WINTER HAVEN
THE CHAIN OF LAKES CITY

PLANNING COMMISSION MEETING

DATE: Tuesday, October 1, 2024, 6:00 p.m.

LOCATION: City Hall, John Fuller Auditorium
451 Third Street NW
Winter Haven, FL 33881

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1. Call to Order

2. Roll Call

3. Invocation and Pledge of Allegiance

4. Approval of Minutes

4.A **September 3, 2024 Meeting Minutes**

Staff Contact: *Jordan Warren, Planning Assistant, jwarren@mywinterhaven.com*

September 3, 2024 Meeting Minutes

5. Explanation of Hearings by Chair

6. Hearings - Old Business

7. Hearings - New Business

7.A **P-24-49 and P-24-50 - Request by ABC Properties, LTD. to assign Primary Mixed Use Hub Future Land Use to an annexed parcel, and to assign Commercial- Highway (C-3) zoning district to the same annexed parcel. General Location: 250 Cypress Gardens Boulevard. The area covered by these requests is 0.89+/- acres.**

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Case Numbers P-24-49 and P-24-50

7.B **P-24-51 and P-24-52 - Request by Cypress Southeast, LLC to assign Neighborhood Support Future Land Use to an annexed parcel, and to assign Commercial- Highway (C-3) zoning district to the same annexed parcel. General Location: A parcel generally located north of Highway 540 West, east of King Road, and south of Crosstower Drive. The area covered by these requests is 1.19+/- acres.**

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Case Numbers P-24-51 and P-24-52

8. Other Business

8.A Comments from Staff

8.B Comments from Planning Commissioners

8.C Comments from the Public

9. Adjournment

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the Americans with Disabilities Act and Florida Statutes, Section 286.26, persons with disabilities needing special accommodations to participate in this proceeding, should contact the City Clerk's Office, 451 Third Street, NW, Winter Haven, Florida 33881, in writing, not later than 48 hours prior to the proceeding; if not in writing, then not later than four (4) days prior to the proceeding at (863) 291-5600. Vision or hearing impaired please call (800) 955-8771 for assistance.

CITY OF WINTER HAVEN
PLANNING COMMISSION MEETING MINUTES
September 3, 2024

1. **CALL TO ORDER**
Chair Wells called the meeting to order at 6:01 p.m.

2. **ROLL CALL**
Commissioners Present: Chair Colin Wells, Tina Summerlin, Ed Smith, Kevin Tison and Elizabeth Davis

Commissioners Absent: Vice-Chair Wendy Venters, Craig Fuller, and Mario Manago

Mrs. Warren confirmed a quorum.

Staff Present:
Eric Labbe, Economic Opportunity & Community Investment Director; Cedric Cox Sr., Economic Opportunity & Community Investment Assistant Director; Sean Byers, Planning Manager; Heather Reuter, Senior Planner; Chris Young, Senior Planner; Jordan Warren, Planning Assistant

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Invocation and Pledge of Allegiance led by Chair Wells.

4. **APPROVAL OF MINUTES**
Chair Wells asked for a motion to approve the August 6, 2024 Planning Commission Meeting Minutes. Motion was made by Commissioner Summerlin for approval of the August 6, 2024 Planning Commission Meeting Minutes; Commissioner Smith seconded the motion. Motion carried by a unanimous voice vote. (5:0)

5. **EXPLANATION OF HEARINGS**

Chair Wells provided the explanation of hearings.

6. **HEARINGS – OLD BUSINESS** – None

7. **HEARINGS – NEW BUSINESS**

A. Case Number P-24-12-S: Request by Bayside Pharmacy LLC for Special Use Approval for a pharmacy in the Commercial- Downtown (C-1) zoning district. **General Location:** 205 First Street, South, Unit 106. The area covered by this request is 0.03± acres.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request.

Chair Wells asked the Commissioners if there were any questions for staff. Seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and state their name and

address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions from commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Chair Wells to approve Case Number P-24-12-S in accordance with the fact sheet. Commissioner Smith seconded the motion. Motion carried by a unanimous voice vote. (5:0)

B. Case Number P-24-01-C: Request by Harold R. Baxter and HRB Industrial Park, LLC for Conditional Use Approval for airports/aviation uses in the Industrial- Light (I-1) zoning district. **General Location:** 4900 Dundee Road. The area covered by this request is 4.24± acres.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request with conditions.

Chair Wells asked the Commissioners if there were any questions for staff.

Commissioner Smith asked for clarification on the address location. Discussion ensued.

Chair Wells asked the Commissioners if there were any questions for staff. Seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and state their name and address for the record.

