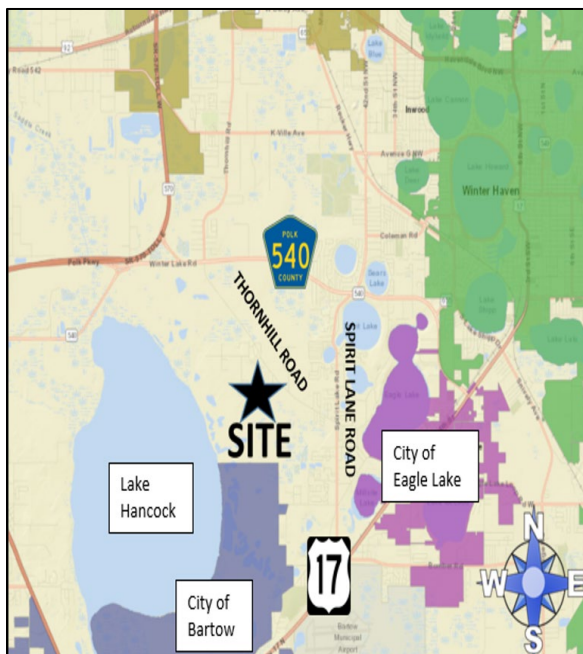
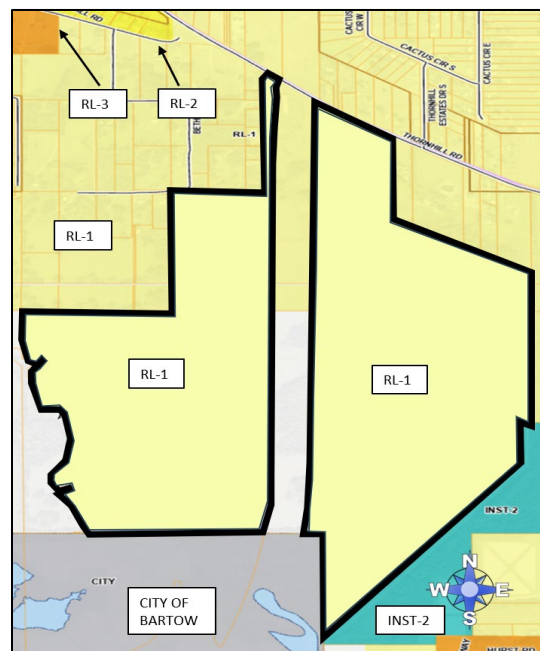


# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	January 2, 2025
<b>Planning Commission Date:</b>	March 5, 2025
<b>BoCC Dates:</b>	May 6, 2025, July 15, 2025
<b>Applicant:</b>	Jason A. Alligood, PE
<b>Level of Review:</b>	Level 4 Review, Large-Scale Comprehensive Plan Amendment
<b>Case Number and Name:</b>	LDCPAL-2024-17 (Stuart Property Thornhill Road)
<b>Request:</b>	This is an applicant-initiated Comprehensive Plan Map Amendment to change 326.92 acres from Agricultural/Residential-Rural (A/RR) to Residential-Low (RL), and from Rural Development Area (RDA) to Urban Growth Area (UGA) on the Future Land Use Map.
<b>Location:</b>	South of Thornhill Road, East of Lake Hancock, and north of the City of Bartow, in Sections 3 & 10, Township 29, Range 25.
<b>Property Owner:</b>	Lenore Crosland Stuart & Margaret Kennedy Stuart Satterfield
<b>Parcel Size:</b>	158+/- acres
<b>Development Area:</b>	Rural Development Area (RDA) & Urban Growth Area (UGA)
<b>Future Land Use:</b>	Agricultural/Residential-Rural (A/RR) & Residential-Low (RL)
<b>Nearest Municipality</b>	Bartow, Eagle Lake
<b>DRC Recommendation:</b>	Denial of initial request; staff approval of modified application
<b>Planning Commission Vote:</b>	Approval 5:2
<b>BoCC Transmittal Hearing:</b>	Approval 3:2 (see revised FLU Map on Exhibit 9)
<b>Florida Commerce:</b>	No Comment
<b>Case Planner:</b>	Mark J. Bennett, AICP, FRA-RA, CNU-A, Senior Planner



**Location Map**



**Proposed Future Land Use Map**

## Summary:

This is an applicant-initiated Comprehensive Plan Map Amendment to change 326.92 acres from Agricultural/Residential-Rural (A/RR) to Residential-Low (RL), and from Rural Development Area (RDA) to Urban Growth Area (UGA) on the Future Land Use Map. The site currently has approval for a non-phosphate mine (LDCU-2023-23). The approval is currently to mine all uplands. The operating permit and reclamation plan will need to be amended if the applicant intends to implement this sand mine approval.

On May 6, 2025, the Board of County Commissioners (BoCC) conducted a transmittal public hearing for this request. At this meeting, the BoCC decided not to follow the recommendation of staff and the Planning Commission. On a 3:2 vote, the BoCC decided to also designate the 17-acre site proposed for Residential-Medium uses to instead of have the RL land use. The effect of this action is that only 158 acres would then change from A/RR to RL, and that the entire 326.92-acre site would have the RL designation if ultimately adopted by the BoCC.

## Compatibility Summary

The area surrounding the site is primarily undeveloped in nature, with low-density residential, institutional uses, a church, and a nursery also in the area. The primary concern with this request is compatibility.

The primary concern with this request is compatibility. The applicant initially requested that 53 acres of the site be designated as Residential-High (RH). This land use, which allows for a maximum density of 15 units per acre and is intended for multi-story, multi-family units, would not be compatible with the surrounding area. Based on this concern, the DRC originally recommended **denial** of the RH portion of the request. However, staff and the applicant have agreed to an alternate recommendation where a smaller portion of the site (approximately 17 acres), would instead be designated as Residential Medium (RM).

The proposed RM & RL designations would allow up to 10 and 5 units per acre, respectively. This is still a difference in density compared to the existing residential development in the area which has primarily been at a density of one unit per acre or less. However, it is much less intensive in terms of potential impacts on public services and facilities and would be more compatible than the originally proposed RH designation. For these reasons, staff is now recommending approval of the revised request.

In the Impact Assessment Statement, the applicant states that the rationale for the increase in density is based a pending change in the character of the area. This change in character is based on the presumption that the retaining walls used for the Central Polk Parkway's proposed bridge over Thornhill Road will affect the ability of the property to be used for single-family residential development.

While a type of bridge should not be the deciding factor in determining the appropriateness of future land use designations, staff also acknowledges the applicant's statement that the proposed bridge over Thornhill Road will change the character of the area. Additionally, the area is urbanizing, with smaller-lot residential development occurring further east of the site, closer to Sprit Lake Road. Most of the site is already designated as being in the Urban Growth Area (UGA), so designating a portion of the site as Residential-Medium (RM) is appropriate. Designating

portions of the site as RM will also have the secondary effect of promoting a mixture of housing types, consistent with Policies 2.120-D1 & D4 of the Future Land Use Element. RM, per Table 2.2 of the Land Development Code, allows up to seven (7) units per acre with an administrative review (Level 2) and up to 10 units per acre with a Planned Development.

The portion of the site that is proposed to change from A/RR to RL has environmental concerns. However, because most of the site is already designated as Residential-Low in the UGA, it would be appropriate to have an RL designation for the remainder of the site to ensure consistency. Any subsequent development of the site must take the environmental characteristics of the property into account when conducting site design.

### **Infrastructure Summary**

Because the site is in the Urban Growth Area, connection to public water and wastewater services is required. There are concerns about sufficient elementary school and wastewater capacity if the project were to be built at the maximum proposed density. Public safety facilities and services are available.

### **Environmental Summary**

There are wetlands, floodplains, and two eagles nests on the site. The Marshall Hampton Reserve, an 1100-acre reserve owned by the Southwest Florida Water Management District, is south and west of the site.

### **Comprehensive Plan**

Listed below are the relevant sections of the Comprehensive Plan that are applicable to this request:

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.105(A1-A5): Urban-Growth Areas
- Policy 2.119-A2 Location Criteria (Residential)
- Policy 2.120(C1-C4) Residential-Low
- Policy 2.120(D1-D4) Residential-Medium
- Policy 2.120(E1-E4) Residential-High
- Section 2.123B(B1-B5): Floodplain-Protection Areas
- Section 2.123C(C1-C6): Wetland-Protection Areas
- Section 2.124-B Airport-Impact Districts

### **Findings of Fact**

#### **Request and Legal Status**

- LDCPAL-2024-17 is an applicant-initiated request for a Comprehensive Plan Amendment (CPA) to designate approximately  $\pm$  158 acres from Agricultural/Residential-Rural (A/RR) to Residential-Low (RL), and from Rural Development Area (RDA) to Urban Growth Area (UGA) on the Future Land Use Map.
- The site currently has approval for a non-phosphate mine (LDCU-2023-23). The approval is currently to mine all uplands. The operating permit and reclamation plan will need to be amended if the applicant intends to implement this sand mine approval.

