(863)618-7479 x Project #: 58023 252812-000000-012010  
Applicant would like to use this property as a tourist attraction, getaway, with weekly cottage rentals, swimming pool, row boats, food and drinks. 262807-527500-001400  
262807-527500-001300
- 5.) POLK COUNTY TOWNHOME AND RETAIL  
LALLY DEVELOPMENT  
(407)895-0324 x Project #: 58025 262501-000000-031070  
The proposed development consists of the development of 103 townhome units and 23,980 g.s.f. of retail buildings on the project site. The project parcels were part of a previously approved planned development (PD 06-41). 262501-000000-031030
- 6.) POLK LAND SURVEYING  
POLK LAND SURVEYING  
(863)632-4424 x Project #: 58027 262921-690500-025214  
Applicant would like to divide a 3.3 acre parcel of land with 3 existing parcel ID numbers into 6 parcels. The new parcels will have 1 dwelling on each, 5 parcels front on county asphalt roads and 1 parcel will gain access through a proposed ingress/egress esement. 262921-690500-025205  
262921-690500-025213

## LEVEL 2 APPLICATIONS

### NON-RESIDENTIAL SITE PLAN

- 7.) PALMS AT SOLIVITA WEST GOLF CART PARKING  
TONY REDDECK  
(407)960-5980 x14 Project #: 57928 282716-933611-002040  
This project proposes the construction of a golf cart path on the eastside of San Clemente across from the Palms at Solivita West Amenity area for additional golf cart parking.
- 8.) NEW HORIZON CHURCH - DRIVEWAY  
KRISS KAYE  
(863)324-1112 x Project #: 57933 272708-727500-020150  
Requesting a non residential driveway permit in the right of way of Orchid Drive at a proposed New Horizon Church which will consist of a 15,000 sq ft building with 233 parking spaces. 272708-727500-020121

- 9.) HIGH GLEN EYE SPECIALIST  
 SAM MEDINA  
 (863)533-9095 x3 Project #: 57953 242917-285000-006301  
 Requesting a 3,550 s.f. medical office.
- 10.) POLK STATE COLLEGE  
 ELISA TURNER  
 (863)226-6862 x Project #: 57972 252828-000000-012010  
 Proposed pedestrian off road path with polk state college.
- 11.) HIGHLAND CITY TOWN CENTER  
 RODNEY GADD, P. E.  
 (863)940-9979 x Project #: 58006 242911-281015-000030  
 Request to build a new fast food drive-thru restaurant between Spine Road & US Hwy 242911-281015-000040  
 98 S, Lakeland, Florida 242911-281015-000050  
 242911-281015-000060
- 12.) GRAPHITE MAINTENANCE BUILDING ADDITION  
 MIKE FLORA  
 (863)533-9095 x Project #: 58010 233003-000000-023090  
 Proposed 1,250 s.f. office to replace an existing 480 s.f. office at the Graphite Maintenance facility.
- 13.) SOIL SEMENT PLANT  
 JAMES MOTT  
 (863)422-1171 x252 Project #: 58012 262520-000000-012010  
 The project is to use a potable soil-cement plant at the CEMEX Gator Sand Mine. 262527-000000-033010  
 262533-000000-012030  
 262533-000000-012020  
 262534-000000-024010  
 262534-000000-024020  
 262534-000000-024030  
 262603-000000-013010  
 262603-000000-013020  
 262603-000000-013030  
 262604-000000-011010  
 262604-000000-011020  
 262604-000000-011030  
 262609-000000-011010  
 262609-000000-011020  
 262609-000000-011030

**LEVEL 3 APPLICATIONS**  
**ALCOHOLIC BEVERAGE DISTANCE**

- 14.) HOLLON WINERY VAR 15-67 VAR 15-67  
 SARAH CASE  
 (863)940-9979 x Project #: 58001 232734-000000-032030  
 An Alcoholic Distance Requirement Variance to allow for a wine tasting and retail sale establishment.

**LEVEL 3 CONDITIONAL USE**

- 15.) GREEN LEAF RIVER OF LIFE CU 12-17M  
 MARK ATTERSON MODIFICATION  
 (863)287-8775 x Project #: 58007 272734-000000-024040  
 CU Modification to allow a classroom in a modular building

**LEVEL 3 TEMP SPECIAL EXCEPTIO**

- |      |   |                                       |
|------|---|---------------------------------------|
| 16.) | COFFMAN TSE 15-01<br>LISA BOOKER<br>(813)714-1476 x                      Project #: 57941<br>A Temporary Special Exception to allow a mobile home for a medical hardship. | TSE 15-01<br><br>252610-294790-000270 |
|------|---|---------------------------------------|

**LEVEL 3 VARIANCE SETBACKS**

- |      |   |                                       |
|------|---|---------------------------------------|
| 17.) | STEVENS VAR 15-59<br>MARY ANN SIMMONS<br>(863)534-6479 x                      Project #: 57951<br>A right of way setback variance.                                  | VAR 15-59<br><br>263006-692941-000580 |
| 18.) | CRUZ VAR 15-58<br>ISMAEL CRUZ<br>(570)647-8315 x                      Project #: 57959<br>Request side setback for carport  | VAR 15-58<br><br>233014-000000-011070 |
| 19.) | VALLEJO VAR 15-<br>CARLOS GUERRERO<br>(863)934-8854 x                      Project #: 57977<br>An Alcoholic Beverage Site, Distance Requirement variance.           | <br><br>242810-000000-043760          |
| 20.) | VAR 15-61<br>RICHARD CLEMONS<br>(863)696-1727 x                      Project #: 57978<br>A R-O-W setback variance.  | VAR 15-61<br><br>283001-939020-029020 |
| 21.) | GREEN VAR 15-62<br>MURRAY AND DIANE GREEN<br>(863)696-7316 x                      Project #: 57983<br>A R-O-W setback variance.                                     | VAR 15-62<br><br>283001-939010-004110 |
| 22.) | BARNETT VAR 15-63<br>SHIRLEY A BARNETT<br>(863)529-7976 x                      Project #: 57984<br>A R-O-W setback variance.  | VAR 15-63<br><br>232728-011013-000330 |
| 23.) | RODRIGUEZ VAR 15-64<br>NORMA RODRIGUEZ<br>(863)353-7251 x                      Project #: 57992<br>A R-O-W setback variance to allow an existing carport to remain. | VAR 15-64<br><br>272826-000000-011150 |
| 24.) | REED VAR 15-65<br>JOHN REED<br>(863)000-0000 x                      Project #: 57998<br>A setback variance.   | VAR 15-65<br><br>272633-710004-020730 |
| 25.) | PHILLIPS VAR 15-66<br>MARGARET PHILLIPS<br>(863)512-0541 x                      Project #: 57999<br>A setback variance.   | VAR 15-66<br><br>273035-927800-003080 |



# PRE-APPLICATION CONFERENCE

**\$100.00 FEE**

**Growth Management Department  
Land Development Division**  
330 W. Church St.  
P.O. Box 9005, Drawer GM03  
Bartow, FL 33831-9005  
(863)534-6792  
SUNCOM 569-6792  
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: 7-9-15 Project Number (For office use only) 58005

Rocky Brown 863 557 1411  
APPLICANT/PROJECT NAME PHONE FAX  
306 Hillcrest Dr Winter Haven FL bhinstallfl@  
MAILING ADDRESS 33884 E-mail Address msn.com

CONTACT PERSON (if different from applicant) PHONE FAX  
MAILING ADDRESS E-mail Address

### Application Requirements (must be attached and submitted in 8 1/2" x 11" only)

- Project Narrative (ie: Number of dwelling units or square footage)
- Aerial with site identified
- Site Plan
- Location Map (vicinity map)
- Confirm the Land Use District and Development Area on the bottom part of this page.

TO Change so I can build a Single Family Resident Home.

Amendment Type  Text Amendment  Map Amendment

Acres 7+/- acres

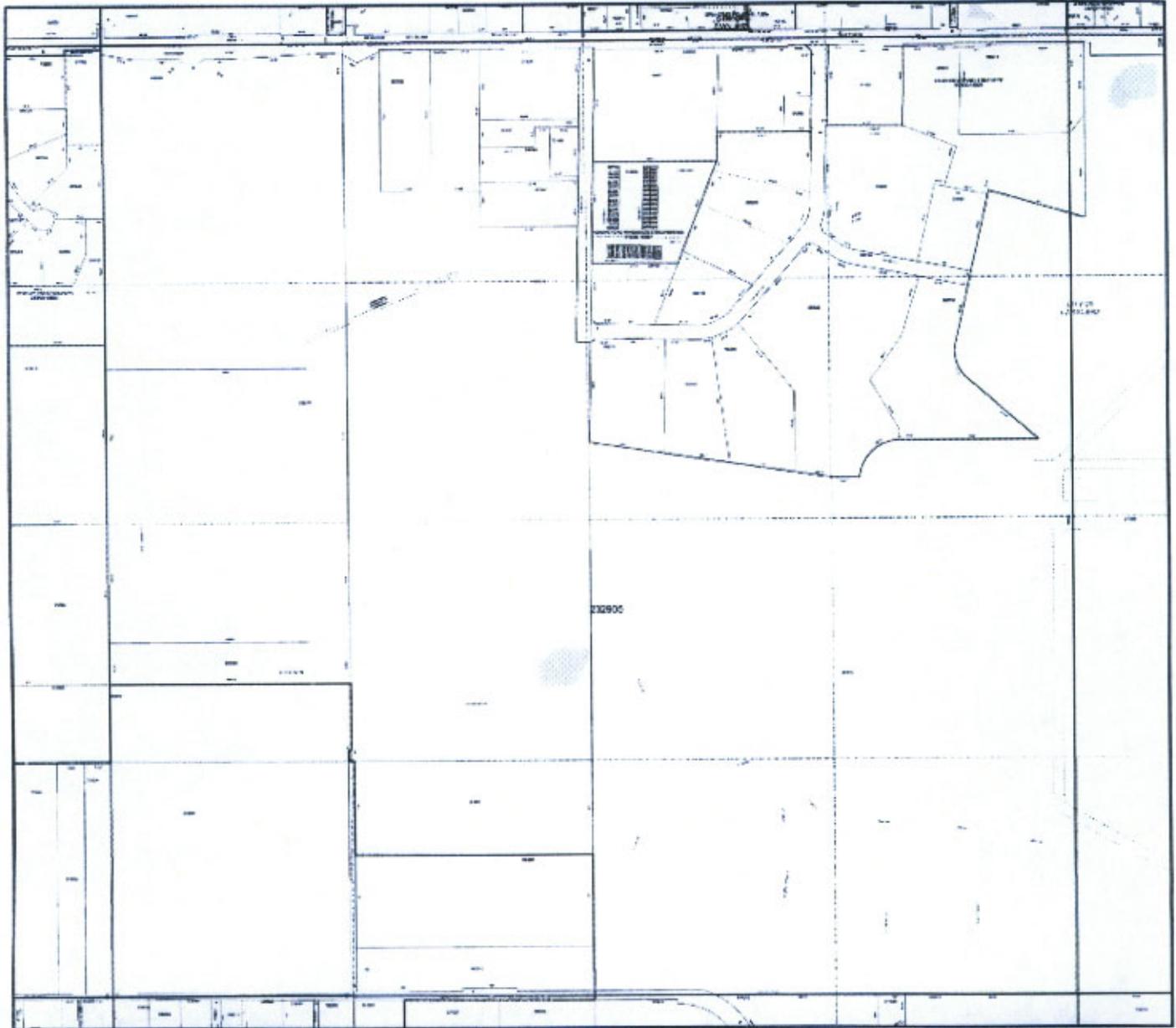
#### Tax Identification Number

	Section-Township-Range	-	Subdivision #	-	Parcel #
Parcel ID Number(s): (18 digits)	S <u>05</u> T <u>29</u> R <u>23</u>	-	<u>0</u>	-	<u>042010</u>
	S _____ T _____ R _____	-	_____	-	_____
	S _____ T _____ R _____	-	_____	-	_____

Current Land Use District BPC-2  
Current Development Area UGA

**Note:** Pre-application forms will not be accepted without the required attachments and the requested information provided.





