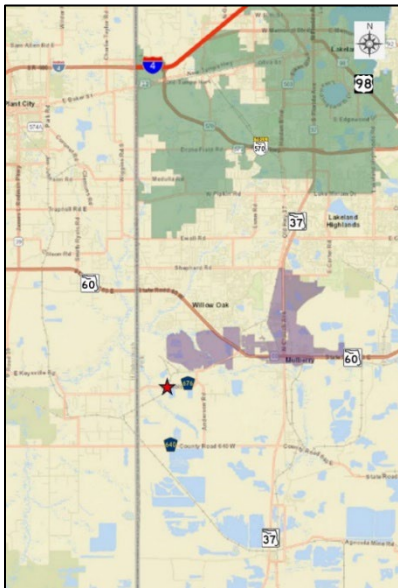


POLK COUNTY DEVELOPMENT REVIEW STAFF REPORT

DRC Date:	July 11, 2024
Planning Commission Date:	September 4, 2024
BoCC Dates:	Transmittal, November 5, 2024; Adoption, January 7, 2025
Applicant:	Annie Barnes, Stearns Weaver Miller
Level of Review:	Level 4 Review, Comprehensive Plan Map Amendment
Case Number and Name:	LDCPAL-2024-11 US Nichols Mosaic PM CPA
Request:	Large Scale Comprehensive Plan map amendment from Agricultural/Residential Rural (A/RR) to Phosphate Mining (PM) on 420± acres of parent tracts of 542.62± acres.
Location:	North and south sides of Nichols Road (CR 676), west of Anderson Road, east of Polk / Hillsborough County Line, and south of the City of Mulberry, in Sections 08, 17, 18, Township 30, Range 23.
Property Owner:	Mosaic Fertilizer LLC
Parcel Size:	542.62± acres (233008-000000-022010, 233017-000000-011020, and 233018-000000-011040) (420± acres A/RR to PM)
Development Area/Overlays:	Rural Development Area (RDA)
Future Land Use:	Agricultural/Residential Rural (A/RR)
Nearest Municipality	Mulberry
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Florida Commerce:	Pending
Case Planner:	Robert Bolton, Planner III



Location



Current Future Land Use

Summary

This is an Applicant-Initiated request for a Future Land Use designation change from Agricultural/Residential Rural (A/RR) to Phosphate Mining (PM) on 420± acres included within the parent tracts of 543± acres in the Rural Development Area (RDA). The site was originally owned by Mobil Chemical Company, which began construction of the first gypsum stack and Phosphoric Acid plant in the mid-1950's. The Phosphoric acid plant was in operation until 1998 with the building subsequently demolished. The gypsum stack is still active and still receives product from the New Wales Facility to the south of the subject. The facility was in operation at the time of the adoption of the Comprehensive Plan in 1991. At that time, portions of the site were incorrectly designated as Agricultural/Residential Rural (A/RR) and not Phosphate Mining (PM). The site also predates the County's Zoning Ordinance which established the site as Rural Conservation (RC). The request will allow an overall continuity of Future Land Use for the phosphate mining operations of the Mosaic Fertilizer Inc.'s land and operations, with the correct Future Land Use designation of Phosphate Mining (PM).

Compatibility Summary

The subject site is bordered by Phosphate Mining (PM) designation on all sides and is still under the ownership of a phosphate mining company with an active gypsum stack on the south side of Nichols Road. To the north of the site is the former Agrifos Phosphate plant which has been closed and sold to non-phosphate related companies. It is noted that the property adjacent to the north is requesting a Future Land Use designation change to Industrial (IND) (LDCPAL-2024-12). Farther the east and west are some residential development. This residential development has developed from the early 1960's with the majority of development occurring by the mid 1980's. The request does not change any actual use of the property, the intensity of the property's use has declined since the closure of the Phosphoric acid plant in 1998.

Infrastructure Summary

The proposed CPA is not anticipated to degrade the Level-of-Service (LOS) standards for transportation, schools, and public safety facilities. The subject site will not change use, the application is to correct a mapping error from the original Future Land Use Map from when the Comprehensive Plan was adopted in 1991.

Environmental Summary

The site has been an operational phosphate mine, gypsum stack and phosphoric acid plant prior to the adoption of the County's original Zoning Ordinance and the later adoption of the Comprehensive Plan. The phosphoric acid plant was closed in 1998 and has since been demolished. The existing gypsum stack is still in operation and is part of Mosaic's operation plan and reviews. The request allows the Comprehensive Plan Map to correctly reflect the existing and historical use of the property which is still under the ownership of a phosphate mining company.

Comprehensive Plan

The relevant sections of the Comprehensive Plan that are applicable to the project request:

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.102-A10: Location Criteria
- Policy 2.108 (A1-A6): RDA Development Criteria
- Policy 2.114A (A4) – Future Development of PM Land

Findings of Fact

Request and Legal Status

- LDCPAL2024-11 is an applicant-initiated request for a Future Land Use designation change from Agricultural/Residential Rural (A/RR) to Phosphate Mining (PM) to on 420± acres.
- The subject site resides within the Rural Development Area (RDA).
- The subject site will be changing 420± acres of a total 543± acres on the parent parcels.
- The subject site is part of a released phosphate mine called Nichols.
- Once mining is complete, the Bureau of Mines at the Florida Department of Environmental Protection (FDEP) supervises the reclamation and after the appropriate time releases the land from FDEP supervision. However, gypsum stacks require perpetual maintenance and monitoring.