Sean O'Connor of HRB Industrial Park LLC located at 4900 Dundee Road, Winter Haven, FL, and here after known as Agent O'Connor stated the following:

- Stands for any questions and requested a favorable vote

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

William French located at 2797 Whispering Trails Drive, Winter Haven, FL, and hereafter known as Citizen French stated the following:

- His house backs up to the proposed site
- Helicopter shakes his whole house and is very loud
- Concerned about the proximity of the proposed helipad to residential neighborhoods and the possibility of safety issues
- Opposes this request

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

Ted Montesano located at 2804 Whispering Trails Drive, Winter Haven, FL, and hereafter known as Citizen Montesano stated the following:

- Can hear the helicopter from three miles away
- Concerned about the helicopter flying when the weather is bad
- Thinks the location of the proposed helipad is not safe

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

Marie Alvarez Padgett located at 2801 Whispering Trails Drive, Winter Haven, FL, and hereafter known as Citizen Padgett stated the following:

- Her house backs up to the proposed site
- Has safety concerns
- Works from home and the helicopter is very loud and disruptive
- Helicopter shakes her windows
- She cannot be outside when the helicopter is landing or taking off without ear protection
- Does not want this helicopter pad so close to a neighborhood

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

Joan Louise Morgan located at 2793 Whispering Trails Drive, Winter Haven, FL, and hereafter known as Citizen Morgan stated the following:

- Not happy with this request
- There are other airports within the area to use
- Lives on the corner of the neighborhood and backs up to the proposed site
- Her windows shake and her dog is scared
- Concerned about crashes that could happen
- Industrial uses should not be in the area
- Opposed to this request

Chair Wells asked if Mrs. Reuter could state the conditions that are listed in the agenda packet. Mrs. Reuter read into the record the proposed conditions from the agenda packet.

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium, and if they have not yet done so, state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions from commissioners.

Commissioner Summerlin questioned what the proposed number of take-offs and landings would be and what the flight path would be for the site.

Mrs. Reuter stated the City does not have any jurisdictions over what the flight path would be and that would be regulated by the FAA during their permitting process.

DRAFT

Agent O'Connor came forward and stated the following:

- There would typically be one take off and one landing per day
- Will be a private business use
- The use would be two to three times a week or a week with no trips

Gabriel Harmas who is the Director of Rotor School stated private usage of a helicopter does not exceed one take off and one landing a day. Discussion ensued.

Chair Wells asked if there were any other questions from commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Chair Wells to approve Case Number P-24-01-C in accordance with the fact sheet and conditions stated. Commissioner Tison seconded the motion. Motion carried by a voice vote (3:2) with Commissioner Summerlin and Commissioner Davis voting no.

C. Case Number P-24-40: Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article III, Division 7 to add language addressing the City's urban forest.

Mr. Byers gave an overview of the request via a slideshow presentation. Mr. Byers recommended approval of the request.

Chair Wells questioned if this relates to overstory trees surrounding potential retention areas and getting more trees planted. Discussion ensued.

Mr. Labbe stated Florida Statues prohibits the City to implement these restrictions on single-family properties.

Chair Wells asked the Commissioners if there were any questions for staff. Seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions from commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Commissioner Summerlin to approve Case Numbers P-24-40 in accordance with the fact sheet. Commissioner Smith seconded the motion. Motion carried by a unanimous voice vote. (5:0)

D. Case Numbers P-24-45 and P-24-46: Request by Claussen Trust to assign Neighborhood Support Future Land Use to an annexed parcel, and to assign Commercial- Highway (C-3) zoning district to the same annexed parcel. **General Location:** 2400 Avenue E, SW. The area covered by these requests is 0.91± acres.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request.

Chair Wells asked the Commissioners if there were any questions for staff.

Chair Wells questioned if this was just the action of putting City designations on the property to match what is already there. Discussion ensued.

Chair Wells asked the Commissioners if there were any questions for staff. Seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and state their name and address for the record.

Sarah Case of Next Level Planning and Zoning located at 3825 South Florida Avenue, Lakeland, FL and hereafter known as Agent Case stated the following:

- Thanked staff for their help
- Gave an overview of the previous use
- No intent to add onto the property
- Stands for any questions

Chair Wells asked if anyone else wishing to speak for or against this request to come to the podium, and state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions from commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Commissioner Summerlin to approve Case Numbers P-24-45 and P-24-46 in accordance with the fact sheet. Commissioner Davis seconded the motion. Motion carried by a unanimous voice vote. (5:0)

E. Case Number P-24-47: Request by AdventHealth Polk North, Inc. to amend Planned Unit Development Ordinance O-22-54. **General Location:** 6945 Cypress Gardens Boulevard. The area covered by this request is 41.4± acres.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request with conditions.

Chair Wells asked the Commissioners if there were any questions for staff. Seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and state their name and address for the record.

Tim Campbell of Clark, Campbell, Lancaster, Workman, and Airth, P.A located at 500 South Florida Avenue, Suite 500, Lakeland, FL and hereafter known as Agent Campbell stated the following:

- With the development of the site, the sign contractor has requested additional signage to provide appropriate emergency wayfinding on the site
- Approves of staff's recommendations and conditions
- Stands for any questions
- The spire sign is designed to point away from the residents to the north
- Thanked staff for their help

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

Sara Test located at 5026 River Lake Road, Winter Haven, FL, and hereafter known as Citizen Test stated the following:

- Biggest concern is run off into River Lake
- Has addressed drainage concerns with Polk County and the City
- Does not have a problem with the lighting
- Suggests planting cypress trees as a buffer

Agent Campbell came up and addressed the comments made by the public:

- Southwest Florida Water Management District requires them to create a stormwater drainage system to capture any water and it will not add any additional run off
- Landscaping will be added as more development is built

Mr. Labbe asked for Citizen Test's contact information to provide any follow up he receives from the County in regards to the drainage issues with River Lake. Discussion ensued.

