Polk County Planning Commission

Meeting Agenda

February 07, 2024 Regular Planning Meeting

Call Agenda Workshop to Order 8:50 a.m.

Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.

Roll Call / Attendance

Pledge of Allegiance

Approve Minutes

January 3, 2024, Planning Commission Hearing Minutes

Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.
1) Reorder Agenda
a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.
2) Considerations of items to be withdrawn, deferred, or continued.

LDPD-2023-23 (North US 98 PD) - Continued to March 6, 2024

LDCPAS-2023-29 (Grove Avenue CPA) - Continued to April 3, 2024

Explanation of General Procedures

Explanation of Quasi-Judicial Proceedings

Voir Dire of Expert Witnesses

Staff Resumes

Agenda Item

Old Business

1. LDCU-2023-42 (Doc Lindsey Farm Worker Housing)

New Business

2. LDCU-2023-48 (Old Tampa Hwy MH CU)
3. LDCU-2023-52 (Poinsettia Drive MH CU)

4. LDCU-2023-54 (Ralph Road MH CU)
5. LDCU-2023-58 (Warner University Wastewater Plant)
6. LDPD-2023-34 (North Wabash Multi-family PD)
7. LDPD-2023-37 (Gull Drive PD Mod)
8. LDCD-2023-10 (Lunn Road Sub-District Change)
9. LDCPAS-20232-21 (Rifle Range Hwy 60 HIC)
10. LDCPAS-2023-31 (Fox Lake CPA)
11. LDCPAS-2023-11 (Providence RES to CAC)
12. LDDRI-2023-1 (Providence DRI NOPC)
13. LDCPAS-2023-28 (Lake Marion ROS)
14. LDCT-2023-19 (Housing LDC Text Amendment)
15. LDCT-2023-20 (Mining Inspection Text Amendment)
16. LDCU-2023-67 (Babson Park Water Tank)

Adjournment

Polk County

Planning Commission

Agenda Item 2/7/2024

SUBJECT

January 3, 2024, Planning Commission Hearing Minutes

Polk County Planning Commission

Meeting Minutes - Draft

January 03, 2024 Regular Planning Meeting

Call Agenda Workshop to Order 8:50 a.m.

Minutes: The workshop of the Polk County Planning Commission was called to order at 8:50 a.m. by the Vice Chair, Robert Beltran, on Wednesday, Wednesday, January 3, 2024, in the County Commission Boardroom, Administration Building. In attendance were the following members: Michael Schmidt, David Dalton, and Robert Beltran. Also present were Elizabeth Voss, Deputy County Attorney, Benjamin Ziskal, Erik Peterson, Chanda Bennett, Amy Little, Malissa Celestine, Mark Bennett, Johnathan Sims, and Ian Nance of Land Development, and Angela Kaufman, recording secretary.

Ian Nance, Land Development, announced cases LDCPAS-2023-20 and LDCT-2023-21 will be presented together.

Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard.

Minutes: The Polk County Planning Commission was called to order at 9:00 a.m. by the Vice Chair, Robert Beltran, on Wednesday, January 3, 2024, in the County Commission Boardroom, Administration Building. In attendance were the following members: Michael Schmidt, David Dalton, Angelic Sims, Robert Beltran, Linda Schultz, and Tommy Addison. Also present were Elizabeth Voss, Deputy County Attorney, Benjamin Ziskal, Erik Peterson, Chanda Bennett, Malissa Celestine, Mark Bennett, Amy Little, Johnathan Sims, and Ian Nance of Land Development, and Angela Kaufman, recording secretary.

Roll Call / Attendance

Present	Secretary David Dalton, Tommy Addison, Angelic Sims, Linda Schultz, Mike Schmidt, and Vice Chair Robert Beltran
Excused	Chair Rennie Heath, and Brooke Agnini
Absent	Mike Hickman

Pledge of Allegiance

Approve Minutes

Approve Minutes

RESULT:	**APPROVED**
MOVER:	Tommy Addison

SECONDER:	David Dalton
AYE:	Dalton, Addison, Sims, Schultz, Hickman, and Beltran
Excused:	Heath, and Agnini
Absent:	Schmidt

December 6, 2023, Planning Commission Meeting Minutes

Reordering of the Agenda

Explanation of General Procedures

Voir Dire of Expert Witnesses

Voir Dire of Expert Witnesses

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

Staff Resumes

Explanation of Quasi-Judicial Proceedings

Agenda Item

1. LDCPAS-2023-20 (Graceway Thornhill INST CPA)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of amendment LDCPAS 2023-20; an amendment to the Polk County Comprehensive Plan; Ordinance 92-36, as amended to change the Future Land Use designation on 5.8 +/- acres from Residential Low (RL), Neighborhood Activity Center (NAC), and Business Park Center (BPC) to Institutional (INST) in the Transit Supportive Development Area (TSDA) and amend Section 2.135 Parcel Specific Future Land Use Map Amendments with Conditions. The subject site is located west of Spirit Lake Road, south of Thornhill Road, east of Varner Heights subdivision and east of Summerview Circle, and north of Grady Polk Road, west of the city of Eagle Lake, in Section 02 and 11, Township 29, Range 25; providing for severability; and providing for an effective date.

Chanda Bennett, Land Development, introduced the case and reported 62 mailers sent to area property owners on December 14, 2023, two (2) signs were posted on the property on December 19, 2023, and a legal advertisement was published in the Lakeland Ledger on December 19, 2023. No responses were received from the public.

Chanda Bennett, Land Development, presented a PowerPoint presentation with a recommendation of conditional approval for both LDCPAS-2023-20 and LDCT-2023-21.

Mike Schmidt asked for clarification of the application.

Chanda Bennett, Land Development, explained that this is for a religious institution.

Chris Young, pastor of the church, agrees with staff's recommendation and spoke briefly regarding the request.

Vice Chair opened the public hearing.

No response received.

Vice Chair closed the public hearing.

1. LDCPAS-2023-20 (Graceway Thornhill INST CPA) - Forward a recommendation of approval to the Board of County Commissioners on February 20, 2024.

RESULT:	**APPROVED**
MOVER:	Tommy Addison
SECONDER:	David Dalton
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

2. LDCT-2023-21 (Graceway Thornhill INST Appendix E text change)

Minutes: Presented with LDCPAS-2023-20.

2. LDCT-2023-21 (Graceway Thornhill INST Appendix E text change) - Forward a recommendation of approval to the Board of County Commissioners on February 6, 2024, for the First Reading and February 20, 2024, for the Second Reading.

RESULT:	**APPROVED**
MOVER:	Tommy Addison
SECONDER:	David Dalton
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

3. LDCPAS-2023-27 (St. Matthews CPA)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of **LDCPAS-2023-27**, an amendment to the Polk County Comprehensive Plan, Ordinance 92-36, as amended, to change the Future Land Use Map designation on 29.34 +/- acres from Residential Medium (RM) to Institutional (INST-1), located south of Dundee Road, west and north of Overlook Drive Southeast, and east of Carl

Floyd Road, near the city limits of Winter Haven, in Section 25, Township 28, Range 26; providing for severability; and providing for an effective date.
Chanda Bennett, Land Development, introduced the case and reported 148 mailers were sent to area property owners on December 14, 2023, four (4) signs were posted on the property on December 15, 2023, and a legal advertisement was published in the Lakeland Ledger on December 19, 2023. No responses have been received.

A motion to expedite the case was made by Tommy Addison and seconded by David Dalton. A unanimous vote was received.

Johnathan Sims, Land Development, presented a Power Point presentation with a recommendation of approval.

Nathan Milch, representing the applicant, agrees with staff's recommendation and spoke regarding the case.

Vice Chair opened the public hearing.

Natalie Solomon spoke in opposition stating she had not received notification of this case.

Vice Chair closed the public hearing.

Nathan Milch provided a rebuttal stating that this is compatible with the surrounding area.

3. LDCPAS-2023-27 (St. Matthews CPA) - Forward with a recommendation of approval to the Board of County Commissioners on February 20, 2024.

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

4. LDCPAL-2023-9 (RCC Text Change)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding the adoption of amendment **LDCPAL-2023-9**; an amendment to the Polk County Comprehensive Plan, Ordinance 92-36, as amended, to change Policy 2.110-B1, 2.110-B2, 2.110-B3, and Policy 2.110-B4, regarding Rural Cluster Centers; Policy 2.110-J1, existing Activity Center Expansion and Policy 2.110-L3 Activity Center Plan Expansion (Initiated By A Property Owner); providing for severability; and providing for an effective date.

Chanda Bennett, Land Development, introduced the case and reported a legal advertisement was published in the Lakeland Ledger on December 19, 2023. No

responses were received.

Mark Bennett, Land Development, presented a Power Point presentation with a recommendation of approval.

This is a county-initiated request.

Vice Chair opened the public hearing.

Sue Nelson spoke in opposition stating it has a broad application. She provided a PowerPoint presentation and spoke regarding the case.

Mark Bennett, Land Development, provided a rebuttal explaining that there is criteria that needs to be met.

Mike Schmidt asked for further clarification and, also, stated that he would appreciate a work session or something to have more explanation and review these cases.

Mark Bennett, Land Development, stated that most requests will have to come back before this board for review and consideration.

Angelic Sims stated that this was very broad and should be fine-tuned.

Mike Schmidt asked of staff asked why this is being proposed.

Mark Bennett, Land Development, provided a slide showing an example of why this is being proposed which was a property along Highway 60 East and Boy Scout Road.

Mike Schmidt stated that his concerns with this proposal.

Chanda Bennett, Land Development, provided an explanation using the example Mark Bennett provided on the screen along with an explanation that this case provides criteria and limitations and requires population supports.

Mike Schmidt thanked Chanda Bennett for the explanation.

Angelic Sims, she asked about the location criteria of this proposed policy.

Chanda Bennett, Land Development, provided further information about how this would reduce these situations.

Mark Bennett, Land Development, provided further explanation.

Angelic Sims made a statement of the type of broad applications.

Linda Schultz asked about the requirement of a definition of the proposed uses.

Chanda Bennett, Land Development, stated that the proposed uses would be defined.

Vice Chair asked of staff if this could occur today with a Land Use Change as a summarization.

Chanda Bennett, Land Development, confirmed.

Mike Schmidt asked for clarification of the Vice Chair's statement.

Vice Chair clarified that he was summarizing staff's statement.

Vice Chair closed the public hearing.

4. LDCPAL-2023-9 (RCC Text Change) - Forward to the Board of County Commissioners for the First Reading on February 20, 2024, and the Second Reading on April 16, 2024.

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Linda Schultz
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

5. LDCT-2023-14 (US 27 SAP RACX Storage & Car Wash)

Minutes: An ordinance of the Polk County Board of County Commissioners regarding Land Development Code amendment **LDCT-2023-14**, amending ordinance no. 00- 09, as amended, the Polk County Land Development Code; amending Chapter 4, Section 401.03, Table 4.8, to add Self-storage Facilities and Full-service Car Washes as conditional uses in the Regional Activity Center (RACX) land use district in the US 27 Selected Area Plan (SAP); providing for severability; and providing for an effective date.

Ian Nance, Land Development, introduced the case and reported a legal advertisement was published in the Lakeland Ledger on December 19, 2023. No response was received.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval.

Mike Schmidt asked staff if the request for one location.

Ian Nance, Land Development, displayed an explanation on the map overhead stating it was for this one location and part of a larger development.

Tommy Addison asked how many out parcels were in this proposed development.

Ian Nance, Land Development, explained that this as currently being constructed and was for the US 27 SAP.

Logan Opsal, applicant, agrees with staff's recommendation and spoke briefly regarding the request.

Vice Chair opened the public hearing.

No response.

Vice Chair closed the public hearing.

5. LDCT-2023-14 (US 27 SAP RACX Storage & Car Wash) - Forward with a recommendation of approval to the Board of County Commissioners on February 20, 2024, for the First Reading and March 5, 2024, for the Second Reading.

RESULT:	**APPROVED**
MOVER:	Tommy Addison
SECONDER:	Linda Schultz
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Excused:	Heath, and Agnini
Absent:	Hickman

6. LDCT-2023-15 (Mine and Mill Text Amendment)

Minutes: An Ordinance of the Board of County Commissioners, Polk County, Florida, Land Development Code amendment **LDCT-2023-15**, amending Ordinance No. 00-09, as amended, The Polk County Land Development Code, amending Appendix E, Section E105.E CPA 16C-02, Subsection 3 to add additional defined area to the boundaries depicted for Construction Aggregate, Processing and Storage area; providing for severability; providing an effective date.

Ian Nance, Land Development, introduced the case and reported 167 mailers were sent to area property owners on December 14, 2023, two (2) signs were posted on the property on December 17, 2023, and a legal advertisement was published in the Lakeland Ledger on December 19, 2023. 53 responses in opposition received, one petition with 251 signatures, and another petition with 32 signatures was received.

Amy Little, Land Development, provided a PowerPoint presentation with a recommendation of approval.

Tommy Addison asked if staff could show the wetlands on the property with the County's GIS viewer.

Amy Little, Land Development displayed the site with the wetland layer.

Mike Schmidt asked staff to identify what exists immediately to the left of the property.

Amy Little, Land Development, explained that it is a salvage yard.

Mike Schmidt asked of staff since this is aggregate if there were setbacks for dust. Amy Little, Land Development, for processing it is required to be 200 feet. She stated there is over 800 feet to the north and over 400 feet to the east.

Tommy Addison stated the property to the east used to be Mid-State Construction and they sandblasted there for years.

Dave Carter, applicant, agrees with staff's recommendation and spoke regarding the case.

Vice Chair opened the public hearing.

Ted Harms, President of the Skyview Estates HOA, stated the Skyview Estates is a senior mobile home park and the dust particles that will be created by an aggregate processing facility will medically affect the residents of this community and affect the air quality for all.

Derrik Bag spoke in opposition stating that this would set a precedent and to consider what is best for the greater good of the residents versus the profits of a corporation or a few residents.

Bonnie Shalof spoke in opposition stating although this might meet Land Development Code the air quality will be greatly reduced, and traffic issues will occur. She expressed concerns that if there are restrictions to aggregate processing, who will enforce those restrictions. She stated that the notices were not received in a timely manner allowing the residents to thoroughly review and attend the hearing.

Robert Shepherd spoke in opposition stating his wife has a medical breathing problem. The poor air quality and traffic issues could potentially require them to move, and B.S. Ranch is already an existing issue for the residents in this area.

Janice Moore spoke in opposition and stated that air quality is a major medical issue for her and is very concerned for her health if this is allowed.
Robert Bowen stated he lives at the very south end of the community and feels he will probably be affected the most.

Michael Branch stated he lives to the left of the property, and he stated that his measurements stated that it is less than 300 feet from his property. He stated that he provided a petition with over 238 signatures opposing this case. He stated there is a public school in close proximity to this case. He voiced concerns with air quality and that there are wetlands on the property and is concerned about water run-off from the property.

Susan Johnson spoke in opposition providing a map with the location of the public

school pointing out that “as a bird flies” the school is only 3/10 of a mile away. She stated concerns with poor air quality, noise, and how it would not only affect the local residents but the children of the local school, as well.

Dave Carter, applicant, provided a rebuttal. He stated that there is a larger distance with this new location versus what was previously approved. He stated they have tried to make this as far away as existing residences as possible. There are letters of support from existing businesses. They will comply with county and state regulations regarding their emissions and water discharge.

Tommy Addison asked is product would be stockpiled at the location and then refined. And if OSAH and DEP will regulate to address the environmental concerns.

Dave Carter stated large chunks would be deposited and then go through the machines to become fine materials and then this is trucked offsite. He stated that OSHA and DEP have very strict regulations regarding all environmental concerns and this facility, and its operations will need to comply with those regulations. A full layout of the site will come before the board later.

Mike Schmidt asked the applicant about the water from the dust mitigation.

Dave Carter responded stating they will either use well or county water but probably a small well system.
Mike Schmidt asked about a traffic review of this project.

Dave Carter responded stating most of the traffic is projected to occur outside of peak trip hours and the PM trip counts for Combee Road is approximately 130 or 140 trips.

Mike Schmidt asked about the protection of ground water.

Dave Carter responded stating will be contained in a 100 year no discharge pond. None of these waters will be transmitted to the wetlands.

Mike Schmidt asked about a noise abatement of processes of the facility.

Amy Little, Land Development responded stating there is nothing in Section 303 that addresses requirement for noise abatement. If there were issues, they would have to go through Code Enforcement if they went about the decibels.

David Dalton asked staff if there was anything heard within this hearing that changed their opinion about this case and that the request is compliant with the current version of the Land Development Comp Plan.

Amy Little, Land Development, responded no, it had not changed her opinion and that the request met the current Comp Plan requirements.

Vice Chair clarified with the applicant that this was an expansion of the appendix as

was mentioned and nothing more and the applicant will come back at a later date with specific plans and details for the board to review. And asked if the applicant was currently doing similar activities on the southern region of this proposed site.

Dave Carter stated that he doubted that this would occur in that area dure to the soil types, it goes downhill, and is in a flood zone. They do not foresee any of this processing occurring on the rest of the property.

Vice Chair closed the public hearing.

6. LDCT-2023-15 (Mine and Mill Text Amendment) - Forwarded with a recommendation of approval to the Board of County Commissioners on January 23, 2024, for the First Reading and February 6, 2024, for the Second Reading.

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Dalton, Addison, Schultz, and Beltran
NAY:	Sims, and Schmidt
Excused:	Heath, and Agnini
Absent:	Hickman

7. LDWA-2023-58 (Silver Fox Path Access Waiver)

Minutes: Sarah Case, applicant, and CFG Retail LLC and Tyrone King, owner, requests a Waiver to Chapter 8, Section 821.A of Polk County's Land Development Code (LDC) to access through a platted residential lot with the intent of creating four (4) residential lots. The property is located west of Bendelow Drive, east of Kathleen Road, south of Duff Road, north of Spivey Road, northwest of the city of Lakeland in Section 16, Township 27, Range 23.

Ian Nance, Land Development, introduced the case and reported 129 mailers were sent to area property owners on December 14, 2023, two (2) signs were posted on the property on December 18, 2023, and a legal advertisement was published in the Lakeland Ledger on December 19, 2023. 27 responses were received and a petition with 41 signatures was received in opposition.

Malissa Celestine, Land Development, presented a Power Point presentation with a recommendation of approval.

Vice Chair clarified with staff the waiver request and that this is just to access four lots.

Malissa Celestine, Land Development, confirmed.

Sarah Case, applicant, agrees with staff's recommendation and spoke regarding the case.

Vice Chair opened the public hearing.

James Paxton spoke in opposition stating the property has protected wetlands and the property is very wet. He voiced concerns with drainage and flooding of the property and its effects of neighboring residences and traffic concerns. He, also, stated that a tree existing in the path of the proposed easement and asked what would occur with this tree.

Chuck Hoffman asked a question about the RL-1 designation and how it relates to lot sizes but not the type of structures that can be placed on the property.

Darla Willheld spoke in opposition and expressed concerns with the type of structures that would be built. She expressed concern with these lots accessing Bendelow Drive along with concerns about visual appearance and noise pollution. The streets including Silver Fox Path are narrow.

Cindy Pennington lives in Huntington Hills and stated the existing farm is beautiful. There are small houses existing in this area and these homes have small children right next to the proposed access area. Duff Road is a major thoroughfare, and this would increase the traffic issues. She stated she feared these 25 acres will be developed into a subdivision.

Conrad Clark spoke in opposition stating he is a Huntington Hill resident and voiced concerns with traffic on Duff Road, the quantity of home sites, issues with well and septic in the area, and property values of existing homes.

James Grant spoke in opposition stating he lives on the south side of this property and voiced concerns for the existing wildlife in this area.

Mike Heiss spoke in opposition stating he owns property adjacent to the proposed property. He asked if these lots would have single-family residences. He expressed concerns about the wooded area and how this development would affect this area, and traffic concerns on Duff Road.

Kenneth Baker spoke in opposition stating concerns with drainage and flooding issues within Huntington Hills due to the development of this property.
Kimberly Snow lives in Huntington Hills and spoke in opposition stating concerns with existing flooding issues on the property and the environmental impact of developing this property.

Max Colnick spoke in opposition stating existing traffic concerns on Duff Road and how this will impact this traffic.

Tony Morelli spoke in opposition stating concerns about the property being developed with more than four houses and traffic issues.

Mike McCurall lives in Huntington Hills stating that Bendelow Drive is owned by the

HOA of Huntington Hills and is a private road and Huntington Hills is a gated community. Since the HOA funds their own roads and these projected lots/houses have not paid into the HOA road fund, they should not be allowed access to Bendelow Drive.

Willam McCorkel lives in Huntington Hills and spoke in opposition siting the number 2 item and number 4 items justifying approval of the case (referring to the overhead slide on the PowerPoint presentation).

Michelle Casterlin spoke in opposition stating the conditions of approval needs to include limitations. She voiced concerns with the existing wildlife, potential density, and flooding/water runoff from the property.

Irma Coal lives in Huntington Hills spoke in opposition. They have collected letters in opposition. They are concerned with the number of structures that can be built on the property, the environmental impact, traffic, and their property values.

Judy New spoke in opposition stating she would prefer to have a community meeting with the applicant and the neighboring residents.

Stephen Lipsy lives adjacent to the property and voiced concerns with wildlife and preservation of the natural environment that currently exists. He stated that if they property owner splits the lots, this would cause more density in the future. Then he stated he did not receive a notification letter.

Hugh Roberts spoke in opposition stated that he does not want this to access their private roads at Bendelow Drive.

James Clay is the direct neighbor to this easement and expressed concerns about what could occur in the future if this is allowed.

Vice Chair closed the public hearing.

Sarah Case provided a rebuttal. Mr. King purchased the property from CGS Retail. Mr. King lives in the house in the cul-de-sac and only owns the two properties. This easement will not used to access Bendelow Drive through Huntington Hills. The conditions of approval is for four single-family residence lots. The proposed lots meet the minimum lot requirements for RL-1 40,000 square feet and the request is for only four lots. The traffic issues with Duff Road are a concern for the Board of County Commissioners to address.

Mike Schmidt clarified the property owner owns both a house in the cul-de-sac and the 25 acres behind the house he owns and asked that if the property owner splits this into 4 lots and if the property owner could sell the lots once they are split.

Sarah Case stated that the lots could be sold after they are split.

Mike Schmidt state that there is a restriction of size of the proposed buildings.

Sarah Case stated these are proposed to be large estate lots. If more lots were created, then they would have to come before the board to allow access by the easement again.

Angelic Sims asked who owns the tree that was previously mentioned in the public hearing portion.

Sarah Case explained that the property owner owns the tree and could remove the tree at any time.

7. LDWA-2023-58 (Silver Fox Path Access Waiver) - Recommendation of approval will be forwarded to the Board of County Commissioners on February 20, 2024.

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Dalton, Addison, Sims, Schultz, and Beltran
NAY:	Schmidt
Absent:	Heath, Agnini, and Hickman

8. LDCT-2023-7 (Planned Development Text Amendment)

Minutes: An ordinance of the Board of County Commissioners, Polk County, Florida, Land Development Code amendment LDCT-2023-7, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code, amending Chapter 2, Table 2.1 Use Table For Standard Land Use Districts to enable administrative approval of multifamily uses in, Residential Medium (RM) and Residential High (RH) districts; amending Chapter 3, Section 303, Planned Development, by replacing the current the requirements with new requirements; amending Chapter 4 Special Districts to enable administrative approval of multifamily uses in, Residential Medium-X (RMX) and Residential High-X (RHX) Districts to Selected Area Plan (SAP) use tables in Table 4.1c of The I-4 Northeast Parkway SAP, Table 4.3 of the Ronald Reagan Parkway SAP, Table 4.8 of the North U.S. Highway 27 SAP, and Table 4.16 of The North Ridge SAP; amending Chapter 7, Section 750, to clarify open space requirements; amending Chapter 9, Section 903.G, Planned Developments, and Table 9.1, removing the impact assessment statement requirement and including the open space and amenity plans in the Planned Development application requirements; amending Chapter 10 to add definitions for emergency medical care and general mercantile; providing for severability; providing an effective date.

Ian Nance, Land Development, introduced the case and reported a legal advertisement was published in the Lakeland Ledger on December 24, 2023. No responses were received.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval.

This is a County-initiated request.
Vice Chair clarified the approach Polk County is making with this proposal.

Erik Peterson, Land Development, stated Polk County focusses on planning not on zoning.

Vice Chair asked about a score card for the basis of approval.

Erik Peterson, Land Development provided an explanation along with some examples.

Tommy Addison asked about Senate Bill 250 and how the PD accomplishes.

Erik Peterson, Land Development, explained that this occurred with accompanying stakeholders' meetings.

Mike Schmidt asked if this was moving objectives or subjective.

Erik Peterson, Land Development, stated this would be quantifying.

Mike Schmidt stated that substantial quantitative evidence does not always come from professionals. Is this moving more toward subjective or objective?

Erik Peterson, Land Development, that this will frame the question better with each proposed review. Experts from School Board, Roads and Drainage weigh in and is substantial quantitative analysis.

Mike Schmidt state some analysis has more value than others.

Erik Peterson, Land Development, this is why the section is being brought forward.

Mr. Chair opened the public hearing.

Sue Nelson stated that this should be used in Planned Developments or subdivisions and related this to another case that is currently under litigation. The environmental designation related to the Planned Developments was used within the example. She expressed the traffic issue is not completely addressed.

Mr. Chair closed the public hearing.

Erik Peterson, Land Development, declined to provide a rebuttal.

8. LDCT-2023-7 (Planned Development Text Amendment) - Recommendation of approval will be forwarded to the Board of County Commissioners on January 23, 2024, for the First Reading and February 6, 2024, for the Second Reading.

RESULT:	**APPROVED**
MOVER:	David Dalton
SECONDER:	Tommy Addison
AYE:	Dalton, Addison, Sims, Schultz, and Beltran
NAY:	Schmidt
Absent:	Heath, Agnini, and Hickman

Adjournment

Adjournment

RESULT:	**APPROVED**
MOVER:	Tommy Addison
SECONDER:	David Dalton
AYE:	Dalton, Addison, Sims, Schultz, Schmidt, and Beltran
Absent:	Heath, Agnini, and Hickman

Polk County

Planning Commission

Agenda Item 2/7/2024

SUBJECT

LDPD-2023-23 (North US 98 PD) - Continued to March 6, 2024

DESCRIPTION

The applicant is requesting a Planned Development for increased density, reduced lot sizes, and reduced setbacks for a 213 single-family detached unit subdivision.

RECOMMENDATION

Continue to March 6, 2024

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
9863) 534-7621
ivannance@polk-county.net

LDPD-2023-23

Continue to March 6, 2024

Polk County

Planning Commission

Agenda Item 2/7/2024

SUBJECT

LDCPAS-2023-29 (Grove Avenue CPA) - Continued to April 3, 2024

DESCRIPTION

The applicant is requesting a Future Land Use designation change from Residential Suburban (RSX) to Residential Medium (RMX) on 10.76 +/- acres.

RECOMMENDATION

Continued to April 3, 2024, Planning Commission hearing

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Johnathan Sims, Planner II

JohnathanSims@polk-county.net <mailto:JohnathanSims@polk-county.net> 863-534-7515

LDCPAS-2023-29

Grove Avenue CPA Cas

Continued to

April 3, 2024, Planning Commission Hearing

Polk County

Planning Commission

Agenda Item 2/7/2024

SUBJECT

Staff Resumes

Agenda Item 1. 2/7/2024

SUBJECT

LDCU-2023-42 (Doc Lindsey Farm Worker Housing)

DESCRIPTION

Nora Frayre, on behalf of the owner Enrique Fernandez, requests Conditional Use approval of a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres in an Agricultural Residential Rural (A/RR) district. The subject site is located west of Doc Lindsey Road, north of Lake Buffum Road South, south of Murray Road, east of Lake Buffum Road West, east of the City of Fort Meade in Section 23, Township 31, Range 26.

RECOMMENDATION

Denial

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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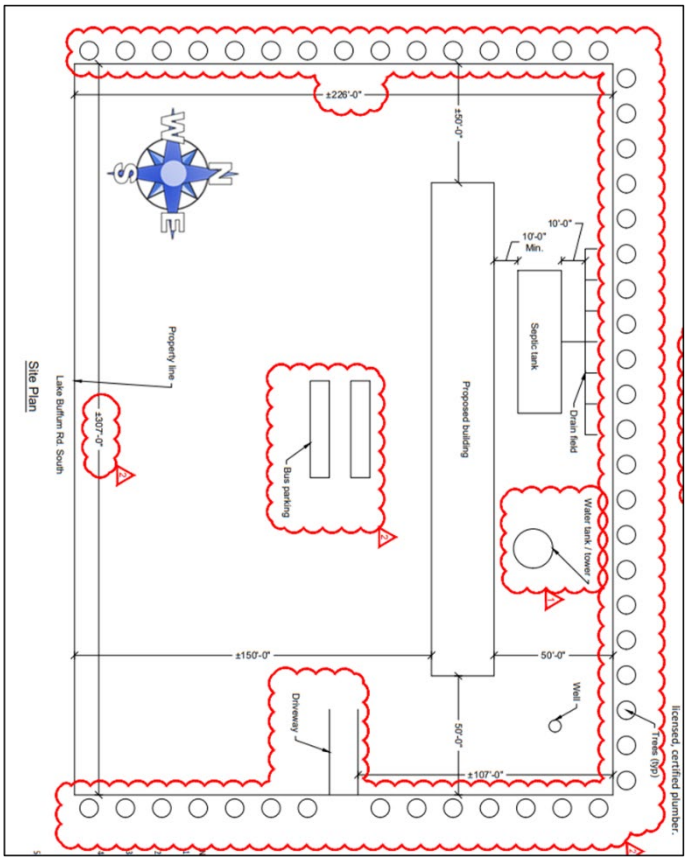
POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	September 28, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use
BoCC Date:	n/a	**Case Numbers:**	**LDCU-2023-42**
		Case Name:	Doc Lindsey Farm Worker Housing
Applicant:	Nora Frayre	**Case Planner:**	Erik Peterson, AICP

Request:	Conditional Use approval of a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres in an Agricultural Residential Rural (A/RR) district.
Location:	The subject site is located west of Doc Lindsey Road, north of Lake Buffum Road South, south of Murray Road, east of Lake Buffum Road West, east of the City of Fort Meade in Section 23, Township 31, Range 26.
Property Owners:	Enrique Fernandez
Parcel Size (Number):	±12.11 acres (263123-000000-011010)
Future Land Use:	Agricultural Residential Rural (A/RR)
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	Fort Meade
DRC Recommendation:	Denial
Planning Commission Vote:	Pending Public Hearing



Site Location



Site Plan

Summary:

The applicant requests approval of a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres in an Agricultural Residential Rural (A/RR) district. Barracks Style Dormitory developments are conditional uses subject to Planning Commission approval through a Level 3 Review in A/RR, RCC-R, RS and PM. Intensity of the facility shall be at the Planning Commission's discretion; however, the maximum intensity of Barracks Style Farm Worker Dormitory housing shall not exceed the limits established in the Comprehensive Plan for intensity within the district. The limit in the A/RR district is 16 farm workers per acre, according to POLICY 2.121-A2.c.