Compatibility

- The existing uses surrounding the site are;
 - North – PM; previously phosphate mined lands
 - West – PM; previously phosphate mined lands and forested lands
 - East – PM; previously phosphate mined lands
 - South – PM; previously phosphate mined lands
- The site was a phosphate mining operation with an active gypsum stack, and phosphoric acid plant, prior to the adoption of the Comprehensive Plan.
- The Nichols Mine included a beneficiation and phosphoric acid plants.
- The request does not change any actual use of the property, the intensity of the property's use has declined since the closure of the phosphoric acid plant in 1998.
- Staff is coordinating with the Phosphate Review Group to obtain any comments per Policy 2.114-A4, any comments received may result in updates to the Staff Report.

Infrastructure

- The zoned schools for the site are Purcell Elementary, Mulberry Middle, and Mulberry Senior High School.
- Fire and Ambulance responses are from Polk County Fire Rescue Station 8, located at Willis Road, Mulberry, which is approximately 5.4 miles away with an estimated 8-minute response.
- The subject site is within the Southwest District Command Area for the Sheriff's office which is located at 4120 US Highway 98 South, Lakeland.
- The subject site is not in a water or wastewater utility provider. There are no lines built along Nichols Road (CR 676).
- The request aligns the historical use with the appropriate Future Land Use district, no changes to infrastructure will be required.
- The subject area has decreased in development intensity after the demolition of the Nichols Phosphoric Acid plant in 1998.

Environmental

- The subject site's elevations vary dramatically. The highest elevations are located at the top of the Gypsum Stacks, on the south side of Nichols Road, at an elevation of approximately 250 feet, with the lowest area around the wetlands, on the western side of the site, at approximately 75 feet. On the northern side of Nichols Road the elevation change is relatively flat, ranging from approximately 115 feet to 120 feet with no discernable slope.
- The subject site does contain surface water; however, these surface waters are a result of the phosphate mining operation, former phosphoric acid plant, and former gypsum stack, that have occurred in the area that predate the adoption of the County's original Zoning Ordinance.
- The soil type for the subject site includes Pomona Fine Sand, Hydraquents (clayey), Arents-Water complex, Sparr sand (0 to 5 percent slopes), Urban land (0 to 2 percent slopes), Kendrick fine sand (0 to 5 percent slopes), Basinger mucky fine sand (frequently ponded, 0 to 1 percent slopes), Arents (clayey substratum), and Arents (0 to 5 percent slopes).
- Per the Polk Species Observation Map, there have not been any endangered species sightings on the subject site.
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.

- There are no potable wells on the subject site; however there are several wells related to gypsum stack and other phosphate mining activities, and it is not located in a wellfield.
- The site is not within an Airport Impact District.

Comprehensive Plan Policies

- POLICY 2.102-A1 Development Location states that Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.
- POLICY 2.102-A2 Compatibility states that land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.
- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided.
 - b. nearness to agriculture-production areas;
 - c. distance from populated areas;
 - d. economic issues, such as minimum population support and market-area radius (where applicable);
 - e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 2. sanitary sewer and potable water service;
 3. storm-water management;
 4. solid waste collection and disposal;

5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 6. emergency medical service (EMS) provisions; and
 7. other public safety features such as law enforcement;
 8. schools and other educational facilities
 9. parks, open spaces, civic areas and other community facilities
- f. environmental factors, including, but not limited to:
1. environmental sensitivity of the property and adjacent property;
 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 3. wetlands and primary aquifer recharge areas;
 4. soil characteristics;
 5. location of potable water supplies, private wells, public well fields; and
 6. climatic conditions, including prevailing winds, when applicable.
- POLICY 2.108-A1: DESCRIPTION - Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.
 - POLICY 2.108-A2: DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Rural-Development Area base areas for those areas of the County meeting the general characteristics of this Section.
 - POLICY 2.108-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Rural-Development Areas:
 - a. ACTIVITY CENTERS: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.
 - b. RESIDENTIAL: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria.
 - c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.
 - POLICY 2.114-A1: CHARACTERISTICS - Phosphate Mining areas are generally characterized by existing or proposed phosphate-mining operations, phosphate-mining support facilities, and non-reclaimed phosphate-mined areas.
 - POLICY 2.114-A2: DESIGNATION AND MAPPING - Phosphate Mining areas shall be designated and mapped on the Future Land Use Map Series as "Phosphate Mining" (PM), and shall include:
 - a. all existing phosphate-mining areas and support facilities for which a "Conceptual Mine Plan" has been accepted by the County, and
 - b. any non-reclaimed inactive mining areas for which foreseeable development is unlikely, as of the adoption date of the Comprehensive Plan.

Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map Series, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 (Rural Mixed Use Developments) will be used; and, the applicant must show documentation proving the property was not owned by a phosphate mining company prior to May 1, 1991, the Plan's adoption date. Property purchased from a phosphate company after this date will not be considered an error.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAL2024-11**.