- The proposed Central Polk Parkway traverses thru the site. The limited-access road is currently under construction.
- The proposed Central Polk Parkway from State Road 570B to US 17 will have a bridge crossing over Thornhill Road. According to the Central Polk Parkway website, construction is expected to continue through 2029.
- POLICY 2.109-A4 states that “The purpose of the Agriculture/Residential-Rural (A/RR) land use district is to provide lands for the continuation of productive agricultural uses and for compatible residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, single-family dwelling units, farm labor housing, group living facilities, and community facilities.”
- POLICY 2.120-C1: CHARACTERISTICS - Densities up to, and including, 5.00 DU/AC. The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units.
- POLICY 2.120-D1: CHARACTERISTICS - Densities up to, and including, 10.00 DU/AC. The Residential-Medium classification is characterized by single-family dwelling units, duplex units, and multi-family units.
- POLICY 2.120-E1: CHARACTERISTICS - Densities up to, and including, 15.00 DU/AC. The Residential-High classification is characterized by multi-story, multi-family units.
- The property is used for vacant woodlands/wetlands and pasture.

### **Compatibility**

- The Comprehensive Plan defines Compatibility in Section 4.400 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.”
- The primary concern with this request is compatibility. The original proposal for an RH designation would have allowed up to 15 units per acre. This is a significant difference in density, given that existing residential development in the area has primarily been at a density of one unit per acre or less.
- The applicant states that the rationale for the increase in density is based on the presumption that the retaining walls used for the Central Polk Parkway’s proposed bridge over Thornhill Road will affect the ability of the property to be used for single-family residential development.
- Staff acknowledges the applicant’s statement that the proposed bridge over Thornhill Road will change the character of the area.
- To address compatibility, staff and the applicant have agreed to an alternate recommendation where a smaller portion of the site (approximately 17 acres), would instead be designated as Residential Medium (RM).

- The proposed RM & RL designations would allow up to 10 and 5 units per acre, respectively. This is still a difference in density compared to the existing residential development in the area which has primarily been at a density of one unit per acre or less. The proposed RM designation is much less intensive in terms of potential impacts on public services and facilities and would be more compatible than the originally proposed RH designation.
- Although the area still retains a rural character, the Thornhill Road area is urbanizing, with smaller-lot residential development occurring further east of the site closer to Sprit Lake Road.
- Most of the site is already designated as being in the Urban Growth Area (UGA), so designating a smaller portion of the site as Residential-Medium (RM) is appropriate.
- Designating portions of the site as RM will also have the secondary effect of promoting a mixture of housing types, consistent with Policies 2.120-D1 & D4 of the Future Land Use Element.

### **Infrastructure**

- The property is zoned for Eagle Lake Elementary, Westwood Middle, and Lake Region Senior High.
- Fire and ambulance response is from Polk County Fire Rescue Station 17, located at 185 South 3<sup>rd</sup> Street, Eagle Lake. The estimated response time is seven (7) minutes.
- Sheriff's response to the site is served by the Southeast District, located at 4011 Sgt. Mary Campbell Way, Lake Wales. The response times for September 2024 were: Priority 1 – 10:36 minutes, Priority 2 – 29:13 minutes.
- Portions of the site are located within the Polk County Utility Service Area.
- Water service is provided by Polk County.
- Wastewater is collected by Polk County and transmitted to the City of Bartow's wastewater treatment facility, located at 2505 East Wabash Street, Bartow.
- The subject property is adjacent to Thornhill Road. Thornhill Road is a County-maintained Urban Collector Roadway with a surface width of 22 feet. The Pavement Condition Index (PCI) for Thornhill Road is "Good."
- The nearest park facilities and environmental lands are The Marshall Hampton Reserve is immediately west of the site, and the Gordonville Park, two miles south of the site.

### **Environmental**

- There are wetlands, Zone "A" and Zone "AE" floodplains on the site.
- The site is comprised of Adamsville Fine Sand (2.26%), Hontoon Muck (20.18%) Immokalee Sand (9.08%) Placid and Myakka Fine Sands (6.54%), Pomona Fine Sand (7.77%), Samsula Muck (21.69%), Smyrna and Myakka Fine Sands (30.28%), and Tavares Fine Sand (1.80%)

according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.

- According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of protected species and habitat observations for rookeries, animals, and eagle nests.
- There are two eagles' nests, located on the southern portion of the site.
- This property is within Height Notification Zone of Bartow Municipal Airport Impact District.
- The site is not within a Wellfield-Protection District.
- According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, there are five possible archeological sites on the subject property, located on the western tract.

### **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 2.105-A1 Description - Urban-Growth Areas shall:
  - a. complement the TSDA in guiding growth, while promoting orderly and compact development;
  - b. be located contiguous to the TSDAs or a municipality as they represent the expansion areas;

- c. be supported by existing or planned urban type services that are programmed for the 20-year planning horizon;
- d. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs;
- e. include development criteria that:
  - 1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;
  - 2. improve access to employment areas, schools, shopping and recreational opportunities;
  - 3. support the preservation of open space and natural areas;
  - 4. reduce capital and operating cost for the provision of infrastructure and public services.
- **POLICY 2.105-A5: Development Criteria For Urban Growth Areas - Development within the Urban Growth Areas shall conform to the following criteria as further specified in the Land Development Code:**
  - a. connect to centralized potable water;
  - b. connect to centralized sanitary sewer systems if available.
  - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;
  - d. promote the implementation of "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;
  - e. promote the integration of pedestrian-oriented features, including sidewalks, trails, or walkways into every development including appropriate pedestrian shelters or awnings;
  - f. provide access to civic space, parks, green areas, and open space and other amenities;
  - g. be supported by public safety (i.e., fire, EMS and law enforcement);
  - h. have access to public schools;
  - i. be encouraged to provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas;
  - j. encourage the inclusion of a variety of housing choices and mixed uses; and



- k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A).
- According to POLICY 2.108-A1 of the Polk County Comprehensive Plan, the Rural Development Area (RDA) is an area “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 2.109-A4 states that “The purpose of the Agriculture/Residential-Rural (A/RR) land use district is to provide lands for the continuation of productive agricultural uses and for compatible residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, single-family dwelling units, farm labor housing, group living facilities, and community facilities.”
- POLICY 2.119-A2: Location Criteria - Residential land use categories shall be established throughout the County with consideration being given to the following criteria:
  - a. Access to county-maintained roads or roads constructed to County standards.
  - b. Proximity to Activity Centers.
  - c. Adequacy of water and sewage disposal systems (public and private).
  - d. Adequacy and response time for public safety services - fire, police, and emergency medical service.
  - e. Adequacy of recreation facilities.
  - f. Proximity of incompatible land uses.
  - g. Development limitations, and,
  - h. Urban Sprawl Criteria set forth in POLICY 2.102-A10.
- POLICY 2.120-C1: Characteristics - Densities up to, and including, 5.00 DU/AC. The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units.
- POLICY 2.120-C3: Location Criteria - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.
- POLICY 2.120-C4: Development Criteria - Residential development may contain a variety of housing types as defined by the Land Development Code within the TSDA. Outside the TSDA, RL may contain single-family dwelling units, duplex units, small-scale multi-family units, and family-care homes, and shall be permitted, with County approval, at a density of up to, and including, 5 DU/AC. Additionally, community facilities may be allowed in accordance with policies of this Plan.

- POLICY 2.120-D1: CHARACTERISTICS - Densities up to, and including, 10.00 DU/AC. The Residential-Medium classification is characterized by single-family dwelling units, duplex units, and multi-family units.
- POLICY 2.120-D3: LOCATION CRITERIA - Residential-Medium areas shall be located only within TSDAs, UGAs, SDAs, and UEAs and activity centers. The placement of Residential-Medium shall be evaluated based on the general criteria listed in Policy 2.119-A2.
- POLICY 2.120-D4: DEVELOPMENT CRITERIA - Residential development may contain a variety of housing types as defined by the Land Development Code and shall be permitted at a density of up to 10 DU/AC. Additionally, community facilities are permitted in accordance with policies of this Plan.
- POLICY 2.120-E1: Characteristics - Densities up to, and including, 15.00 DU/AC. The Residential-High classification is characterized by multi-story, multi-family units.
- POLICY 2.120-E3: Location Criteria - Residential-High areas shall be located only within TSDAs, UGAs, and UEAs and may be located within activity centers. The placement of Residential-High shall be evaluated based on the general criteria listed in Policy 2.119-A2.
- POLICY 2.120-E4: Development Criteria - Residential development may contain a variety of housing types as defined by the Land Development Code and shall be permitted at a density of up to 15 DU/AC. Multi-family structures may contain non-residential uses to provide support retail and personal services for the residents. Additionally, educational facilities are permitted in accordance with policies of this Plan.
- POLICY 2.123-B2: Development Criteria within a "Floodplain-Protection Area" shall conform to the following criteria:
  - a. Development shall be encouraged to locate on the non-floodplain portions of a development site and density may be transferred from undeveloped floodplain areas to contiguous non-floodplain areas per the Land Development Code.
  - b. Development or redevelopment shall meet the requirements of the Polk County Land Development Code, and shall not:
    - 1. enlarge the off-site floodplain;
    - 2. alter the natural function of the floodplain; nor
    - 3. result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the applicable Water Management District pursuant to Titles 40D and 40E, F.A.C.
- POLICY 2.123-C2: Development Criteria within a wetland, as determined by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated shall conform to the following criteria:
  - a. Every reasonable effort shall be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. Mitigation will only be permitted in accordance with applicable state standards.