**All of Section 05 Twp. 29 Rge. 23**  
Acreage: 951 ±

- Legend**
- Parcel
  - Lot Lines
  - Subdivision Lines
  - Municipal Lines
  - Exemptions Lines
  - Station Lines
  - Quarter Section Lines
  - Meander Lines
  - RR Lines
  - Water Rights



Use This Scale with the North Arrow  
to Measure Distances

Date Printed: 2/10/13



Approved by the Office of  
**Martha M. Paul, CFA, ASA**  
 Property Appraiser  
 Public County, Franklin  
 200 North Collins Avenue - 2nd Floor, Columbus - 43260-2001  
 (614) 265-2777





**PRE-APPLICATION CONFERENCE**

**\$100.00 FEE**

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Land Development Division**  
330 W. Church St.  
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Bartow, FL 33831-9005  
(863)534-6792  
SUNCOM 569-6792  
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: 7-9-15 Project Number (For office use only) 58015  
Church Luz y Verdad (863)280-4745  
APPLICANT/PROJECT NAME PHONE FAX

MAILING ADDRESS E-mail Address  
Richard Casiano (863)612-7120  
CONTACT PERSON (if different from applicant) PHONE FAX  
110 4th J.P.U. ST Winter Haven, FL 33880  
MAILING ADDRESS E-mail Address Richard.Casiano@Yahoo.com

**Application Requirements**  
(must be attached and submitted in 8 1/2" x 11" only)

- Project Narrative (ie: Number of dwelling units or square footage)
- Aerial with site identified
- Site Plan
- Location Map (vicinity map)
- **Confirm the Land Use District and Development Area** on the bottom part of this page.

Amendment Type  Text Amendment  Map Amendment

Acres .99

**Tax Identification Number**

Section-Township-Range - Subdivision # - Parcel #  
Parcel ID Number(s): S 27 T 27 R 31 - 0 - 042080  
(18 digits)  
S T R - -  
S T R - -

Current Land Use District CAC

Current Development Area \_\_\_\_\_

**Note:** Pre-application forms will not be accepted without the required attachments and the requested information provided.

**Narrative:**

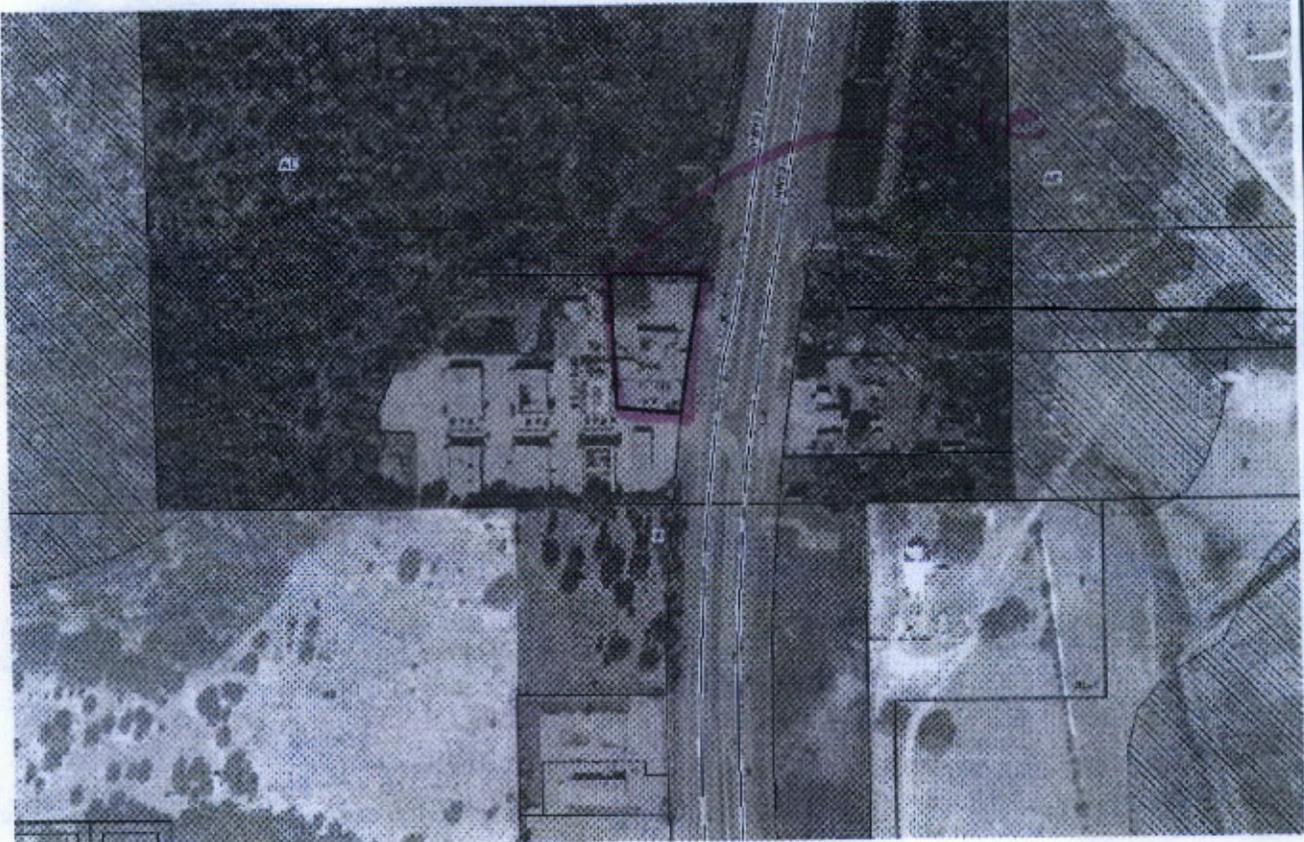
We are looking to put a church in an existing building that is currently 7,100 sq ft and have related activities that go along with the church.



**County Map**  
**Polk County IT/GIS**



Printed: Jun 19, 2015



**Landuse**

Future Land Use (FLU) District: CAC  
 Development Area: SDA (Suburban Development Areas)  
 Selected Area Plan (SAP): No  
 Green Swamp Area of Critical State Concern (ACSC): No  
 Green Swamp Special Protection Area (SPA): No

**Flood Information:**

FEMA Floodway: No  
 FEMA 100-year Floodzone: X  
 Wetlands: Yes

**Zoning**

Planned Development: No  
 Planned Unit Development (PUD):  
 Suburban Planned Developments (SPD):  
 Conditional Use (CU):

**Service Districts**

Impact Fee District: D,CENTRAL  
 Utilities Service Area: , Winter Haven, (water):



**Report for Parcel ID:**  
**272731000000042080**

[Home Page](#) » [Return To Search Results](#)

### Parcel Details: 27-27-31-000000-042080

TAX EST   PRT CALC   PRC

#### Owners

COSAC HOMELESS ASSISTANCE CENTER INC   100%

#### Mailing Address

Address 1      **PO BOX 25250**  
Address 2      **PMB 17473**  
Address 3      **MIAMI FL 33102**

#### Site Address

Address 1      **33224 US HIGHWAY 27**  
Address 2  
City            **HAINES CITY**  
State          **FL**  
Zip Code      **33844**

#### Parcel Information

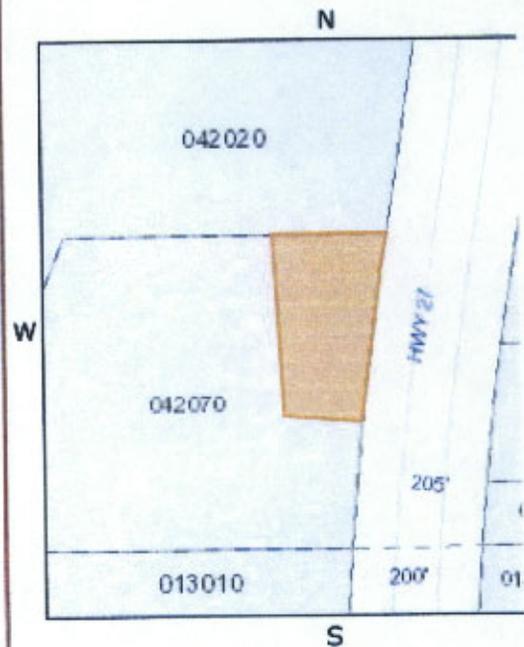
Neighborhood   **6666.00**  
[Show Recent Sales in this Neighborhood](#)  
Subdivision     **NOT IN SUBDIVISION**  
Property (DOR) Use Code   **Charitable including Orphanages-improved (Code: 7500)**  
Acreage         **0.99**  
Taxing District   **UNINCORP/SWFWMD (Code: 90000)**

#### Property Desc

**DISCLAIMER:** This property description is a cond the original legal description recorded in the publi not include the section, township, range, or the c property is located. The property description sho when conveying property. The Property Appraiser responsibility for the consequences of inappropria interpretations of the property description. No wa expressed or implied, are provided for the data h its interpretation.

COMM INTERSECTION OF S LINE OF SE OF US HWY 27 W ALONG S LINE OF SE DEG 30 MIN 39 SEC E 537.35 FT E 324. E 175.71 FT TO W R/W OF US HWY 27 : SAID R/W & CURVE 299.72 FT N 85 DE SEC W 123.22 FT N 02 DEG 50 MIN 48 TO POB

#### Area Map



#### Mapping Worksheets (plats) for 2

[Mapping Worksheet Info](#)



**PRE-APPLICATION CONFERENCE**

**\$100.00 FEE**

**Growth Management Department  
Land Development Division**  
330 W. Church St.  
P.O. Box 9005, Drawer GM03  
Bartow, FL 33831-9005  
(863)534-6792  
SUNCOM 569-6792  
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: 7-9-15 Project Number (For office use only): 58018

Richard A. Henderson 561-261-9862 ZZ N/A  
APPLICANT/PROJECT NAME PHONE FAX

850 N Old US 27 South Bay, FL 33493 zigzag2298@gmail  
MAILING ADDRESS E-mail Address

CONTACT PERSON (if different from applicant) PHONE FAX

MAILING ADDRESS E-mail Address

**Application Requirements  
(must be attached and submitted in 8 1/2" x 11" only)**

- Project Narrative (ie: Number of dwelling units or square footage)
- Aerial with site identified
- Site Plan
- Location Map (vicinity map)
- **Confirm the Land Use District** and Development Area on the bottom part of this page.