Planning Commission Recommendation: On September 4, 2024, in an advertised public hearing, the Planning Commission voted (?:?) to **recommend APPROVAL or DENIAL of LDCPAL2024-11**.

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

***NOTE:** All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

***NOTE:** Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.*

Analysis

This section of the staff report includes data on the surrounding uses, infrastructure conditions, environmental conditions, and related Comprehensive Plan policies and Land Development Code regulations.

Surrounding Uses

Table 1 identifies the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

<p>Northwest PM; Mosaic Fertilizer, LLC Wetlands</p>	<p>North PM; Agrifos Mining LLC & Mosaic Fertilizer, LLC Wetlands & previously phosphate mined lands</p>	<p>Northeast PM; Mims Properties Investments LLC Previously phosphate mined lands</p>
<p>West PM; Mims Hammock LLC Forested lands</p>	<p>Subject Site PM; Vacant land (former phos acid plant) and active gypsum stack</p>	<p>East PM; Mosaic Fertilizer, LLC Previously phosphate mined lands</p>
<p>Southwest PM; Mims Hammocks LLC Wetlands & previously phosphate mined lands</p>	<p>South PM; Mosaic Fertilizer, LLC & Mims Hammocks Wetlands & previously phosphate mined lands</p>	<p>Southeast PM; Mosaic Fertilizer, LLC Previously phosphate mined lands</p>

Source: Polk County Geographical Information System and site visit by County staff

Compatibility with the Surrounding Uses

According to *Policy 2.102-A2* of Polk County’s Comprehensive Plan, “land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; and c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.” The “development criteria” and the “density and dimensional regulations” of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

A. Land Uses

Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-

Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.

The subject site is 543± acres split between the Agricultural/Residential Rural (A/RR) and Phosphate Mining (RM) Future Land Use (FLU) designations. The request is to change the 420± acres of Agricultural/Residential Rural (A/RR) to Phosphate Mining (RM), recognizing the historical and current use of the property. The overall site was the location of one of the Nichols plants, on the north side of Nichols Road (CR 676) and a gypsum stack on the south side of Nichols Road (CR 676).

The site was originally owned by Mobil Chemical Company, which began construction of the first gypsum stack and Phosphoric Acid plant in the mid-1950’s. The Phosphoric acid plant was in operation until 1998 with the building subsequently demolished. The gypsum stack is closed; however, still collects process water seepage and a pipeline transfers this process water to the New Wales Facility for treatment. The facility was in operation at the time of the adoption of the Comprehensive Plan in 1991. At that time, portions of the site were incorrectly designated as Agricultural/Residential Rural (A/RR) and not Phosphate Mining (PM). The site also predates the County’s Zoning Ordinance which established the site as Rural Conservation (RC). The request will allow an overall continuity of Future Land Use for the phosphate mining operations of the Mosaic Fertilizer Inc.’s land and operations, with the correct Future Land Use designation of Phosphate Mining (PM).

B. Infrastructure

The subject site has no access to water and wastewater, as there is no service provider available in this area of the County. However, the site is an active Gypsum Stack and does not require water and wastewater connections.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2022-2023 School Year	Average driving distance from subject site
Purcell Elementary	0 students	110%	5.7 ± miles driving distance
Mulberry Middle School	0 students	115%	6 ± miles driving distance
Mulberry Senior High	0 students	82%	6.7 ± miles driving distance

Source: Polk County School Board, Polk County Impact Fee Ordinance, GIS

There is capacity in the high school zoned for the subject site, but the elementary and middle schools are currently over capacity. However, Phosphate Mining does not allow for Residential development, so no students should be generated from this change.

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office and Fire/EMS stations. Sheriff response times are not as much a function of the distance to the nearest sheriff's substation, but more a function of the overall number of patrol officers within the County.

Table 3 Public Safety Information

	Name of Station	Distance Response Time*
Sheriff	Polk County Sheriff's Office Southwest District 4120 US Highway 98 South, Lakeland	16.8 +/- miles Priority 1 – 8:55 Priority 2 – 21:46
Fire/ EMS	Fire Rescue Station 8 4210 Willis Rd, Mulberry	5.4 +/- miles 8 Minutes

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for April 2024.

Water and Wastewater

A. Estimated Demand and Service Provider

Table 4 displays estimated water needs and wastewater generation rates at full buildout. Agricultural/Residential Rural (A/RR) and Phosphate Mining (PM). It is again noted that this site has been an active phosphate mining facility and gypsum stack prior to 1964 and does not require water and wastewater connections. At this time, the Florida Department of Environmental Protection (FDEP) has not authorized any use of gypsum. The majority of the site, not encumbered by the gypsum stack, will not be redeveloped and the gypsum stack will remain long term.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Current A/RR	Proposed PM
420± acres 18,295,200 sq ft @0.75 FAR = 13,721,400	420/5 = 84 units	13,721,400 sf
Potable Water Consumption	84 X 360 = 30,240 GPD	13,721,400 * 0.24 = 3,293,136 GPD
Wastewater Generation	84 X 270 = 22,680 GPD	3,293,136 * 80% Water = 2,634,509 GPD

Source: Concurrency Manual: PM@ IND rates @ 0.24 per sq ft and 80% for wastewater, single family @ 360 GPD Potable water and 270 Wastewater.