Farm worker housing is necessary to provide eligible workers with living quarters in Florida's agricultural markets. According to the 2023 Florida Agriculture Export Report by the Florida Department of Agriculture and Consumer Services, Florida agricultural exports increased 20% in 2022. The Florida Department of Health estimates 150,000 to 200,000 migrant and seasonal farm workers and families work and travel in Florida annually. The Department of Health monitors farm worker housing for application of state laws. Section 303 of the Land Development Code (LDC) outlines the requirements for farm worker housing, for both apartment-style and dormitory-style housing. Had the applicant proposed apartment-style farm worker housing, they could proceed to a Level 2 site plan review by staff without the need for the Conditional Use approval. Dormitory-style housing requires the Level 3 review, and limits the intensity as noted above. The proposed housing does not exceed the maximum density outlined in the Comprehensive Plan. As part of the Planning Commission's review, Section 303 notes that design features from apartment-style housing shall be considered as potential conditions of approval. The Planning Commission should also consider the proximity of the farm worker housing request to where the workers be deployed but more importantly how they will access food, living necessities, needed services, and recreation facilities.

There are no resources provided in the binding site plan for recreation, and no access to personal services are immediately available to support the farm workers. Food service is unavailable within a reasonable distance. No public water or sewer services are available in the area, and subsequently fire protection would need to be provided through a tank and well pump system. Access is on a minor rural collector roadway in a very sparsely populated area of the County. There are no mass transit stops within a reasonable walking distance of the site, and there are no sidewalks on Doc Lindsey Road to allow for safe pedestrian travel. The site plan does not provide any innovative design or enhanced buffers to make the site more compatible with the very low-density surrounding properties. Emergency services are far from the site, and response times are not adequate for a 70-worker dormitory in a rural area.

The applicant states that their proposed plan is consistent with the H-2A regulations, and no further detail is needed in the application. However, the Planning Commission cannot condition the approval to be strictly for the use of H-2A guestworker housing. Also, there is no guarantee that this federal program will remain the same over time. There is a wide variety of farm workers that serve central Florida beyond just H-2A guestworkers. Some are accompanied with spouses and children. A farm worker housing facility needs to be able to provide for all types of farm workers not just a specific class.

Staff is recommending denial of the request as it is not compatible with the surrounding uses and there are not enough urban services to serve the farm workers reasonably. If the Planning Commission does approve the request, staff is requesting conditions of approval to provide the necessary needs of the workers.

Findings of Fact

- *This is a request for Conditional Use approval of a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres in an Agricultural Residential Rural (A/RR) district.*
- *The site is in a Rural Development Area (RDA), which 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" according to POLICY 2.108-A1 of the Comprehensive Plan.*
- *The property is Agricultural Residential Rural (A/RR) on the Comprehensive Plan Future Land Use Map. POLICY 2.114-A of the Comprehensive Plan states that the "Polk County recognizes the importance of the agriculture industry as a healthy and competitive force in the national and international marketplace and, therefore, shall encourage the continuation of productive agricultural uses and provide for the placement of low-density residential development within unincorporated rural areas through:*

  a. the establishment and mapping of Agriculture/Residential-Rural (A/RR), and

  b. the establishment of policies to govern the development of land within the A/RR land use category."
- *POLICY 2.121-A2, DEVELOPMENT CRITERIA notes "Agriculture and farm worker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acre."*
- *Section 205, Table 2.1, requires Barrack Style Farm Worker Dormitories to undergo a Level 3 Review and gain approval by the Planning Commission to locate in A/RR district.*
- *Section 303, Farm Worker Dormitory, Barrack Style, states "Farm workers may be housed in any residential land use district in conformance with the standards for residential development. This category sets forth the standards for barrack style dormitories.*

  1. *Barracks Style Dormitory developments are conditional uses subject to **Planning Commission approval through a Level 3 Review** in **A/RR**, RCC-R, RS and PM.*
  2. ***Intensity of the facility shall be at the Planning Commission's discretion** in **A/RR**, RCC-R, RS and PM; however, the maximum intensity of Barracks Style Farm Worker Dormitory housing shall not exceed the limits established in the Comprehensive Plan for intensity within the district. For purposes of measurement, the LDC considers six (6) workers to equal one dwelling unit equivalent unless the facility meets Apartment Style Farm Worker Dormitory standards.*
  3. *As part of its review in A/RR, RCC-R, RS and PM, the **Planning Commission shall consider the other design features required for Apartment Style Farm Worker Dormitories as potential conditions of approval.** Additional consideration shall be given to proximity to potential employment sites and worker access to goods and services.*
  4. *In BPC-2 and IND farm worker housing is not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water*

and wastewater usage, whichever allowed intensity is the lesser and permits for Migrant Labor Camp or Residential Migrant Housing are obtained."

- *In 2008, the Board of County Commissioners appointed a 10-member task force to research and draft Farm Worker Housing regulations through a public process. In 2009, the Board adopted their findings into the Land Development Code through Ordinance 09-54.*
- *The surrounding Future Land Uses are Agricultural/Residential Rural (A/RR).*
- *This site abuts land with agricultural exceptions in Polk County Property Appraiser's website to the north, east and south, which is primarily orange groves. The property to the south also has a single-family residence on site. To the east across Doc Lindsey Road, there are multiple mobile homes and single-family homes established.*
- *The site is approximately four miles from U.S. Highway 27 where convenience stores and food service are available.*
- *The property is zoned for Lewis Anna Woodbury Elementary and Fort Meade Middle/Senior High School.*
- *Polk County Fire Rescue Station 10 is located at 1235 9th Street NE N in Fort Meade. The travel distance is approximately 9.4 miles from the site, with response times of 16 minutes.*
- *The site is not within any jurisdictions utility service area and does not have access to public water or wastewater service. The applicant is proposing an onsite well and septic system.*
- *The site is served by the Polk County Sheriff's Office Southwest District Command at 4120 US Highway 98, south of Lakeland, approximately 31 miles driving distance from the site.*
- *During staff's site visit, cellular phone service was intermittent when standing on the subject property.*
- *Doc Lindsey Road is classified as a Rural Minor Collector roadway in the Polk County Roadway Inventory and is not tracked for traffic counts or concurrency in the Polk County Transportation Organization's Roadway Network Database. The closest monitored links are more than 4 miles away from the subject site.*
- *There are no mass transit stops located within walking distance of the subject site.*
- *There are no sidewalks available along Doc Lindsey Road.*
- *There are no flood hazard zones or wetlands located on the site. The closest flood or wetlands to the site is located over 1,000 feet to the east of the site.*
- *The closest surface water to the site is Lake Buffum, located approximately 0.58 acres to the northeast of the site.*
- *The site is comprised of Smyrna and Myakka fine sands, Immokalee sand, and Duette find sand, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.*
- *The site was within a mile radius (approximately 0.40 miles to the east) of an endangered animal species (Bald Eagle nest) sighting according to Audubon.org. The nest was confirmed active and in use as recently as 2023.*

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 **IS NOT COMPATIBLE** with the surrounding land uses and general character of the area and **IS NOT CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **DENIAL of LDCU-2023-42.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends DENIAL of LDCU-2023-42. Should the Planning Commission approve the Conditional Use request, staff is recommending the following conditions:

1. The subject property is approved for a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres [PLG]

2. The proprietor shall furnish each unit with appliances for the storage and preparation of food for the occupants, at minimum a refrigerator and a microwave. [PLG]

3. Management-sponsored transportation to a grocery or general mercantile a minimum of two visits on working days and two scheduled round trips on non-working days shall be provided. [PLG]

4. The proprietor shall provide indoor recreation facilities (per unit or consolidated in a day room) and outdoor recreation facilities to be shown and inspected during Level 2 Review. [PLG]

5. A visual buffer equal to a Type B buffer shall be provided between the farm worker housing and adjacent residential properties and public roads. [PLG]

6. Prior to final development approval, the applicant shall demonstrate that the project complies with all state licensing requirements for such a use. [PLG]

7. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDCU-2023-42, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. Building permits will be required for improvements to structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: A/RR Citrus	**North:** A/RR Citrus	**Northeast:** A/RR Pasture
West: A/RR Citrus	**Subject Property:** A/RR Citrus	**East:** A/RR Single-Family Residence
Southwest: A/RR Citrus	**South:** A/RR Single-Family Residence Citrus	**Southeast:** A/RR Single-Family Residence

The site has agricultural uses, namely citrus and pastures, to the north, east and south. The parcel to the south also has a single-family residence established on site. Across Doc Lindsey Road, there are multiple residences, including both single-family residences and mobile homes.

Compatibility with the Surrounding Land Uses and Infrastructure:

The site was previously used as a citrus grove and currently is planted with other crops. The applicant seeks to construct barrack-style farm worker housing. Table 2.1 requires a Level 3 Conditional Use approval for such a use. Had the applicant chosen to construct apartment-style farm worker housing, only a Level 2 site plan review would be required by staff. Section 303 of the LDC notes a significant number of conditions to construct apartment-style farm worker housing, whereas dormitory-style does not apply as many conditions. However, Section 303 does note that the Planning Commission can consider apartment-style farm worker housing conditions as part of the approval of barrack-style housing. Staff must consider the compatibility of the use in relation to surrounding land uses and infrastructure.

The LDC defines compatibility 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:

The surrounding area is overwhelmingly within an Agricultural Residential Rural (A/RR) land use district. Within 75 square miles of the subject site, there is an approximately 5.87 acre parcel designated Recreation Open Space (ROS) where Polk County is currently in construction of a boat ramp to give nearby residents access to Lake Buffum. Approximately 2.5 miles to the northeast is an approximately 1.43 acre parcel designated Commercial Enclave (CE). The parcel within the CE land use designation contains a now defunct convenience store. All other properties within 75 square miles of the subject site are designated A/RR, owing to the rural nature of the property.

The Comprehensive Plan allows for farm worker housing within A/RR land use districts. Farm worker housing in a more barrack-style layout requires a public hearing and Planning Commisison approval (Level 3 Review) in the A/RR district. If it could be designed to an apartment-style housing standard (per LDC Section 303), a public hearing would not be required for the same proposed intensity.

Section 303, Barrack Style Farm Worker Dormitories, condition number 3 of the LDC states "*As part of its review in A/RR, RCC-R, RS and PM, the Planning Commission shall consider the other design features required for Apartment Style Farm Worker Dormitories as potential conditions of approval. Additional consideration shall be given to proximity to potential employment sites and worker access to goods and services.*" The site does not offer access to other goods and services such as general mercantile, prepared food, and fixed-route mass transit. The applicant has indicated in their application that "prepared food will be provided on the job site and delivered to the occupants on weekends or days off." They have also stated "buses will transport workers to the grocery store or any other places for personal services." The applicant has provided little detail to address the occupant's needs for food and personal services such as frequency of such trips. There are no public parks or religious institutions nearby. Although the applicant sites the H-2A program as an overiding authority, this can neither be conditioned in the approval nor assured that it is adequate now or in the future.

In 2007, a farm worker housing facility was proposed in this area under case# CU 07-19. It was denied by the Planning Commission. The applicant appealed the Board of County Commissioners, and it was denied again. One of the reasons it was denied was because there was not adequate accommodation provided for the needs of the farm workers that would be housed at the facility. The Board understood the need to provide farm worker housing, but the location and the manner proposed was insufficient. They decided that more information and guidance was needed to establish appropriate guidelines for where and how farm worker housing should be sited in the County. The Board established a formal Farm Worker Housing Task Force in 2008 with two appointees from each commissioner, one citizen and one professional from the agricultural industry. Their task was to research farm worker housing practices, hold public meetings, and draft legislation to address farm worker housing. After many meetings and public hearings, an amendment to the LDC was adopted by the Board in late 2009. One of the primary findings of the task force was that it is essential for farm workers to have sufficient access to goods, services, and recreation facilities. All the farm worker housing facilities approved by the Planning Commission since their legislation was adopted into the LDC, have been in more urbanized areas where there are often grocery, parks, medical facilities, and religious institutions nearby. When a proposed location was deficient in one or more of these necessities, the applicant's had a solid plan for providing the unmet needs of the area. The applicant for this request has not provided sufficient assurances that their facility can overcome the deficiencies in infrastructure, commerce, and services needed to support farm workers.

B. Infrastructure:

Farm worker housing doesn't have the typical needs of residential housing and can be located in isolated areas. The seasonal nature of their operations, their infrastructure and services needs are intermittent. However, farm worker housing benefits from nearby urban services, as a lack of urban services places a greater burden on their host to provide for the occupant's need. In this location, there is no public water or wastewater. The applicant is proposing an onsite well and onsite wastewater treatment for 70 individuals. There is no commerce within a reasonable walking distance of the site, and there are no sidewalks located along the roadway to promote pedestrian safety. There are no mass transit stops within a reasonable distance, with the closest stop located at the Fort Meade Community Center, 10 miles driving distance from the site. There is not a need for schools with this type of farm worker housing because, under federal guestworker programs, participants are unaccompanied by children or other dependents. However, farm workers need recreation facilities. There are no parks nearby and the applicant is not offering any recreation facilities onsite. Public safety facilities are a significant distance from the site. Agricultural labor is difficult work. There are often accidents and injuries in the field. The severity of some injuries may not be realized until

after the worker returns to the housing facility. For this reason, proximity to public safety services is a key consideration. Of all the farm worker housing applications reviewed by the Planning Commission since 2007, this location is the farthest from public safety services.

Nearest and Zoned Elementary, Middle, and High School

The property is zoned for schools in Fort Meade, the closest city. These are Lewis Anna Woodbury Elementary and Fort Meade Middle and High School. All are the closest schools. Farm worker housing, which is typically unaccompanied males, has no demand for K-12 schools. The table to follow provides data on the zoned schools and current capacities.

Table 2

Name of School	Annual Estimated Demand	Distance from subject site	School Capacity
Lewis Anna Woodbury Elementary	0 students	±9.5 miles driving distance from entrance to entrance	82%
Fort Meade Middle School	0 students	±10.2 miles driving distance from entrance to entrance	77%
Fort Meade High School	0 students	±10.2 miles driving distance from entrance to entrance	77%

Source: Polk County School Board, Duncan Associates Educational Facility Impact Fee Study, GIS

Although an H-2A approved facility is typically limited to unaccompanied males, Farm Worker Housing facility approval is all types of farm workers. Approvals cannot be conditioned to prohibit farm worker families from occupying a facility. Farm worker housing in more urbanized areas provides a greater ability to evolve for changing conditions and clientele.

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to all of unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas. There is no public water available for the site and no fire hydrants nearby. Fire suppression will be required to be constructed onsite. The applicant has submitted plans to construct an internal fire suppression system. A water tank is shown on the site plans.

Fire and ambulance response is from Polk County Fire Rescue Station 10 located at 1235 9th Street NE N in Fort Meade. The travel distance is 9.4 miles located 16 minutes from the subject site. This is a significant distance away. This area has one of the longest response times of any farm worker housing facility reviewed by the Planning Commission since 2007. Efficient fire rescue and EMS response is needed for farm worker housing. Agricultural occupations have a higher incidence of injury than standard occupations. Many injuries that occur at the jobsites may not be realized until the worker returns to the housing facility at the end of the day or until the following morning. One of the obvious types of injury occurs due to the workers' exposure to the outdoors is heat related injuries. Another is insect and animal bites. They may not seem serious when they first occur but can become emergencies later on in the day.

This property is served by the Polk County Sheriff's Office's Southwest District substation located at 4120 US 98 S in Lakeland. The response times for the SW District for December 2023 were Priority 1 – 9:22 & Priority 2 – 19:51. Priority 1 Calls are considered to be 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. At any rate, Sheriff's 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

	Name of Station	Distance	Response Time*
Sheriff	Southwest District Command 4120 US 98S, Lakeland	±31.3 miles	Priority 1: 9:22 minutes Priority 2: 19:51 minutes
Fire/EMS	Polk County Fire Rescue Station 10 1235 9th Street NE N, Fort Meade	±9.4 miles	16 minutes

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.*

The PCSO is always trying to improve response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Patrols in such a rural area are generally less frequent than patrols located in suburban and urban areas. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely. Additionally, the cellular phone service in the area can also have a large impact on response times, as the initial contact with emergency services can be delayed if the call cannot be placed. During staff's site visit to the property, staff had difficulty making outbound cellular phone calls in the surrounding areas and while standing on the subject site.

Water and Wastewater Demand and Capacity:

The subject site is located within the Rural Development Area (RDA), an area of the county characterized by large open areas, agricultural uses, with scattered development and rural centers. Services are limited and mostly found rural centers and clustered developments. Water and wastewater utility services are not generally available in the RDA. The applicant is proposing a well and onsite wastewater treatment. There are no public utilities available for the site. Fire suppression will be required to be constructed onsite. The applicant has submitted plans to construct an internal fire suppression system. A water tank is shown on the site plans.

A. Estimated Demand and Service Provider:

Farm workers are typically working offsite six days of the week from dawn until dusk. Water and wastewater generation is minimal due to the occupants being offsite for the majority of the week. Table 4 to follow indicates water and wastewater demand for the property as currently permitted, the maximum permissible in the A/RR district for a veterinary office, and the proposed plan. The

applicant will be required to construct a well and septic system, as there is no public water or wastewater services available in the area.

Table 4

Subject Property	Estimated Impact Analysis		
12.11± acres A/RR	Demand as Currently Permitted	Maximum Permissible in the district *Max FAR 0.25 x 527,511 sf = 131,878 sf structure*	Proposed Plan
Permitted Intensity	2 Single-family homes	Veterinary Office	70-bed Farm Worker Housing Facility
Potable Water Consumption (GPD)	720 GPD	79,127 GPD	1,980 GPD
Wastewater Generation (GPD)	540 GPD	63,301 GPD	1,800 GPD

Source: Polk County Concurrency Manual & Polk County Utilities: multifamily 7 workers per unit at 198 gpd per unit water 180 wastewater. Medical office 0.60 GPD per square foot. Wastewater generation is 80% of potable water consumption..

B. Available Capacity:

The applicant is proposing connection to a well and onsite wastewater treatment, and the installation of these will be monitored by the Polk County Health Department. The septic tank permit application was submitted in the application.

C. Planned Improvements:

There are no planned improvements in this area, as there are no municipalities in the near vicinity offering water or wastewater services.

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

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).

A. Estimated Demand:

There will be a limited increase in transportation demand as a result of this approval. Farm Worker Housing does not generate a lot of traffic. Even the maximum use of the property would not require a major traffic study. Staff assume that the worst-case scenario is for there to be only four workers per vehicle. This equates to 18 vehicles out and 18 vehicles in, and 18 would return during peak hour.

A/RR as it stands can be used for single-family residential as the equivalent to A/RR at one (1) dwelling per five (5) acres.

Table 5

Subject Property	Estimated Impact Analysis		
12.11± acres A/RR	**Demand as Currently Permitted A/RR**	**Maximum Permissible in the district A/RR**	**Proposed Plan**
Permitted Intensity	2 Single-family homes	Veterinary Office	70-bed Farm Worker Housing Facility
Average Annual Daily Trips (AADT)	16	1,414	36
PM Peak Hour Trips	2	128	18

Source: Polk County Concurrency Manual
ITE 210: Single Family Detached Housing per dwelling unit = 7.81 AADT / 1.00 PM Peak
ITE 610: Hospital = 10.72 AADT / 0.97 PM Peak per 1,000 square feet

This request will not require ether a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. This proposed farm worker housing facility will have no significant effect on the roadway system.

B. Available Capacity:

The subject site has frontage on Doc Lindsey Road, a Rural Minor Collector two-lane undivided roadway. The roadway is not monitored for Level of Service by the Polk Transportation Planning Organization (TPO). The next closest monitored link is Lake Hendry Road (Link 4019 between SR 60 and US 98) which is a two-lane undivided Rural Major Collector roadway. Both roadways have the capacity to assimilate the project's traffic at its peak as described in the section above. Table 3, below, charts the generalized available capacity of the most-affected links.

Table 3

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4019 N	Lake Hendry Road From US 98 to SR 60	C	2,199	C
4019 S	Lake Hendry Road From US 98 to SR 60	C	2,194	C

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

C. Roadway Conditions

Doc Lindsey Road (Road No. 162303) is a Rural Minor Collector two-lane undivided roadway with a paved surface width of 24 feet which meets the standard in Section 822 of the LDC. Roadway conditions and improvements will be further reviewed during the Level 2 Review process. The posted speed limit on Doc Lindsey Road is 40 miles per hour.

D. Sidewalk Network

There are no sidewalks along the parcel. According to the US Department of Transportation, sidewalks can reduce up to 88% of pedestrian-related crashes.

E. Planned Improvements

There are no planned improvements in the immediate area of the site.

F. Mass Transit

The population concentration is relatively low in the area and will likely remain so with the lack of services present. This is not an area of the County that is planned for transit services. The availability of mass transit services would be ideal for the residents of the housing facility, but there are simply no services within the area to warrant mass transit in the area. A significant amount of farm worker housing facilities operating in Polk County have access to mass transit. It is not as essential as other infrastructure, but it helps to have it. It provides the employees with some autonomy during time off.

Park and Environmental Facilities:

The proposed farm worker housing facility may slightly increase the demand for recreation facilities on the workers off days. Recreation facilities in rural areas are most often resource based facilities. Active recreation facilities such as ballfields are better suited for urban areas where they can serve higher population concentrations. There are no active recreation facilities within a reasonable walking distance to the site, other than the boat ramp providing access to Lake Buffum. It's not likely to be of much use to farm workers of this facility. The applicant has failed to address recreation facilities and has not proposed any facilities onsite according to the site plan. In 2008, the Farm Worker Housing Task Force discovered that recreation facilities were significantly important. Many housing providers that appeared before them as guest speakers promoted their importance in the operation of a well-managed facility.

A. Location:

The closest recreation facility is Peace River Park located at 1638 County Road 700/US 98 in Fort Meade. This park is located approximately 7.8 miles driving distance from the subject site. There are no recreation facilities within a reasonable walking distance.

B. Services:

Peace River Park provides playgrounds, pavilions, restrooms, fishing, trails, and a boat ramp.

C. Environmental Lands

Lake Buffum Wildlife Refuge is located a tenth of a mile from the subject site. This refuge is owned by Green Horizon Land Trust, non-profit organization created in 1991 to preserve environmentally valuable or sensitive lands and open space areas in the Central Florida Ridge.

D. Planned Improvements

A new boat ramp granting access to Lake Buffum is under construction. There are no other planned improvements in this area in the 5-year Community Investment Plan (CIP).

Environmental Conditions

There are few environmental limitations onsite. There are no wetlands and floodplain onsite. Most of the soils have only moderate limitations. There is an active bald eagle's nest located approximately 0.40 miles to the west, and all federal and state regulations regarding these nests must be followed. Airports and groundwater wells will not be affected.

A. Surface Water:

The closest surface water to the site is approximately 0.62 miles to the north of the site, known as Lake Buffum. Development of the site will have little impact on the lake.

B. Wetlands/Floodplains:

There are no floodplains or wetlands located on the site. The closest floodplains and wetlands are approximately 0.21 miles to the east of the subject property. Development on the site should have no impact on surrounding floodplains or wetlands.

C. Soils:

The place where farm worker housing facility sits on the site is comprised of moderate soils that are more often prone to wetness, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey. Table 8 to follow provides the limitations for dwellings without basements and septic tank absorption fields.

Table 8

Soil Name	**Limitations to Dwellings w/o Basements**	**Septic Tank Absorption Field Limitations**	**% of Site** *(approximate)*
Smyrna and Myakka Find Sands	Moderate: wetness	Severe: wetness, poor filter	20.8%
Immokalee Sand	Moderate: wetness	Severe: wetness	44.1%
Duette Fine Sand	Slight	Moderate: Wetness	35.1%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

D. Protected Species

An active bald eagle nest is located approximately 0.40 miles to the east of the site, according to Audubon.org's database. The nest was actively in use as recently as 2023, according to their site.

E. Archeological Resources:

There are no protected archeological resources in Section 23, Township 31, and Range 26, that the farm worker housing facility would adversely impact, according to the Secretary of State's Department of Historical Resources Florida Master Site File.

F. Wells (Public/Private)

The closest public wellfield protection district is over 6 miles away. There is no public water available in the area, so any developed property in the surrounding area would utilize a private well.

G. Airports:

The site is not within any Airport Buffer Zones. The Bartow Municipal Airport is the closest public use airport. It is over twenty miles from the site. This location is far from an airport flight path or protection zone.

Economic Factors:

Farm workers can have an economic benefit to rural clusters like the proposed area. While a portion of their wages will be spent in their country of origin, they spend money on purchasing goods from local stores. However, the closest mercantile establishment is over six (6) miles away driving distance, so the immediate area will see little economic benefit. The applicant has indicated the farm workers will be bussed to the nearest activity center for grocery and personal service needs but provided no substantive details.

Independent farm worker labor facilities can have a broad market radius sometimes exceeding a 1-hour driving distance. This facility will be centrally located to many farm operations in Hillsborough, Manatee, Hardee, and Highlands County in addition to southern Polk County. The site of this facility is in between citrus groves to the west, north, and south.

Consistency with the Comprehensive Plan, LDC, and Other County Ordinances:

The site is located in the Rural Development Area (RDA), which is the area that "*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.*" according to POLICY 2.108-A1 of the Comprehensive Plan.

According to POLICY 2.121-A2 of the Comprehensive Plan, states farm worker housing is listed as a permitted activity in the Agricultural/Residential Rural land use district because POLICY 2.121-A2.b lists "*Farm worker housing under specific design parameters listed in the Land Development Code not to exceed sixteen (16) workers per acre*" as a permitted use.

Chapter 2, Section 205, Table 2.1, Use Table for Standard Land Use Districts of the LDC lists Barrack Style Farm Worker Housing as a conditional use requiring a Level 3 Review. Chapter 3, Section 303, Criteria for Conditional Uses for Barrack Style Farm Worker Housing states that *"as part of its review in A/RR, RCC-R, RS and PM, the Planning Commission shall consider the other design features required for Apartment Style Farm Worker Dormitories as potential conditions of approval"* for barrack style farm worker housing. Also, *"additional consideration shall be given to proximity to potential employment sites and worker access to goods and services."* The applicant has not provided any additional design features that would address incompatibilities with surrounding properties, providing only the minimum requirements for landscaping and buffering. The intensity of the proposed use is considerable when compared to the single-family residences adjacent to the property. The applicant has given little consideration to the rural nature of the area with regard to worker access to goods and services. If the applicant was proposing Apartment Style Farm Worker Housing, Table 2.1 requires a Level 2 site plan review by staff. Apartment Style Farm Worker Housing includes indoor and outdoor recreational facilities, management personnel on site at all times while workers are in residence to address first aid issues and must be located within two (2) miles of a grocery store or general mercantile or be required to provide management-sponsored transportation to a grocery or general mercantile a minimum of two visits on working days and two

scheduled round trips on non-working days. The request is not consistent with the Comprehensive Plan or the Land Development Code, and staff is recommending denial.

Table 9

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.	Staff finds the proposed barrack style farm worker housing is not compatible with neighboring properties and there is inadequate infrastructure to support it. The property is adjacent to large, rural lots with single-family residences. There is a significant difference in intensity, and the binding site plan does not provide any additional buffering, does not provide scaling of the more intense use, and there are no innovative development techniques proposed.
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.	There is not adequate infrastructure and services available in this area to support the farm worker housing facility such as potable water, public safety, mass transit, and access to convenience goods.
POLICY 2.102-A3: DISTRIBUTION - 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.	This site has no access to municipal potable water services, is located a considerable distance from fire rescue, and has no mass transit services within a reasonable walking distance.
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.	The site is located within an area that has limited public services and is rural in nature. The subject site is not within walking distance of supportive community services.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).	The subject property is located within an area of the County that has limited public safety services. The fire station is 9.4 miles from the site with a response time of 16 minutes, which is inadequate for the requested density to serve the occupants of the 10-unit housing. This increases the risk to housing farm workers at this location.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 10 in accordance with Section 906.D.7 of the Land Development Code.

Table 10

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*No, this request is not consistent with the LDC, specifically Sections 303 and 906.D.*

Table 10

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*POLICY 2.121-A2.c lists "Farm worker housing under specific design parameters listed in the Land Development Code not to exceed sixteen (16) workers per acre" as a permitted use in the Agricultural Residential Rural Future Land Use Map district. While the applicant is proposing less than the 16 workers per acre, staff finds the proposed use is not compatible as defined by POLICY 2.102-A2 COMPATIBILITY which 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 of 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 binding site plan does not provide the appropriate buffers in accordance with Chapter 7 of the LDC to adjacent uses and does not propose any increased buffers with the use of denser buffering or fencing. There is no attempt to limit intensity and scale of the more intense use, and there is no gradual scaling or innovative development techniques proposed such as stormwater ponds used to buffer from adjacent properties or the use of open or recreation space for gradual scaling.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*No, the request is not compatible with surrounding uses or the general character of the area. See Pages 5&6 of this staff report for data and analysis on surrounding uses and compatibility.*
How the concurrency requirements will be met, if the development were built.	*There is available capacity on the roadway, and this use will have very little impact on capacity. The applicant proposes a well and onsite wastewater treatment, and there is no impact to water or wastewater capacity in any municipality's utility service area.*

The request does not meet all conditions in Section 303 of the LDC for barrack style farm worker housing in an A/RR land use district, as the site does not have close access to goods and services. The closest general mercantile or grocery store is approximately 6 miles to the west, approximately 8 minutes driving distance. Larger mercantile stores such as Walmart and Publix are located approximately 20 miles away, an approximate driving distance of 25 minutes. There is nothing within walking distance of the site, and there is no sidewalk network the residents could utilize to walk further distances safely.