- b. Wetland impacts where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for:
  - 1. Resource-Based Recreational Uses as defined by this Plan that are compatible with wetland functions;
  - 2. access to the site;
  - 3. necessary internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
  - 4. utility transmission and collection lines;
  - 5. pre-treated storm-water management;
  - 6. mining that meets state and federal regulations; or
  - 7. expansion of an existing use or a new use where upon consultation with the appropriate regulatory agency (prior to permitting) it is determined that the proposed mitigation implements all or part of an agency or jurisdiction's plan and provides greater long term ecological value than the impact.
- c. Commercial and industrial development shall locate on the non-wetland portion of a development site.
- d. If a site is such that all beneficial use of the property is precluded due to wetland restrictions, then the parcel shall be allowed to develop as follows:
  - 1. a maximum of one dwelling unit per Lot of Record; or
  - 2. at a gross density of one dwelling unit per ten acres (1 DU/10 AC). No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.
- e. Development shall be required to locate on the non-wetland portions of a development site. The Land Development Code shall permit residential densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the provisions of Policy 2.123-C3.
- f. In accordance with Section 163.3184(6)(c), F.S., the County shall defer the delineation of jurisdictional wetland limits and wetland mitigation amounts to the applicable federal, state or regional permitting agency.
- g. All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the County issuing a final development order.
- h. Polk County will coordinate with regulatory agencies to identify and implement procedures to support compliance with permit terms and conditions as part of the County's building inspection and code enforcement activities.
- **OBJECTIVE 2.124-B (Airport Impact Districts):** The Polk County Plan shall provide for aviation-compatible land uses around airports licensed for public use, by limiting or restricting incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations of the Joint Airport Zoning Board (JAZB), consistent with the objectives and policies of the Transportation Element, Section 3.200.

**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 (DRC) finds that the request for Residential-Medium **IS compatible** with the surrounding land uses and general character of the area and **IS consistent** with the Polk County Comprehensive Plan and Land Development Code. The DRC also finds that the request for the Urban Growth Area and Residential-Low **IS compatible** with the surrounding land uses and general character of the area and **IS consistent** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL** of the Urban Growth Area designation and the Residential-Medium and Residential-Low land use districts for **LDCPAL-2024-17**.

**Planning Commission Recommendation:** On March 5, 2025, in an advertised public hearing, the Planning Commission voted (5:2) to **recommend APPROVAL of LDCPAL-2024-17**.

**Board of County Commissioners Recommendation:** On May 6, 2025, in an advertised public hearing, the Board of County Commissioners voted (3:2) to **recommend APPROVAL of LDCPAL-2024-17**, but with a designation of Residential-Low (RL) for the entire site.

**Department of Economic Opportunity:** The Department of Economic Opportunity did not have any comments in their Objections, Recommendations and Comment Report (ORC 25-02ESR).

## **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.*

*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.*

## 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

This site is located in both the Urban Growth Area (UGA) and the Rural Development Area. UGAs complement the TSDA in guiding growth, while promoting orderly and compact development; are located contiguous to the TSDAs or a municipality as they represent the expansion areas; are supported by existing or planned urban type services that are programmed for the 20-year planning horizon; and are those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs.

Rural Development Areas (RDAs) are those 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 site is currently in a Residential-Low (RL) (168 acres) and Agricultural/Residential-Rural (A/RR) (158 acres) land use districts. The immediate land use districts in the vicinity of the proposed request includes RL-1, A/RR, Institutional-2 (INST-2) and vacant land designated as Recreation, Conservation, and Mixed-Use in the City of Bartow.

Vacant, undeveloped land is to the west and south of the site. Institutional uses, such as infiltration basins and a future fire training facility, are southeast of the site. Undeveloped woodlands (including some wetlands) are east of the site. Uses to the northeast of the site are predominantly low-density residential, and a church and nursery also in the area. Low density residential uses are the predominate activity to the north and northwest of the site.

The primary concern with this request is compatibility. The applicant initially requested that 53 acres of the site be designated as Residential-High (RH). This land use, which allows for a maximum density of 15 units per acre, and is intended for multi-story, multi-family units, would not be compatible with the surrounding area. Based on this concern, the DRC originally recommended **denial** of the RH portion of the request. However, staff and the applicant have

agreed to an alternate recommendation where a smaller portion of the site (approximately 17 acres), would instead be designated as Residential Medium (RM).

The proposed RM & RL designations would allow up to 10 and 5 units per acre, respectively. This is still a difference in density compared to the existing residential development in the area which has primarily been at a density of one unit per acre or less. However, it is much less intensive in terms of potential impacts on public services and facilities and would be more compatible than the originally proposed RH designation. For these reasons, staff is now recommending approval of the revised request.

In the Impact Assessment Statement, the applicant states that the rationale for the increase in density is based a pending change in the character of the area. This change in character is based on the presumption that the retaining walls used for the Central Polk Parkway's proposed bridge over Thornhill Road will affect the ability of the property to be used for single-family residential development.

While a type of bridge should not be the deciding factor in determining the appropriateness of future land use designations, staff also acknowledges the applicant's statement that the proposed bridge over Thornhill Road will change the character of the area. Additionally, the area is urbanizing, with smaller-lot residential development occurring further east of the site, closer to Sprit Lake Road. Most of the site is already designated as being in the Urban Growth Area (UGA), so designating a portion of the site as Residential-Medium (RM) is appropriate. Designating portions of the site as RM will also have the secondary effect of promoting a mixture of housing types, consistent with Policies 2.120-D1 & D4 of the Future Land Use Element. RM, per table 2.2 of the Land Development Code, allows up to seven (7) units per acre with an administrative review (Level 2) and up to 10 units per acre with a Planned Development.

The portion of the site that is proposed to change from A/RR to RL has significant environmental concerns. The presence of floodplains, wetlands, and eagles nests, plus its location next to the Marshall Hampton Preserve (an environmentally sensitive area owned by the Southwest Florida Water Management District), are constraining factors in determining the appropriateness of the request. However, because most of the site is already designated as Residential-Low in the UGA, it would be appropriate to have an RL designation for the remainder of the site to ensure consistency. Any subsequent development of the site must take the environmental characteristics of the property into account when conducting site design.

#### B. Infrastructure:

According to Comprehensive Plan 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 by-passed in favor of development more distant from services and existing communities."

The subject properties are either in, or are proposed to be, located in the Urban Growth Area (UGA) where the construction of sidewalks is required. There is public water adjacent to the site, with sewer located .58 miles away. There are concerns about elementary school capacity and wastewater flows if the project were to develop at the maximum density, without environmental constraints considered. However, concurrency determinations are made based on a a binding site plan, which is addressed as part of the Level 2 review process.

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

**Table 1**

<b>Northwest</b> Residential-Low 1 (RL-1), Residential-Low 2 (RL-2), Residential-Low 3 (RL-3), Low-density residential (single-family and mobile homes)	<b>North</b> Residential-Low -1 (RL-1) Low-density residential (single-family and mobile homes)	<b>Northeast</b> Residential-Low 1 (RL-1), Residential-Low 2 (RL-2), Residential-Low 3 (RL-3), Residential-Medium (RM) Vacant woodlands/wetlands, single-family residential, nursery, church
<b>West</b> Residential-Low 1 (RL-1), Agricultural/Residential-Rural (A/RR) Vacant (SWFWMD Land)	<b>Subject Site</b> Residential-Low1 (RL-1) Agricultural/Residential-Rural (A/RR) Vacant woodlands/wetlands and pasture Central Polk Parkway right-of-way	<b>East</b> Residential-Low 1 (RL-1) Vacant woodlands/wetlands
<b>Southwest</b> City of Bartow (Recreation, Conservation, and Mixed-Use land use districts) Vacant (SWFWMD Land)	<b>South</b> City of Bartow (Recreation, Conservation, and Mixed-Use land use districts) Vacant (FDOT Land) Institutional-2 (INST-2) Polk County Infiltration Basins	<b>Southeast</b> Institutional-2 (INST-2) Polk County Infiltration Basins

### Nearest and Zoned Elementary, Middle, and High School

The schools zoned for the subject property are listed in Table 2 below. The analysis is based on a worst-case estimate that does not take environmental restrictions into account. For the 17 acres proposed to change to RM, a total of 170 units (17 AC \* 10 DU/AC) are available. The maximum buildout would be 790 units (158 AC \* 5 DU/AC) for the 158 acres proposed to change from A/RR to RL.