B. Available Capacity

The sites current and future use as an active gypsum stack will not require potable water or wastewater.

C. Planned Improvements

There are no planned improvements scheduled for this area of the County.

Roadways/Transportation Network

A. Estimated Demand

Table 5 following this paragraph shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The proposed request will generate less traffic than the current Future Land Use designation.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity 420± acres 18,295,200 sq ft @0.75 FAR = 13,721,400	Current A/RR	Proposed PM
	420/5 = 84 units	13,721,400 / 1,000 = 13,721 sf
Average Annual Daily Trips (AADT)	84 X 7.81 AADT = 656 AADT	13,721 * 3.93 * 92% new trips = 49,610 AADT
PM Peak Hour Trip	84 X 1 = 84 PM Peak Hour	13,721 * 0.67 * 92% new trips = 8,458 AADT

Source: Concurrency Manual and Table for Minor Traffic Study –PM @ IND rates ITE Code 140 @ 3.93 AADT per 1,000 square feet and 0.67 PM Peak Hour Trip per 1,000 square feet and 92% new trips, single family @ one house per five acres – 7.81 AADT per unit and 1 PM Peak Hour per unit 100% new trips

B. Available Capacity

The roads surrounding the subject site all have sufficient capacity availability for about 490,750 square feet of development. State Road 37 to the east is a Minor Arterial Road with a “B” Level of Service. County Road 640, which the subject site directly accesses, is a Minor Arterial Road that also has a “B” Level of Service. It is important to note that the PM Peak Hour Traffic in either PM or IND is more than what is available as displayed in Table 6, following this paragraph. The applicant has provided a traffic study (attached separately).

Table 6 Road Links

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr Projected LOS
4075E	CR 676 (Nichols Rd) Hillsborough County Line to SR 60	C	635	C	C
4075W	CR 676 (Nichols Rd) Hillsborough County Line to SR 60	C	631	C	C

Source: 2023 Roadway Network Database

C. Roadway Conditions

County Road 676 is currently in Good condition.

D. Sidewalk Network

There are no sidewalks on County Road 676.

E. Planned Improvements:

There are currently no planned County improvements along any of the traffic links.

F. Mass Transit

The closest mass transit stop is approximately 4 miles away on State Road 37 and Highway 60, in Mulberry, northeast of the subject site at Stop 1718. It is serviced by Citrus Connection on Line 21X

Park Facilities:

The nearest regional park is Rolling Hills Park 8.2 miles southeast of the subject site near the Jamison Road area.

A. Location:

The nearest regional park is Rolling Hills Park 8.2 miles southeast of the subject site near the Jamison Road area.

B. Services:

Rolling Hills Park has a picnic area and an open field that can be used for various activities.

C. Multi-use Trails:

The closest free hiking trail is the Alafia River Reserve which is 6.0 miles away from the subject site.

D. Environmental Lands:

The subject site is southeast of the Alafia River's North Prong, which are the closest environmental lands to the site.

E. Planned Improvements:

There are no further recreation improvements scheduled for this area of the County at this time.

Environmental Conditions

The subject site does contain surface water; however, these surface waters are a result of the phosphate mining operation that have occurred in the area that predate the adoption of the County's original Zoning Ordinance. There are wetlands and flood zones to be aware of on the subject site.

The soils on site are a wide variety. There are no wells, protected species, or archeological issues on the subject site.

A. Surface Water:

There are surface waters on the subject site. The existing surface waters include the operations if the existing Gypsum Stack on the southern parcels and surface waters on the northern parcel which were created as a result of the precious mining and Phosphoric acid plant operations.

B. Wetlands/Floodplains:

There are floodplains on the subject site. There is Flood Zone A on the western side of the area which includes an area of wetlands. The Polk County Data Viewers indicate areas of wetlands which include the existing Gypsum Stack and the former Phosphoric Acid Plant. The requested Land Use request would limit the types of allowable uses, the applicant has indicated that not changes are considered for the site.

C. Soils:

Table 7, which follows, lays out the various types of soil and sand that are available on this subject site.

Table 7 Soil Types (Per the Applicant's IAS)

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Pomona Fine Sand	Severe: wetness, percs slowly	Severe: wetness	3.4%
Hydraquents, clayey	Severe: ponding, percs slowly	Severe: ponding, shrink-well	0.1%
Arents-Water complex	None	None	35.3%
Sparr sand, 0 to 5 percent slopes	Severe: wetness, poor filter	Moderate: wetness	3.6%
Urban land, 0 to 2 percent slopes	None	None	5.1%
Kendrick fine sand, 0 to 5 percent slopes	Slight	Slight	1.8%
Basinger mucky fine sand, frequently ponded, 0 to 1 percent slopes	Severe: ponding, poor filter	Severe: ponding	3.5%
Arents, clayey substratum	None	None	0.4%
Arents, 0 to 5 percent slopes	None	None	46.3%

Source: Soil Survey of Polk County, Florida

As previously noted the site is an active gypsum stack and former phosphate beneficiation plant.

D. Protected Species

According to the Florida Biodiversity Matrix GIS application, no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state, and local law.