Comments from other Agencies: None

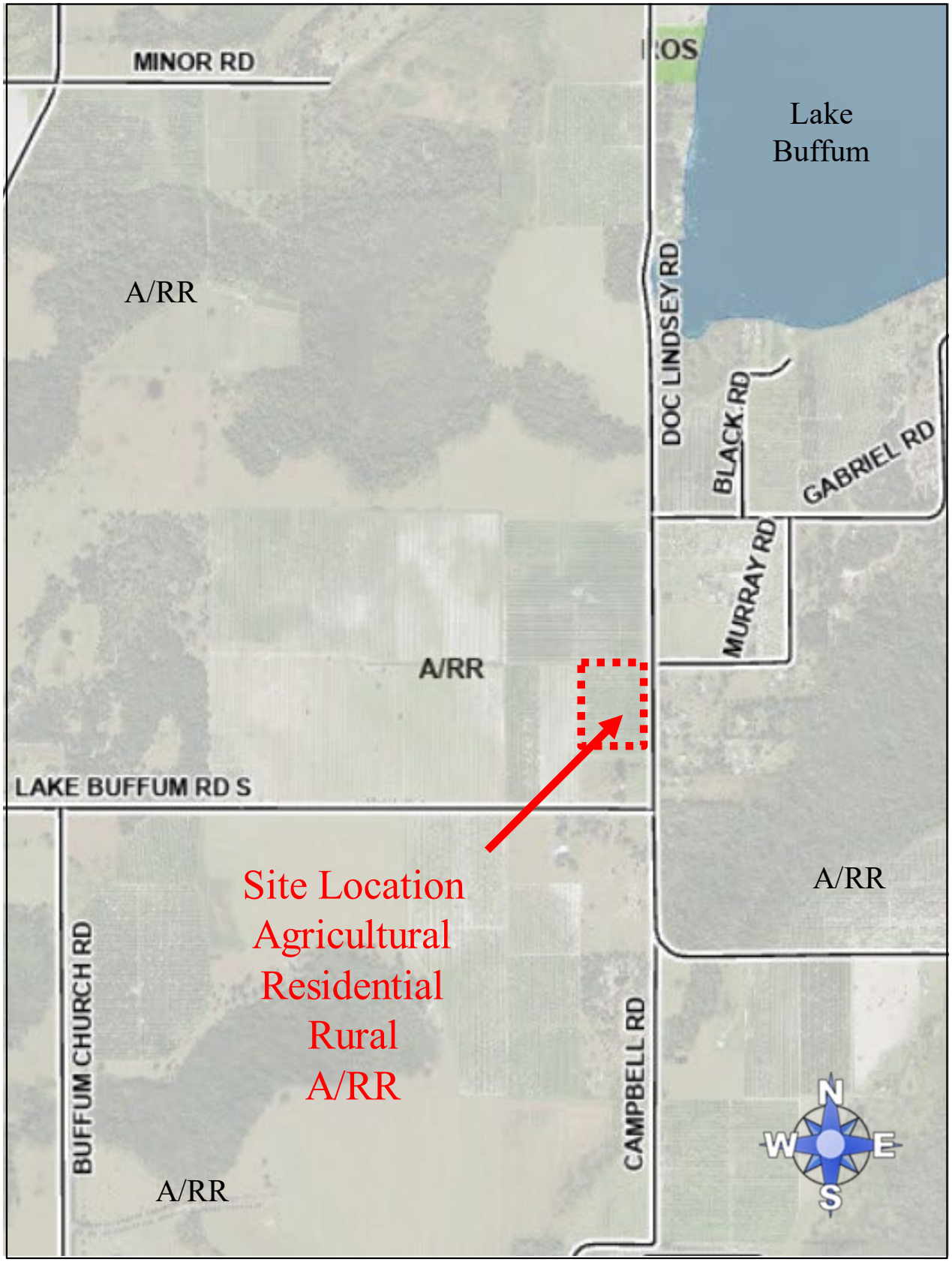
Exhibits:

Exhibit – 1 Location Map
Exhibit – 2 Future Land Use Map
Exhibit – 3 2021 Satellite Photo (Context)
Exhibit – 4 2022 Satellite Photo (Close-up)

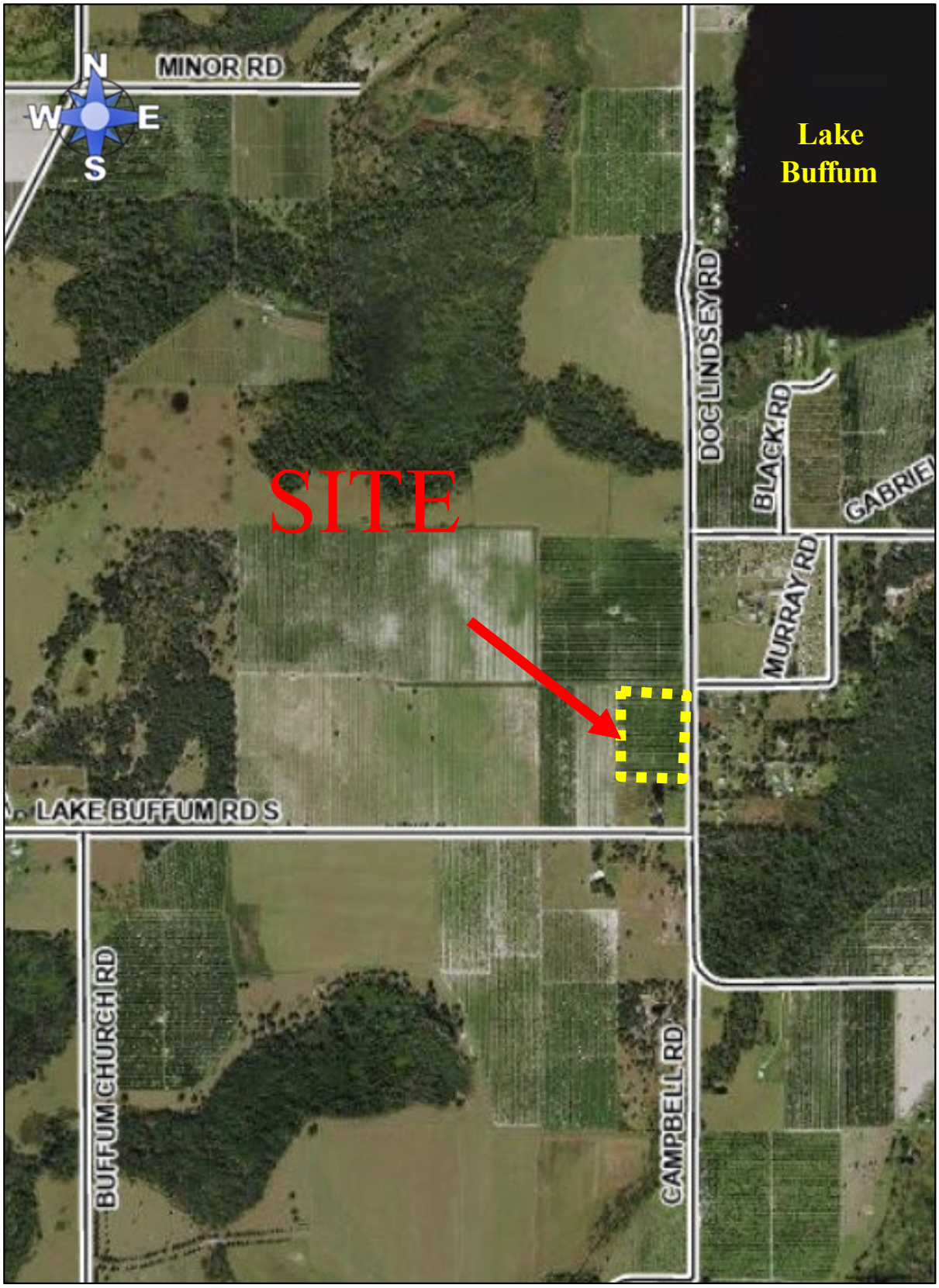
Exhibit 1


17
60
BARTOW
LAKE WA
CROOK
LAKE PA
HOMELAND
Lake
Buffum
Site
Location
630
FORT MEADE
98
WES
FROSTP
Bowlegs Creek
BEREAH
BOWLING
GREEN
N
W
E
S

Location Map



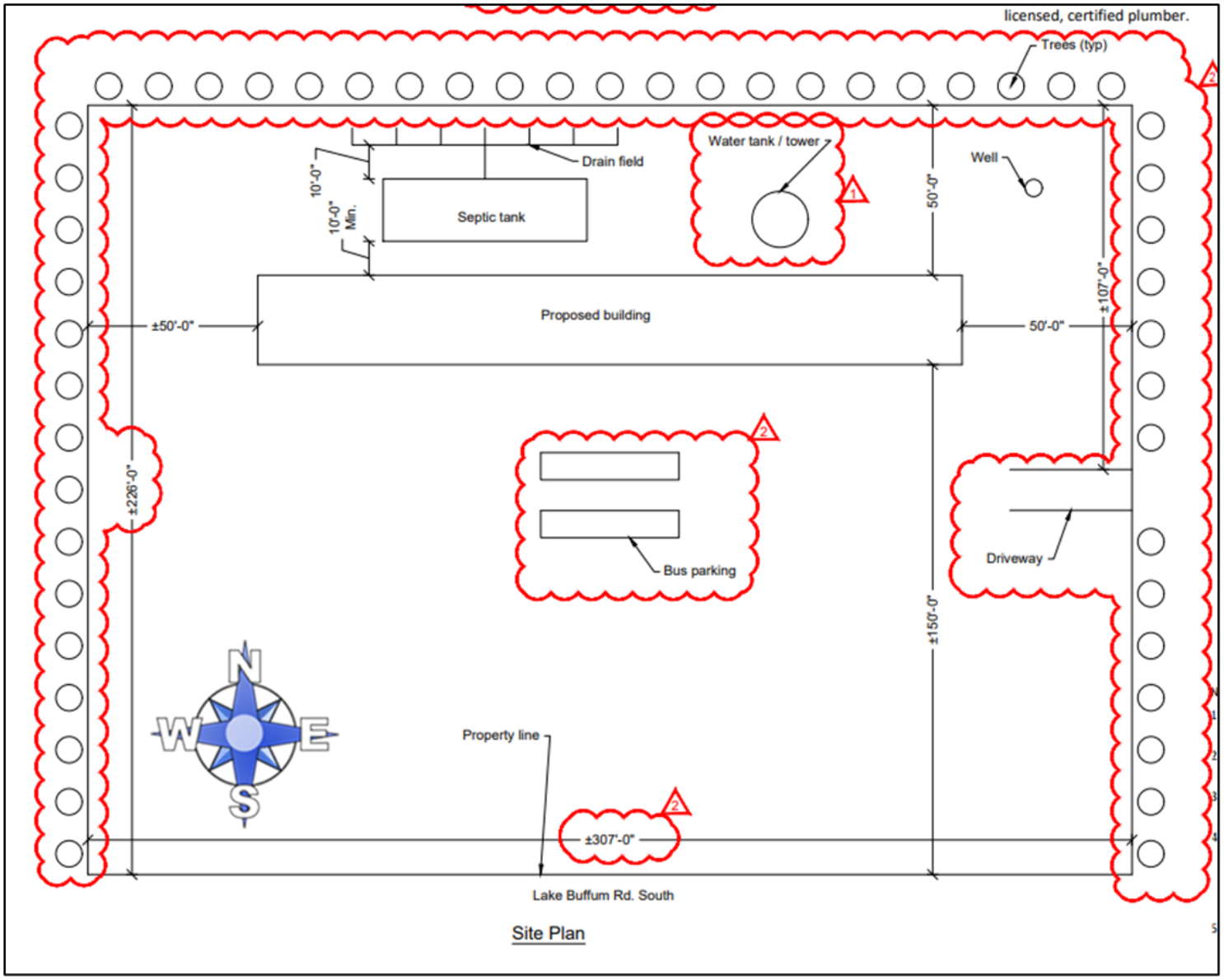
Future Land Use Map



2020 Satellite Photo (Context)



2020 Satellite (Close Up)


licensed, certified plumber.
Trees (typ)
Water tank / tower
Well
Drain field
10'-0"
10'-0" Min.
Septic tank
50'-0"
±107'-0"
Proposed building
±50'-0"
50'-0"
±226'-0"
Bus parking
Driveway
±150'-0"
N
W
E
S
Property line
±307'-0"
Lake Buffum Rd. South
Site Plan

Site Plan

LDCU-2023-42 - Doc Lindsey Rd. Farm Workers' Housing CU

Menu Reports Help

Application Name: Doc Lindsey Rd. Farm Workers' Housing CU

File Date: 08/10/2023

Application Type: PC-Conditional Use-New Or Mobile Home

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Farmer worker sleeping quaters on 12 arces, property that is Agriulture Exempt.

Application Detail: Detail

Address: 0 DOC LINDSEY RD, FORT MEADE, FL 33841

Parcel No: 263123000000011010

Owner Name: FERNANDEZ ENRIQUE

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Nora Frayre		Applicant	Mailing, 3825 Lake Buf...	Active
nora frayre		Individual	Mailing, 404 Red Hawk ...	Active
Nora Frayre		Individual	Mailing, 3825 Lake Buf...	Active
Nora Magdalena Frayre	Eagle Property ...	Individual	Mailing, 22925 SW 124t...	Active
GUTIERREZ GABRIEL	GUTIERREZ GABRIEL	Individual	Mailing, 804 TARTAN LO...	Active
GUTIERREZ GABRIEL	GUTIERREZ GABRIEL	Individual	Mailing, 804 Tartan Lo...	Active
Nora Frayre	Home	Individual	Mailing, 357 Timber Gr...	Active
RODRIGUEZ VICTOR RAUL	RODRIGUEZ VICTO...	Individual	Mailing, 5000 hinson F...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $3,467.25

Total Fee Invoiced: $3,467.25

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Conditional Use
New

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
12

DRC Meeting
09/28/2023

DRC Meeting Time
10:15

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Case File Number
–

Is this Polk County Utilities

One Year Extension
–

FS 119 Status
Non-Exempt

ADVERTISING

Legal Advertising Date
11/13/2023

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
–

1st BOCC Date
–

2nd BOCC Date
–

LUHO-Level 3
–

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
–

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC23-00000-00X5P

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
–

RequiredDocumentTypesComplete
No

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	A/RR-Agricultural/Residential Rural

DEVELOPMENT AREA

Development Area
Rural

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	2	18	11/15/2023	01/07/2024	No

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	09/08/2023	Angela Kaufman
Engineering Review	Robert Joynes	Approve	11/13/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	09/20/2023	Kim Turner
Surveying Review	Steve McQuaig	Approve	09/12/2023	Steve McQuaig
School Board Review	School District	Approve	10/03/2023	School District
Roads and Drainage Review	Phil Irven	Approve	09/20/2023	Phil Irven
Planning Review	Amy Little	Approve	12/18/2023	Amy Little
Review Consolidation	Angela Kaufman	Approved for...	12/19/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Hearing	Angela Kaufman			
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

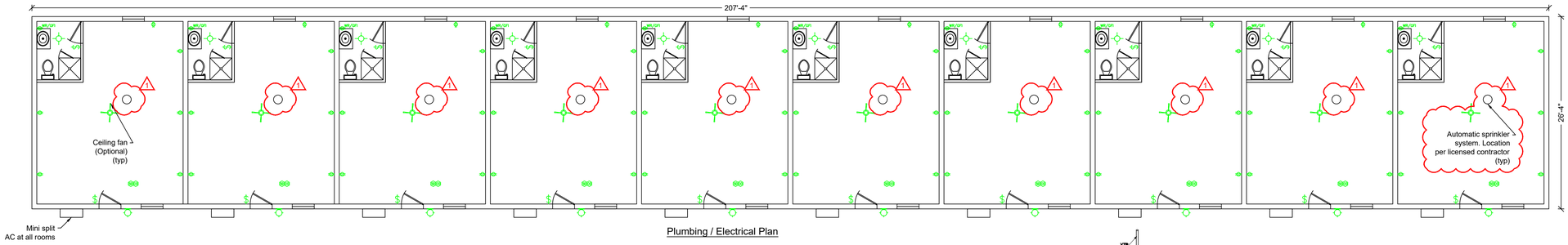
Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

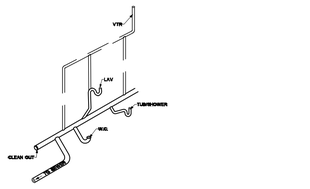
Inspection Type	Inspection Date	Inspector	Status	Comments



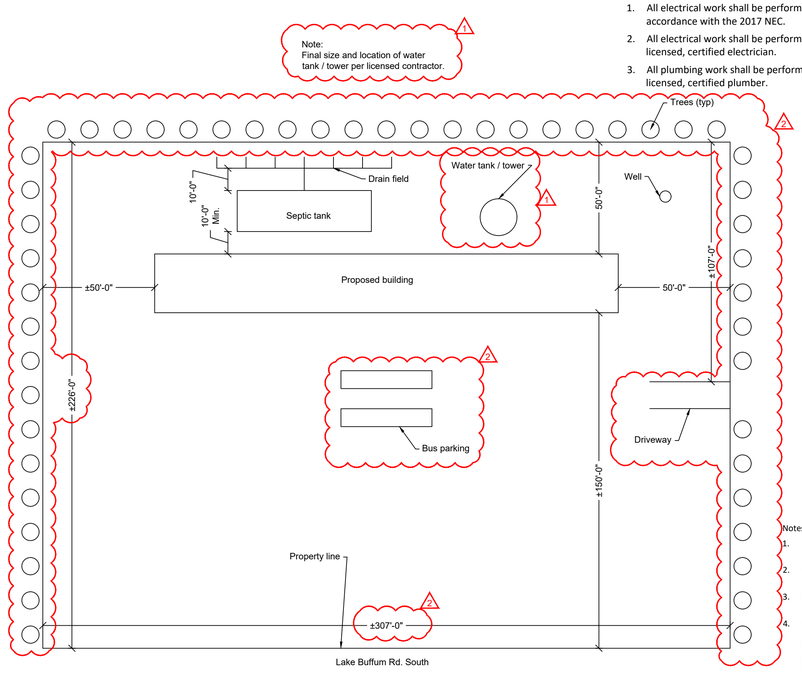
Plumbing / Electrical Plan

Electrical and Plumbing Notes:

1. All electrical work shall be performed in accordance with the 2017 NEC.
2. All electrical work shall be performed by a licensed, certified electrician.
3. All plumbing work shall be performed by a licensed, certified plumber.



Generic Plumbing Riser



Notes:

1. Percolation rate to be determined by others.
2. Septic tank to be 1500 gallon tank (min).
3. Drain and leach fields to be sized per percolation rate.
4. Septic tank, drain field and leach field to be sized and installed per FBC 2020 7th Edition by a licensed professional.
5. Well location and size per licensed contractor.

Site Plan

SAFE GRAVITY LOADS FOR 8" PRECAST & PRESTRESSED U-LINTELS

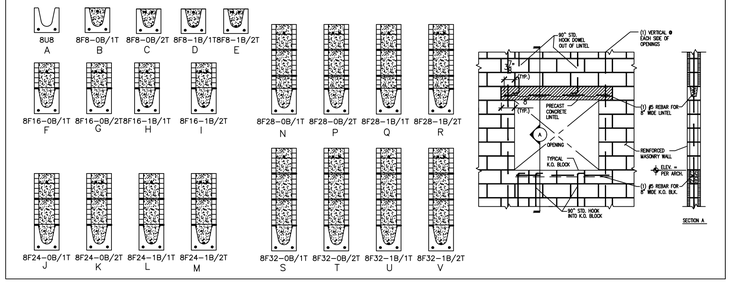
MARK NO.	LENGTH	TYPE	BUB	8F8–0B 8F8–1B	8F12–0B 8F12–1B	8F16–0B 8F16–1B	8F20–0B 8F20–1B	8F24–0B 8F24–1B	8F28–0B 8F28–1B	8F32–0B 8F32–1B
M–1	3'–6" (42")	PRECAST	2231	3069	3719	5163	6607	8054	9502	10951
M–2	4'–0" (48")	PRECAST	1966	3069	4605	6113	7547	8974	10394	11809
M–3	4'–6" (54")	PRECAST	1599	2561	3751	5020	6290	7547	8794	10034
M–4	5'–4" (64")	PRECAST	1217	1549	1438	1999	2560	3123	3686	4249
M–5	5'–10" (70")	PRECAST	1062	1663	3060	5365	7547 pd	7342 pd	8733 pd	10127 pd
M–6	6'–6" (78")	PRECAST	908	1105	1173	1631	2090	2549	3009	3470
M–7	7'–6" (90")	PRECAST	743	1451	2622	4360	7187 pd	6539 pd	7181 pd	8328 pd
M–8	9'–4" (112")	PRECAST	554	1238	2177	3480	3031	3707	4383	5061
M–9	10'–6" (126")	PRECAST	475	1011	1729	2632	2205	2698	3191	3685
M–10	11'–4" (136")	PRECAST	362	699	1160	1625	2564	3486	4705 pd	6390 pd
M–11	12'–0" (144")	PRECAST	337	530	890	1247	2063	2777	2183	3536
M–12	13'–4" (160")	PRECAST	296	643	1052	1533	2093	2781	3643 pd	4754 pd
M–13	14'–0" (168")	PRECAST	279	560	945	1366	1846	2423	3127	4008
M–14	14'–8" (176")	PRESTRESSED	N.R.	582	845	1366	1846	2423	3127	4008
M–15	15'–4" (184")	PRESTRESSED	N.R.	540	873	1254	1684	2183	2805	3552
M–16	17'–4" (208")	PRESTRESSED	N.R.	540	873	1254	1684	2183	2805	3552
M–17	19'–4" (232")	PRESTRESSED	N.R.	471	755	1075	1428	1838	2316	2883
M–18	21'–4" (256")	PRESTRESSED	N.R.	471	755	1075	1428	1838	2316	2883
M–19	22'–0" (264")	PRESTRESSED	N.R.	424	706	1002	1328	1697	2127	2630
M–20	24'–0" (288")	PRESTRESSED	N.R.	442	706	1002	1328	1697	2127	2630
				NR	NR	NR	NR	NR	NR	NR
				408	783	1370	1902	2245	2517	2712
				NR	NR	NR	NR	NR	NR	NR
				412	710	1250	1733	2058	2320	2513
				NR	NR	NR	NR	NR	NR	NR
				300	548	950	1328	1609	1849	2047
				NR	NR	NR	NR	NR	NR	NR
				235	420	750	1037	1282	1515	1716
				NR	NR	NR	NR	NR	NR	NR
				180	340	598	845	1114	1359	1468
				NR	NR	NR	NR	NR	NR	NR
				165	315	550	784	1047	1285	1399
				NR	NR	NR	NR	NR	NR	NR
				129	250	400	654	884	1092	1222

(#) THE NUMBERS IN PARENTHESIS ARE PERCENT REDUCTIONS FOR GRADE 40 FIELD ADDED REBAR.

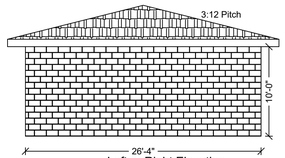
SAFE UPLIFT LOADS FOR 8" PRECAST & PRESTRESSED U-LINTELS

MARK NO.	LENGTH	TYPE	8F8–1T 8F8–2T	8F12–1T 8F12–2T	8F16–1T 8F16–2T	8F20–1T 8F20–2T	8F24–1T 8F24–2T	8F28–1T 8F28–2T	8F32–1T 8F32–2T
N–1	3'–6" (42")	PRECAST	1569	2655	3524	4394	5263	6132	7001
N–2	4'–0" (48")	PRECAST	1569	2655	3524	4394	5263	6132	7001
N–3	4'–6" (54")	PRECAST	1363	2305	3060	3815	4570	5325	6079
N–4	5'–4" (64")	PRECAST	1207	2040	2707	3375	4043	4711	5378
N–5	5'–10" (70")	PRECAST	1207	2040	2707	3375	4043	4711	5378
N–6	6'–6" (78")	PRECAST	1016	1715 pd	2278 pd	2838	3399	3961	4522
N–7	7'–6" (90")	PRECAST	1016	1715	2278	2838	3399	3961	4522
N–8	9'–4" (112")	PRECAST	909	1567 pd	2080 pd	2593 pd	3107 pd	3620 pd	4133 pd
N–9	10'–6" (126")	PRECAST	909	1567	2080	2593	3107	3620	4133
N–10	11'–4" (136")	PRECAST	835	1437 pd	1868 pd	2328 pd	2790 pd	3251 pd	3712 pd
N–11	12'–0" (144")	PRECAST	835	1437	1868	2328	2790	3251	3712
N–12	13'–4" (160")	PRECAST	727 pd	1065 pd	1624 pd	2025 pd	2426 pd	2827 pd	3228 pd
N–13	14'–0" (168")	PRECAST	727	1224	1624	2025	2426	2827	3228
N–14	14'–8" (176")	PRESTRESSED	581	705 pd	1138 pd	1474 pd	1810 pd	2137 pd	2502 pd
N–15	15'–4" (184")	PRESTRESSED	581	862	1318	1643	1969	2294	2619
N–16	17'–4" (208")	PRESTRESSED	530	575 pd	815 pd	1188 pd	1461 pd	1736 pd	2011 pd
N–17	19'–4" (232")	PRESTRESSED	530	695	1180 pd	1472 pd	1763 pd	2055	2246
N–18	21'–4" (256")	PRESTRESSED	474	504 pd	800 pd	1037 pd	1274 pd	1513 pd	1753 pd
N–19	22'–0" (264")	PRESTRESSED	494	607	1042 pd	1372 pd	1643 pd	1915 pd	2187 pd
N–20	24'–0" (288")	PRESTRESSED	470	468 pd	724 pd	938 pd	1153 pd	1369 pd	1585 pd
			470	550	940 pd	1302 pd	1560 pd	1818 pd	2075 pd
			418 pd	386 pd	607 pd	785 pd	964 pd	1143 pd	1323 pd
			428	460	780 pd	1139 pd	1452 pd	1452 pd	1667 pd
			384 pd	358 pd	560 pd	724 pd	889 pd	1054 pd	1220 pd
			410	425	717 pd	1043 pd	1306 pd	1568 pd	1807 pd
			239	334 pd	520 pd	672 pd	825 pd	978 pd	1131 pd
			246	395	653 pd	950 pd	1302 pd	1654 pd	1774 pd
			224	313 pd	486 pd	627 pd	769 pd	911 pd	1054 pd
			230	368	618 pd	908 pd	1240 pd	1572 pd	1648 pd
			197	263 pd	405 pd	521 pd	638 pd	756 pd	873 pd
			192	306	506 pd	740 pd	1005 pd	1271 pd	1473 pd
			192	229 pd	345 pd	447 pd	547 pd	647 pd	747 pd
			166	263	429 pd	623 pd	841 pd	1059 pd	1227 pd
			142	204 pd	307 pd	393 pd	480 pd	568 pd	655 pd
			142	232	373 pd	537 pd	721 pd	905 pd	1048 pd
			137	197 pd	295 pd	379 pd	462 pd	545 pd	630 pd
			137	223	358	513 pd	688 pd	863 pd	999 pd
			124	178 pd	267 pd	342 pd	418 pd	493 pd	567 pd
			124	202	319 pd	459 pd	606 pd	757 pd	878 pd

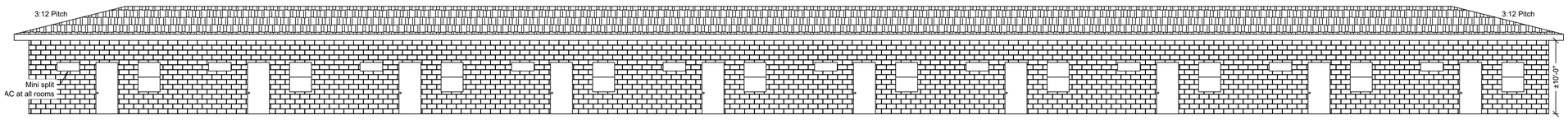
(#) THE NUMBERS IN PARENTHESIS ARE PERCENT REDUCTIONS FOR GRADE 40 FIELD ADDED REBAR.



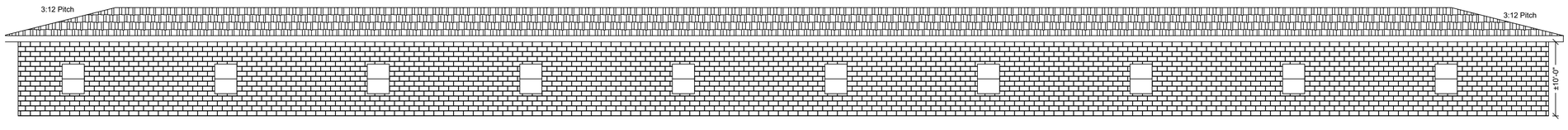
Note:
Each opening requires lintel.
To be selected per required length.