Amendment Type  Text Amendment  Map Amendment

Acres 1.15

**Tax Identification Number**

	Section-Township-Range	-	Subdivision #	-	Parcel #
Parcel ID Number(s): (18 digits)	<u>S 30 T 30 R 30</u>	-	<u>Ø</u>	-	<u>014160</u>
	<u>S</u>		<u>T</u>		<u>R</u>
	<u>S</u>		<u>T</u>		<u>R</u>

Current Land Use District ARR

Current Development Area RDA

**Note:** Pre-application forms will not be accepted without the required attachments and the requested information provided.

6-19-15

To Whome -

my name is Richard Henderson, I am  
66 years young - I am trying to Retire in  
Lake Wales - Hwy 60 East - Sam Keen Rd -  
I have been working of this for a time -  
I own property next to Jimmy's Stone  
about 5 1/2 Acres - I have been hauling material  
in time to time for - about a year - my  
Project was to move - and live close by and  
Build a Poke Barn and sell - My Containers,  
my Container Company is down South - they  
will be - Resold here - I have been in Business  
A Family Bus. for a long time - 1946 - I would like  
to set down and talk and see what we can do

Thank You  
Rich Henderson

[Home Page](#) » [Return To Search Results](#)

**Parcel Details: 30-30-30-000000-014160**

TAX EST PRT CALC PRC

**Owners**

THOMAS LARRY 50%  
THOMAS COLLEEN 50%

**Mailing Address**

Address 1 **8724 SE PINEHAVEN AVE**  
Address 2  
Address 3 **HOBE SOUND FL 33455-7520**

**Site Address**

Address 1  
Address 2  
City **LAKE WALES**  
State **FL**  
Zip Code **33898**

**Parcel Information**

Neighborhood **9910.00**  
[Show Recent Sales in this Neighborhood](#)  
Subdivision **NOT IN SUBDIVISION**  
Property (DOR) **Unplatted up to 10 acres**  
Use Code **(Code: 9900)**  
Acreage **1.15**  
Taxing District **UNINCORP/SOUTH FL WMD (Code: 30000)**

**Avon Park AFR Military Training Fa**

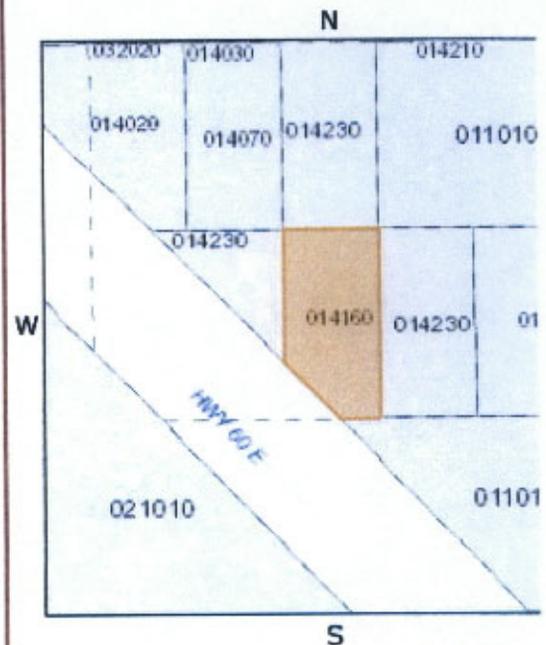
This property is located in the vicinity of the Avon Range Military Training Facility and may be subject and night low level aircraft overflight and military training exercises. Additional property development regulations may apply. Click [here](#) for more information.

**Property Desc**

**DISCLAIMER:** This property description is a condensed version of the original legal description recorded in the public records and may not include the section, township, range, or the corner of the property is located. The property description should be used with caution when conveying property. The Property Appraiser is not responsible for the consequences of inappropriate interpretations of the property description. No warranty, express or implied, is provided for the data herein, its use or interpretation.

W1/2 OF SE1/4 OF SW1/4 OF SW1/4 OF SECTION 60 AS DESCRIBED IN OR 3627 PG

**Area Map**





PRE-APPLICATION CONFERENCE

\$100.00 FEE

Growth Management Department
Land Development Division
330 W. Church St.
P.O. Box 9005, Drawer GM03
Bartow, FL 33831-9005
(863)534-6792
SUNCOM 569-6792
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: July 9, 2015 Project Number (For office use only) 58023

Getaway Paradise 863-618-7479
APPLICANT/PROJECT NAME PHONE FAX

202 Peninsular Drive Haines City 38844
MAILING ADDRESS E-mail Address

Eidy Severino 863-618-7479
CONTACT PERSON (if different from applicant) PHONE FAX

410 Leta Street Auburndale 33823
MAILING ADDRESS E-mail Address

Application Requirements
(must be attached and submitted in 8 1/2" x 11" only)

- Project Narrative (ie: Number of dwelling units or square footage)
Aerial with site identified
Site Plan
Location Map (vicinity map)
Confirm the Land Use District and Development Area on the bottom part of this page.

Amendment Type [ ] Text Amendment [ ] Map Amendment

Acres \_\_\_\_\_

Tax Identification Number

Section-Township-Range - Subdivision # - Parcel #
Parcel ID Number(s): S 12 T 28 R 25 . 000000 . 012010
(18 digits) S 07 T 28 R 26 . 527500 . 001400
S T R - -

Current Land Use District RS

Current Development Area \_\_\_\_\_

Note: Pre-application forms will not be accepted without the required attachments and the requested information provided.

**Description of future plans for 2700 US Highway 92 West, Winter Haven is as follows:**

The property will be used as a tourist attraction, the setup which the property has at the moment will not be much different than what it is now. There will have to be repairs and some additions to the property in order to satisfy the needs and accommodate the tourists. This property will be considered a getaway, paradise vacation with weekly cottage rentals, swimming pool, row boats, food and drinks. The cottages and all additions repairs and reconstructions will be all done under the Florida Law Regulations and shall conform with FEMA base elevation requirements. The barn will be setup as a place for serving wine and beer and different types of food. All the present residential properties will become weekly rentals for the tourists when all that needs repairing and reconstruction is done. An underground pool should be added in order to attract tourist that come from different places which enjoy swimming and prefer a pool over the beach. The tourist will be able to enjoy our beautiful sunshine state and feel the tranquility of Lake Mariana. Row boats will be added for tourist to have a wonderful stroll through the lake. The business that I am trying to create will not only bring tourist and proceeds to the state of Florida but will also create jobs for Florida residents.

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**Parcel Details: 26-28-07-527500-001300**

 TAX EST  PRT CALC  PRC

**Owners**

QUINN & COMPANY LAND SERVICES INC 100%

**Mailing Address**

Address 1 **PO BOX 1244**  
Address 2  
Address 3 **WINTER HAVEN FL 33882-1244**

**Site Address**

Address 1 **0 US HIGHWAY 92 W**  
Address 2  
City **WINTER HAVEN**  
State **FL**  
Zip Code **33881**

**Parcel Information**

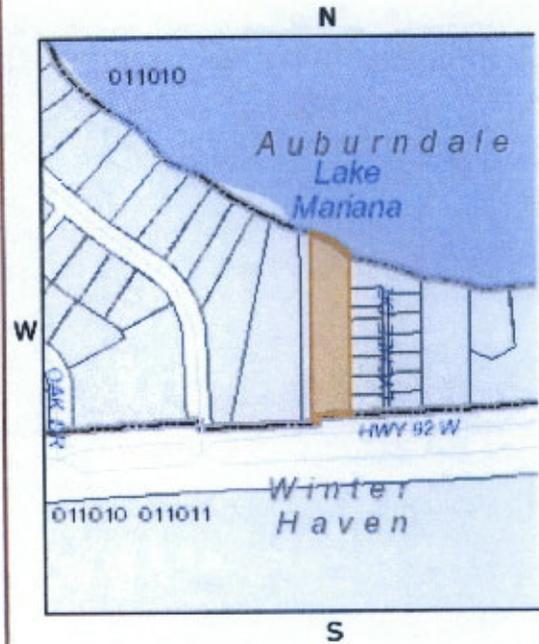
Neighborhood **210660.00**  
[Show Recent Sales in this Neighborhood](#)  
Subdivision **CLEARVIEW ESTATES PB 31 PG 22**  
Property (DOR) Use Code **Vac. Lakefront. (Code: 0080)**  
Acreage **1.02**  
Taxing District **UNINCORP/SWFWM/LAKE REGION (Code: 92000)**

**Property Desc**

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**CLEARVIEW ESTATES PB 31 PG 22 LOT 1 600**

**Area Map**



**Recorded Plat**

Visit the Polk County Clerk of Courts web the Recorded Plat for this parcel

Note: Some plats are not yet available or website. The site contains images of plat 01/05/1973 (beginning with book 058 Pa later. For information on Plats recorded

[Home Page](#) » [Return To Search Results](#)

**Parcel Details: 26-28-07-527500-001400**

 TAX EST  PRT CALC  PRC

**Owners**

QUINN & COMPANY LAND SERVICES INC 100%

**Mailing Address**

Address 1 **PO BOX 1244**  
Address 2  
Address 3 **WINTER HAVEN FL 33882-1244**

**Site Address**

Address 1 **0 US HIGHWAY 92 W**  
Address 2  
City **WINTER HAVEN**  
State **FL**  
Zip Code **33881**

**Parcel Information**

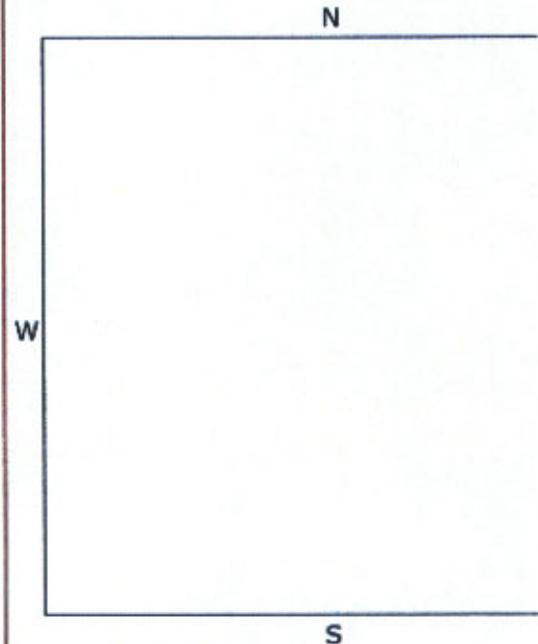
Neighborhood **210660.00**  
[Show Recent Sales in this Neighborhood](#)  
Subdivision **CLEARVIEW ESTATES PB 31 PG 22**  
Property (DOR) Use Code **Res. Lakefront (Code: 0180)**  
Acreage **0.31**  
Taxing District **UNINCORP/SWFWMD/LAKE REGION (Code: 92000)**

**Property Desc**

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**CLEARVIEW ESTATES PB 31 PG 22 LOT 1**

**Area Map**



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Note: Some plats are not yet available on website. The site contains images of plat 01/05/1973 (beginning with book 058 Pa later. For information on Plats recorded

[Home Page](#) » [Return To Search Results](#)

**Parcel Details: 25-28-12-000000-012010**

 TAX EST  PRT CALC  PRC

**Owners**

QUINN & COMPANY LAND SERVICES INC 100%

**Mailing Address**

Address 1 **PO BOX 1244**  
Address 2  
Address 3 **WINTER HAVEN FL 33882-1244**

**Site Address**

Address 1 **2700 US HIGHWAY 92 W**  
Address 2  
City **WINTER HAVEN**  
State **FL**  
Zip Code **33881**