Table 2: School Information

School	Annual Estimated Demand	Distance from Subject Site	School Capacity (including portables)
Eagle Lake Elementary	RM – 33; RL - 164	3.6 miles	87%
Westwood Middle	RM – 8; RL – 68	3.5 miles	61%
Lake Region Senior High	RM – 12; RL - 114	3.2 miles	59%

Source: Polk County School Board website

According to the 2023-2024 Polk County School District Utilization Table, Eagle Lake Elementary had 666 student stations of permanent capacity with an enrollment of 699 students (33 over capacity). Westwood Middle had 1,155 permanent stations and an enrollment of 830 students (325 available). Lake Region High had 2,350 stations and 1,555 students (795 available).

Based on the maximum build-out projections shown in Table 2, the potential exists for the estimated demand for elementary school seats from this property to exceed projected capacity. However, concurrency determinations are made at the time of site plan (Level 2) approval.

## Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Sheriff response times are not as much a function of the distance to the nearest sheriff's substation rather more a function of the overall number of patrol officers within the County. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered.

Table 3 provides a breakdown of response times and travel distances for emergency services.

Table 3 Public Safety Information

	Name of Station	Distance	Response Time*
Sheriff	Southeast District, located at 4011 St. Mary Campbell Way, Lake Wales	±11 miles	P1: 10:36 minutes P2: 29:13 minutes
Fire/ EMS	Polk County Fire Rescue Station 17, located at 185 South 3 <sup>rd</sup> Street, Eagle Lake.	±3 miles	7 minutes
<i>Source: Polk County Sheriff's Office and Public Safety *Response times are based on when the station receives the call and not from when the call is made to 911.</i>			

## Water and Wastewater

Because development in the Urban Growth Area is required to connect to public water and sewer facilities, the proposed Comprehensive Plan Amendment will have an impact on these systems. There is a 12-inch water line on the south side of Thornhill Road adjacent to the site. The closest sewer line is 8 inches in diameter, and is located at Red Hawk Loop Road, .58 mile southeast of the site on Thornhill Road. Water service is provided by Polk County. Wastewater is collected by Polk County and transmitted to the City of Bartow's wastewater treatment facility, located at 2505 East Wabash Street, Bartow.

## Estimated Demand

Table 4, following this paragraph, shows the proposed potable water consumption and wastewater generation. The analysis is based on a worst-case estimate that does not take environmental restrictions into account. For the 17 acres proposed to change to RM, a total of 170 units (17 AC \* 10 DU/AC) are available. The maximum buildout would be 790 units (158 AC \* 5 DU/AC) for the 158 acres proposed to change from A/RR to RL. The development of the property under the proposed land use designations may negatively impact the minimum LOS for the existing facilities.



Table 4 Estimated Water and Sewer Impact Analysis

<b>Maximum Allowable Use:</b> <b>170 units (RM)</b> <b>790 units (RL)</b>	Estimated Impact Analysis Agricultural/Residential-Rural (A/RR) to Residential-Low (RL) & RL to Residential-Medium (RM). <i>Development Area: RDA to UGA</i>	
	<b>Current Land Use designation</b> <b>A/RR, RL</b>	<b>Maximum Permitted Use in</b> <b>Proposed RL, RM</b>
Current Maximum Allowable Use	A/RR - 53 acres * .2 DU/AC = <b>11 DUs</b> RL - 53 acres * 5 DU/AC) = <b>265 DUs</b>	RL - 158 acres * 5 DU/AC = <b>790 DUs</b> RM - 17 acres * 10 DU/AC = <b>170 DUs</b>
Potable Water Consumption	A/RR - 11 DU * 360 GPD/DU = <b>3,960 GPD</b> RL - 265 DU * 360 GPD/DU = <b>95,400 GPD</b>	RL - 790 DU * 360 GPD/DU = <b>284,400 GPD</b> RM - 170 DU * 198 GPD/DU = <b>33,660 GPD</b>
Wastewater Generation	A/RR - 11 DU * 270 GPD/DU = <b>2,970 GPD</b> RL - 265 DU * 270 GPD/DU = <b>71,550 GPD</b>	RL - 790 DU * 270 GPD/DU = <b>144,200 GPD</b> RM - 170 DU * 180 GPD/DU = <b>30,600 GPD</b>
<i>GPD – Gallons Per Day; DU – Dwelling Unit</i> <i>Source: Polk County Concurrency Manual and Polk County Utilities: multifamily @198 GPD potable water and 180 wastewater; single family @ 360 GPD potable water and 270 waste water</i>		

## B. Available Capacity:

According to the January 2025 Utilities Capacity Report, the projections for the Central Utility Service Area for water is 1,919,000 GPD (permitted capacity), with a flow of 1,320,000 GPD. For wastewater, the permitted capacity is 1,000,000 GPD, with a flow of 853,000 GPD. Based on the maximum build-out projections shown in Table 4, the potential exists for wastewater flows from this property to exceed projected capacity. However, concurrency determinations are made at the time of site plan (Level 2) approval.

## C. Planned Improvements:

No information is known currently for any planned improvements to utilities in this area.

## Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The data identifies both daily and peak hour traffic volumes. The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

The proposed Comprehensive Plan Amendment may affect surrounding roadways, the transportation network, and the LOS below the minimum established standards, depending on the eventual build out of the property.

## A. Estimated Demand

Table 5, following this paragraph, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The analysis is based on a worst-case estimate that does not take environmental restrictions into account. For the 17 acres proposed to change to RM, a total of 170 units (17 AC \* 10 DU/AC) are available. The maximum buildout would be 790 units (158 AC \* 5 DU/AC) for the 158 acres proposed to change from A/RR to RL.

For this analysis, ITE use code 210/Local data (Single Family Detached Housing) was used for the proposed RL acreage, and ITE code 220 (Multifamily Housing (Low-Rise) – One or two levels (floors)) was used for the proposed RM acreage.

Table 5 Estimated Transportation Impact Analysis

<b>Maximum Allowable Use: 170 units (RM) 790 units (RL)</b>	Estimated Impact Analysis Agricultural/Residential-Rural (A/RR) to Residential-Low (RL) & RL to Residential-High (RH). <i>Development Area: RDA to UGA</i>	
	<b>Current Land Use designation A/RR, RL</b>	<b>Maximum Permitted Use in Proposed RL, RM</b>
	A/RR - 53 acres * .2 DU/AC = <b>11 DUs</b> RL – 53 acres * 5 DU/AC) = <b>265 DUs</b>	RL - 158 acres * 5 DU/AC = <b>790 DUs</b> RM – 17 acres * 10 DU/AC = <b>170 DUs</b>
<b>Average Annual Daily Trips (AADT)</b>	A/RR - 11 DU * 7.81 trips/DU = <b>86 AADT</b> RL – 265 DU * 7.81 trips/DU = <b>2,070 AADT</b>	RL - 790 DU * 7.81 trips/DU = <b>6,170 AADT</b> RM – 170 DU * 6.74 trips/DU = <b>1,146 AADT</b>
<b>PM Peak Hour Trips</b>	A/RR - 11 DU * 1 trip/DU = <b>11 AADT</b> RL – 265 DU * 1 trip/DU = <b>265 AADT</b>	RL – 790 DU * 1 trip/DU = <b>790 AADT</b> RM – 170 DU * .51 trip/DU = <b>87 AADT</b>

*Source: Concurrency Manual and Table for Minor Traffic Study – RM - ITE Code 220 (220 Multifamily Housing (Mid-Rise) – One or two levels (floors)) @ 6.74 AADT and .51 peak hour trip per unit, 100% new trips. RL – ITE Code 210 (single-family detached housing) @ 7.81 AADT and 1 PM peak hour per unit, 100% new trips.*

## B. Available Capacity:

The roads surrounding the subject site should have sufficient capacity available, depending on the eventual use and full build out of the site. The Polk Transportation Planning Organization (TPO) monitors certain roadways based on maximum approved traffic in comparison to current vehicle trips to determine what capacity is available.

Table 6, below, charts the generalized available capacity of the most-affected links.

**Table 6**

Link #	Road Name	Current Level of Service (LOS)	Available Peak Capacity	PM Hour	Minimum LOS Standard	5-Year Peak Hour Projected LOS
4077N	Crystal Beach Road/Thornhill Road From: Old Bartow Eagle Lake Road to SR 540	C	362		D	C
4077S	Crystal Beach Road/Thornhill Road From: Old Bartow Eagle Lake Road to SR 540	C	351		D	C

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023*

Based on the maximum build-out projections shown in Table 5, there are PM Peak Hour trips available on Thornhill Road for this project. However, concurrency determinations are made at the time of site plan (Level 2) approval.

#### C. Roadway Conditions

Thornhill Road is a County-maintained Urban Collector Roadway with a surface width of 22 feet. The Pavement Condition Index (PCI) for Thornhill Road is “Good.”