Left or Right Elevation



Front Elevation



Rear Elevation

Electric Symbol Legend

	Outside Light
	Ceiling Light
	Switch
WR/GFI	GFI Outlet
	Outlet
	Ceiling Fan (Optional)
SD CO	Smoke / Carbon Monoxide Detector

No.	Date	Description	By	Chk
1	08/03/23	Added Sprinkler System & Tank / Tower	RJD	KMB
2	10/13/23	Added Driveway and Dimensions of Site Plan	RJD	KMB

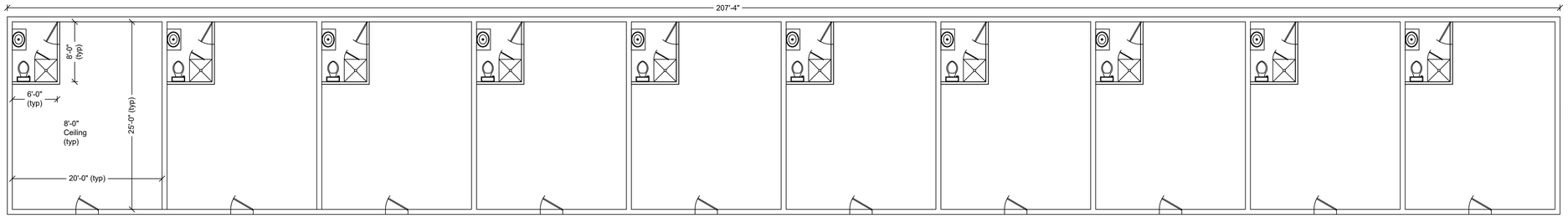
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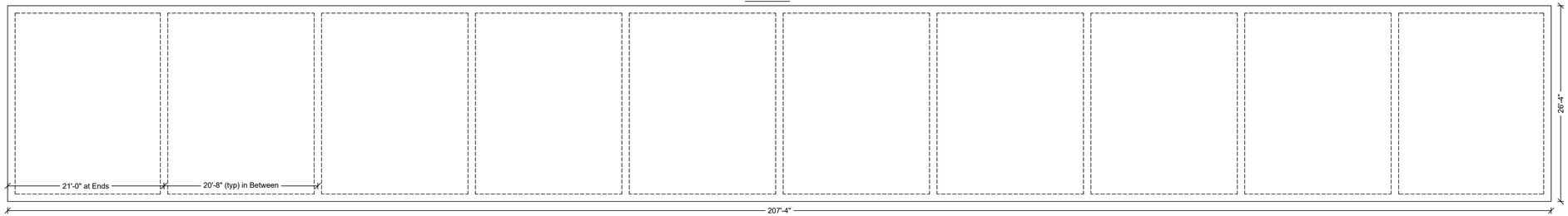
PROJECT INFORMATION:
PREPARED FOR: Integrity Permit Solution, LLC
PROJECT NAME: 0 Doc Lindsey Fort Meade, FL

JOB NUMBER: E03009-23
DATE: 05/11/23
DRAWN BY: RJD
CHECKED BY: KMB
SCALE: NTS
SHEET NUMBER: D-2

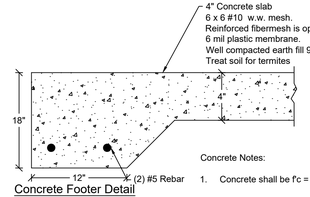
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Plan View



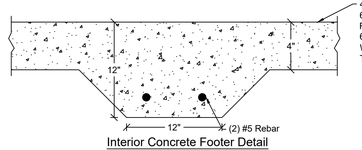
Foundation Plan



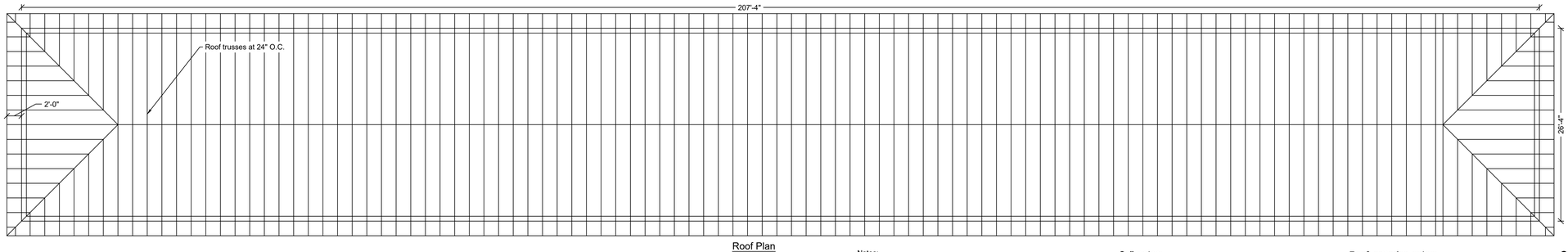
Concrete Footer Detail

Concrete Notes:

1. Concrete shall be f'c = 3000 psi minimum.



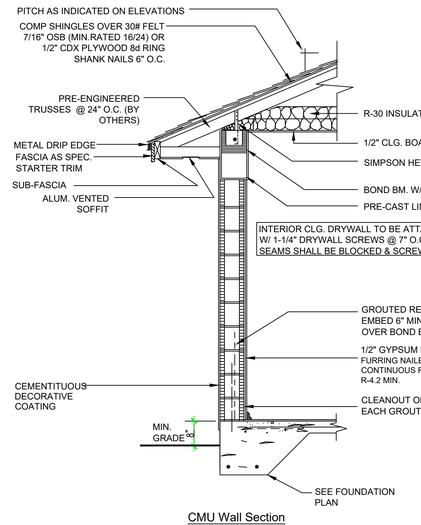
Interior Concrete Footer Detail



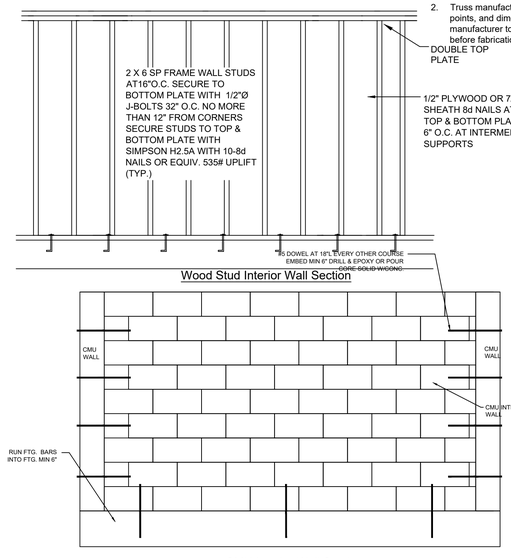
Roof Plan

Notes:

1. This roof plan is not intended to serve as a truss design. it is to indicate roof and ceiling slopes only.
2. Truss manufacturer to verify all truss spans, slopes, bearing points, and dimensions before fabrication. Also, truss manufacturer to provide shop drawings for final approval before fabrication.



CMU Wall Section



Wood Stud Interior Wall Section

CMU Interior Wall Section

Soil notes:

MIN. SOIL BEARING PRESSURE - 2000 PSF

ALL FILL SHALL BE CLEAN SAND, FREE OF ORGANIC AND ANY DELETERIOUS MATERIALS.

Termite treatment:

TERMITE PROTECTION SHALL BE PROVIDED BY REGISTERED TERMICIDES. UPON COMPLETION OF THE APPLICATION, A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT.

METHOD OF TREATMENT SHALL BE APPROVED BY THE GOVERNING JURISDICTION AT THE "PERMIT" STAGE.

Conc. & masonry notes:

ALL CONCRETE SLABS SHALL HAVE 6 x 6W.W.M. OR FIBER MIX OF EQUAL SPECIFICATIONS.

ALL CONC. SHALL HAVE A MIN. COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS FOR SLABS & FTGS.

ALL GROUT IN TIE BEAMS, LINTELS AND FILLED CELL BLOCKS SHALL BE 3000 PSI @ 28 DAYS.

CMUS SHALL BE CONSTRUCTED WITH HOLLOW LOAD BEARING UNITS OF NORMAL WEIGHT TYPE "N" CONFORMING TO ASTM C-90

PROVIDE PRECAST LINTELS OVER ALL OPENINGS U.N.O. ON THE DRAWINGS.

ALL REINF SHALL BE #5 GRADE 40 (MIN.) U.N.O.

REINFORCING BAR SPLICES SHALL OVERLAP A MIN. OF 25" FOR GRADE 40 #5 REBAR.

VERT. REINF. SHALL BE SPACED AS SHOWN ON THE FLOOR PLAN AND THE FOUNDATION PLAN. DIMENSIONS FOR REBAR SPACING DISPLAYED ON THE PLAN ARE A GUIDE ONLY. BUILDER/CONTRACTOR TO VERIFY ALL R.O.

ALL SECTIONS OF C.M.U. GREATER THAN 4' 0" IN LENGTH AND UNBROKEN BY OPENINGS ACT INDEPENDENTLY AS SHEAR WALL SEGMENTS AND INDIVIDUALLY PROVIDE BRACING FOR ADJACENT FORCES MAY BE ASSUMED TO TRANSFER THRU BOND BEAMS TO OTHER SEGMENTS.

ALL DETAILS AND SECTIONS SHOWN ON THE DRAWING ARE INTENDED TO BE TYP. AND SHALL BE CONSTRUED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE ON THE PROJECT EXCEPT WHERE A DIFFERENT DET. IS SHOWN.

Ceiling construction:

1/2" CEILING BOARD OR SAG RESISTANT BOARD SHALL BE USED FOR 24" O.C. FRAMING UNLESS NOTED OTHERWISE.

5/8" TYPE "X" GYPSUM BOARD SHALL BE USED ON WALLS AND OVERHEAD SURFACE BELOW STAIRS AND ON CEILING IN GARAGE AREA IF LIVING SPACE IS ABOVE.

Truss notes:

TRUSS DESIGN AND ENGINEERING SHALL BE PERFORMED BY OTHERS. THE MANUFACTURER SHALL SPECIFY SIZING, CONNECTIONS, FASTENERS, AND SPACING FOR ALL TRUSSES AND TRUSS LAYOUT.

Roof covering notes:

BUILDER/CONTRACTOR TO PROVIDE SPECS. FOR ROOFING MATERIALS TO BE APPLIED ON THIS PROJECT.

R905.2.7 UNDERLAYMENT APPLICATION

UNDERLAYMENT SHALL BE INSTALLED USING ONE OF THE FOLLOWING METHODS.

1. FOR ROOF SLOPES FROM 2 UNITS VERTICAL IN 12 UNITS HORIZONTAL (17% SLOPE), AND LESS THAN 4 UNITS VERTICAL IN 12 UNITS HORIZONTAL (33% SLOPE). UNDERLAYMENT SHALL COMPLY WITH ASTM D 226, TYPE I OR TYPE II OR ASTM D 4869, TYPE II OR TYPE IV OR ASTM D 6757 AND SHALL BE TWO LAYERS APPLIED IN THE FOLLOWING MANNER. APPLY 19" STRIP OF UNDERLAYMENT FELT PARALLEL TO AND STARTING AT THE EAVES, FASTENED SUFFICIENTLY TO HOLD IN PLACE. STARTING AT EAVE, APPLY 36" WIDE SHEETS OF UNDERLAYMENT, OVERLAPPING SUCCESSIVE 19" SHEETS, AND FASTENED WITH 1" ROUND PLASTIC CAP, METAL CAP NAILS OR TIN TABS ATTACHED TO A NAILABLE DECK WITH ONE ROW IN THE FIELD OF THE SHEET WITH A MAXIMUM FASTENERS SPACING OF 12" O.C. AND ONE ROW AT THE OVERLAPS FASTENED AT 6" O.C. SYNTHETIC UNDERLAYMENT SHALL BE FASTENED IN ACCORDANCE WITH THIS SECTION AND MANUF. RECOMMENDATIONS.

2. FOR ROOF SLOPES FROM 4 UNITS VERTICAL IN 12 UNITS HORIZONTAL (33% SLOPE) OR GREATER, UNITS VERTICAL IN 12 UNITS HORIZONTAL (33% SLOPE). UNDERLAYMENT SHALL COMPLY WITH ASTM D 226, TYPE I OR TYPE II OR ASTM D 4869, TYPE II OR TYPE IV OR ASTM D 6757 AND SHALL BE ONE LAYER APPLIED IN THE FOLLOWING MANNER. APPLY SHINGLE FASHION, PARALLEL TO AND STARTING AT THE EAVES LAPPED 2", AND FASTENED WITH 1" ROUND PLASTIC CAP, METAL CAP NAILS OR TIN TABS ATTACHED TO A NAILABLE DECK WITH ONE ROW IN THE FIELD OF THE SHEET WITH A MAXIMUM FASTENERS SPACING OF 12" O.C. AND ONE ROW AT THE OVERLAPS FASTENED AT 6" O.C. SYNTHETIC UNDERLAYMENT SHALL BE FASTENED IN ACCORDANCE WITH THIS SECTION AND MANUF. RECOMMENDATIONS.

3. AS AN ALTERNATIVE, THE ENTIRE ROOF DECK SHALL BE COVERED WITH AN APPROVED SELF-ADHERING POLYMER MODIFIED BITUMEN SHEET MEETING ASTM D 1970 OR AND APPROVED SELF ADHERING SYNTHETIC UNDERLAYMENT INSTALLED IN ACCORDANCE WITH THE MANUF. INSTALLATION INSTRUCTIONS.

VALLEY FLASHING SHALL BE GALV. STEEL 26g NAILED @ 12" O.C.

DRIP EDGE SHALL BE PROVIDED AT EAVES AND GABLES ON SHINGLE ROOFS AND OVERLAP A MIN. OF 2" ATTACHED TO SHEATHING @ 12" O.C.

CONT. FLASHING SHALL BE APPLIED AT WALL/ROOF INTERSECTIONS.

4. SOFFIT TO BE ALUMINUM.

5. ROOF COVERING NOTES
VENT DESIGN CALCULATIONS -
NEW ENCLOSED SPACE = 1125 FT²
1125 FT² / 300 = 3.75 FT² OF TOTAL VENTING REQUIRED.
3.75 FT² * 144 IN²/FT = 540 IN²
540 IN² / 2 = 270 IN² OF FREE VENTING REQUIRED
(2) OFF RIDGE VENTS = (2) (138) = 276 IN²

Field repair notes:

MISSED "J" BOLTS: DRILL HOLE TO ACCEPT 5/8" ATR IN CONC. TO A MIN. DEPTH OF 6". APPLY SIMPSON EPOXY ADHESIVE PER MANUF.

MISSED VERTICAL DOWEL: DRILL 3/4" DIA. HOLE 6" DEEP INSTALL 32"#5 REBAR WITH SIMPSON EPOXY ADHESIVE PER MANUF.

ASSURE THAT ALL DUST AND DEBRIS IS REMOVED FROM HOLES PRIOR TO APPLYING EPOXY.

General notes:

CONVENTIONAL W.H. SHALL HAVE T/P RELIEF VALVE WITH FULL SIZE DRAIN TO 90 DEGREE TURN DN. ELBOW THROUGH EXTERIOR WALL.

ALL PIPING FOR PLUMBING SHALL BE CONCEALED U.N.O.

ALL HOSE BIBS SHALL BE EQUIPPED WITH BACKFLOW PREVENTION DEVICES.

PIPING SHALL BE OFFSET TO AVOID STRUCTURAL MEMBERS, CANTS, FLASHING, MECH. AND ELECTRICAL EQUIPMENT.

ALL HVAC EQUIPMENT, ENERGY CALCULATIONS, DUCT SIZING AND LOCATIONS SHALL BE PROVIDED BY A/C CONTRACTOR.

AIR HANDLERS LOCATED IN ATTIC SPACE SHALL BE EQUIPPED WITH LIGHTING AND A SERVICE OUTLET.

AIR HANDLER LOCATED IN GARAGE SHALL HAVE 26 GA. (MIN.) SHEET METAL DUCTWORK BETWEEN GARAGE AND LIVING AREA. THERE SHALL BE NO OPENINGS INTO THE GARAGE.

HVAC CONDENSER(S) SHALL BE INSTALLED TO CONC. PAD USING 4 - 3/8" x 1 1/2" TAPCONS OR 4 - #8 HLTE x 1" CONDENSER SHALL BE SITE LOCATED BY A/C CONTRACTOR.

CONDENATE LINES AND D.B. SHALL DISCHARGE AT LEAST ONE (1) FOOT FROM THE STRUCTURE SIDEWALL WHETHER BY TAIL EXTENSIONS, UNDERGROUND PIPING OR SPLASH BLOCKS.

DRYER VENT SHALL NOT BE MADE OF FLEXIBLE LINE.

Wood construction notes:

``FRAMING LUMBER SHALL BE KILN DRIED Fb = 1200 NO. 2 DIMENSION SOUTHERN PINE/SPRUCE/PINE/FIR OR EQUAL. GRADING STAMP SHALL BE ON THE LUMBER.

PLYWD. SHALL BE APA RATED SHEATHING GROUP 1, EXPOSURE 1 AND THE THICKNESS SHALL BE AS SHOWN.

O.S.B. IS AN ACCEPTABLE ALTERNATIVE TO PLYWD.

ALL EXTERIOR FRAME WALLS SHALL BE SHEATHED AS SHOWN IN DETAILED DRAWINGS. FRAME WALLS GREATER THAN 4' 0" IN LENGTH AND UNBROKEN BY OPENINGS ACT INDEPENDENTLY AS SHEAR WALLS. FORCES MAY BE ASSUMED TO TRANSFER THRU HEADERS TO OTHER SEGMENTS.

FIRE BLOCKING SHALL BE APPLIED IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES, VERT. AT THE CEILING AND FLOOR LEVELS AND HORIZ. AT 10' INTERVALS.

FIRE BLOCKING SHALL BE APPLIED IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN.

FIRE BLOCKING SHALL BE APPLIED AROUND VENTS, PIPES, DUCTS AND CHIMNEYS AT CEILING AND FLOOR LEVELS. (NON-COMBUSTIBLE MATERIAL AT CHIMNEYS AND FIREPLACES.)

ALL WOOD MEMBERS EXPOSED TO WEATHER OR IN CONTACT WITH MASONRY, CONC. OR SOIL SHALL BE P.T.

PRE-ENGINEERED TRUSS DESIGN, SPACING AND CALCULATIONS SHALL BE PROVIDED WITH SHOP DRAWINGS BY THE MANUF.

ATTIC ACCESS SHALL BE SITE LOCATED IN GARAGE. IF LOCATED IN CONDITIONED SPACE ACCESS PANEL MUST SEAL TO MEET THE ENERGY CODE. MIN. SIZE: 22 1/2" x 30"

DESIGN CRITERIA:

1. FBC 2020 7TH EDITION
   NEC 2017
   ELECTRICAL 2020
   PLUMBING 2020
2. TRUSS LOADING: TOP CHORD DEAD LOAD = 10 PSF
   TOP CHORD LIVE LOAD = 20 PSF
   BOTTOM CHORD DEAD LOAD = 10 PSF
   BOTTOM CHORD LIVE LOAD = 0 PSF
3. WIND VELOCITY: V_{ULT} = 140 MPH
   V_{ASD} = 108.5

Wind Notes:

1. These drawings conform to the 2020 FBC 7th Edition.
2. Wind Velocity, V = 140mph, Vasd = 108.5mph
3. Exposure Category = B
4. Risk Category = II
5. ENCLOSED Building

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Phone: (863) 875-0047 Fax: (863) 875-0048
www.BBDEngineering.com

REVISIONS:

No.	Date	Description	By	Chk

Preliminary

PROJECT INFORMATION:

PREPARED FOR:
Integrity Permit Solution, LLC

PROJECT NAME:
0 Doc Lindsey
Fort Meade, FL

JOB NUMBER: E03009-23

DATE: 04/28/23

DRAWN BY:	CHECKED BY:
RJD	KMB

SCALE: NTS

SHEET NUMBER: D-1

Section 910 Impact Assessment Statements

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A. ***Land and Neighborhood Characteristics***

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses;

2. Provide a site plan showing each type of existing and proposed land use;

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;

4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and

5. Describe each of the uses proposed in a Planned Development and identify the following:

   a. The density and types of residential dwelling units;

   b. The type of commercial and industrial uses;

   c. The approximate customer service area for commercial uses; and

   d. The total area proposed for each type of use, including open space and recreation.

B. ***Access to Roads and Highways***

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;

2. Indicate what modifications to the present transportation system will be required as a result of the proposed development;

1. Discuss the impact the proposed development will have on surface water quality;

2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project;

3. Describe the impact of such alterations on the fish and wildlife resources of the site; and no lakes or any type of bodies of water near by

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site. none.

F. ***Population***

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses; Unit 1 for farmworker sleeping purpose. 70 people

2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift; The employee will not be working on this property only for sleeping purpose

3. Indicate the expected demographic composition of the additional population (age/socio-economic factors); and

4. Describe the proposed service area and the current population thereof. Proposed service if sleeping

G. ***General Information***

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and

2. Discuss the demand on the provision for the following services:

   a. Parks and Recreation; no demand/workers are on property only for sleeping purpose and live in Florida for

   b. Educational Facilities (preschool/elementary/middle school/high school); School 10 miles away no need for school the site is only for sleeping and minors allowed.

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and A driveway will be layed out on property

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes. Farm workers Bus

C. ***Sewage***

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development; 760 gallons per day

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed;

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems;

4. Identify the service provider; and Septic Tank.

5. Indicate the current provider's capacity and anticipated date of connection.

D. ***Water Supply***

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment; Water well

2. Identify the service provider;

3. Calculate the estimated volume of consumption in gallons per day (GPD); and 5,600 or less

4. Indicate the current provider's capacity and anticipated date of connection.

E. ***Surface Water Management and Drainage***

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

c. Health Care (emergency/hospital); 20 miles to the nearest hospital.

d Fire Protection; Building has sprinklers. nearest fire Rescue

e. Police Protection and Security; and nearest police station 10.4 miles 10 miles

f. Electrical Power Supply Duke Energy is 20 miles

H. ***Maps***

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

3. Map A: A location map showing the relationship of the development to cities, highways, and natural features;

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;

5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;

6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths.

8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type,

A. Land and Neighborhood Characteristics

1. Show How and why is the site suitable for the proposed uses?

   Answer**: The site is located on 12 acres on Agriculture exempt property**

2. Provide a site plan showing each type o existing an proposed land use:

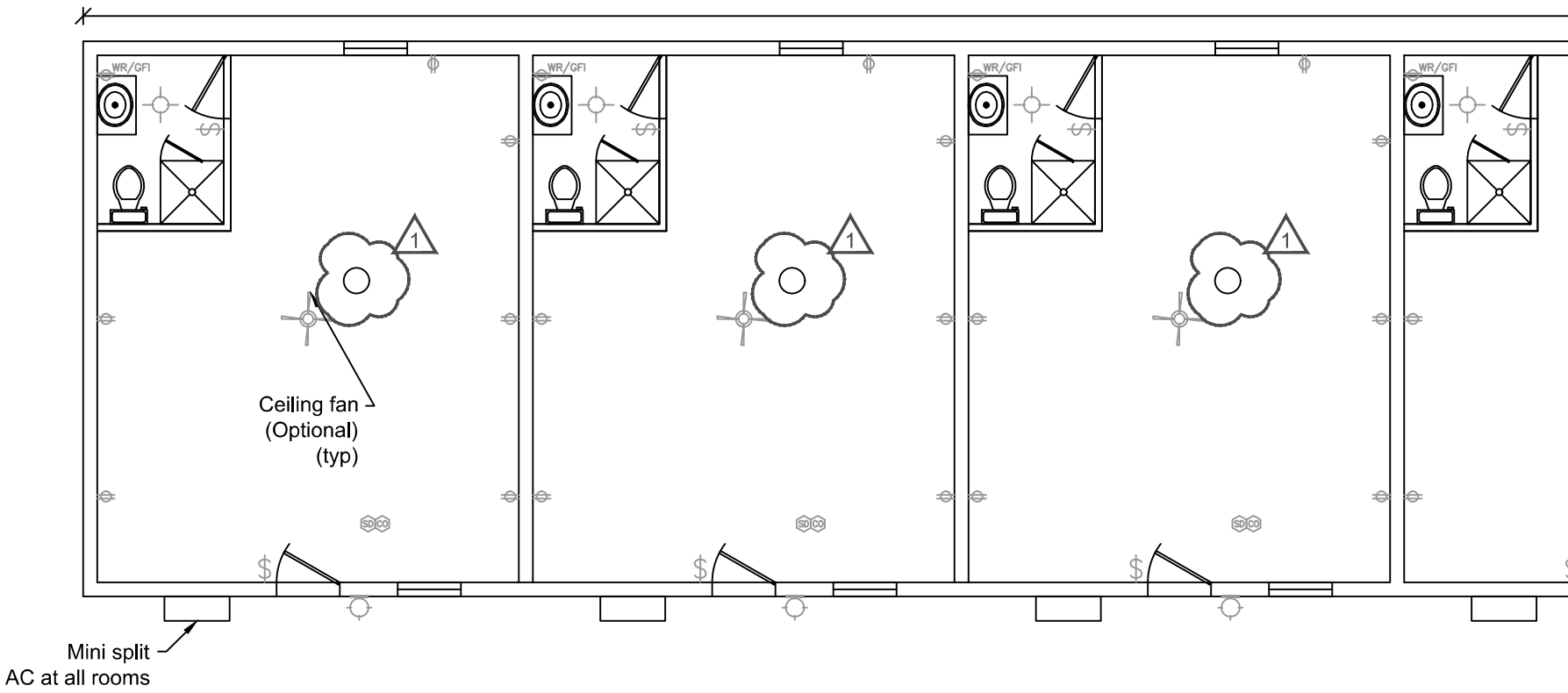
   Answer: **Please refer to engineer plans**

3. Describe any incompatibility and special efforts needed to minimize the difference in the Proposed use with adjacent uses:

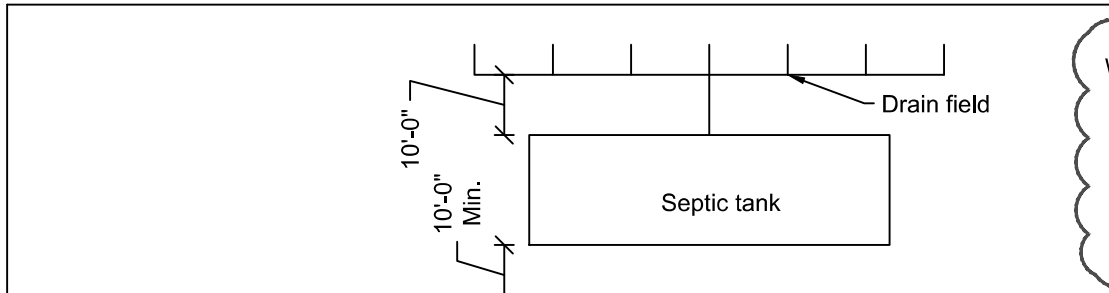
   Answer: **Areas classified as Agriculture /Residential Rural are located within the rural areas of Polk County . Lands in this category are not within the urban areas but may be adjacent to the urban area. All development within an A/RR classification shall be designed in a manner compatible with adjacent Agricultural activities, including the provision of adequate buffering.**

4. Explain how the requested district may influence future development patterns if the proposed change is in an area presently undeveloped; and

   Answer: **Farm worker have been placed and known to live in poor living conditions and by developing this proposed building it would give them a better way of housing, it will be a healthier way of living and encourage other farmers to do for their workers.**



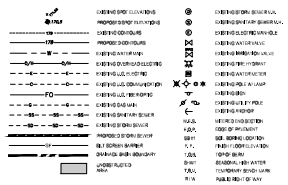
Note:
Final size and location of water tank / tower per licensed contractor.

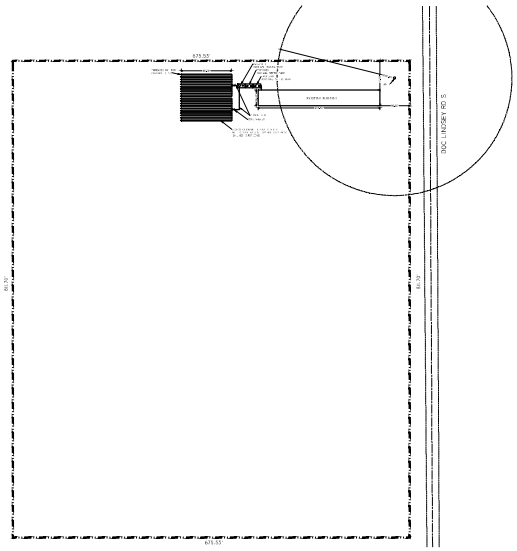


100 0 50 100 200

GRAPHIC SCALE
1 INCH = 100 FT.

LEGEND:





OVERALL SITE PLAN
SCALE: 1" = 100'

DESIGN CRITERIA

TABLE 1-64E-6.008 SYSTEM SIZE DETERMINATIONS

Work Camp

SYSTEM REQUIREMENTS - TABLE II

PROPOSED 3300 GAL SEPTIC TANK IN SERIES W/
PROPOSED 1500 GAL SEPTIC TANK IN SERIES W/
PROPOSED 3000 GALLON DOSING TANK
1/2 HP LIBERTY SUBMERSIBLE SEWAGE
PUMP (MODEL LE50A) OR EQUAL

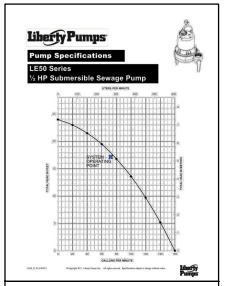
USE: PTI-9 PIPE
3" HEADER MANIFOLD
1-1/2" LATERALS

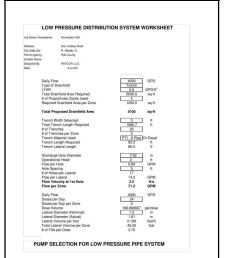
DRAINFIELD SIZE - 4,000 gpd / 0.8 L.F. = 5,000 sq-ft min
INSTALL 5,100 SQ-FT

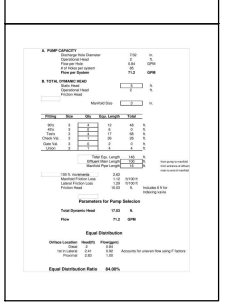
WSWT (TBD) BELOW GRADE- END MANIFOLD CONFIGURATION

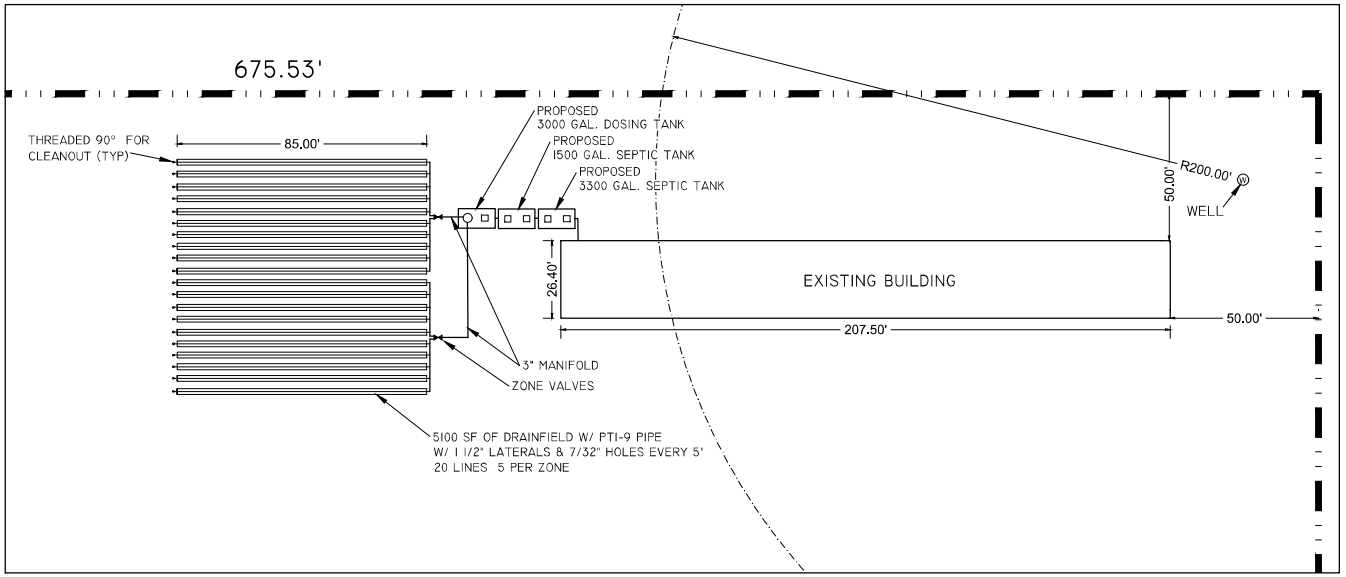
DESIGN: 20 LATERALS - 85' LONG (4/ZONE)
7/32" HOLES - SPACED EVERY 5'
0.84 GPM @ EACH HOLE - 85 HOLES PER ZONE
NEED 71.2 GPM PER ZONE

STATIC HEAD - 5 FT, SYSTEM OPERATING HEAD - 2 FT
FRICTION HEAD-10.03 FT, TOTAL DYNAMIC HEAD- 17.03 FT
PUMP PRODUCES 75 GPM @ 17.2' OF HEAD
DOSING TIME: 2.22 MIN









DRAINFIELD DETAIL
SCALE: 1" = 20'

GENERAL NOTES:

1. ALL PIPING SHALL BE SCHEDULE 40 PVC OR EQUIVALENT
2. ALL PIPING SHALL BE CONNECTED W/ SOLVENT WELDED CONNECTIONS
3. PUMPS TO DOSE ALTERNATELY
4. DUAL ALTERNATING CONTROL PANEL SHALL BE USED
5. EACH PUMP SERVES HALF OF THE DRAINFIELD
6. CONTRACTOR SHALL PROVIDE ACCESS TO DOSING TANK WITHIN 8" OF FINISH GRADE(RISER TO GRADE)
7. LATERALS TO BE SEALED AT DISTAL END W/ PVC SCH 40 CAP
8. CONTRACTOR TO VERIFY THAT ALL TANKS ARE SINGLE COMPARTMENT.