**Parcel Information**

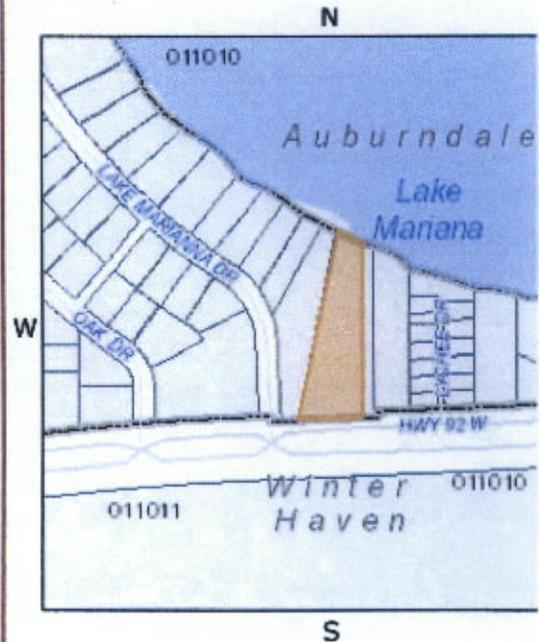
Neighborhood **6666.00**  
[Show Recent Sales in this Neighborhood](#)  
Subdivision **NOT IN SUBDIVISION**  
Property (DOR) **Office Building 1 Story**  
Use Code **(Code: 1700)**  
Acreage **1.50**  
Taxing District **UNINCORP/SWFWM/LAKE REGION (Code: 92000)**

**Property Desc**

**DISCLAIMER:** This property description is a condense the original legal description recorded in the public not include the section, township, range, or the county property is located. The property description should when conveying property. The Property Appraiser a responsibility for the consequences of inappropriate interpretations of the property description. No warranty or implied, are provided for the data herein, its use interpretation.

BEG INT OF E LINE OF SEC & N LINE OF RUN N 406PT2 FT TO A STAKE ON LAKE ALONG LAKE 80 FT TO CANAL SW ALONG LINE OF STATE RD 17 E 183 FT TO BEG

**Area Map**



**Mapping Worksheets (plats) for 25**

[Mapping Worksheet Info](#)  
[Section\\_252812.pdf](#)



LAND DEVELOPMENT DIVISION

December 23, 2014

Quinn & Company Land Services, Inc.  
P.O. Box 1244  
Winter Haven, FL 33882

RE: (NCU 14-02, Project #57492) Request for Determination of Legal Non-Conformity (*Grandfather*) Rights for Home Pest Control and Lawn Maintenance/Landscaper at 2700 US Highway 92, West, Winter Haven. (Parcel #s 252812-000000-012010, 262807-527500-001400 and 001300)

Dear Sirs:

I have reviewed your application to recognize the existing land uses at 2700 US Highway 92 West as legal, non-conforming uses, established prior to the Comprehensive Plan and current Land Development Regulations. Your application includes the following:

- 1) A notarized affidavit from Debora E. Kelly, Quinn and Company Office Manager, stating, "Landscaping, lawn, irrigation, paver installation & nursery activities" were observed from February 2009 to August 2014. This included the parking of trucks, trailers, Bush Hogg and landscape equipment, a "huge pole barn," and a portion of the property was used to grow trees, blueberries, plants, etc.;
- 2) Articles of Organization for Office 92 LLC effective May 16, 2006;
- 3) Notification from IRS assigning an employer number on June 14, 2006;
- 4) Notice Requiring Corrective Action from the Polk County Health Department dated April 6, 2006 regarding the code violations on the water system for Lando's Cottages and Bar; and,
- 5) A Phase 1 Environmental Site Assessment Report prepared by Colella & Associates in June of 2008;

Land Development Division staff has conducted further research into the use of the property and has compiled the following history, findings of fact, relevant county policies and regulations and summation.

**History**

The properties currently listed at 2700 US Highway 92 West are parcel numbers 252812-000000-012010, 262807-527500-001400 and 001300. The single-family residence was constructed in 1920 on the main parcel 012010 and two cottages were added to the property in 1942. In 1940 a dwelling was constructed on parcel 001400 the same year it was platted under Clearview Estates. It appears that the cottages and dwelling units were used as vacation rentals similar to other vacation structures along this section of US Highway 92 and the Lake Mariana

shoreline. In 1967, a commercial structure<sup>1</sup> was constructed next to the main house when the property was owned by Ted Broer (see Exhibit 5). Polk County adopted its first zoning ordinance in 1970 and at that time the properties were designated commercial on the 1971 zoning map (C-2 on the main parcel and C-3 on the two Clearview Estates parcels).

Alma Broer obtained ownership of the property from Ted in 1974. Staff has found no further documentation in the County's records involving the properties under Alma Broer's ownership. In 1991, Polk County adopted the Comprehensive Plan and the properties were designated Residential Suburban (RS) on the Future Land Use map.

Alma Broer later deeded the property to her daughter Lois Travis and son Ted Broer Jr. in 2001. They soon sold it to residents living there at the time; Patrick and Randy Danahy (husband and wife). The property was called Lando's Cottages at the time. Randy received an alcohol beverage license to sell beer and wine only (2COP) in 2002 and opened an establishment called Lando's Bar in the commercial structure that was built on the property in 1967. The County has no record of approving this license, but the Department of Business and Professional Regulation (DBPR) does have a record. The bar closed March 31, 2006, according to the license.

Randy Danahy received full ownership of the property from Patrick in 2004 and later sold the property to Saterbo Development in March of 2006. Evan Quinn bought the property from Saterbo Development in November of 2006. By March of 2007, ornamental shrubs and trees are being grown on the property (see Exhibit 6). Evan Quinn established Quinn and Company Land Services Inc, a landscaping business, in 2008 and deeded the property to the company. Before Quinn and Company, Evan Quinn began Office 92, LLC in May of 2006, but there is no connection to the property ownership. According to the applicant and one affidavit, the property has been used for an office and storage of earthmoving and landscaping equipment since the purchase in 2006.

### **Findings of Fact**

In addition to the information included in the application, staff has gathered information and conducted research regarding the property and has records of the following facts:

- The subject property consists of three parcels, one is un-platted and two are lots within the Clearview Estates plat. These parcels are currently listed in the Property Appraiser's tax parcel records under numbers 252812-000000-012010, 262807-527500-001400 and 262807-527500-001300. All three properties are addressed under 2700 US Highway 92 West.
- The subject property was developed and utilized for vacation rentals prior to the adoption of the County's first zoning ordinance in 1970 and later zoned under commercial districts in 1971.

<sup>1</sup> Listed as a commercial structure on the Property Appraiser's database

- According to the Property Appraiser's Office records, a single-family residence was constructed in 1920 on the main parcel 012010 and two cottages were added to the property in 1942. In 1940 a dwelling was constructed on parcel 001400 the same year it was platted under Clearview Estates. All of these structures exist on the property today.
- According to the Property Appraiser's Office records, a commercial structure, 768 square feet in size, was constructed on the property in 1967. The County's 1968 aerial photo confirms the structure's placement.
- The Polk County Comprehensive Plan was adopted on April 1, 1991, and the subject property was designated Residential Suburban (RS) on the Future Land Use Map along with other properties around it.
- Staff does not have clear evidence that the subject property was being used in a commercial manner other than as vacation rentals prior to the Danahy's purchase in December of 2001.
- On January 8, 2002, a permit for a 336 square foot shed was issued to Randy Danahy. In the application documentation there is a survey that shows four cottages and two mobile homes in addition to the residence and a "1 story bar" on it (see Exhibit 7). The survey includes only parcels 252812-000000-012010 and 262807-527500-001400. There is a note included in the application by Randy Danahy that says "The Smithbuilt shed is for personal use and not for a business."
- Randy Rae Danahy received a license to serve beer and wine on premises at 2700 US Highway 92 West on February 20, 2002 (2COP license) from the Department of Business and Professional Regulation under the name Lando's Bar (#BEV6304903). County staff has no record of County approval of a bar at this location or named Lando's. The license expired March 31, 2006.
- The April 6, 2006 Notice Requiring Corrective Action on the community water system from the Polk County Health Department refers to 2700 US Highway 92 West as "Lando's Cottages and Bar."
- The following Table lists all known permits issued at 2700 US Highway 92 West:

Permit#	Applied	Final	Description
97041551	07/21/97	12/11/97	Re-roof Single-Family Residence
22010504	01/08/02	01/24/02	Smithbuilt storage shed (no electric)
22010514	01/08/02	02/08/02	Upgrade service to 200 amp on the residence
22010519	01/08/02	02/22/02	Reroof - commercial
22041676	04/17/02	04/26/02	Power pole - 200 amp

Permit#	Applied	Final	Description
10533	04/07/04	05/27/04	New 100 amp service added to existing service
75739	09/19/06	12/29/06	Upgrade existing elec service to 200 amps
84726	04/24/07	06/29/07	Replace 6 windows, 2 doors and galvalume roof Code Enforcement case #CE07-0805
109867	02/17/09	04/01/09	Pole barn <b>**violation**</b> converted to residential accessory structure
180877	12/20/12	12/20/12	Replace meter can and riser pipe
180892	12/20/12	12/20/12	Pre-inspection at this building without power for a long time

- County Staff has reviewed aerial photographs from 1941, 1964, 1968, 1971, 1980, 1993, 1994, 1996, 1999, 2002, 2005, 2007, 2009, 2011, 2012, 2013, and 2014, and has found no evidence that conflict with the reported history and facts presented.
- The applicant has provided a notarized affidavit from Debora E. Kelly, Quinn and Company Office Manager, stating, "Landscaping, lawn, irrigation, paver installation & nursery activities" were observed from February 2009 to August 2014.
- Staff has visited the site and observed the following:
  - Office Structures
  - Commercial Vehicle Storage
  - Maintenance of Equipment
  - Parking for staff
  - Cottages (2) & Single-Family Home (2)
  - Accessory structures
- Staff has not been provided or discovered any evidence that commercial use in one form or another on the property has been discontinued for a period exceeding 24 months.

In our research, staff has found the following Land Development Code Regulations, (and/or) Comprehensive Plan Policies, (and/or) previous Zoning Code Regulations to be relevant to this inquiry.

**Relevant County Policies and Regulations**

- Parcel 252812-000000-012010 was zoned Area Service Center (C-2) and parcels 262807-527500-001400 and 001300 were zoned Regional Service Center (C-3) with the adoption of the County's expanded commercial districts (Ordinance 71-7) on

November 23, 1971, through an amendment to the original zoning ordinance, Ordinance 70-3, *Development Regulation*.