Chair Wells asked if there was anyone else wishing to speak for or against this request to come to the podium.

Kevin Goulette located at 803 Reflections Loop East, Winter Haven, FL, and hereafter known as Citizen Goulette stated the following:

- Ambulance lights flash into his windows all night
- ER lights were turned on last week and shine into his windows
- Concerned about the amount of traffic the ER adds to Cypress Gardens Boulevard and the potential want to widen the road to three lanes
- Opposed to this request

Chair Wells asked if anyone else wishing to speak for or against this request to come to the podium, and state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions from commissioners.

Chair Wells asked for clarification that the landscape buffering hasn't been planted yet but the developers will have to meet the requirements stated in the current PUD. Discussion ensued.

Chair Wells asked if there were any other questions from commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Chair Wells to approve Case Number P-24-47 in accordance with the fact sheet and conditions stated. Commissioner Summerlin seconded the motion. Motion carried by a unanimous voice vote. (5:0)

8. **<u>Other Business</u>**

DRAFT

A. Comments from Staff
   - Mr. Byers provided an update on past items
B. Comments from Commissioners – NONE
C. Comments from the Public – NONE

9. **Adjournment** – 6:48 p.m.

CITY OF WINTER HAVEN, FLORIDA
PLANNING COMMISSION

_____
Chair

ATTEST:

_____
Planning Commission Clerk

DRAFT

DATE: September 19, 2024

TO: Winter Haven Planning Commissioners

VIA: Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: Case Number P-24-49: Request by ABC Properties, LTD to assign Primary Mixed Use Hub Future Land Use to an annexed parcel. General Location: 250 Cypress Gardens Boulevard. The area covered by this request is 0.89± acres; and

Case Number P-24-50: Request by ABC Properties, LTD to assign Commercial-Highway (C-3) zoning district to an annexed parcel. General Location: 250 Cypress Gardens Boulevard. The area covered by this request is 0.89± acres.

BACKGROUND

ABC Properties, LTD, petitioner, requests the City assign Primary Mixed Use Hub Future Land Use and Commercial- Highway (C-3) zoning district to an annexed parcel. The property subject to this request, totaling 0.89± acres, is located at 250 Cypress Gardens Boulevard and contains a 9,088-square foot ABC Fine Wine and Spirits retail store built in 1975. The parcel was annexed into the City April 22, 2024. The petitioner does not plan to make any alterations to the existing store.

As these requests contain a small-scale Future Land Use amendment, review by the Florida Department of Commerce (FloridaCommerce) and other state and local agencies is not required.

SURROUNDING USES

The subject property is surrounded by an office building to the east; multi-family residential to the south; a Red Lobster restaurant to the west; and a Panda Express restaurant across Cypress Gardens Boulevard to the north.

INFRASTRUCTURE

As the property is developed, no additional demands on public infrastructure are expected at this time. Should the property be redeveloped, a concurrency determination would be made at the time the property receives site plan approval and is redeveloped.

COMPREHENSIVE PLAN

Prior to annexation, the Polk County Future Land Use for the subject parcel was Linear Commercial Corridor (LCC). The requested Primary Mixed Use Hub Future Land Use is consistent with the developed

use and the City designations in the area. The requested C-3 zoning district is consistent with the Primary Mixed Use Hub Future Land Use designation.

NOTIFICATION

All notification requirements for these requests were met.

CONCLUSION

Staff's review of these requests yields the following conclusions:

- The assignment of Primary Mixed Use Hub Future Land Use and C-3 zoning district is consistent with the developed use and surrounding City designations; and