NOTES:

1. FOR THE LOW PRESSURE DOSING DESIGN ONLY.
2. THE UNDERSIGNED AND HAYCOR, LLC MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, RIGHTS-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS. THE SITE PLAN SHOWN HEREIN WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE AND THE LOT LAYOUT DISTANCES, BEARINGS, ELEVATIONS AND IMPROVEMENTS OBTAINED FROM A SURVEY PROVIDED BY OTHERS.

sunshine state ONE CALL 811
DIAL 811
Local No. 1-800-432-4770
Call 48 hours before you dig.

No.	DATE	APPROVED
1		

HAYCOR, LLC
3736 Knights Station Rd
Lakeland, FL. 33810
Mobile: (863) 581-4188
Office: (863) 248-6082
Certificate of Authorization No. 33599

Horizontal Scale:	NOTED	Filename:	
Vertical Scale:	N/A	View:	-
Initial dwg. date:	06-30-23	Designed/Drawn by:	SEG
Current dwg. date:	----	Checked by:	ARB

Residence
0 Doc Lindsey Road
Fort Meade, Polk County Florida

PROJECT No. 23-1703

Sheet No. 1

ANDREW R. BRITT, P.E. 83216 - CA#29031
Certification not valid without original signature and date.
DATE:

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

PERMIT #: 53-SB-2667961
APPLICATION #: AP1952508
DATE PAID:
FEE PAID:
RECEIPT #:
DOCUMENT #: PR1979009

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: Enrique Fernandez

PROPERTY ADDRESS: 0 Doc Lindsey Rd Fort Meade, FL 33841

LOT: NA BLOCK: NA SUBDIVISION: N/A

PROPERTY ID #: 263123-000000-011010 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER] [OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [4,800] GALLONS / GPD New Septic Tank W/ Baffle & Filter CAPACITY
A [ ] GALLONS / GPD CAPACITY
N [ ] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]
K [3,000] GALLONS DOSING TANK CAPACITY [366.67]GALLONS @[6]DOSES PER 24 HRS #Pumps [2]

D [5,000] SQUARE FEET Low Pressure Dose SYSTEM
R [ ] SQUARE FEET SYSTEM
A TYPE SYSTEM: [ ] STANDARD [x] FILLED [ ] MOUND [ ]
I CONFIGURATION: [x] TRENCH [ ] BED [ ]
N
F LOCATION OF BENCHMARK: Red Dot Side of the Road
I ELEVATION OF PROPOSED SYSTEM SITE [3.00][INCHES / FT][ABOVE / BELOW]BENCHMARK/REFERENCE POINT
E BOTTOM OF DRAINFIELD TO BE [4.00][INCHES / FT][ABOVE / BELOW]BENCHMARK/REFERENCE POINT
L
D FILL REQUIRED: [17.00] INCHES EXCAVATION REQUIRED: [ ] INCHES

O T H E R

Each pump serves 1/2 of required absorption area pumps to dose alternately.

Pumps must be certified as suitable for distributing sewage effluent.

PE Design Required.

SPECIFICATIONS BY: Andrew R Britt TITLE: P.E. #83216

APPROVED BY: Matthew A Nickerson TITLE: Environmental Manager Polk CHD

DATE ISSUED: 07/18/2023 EXPIRATION DATE: 01/18/2025

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)
Incorporated: 64E-6.003, FAC

v 1.1.4 AP1952508 SE1839709

NOTICE OF RIGHTS

A party whose substantial interest is affected by this order may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Such proceedings are governed by Rule 28-106, Florida Administrative Code. A petition for administrative hearing must be in writing and must be received by the Agency Clerk for the Department, within twenty-one (21) days from the receipt of this order. The address of the Agency Clerk is 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The Agency Clerk's email is agency_clerk@FloridaDEP.gov.

Mediation is not available as an alternative remedy.

Your failure to submit a petition for hearing within 21 days from receipt of this order will constitute a waiver of your right to an administrative hearing, and this order shall become a 'final order'.

Should this order become a final order, a party who is adversely affected by it is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Environmental Protection and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of rendition of the final order.

C4

0-00C Lindsey Rd
Ft Meade FL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

PERMIT NO. _____

SITE EVALUATION AND SYSTEM SPECIFICATIONS

APPLICANT: Enrique Fernandez AGENT: Integrity Permit Solutions

LOT: N/A BLOCK: N/A SUBDIVISION: N/A

PROPERTY ID #: 263123-000000-011010 [Section/Township/Parcel No. or Tax ID Number]

TO BE COMPLETED BY ENGINEER, HEALTH DEPARTMENT EMPLOYEE, OR OTHER QUALIFIED PERSON. ENGINEERS MUST PROVIDE REGISTRATION NUMBER AND SIGN AND SEAL EACH PAGE OF SUBMITTAL. COMPLETE ALL ITEMS.

PROPERTY SIZE CONFORMS TO SITE PLAN: [√] YES [ ] NO NET USABLE AREA AVAILABLE: 12.11 ACRES

TOTAL ESTIMATED SEWAGE FLOW: 760 GALLONS PER DAY [TABLE I / OTHER]

AUTHORIZED SEWAGE FLOW: 18165 GALLONS PER DAY (1500) GPD/ACRE OR ~~2500~~ GPD/ACRE]

UNOBSTRUCTED AREA AVAILABLE: 15007 SQFT UNOBSTRUCTED AREA REQUIRED: 1425 SQFT

R.P = 52"

BENCHMARK/REFERENCE POINT LOCATION: Red dot Side of The Rd

ELEVATION OF PROPOSED SYSTEM SITE IS 3 [INCHES/~~FT~~] [~~ABOVE~~ (BELOW) ~~BENCHMARK~~/REFERENCE POINT

THE MINIMUM SETBACK WHICH CAN BE MAINTAINED FROM THE PROPOSED SYSTEM TO THE FOLLOWING FEATURES

SURFACE WATER: N/A FT DITCHES/SWALES: _____ FT NORMALLY WET? [ ] YES [√] NO

WELLS: PUBLIC: N/A FT LIMITED USE: N/A FT PRIVATE: 75 FT NON-POTABLE: N/A FT

BUILDING FOUNDATIONS: 7 FT PROPERTY LINES: 10 FT POTABLE WATER LINES: 30 FT

SITE SUBJECT TO FREQUENT FLOODING: [ ] YES [√] NO 10 YEAR FLOODING? [ ] YES [√] NO

10 YEAR FLOOD ELEVATION FOR SITE: N/A FT MSL/NGVD SITE ELEVATION: N/A FT MSL/NGVD

SOIL PROFILE INFORMATION SITE 1 = S5

MUNSELL #/COLOR		TEXTURE	DEPTH
10YR	6/1	FS	0 TO 6
10YR	6/2	FS	6 TO 12
10YR	4/2	FS	12 TO 25
10YR	5/2	FS	25 TO 30
10YR	4/3	FS	30 TO 40
10YR	6/2	FS	40 TO 45
10YR	7/3	FS	45 TO 60
10YR	7/2	FS	60 TO 72
			TO
USDA SOIL SERIES:		Narcoossee Like	

SOIL PROFILE INFORMATION SITE 2 = S6

MUNSELL #/COLOR		TEXTURE	DEPTH
10YR	6/1	FS	0 TO 8
10YR	5/2	FS	8 TO 14
10YR	4/2	FS	14 TO 24
10YR	6/2	FS	24 TO 32
10YR	4/3	FS	32 TO 41
10YR	6/2	FS	41 TO 46
10YR	7/3	FS	46 TO 61
10YR	7/2	FS	61 TO 72
			TO
USDA SOIL SERIES:		Narcoossee Like	

map as Duette

OBSERVED WATER TABLE: 60 INCHES [~~ABOVE~~ / (BELOW) EXISTING GRADE. TYPE: [~~PERCHED~~ / (APPARENT)]

ESTIMATED WET SEASON WATER TABLE ELEVATION: 25 INCHES [~~ABOVE~~ / (BELOW) EXISTING GRADE

HIGH WATER TABLE VEGETATION: [ ] YES [√] NO WSWT INDICATOR: [√] YES [ ] NO DEPTH: 25 INCHES

SOIL TEXTURE/LOADING RATE FOR SYSTEM SIZING: FS .8 DEPTH OF EXCAVATION: N/A INCHES

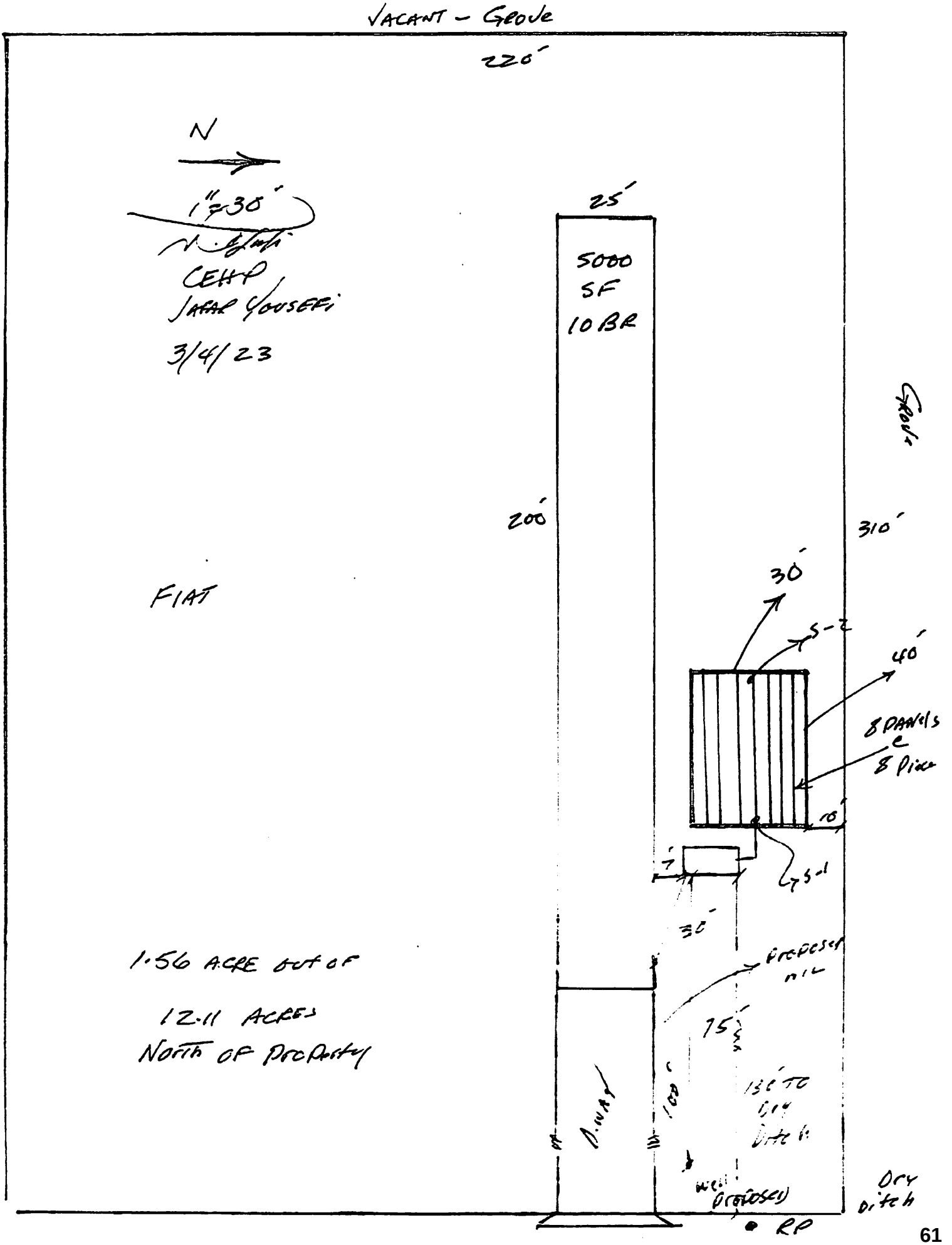
DRAINFIELD CONFIGURATION: [√] TRENCH [ ] BED [ ] OTHER (SPECIFY) _____

REMARKS/ADDITIONAL CRITERIA:

10YR 6/2 stripping at 25" in 10YR 5/2 matrix at site 2

SITE EVALUATED BY: Jacob Jansen CEHP DATE: 3/4/23

DEP 4015, 06-21-2022 (Obsoletes previous editions which may not be used)


VACANT – GROVE
220'
N
1" = 30'
CEHP
JAFAR YOUSEFI
3/4/23
25'
5000
SF
10 BR
VACANT
200'
310'
FIAT
30'
S-2
40'
8 PANELS
8 PIECE
10'
7'
S-1
30'
1.56 ACRE OUT OF
12.11 ACRES
NORTH OF PROPERTY
PROPOSED
75'
150' TO
DITCH
WELL
PROPOSED
DRY
DITCH
RP

Integrity Permit
863-308-4682

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
APPLICATION FOR CONSTRUCTION PERMIT

PERMIT NO. 2667961
DATE PAID: _____
FEE PAID: _____
RECEIPT #: _____

APPLICATION FOR:

[X]	New System	[ ]	Existing System	[ ]	Holding Tank	[ ]	Innovative
[ ]	Repair	[ ]	Abandonment	[ ]	Temporary	[ ]	_____

APPLICANT: Enrique Fernandez

AGENT: HAYCOR, LLC Andrew Britt, P.E.#83216 TELEPHONE: 863-581-4485

MAILING ADDRESS: 3736 Knights Station Road, Lakeland, FL 33810 andrew.wbeng@gmail.com
integrity permitrunner@gmail.com

TO BE COMPLETED BY APPLICANT OR APPLICANT'S AUTHORIZED AGENT. SYSTEMS MUST BE CONSTRUCTED BY A PERSON LICENSED PURSUANT TO 489.105(3)(m) OR 489.552, FLORIDA STATUTES. IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE DOCUMENTATION OF THE DATE THE LOT WAS CREATED OR PLATTED (MM/DD/YY) IF REQUESTING CONSIDERATION OF STATUTORY GRANDFATHER PROVISIONS.

PROPERTY INFORMATION

LOT: -- BLOCK: -- SUBDIVISION: -- PLATTED: --

PROPERTY ID #: 26-31-23-000000-011010 ZONING: Res I/M OR EQUIVALENT: [Y / N]

PROPERTY SIZE: 12.11 ACRES WATER SUPPLY: [ ] PRIVATE PUBLIC [ ]<=2000GPD [X]>2000GPD

IS SEWER AVAILABLE AS PER 381.0065, FS? [Y / N] DISTANCE TO SEWER: -- FT

PROPERTY ADDRESS: 0 Doc Lindsey Road, Fort Meade, FL 33841

DIRECTIONS TO PROPERTY: _____

BUILDING INFORMATION [X] RESIDENTIAL [ ] COMMERCIAL

Unit No	Type of Establishment	No. of Bedrooms	Building Area Sqft	Commercial/Institutional System Design Table 1, Chapter 64E-6, FAC
1	Work Camp			80 workers @ 50 gpd
2				4,000 gpd Total
3				
4				

[-] Floor/Equipment Drains [-] Other (Specify) _____

SIGNATURE: Andrew Britt DATE: 7-5-23

Gmail Nora Frayre <integritypermitrunner@gmail.com>

Opposition to Case LDCU-2023-42

Nora Frayre <integritypermitrunner@gmail.com> Sat, Dec 2, 2023 at 8:16 PM
To: "Kaufman, Angela" <AngelaKaufman@polk-county.net>

I have read all the emails and everyone's concerns. Per the H-2A regulations, Mr Fernandez has a few duties that he must comply with as a crew leader and that is to provide his workers with housing overnight lodging, meals and transportation. structure or dwelling unit intended to As a crew leader Mr Fernandez has to follow the labor regulations governed by the H-2A program. The H-2 A program is a federal nonimmigrant visa program that allows agricultural employers to hire foreign workers for a TOUGH to fill seasonal jobs. The farm workers come here to work under a work visa and seasonal and to obtain a work visa a criminal background check is performed. The farmworkers habitable structure sits on a parcel with 12 acres and is an agricultural exempt property A/RR zoning. I have provided a site plan and engineer plans that show the buses as a form of transportation, rooms with full bathrooms for overnight lodging and hot meals will be provided at job sites and delivered over the weekends or days off. The buses will transport workers to the grocery store or any other places for personal services . The septic's permit and septic engineer plans were also provided. The septic will be installed to meet the health department standards just like the well water , The senior planner Amy reached out to me with her main concern of a microwave and refrigerator. A microwave and small refrigerator can be installed in each room if necessary. The neighbors that have reached out to the commissioners office with concerns live 2.5 miles from the discussed property that sits in the remote area. Mr Ferandez the owner of the land will provide all basic life necessities to his workers.

Per section 381.00896 FI Statutes 1) The Legislature declares that it is the policy of this state that each county and municipality must permit and encourage the development and use of a sufficient number and sufficient types of farmworker housing facilities to meet local needs. The Legislature further finds that discriminatory practices that inhibit the development of farmworker housing are a matter of state concern.
[Quoted text hidden]

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-42 (Doc Lindsey Farm Worker Housing)

Applicant: Nora Frayre

Property Owner: Enrique Fernandez

Hearing Date: February 7, 2024

I. Request:

This is a request for a Conditional Use approval of a Barrack Style Farm Worker Dormitory serving up to 70 workers on 12.11 acres in an Agricultural Residential Rural (A/RR) district.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony and exhibits presented during the hearing:

1. Pursuant to Section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 Review application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met, if the development was built.
2. The Application is inconsistent with all relevant requirements of the LDC, including without limitation, Sections 906, and 303.

3. The Application is inconsistent with applicable policies of the Comprehensive Plan.

4. The Application is incompatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Planning Commission's Decision:

Based upon the evidence and testimony presented to the Planning Commission and the foregoing findings, the Application is DENIED.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application with the Land Development Division within 7 calendar days after the Planning Commission hearing.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February 2024, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chairman Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Planning Commission Oppositon/Support Call Log

Case #:	LDCU-2023-42	**Hearing Date:**	7-Feb-24

Name:	Jayne Bates Residential property owner and Citrus grower in this area.
Address:	5400 Trask Rd., Ft. Meade
Comment:	Opposed to the placement of a farm worker housing barracks in this location due to it's remote location. These workers will not have anywhere to go or anything to do during their down time. There is no place to shop or recreational activities for these people.
Opposition	

Name:	Mark Bates Residential property owner and Citrus grower in this area.
Address:	5400 Trask Rd., Ft. Meade
Comment:	Opposed to the placement of a farm worker housing barracks in this location due to it's remote location. These workers will not have anywhere to go or anything to do during their down time. There is no place to shop or recreational activities for these people.
Opposition	

Name:	
Address:	
Comment:	
Support or Opposition	

Name:	
Address:	
Comment:	
Support or Opposition	

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: Contesting a conditional use Case: LDCU-2023-42
Date:	Tuesday, November 14, 2023 10:15:46 AM

From: Suggs, Kay <KaySuggs@polk-county.net> **On Behalf Of** Lindsey, George
Sent: Tuesday, November 14, 2023 10:12 AM
To: White, Margo <MargoWhite@polk-county.net>
Subject: FW: Contesting a conditional use Case: LDCU-2023-42

From: Lee Farnsworth <LFarnsworth@fmcpas.com>
Sent: Tuesday, November 14, 2023 10:01 AM
To: Combee, Neil <NeilCombee@polk-county.net>
Cc: Lindsey, George <GeorgeLindsey@polk-county.net>; Wilson, Rick <RickWilson@polk-county.net>; Braswell, Bill <BillBraswell@polk-county.net>
Subject: [EXTERNAL]: Contesting a conditional use Case: LDCU-2023-42

> Some people who received this message don't often get email from lfarnsworth@fmcpas.com. Learn why this is important

Gentlemen:

My wife and I would like to contest changes requested in the referenced, #2 near Lake Buffum for an approximate 70 person barracks.

First my wife and I bought this property in 2021 to move the country and enjoy the peace of country living.

As it stands right now, there are approximately 12 residences directly facing Lake Buffum Road West. Based on my knowledge of given residences and guessing at a few ohers, there may be approximately 33 people included in these homes. I believe that an additional 70 persons living nearby and accessing Lake Buffum Road West would create an inordinate amount of traffic, rendering the road very hazardous. While maybe not correct, I see local youth riding go-karts and atv's up and down Lake Buffum Road. Mixing an additional 70 persons would definitely increase the dangers of country living.

Also, the Lake Buffum Road is not overly wide and often occupied with moving farm vehicles, tractors and semi-tractor-trailers in the ag industry. Again, I think the inclusion of an additional 70 persons would endanger all the residents using this roadway.

While Mr. Compton has spoken about transients and the safety of our neighbors , for which I agree, I would not think this locale is good because such persons have no easy access to purchase food, clothing and other needs. Another locale to better serve their needs would be more appropriate.

Finally, as I have spoken to another commissioner on several occasions, the infrastructure of this area may not adequate for such an increase.

Sincerely,

Danita and Lee Farnsworth
2180 Lake Buffum Road West,
Ft Meade, Fl

(863) 648-6110

jmsmokey@windstream.net

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: [EXTERNAL]: contesting a conditional use Case: LDCU-2023-42
Date:	Monday, November 13, 2023 12:19:36 PM
Attachments:	image001.png

From: Pereira, Ana <AnaPereira@polk-county.net> **On Behalf Of** Combee, Neil
Sent: Monday, November 13, 2023 12:15 PM
To: White, Margo <MargoWhite@polk-county.net>
Subject: FW: [EXTERNAL]: contesting a conditional use Case: LDCU-2023-42

Good afternoon,

Please see email below.

Thank you,

Ana C. Pereira
Executive Assistant
Polk County Board of County Commissioners
330 W. Church St. , PO Box 9005, Drawer BC01
Bartow, FL 33831-9005
Phone: 863-534-6049; 863-534-6422
AnaPereira@polk-county.net www.polk-county.net

From: keywestcasey <keywestcasey@protonmail.com>
Sent: Monday, November 13, 2023 11:23 AM
To: Combee, Neil <NeilCombee@polk-county.net>
Cc: Lee Farnsworth <LFarnsworth@fmcpas.com>; Lindsey, George <GeorgeLindsey@polk-county.net>; Wilson, Rick <RickWilson@polk-county.net>; Braswell, Bill <BillBraswell@polk-county.net>
Subject: [EXTERNAL]: contesting a conditional use Case: LDCU-2023-42

> You don't often get email from keywestcasey@protonmail.com. Learn why this is important

Gentlemen,

We would like to contest the changes requested in the attached, #2 near Lake Buffum. We live here, and this would be a major departure from the rise in rural dwellings, along with the property values for the area. While there is a need for farm related dwellings, a 70 unit barracks is

extremely destructive to the property values in the area. This is a primary road leading to the Lake, which is residential in nature. A more appropriate venue could be found for such housing, rather than this locale.

More and more rural homes are being built, in fact the area has been subdivided into 5 and 10 acre parcels only a few steps away from this proposed change. Residences provide far better tax revenue for the county than would an agricultural 70 unit barracks. This would dramatically affect literally hundreds of property values in the area. We have already seen an increase in poaching and trespassing within the area, and an increase in theft. While transients are not to be lumped together for these, transient farm housing does not add additional safety to the area.

Everyone who has mentioned this to me in the area is adamantly against such a use. I have also copied Lee Farnsworth on this email, as he is also a locally affected resident in opposition to this change. He may email you directly.

Casey and Mariela Compton
Lake Buffum Road West

Sent with Proton Mail secure email.

NOTICE OF PUBLIC HEARINGS ON CONDITIONAL USES, AMENDMENTS TO THE POLK COUNTY COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE AND OTHER ORDINANCES

PUBLIC NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, DECEMBER 6, 2023, at 9:00 a.m.**, or as soon thereafter as the particular case may be heard, in the Board Room, County Administration Building, 330 West Church Street, Bartow, Florida, the **Planning Commission** will hold a Public Hearing on the following cases:

1. Case File LDCU-2023-40

Elevation Ridgewood LLC, owner, Bart Allen of Peterson & Myers, P.A., applicant, request a Conditional Use (CU) approval of a carwash and self-storage facility within a Professional Institutional-X (PIX) Land Use district on 10.32 +/- acres. The subject site is located at 40990 Highway 27, south of Holly Hill Ramp Road 1, north of Sand Hill Road, west of Ridgewood Lakes Boulevard, east of FDC Grove Road, east of the city of Davenport in Section 30, Township 26, Range 27.

2. Case File LDCU-2023-42

Enrique Fernandez, owner, Nora Frayre, applicant, request a Conditional Use (CU) approval of a Barrack Style Farmworker Dormitory serving 70 workers in an Agricultural Residential Rural (A/RR) district on 12.11 +/- acres. The subject site is located west of Doc Lindsey Road, north of Lake Buffum Road South, south of Murray Road, east of Lake Buffum Road West, east of the city of Fort Meade in Section 23, Township 31, Range 26.

3. Case File LDCU-2023-47

Heifer Hill Inc., owner, Timothy Campbell of Clark, Campbell, Lancaster, Workman & Airth, P.A., applicant, request a Conditional Use (CU) approval for a Fly-In Community consisting of three (3) lots on approximately 159.80 +/- acres within an Agricultural Residential Rural-X (A/RRX) Land Use district. The subject property is located at 292 Water Hole Road, south of T S Willson Road, west of Rucks Dairy Road, east of Old Avon Park Road, north of Oak Island Road, south of the city of Frostproof in Section 14, Township 32, Range 28.

4. Case File LDPD-2023-19

GGAJ I Investments LLC, owner, and Chirag Kikani of Terravest Global Engineering Services LLC, applicant, request a Planned Development (PD) approval for increased density for a townhome development for 44 townhomes in Residential Low (RL) and Commercial Activity Center (CAC) Land Use districts and Transit Supportive Development Area (TSDA) and Transit Corridors and Centers Overlay (TCCO) on 6.37 +/- acres. The subject site is located east of US Highway 98, south of Daughtery Road and Olender Drive, west of Sands Point Dice and north of Princeton Street, east and north of the city of Lakeland in Section 24, Township 27, Range 23.

5. Case File LDPD-2023-29

Poinciana Parkway SPE LLC, owner, and John Adams of RJ Whidden and Associates, applicant, is requesting a modification to PUD 71-10 in Poinciana Village 6 Neighborhood 3 NW to allow 909 single-family attached units. The request includes 40-foot-wide lots and establishes setbacks in the Poinciana Development of Regional Impact (DRI) and the Rural Development Area (RDA) on 335.93 +/- acres. The subject property is located east of Marigold Avenue, north of Lake Hatchineha Road, south of Palmetto Street, southwest of the Osceola County Line, east of Haines City in Section 01,

From:	MELANIE BONTRAGER
To:	Little, Amy; Irizarry, Lisa; Nance, Ivan; Kaufman, Angela; Wilson, Rick
Subject:	[EXTERNAL]: Case File LDCU-2023-43
Date:	Sunday, November 19, 2023 7:50:48 AM

[You don't often get email from mmb0825@aol.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I am writing to you in opposition of the request in the aforementioned case. As a longtime resident and property owner in the Lake Buffum area, I do not want to see the zoning changed from one dwelling per five acres. The proposal to allow barrack style, dormitory housing in an Agricultural Residential Rural (A/RR) district is not what I want in the neighborhood where I live.
Thank you for your time and consideration in making a decision on this issue.

Melanie Bontrager

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: [EXTERNAL]: Lake Buffum - NO ZONING CHANGES
Date:	Monday, November 20, 2023 8:16:23 AM
Attachments:	image001.png

From: Pereira, Ana <AnaPereira@polk-county.net> **On Behalf Of** Combee, Neil
Sent: Monday, November 20, 2023 8:14 AM
To: White, Margo <MargoWhite@polk-county.net>
Subject: FW: [EXTERNAL]: Lake Buffum - NO ZONING CHANGES

Please see email below.

Thank you,

Ana C. Pereira
Executive Assistant
Polk County Board of County Commissioners
330 W. Church St. , PO Box 9005, Drawer BC01
Bartow, FL 33831-9005
Phone: 863-534-6049; 863-534-6422
AnaPereira@polk-county.net www.polk-county.net

From: T Owens <luv2ride33841@yahoo.com>
Sent: Monday, November 20, 2023 7:40 AM
To: Lindsey, George <GeorgeLindsey@polk-county.net>; Wilson, Rick <RickWilson@polk-county.net>; Braswell, Bill <BillBraswell@polk-county.net>; Santiago, Martha <MarthaSantiago@polk-county.net>; Combee, Neil <NeilCombee@polk-county.net>
Subject: [EXTERNAL]: Lake Buffum - NO ZONING CHANGES

> You don't often get email from luv2ride33841@yahoo.com. Learn why this is important

Good morning,

I own 3 acres located at 855 Campbell Road, Fort Meade, FL. My Grandparents and parents owned this property before I and I now plan on letting my son and grandchildren inherit this homestead and property when it is time. We choose this rural community because we wanted a small country setting with few people and few amenities. I am asking that you vote NO on LDCU-2023-42 and "Please do not change our neighborhoods."
Myself, my husband, family and friends will be there on 12/6 to voice our opinion and stand firm in asking to please squash this issue before it even gets started.

Thank You,

Dawn Tanya Smith
855 Campbell Road, Fort Meade, FL 33841
863-581-7683

From:	cloud8ranch@aol.com
To:	Ziskal, Benjamin; Little, Amy; Irizarry, Lisa; AngelicSims@polk-county.net; olecowpoke@gmail.com; lmschultz21@gmail.com; mike@hickmanhomes.com; Heath, Rennie; RobertBeltran@polk-county.net; SeanHarper@polk-county.net; Wilson, Rick; TommyAddison@polk-county.net; Nance, Ivan; Kaufman, Angela; BrookAgnini@polk-county.net; DavidDalton@polk-county.net
Subject:	[EXTERNAL]: Opposition to LDCU-2023-42
Date:	Tuesday, November 21, 2023 2:26:08 AM

You don't often get email from cloud8ranch@aol.com. Learn why this is important

Dear Sir/Madam,

I would like to express my strong opposition to Case File LDCU-2023-42 for approval of construction of a Barracks Style Farmworker Dormitory serving 70 workers on Doc Lindsey Road near Lake Buffum.

I will not be able to attend the hearing on Wednesday, December 6, 2023, but wanted to express my concerns.

There are numerous families living in the immediate area. No one with children wants 70 men to move into their neighborhood. There is bound to be increased traffic and increased noise.

Doc Durrence Rd is a deadend street. All traffic ingress/egress would be on Lake Buffum Rd South.

There are no nearby grocery stores or medical facilities. Will the county health department be responsible for making sure health and safety standards are met?

Mr. Fernandez owns another 12.19acre parcel of land on Lake Buffum West. Why not build the facility there? Maybe because that's where the Fernandez family resides? If it's good enough for our neighborhood, why isn't it ok for theirs? This property is surrounded by farmland, not people. I know because I drove around and looked at both properties.

What happens when the new structure is occupied?

