

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b> November 14, 2024	<b>Level of Review:</b> Level 4 Review, Land Development Code Amendment
<b>PC Date:</b> January 8, 2025	<b>Type:</b> N/A
<b>BoCC Date:</b> February 4, 2025	<b>Case Numbers:</b> LDCT 2024-24
<b>Date:</b> April 1, 2025	<b>Case Name:</b> Indian Lake Estates Text Amendment
<b>Applicant:</b> Polk County Land Development Division	<b>Case Planner:</b> Johnathan (JP) Sims, Planner II

<b>Request:</b>	Amend Chapter 4, Section 402.C of the Land Development Code, to add a use table for Indian Lake Estates (Pre-DRI #2) and add language regarding sewer connections and duplexes in Office Center (OCX) with conditions.
<b>Location:</b>	Properties located in the Indian Lake Estates Pre-DRI #2. Located South of State Road 60, north of County Road 630, east of Lake Weohyakapka, west of River Ranch.
<b>Property Owner:</b>	Applicable to all owners within the Indian Lake Estates Pre-DRI #2
<b>Parcel Size:</b>	Will vary
<b>Development Area/Overlays:</b>	Rural Development Area (RDA), Suburban Development Area (SDA), and Neighborhood Utility Service Area (NUSA)
<b>Nearest Municipality:</b>	Frostproof
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Denial (6-1)
<b>Public Comment:</b>	None

## Summary of Analysis:

This is a request from the Polk County Land Development Division and the following is a summary of the Land Development Code Amendment.

- **Objective** - The objective of the amendment is to create a new use table for Indian Lake Estates Pre-DRI #2; and
- **Section 402.C** - add language that would change sewer connection necessity and allow Duplexes within Office Center (OCX) with conditions.

## Summary

This is a County-initiated request to approve a Land Development Code (LDC) Amendment. This amendment will create a new use table for the Indian Lake Estates (Pre-DRI #2), as well as add language to Chapter 4, Section 402.C of the LDC regarding sewer connections and allowing Duplexes in Office Center (OCX) with conditions.

## Data and Analysis Summary

The recent land use development requests in the Indian Lake Estates Pre-DRI #2, which is referenced in LDCPAL-2024-15, brought attention to the varying uses that exist within this area. There are grandfathered Duplexes already found in the area, allowing Duplexes to be constructed with Office Center (OCX) land uses would not be out of context. This led staff to review the Polk County Land Development Code and create a new use table, which would allow Duplexes to be constructed within the OCX, with conditions attached. Also, addressing the desire to remove the sewer connection requirement for residential development less than five (5) dwelling units to the acre and remove it for non-residential development.

## Relevant Sections, Policies, and/or Regulations Considered:

- Land Development Code, **Chapter 4, Section 402.C**
- Comprehensive Plan Policy 2.130-B3.3: **Office Center-X (OCX)**
- Comprehensive Plan Policy 2.130-B1: **Indian Lake Estates (Pre-DRI #2)**

## Findings of Fact

- The Indian Lake Estates development comprises more than 5,000 acres and of the zoning designation of Pre-Existing Planned Unit Development (P.E. PUD). Indian Lake Estates is not a vested development from the DRI statute like Poinciana. This development is a platted subdivision, recorded in the official public records of Polk County, Florida.
- This is a request by the Polk County Land Development Division to create a new use table for the Indian Lake Estates, (Pre-DRI #2), add language to revisit sewer connection necessity, and allow Duplexes within Office Center (OCX) land uses with conditions.
- Section 402 of the Land Development Code and Section 2.130 of the Comprehensive Plan both mention and address the Indian Lake Estates Development of Regional Impact.
- This request is related to LDCPAL-2024-15 which is a Comprehensive Plan text amendment to Section 2.130-B regarding duplexes in Office Center-X (OCX) and sewer connection.

- Table 2.1 in the Land Development Code is a use table for unincorporated Polk County.
- The ILE portion of Chapter 4 does not include a use table.
- The Proposed Use Table for the Indian Lake Estates Pre-DRI #2 includes differences to the General Use Table 2.1 of the Land Development Code. The proposed table does not include:
  - Group Homes
  - Farmworker Housing
  - Short-term rentals
  - Airport or Airstrip
  - Animal Farm
  - Breeding Facilities
  - Cemetery
  - Commercial Vehicle Parking
  - Construction Aggregate
  - Convenience Stores
  - Correctional Facilities, Crematorium
  - Fish Camp
  - Gypsum Stack
  - Hazardous Waste Facilities
  - Heavy Machinery Sales and Services
  - Heliports or Helistops
  - Hospitals, Lime Stabilization Facilities
  - Livestock Sales
  - Manufacturing of any kind
  - Mining, Motor Freight
  - Outdoor Concert Venue
  - Power Plants, Salvage Yard
  - Seaplane Base
  - Solid Waste Facilities
  - Solar Power Generation
  - Transit
  - Truck Stop
  - Warehousing.