E. Archeological Resources:

According to the Florida Department of State, Division of Historical Resources, there are no archeological sites listed in the Florida Master Site File.

F. Wells (Public/Private)

The subject site is not located on a wellfield and does not have a well on site. There is no water or wastewater on site.

G. Airports:

The site is not within an Airport Impact District.

Economic Factors:

No Economic Factors will be impacted by this request.

Consistency with the Comprehensive Plan

Many policies within the Comprehensive Plan are reviewed for consistency with an application. The most relevant policies for the proposed request are included in this section. The policy is first stated and then an analysis of how the request is provided to state that it may or may not be consistent with the Comprehensive Plan. How the request is **consistent** with the Comprehensive Plan is listed below:

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	The Comprehensive Plan permits Phosphate Mining uses within the Rural Development Area. The request is to correct a mapping error that placed an area of Agricultural/Residential Rural over an area of active phosphate mining activity. Therefore, this request is compatible with the surrounding area.

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are bypassed in favor of development more distant from services and existing Communities.</p>	<p>The subject site and lands surrounding the subject site have historically been used by Mosaic for various Phosphate Mining uses.</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The timing of this request is consistent in that is a correction of a mapping error that placed an area of Agricultural/Residential Rural over an area of active phosphate mining activity. Therefore, this request is compatible with the surrounding area.</p>
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <ul style="list-style-type: none"> a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable); e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to: <ul style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> 1. environmental sensitivity of the property and adjacent property; 2. surface water features, including drainage patterns, basin characteristics, 	

Comprehensive Plan Policy	Consistency Analysis
<p>and flood hazards; 3. wetlands and primary aquifer recharge areas; 4. soil characteristics; 5. location of potable water supplies, private wells, public well fields; and 6. climatic conditions, including prevailing winds, when applicable.</p>	
<p>POLICY 2.114-A1: CHARACTERISTICS - Phosphate Mining areas are generally characterized by existing or proposed phosphate-mining operations, phosphate-mining support facilities, and non-reclaimed phosphate-mined areas.</p>	<p>The subject property is characterized by existing phosphate mining or previous phosphate mining operations or activities.</p>
<p>POLICY 2.114-A2: DESIGNATION AND MAPPING - Phosphate Mining areas shall be designated and mapped on the Future Land Use Map Series as "Phosphate Mining" (PM), and shall include:</p> <ul style="list-style-type: none"> a. all existing phosphate-mining areas and support facilities for which a "Conceptual Mine Plan" has been accepted by the County, and b. any non-reclaimed inactive mining areas for which foreseeable development is unlikely, as of the adoption date of the Comprehensive Plan. <p>Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map Series, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 (Rural Mixed Use Developments) will be used; and, the applicant must show documentation proving the property was not owned by a phosphate mining company prior to May 1, 1991, the Plan's adoption date. Property purchased from a phosphate company after this date will not be considered an error.</p>	<p>The site was previously part of a mining operation, the plants have been demolished with the gypsum stack remaining. The majority of the site, not encumbered by the gypsum stack, will not be redeveloped and the gypsum stack will remain long term. Once mining is complete, the Bureau of Mines at the Florida Department of Environmental Protection (FDEP) supervises the reclamation and after the appropriate time releases the land from FDEP supervision. However, gypsum stacks require perpetual maintenance and monitoring.</p> <p>Development on this site will not be allowed to infringe upon or disturb any wetlands.</p>

Urban Sprawl Analysis

After analyzing the primary indicators of Urban Sprawl per Policy 2.109-A10 of the Polk County Comprehensive Plan, it is apparent that the proposed request is not considered urban sprawl based on these criteria and it is permitted in the designated area. Table 9 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl.

Table 9 Urban Sprawl Criteria

Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Sections where referenced in this report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>	Summary of analysis
b. <i>Allows a significant amount of urban development to occur in rural areas.</i>	Summary of analysis
c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i>	Summary of analysis, surrounding Development, compatibility
d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i>	Summary of analysis, surrounding Development, compatibility
e. <i>Fails to adequately protect adjacent agricultural areas.</i>	Compatibility with Surrounding Land Uses
f. <i>Fails to maximize existing public facilities and services.</i>	Summary of Analysis, Infrastructure
g. <i>Fails to minimize the need for future facilities and services.</i>	Summary of Analysis, Infrastructure
h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i>	Summary of Analysis, Infrastructure
i. <i>Fails to provide a clear separation between urban and rural uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
k. <i>Fails to encourage an attractive and functional mixture of land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
l. <i>Will result in poor accessibility among linked or related land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
m. <i>Results in the loss of a significant amount of open space.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses

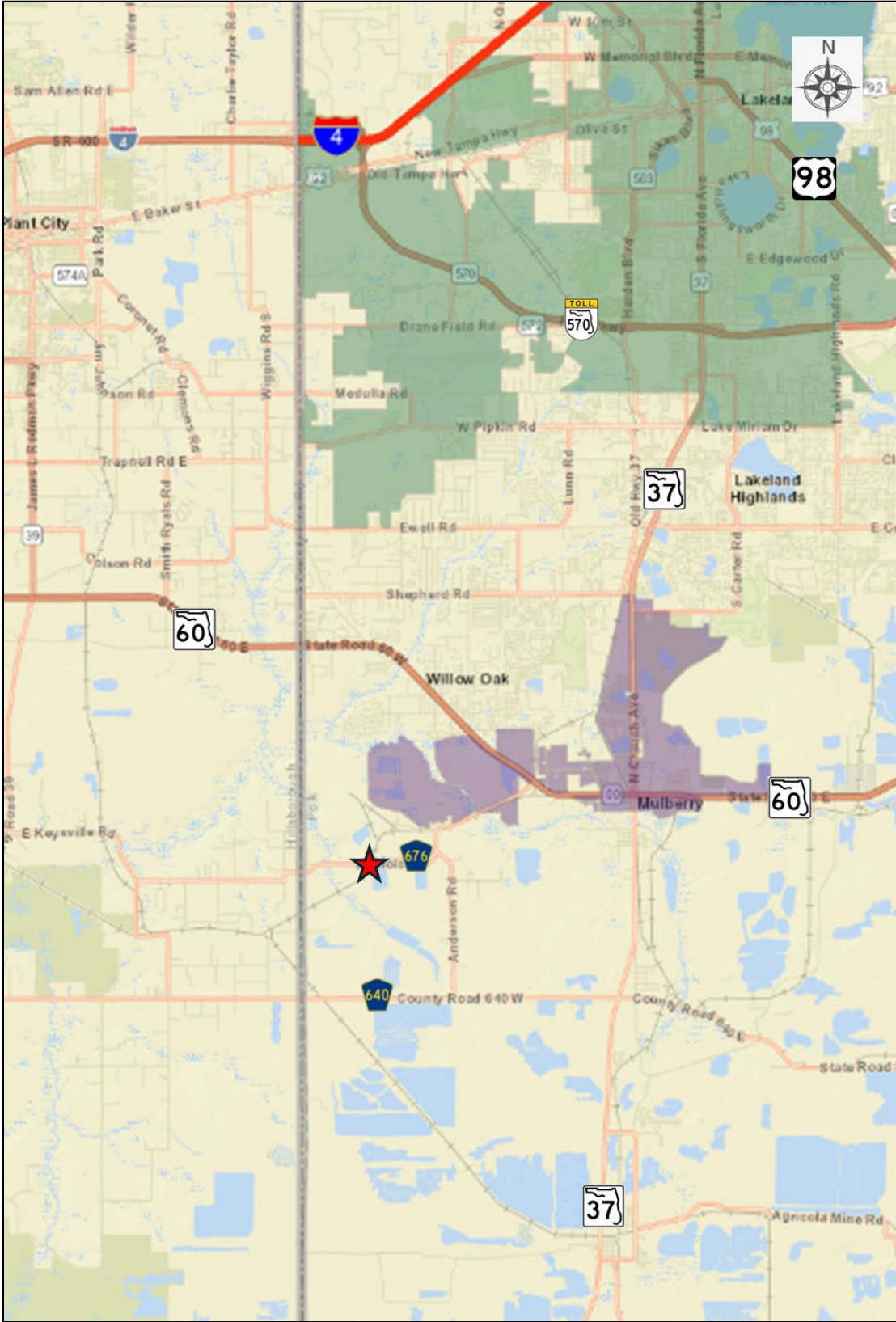
Comments from other agencies

No comments

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 2023 Aerial Context Map
- Exhibit 3 2023 Aerial Close Up
- Exhibit 4 Current Future Land Use Map
- Exhibit 5 Proposed Future Land Use Map
- Exhibit 6a & b PM and IND Conditional Uses