#### D. Planned Improvements:

With the exception of the Polk County Parkway, there are no roadway improvements planned in the next five years for this area of the County. The Parkway is currently under construction and is expected to open in 2029.

#### E. Mass Transit

There is no transit within a reasonable distance of the site. The closest bus route is 22XW, traveling along US 17 between Bartow and Winter Haven.

#### F. Sidewalks

There are no sidewalks along the parcel. Because portions of the site are within two miles of a school (Eagle Lake Elementary) and are in the Urban Growth Area (UGA), the construction of sidewalks will be required.

### Park Facilities and Environmental Lands:

The nearest park facilities and environmental lands are The Marshall Hampton Reserve is immediately west of the site, and the Gordonville Park, two miles south of the site. The proposed use is expected to impact these facilities due to greater usage by new residents from the subject property.

A. Location:

Gordonville Park is located at 2671 Richardson Road, Bartow, and the Marshall Hampton Reserve has an address of 3115 Thornhill Road, Winter Haven.

B. Services:

The Marshall Hampton Reserve amenities include trails and equestrian/horseback riding activities. Gordonville Park has a playground, baseball and softball field, and a basketball court.

C. Multi-use Trails:

Multi-use trails can be found at the Marshall Hampton Reserve.

**Environmental Lands:**

South and west of the site is the Marshall Hampton Reserve. The Reserve consists of just over 1,100 acres, is owned by the Southwest Florida Water Management District (SWFWMD) and is managed by Polk County. There are no conservation easements in the immediate vicinity, with the closest easement approximately 2.25 miles northwest of the site (near the Polk County Parkway & SR 540 intersection). The western portions of the site are identified on the Polk Green District Map as a Potential Network Connection.

**Environmental Conditions**

The site is next to an area that has seen significant phosphate mining operations. The site is mostly wooded areas and open pasture. Large portions of the proposed project area contain wetlands and/or in the 100-year floodplain. The site is comprised of severely limited soils for typical forms of development.

A. Surface Water:

Based on a review of the property appraiser aerial photos, there are no surface water features on the site, with only ditches traversing the area. West of the site, on adjoining property, there are ponds next to Lake Hancock.

The elevation of the site generally slopes downward from Thornhill Road towards Lake Hancock. The eastern portion of the site has elevation ranging from 127' near Thornhill Road, to 112' at the southern property line. The western half of the site has similar topographical features, with higher elevations along Thornhill Road and the thin strip of land next to Fussell Lane. The larger portion of the western tract has elevations from 111 feet to 105 feet at the southwest corner of the site.

B. Wetlands/Floodplains:

Wetlands and both "A" and "AE" Flood Zones are present on the subject site. According to the applicant's documentation, 44% of the site (144 out of 326 acres) consists of wetlands. There are a total of 251.99 acres (249.34 Zone "A") and (2.64 Zone "AE") acres of floodplain on the site, which results in a total of 77% of the 326-acre site. The applicant will be required to demonstrate compliance with LDC Chapter 6 (*Resource Protection*) during the Level 2 review process for any site development.

### C. Soils:

The site is comprised primarily of severely limited soils for septic tanks and/or buildings without basements, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.

Table 7, below, lists the soils associated with the subject site.

**Table 7**

<b>Soil Name</b>	<b>Septic Tank Absorption Field Limitations</b>	<b>Dwellings Without Basements</b>	<b>% of Site (approximate)</b>
Adamsville Fine Sand	Severe: wetness, poor filter	Moderate: wetness	2.26%
Hontoon Muck	Severe: subsides, ponding, poor filter	Severe: subsides, ponding, low strength	20.18%
Immokalee Sand	Severe: wetness	Severe: wetness	9.08%
Placid and Myakka Fine Sands	Severe: ponding, poor filter	Severe: ponding	6.54%
Pomona Fine Sand	Severe: wetness, percs slowly	Severe: wetness	7.77%
Samsula Muck	Severe: ponding, poor filter	Severe: ponding, low strength	21.69%
Smyrna and Myakka Fine Sands	Severe: wetness, poor filter	Severe: wetness	30.28%
Tavares Fine Sand	Moderate: wetness	Slight	1.80%

*Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service, Applicant's Impact Statement*

Any future development of the site will be subject to Section 2.303: "Soils" of the County's Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

### D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of protected species and habitat observations for rookeries, animals, and eagle nests. Sheet Number 266 of the roadway plans for the Central Polk Parkway project show the location of two eagles nests, located on the southern portion of the site.



F. Wells (Public/Private)

The site is not within a Wellfield Protection District. The closest wellfield is on County owned property, approximately one mile south of the site.

G. Airports:

This property is within the Height Notification Zone of the Bartow Municipal Airport Impact District.

**Economic Factors:**

Construction of buildings and site development activities create temporary jobs. Any new business activity that occurs at this site will need more goods and services, thereby generating more economic activity.

**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 9 Comprehensive Plan**

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.	Development of this site at the maximum proposed density could be compatible, provided that there is a limiting of intensity and scale of the different types of residential uses. A Planned Development would be a viable option for the ultimate development of this property.
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 by-passed in favor of development more distant from services and existing Communities.	

Comprehensive Plan Policy	Consistency Analysis
<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>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"> <li>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided,</li> <li>b. nearness to agriculture-production areas;</li> <li>c. distance from populated areas;</li> <li>d. economic issues, such as minimum population support and market-area radius (where applicable);</li> <li>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"> <li>1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;</li> <li>2. sanitary sewer and potable water service;</li> <li>3. storm-water management;</li> <li>4. solid waste collection and disposal;</li> <li>5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;</li> <li>6. emergency medical service (EMS) provisions; and</li> <li>7. other public safety features such as law enforcement;</li> </ul> </li> <li>8. schools and other educational facilities</li> <li>9. parks, open spaces, civic areas and other community facilities,</li> <li>f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> <li>1. environmental sensitivity of the property and adjacent property;</li> <li>2. surface water features, including drainage patterns, basin characteristics, and flood hazards;</li> <li>3. wetlands and primary aquifer recharge areas;</li> <li>4. soil characteristics;</li> <li>5. location of potable water supplies, private wells, public well fields; and</li> <li>6. climatic conditions, including prevailing winds, when applicable.</li> </ul> </li> </ul>	<p>Development of this site at the maximum proposed density could be compatible, provided that there is a limiting of intensity and scale of the different types of residential uses. A Planned Development would be a viable option for the ultimate development of this property.</p>



Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.119-A2: LOCATION CRITERIA - Residential land use categories shall be established throughout the County with consideration being given to the following criteria:</p> <ul style="list-style-type: none"> <li>a. Access to county-maintained roads or roads constructed to County standards.</li> <li>b. Proximity to Activity Centers.</li> <li>c. Adequacy of water and sewage disposal systems (public and private).</li> <li>d. Adequacy and response time for public safety services - fire, police, and emergency medical service.</li> <li>e. Adequacy of recreation facilities.</li> <li>f. Proximity of incompatible land uses.</li> <li>g. Development limitations, and,</li> <li>h. Urban Sprawl Criteria set forth in POLICY 2.102-A10.</li> </ul>	<p>The site is next to Thornhill Road, a County-maintained collector. Water service is located at the site, but sewer service is ½ mile away. Public safety facilities are adequate. There are limited recreation facilities, and environmental development limitations exist on the site.</p>
<p>POLICY 2.120-C3: LOCATION CRITERIA - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.</p>	<p>The portion of the site that is proposed to change from A/RR to RL will be consistent with this policy if the subsequent request to change from RDA to UGA is also approved.</p>
<p>POLICY 2.120-D3: LOCATION CRITERIA - Residential-Medium areas shall be located only within TSDAs, UGAs, SDAs, and UEAs and activity centers. The placement of Residential-Medium shall be evaluated based on the general criteria listed in Policy 2.119-A2.</p>	<p>The portion of the site proposed for Residential-Medium is in the UGA.</p>
<p>POLICY 2.123-B2: Development Criteria within a "Floodplain-Protection Area" shall conform to the following criteria:</p> <ul style="list-style-type: none"> <li>a. Development shall be encouraged to locate on the non-floodplain portions of a development site and density may be transferred from undeveloped floodplain areas to contiguous non-floodplain areas per the Land Development Code.</li> <li>b. Development or redevelopment shall meet the requirements of the Polk County Land Development Code, and shall not: <ul style="list-style-type: none"> <li>1. enlarge the off-site floodplain;</li> <li>2. alter the natural function of the floodplain; nor</li> <li>3. result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the applicable Water Management District pursuant to Titles 40D and 40E, F.A.C.</li> </ul> </li> </ul>	<p>Based on an analysis of the site using the County's GIS viewer, 77% of the site (252 out of 326 acres) is in a floodplain. This is a significant amount of acreage and is a constraint of development of the property. The amount of acreage that is in the floodplain raises concerns about the appropriateness of this site for intensive, urban-density residential development. Careful site planning will need to occur to ensure that development of the site is done in a manner that minimizes impacts to environmental resources.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.123-C2: Development Criteria within a wetland, as determined by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated shall conform to the following criteria:</p> <ul style="list-style-type: none"> <li>i. Every reasonable effort shall be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. Mitigation will only be permitted in accordance with applicable state standards.</li> <li>j. Wetland impacts where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for: <ul style="list-style-type: none"> <li>8. Resource-Based Recreational Uses as defined by this Plan that are compatible with wetland functions;</li> <li>9. access to the site;</li> <li>10. necessary internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;</li> <li>11. utility transmission and collection lines;</li> <li>12. pre-treated storm-water management;</li> <li>13. mining that meets state and federal regulations; or</li> <li>14. expansion of an existing use or a new use where upon consultation with the appropriate regulatory agency (prior to permitting) it is determined that the proposed mitigation implements all or part of an agency or jurisdiction's plan and provides greater long term ecological value than the impact.</li> </ul> </li> <li>k. Commercial and industrial development shall locate on the non-wetland portion of a development site.</li> <li>l. If a site is such that all beneficial use of the property is precluded due to wetland restrictions, then the parcel shall be allowed to develop as follows: <ul style="list-style-type: none"> <li>3. a maximum of one dwelling unit per Lot of Record; or</li> <li>4. at a gross density of one dwelling unit per ten acres (1 DU/10 AC). No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.</li> </ul> </li> <li>m. Development shall be required to locate on the non-wetland portions of a development site. The Land Development Code shall permit residential</li> </ul>	<p>According to the applicant's Bubble Plan, 44% of the site (144 out of 326 acres) consists of wetlands. This is a significant amount of acreage and is a constraint of development of the property. The amount of acreage that is comprised of wetlands called into question the appropriateness of this site for intensive, urban-density residential development. Careful site planning will need to occur to ensure that development of the site is done in a manner that minimizes impacts to environmental resources.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the provisions of Policy 2.123-C3.</p> <p>n. In accordance with Section 163.3184(6)(c), F.S., the County shall defer the delineation of jurisdictional wetland limits and wetland mitigation amounts to the applicable federal, state or regional permitting agency.</p> <p>o. All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the County issuing a final development order.</p> <p>Polk County will coordinate with regulatory agencies to identify and implement procedures to support compliance with permit terms and conditions as part of the County's building inspection and code enforcement activities.</p>	
<p>SECTION 2.124-B - AIRPORT-IMPACT DISTRICTS.</p> <p>OBJECTIVE 2.124-B: The Polk County Plan shall provide for aviation-compatible land uses around airports licensed for public use, by limiting or restricting incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations of the Joint Airport Zoning Board (JAZB), consistent with the objectives and policies of the Transportation Element, Section 3.200.</p>	<p>The site is located in the Height Notification Zone for the Bartow Municipal Airport. Due to the distance of the subject property away from the airport, no adverse impacts upon airport operations are expected.</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

<b>Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes</b>	
<b>Urban Sprawl Criteria</b>	<b>Sections where referenced in this report</b>
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

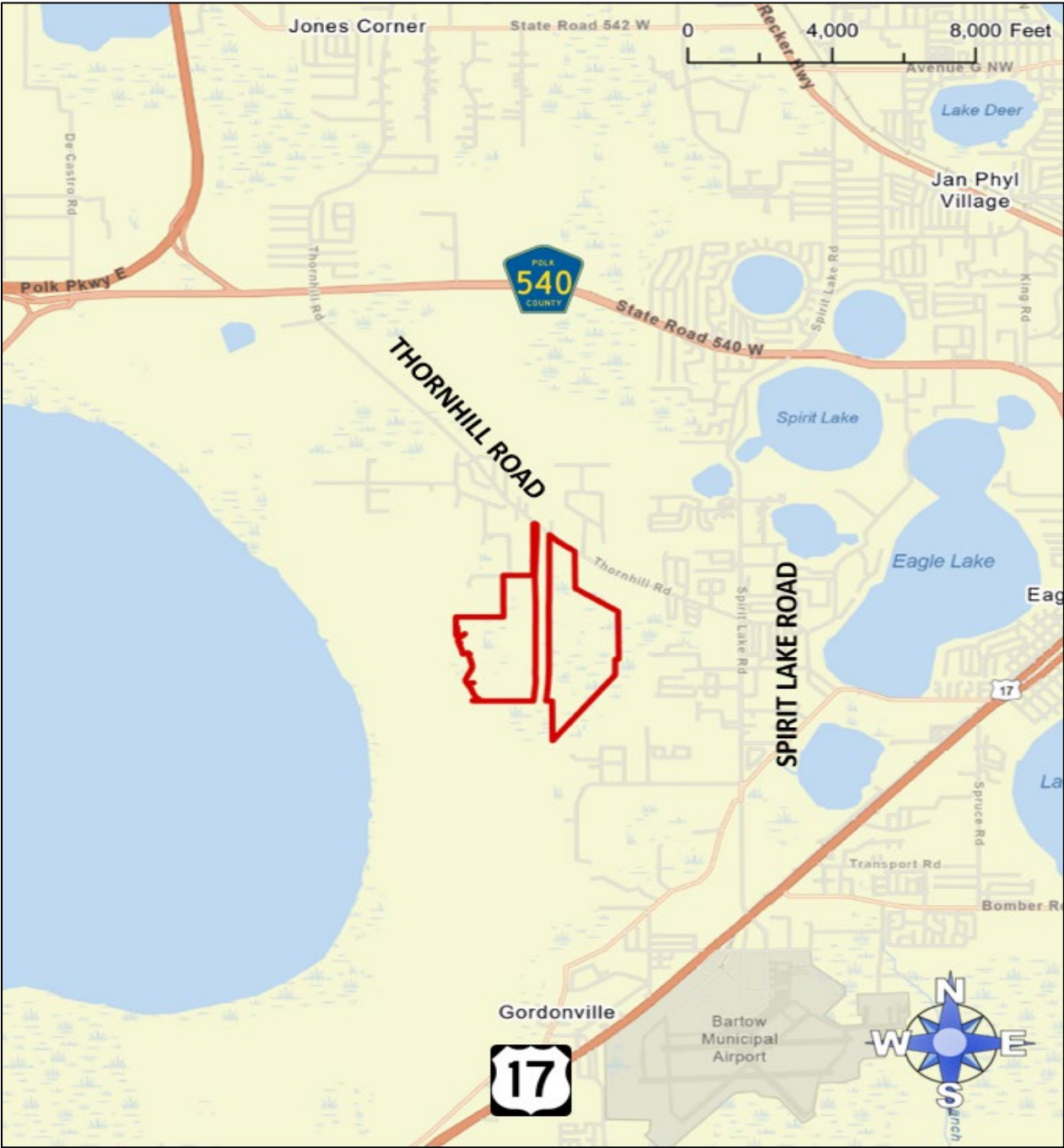
The City of Bartow staff has noted that an issue to be aware of is sewer line capacity. Flow from this project will go through the county's distribution system to Bartow's wastewater treatment plant.

**Exhibits:**

Exhibit - 1	Location Map
Exhibit - 2	Location Map (Detailed)
Exhibit - 3	2023 Aerial Photo
Exhibit - 4	Current Future Land Use Map
Exhibit - 5	Proposed Future Land Use Map
Exhibit - 6	Current Development Area Map
Exhibit - 7	Proposed Development Area Map
Exhibit - 8	Archeological Resources Map
Exhibit - 9	Transmittal Future Land Use Map