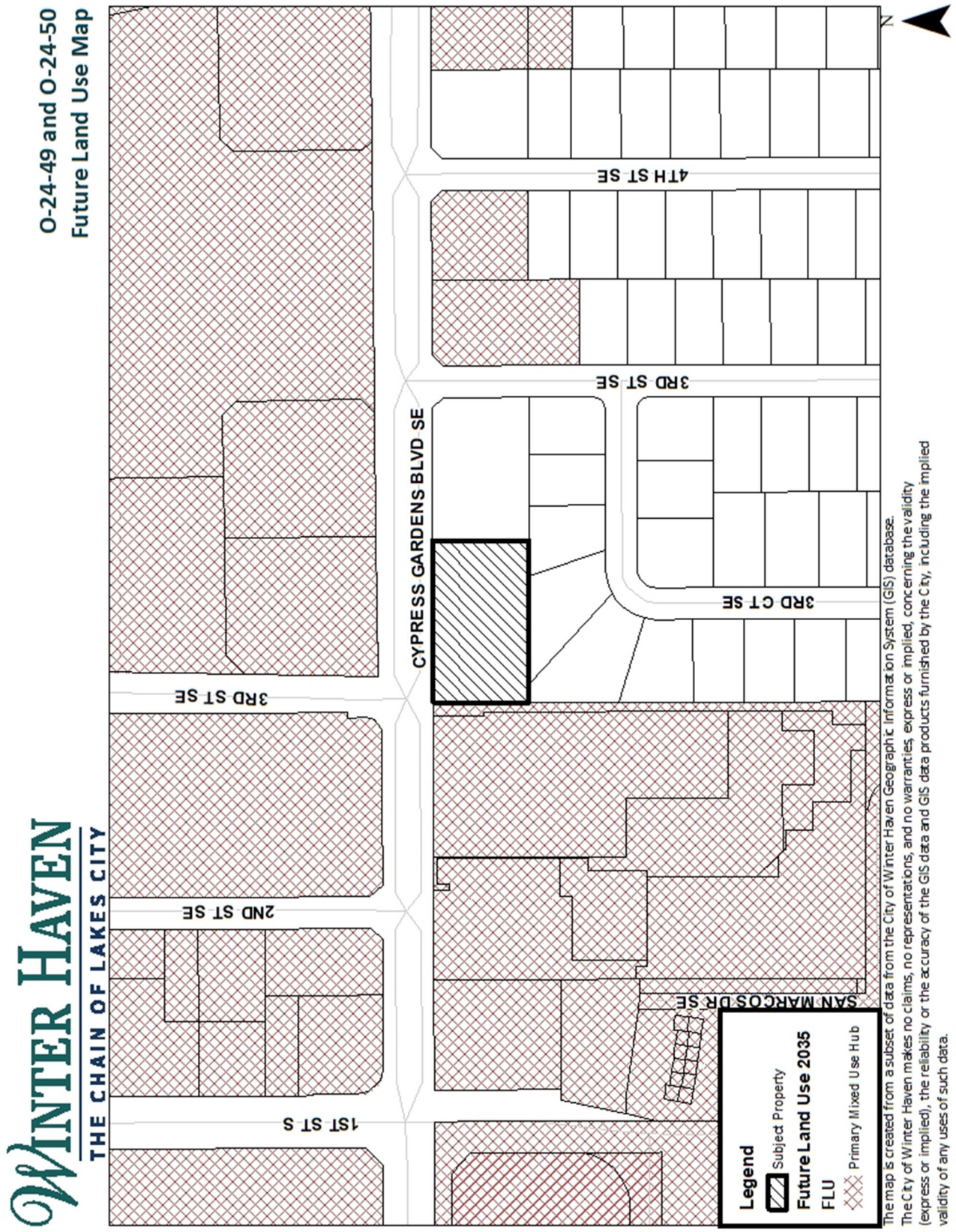
- As the property is already developed, no additional demands on public infrastructure are expected at this time.