Farmworkers in this area who would require housing are usually migrant workers. The current state of the country has allowed thousands of illegal aliens into the country, including people from Mexico as well as Central and South American countries. Equally concerning are the aliens from China, Iran and other countries not considered friendly to the US.

Without sounding paranoid, a labor camp in this rural area would be the ideal place for terrorists to live. Also, a perfect place for a meth lab or trafficking of fentanyl.

I checked My Florida License.com and found Fernandez & Sons Harvesting LLC. I

know they are a legitimate business with no apparent complaints.

Would the residents in the barracks be vetted for clean criminal histories? Even the Fernandez family has a son convicted of the rape of a minor and probation violations. This information is public record and was easy to find. The son's address is the same as the business address, 3825 Lk Buffum Rd W. I am not faulting Mr. Fernandez for his son's actions; things happen in the best of families. But I am concerned that the son would be spending time in the area.

There are bound to be issues among 70 people who have to work together all day then live together in their downtime.

Thank you for your time in reading this email.

Sincerely,

Rebecca Hall

1866 Buffum Lake Trail

Fort Meade, FL 33841

863 528-9756

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: Resident Against LDCU-2023-42 (Proposed Farmworker Housing Project in the Fort Meade/Lake Buffum area)
Date:	Tuesday, November 21, 2023 2:37:29 PM
Attachments:	image001.png

From: Pereira, Ana <AnaPereira@polk-county.net>
Sent: Tuesday, November 21, 2023 2:32 PM
To: Wilson, Rick <RickWilson@polk-county.net>
Cc: White, Margo <MargoWhite@polk-county.net>; Suggs, Kay <KaySuggs@polk-county.net>
Subject: Resident Against LDCU-2023-42 (Proposed Farmworker Housing Project in the Fort Meade/Lake Buffum area)

Ms. Sylvia Bone (863-234-9563; 2690 Doc Lindsey Road, Fort Meade) called your office to let you know that she and her husband are against LDCU-2023-42 (Proposed Farmworker Housing Project in the Fort Meade/Lake Buffum area). She says that the area is not compatible with this type of development and is asking for you to vote no for this case.

Thank you,

Ana C. Pereira
Executive Assistant
Polk County Board of County Commissioners
330 W. Church St. , PO Box 9005, Drawer BC01
Bartow, FL 33831-9005
Phone: 863-534-6049; 863-534-6422
AnaPereira@polk-county.net www.polk-county.net

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: LDCU-2023-42 Farmworker Housing
Date:	Monday, December 18, 2023 4:29:34 PM

From: Suggs, Kay <KaySuggs@polk-county.net>
Sent: Monday, December 18, 2023 3:23 PM
To: White, Margo <MargoWhite@polk-county.net>
Subject: LDCU-2023-42 Farmworker Housing

Jennifer Humphrey (tel: 863-398-1570) called Commissioner Braswell's office to voice opposition for LDCU-2023-42.

POLK COUNTY
Kay M. Suggs
Executive Assistant
Polk County Board of County Commissioners
330 W. Church St. , PO Box 9005, Drawer BC01
Bartow, FL 33831-9005
Phone: 863-534-6450; 863-534-6434; 863-534-6050
KaySuggs@polk-county.net www.polk-county.net

From: Gary Joyner
To: Kaufman, Angela
Subject: [EXTERNAL]: LDCU-2023-42
Date: Friday, February 2, 2024 12:53:21 PM

> You don't often get email from garyjoyner1@aol.com. Learn why this is important

Dear Ms. Kaufman,

I am writing in opposition to LDCU-2023-42. This is not compatible with our current zoning and neighborhood.
I would like my opposition to
LDCU-2023-42 recorded as part of the official record. Thank you.

Sincerely,

Gary L Joyner

Sent from AOL on Android

From:	Nancy Oakes
To:	Kaufman, Angela
Cc:	ronnieheath@polk-county.net; Little, Amy; daviddalton@polk-county.net; Tommyaddison@polk-county.net; Robertbeltran@polk-county.net; lmschultz21@gmail.com
Subject:	[EXTERNAL]: LDCU-2013-42 - Contesting
Date:	Friday, February 2, 2024 2:53:45 PM

Some people who received this message don't often get email from nanoakes@gmail.com. Learn why this is important

Ms. Kaufman,

My husband and I recently purchased (Sept23) a parcel of land on Lake Buffum Rd S. Our intent is to homestead the 80+ acres. We are just in the very beginning stages. We just found out about this hearing and would like this publicly recorded that we would like to contest the requested changes

This application is not compatible with current zoning in the area. As a new property owner in the Lake Buffum area, We do not want to see the zoning changed from one dwelling per five acres. The proposal to allow barrack style, dormitory housing in an Agricultural Residential Rural (A/RR) district is not what we want in the neighborhood where we plan on moving to.

Thank you for your time and consideration in the matter.

Derren and Nancy Oakes

Agenda Item 2. 2/7/2024

SUBJECT

LDCU-2023-48 (Old Tampa Hwy MH CU)

DESCRIPTION

The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes. The subject site is located south of New Tampa Highway, north of Old Tampa Highway, and west of the City of Lakeland in Section 21, Township 28, Range 23.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

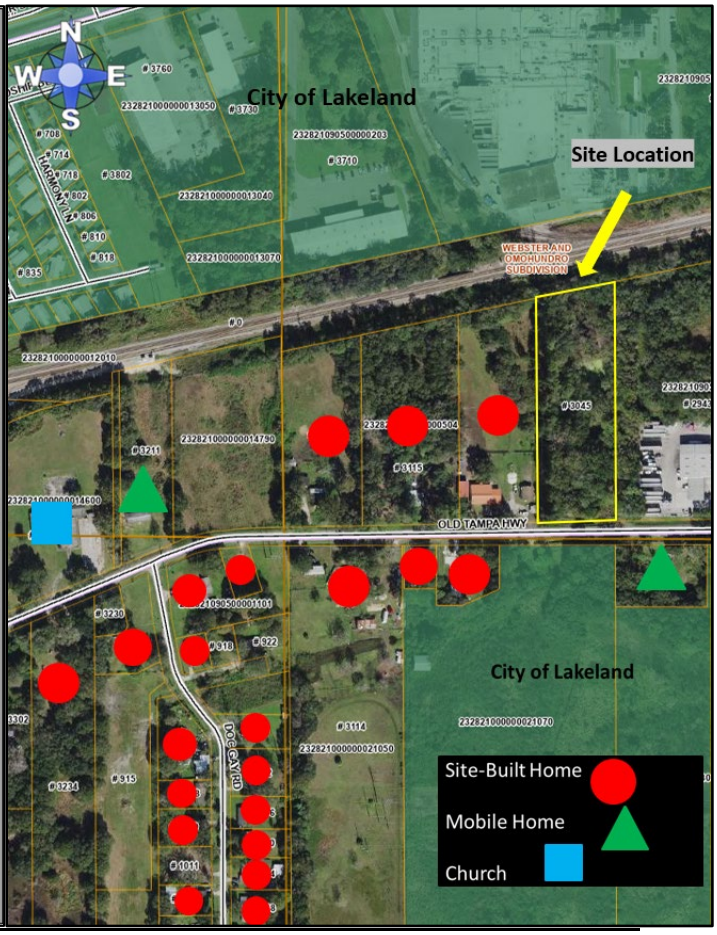
DRC Date:	October 28, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use
BoCC Date:	N/A	**Case Numbers:**	LDCU-2023-48
		Case Name:	Old Tampa Hwy MH CU
Applicant:	Jorge Reyes Rueda	**Case Planner:**	Aleya Inglima, Planner II

Request:	The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.
Location:	The subject site located south of New Tampa Highway, north of Old Tampa Highway, and west of the City of Lakeland in Section 21, Township 28, Range 23.
Property Owners:	Jorge Reyes Rueda
Parcel Size (Number):	2.87+/- acres (232821-090500-000401)
Future Land Use:	Residential Low-4 (RL-4)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 2.87-acre lot within a Residential Low-4 (RL-4) Future Land Use District (*See Exhibit 2*). Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the Land Development Code indicates the placement of mobile homes within a RL-4 land use district requires Conditional Use approval via a Level 1 Review (via Staff only). In order to meet current development approval conditions, Mobile Home requests are subject to the standards found in Section 303 of the LDC which states an individual mobile home is permitted within any platted residential subdivision in which 50 percent or more of the developed lots contain mobile homes. According to current information from the Property Appraiser's website, the parcel is within Webster & Omohundro Plat. As this parcel does not meet the 50% threshold, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a mobile home on the subject property.

Staff recommends approval. This is a large property for RL-4 land use, the home will be buffered and screened by existing vegetation and is compatible with the surrounding area. Webster & Omohundro Plat was recorded in 1915 (Plat Book 3, Page 81) and has thirty-four total residential parcels. There are twenty-seven single family detached homes, four duplexes, and two mobile homes. The proposed mobile home will meet the required setbacks for the land use district. The proposed request is consistent with the LDC and Comprehensive Plan.

Findings of Fact

- *LDCU-2023-48 is a Conditional Use request to allow a mobile home on Parcel No. 232821-090500-000401 (+/- 2.87 acres) within a Residential Low-4 (RL-4) land use district in the Transit Supportive Development Area (TSDA).*

- *This property is in the Webster & Omohundro Plat (Plat Book 3, Page 81) recorded on March 17, 1915.*

- *The surrounding properties are within Residential Low-4 (RL-4) and Industrial (IND) land use districts.*

- *Old Tampa Hwy (Road No 831902) is a County-maintained, paved urban collector road with a width of 22 feet.*

- *Section 111.F.2 of the Land Development Code (LDC) states, "Subdivision plats which have been recorded prior to the effective date of this Code shall be vested for any development standard which would apply to the subdivision."*

- *Section 204.A.7 of the LDC states, "The purpose of the RL-4 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet."*

- *Per Table 2.2 of the LDC, RS land use mandates right-of-way setbacks for the primary structure of 35 feet, side setbacks for the primary structure of seven (7) feet, and rear setbacks for the primary structure of 10 feet.*

- *This subject property is located in the Transit Supportive Development Area (TSDA). According to POLICY 2.104-A5 of Polk County's Comprehensive Plan, "Development within the Transit Supportive Development Area (TSDA) shall conform with the following criteria as further specified in the Land Development Code:*

  a. *provide access to transit facilities;*

  b. *connect to centralized potable water and sanitary sewer systems;*

  c. *incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;*

  d. *implement "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;*

  e. *integrate 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. *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, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.*

- *Chapter 553 of the Florida Statutes states that "Mobile Homes" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*

- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that "Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code."*

- *According to Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*

    1. *Within any registered mobile home park that has been approved by Polk County;*

    2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*

    3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*

    4. *On any un-platted parcel in the A/RR district;*

    5. *On any un-platted parcel that is five acres or larger in the RS district;*

    6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*

    7. *On any un-platted parcel where at least one property abutting the subject property's side lot line has a mobile home;*

    8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*

    9. *On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.*

- *Fire and EMS Response is from Polk County Fire Rescue Station 24 located at 1140 Galloway Rd, Lakeland FL. This is located approximately 2.9 miles from the subject site with a response time of eight (8) minutes.*

- *Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in December 2023 were: Priority 1 Calls – 12:39 and Priority 2 Calls – 25:14.*

- *The subject property will utilize an onsite treatment system for wastewater and City of Lakeland for potable water.*

- *The development is zoned for Jesse Keen Elementary, Sleepy Hill Middle, and Kathleen Senior High School. The site is 1.5 miles from Jesse Keen Elementary; 6.6 miles from Sleepy Hill Middle; and 4.0 miles from Kathleen Senior High School.*

- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*

- *The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand.*

- *The property has wetlands and no floodplains.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*

- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*

- *A Citrus Connection mass transit stop is not available for this site.*

- *The subject site has ingress and egress access through Old Tampa Hwy. Old Tampa Hwy is a paved, urban collector, County-maintained roadway. According to the 2023 Roadway Network Database, Old Tampa Hwy (4047E) has approximately 542 available PM Peak Hour trips; Old Tampa Hwy (4047W) has approximately 538 available PM Peak Hour trips. Old Tampa Hwy current Level-of-Service (LOS) is "C" with an adopted LOS standard of "E".*

- *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."*

- *This request has been reviewed for consistency with Section 111 and Section 303 of the LDC.*

- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2023-48 with the following Conditions:

1. LDCU-2023-48 is approved for no more than one (1) mobile home on a Parcel # 252818-346500-003240 as indicated in the site plan and staff report.

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: CSX Railroad	**North:** CSX Railroad	**Northeast:** CSX Railroad
West: Residential Low-4 Webster & Omohundro Subdivision Site-Built home	**Subject Property:** Residential Low-4 Webster & Omohundro Subdivision Vacant	**East:** Industrial Webster & Omohundro Subdivision Warehouse
Southwest: Residential Low-4 Site-Built Home	**South:** City of Lakeland Industrial	**Southeast:** Residential Low-4 Mobile Home

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

The adjacent lots are within Residential Low-4 (RL-4) and Industrial (IND) land use districts and are occupied with site-built single-family homes, mobile homes, and commercial uses. There are also vacant lots throughout the plat. This lot has been vacant for a few years. The Webster & Omohundro Subdivision didn't develop as platted.

Compatibility with the Surrounding Land Uses and Infrastructure:

The LDC defines compatibility 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.*"

This request is compatible with surrounding land uses and available infrastructure. The impact from a single mobile home is minimal. The dominant surrounding use is single-family residential which are compatible. This is a large lot by RL-4 standards (6,000 sq ft minimum lot size). There is ample space along with existing vegetation to buffer and screen the home offsite. Trees to the east of the property will buffer the home from the industrial site. There are mobile homes that are interspersed throughout the plat. The nearest mobile home is located across the street. The nearest residential home is approximately 97 feet to the property line. Generally speaking, in suburban areas where densities are lower and development is less frequent, the costs of site construction are higher than in urbanized areas because the travel distance affects the cost of labor and equipment and materials. Factory-built housing is more feasible for homebuyers. Please refer to Exhibit 6 for the layout of the mobile homes in relation to the site-built homes.

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one mobile home will not trigger school concurrency requirements; however, there is available capacity for zoned schools. The subject property will utilize a septic tank for wastewater and City of Lakeland for potable water.

Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Jesse Keen Elementary, Sleepy Hill Middle, and Kathleen Senior High School. *School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.*
Sheriff	Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in December 2023 were: Priority 1 Calls – 12:39 and Priority 2 Calls – 25:14.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 24 located at 1140 Galloway Rd, Lakeland FL. This is located approximately 2.9 miles from the subject site with a response time of eight (8) minutes.
Water	City of Lakeland
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Old Tampa Hwy. Old Tampa Hwy is a paved, urban collector, County-maintained roadway. According to the 2023 Roadway Network Database, Old Tampa Hwy (4047E) has approximately 542 available PM Peak Hour trips; Old Tampa Hwy (4047W) has approximately 538 available PM Peak Hour trips. Old Tampa Hwy current Level-of-Service (LOS) is "C" with an adopted LOS standard of "E".
Urban Sprawl	Site is located within the TSDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The lot is using Lakeland water and utilize an onsite treatment system. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary **Proposed Conditional Use** **(One Mobile Home)**			
Potable Water Impact	**Wastewater Impact**	***AADT Impact**	***PHT Impact**
360 GPD	270 GPD	7.81 AADT	1.00 PHT
Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.			

Environmental Conditions Analysis

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The parcel has no FEMA flood hazards. The subject site is not located within any of the County's identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is level with a slight slope from the south to the north with contour elevations ranging from 131-125. The subject property is not located within a Historical Preservation area.

The subject site is located within an Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
Surface Water	There are surface water ponds on the subject property. The subject property has contour elevations of 131-125 for the proposed location of the mobile home. The parcel slopes from south to north of the lot.
Wetlands/Floodplains	There are wetlands on site and no floodplains
Soils	The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand which provides some limitations for drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
Protected Species	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located within an Airport Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 of the staff report.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this request is consistent with the Comprehensive Plan.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*Yes, the request is compatible with surrounding uses and the general character of the area. See Page 6 of this staff report for data and analysis on surrounding uses and compatibility.*
How the concurrency requirements will be met if the development were built.	*This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 6-7 of the staff report and waiver requirements in the Conditions of Approval.*

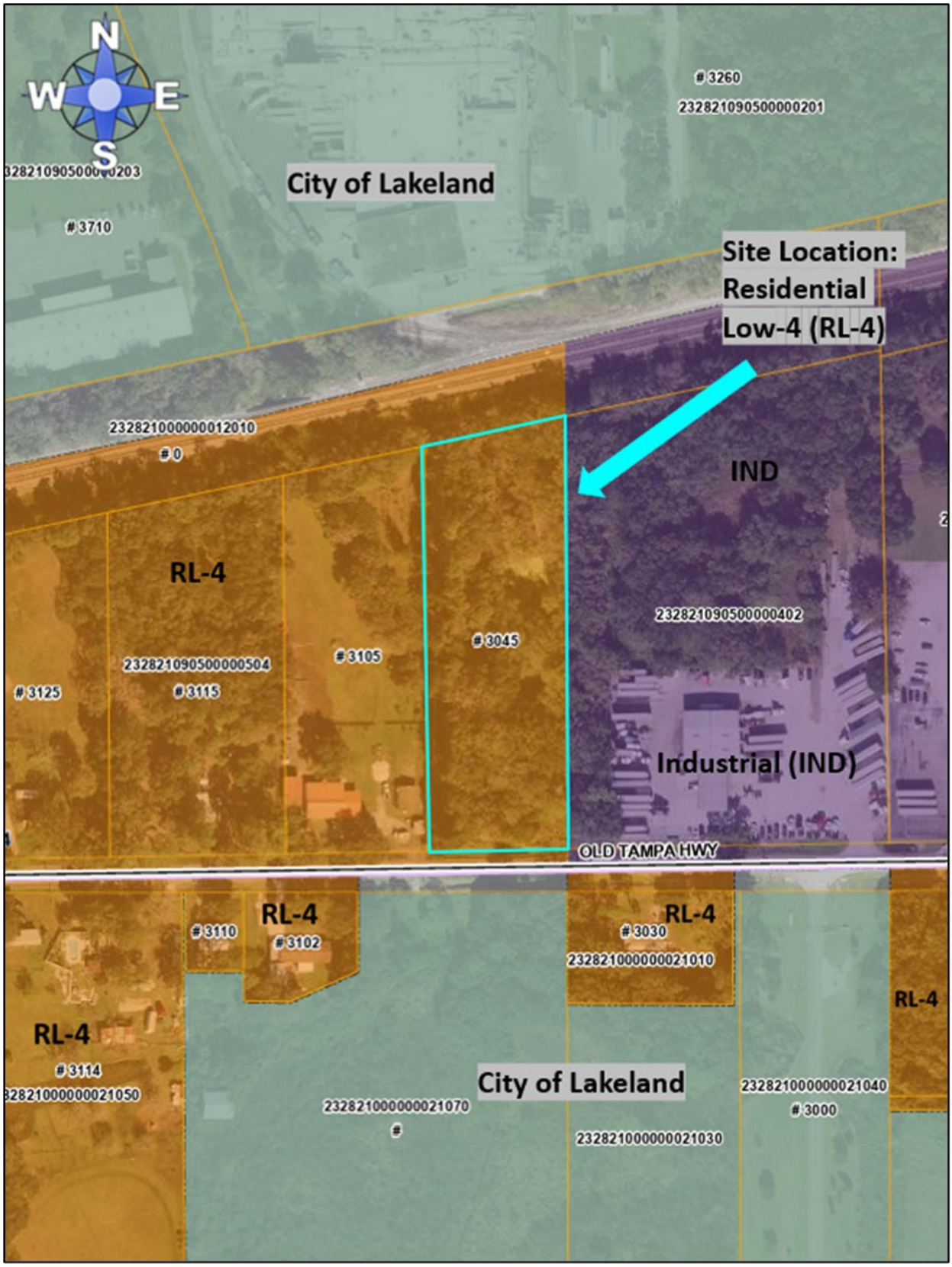
Comments from other Agencies: None

Exhibits:

Exhibit 1	Location Map	Exhibit 5	Site Plan
Exhibit 2	Future Land Use Map	Exhibit 6	Adjacent Homes
Exhibit 3	Aerial Image (Context)	Exhibit 7	Plat
Exhibit 4	Aerial Image (Close)		



Location Map



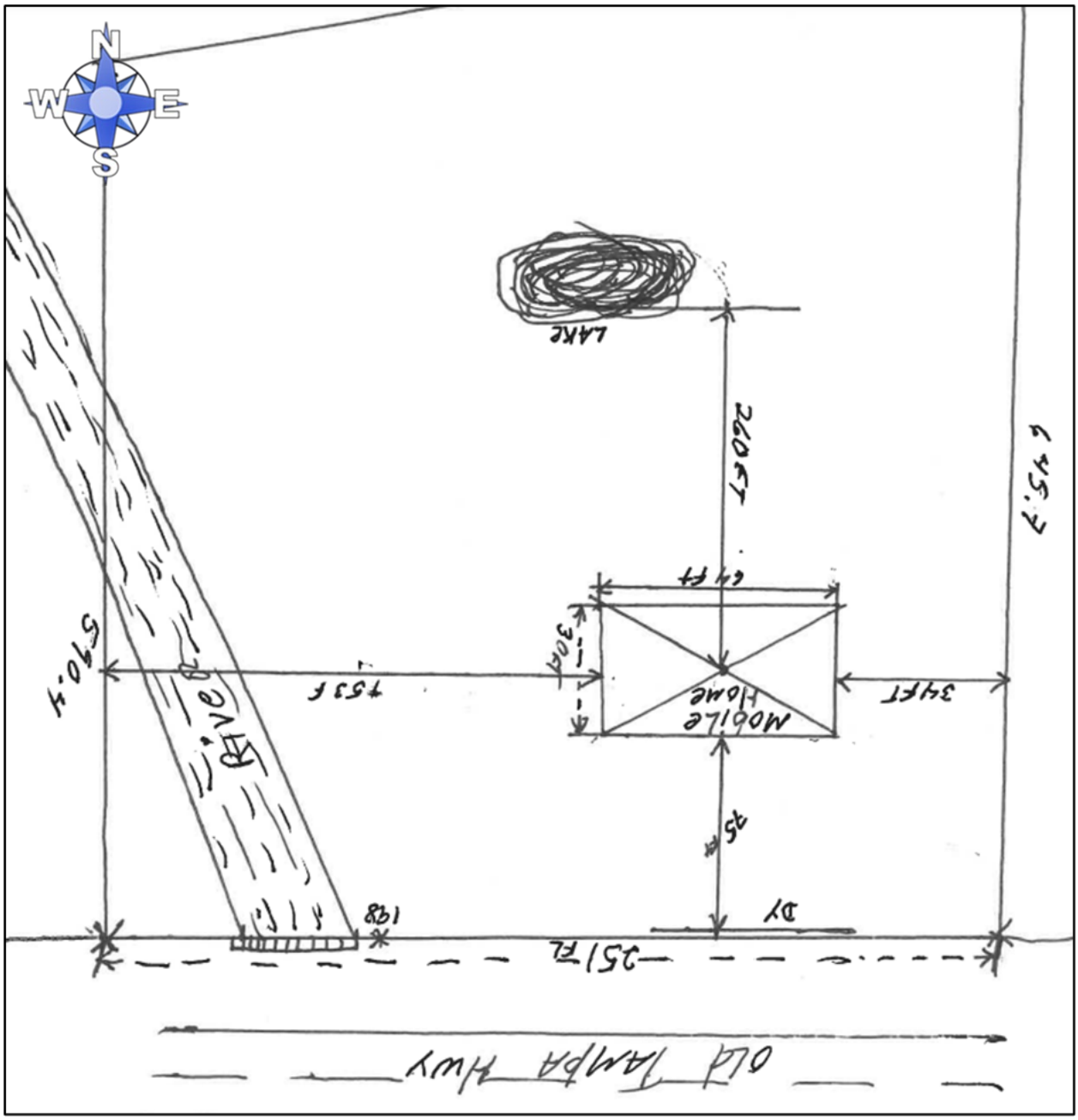
Future Land Use Map



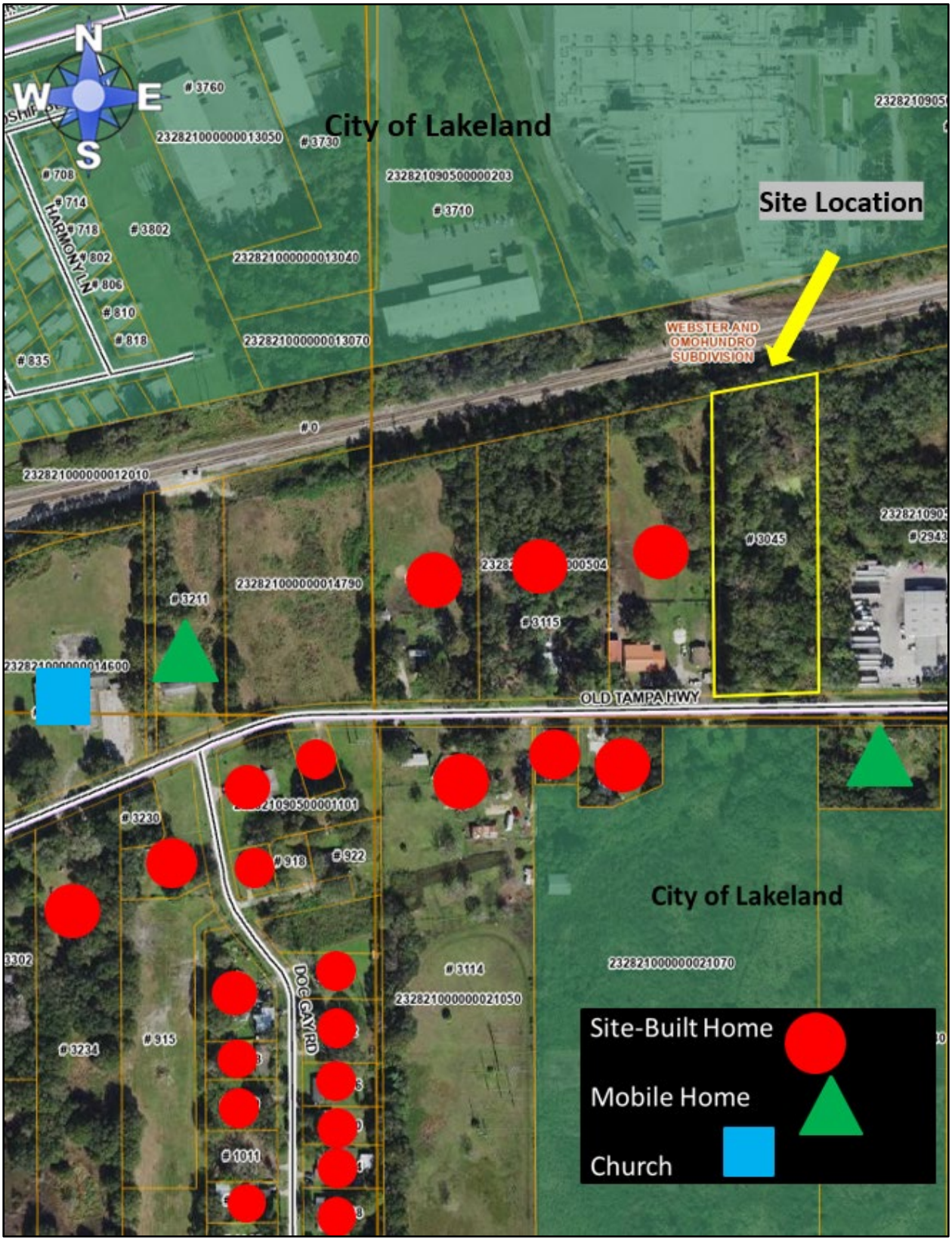
Aerial Image (Context)



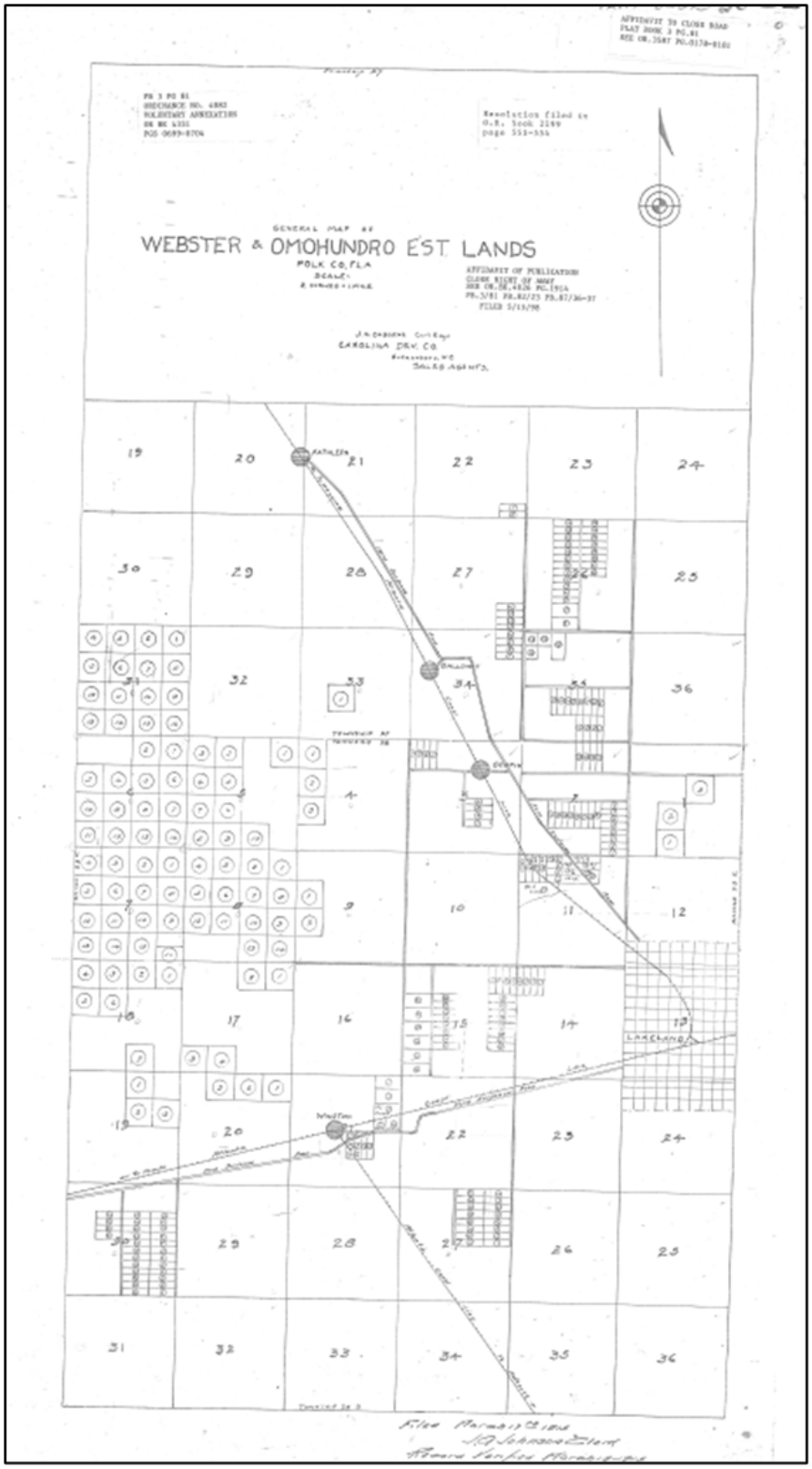
Aerial Image (Close)


N
W
E
S
LAKE
260FT
64 FT
30FT
MOBILE HOME
34FT
753 F
S90.4
RIVER
128
35' FL
OLD TAMPA HWY

Site Plan



Adjacent Homes



Webster & Omohundro Plat

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

www.polk-county.net

IMPACT ASSESSMENT STATEMENT FORM

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following ***(Note: N/A is an insufficient comment, if N/A an explanation must be included)***:

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?
   uso de vivienda
2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?
   Ninguno
3. How will the request influence future development of the area?
   Mas casas mobe Home

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed[1] methodology and calculations. 3

2. What modifications to the present transportation system will be required as a result of the proposed development? ninguno

[1]A minor traffic study will suffice for a detailed methodology and calculations for most applications.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land 2

Development Code?