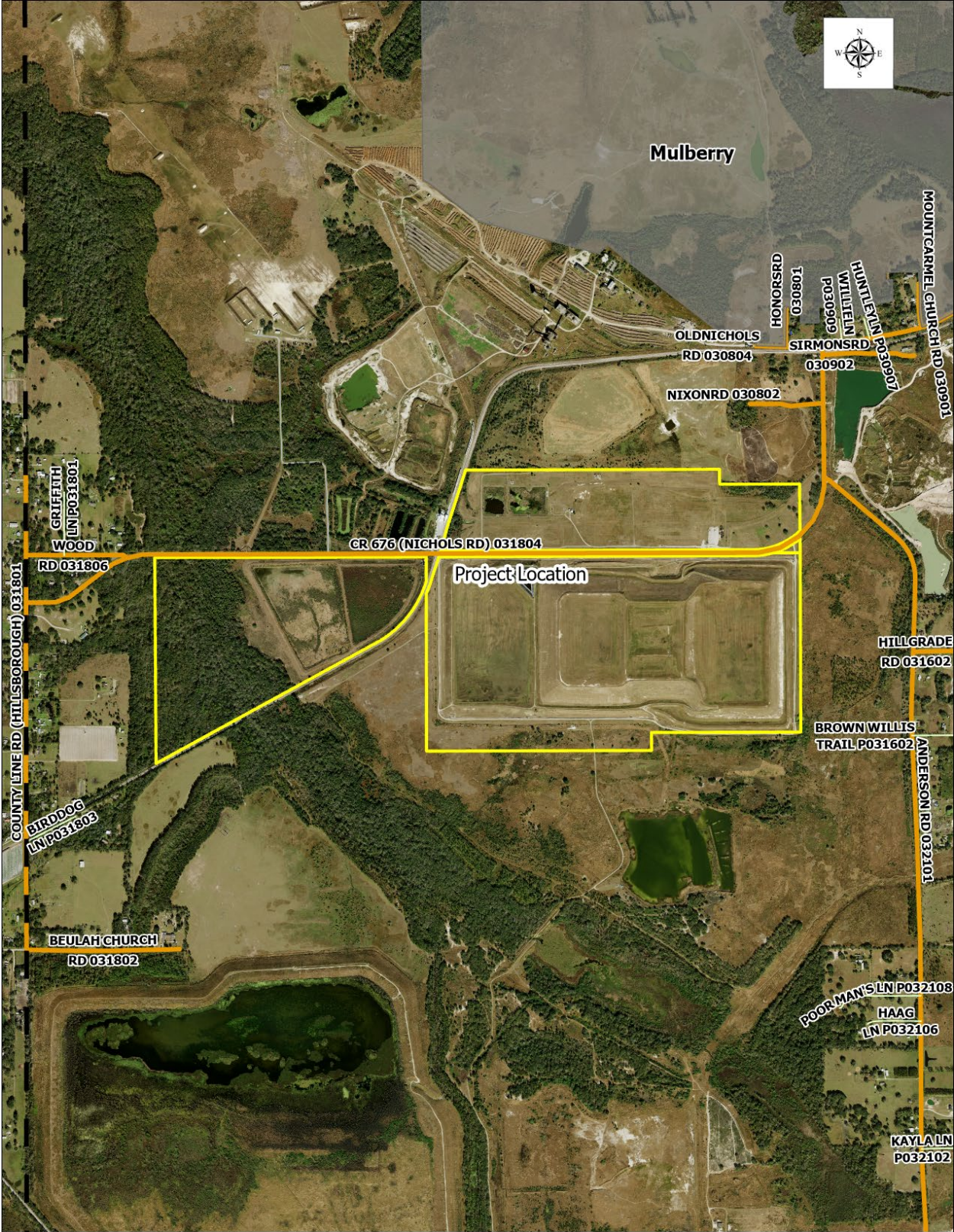
Applicant's submitted documents and ordinance as separate files