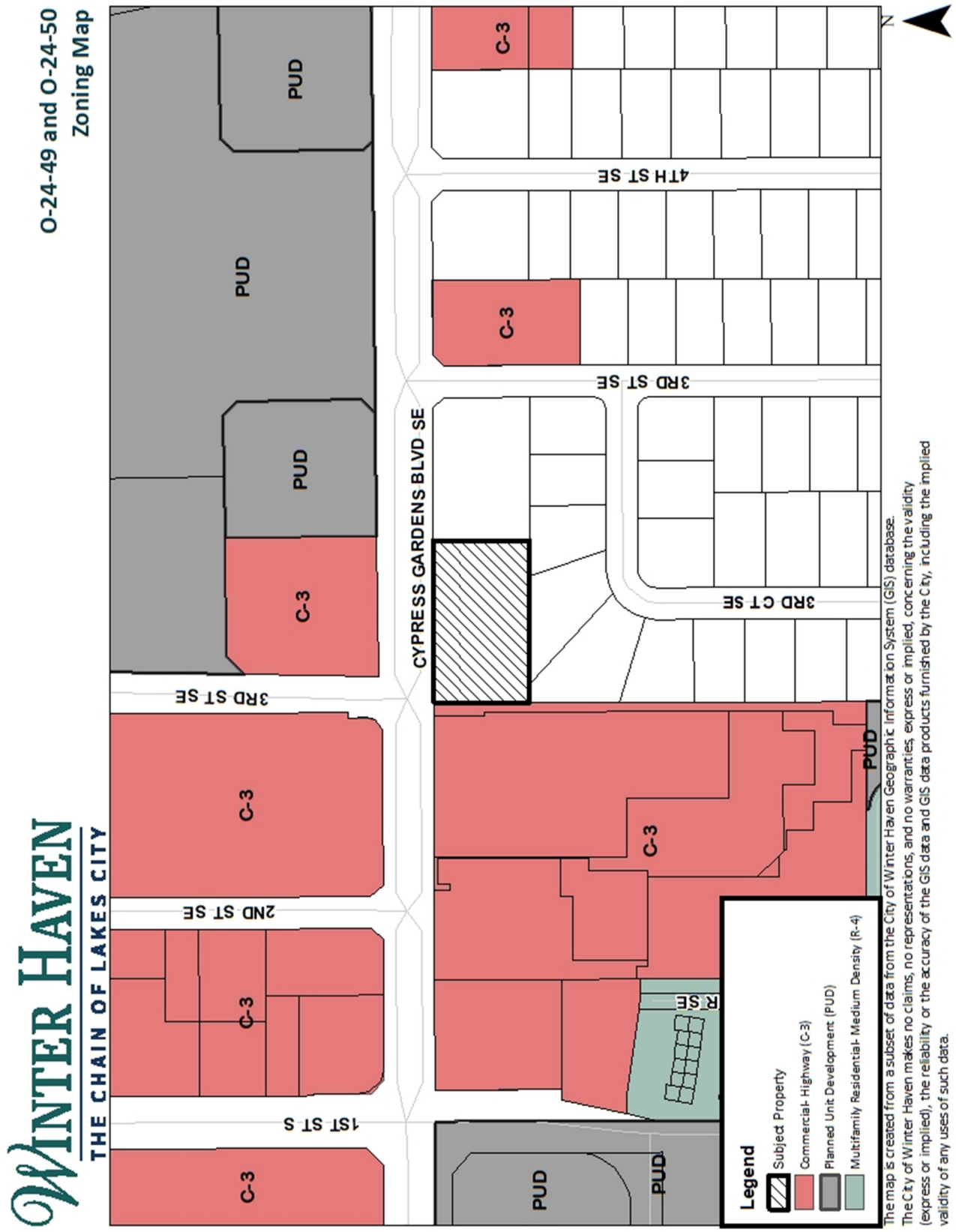
RECOMMENDATION

Staff recommends the Planning Commission recommend approval of these requests and their forwarding to the City Commission for final action.

ATTACHMENTS

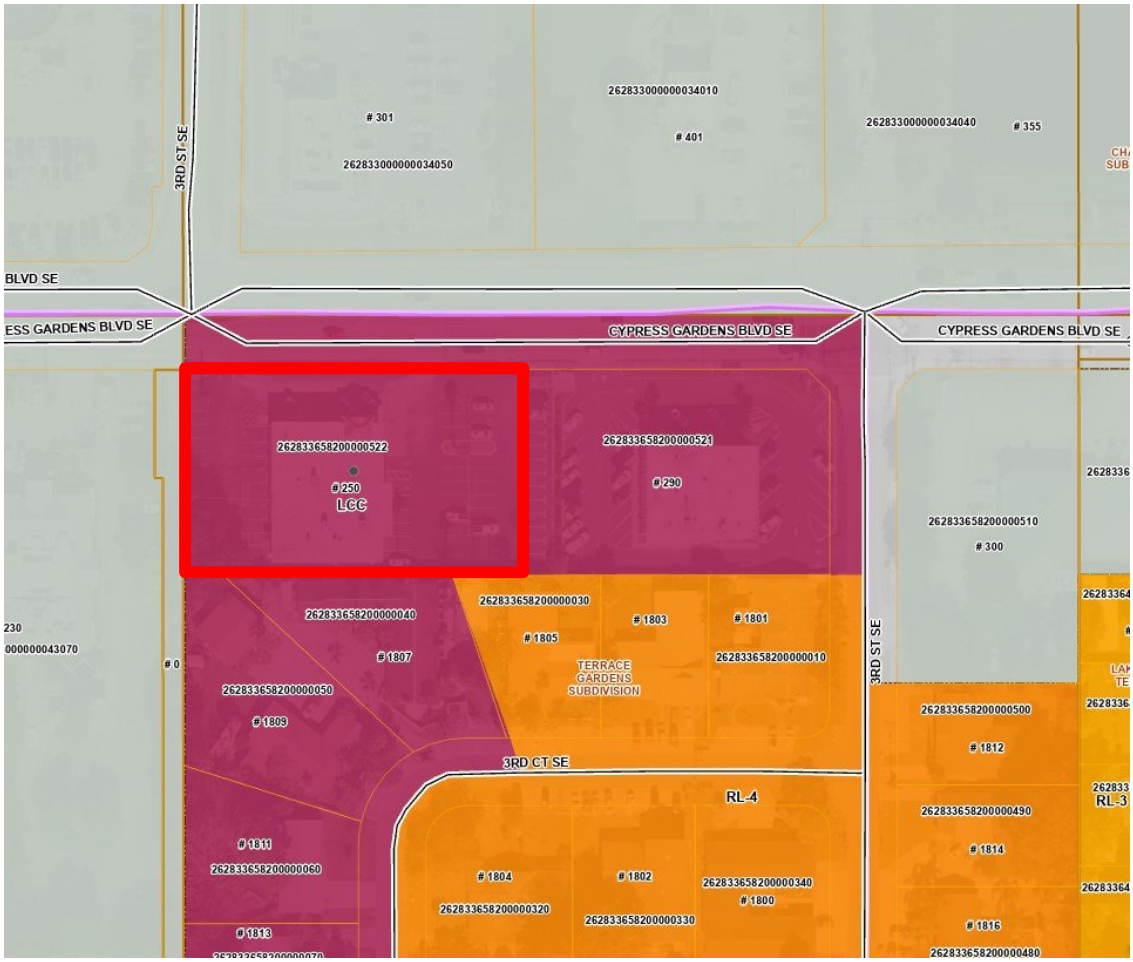
- Future Land Use Map
- Zoning Map
- Aerial Map
- Polk County Land Use Map