Location Map



Source: Project Application

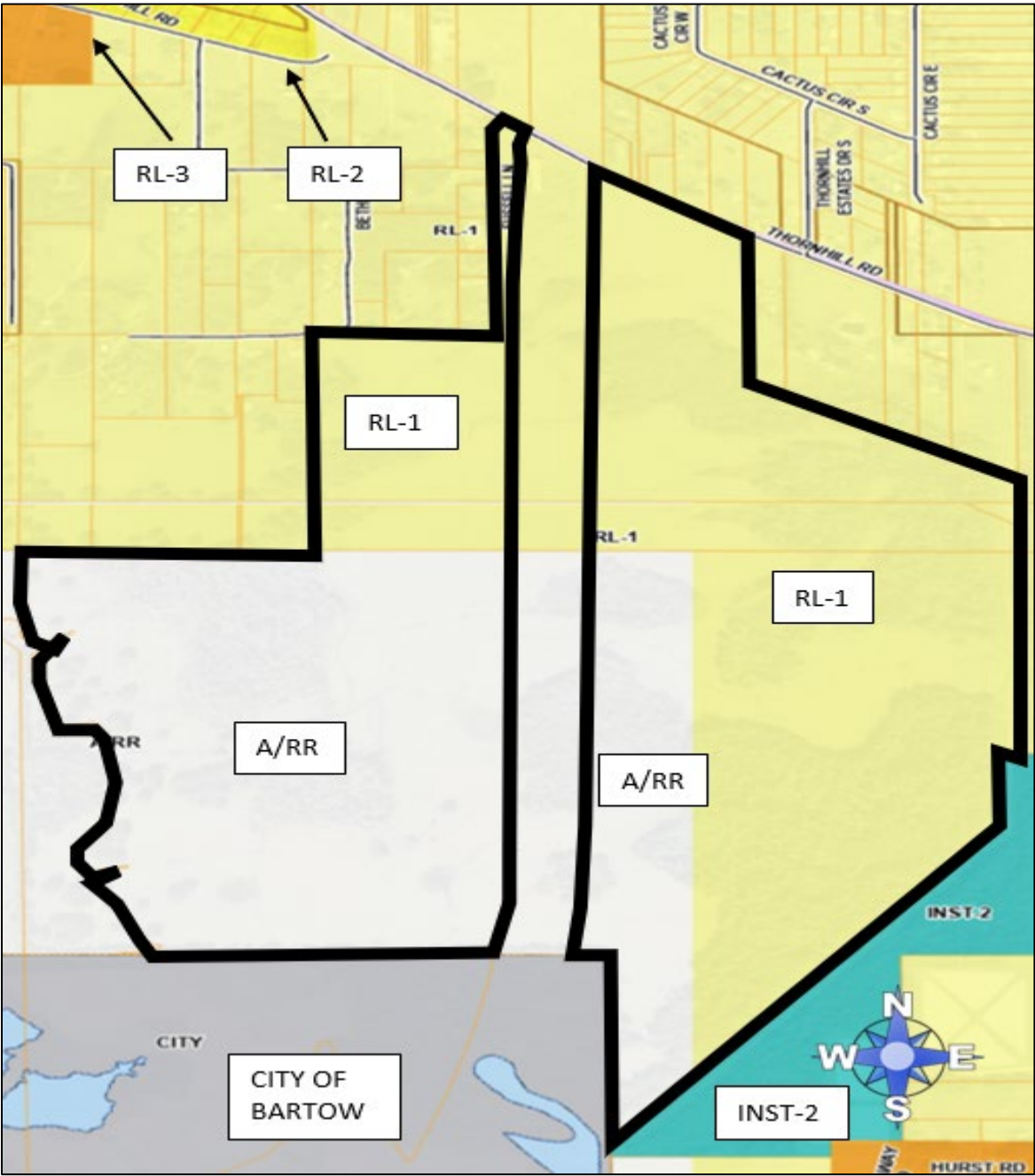
Location Map (Detailed)