## **Recommendation**

**Development Review Committee Recommendation:** Based on the information provided and the analysis conducted within this staff report, the Development Review Committee finds that the request **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development

Code. Therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCT-2024-24.**

#### GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

#### Business Impact Estimate

- **Summary of the proposed ordinance:** An LDC text amendment to Chapter 4, Section 402.C, Indian Lake Estates (Pre-DRI #2), to add a standard use table specific to this area; and add language that revises the necessity of sewer connections, as well as allow Duplex development within Office Center (OCX) land uses with conditions; providing for severability; providing an effective date.
- **Public purpose to be served by the proposed ordinance:** Polk County has many different areas of development, each with their own unique needs. A Pre-DRI is established to indicate that this area is going to be one of great impact to its surroundings. Creating a separate use table for Indian Lake Estates affords property owners the ability to know what is allowable within their area, and removes the ambiguity associated with each land use category. Also, providing clarification on the accessibility of sewer connections, and adding language that would allow Duplexes in the Office Center (OCX), will allow for anyone developing within this district to know the standards that are allowable.
- **Estimate of the direct economic impact of the proposed ordinance to businesses in the county:** No foreseeable impact is estimated. Establishing the land uses allowed within the Pre-DRI and what can be constructed there will not impact the current businesses operating in this area. However, these changes will allow growth within previously platted lots that have been hampered by regulations to develop.

## **Analysis:**

The Polk County Land Development Division has analyzed the current uses within the Indian Lake Estates Pre-DRI #2 and established that with the varying land uses and development areas, a separate use table needed to be created. Also, the existence of certain developments creates an opportunity to expand sewer connection necessity and add the ability of owners to construct Duplexes within the Office Center (OCX) land use with conditions attached. There are existing duplex developments that have existed within the current OCX FLU since before the Future Land Use Map was adopted with the Comprehensive Plan in 1991. This change in the code to allow Duplexes within the OCX so long as they are adjacent to another Duplex will make the existing developments legally conforming. Approving Duplexes in OCX will be a Level 3 Review and will require to go before the Planning Commission for Approval.

## **Limits of the Proposed Amendment**

The scope of the amendment is to allow the property owners within the Indian Lake Estates Pre-DRI #2 the ability to have a designated use table specific to their area. This will remove any ambiguity as to what is allowed and what is not. It will also provide additional information regarding the necessity of sewer connections, and allow Duplex construction within Office Center (OCX) land uses, with conditions attached.

## **Consistency with the Comprehensive Plan & Land Development Code**

The Land Development Code has policies and regulations with a standard use table throughout Polk County that dictates what is allowed and what is not within the varying land uses from Chapter 2, Section 205. However, this table does address the complexity and uniqueness of Indian Lake Estates and how it has developed since it's initial inception. The proposed new use table would expand upon the land uses already existing within the Pre-DRI and clarify what is allowed and where it can go.

Comprehensive Plan Policy 2.130-B1.1 already prohibits Group Living Facilities, Family Care Home, Group Home and Congregate; Retail, more than 50,000 square feet; Manufacturing; and Junkyards. Commercial Vehicle parking is prohibited within all ILE residential areas. Policy 2.130-B3.3 states uses outside the gate will consist of a mixture of low to medium density residential, community services, small scale service retail and professional commercial, and be further defined in the Land Development Code. This new use table will prevent confusion with Table 2.1 of the Land Development Code. Policy 2.130-B3.6 talks about undesired uses in all areas of Indian Lake Estates, including, but not limited to; industrial/production, high impact commercial, big box, any new use producing heavy truck traffic, half-way house/"drop-in" center, junkyard, large scale apartment complex. Finally, Policy 2.130-B3.7 refers to debated uses including gas station, light manufacturing/assemblage, clinic, additional churches, religious retreat, school, size of housing; RV, mobile and/or manufactured home areas; RV, truck and boat parking on residential lots. This change is consistent with the Comprehensive Plan.

**Comments from Other Agencies:** None

**Jurisdictional Review:** Indian Lake Estates is unique to Polk County and looking at other jurisdictions is not needed.

**Exhibits Under Separate Attachment:**

Exhibit 1: Accela Application

Exhibit 2: Ordinance

Exhibit 3: Chapter 4, Section 402.C of the Land Development Code