O-24-49 and O-24-50
Future Land Use Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
N
4TH ST SE
3RD ST SE
CYPRESS GARDENS BLVD SE
3RD CT SE
3RD ST SE
2ND ST SE
1ST ST S
SAN MARCOS DR SE
Legend
Subject Property
Future Land Use 2035
FLU
Primary Mixed Use Hub
The map is created from a subset of data from the City of Winter Haven Geographic Information System (GIS) database.
The City of Winter Haven makes no claims, no representations, and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the City, including the implied validity of any uses of such data.


O-24-49 and O-24-50
Zoning Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
N
4TH ST SE
3RD ST SE
3RD CT SE
CYPRESS GARDENS BLVD SE
2ND ST SE
1ST ST S
C-3
PUD
Legend
Subject Property
Commercial- Highway (C-3)
Planned Unit Development (PUD)
Multifamily Residential- Medium Density (R-4)
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O-24-49 and O-24-50
Aerial Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
4TH ST SE
3RD ST SE
CYPRESS GARDENS BLVD SE
3RD CT SE
3RD ST SE
2ND ST SE
1ST ST S
SAN MARCOS DR SE
Legend
Subject Property
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Polk County Land Use Map



DATE: September 19, 2024

TO: Winter Haven Planning Commissioners

VIA: Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: Case Number P-24-51: Request by Cypress Southeast, LLC to assign Neighborhood Support Future Land Use to an annexed parcel. General Location: A parcel generally located north of Highway 540 West, east of King Road, and south of Crosstower Drive. The area covered by this request is 1.19± acres; and

Case Number P-24-52: Request by Cypress Southeast, LLC to assign Commercial-Highway (C-3) zoning district to an annexed parcel. General Location: A parcel generally located north of Highway 540 West, east of King Road, and south of Crosstower Drive. The area covered by this request is 1.19± acres.

BACKGROUND

Cypress Southeast, LLC, petitioner, requests the City assign Neighborhood Support Future Land Use and Commercial- Highway (C-3) zoning district to an annexed parcel. The vacant parcel is generally located north of Highway 540 West, east of King Road, and south of Crosstower Drive. The parcel was annexed into the City May 13, 2024. The petitioner intends to develop the property with a mutli-unit commercial building for small businesses.

As these requests contain a small-scale Future Land Use amendment, review by the Florida Department of Commerce (FloridaCommerce) and other state and local agencies is not required.

SURROUNDING USES

The subject property is surrounded by a single-family residence to the east; former citrus groves to the south across State Road 540; a vacant lot to the west across King Road; and the Residences at Winter Haven Subdivision under construction across Crosstower Road to the north.

INFRASTRUCTURE

Based on 1.19 acres, the maximum potential square footage under the proposed Neighborhood Support Future Land Use would be 12,959 square feet (1.19 acres x 43,560 sf x 0.25 FAR). The table below shows the potential demands for 12,959 square feet of commercial.

Type of Infrastructure	Available Capacity	Vested Demands	Potential Demands	Remaining Capacity
Potable Water and Sewer (as of August 30, 2024)				
Potable Water	2,287,000 gpd	1,980,000 gpd	2,851 gpd	304,149 gpd
Sewer (WWTP 3)	2,912,000 gpd	961,600 gpd	2,509 gpd	1,947,891 gpd
Transportation (Background Data from Polk TPO)				
Highway 540 West *Eastbound (PM Peak Hour)*	972 trips	0 trips	32 trips	940 trips
Highway 540 West *Westbound (PM Peak Hour)*	931 trips	0 trips	33 trips	898 trips

Based on the numbers in the table above, supporting water, sewer, and transportation infrastructure contain sufficient capacity to support these requests; however, a final concurrency determination shall be made at the time the property receives site plan approval and is developed.

When C-3 development standards, on-site parking requirements, and stormwater requirements are applied to the property, the actual maximum square footage would likely be less, as would the impact.

COMPREHENSIVE PLAN

Prior to annexation, the Polk County Future Land Use for the subject parcel was Residential Suburban (RS). The requested Neighborhood Support Future Land Use is consistent with the property's frontage on an arterial highway and at the intersection with a collector roadway. The requested C-3 zoning district is consistent with the Neighborhood Support Future Land Use designation.