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)? Old Tampa Hwy

NOTE: *Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for* ***"Infrastructure Impacts"*** *items 3 through 9 above.*

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*) normal de una Recidencia
2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage? Septic
3. If offsite treatment, who is the service provider? no se
4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of- way under certain conditions listed in Section 702E.3 of the Land Development Code*) Frente de la propiedad
5. What is the provider's general capacity at the time of application? no se
6. What is the anticipated date of connection? nose
7. What improvements to the providers system are necessary to support the proposed request *(e.g., lift stations, line extensions/expansions, interconnects, etc.)*? ninguna

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider? no se
2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC*) normal de una Recidencia

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line? frente de la propidad

4. Who is the service provider?
no se

5. What is the anticipated date of connection?
cuando se Apruebe el Servicio

6. What is the provider's general capacity at the time of application?
no se

7. Is there an existing well on the property(ies)?

Yes What type? _____

Permit Capacity_____

No ✓

Location: _____

Water Use Permit #: _____

Constructed prior to Water Management District Permitting: Yes _____ No _____

Type of Use: __Ag __Public __Industrial or Commercial

__Recreation or Aesthetic __Mining

Permitted Daily Capacity: _____

Average Peak Monthly Withdrawal Rate: _____

Location: _____

Casing Diameter: _____

Mainline Diameter: _____

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

3. Discuss location of potable water supplies, private wells, public well fields *(discuss the location, address potential impacts)*, and;

4. Discuss the location of Airport Buffer Zones (if any) *(discuss the location and address, potential impacts).*

5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

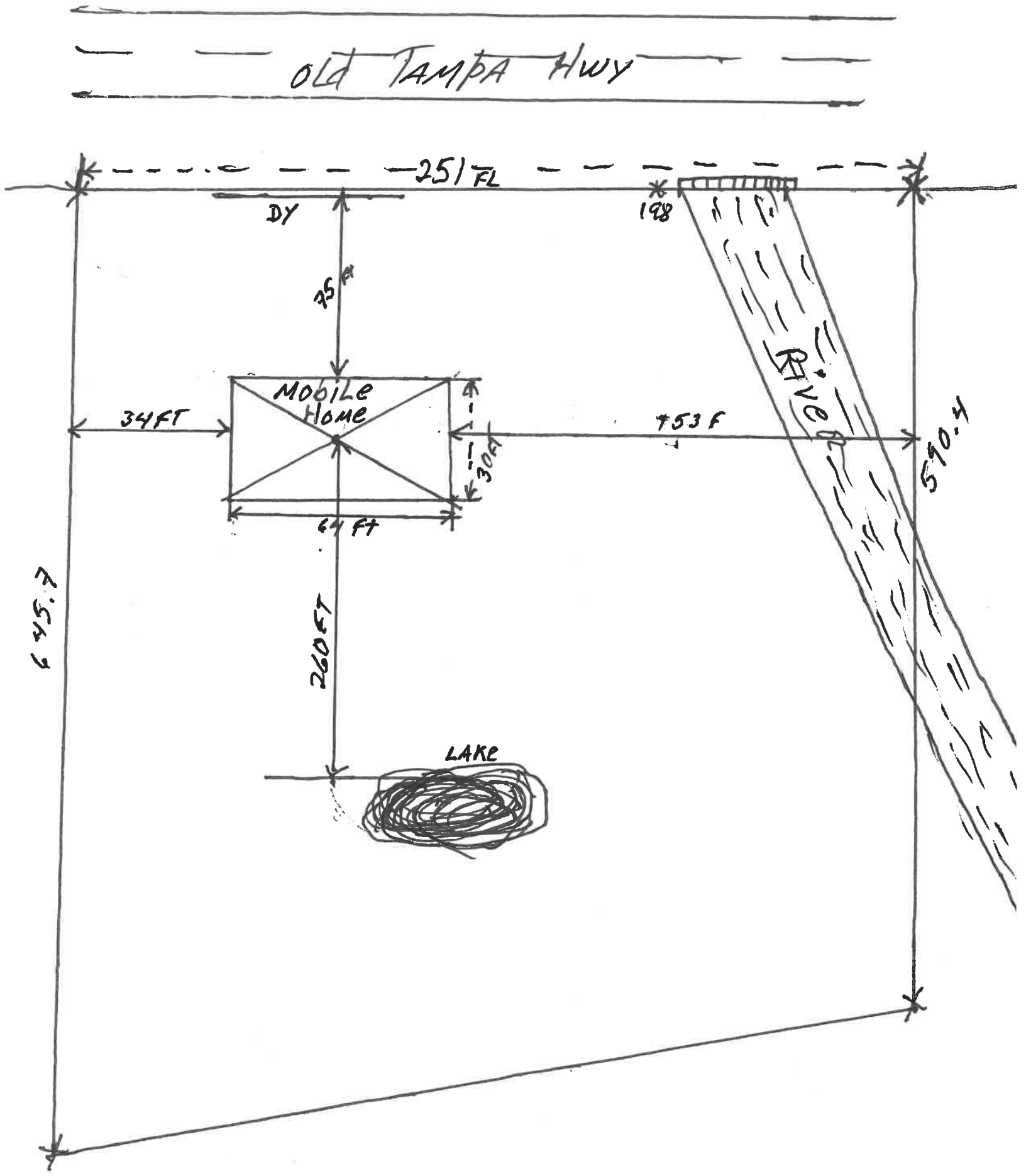
Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation; Westside park
2. Educational Facilities (e.g., preschool, elementary, middle school, high school); Crystal Lake Elementary
3. Health Care (e.g., emergency, hospital); Lakeland Regional Health
4. Fire Protection; Polk County Fire Rescue Station 39
5. Police Protection and Security; Lakeland police Department
6. Emergency Medical Services (EMS); Lakeland Regional Health
7. Solid Waste (collection and waste generation); and Lakeland Solid Waste Management

8. How may this request contribute to neighborhood needs?

Probeer una bivienda mas Economica


OLD TAMPA HWY
-25I FL
DY
198
75 FT
MOBILE HOME
34FT
753 F
590.4
30FT
64 FT
645.7
260FT
LAKE
RIVER

LDCU-2023-48 - Old Tampa Hwy MH CU

Menu Reports Help

Application Name: Old Tampa Hwy MH CU

File Date: 09/08/2023

Application Type: PC-Conditional Use-New Or Mobile Home

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Mobile Home Conditional Use

Application Detail: Detail

Address: 3045 OLD TAMPA HWY, LAKELAND, FL 33803

Parcel No: 232821090500000401

Owner Name: RUEDA JORGE REYES

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Jorge Reyes Rueda		Applicant	Mailing, 6529 Fox Cres...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $837.00

Total Fee Invoiced: $837.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Conditional Use
Mobile Home

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
2.87

DRC Meeting
10/28/2023

DRC Meeting Time
–

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Is this Polk County Utilities

Case File Number
–

One Year Extension
–

FS 119 Status
Non-Exempt

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date

BOCC2 Advertising Date

Advertising Board
Planning Commission

MEETING DATES

Community Meeting

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3

1st BOCC Date

2nd BOCC Date

LUHO-Level 3

HEARING

PC Hearing Results

PC Vote Tally

BOCC 1st Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Results

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-23EST-00000-52642

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes

RequiredDocumentTypesComplete
No

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	RL-4- Residential Low

DEVELOPMENT AREA

Development Area
Transit Supportive

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	1	13	01/18/2024	01/19/2024	No

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	10/03/2023	Angela Kaufman
Engineering Review	Robert Joynes	Approve	10/22/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	10/16/2023	Kim Turner
School Board Review	School District	Approve	10/19/2023	School District
Roads and Drainage Review	Phil Irven	Approve	10/09/2023	Phil Irven
Planning Review	Aleya Inglima	Approve	01/09/2024	Aleya Inglima
Surveying Review	Steve McQuaig	Approve	01/09/2024	Steve McQuaig
Review Consolidation	Angela Kaufman	Approved for...	01/09/2024	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Hearing	Angela Kaufman			
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
Documents Required	Please upload the foll...	Condition...	09/21/2023		
Moving to February 7, ...	We are awaiting a surv...	Informati...	11/28/2023		

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-48 (Old Tampa Hwy MH CU)

Applicant: Jorge Reyes Rueda

Property Owner: Jorge Reyes Rueda

Hearing Date: 2/7/24

I. Request:

The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.

Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met if the development was built.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 303 and 906.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

II. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

III. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February **2024**, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chair Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

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

IMPACT ASSESSMENT STATEMENT FORM

www.polk-county.net

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following ***(Note: N/A is an insufficient comment, if N/A an explanation must be included)***:

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?
   uso de vivienda – Housing use
2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?
   Ninguno – none
3. How will the request influence future development of the area?
   Más casas mobe Home – more mobile homes

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed[1] methodology and calculations. 3

2. What modifications to the present transportation system will be required as a result of the proposed development? ninguno – none

[1]A minor traffic study will suffice for a detailed methodology and calculations for most applications.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land

2

Development Code?

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)? Old Tampa Hwy

NOTE: *Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for* ***"Infrastructure Impacts"*** *items 3 through 9 above.*

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*)
normal de una Recidencia - normal residential use
2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?
Septic
3. If offsite treatment, who is the service provider?
no se - unknown
4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of- way under certain conditions listed in Section 702E.3 of the Land Development Code*) frente de la propiedad
front of Property
5. What is the provider's general capacity at the time of application?
no se - unknown
6. What is the anticipated date of connection?
nose - unknown
7. What improvements to the providers system are necessary to support the proposed request *(e.g., lift stations, line extensions/expansions, interconnects, etc.)*?
ninguna - none

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?
no se - unknown
2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC*) normal de una Recidencia
normal residential use

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line? frente de la propiedad - front of property

4. Who is the service provider?
no se - unknown

5. What is the anticipated date of connection?
cuando se aprueba el servicio - when services are approved.

6. What is the provider's general capacity at the time of application?
no se - unknown

7. Is there an existing well on the property(ies)?

Yes What type? _____

Permit Capacity_____

No ✓

Location: _____

Water Use Permit #: _____

Constructed prior to Water Management District Permitting: Yes _____ No _____

Type of Use: __Ag __Public __Industrial or Commercial

__Recreation or Aesthetic __Mining

Permitted Daily Capacity: _____

Average Peak Monthly Withdrawal Rate: _____

Location: _____

Casing Diameter: _____

Mainline Diameter: _____

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

3. Discuss location of potable water supplies, private wells, public well fields *(discuss the location, address potential impacts)*, and;

4. Discuss the location of Airport Buffer Zones (if any) *(discuss the location and address, potential impacts)*.

5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation; Westside park
2. Educational Facilities (e.g., preschool, elementary, middle school, high school); Crystal Lake Elementary
3. Health Care (e.g., emergency, hospital); Lakeland Regional Health
4. Fire Protection; Polk County Fire Rescue Station 39
5. Police Protection and Security; Lakeland police Department
6. Emergency Medical Services (EMS); Lakeland Regional Health
7. Solid Waste (collection and waste generation); and Lakeland Solid Waste Management

8. How may this request contribute to neighborhood needs?

Probeer una bivienda mas Economica – To provide more affordable housing.

Agenda Item 3. 2/7/2024

SUBJECT

LDCU-2023-52 (Poinsettia Drive MH CU)

DESCRIPTION

The applicant is requesting Conditional Use (CU) approval for an individual mobile home to be located on an un-platted lot within a Residential Suburban (RS) land use. The subject site is located west of Willow Oak Road, north of Sabal Palm Drive, east of Palmetto Street, and west of the City of Mulberry in Section 29, Township 29, Range 23.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

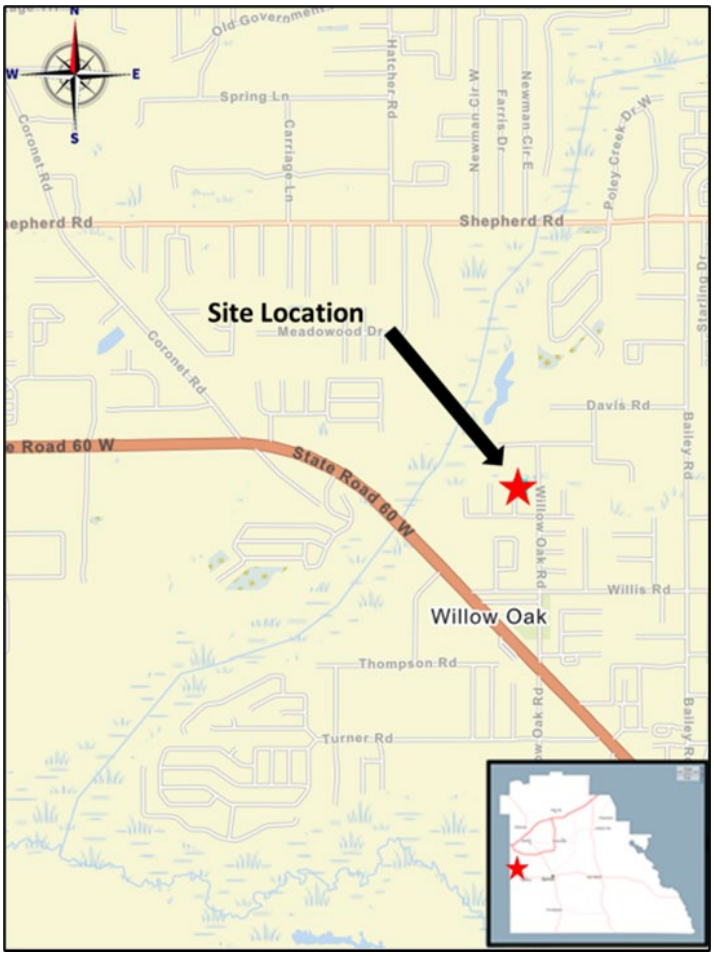
aleyainglima@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

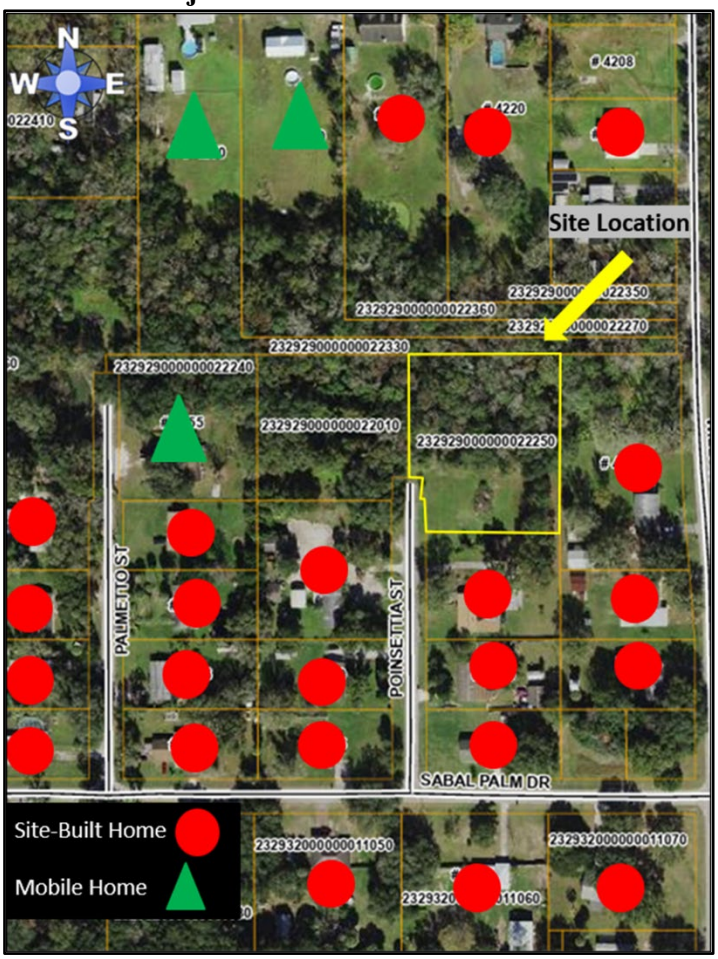
DRC Date:	December 3, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use
BoCC Date:	N/A	**Case Numbers:**	LDCU-2023-52
		Case Name:	Poinsettia Drive MH CU
Applicant:	Christopher Adams	**Case Planner:**	Aleya Inglima, Planner II

Request:	The applicant is requesting Conditional Use (CU) approval for an individual mobile home to be located on an un-platted lot within a Residential Suburban (RS) land use.
Location:	The subject site located west of Willow Oak Road, north of Sabal Palm Drive, east of Palmetto Street, and west of the City of Mulberry in Section 29, Township 29, Range 23.
Property Owners:	Christopher Adams, Kayla Adams
Parcel Size (Number):	1.26+/- acres (232929-000000-022250)
Future Land Use:	Residential Suburban (RS)
Development Area:	Suburban Development Area (SDA)
Nearest Municipality:	City of Mulberry
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 1.26-acre unplatted lot within a Residential Suburban (RS) Future Land Use District (*See Exhibit 2*). Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the Land Development Code indicates the placement of mobile homes within a RS land use district requires Conditional Use approval via a Level 1 Review (via Staff only). In order to meet current development approval conditions, Mobile Home requests are subject to the standards found in Section 303 of the LDC which states an individual mobile home is permitted within any un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation. As this parcel does not meet the 50% threshold, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a mobile home on the subject property.

Staff recommends approval. The subject site is surrounded by residential dwelling units within a Residential Suburban (RS) land use district. Staff finds the request compatible. The proposed mobile home will meet the required setbacks for the land use district. The proposed request is consistent with the LDC and Comprehensive Plan.

Findings of Fact

- *LDCU-2023-52 is a Conditional Use request to allow a mobile home on Parcel No. 232929-000000-022250 (+/- 1.26 acres) within a Residential Suburban (RS) land use district in the Suburban Development Area (SDA).*

- *The surrounding properties are within a Residential Suburban (RS) land use district.*

- *Poinsettia Dr (Road No 932917) is a County-maintained, paved local road with a width of 20 feet.*

- *Section 204.A.4 of the LDC states, "The purpose of the RL-1 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with larger sized lots, a minimum of 40,000 square feet."*

- *Per Table 2.2 of the LDC, RL-1 land use mandates right-of-way setbacks for the primary structure of 15 feet, side setbacks for the primary structure of ten (10) feet, and rear setbacks for the primary structure of 15 feet.*

- *This subject property is located in the Suburban Development Area (SDA). According to POLICY 2.106-A5 of Polk County's Comprehensive Plan, "Development within the Suburban Development Area (SDA) shall conform with the following criteria as further specified in the Land Development Code:*

    a. *support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;*

b. *protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;*

c. *incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;*

d. *provide access to civic space, parks, green areas, and open space and other amenities;*

e. *be supported by public safety (i.e., fire, EMS and law enforcement);*

f. *have access to elementary schools;*

g. *encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and*

h. *in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.*

- *Chapter 553 of the Florida Statutes states that "Mobile Homes" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*

- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that "Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code."*

- *According to Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*

  1. *Within any registered mobile home park that has been approved by Polk County;*

  2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*

3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*

4. *On any un platted parcel in the A/RR district;*

5. *On any un platted parcel that is five acres or larger in the RS district;*

6. *On any un platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation; and*

7. *On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.*

- *Fire and EMS Response is from Polk County Fire Rescue Station 8 located at 4210 Willis Road, Mulberry. This is located approximately 0.4 miles from the subject site with a response time of four (4) minutes.*

- *Sheriff's response to the site is served by the Southwest District located at 4120 US Hwy 98 S, Lakeland. The response times in December 2023 were: Priority 1 Calls – 9:22 and Priority 2 Calls – 19:51.*

- *The subject property will utilize an onsite treatment system for wastewater and well for potable water.*

- *The development is zoned for Willow Oak School, Mulberry Middle, and Mulberry Senior High School. The site is 1.1 miles from Willow Oak School; 4.9 miles from Mulberry Middle; and 5.3 miles from Mulberry Senior High School.*

- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*

- *The property is composed of Tavares Fine Sand.*

- *The property has wetlands and floodplain on site.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*

- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*

- *Citrus Connection has no nearby mass transit stops available for this parcel.*

- *The subject site has ingress and egress access through Poinsettia Dr. However, the nearest monitored link is SR 60, a paved, principal arterial, State-maintained roadway. According to the 2023 Roadway Network Database, SR 60 (5900E) has approximately 972 available*

PM Peak Hour trips; SR 60 (5900W) has approximately 931 available PM Peak Hour trips. SR 60 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".

- *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."*

- *This request has been reviewed for consistency with Section 303 of the LDC.*

- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.106 SUBURBAN DEVELOPMENT AREA (SDA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2023-52 with the following Conditions:

1. LDCU-2023-52 is approved for no more than one (1) mobile home on a Parcel # 232929-000000-022250 as indicated in the site plan and staff report.

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: Residential Suburban Single-Family home 3,318 sq ft Built in 2004	**North:** Residential Suburban Single-Family home 3,501 sq ft Built in 1992	**Northeast:** Residential Suburban Single-Family home 2,184 sq ft Built in 1989
West: Residential Suburban Vacant	**Subject Property:** Residential Suburban Vacant Proposed 2,176 sq ft mobile home	**East:** Residential Suburban Single-Family home 2,400 sq ft Built in 1980
Southwest: Residential Suburban Single-Family home 1,472 sq ft Built in 1965	**South:** Residential Suburban Single-Family home 1,983 sq ft Built in 1963	**Southeast:** Residential Suburban Single-Family home 2,088 sq ft Built in 1964

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

The adjacent lots are within a Residential Suburban (RS) land use and are occupied with site-built single-family homes.

Compatibility with the Surrounding Land Uses and Infrastructure:

The LDC defines compatibility 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.*"

This request is compatible with surrounding land uses and available infrastructure. The impact from a single mobile home is minimal. The surrounding homes are of similar size to what the applicant is proposing. The lot is large with ample separation from neighboring homes. The dominant surrounding use is single-family residential. This mobile home will develop one the last remaining lots in the area. There are mobile homes that are interspersed throughout the area. Generally speaking, in suburban areas where densities are lower and development is less frequent, the costs of site construction are higher than in urbanized areas because the travel distance affects the cost of labor and equipment and materials. Factory-built housing is more feasible for homebuyers. Please refer to Exhibit 6 for the layout of the mobile homes in relation to the site-built homes.

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one mobile home will not trigger school concurrency requirements; however, there is available capacity for zoned schools. The subject property will utilize a septic tank for wastewater and well for potable water. Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Willow Oak School, Mulberry Middle, and Mulberry Senior High School. *School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.*
Sheriff	Sheriff's response to the site is served by the Southwest District located at 4120 US Hwy 98 S, Lakeland. The response times in December 2023 were: Priority 1 Calls – 9:22 and Priority 2 Calls – 19:51.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 8 located at 4210 Willis Road, Mulberry. This is located approximately 0.4 miles from the subject site with a response time of four (4) minutes.
Water	Well
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Poinsettia Dr. However, the nearest monitored link is SR 60, a paved, principal arterial, State-maintained roadway. According to the 2023 Roadway Network Database, SR 60 (5900E) has approximately 972 available PM Peak Hour trips; SR 60 (5900W) has approximately 931 available PM Peak Hour trips. SR 60 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".
Urban Sprawl	Site is located within the SDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The lot is using a well for water and septic for wastewater services. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary **Proposed Conditional Use** **(One Mobile Home)**			
Potable Water Impact	**Wastewater Impact**	***AADT Impact**	***PHT Impact**
360 GPD	270 GPD	7.81 AADT	1.00 PHT
Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.			

Environmental Conditions Analysis

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The parcel has FEMA A flood hazard. The subject site is not located within any of the County's identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed entirely of Tavares Fine Sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is level with a slight slope from the south to the north with contour elevations ranging from 89-79. The subject property is not located within a Historical Preservation area. The subject site is located within an Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
Surface Water	There are no surface water ponds on the subject property. The subject property has contour elevations of 89-79 for the proposed location of the mobile home. The parcel slopes from south to north of the lot.
Wetlands/Floodplains	There are floodplains and wetlands on site
Soils	The property is composed of Tavares Fine Sand which provides some limitations for drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
Protected Species	The subject site is not located within one mile of an endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located within an Airport Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

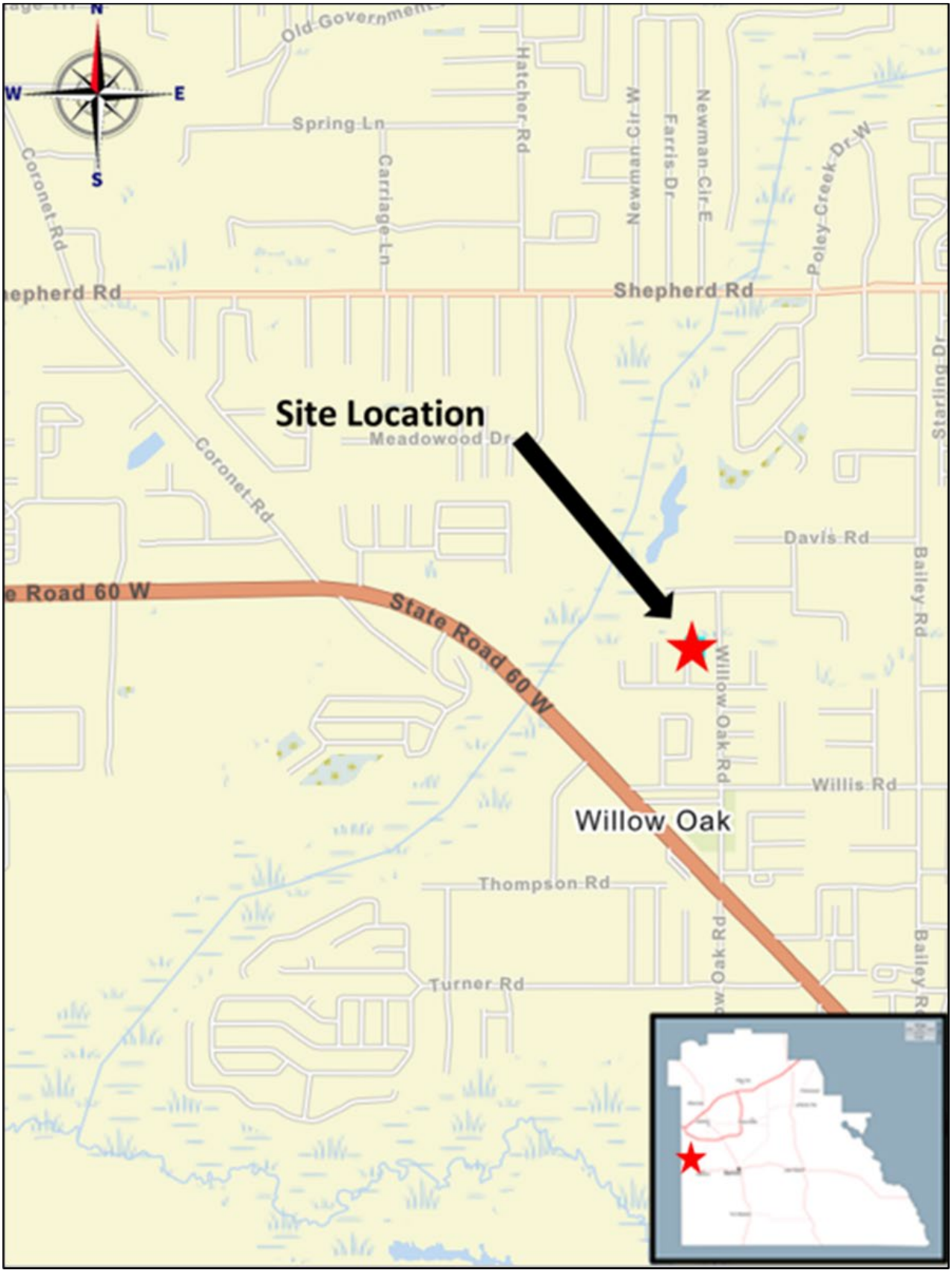
Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 of the staff report.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this request is consistent with the Comprehensive Plan.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*Yes, the request is compatible with surrounding uses and the general character of the area. See Page 6 of this staff report for data and analysis on surrounding uses and compatibility.*
How the concurrency requirements will be met if the development were built.	*This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 6-7 of the staff report and waiver requirements in the Conditions of Approval.*