LOCATION MAP



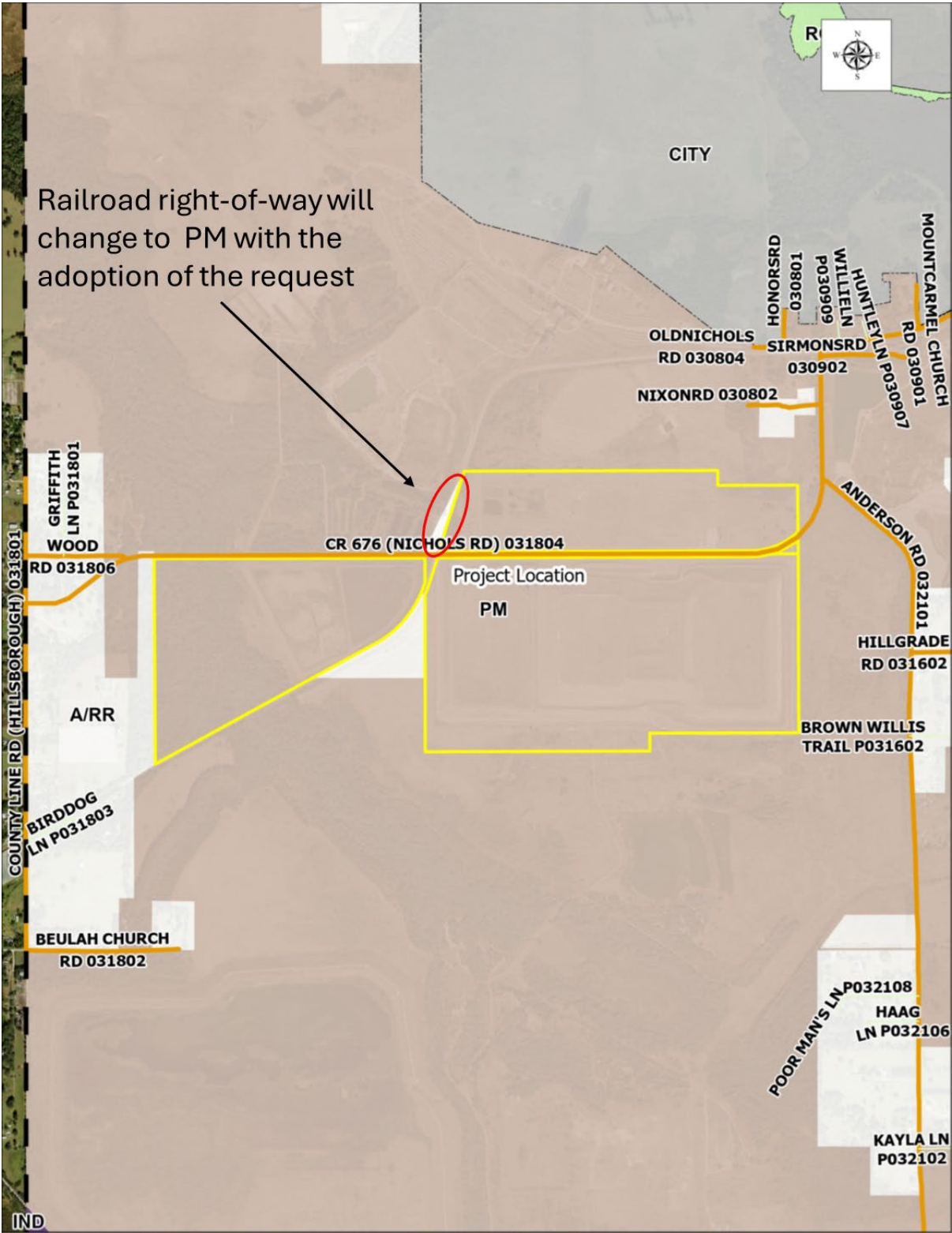
2023 AERIAL PHOTO CONTEXT



2023 AERIAL PHOTO CLOSE UP



CURRENT FLUM Agricultural/Residential Rural (A/RR)



PROPOSED FLUM Phosphate Mining (PM)

Future Land Use Designation	Technical Staff Review -Level 1 & 2	Public Hearing (s) Required-Level 3 & 4
Agricultural/Residential Rural (A/RR)	<p>Residential Uses: Family Farm, C1 Group Home, Small (6 or less residents), C1 Farm Worker Dormitory, Apartment Style, C2 Mobile Homes, Individual, C1 Single-family Detached Home & Subdivision</p> <p>All Other Uses: Animal Farm, Intensive Cemetery, C2 Communication Towers, Guyed and Lattice C2 Communication Tower, Monopole, C2 Convenience Stores, Isolated, C2 Emergency Shelter, Small (6 or less residents), C1 Farming General, Golf Course, C1 Heliports, C2 Helistops, C2 Kennels, Boarding and Breeding Livestock Sale, Auction Nurseries and Greenhouses Recreation, Passive, C1 Recreation, Low Intensity, C2 Riding Academies, C1 Solar Electric-Power Generation Facility, C2 Utilities, Cass I Utilities, Cass II, C1 Veterinary Service</p>	<p>Residential Uses: Fly-in Community, C3 Group Home, Large (7-14 residents), C3 Group Living Facility (15 or more residents), C3 Farm Worker Dormitory, Barrack Style, C3 Mobile Home Park & subdivision, C3 Rural Residential Development (RRD), C3</p> <p>Mixed Uses: Planned Development, C3 Residentially Based Mixed Development (RBMD), C3 Rural Mixed Development (RMD), C3</p> <p>All Other Uses: Adult Day Care Center (7 or more clients), C3 Agricultural Support, Off-Site, C3 Airport, C4 Bed and Breakfast, C3 Breeding, Boarding, and Rehabilitation Facility Wild or Exotic, C3 Childcare Center, C3 Community Center, C3 Correctional Facility, C4 Cultural Facility, C3 Emergency Shelter, Medium (7-14 residents), C3 Emergency Shelter, Large (15 or more residents), C3 Event Facility, C3 Government Facility, C3 Institutional Campground, C3 Lime Stabilization Facility, C3 Lodges and Retreats, Private, C3 Marinas and Related Facilities, C3 Outdoor Concert Venue, C3 Recreation, High Intensity C3 Recreation, Vehicle Oriented, C3 Religious Institution, C3 Residential Treatment Facility, C4 School, Elementary, C3 School, Leisure/Special Interest C3 School Technical/Vocational/Trade & Training, C3 Seaplane Base, C3 Utilities, Cass III, C3 Water Ski Schools, C4</p>

A/RR CONDITIONAL USES

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
PM	Animal Farm- Intensive, Farming General, Kennels- Boarding and Breeding, Livestock Sale- Auction, Nurseries and Greenhouses, Utilities- Class I, Utilities- Class II, Veterinary Service	Family Farm, Recreation- Passive, Riding Academies, Farm Worker Dormitory- Apartment Style, Communication Tower- Monopole, Communication Towers- Guyed and Lattice, Community Center, Convenience Stores- Isolated, Cultural Facility, Heavy Machinery Equipment Sales and Services, Heliports, Helistops, Manufacturing- Explosives/ Volatile Material, Manufacturing- General, Manufacturing- Light, Motor Freight Terminal, Recreation- Low Intensity, Religious Institution, Research & Development, School- Technical/Vocational/Trade & Training, Solar Electric-Power Generation Facility, Utilities- Class III	Farm Worker Dormitory- Barrack Style, Planned Development, Agricultural Support- Off-Site, Breeding- Boarding- and Rehabilitation Facility- Wild or Exotic, Government Facility, Lime Stabilization Facility, Mining- Non-phosphate, Railroad Yard, Recreation- High Intensity, School- Leisure/Special Interest, Water Ski Schools, Airport, Gypsum Stack, Hazardous Waste Transfer- Storage, Hazardous Waste Treatment Facilities, Mining- Phosphate, Power Generation- Certified, Power Plants- Non-Certified- High, Power Plants Non-Certified- Low

PM CONDITIONAL USES