NOTIFICATION

All notification requirements for these requests were met.

CONCLUSION

Staff's review of these requests yields the following conclusions:

- The assignment of Primary Mixed Use Hub Future Land Use and C-3 zoning district is consistent with the property's frontage on an arterial highway and at the intersection with a collector roadway; and

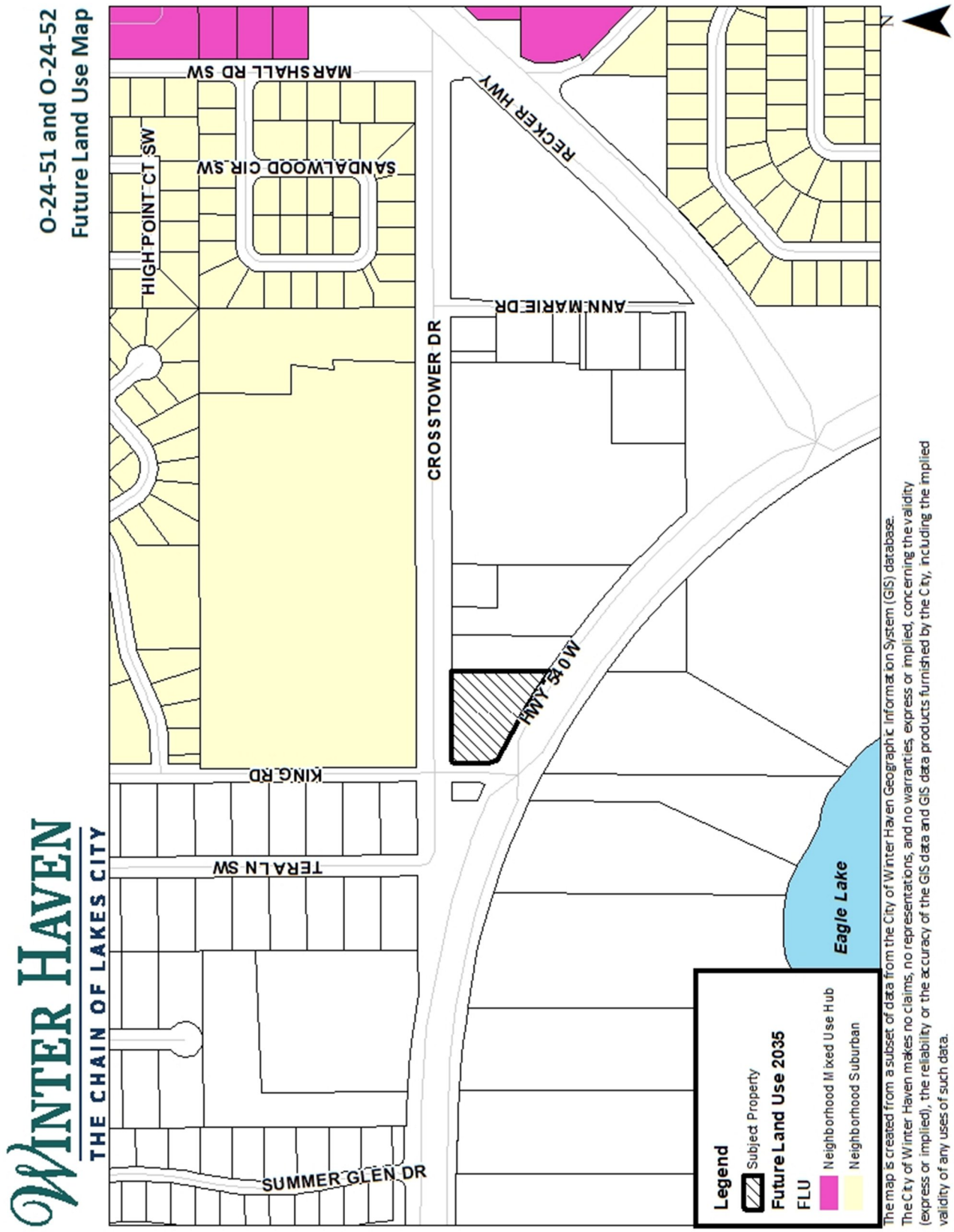
- There is sufficient public infrastructure capacity to accommodate the maximum theoretical development under C-3.