- **Section 2.52.521 of the Zoning Ordinance (Ordinance 70-03, as amended by 71-08), Commercial C-2 Districts - Area Service Centers** "C-2 Districts are designed and intended to provide local services to two or more contiguous neighborhoods and locations, and are anticipated to be on major local streets but still in close proximity to residential properties and shall therefore be limited in scope and size." At the time of the effective date of Ordinance 70-3 and 71-08, parcel 252812-000000-012010 and the 768 square foot commercial structure were zoned C-2.
- **Alcohol serving establishments were not permitted in C-2 districts** under Ordinance 71-08 or Ordinance 83-02, which replaced the zoning ordinance until it was repealed in 2000.
- **Section 2.53.531 of the Zoning Ordinance (Ordinance 70-03, as amended by 71-08), Commercial C-3 Districts - Regional Service Centers** "C-3 Districts are designed and intended to provide a broad range of central shopping facilities to serve a wide intra-city area and should be located along, or convenient to, major highways and accessible to a multi-city market" At the time of the effective date of Ordinance 70-3 and 71-08, parcels 262807-527500-001400 and 262807-527500-001300 were zoned C-3.
- **The Polk County Comprehensive Plan was adopted on April 1, 1991**, and the property in question was designated **Residential Suburban (RS)** on the Future Land Use Map.
- **On September 1, 2000, the Land Development Code (LDC) became effective.**
- **When the property was purchased in 2006**, the following regulations applied to legal non-conforming uses (Section 120.D of the LDC):  
"Non-conforming development may not be intensified, enlarged, expanded, altered or replaced except as provided in this Section."
  1. **Expansion of non-conforming, non-residential uses or structures shall be processed through a Level 2 Review subject to the following criteria:**
    - a. **Expansion of said uses or structures shall not exceed 20 percent of the gross floor area (square feet) of the existing use.**
    - b. **Expansion of outside storage areas shall not exceed 20 percent of the gross floor area (square feet) of existing outside storage areas.**
    - c. **It is a cumulative expansion of no more than 20 percent of the original parcel or use.**
  2. **All other expansions of non-conforming, non-residential uses or structures shall be processed through a Level 3 Review.**
  3. **Individual residential units may be expanded but shall not exceed 20 percent of the gross floor area of the existing unit. Expansion shall not increase the existing density. Legally established vacant lot intended for residential purposes may be developed for a single family use regardless of the land use district provided all prior development approval conditions can be met.**
  4. **Reconstruction of a non-conforming, non-residential principal structure shall not be permitted if the structure has been "substantially destroyed" by fire or other calamity. If the**

*cost of reconstruction exceeds 50 percent of the fair market value of the structure before the calamity, the use or structure shall hereinafter conform to the Comprehensive Plan and this Code. If the cost of reconstruction equals 50 percent or less than the fair market value of the structure before the calamity, it may be reconstructed. If there are multiple principal structures on site, the cost of reconstruction shall be compared to the combined market value of all principal structures.*

5. *A non-conforming residential structure (conventional construction, manufactured building or mobile home; single-family, duplex, or multi-family) that has been destroyed or removed may be replaced by the owner of the destroyed residence, if:
    - a. *A building permit or mobile home set up permit for a replacement single family residence of the same type is issued within one year of the date the dwelling was destroyed; and*
    - b. *The replacement dwelling shall conform with FEMA base elevation requirements.**
  6. *Buildings, structures, and land can be maintained, repaired, or altered to comply with health and safety standards or to minimize adverse impacts on the surrounding neighborhood. Such work cannot expand or intensify the non-conformity."*
- **Section 205 of the LDC, lists the follow types of Land Use Activity in Table 2.1:**
    - Commercial Vehicle Parking
    - Office
  - **Neither Office nor Commercial Vehicle Parking is permissible in an RS district under Section 205 of the LDC in Table 2.1.**
  - According to Section 206.O of the LDC, *Outdoor storage shall be allowed as an accessory use in accordance with the following:*
    1. *Bona fide agricultural uses are permitted outdoor storage of equipment, supplies and other items customary to an agricultural operation;*
    2. *Outdoor storage shall be allowed in the following land use districts as an accessory use: LCC, CE, HIC, BPC-2, IND and PM (non-residential use only). Outdoor storage shall be screened from off-site view in LCC, CE, and BPC-2.*
    3. *All outdoor storage shall be a minimum of 50 feet from any residential use or residential land use district;*
    4. *Additional restrictions regarding outdoor storage are found within this Code. The more restrictive provisions shall apply.*
  - **Chapter 10 of the LDC, provides definitions of the following land use types found in Section 205:**

**COMMERCIAL VEHICLE PARKING** *(Added 11/12/08 - Ord. 08-056): A building or area used for the parking, storing or keeping of commercial vehicles where no loading or unloading of the commercial vehicles takes place. This does not apply to the commercial vehicles parked and utilized in conjunction with a principal use on the same site where the storage or use of commercial vehicles is incidental and subordinate to the principal use of the property. Additionally, this does not include motor freight terminals or commercial vehicle parking in residential districts.*

2700 US 92 West, Winter Haven  
Non-Conforming Use Determination (NCU 14-02)  
December 23, 2014  
Page 9 of 17

Exhibit 4 – 2014 Aerial close-up

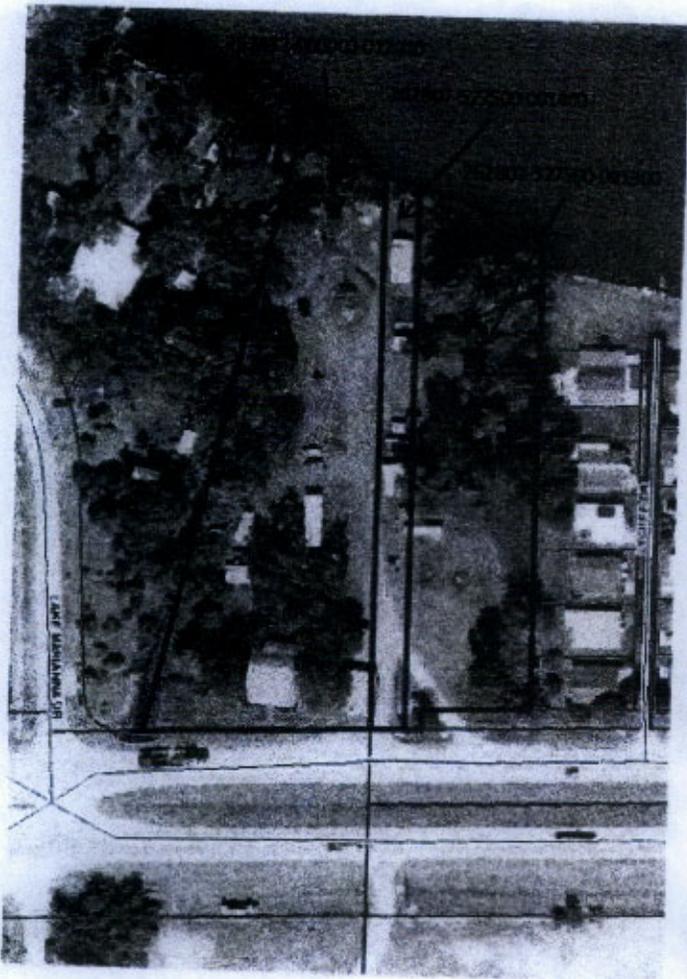
Exhibit 5 – 1971 Aerial Photo (soon after first Development Regulation Ord. 70-03)

Exhibit 6 – Aerial Comparison 2005 to 2007 (before and after Quinn & Company)

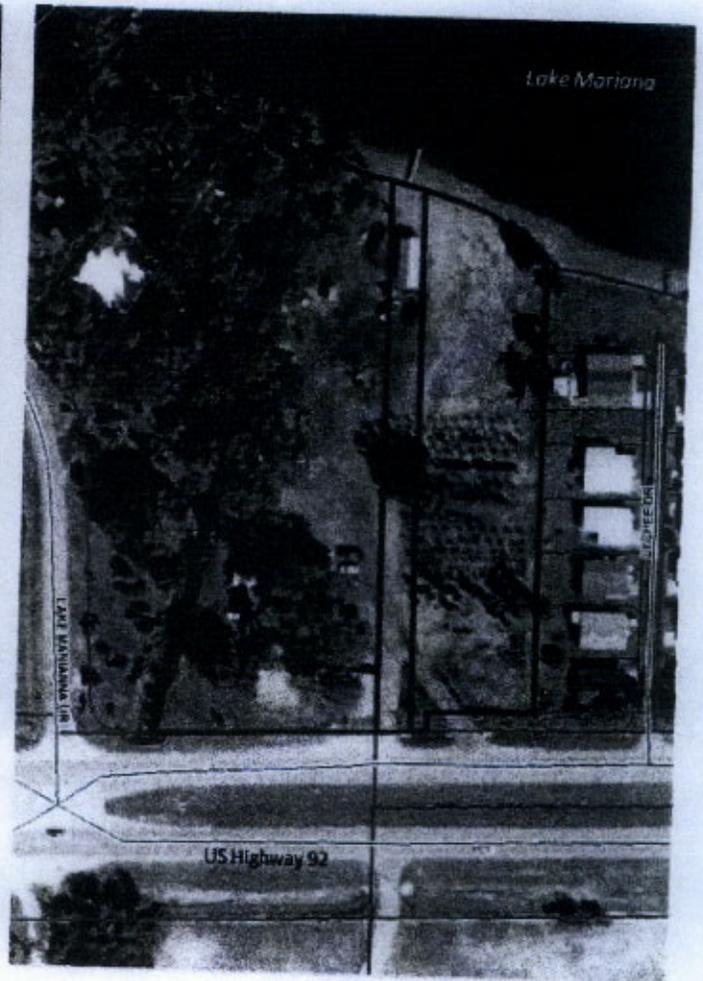
Exhibit 7 – Survey Submitted with 2002 Permit Application

Exhibit 8 – Recent Ground Photos

**Exhibit 6**



2005



2007

**Aerial Comparison 2005 to 2007**



330 West Church Street  
PO Box 9005 • Drawer GM03  
Bartow, Florida 33831-9005



PHONE: 863-534-6792  
FAX: 863-534-6407

LAND DEVELOPMENT DIVISION

December 23, 2014

RE: **NCU 14-02, Project #57492**, a request for Determination of Legal Non-Conformity (*Grandfather*) Rights for Home Pest Control and Lawn Maintenance/Landscaper at 2700 US Highway 92, West.

Dear Neighboring Property Owners:

Quinn and Company Landscaping, located at 2700 US Highway 92 West, has requested Polk County staff to review their property for conformance with local zoning standards. It is my determination that the **current commercial uses of the property are not currently permitted** as a Legal Non-Conforming Use (*Grandfathered*) in accordance with the current Land Development Code (LDC) and Comprehensive Plan. The current owner did not undergo the correct process to change the property from former vacation rentals and a bar to a landscaping and pest control business upon their purchase in 2006. Additionally, there is no evidence to support that a bar was a legally conforming use originally. At the time, grandfathered rights could be extended so long as the use had not ceased for more than 12 months. However, there is no evidence to clearly document that any prior commercial uses on the property did not cease for less than a 12-month duration since the adoption of the Comprehensive Plan in 1991 or the LDC in 2000.

Although the property was once zoned C-2 and C-3 from the origin of the zoning map in 1970, the property was re-zoned to residential by the adoption of the Comprehensive Plan in 1991. Additionally, the zoning ordinance and its map from 1970 was repealed in 2000 and replaced by the LDC.

**This determination may be appealed to the Board of County Commissioners by any affected party through written application to the Land Development Division within 30 days of the date of this letter.** This is a summary of the official determination. If you would like to view the determination in its entirety or have any related questions, please contact the Planner-on-Call at (863) 534-6084.