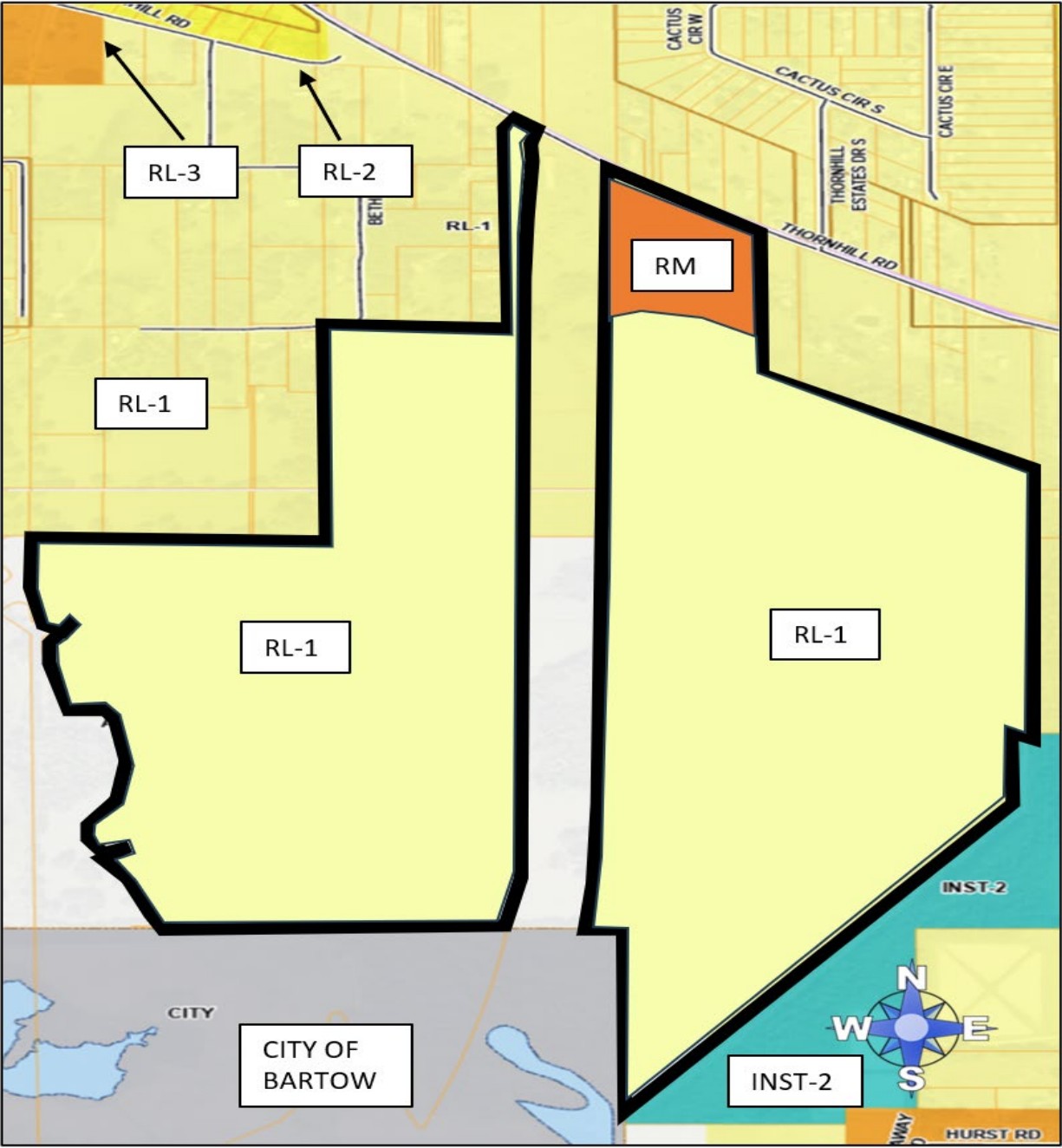


2023 Aerial Photo

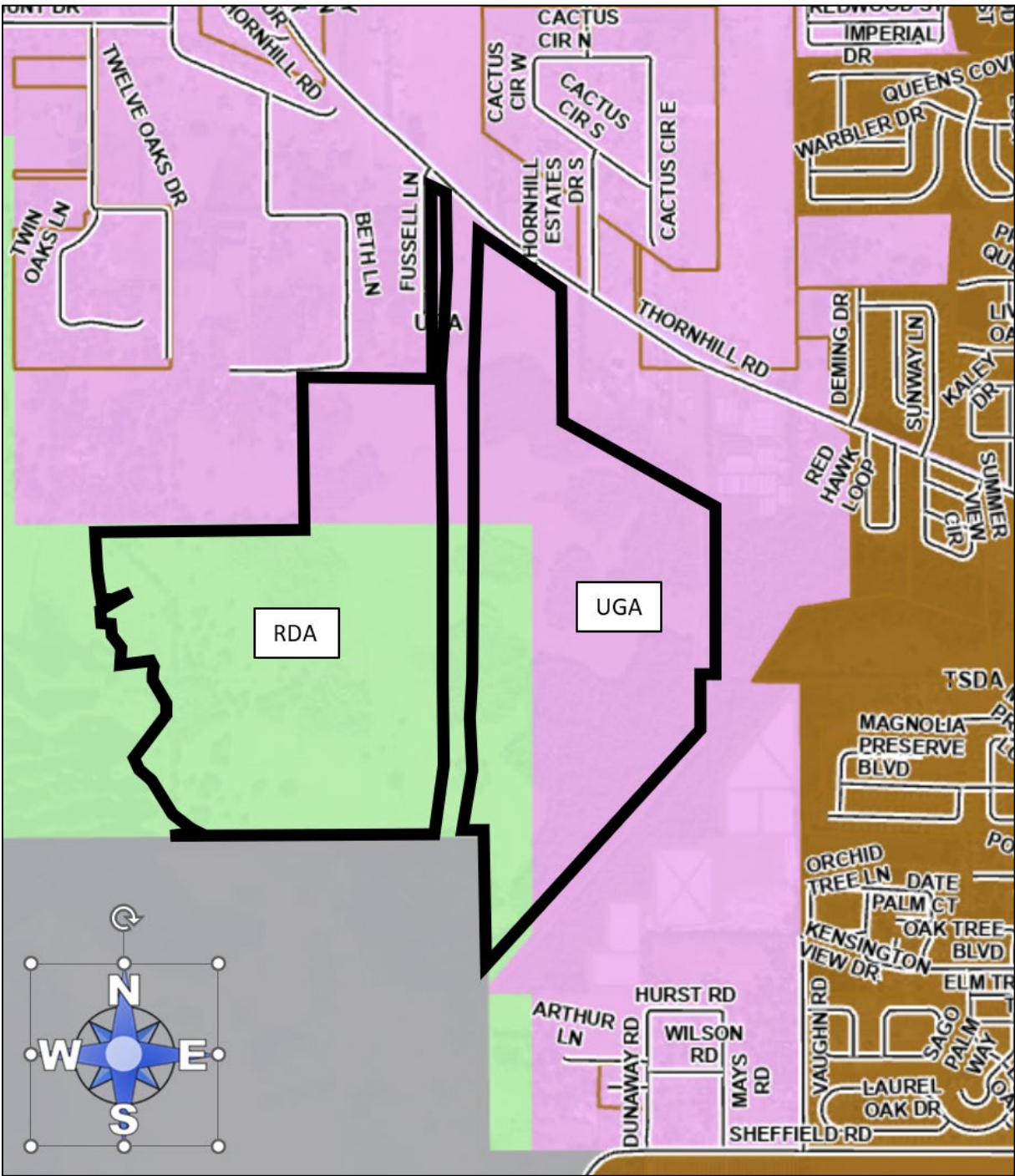




Current Future Land Use Map

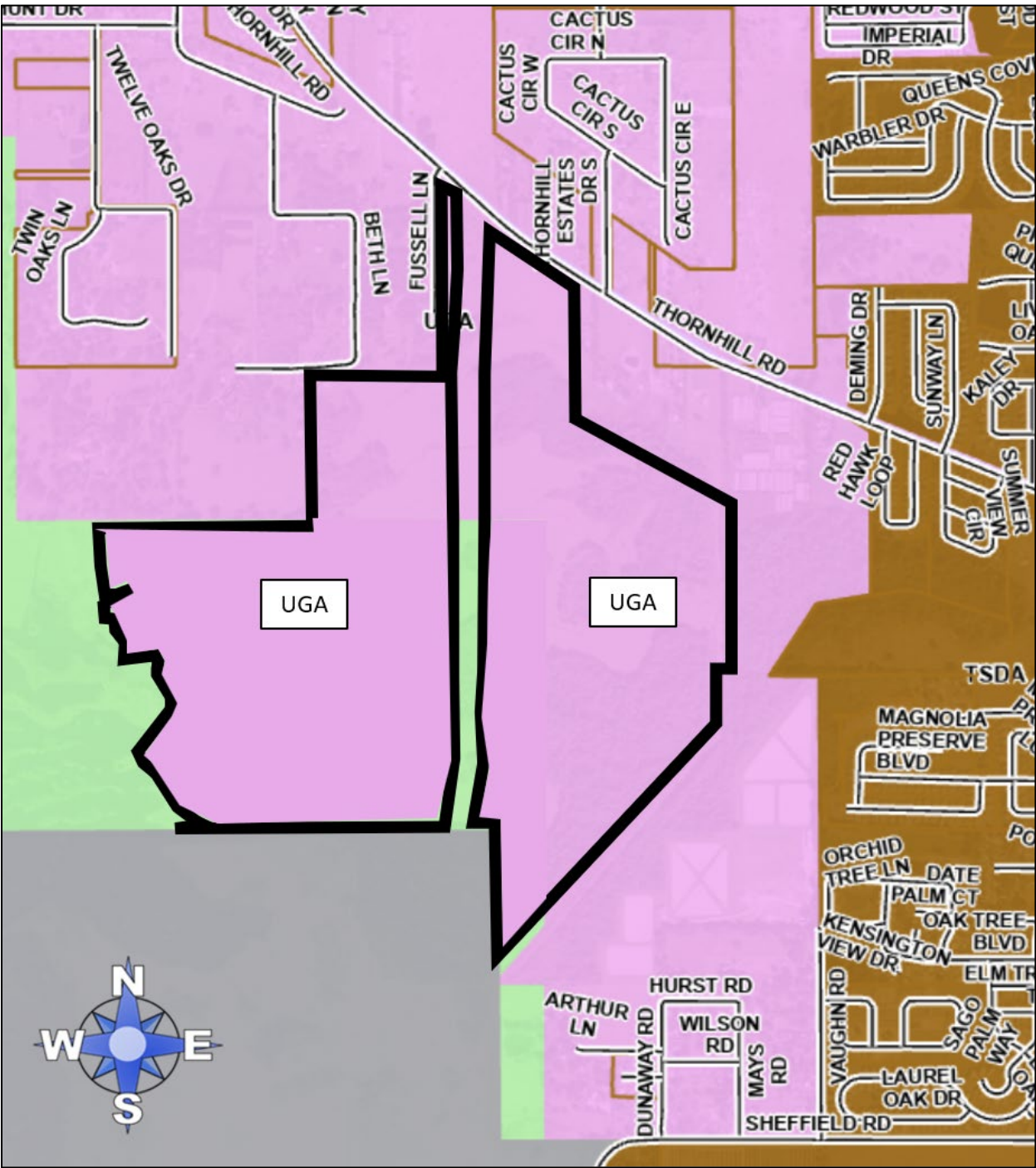


Proposed Future Land Use Map



Current Development Area Map



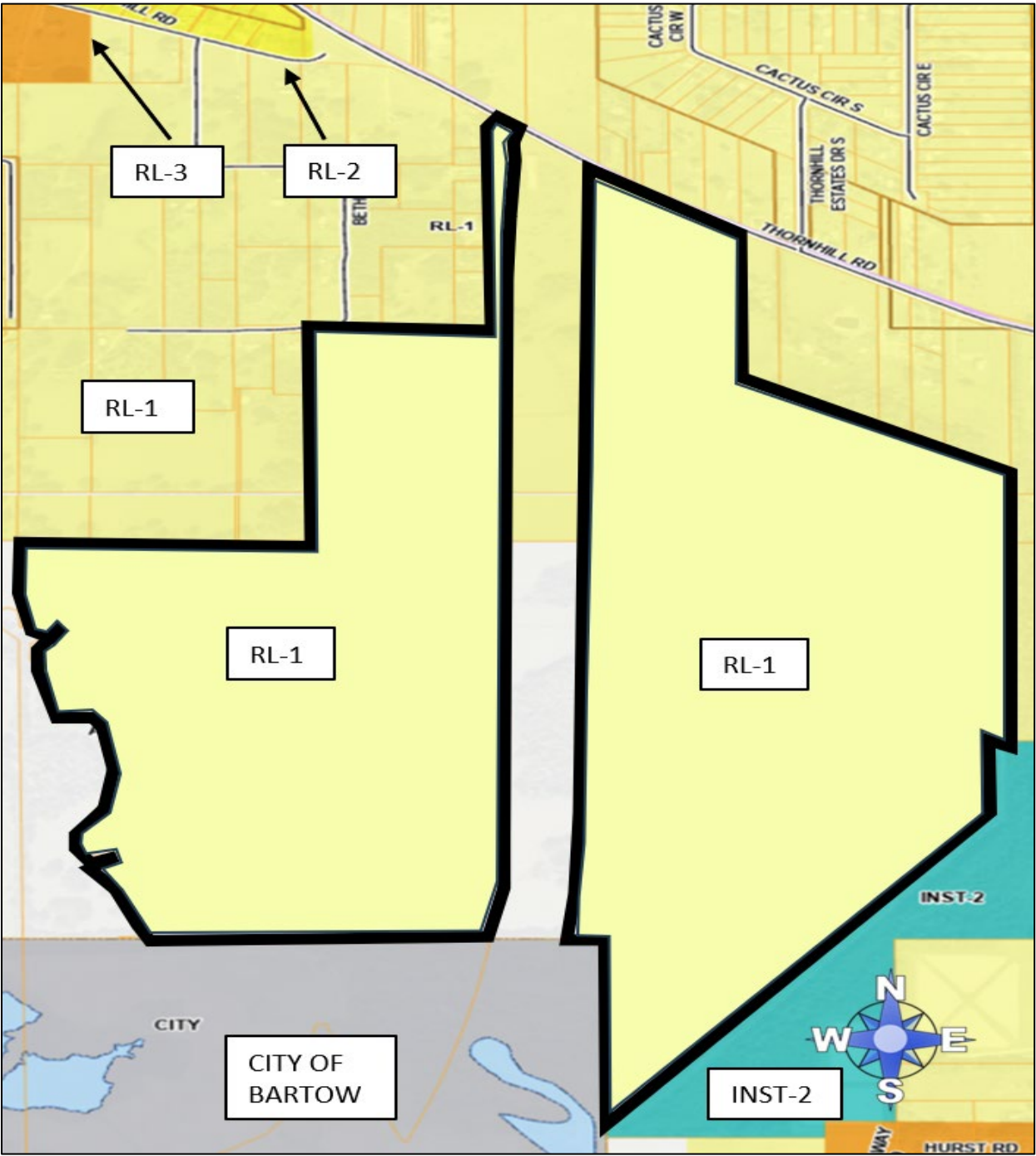


Proposed Development Area Map



Archeological Resources Map





Transmittal Future Land Use Map