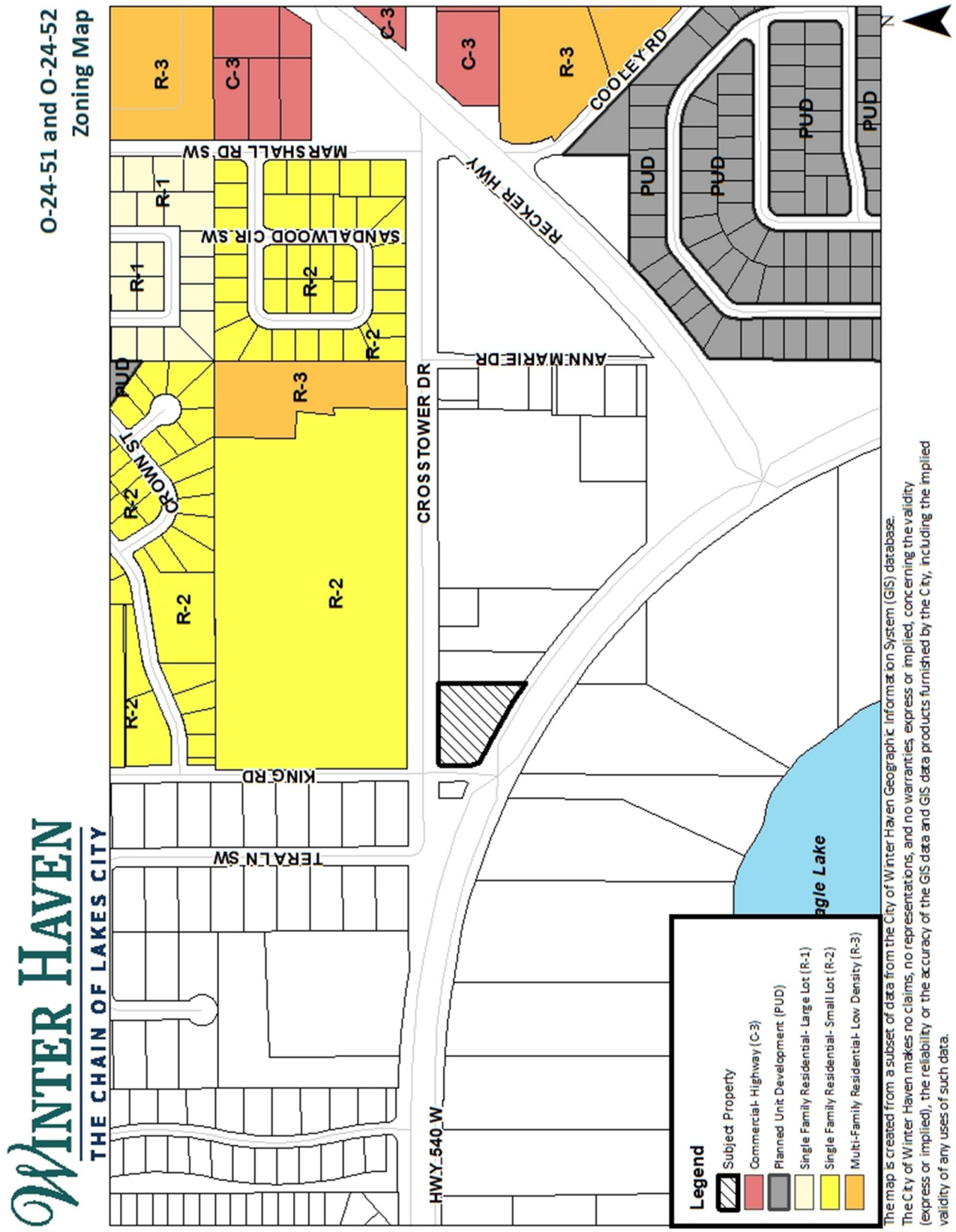
RECOMMENDATION

Staff recommends the Planning Commission recommend approval of these requests and their forwarding to the City Commission for final action.

ATTACHMENTS

- Future Land Use Map
- Zoning Map
- Aerial Map
- Polk County Land Use Map


O-24-51 and O-24-52
Future Land Use Map
MARSHALL RD SW
HIGH POINT CT SW
SANDALWOOD CIR SW
RECKER HWY
ANN MARIE DR
CROSSTOWER DR
HWY 540 W
KING RD
TERRA LN SW
SUMMER GLEN DR
Eagle Lake
Legend
Subject Property
Future Land Use 2035
FLU
Neighborhood Mixed Use Hub
Neighborhood Suburban
WINTER HAVEN
THE CHAIN OF LAKES CITY
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O-24-51 and O-24-52
Zoning Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
R-3
C-3
C-3
C-3
R-3
COOLEY RD
PUD
PUD
PUD
PUD
MARSHALL RD SW
RECKER HWY
R-1
R-1
SANDALWOOD CIR SW
R-2
R-2
R-2
ANN MARIE DR
PUD
R-3
CROSSTOWER DR
CROWN ST
R-2
R-2
R-2
R-2
KING RD
TERALN SW
HWY 540 W
Legend
Subject Property
Commercial- Highway (C-3)
Planned Unit Development (PUD)
Single Family Residential- Large Lot (R-1)
Single Family Residential- Small Lot (R-2)
Multi-Family Residential- Low Density (R-3)
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O-24-51 and O-24-52
Aerial Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
MARSHALL RD SW
HIGH POINT CT SW
SANDALWOOD CIR SW
RECKER HWY
ANN MARIE DR
CROSS TOWER DR
HWY 540W
KING RD
TERA LN SW
SUMMER GLEN DR
Eagle Lake
Legend
Subject Property
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Polk County Land Use Map