Sincerely,

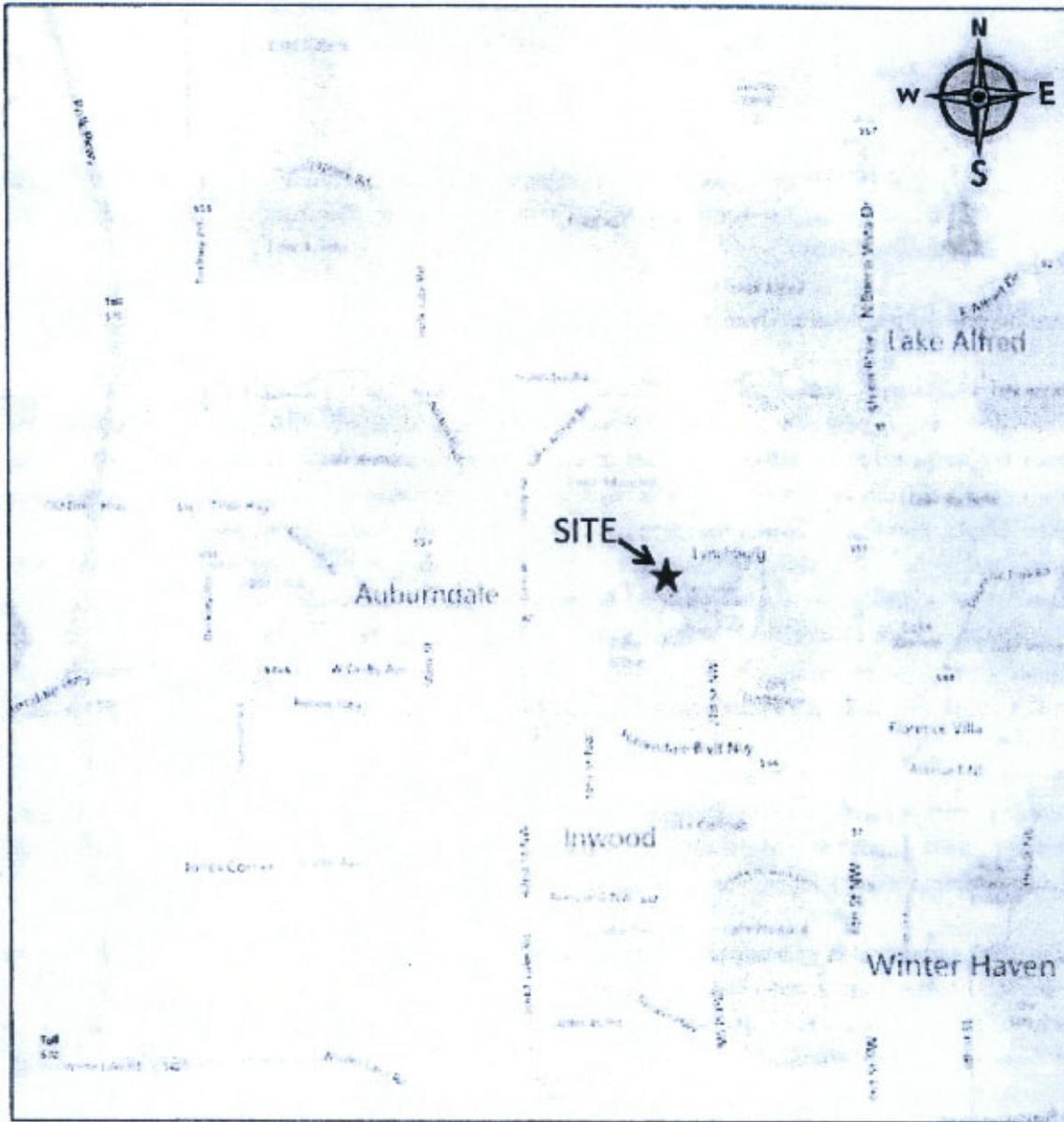
John M. Bohde, AICP  
Land Development Division Director

Exhibits

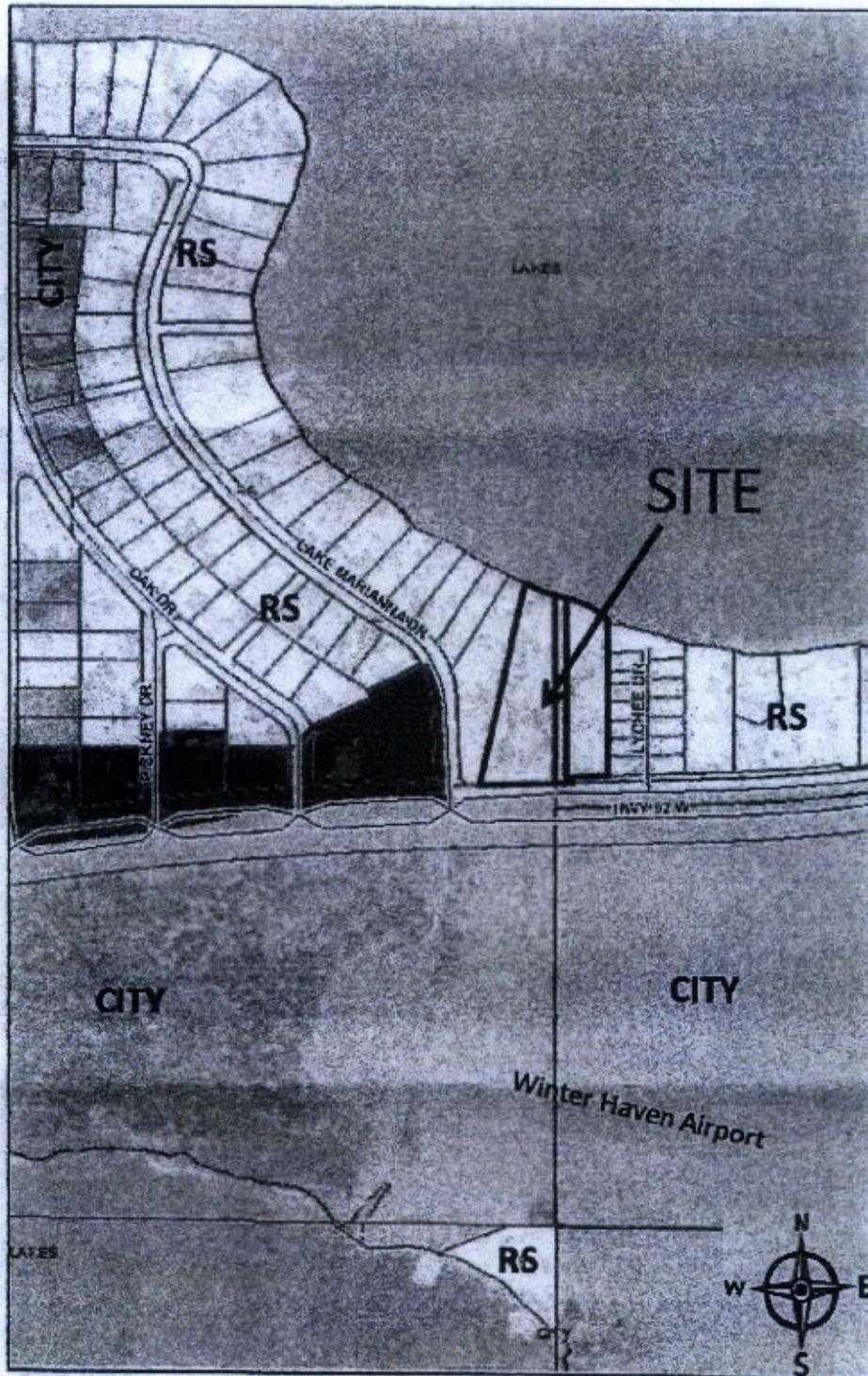
Exhibit 1 - Location Map  
Exhibit 2 - Future Land Use Map

Exhibit 3 - 2014 Aerial Photo  
Exhibit 4 - 2014 Aerial Photo (Close-up)

Exhibit 1



Location Map

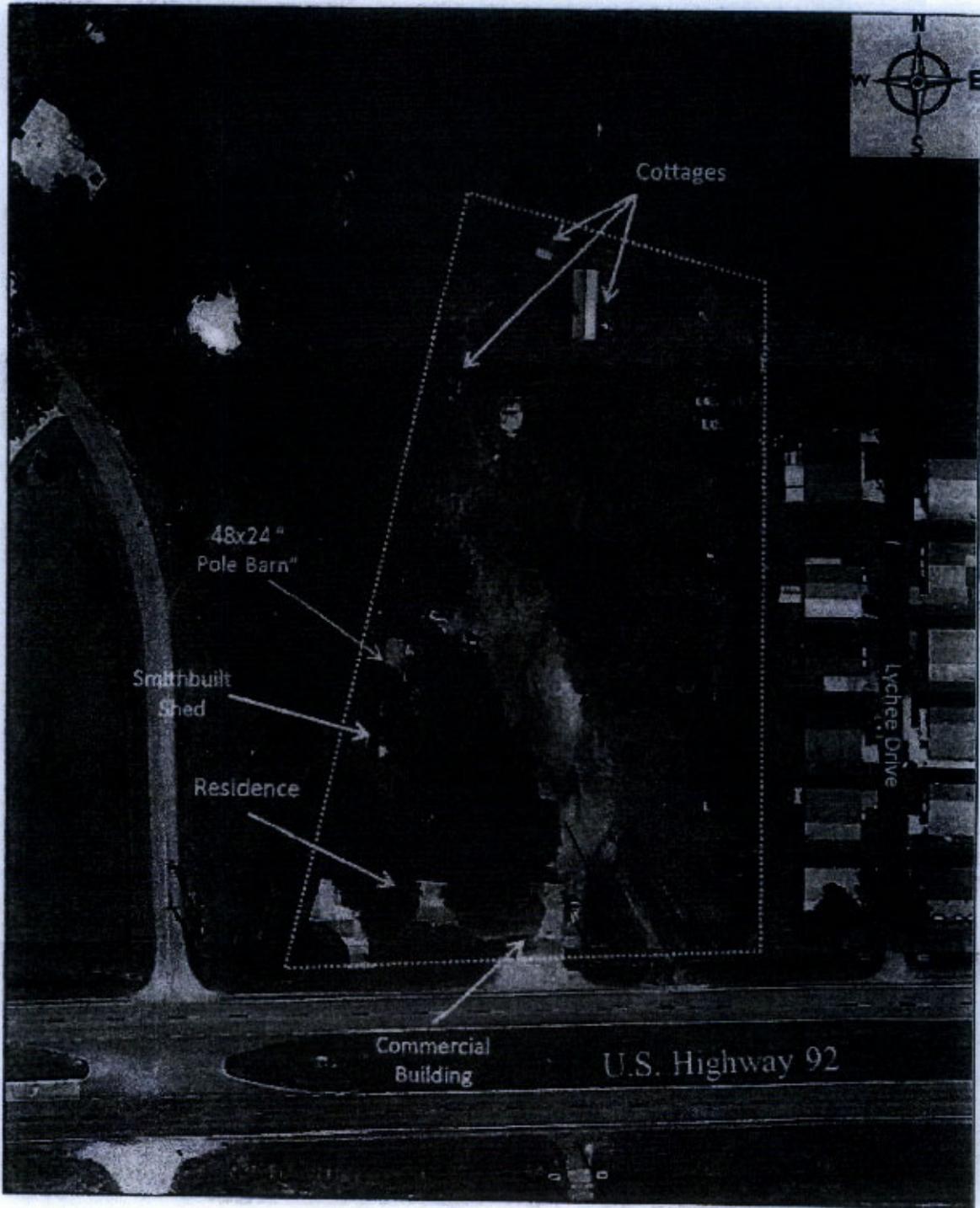


## Future Land Use Map

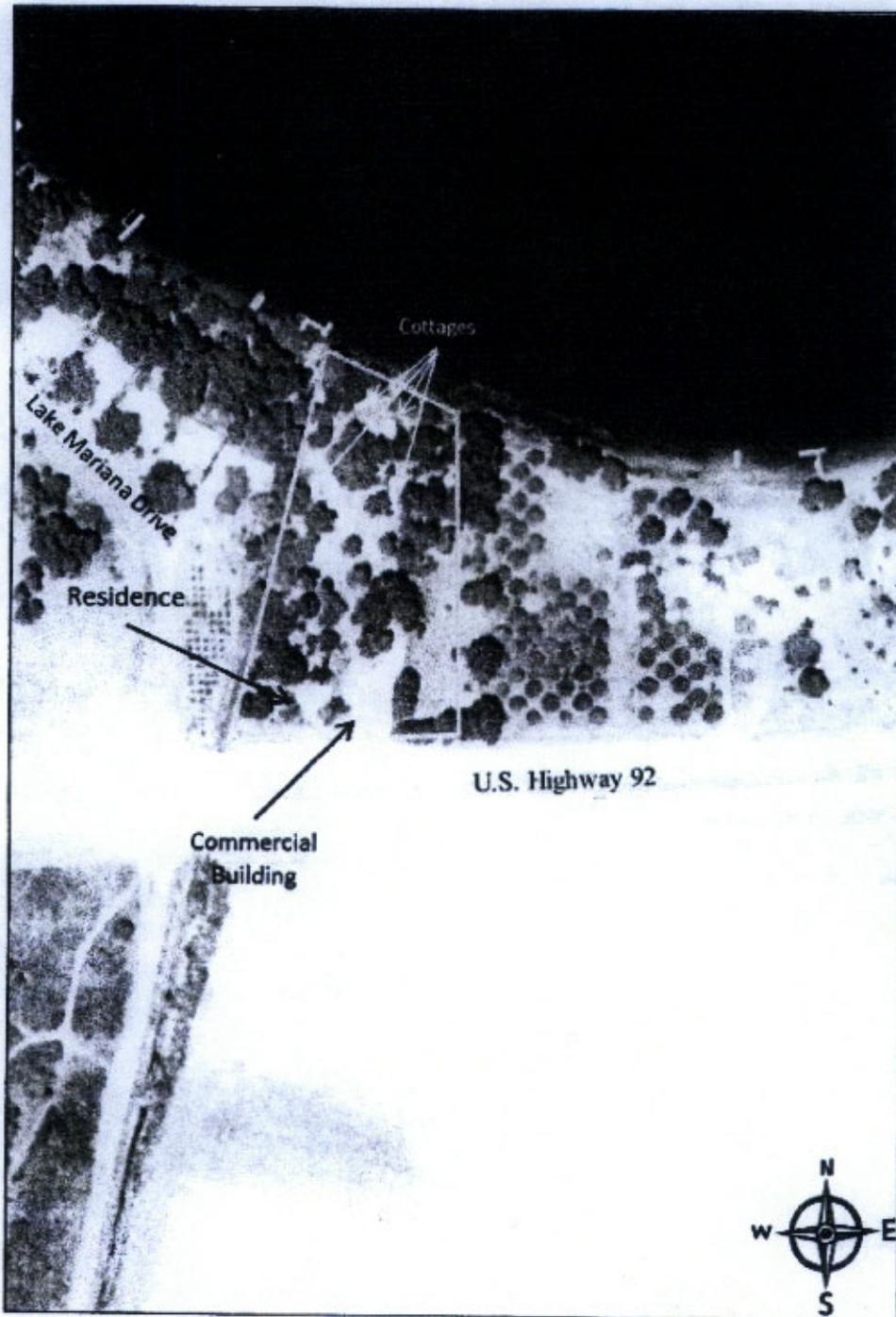
**Exhibit 3**



**2014 Aerial Photo**

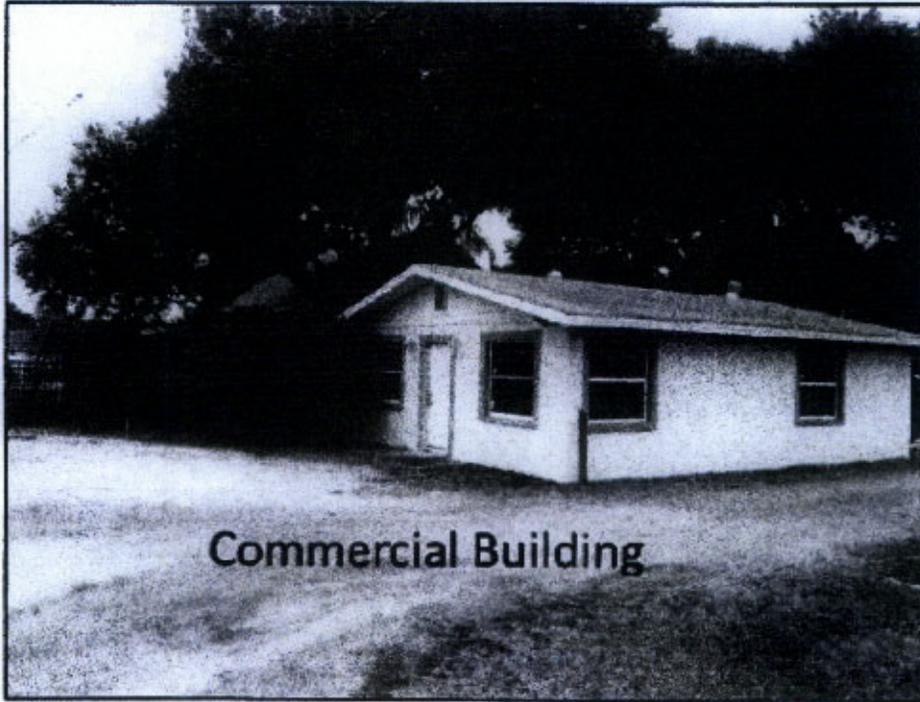


2014 Aerial Photo (Close-up)



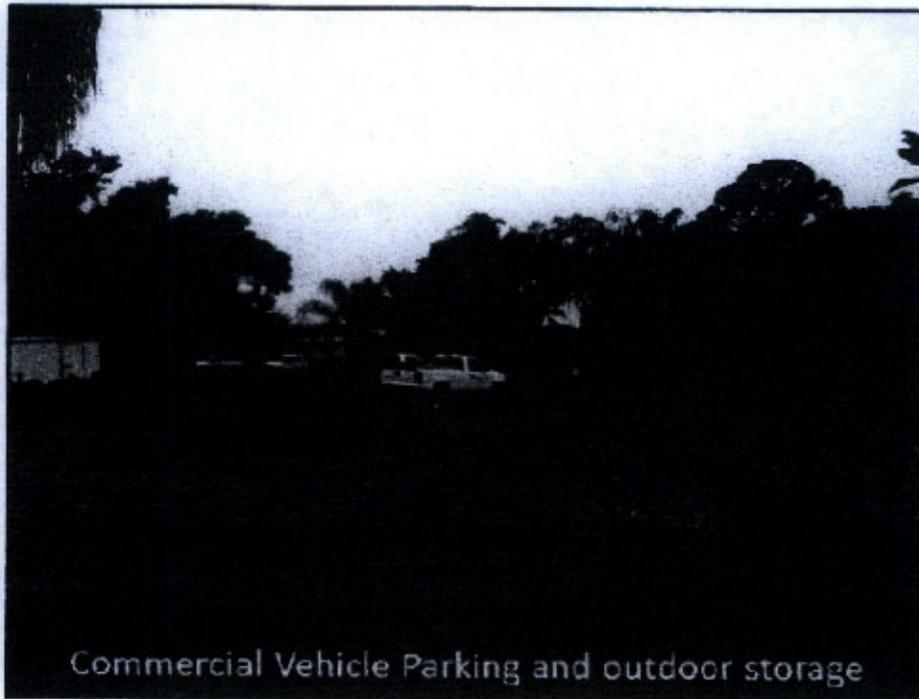
1971 Aerial Photo

**Exhibit 8**



**Commercial Building**

**Site Photos**



**Commercial Vehicle Parking and outdoor storage**



**PRE-APPLICATION CONFERENCE**

**\$100.00 FEE**

**Growth Management Department  
Land Development Division**  
330 W. Church St.  
P.O. Box 9005, Drawer GM03  
Bartow, FL 33831-9005  
(863)534-6792  
SUNCOM 569-6792  
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: 7-9-15 Project Number (For office use only) 58025  
Jeff Sloman, P.E., Florida Engineering Group, Inc.

Polk County Townhomes and Retail (407) 895-0324 (407) 895-0325  
**APPLICANT/PROJECT NAME** PHONE FAX  
 5127 S. Orange Avenue, Suite 200, Orlando, FL 32809 JSloman@feg-inc.us  
**MAILING ADDRESS** E-mail Address

**CONTACT PERSON** (if different from applicant) PHONE FAX  
**MAILING ADDRESS** E-mail Address

**Application Requirements  
(must be attached and submitted in 8 1/2" x 11" only)**

- Project Narrative (ie: Number of dwelling units or square footage)
- Aerial with site identified
- Site Plan
- Location Map (vicinity map)
- **Confirm the Land Use District** and Development Area on the bottom part of this page.

Amendment Type  Text Amendment  Map Amendment

Acres 12.33

**Tax Identification Number**

Section-Township-Range	Subdivision #	Parcel #
S 01 T 26 R 25	000000	031070
S 01 T 26 R 25	000000	031030
S T R	-	-

Current Land Use District RACX

Current Development Area US 27 SAP

**Note:** Pre-application forms will not be accepted without the required attachments and the requested information provided.



5127 S. Orange Avenue, Suite  
200 Orlando, FL 32809  
Phone: 407-895-0324  
Fax: 407-895-0325

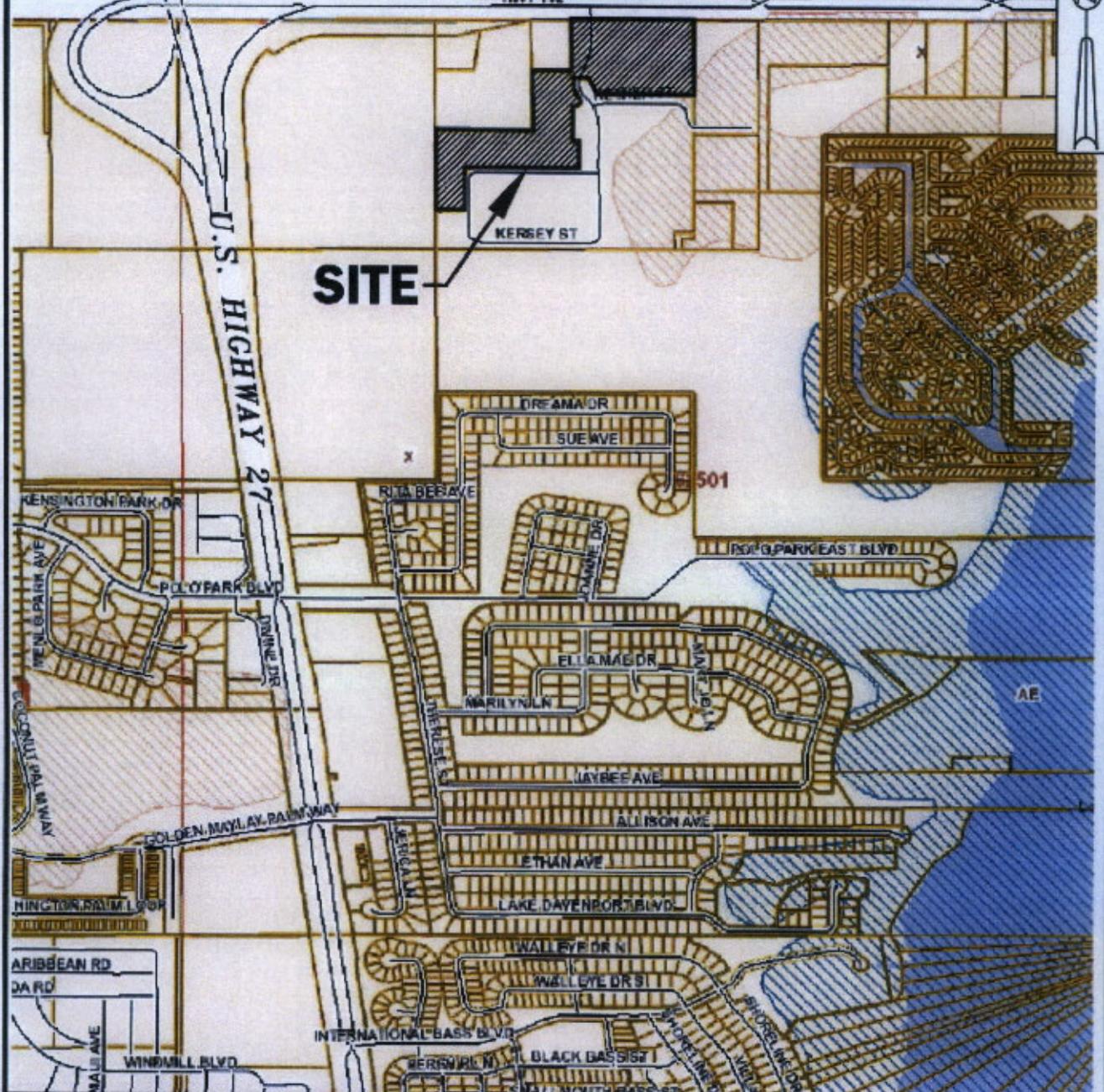


### **POLK COUNTY TOWNHOME AND RETAIL PRE-APPLICATION NARRATIVE**

The proposed development consists of the development of 103 townhome units and 23,980 g.s.f. Of retail buildings on the project site. Note that the project parcels were part of a previously approved planned development (pd 06-41) which included the parcel to the southeast of the proposed development named "apartments at four corners" (parcel i.d. 262501000000031030). The originally approved planned development allowed for the development of 440 units and only 270 units are currently built.

LAKE COUNTY

U.S. HIGHWAY 192



<b>PROJECT NAME: POLK COUNTY TOWNHOME AND RETAIL PROJECT</b>	
<b>CLIENT: LALLY DEVELOPMENT, INC.</b>	
<b>S, T, R:</b> S 1, T 25 S, R 26E	<b>F.E.G. PROJECT NO.:</b> 15-044
<b>DATE:</b> 05-11-2015	<b>SCALE:</b> 1"=800'

**LOCATION MAP**

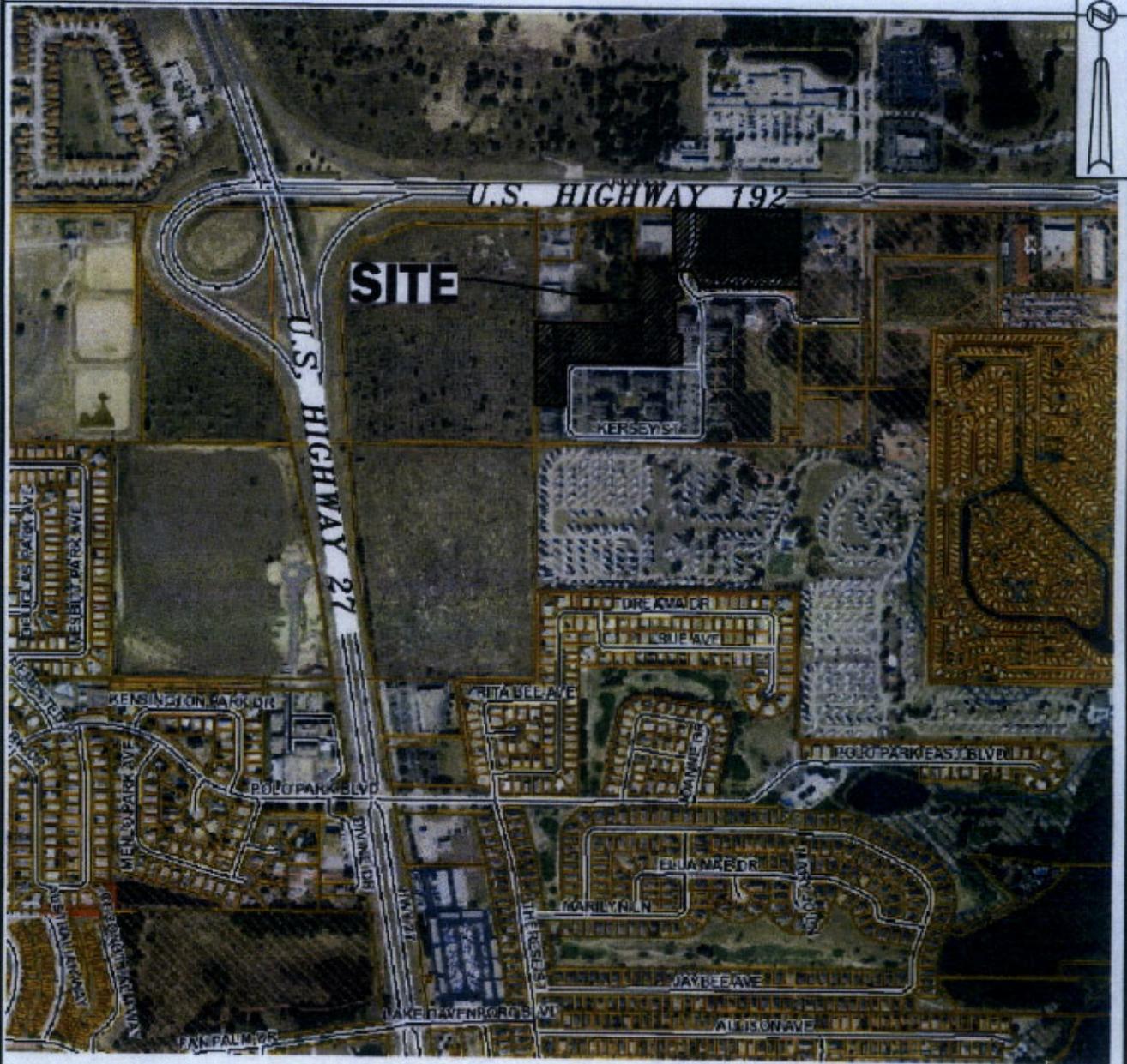


**FEG**  
FLORIDA  
ENGINEERING  
GROUP

Engineering the Future

5127 S. Orange Avenue, Suite 200  
Orlando, FL 32809  
Phone: 407-895-0824  
Fax: 407-895-0325  
[www.feg-inc.us](http://www.feg-inc.us)

LAKE COUNTY



PROJECT NAME: <b>POLK COUNTY TOWNHOME AND RETAIL PROJECT</b>		<b>AERIAL MAP</b>	
CLIENT: <b>LALLY DEVELOPMENT, INC.</b>		 <b>FLORIDA ENGINEERING GROUP</b> 5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feg-inc.us	
S, T, R: <b>S 1, T 25 S, R 26E</b>	F.E.G. PROJECT NO.: <b>15-044</b>		
DATE: <b>05-11-2015</b>	SCALE: <b>1"=800'</b>		





**PRE-APPLICATION CONFERENCE**

**\$100.00 FEE**

**Growth Management Department  
Land Development Division**  
330 W. Church St.  
P.O. Box 9005, Drawer GM03  
Bartow, FL 33831-9005  
(863)534-6792  
SUNCOM 569-6792  
FAX (863) 534-6407

The cut-off for this application is every Wednesday at 3:00PM to be heard at the next available Development Review Committee (DRC) meeting. DRC meetings are held every Thursday. This application will be heard approximately two weeks after submittal.

Appointment Date and Time: 7-9-15 Project Number (For office use only) 58027

Jackson Housing, Inc.

APPLICANT/PROJECT NAME PHONE FAX

497 South Hankin Road, Bartow, FL 33830

MAILING ADDRESS E-mail Address

Mike Baerhold, Polk Land Surveying (863) 632-4424 (888) 650-0789

CONTACT PERSON (if different from applicant) PHONE FAX

116 East Stuart Avenue, Lake Wales, FL 33853

polkland@gmail.com

MAILING ADDRESS E-mail Address

**Application Requirements  
(must be attached and submitted in 8 1/2" x 11" only)**

- Project Narrative (ic: Number of dwelling units or square footage)
- Aerial with site identified
- Site Plan
- Location Map (vicinity map)
- **Confirm the Land Use District** and Development Area on the bottom part of this page.

Amendment Type  Text Amendment  Map Amendment

Acres 3.3 +/-

**Tax Identification Number**

Parcel ID Number(s) (18 digits)	Section-Township-Range	Subdivision #	Parcel #
	S 21 T 29 R 26	690500	025214
	S 21 T 29 R 26	690500	025205
	S 21 T 29 R 26	690500	025213

Current Land Use District Residential Suburban (RS)

Current Development Area Suburban Development Area (SDA)

**Note:** Pre-application forms will not be accepted without the required attachments and the requested information provided.

**POLK LAND SURVEYING, INC.**

---

116 East Stuart Avenue  
Lake Wales, Fl 33853  
Phone: (863) 632-4424  
Fax 1-888-650-0789  
polks@ymail.com

**PROJECT NARRATIVE**

This is a 3.3 acre (more or less) parcel of land with 3 existing Parcel ID numbers that we would like to divide into 6 separate parcels. The new parcels will have 1 dwelling on each, 5 parcels front on county asphalt roads and 1 parcel will gain access through a proposed ingress / egress easement (or possible flag). All parcels are owned by Jackson Housing, Inc.

Please contact me with any questions, thank you.

Sincerely,



**Mike Baerhold, PSM**



# County Map

## Polk County IT/GIS

Printed: Jun 24, 2015







**SUBJECT  
PROPERTY**