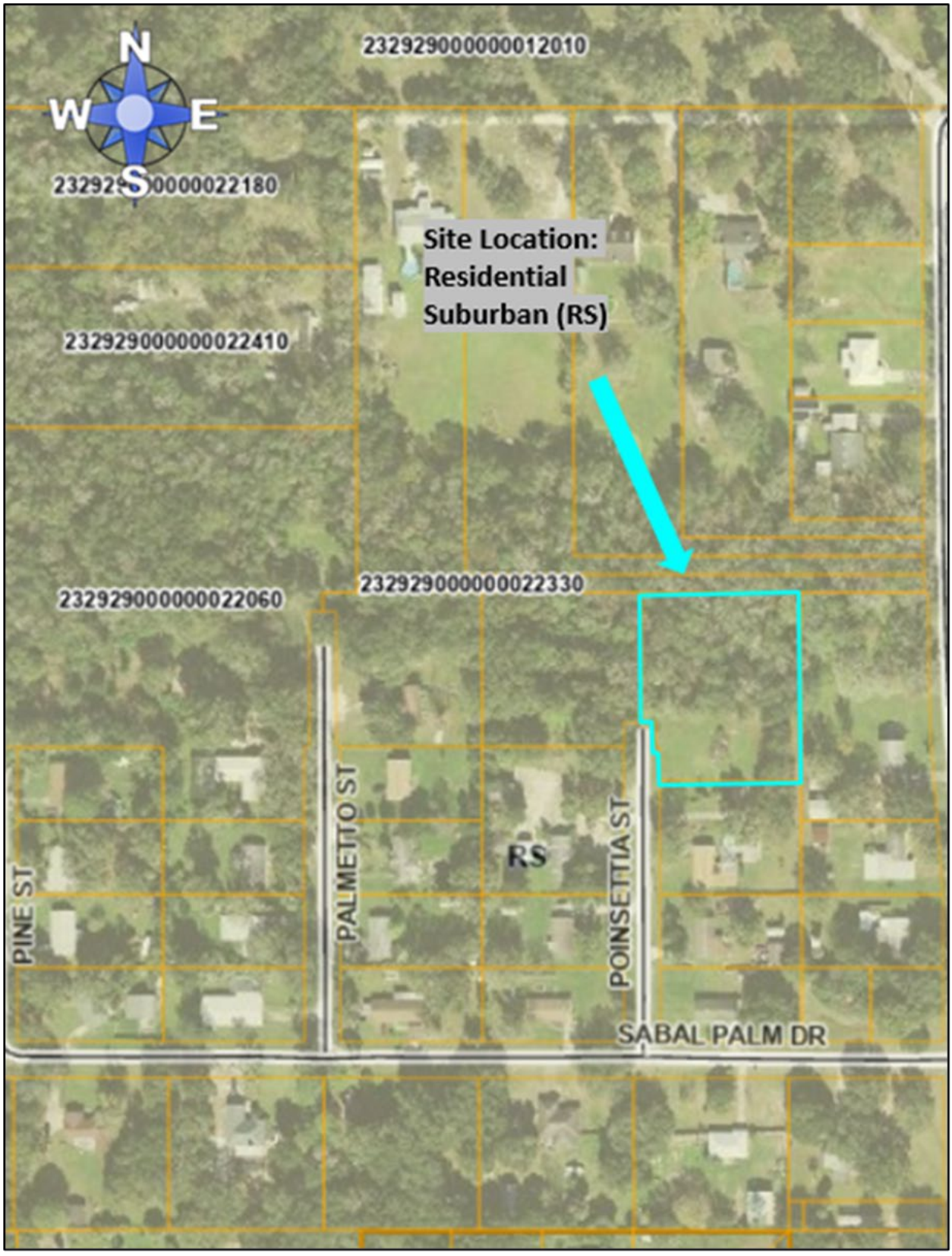
Comments from other Agencies: None

Exhibits:

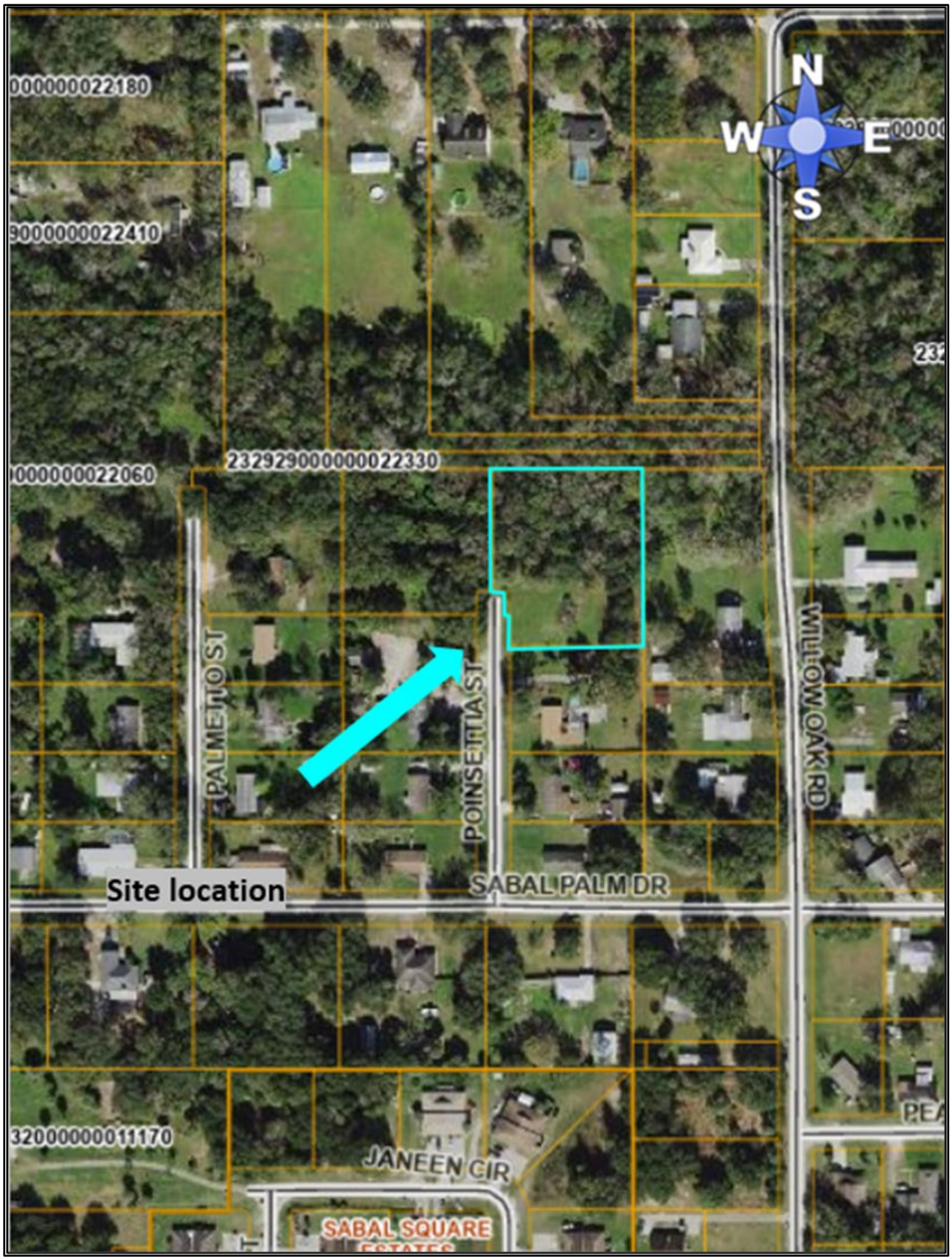
Exhibit 1 Location Map
Exhibit 2 Future Land Use Map
Exhibit 3 Aerial Image (Context)
Exhibit 4 Aerial Image (Close)
Exhibit 5 Site Plan
Exhibit 6 Adjacent Homes



Location Map



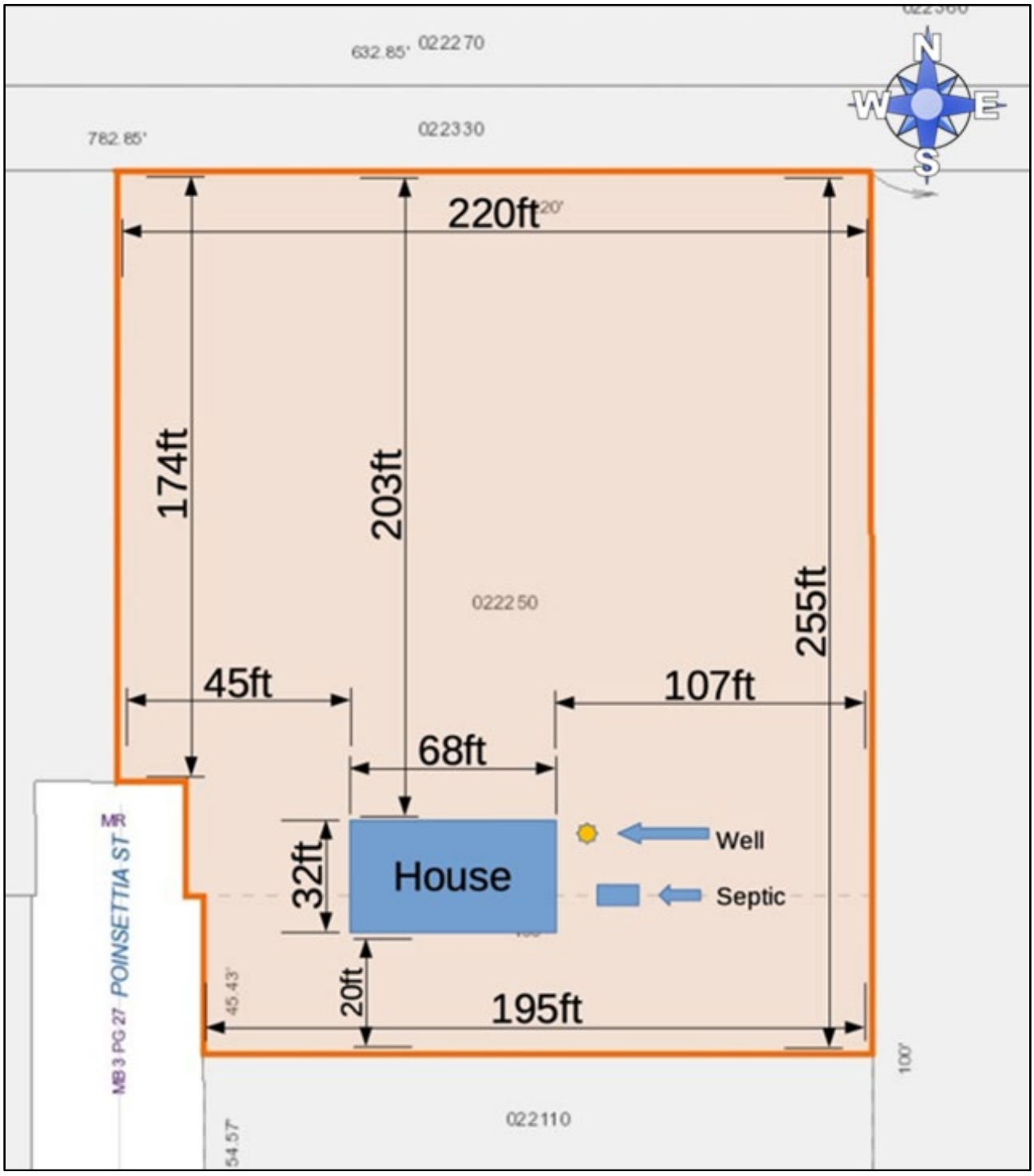
Future Land Use Map



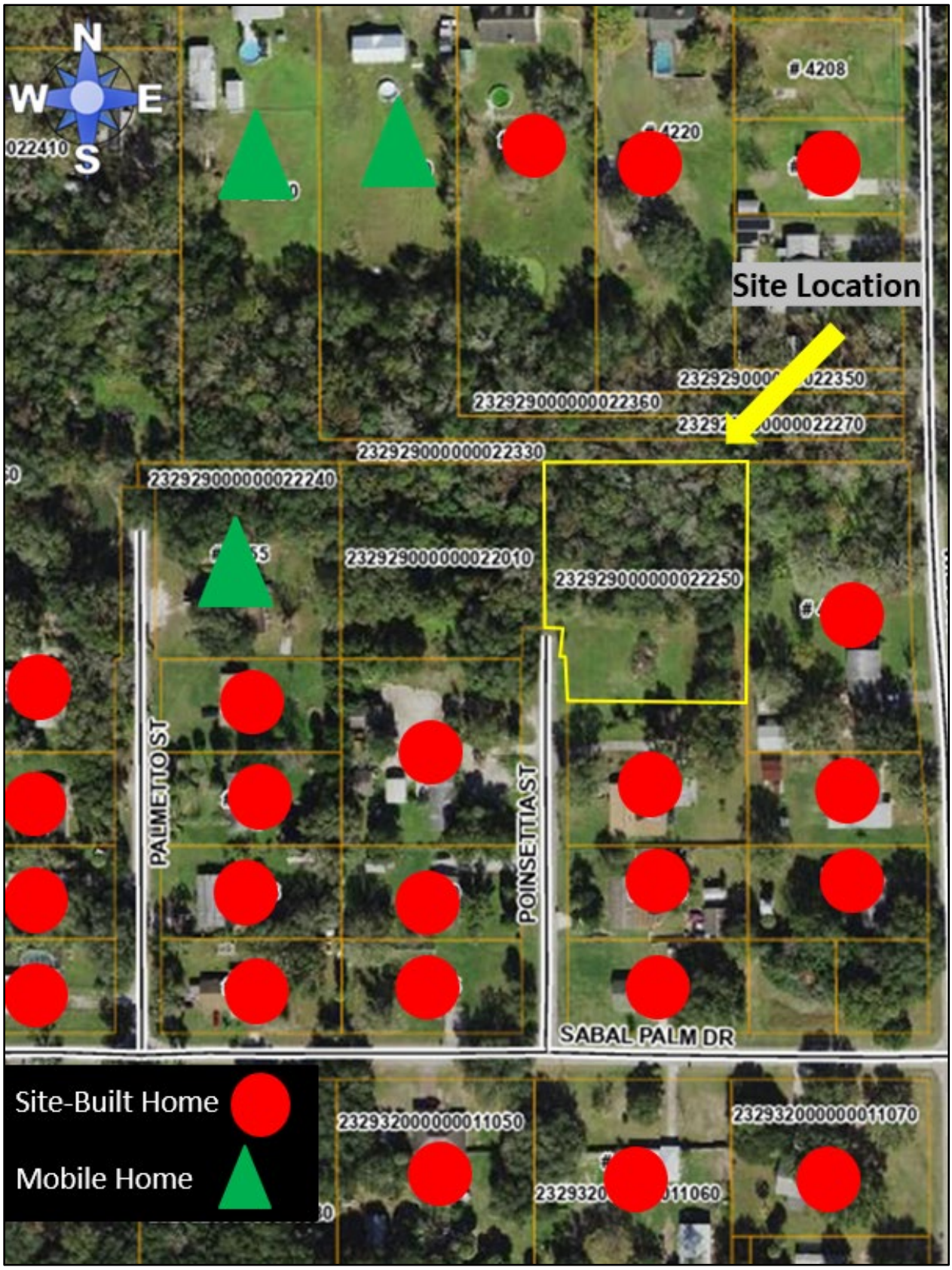
Aerial Image (Context)



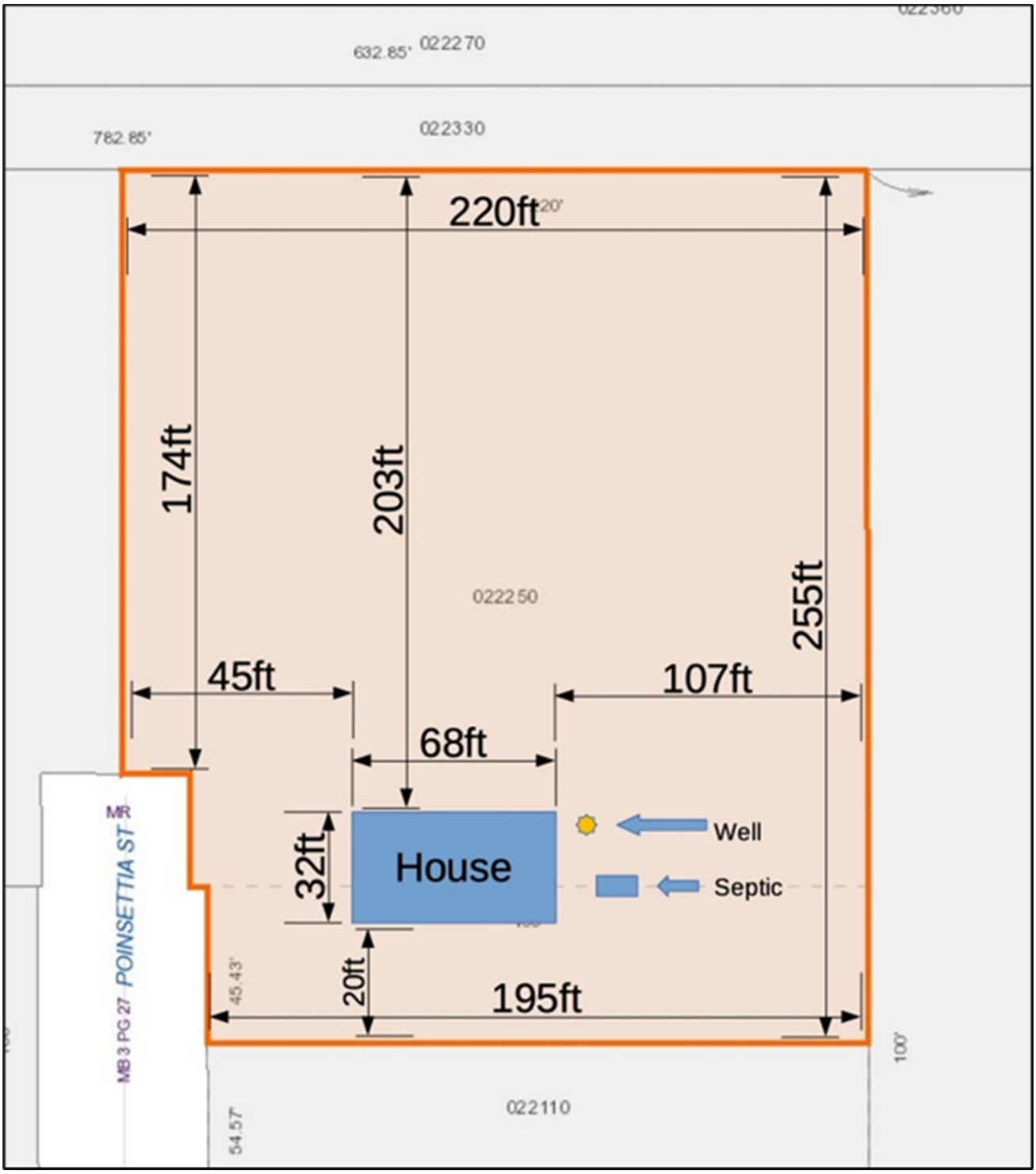
Aerial Image (Close)


632.85'
022270
782.85'
022330
N
W
E
S
220ft
20'
174ft
203ft
255ft
022250
45ft
107ft
68ft
32ft
House
Well
Septic
20ft
195ft
MR
POINSETTIA ST
MB 3 PG 27
45.43'
54.57'
100'
022110

Site Plan



Adjacent Homes


632.85'
022270
782.85'
022330
220ft
20'
174ft
203ft
255ft
022250
45ft
107ft
68ft
32ft
House
Well
Septic
20ft
195ft
MR
POINSETTIA ST
MB 3 PG 27
45.43'
54.57'
022110
100'

LDCU-2023-52 - Poinsettia Drive MH CU

A notice was added to this record on 2023-11-20.
Condition: Severity: Notice
Total conditions: 1 (Notice: 1)

View notice

Menu Reports Help

Application Name: Poinsettia Drive MH CU

File Date: 10/09/2023

Application Type: PC-Conditional Use-New Or Mobile Home

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Seeking to build a new manufactured home on parcel 23-29-29-000000-022250

Application Detail: Detail

Address: POINSETTIA DR, MULBERRY, FL 33860

Parcel No: 232929000000022250

Owner Name: CHRISTOPHER & KAYLA ADAMS

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Christopher Adams		Applicant	Mailing, 3241 Merlot D...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $966.00

Total Fee Invoiced: $966.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Conditional Use
Mobile Home

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
1

Will This Project Be Phased

Acreage
1.26

DRC Meeting
12/02/2023

DRC Meeting Time
–

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Case File Number
–

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
_

FS 119 Status
Non-Exempt

Code Violation Case Number
_

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
_

BOCC2 Advertising Date
_

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
_

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
_

1st BOCC Date
_

2nd BOCC Date
_

LUHO-Level 3
_

HEARING

PC Hearing Results
_

PC Vote Tally
_

BOCC 1st Hearing Results
_

BOCC 1st Vote Tally
_

BOCC 2nd Hearing Results
_

BOCC 2nd Vote Tally
_

FINAL LETTER

Denovo Appeal
_

Denovo Results
_

Denovo Tally
_

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
_

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-23EST-00000-58935

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
_

RequiredDocumentTypesComplete
Yes

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
√

SELECTED AREA PLANS

Selected Area Plans

N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	RS- Residential Suburban

DEVELOPMENT AREA

Development Area
Suburban

NOR

Neighborhood Organization Registry (NOR)
Cesara Estates Property Owners
Carriage Park Homeowners
Poley Creek Community

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	1	39	01/18/2024	01/05/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/03/2023	Angela Kaufman
Engineering Review	Robert Joynes	Conditional ...	11/20/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	11/17/2023	Kim Turner
Planning Review	Aleya Inglima	Approve	11/16/2023	Aleya Inglima
Surveying Review	Steve McQuaig	Approve	11/07/2023	Steve McQuaig
School Board Review	School District	Approve	12/06/2023	School District
Roads and Drainage Review	Phil Irven	Approve	11/07/2023	Phil Irven
Review Consolidation	Angela Kaufman	Approved for...	12/06/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Hearing	Angela Kaufman			
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
Documents required to ...	***10/16/23 - Still wa...	Condition...	10/16/2023		

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

Section 910 Impact Assessment Statements

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

- ***Land and Neighborhood Characteristics***
  To assess the compatibility of the requested land use district with the adjacent property and
  to evaluate the suitability of the site for development, the applicant shall:

  1. Show how and why is the site suitable for the proposed uses; Site is already approved for single family use. Changing to manufactured home does not change property use. There are already several adjacent manufactured home properties.

  2. Provide a site plan showing each type of existing and proposed land use; Site plan attached

  3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses; None, other adjacent properties have a mix of single family homes and manufactured/mobile homes.

  4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and None

5. Describe each of the uses proposed in a Planned Development and identify the following:

    - The density and types of residential dwelling units;
      1 unit - approx 3-5 people

    - The type of commercial and industrial uses;
      None

    - The approximate customer service area for commercial uses; and
      None

    - The total area proposed for each type of use, including open space and recreation.
      Single family home and lot. 1.26ac

- ***Access to Roads and Highways***
  To assess the impact of the proposed development on the existing, planned and
  programmed road system, the applicant shall:

    1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;
       4 trips. 2 adult residents. 1 vehicle each. 1 round trip to commute daily to Hillsborough County.

    2. Indicate what modifications to the present transportation system will be required as a result of the proposed development; None

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;
   Driveway will allow 2 cars

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and Direct frontage to Poinsettia Drive

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes. None

C. ***Sewage***
To determine the impact caused by sewage generated from the proposed development, the

applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development; None. Private septic system will be utilized

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed; Private septic system will be utilized

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems; None

4. Identify the service provider; and
None

5. Indicate the current provider's capacity and anticipated date of connection.
NA

- ***Water Supply***
  To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

  1. Indicate the proposed source of water supply and, the type of treatment; Private well and filtration system

  2. Identify the service provider;
  None

  3. Calculate the estimated volume of consumption in gallons per day (GPD); and
  25-50GPD

  4. Indicate the current provider's capacity and anticipated date of connection.
  N/A - Private well

- ***Surface Water Management and Drainage***
  To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality;
   No impact

2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project;
   None

3. Describe the impact of such alterations on the fish and wildlife resources of the site; and
   None

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site.
   None

- ***Population***
  To determine the impact of the proposed developments additional population, the applicant
  shall:

  1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses;
     2 adult residents - Single family home

  2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift;
     None

  3. Indicate the expected demographic composition of the additional population (age/socio-economic factors); and
     No additional population - Current polk county residents relocating

  4. Describe the proposed service area and the current population thereof. Single family lot - no population

- ***General Information***
  To determine if any special needs or problems will be created by the proposed development, the applicant shall:

  1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and None

  2. Discuss the demand on the provision for the following services:

     - Parks and Recreation;
       None

     - Educational Facilities (preschool/elementary/middle school/high school); None

c. Health Care (emergency/hospital); d Fire Protection;

- Police Protection and Security; and None

- Electrical Power Supply None - electrical power in place. Need meter added

H. ***Maps***

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

3. Map A: A location map showing the relationship of the development to cities, highways, and natural features;

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;

5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;

6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths.

8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type,

and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes; and

9. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage

features.

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-52 (Poinsettia Drive MH CU)

Applicant: Christopher Adams

Property Owner: Christopher Adams, Kayla Adams

Hearing Date: 2/7/24

I. Request:

The applicant is requesting Conditional Use (CU) approval for an individual mobile home to be located on an un-platted lot within a Residential Suburban (RS) land use.

Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met if the development was built.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 303 and 906.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

II. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

III. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February **2024**, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chair Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Planning Commission Oppositon/Support Call Log

Case #:	LDCU-2023-52	**Hearing Date:**	7-Feb-24
Name:	Eric Knight		
Address:	4070 Willow Oak Rd.		
Comment:	Adamently opposed to allowing a house trailer placed in the community. Voiced concerns of how this will affect their existing residential property values.		
Opposition			

Name:	
Address:	
Comment:	
Support or Opposition	

Name:	
Address:	
Comment:	
Support or Opposition	

Name:	
Address:	
Comment:	
Support or Opposition	

Agenda Item 4. 2/7/2024

SUBJECT

LDCU-2023-54 (Ralph Road MH CU)

DESCRIPTION

The applicant is requesting Conditional Use approval for a Mobile Home to be permitted on ±0.85 acres within a Residential Low-1 (RL-1) Future Land Use District. The subject site is located at 2520 Ralph Road, south of Saddle Creek Road, west of Combee Road North, east of Lake Parker Drive East, north of Mineola Drive, south of the city of Lakeland in Section 04, Township 28, Range 24.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

None

CONTACT INFORMATION

Malissa Celestine, Planner II

Land Development Division

Contact 863-534-6412

MalissaCelestine@Polk-County.net <mailto:MalissaCelestine@Polk-County.net>

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	December 2, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use (CU)
BoCC Date:	N/A	**Case Numbers:**	**LDCU-2023-54**
		Case Name:	Ralph Road (MH) CU
Applicant:	Frank Murillo Jr	**Case Planner:**	Malissa Celestine, Planner II

Request:	The applicant is requesting Conditional Use approval for a Mobile Home to be permitted on ±0.85 acres within a Residential Low-1 (RL-1) Future Land Use District.
Location:	The subject site is located at 2520 Ralph Road, south of Saddle Creek Road, west of Combee Road North, east of Lake Parker Drive East, north of Mineola Drive, south of the City of Lakeland in Section 04, Township 28, Range 24.
Property Owners:	Frank Murillo Jr Naomi Murillo
Parcel Size (Number):	±0.85 acres (242804-000000-022130)
Future Land Use:	Residential Low-1 (RL-1)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Site Location



Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to place a mobile home within a Residential Low-1 (RL-1) Future Land Use District. The subject site is approximately ±0.85 acres, or ±37,026 square feet and located in the County's Transit Supportive Development Area (TSDA). Chapter 2, Table 2.1 (Use Table for Standard Land Use Districts) of the Land Development Code indicates that the placement of mobile homes requires Conditional Use approval via a Level 1 Review (via Staff only); however, in instances where a request for a mobile home does not meet the conditional use requirements (in Section 303 #1-9 of the Code), the applicant may request approval via a Level 3 Review from the Planning Commission.

The subject parcel is associated with a code violation, CMA-2023-1318 for installing a corrugated metal fence and placing a mobile home on site without an approved building permit. The original violation, CMA-2023-1166 was for the unpermitted mobile home, installing a fence with prohibited fence material, and building an accessory structure without the appropriate permits according to Accela's database. Staff also found a mobile home setup permit, BR-2023-9053 to remove and replace a mobile home which was denied as a contactor needs to pull a mobile home installation permit. Past aerials depict a mobile home on the subject site but the 24-month period which would allow an individual to replace a mobile home by right has passed. The submitted site plan indicates the proposed mobile home will meet the RL-1 primary structure setback requirements (*Exhibit 5*).

While the subject parcel is eligible for one (1) residential dwelling, the request requires Planning Commission approval for placing a mobile home on the subject site as the development does not meet the other requirements outlined in Section 303 that allows administrative approval. According to the applicant's impact assessment, the site will utilize an existing septic system and Lakeland's water utility services. The placement of a new mobile home at this site does not present any apparent incompatibilities and will not foreseeably place a strain on existing infrastructure, schools, or emergency services. The proposed request is also consistent with the LDC and Comprehensive Plan. Staff recommends approval.

Findings of Fact

- *LDCU-2023-54 is a request to allow a mobile home on Parcel No. 242804-000000-022130 (±0.85 acres) within a Residential Low-4 (RL-1) Future Land Use District and the County's Transit Supportive Development Area (TSDA).*

- *The surrounding properties are within the Residential Low-1 (RL-1) land use district and consist of single-family detached residences, a mobile home, and vacant land.*

- *According to the County's Road Inventory, Ralph Road (Road No 840920) is a County-maintained, paved local road with a width of 20 feet.*

- *Chapter 2, Table 2.1 of the LDC, indicates Individual Mobile Homes within the RL-1 district are conditionally permitted following a Level 1 Review.*

- *Per Chapter 2, Table 2.2, primary structure setbacks in the RL-1 district are 10 feet for the interior sides and 15 feet for the interior rear of a property line. The right-of-way setback along a local roadway is 15 feet.*

- *Per Chapter 2, Footnotes for Table 2.2, the area for computing gross density shall include all public and institutional land areas (e.g., internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections.*

- *Per Chapter 3, Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*

  1. *Within any registered mobile home park that has been approved by Polk County;*
  2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
  3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
  4. *On any un-platted parcel in the A/RR district;*
  5. *On any un-platted parcel that is five acres or larger in the RS district;*
  6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
  7. ***On any un-platted parcel where at least one property abutting the subject property's side lot line has a mobile home;***
  8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
  9. ***On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.***

- *Chapter 2, Section 204.A.4 of the LDC states, "The purpose of the RL-1 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with larger sized lots, a minimum of 40,000 square feet."*

- *Per Chapter 2, Section 205, Table 2.2 of the LDC, the RL-1 land use district mandates right-of-way setbacks from local roadways for the primary structure of 15 feet, side setbacks for the primary structure of 10 feet; and rear setbacks for the primary structure of 15 feet.*

- *Sheriff's response to the site is served by the Southwest District located at 4120 US Highway 98 in Lakeland. The response times for SW in December 2023 were: Priority 1 Calls –9:22 and Priority 2 Calls – 19:51.*

- *Fire and EMS Response is from Polk County Fire Rescue Station 39 located at 3325 E. Main Street, Lakeland. This is located approximately 2.7 miles from the subject site with a response time of eight (8) minutes.*

- *The subject property is located within the City of Lakeland's water and wastewater service area and will connect to Lakeland's water. The lot will utilize an existing onsite treatment system for wastewater.*

- *The development is zoned for Philip O'Brien Elementary, Crystal Lake Middle, and Tenoroc High School. The site is approximately 3.8 miles from Philip O'Brien Elementary, 3.1 miles from Crystal Lake Middle, and 3.3 miles from Tenoroc High School.*

- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*

- *The property is composed entirely of Tavares fine sand, 0 to 5 percent slopes.*

- *There are no wetlands or flood zones on the subject parcel.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*

- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*

- *There is a Citrus Connection stop within 0.6 miles to the south of the subject parcel. The Orange Line transit (OL), bus ID 5296, is located on the corner of Idlewild Street and Combee Road.*

- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that "Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code."*

- *The site is located This subject property is located in the Transit Supportive Development Area (TSDA). According to POLICY 2.104-A5 of Polk County's Comprehensive Plan, "Development within the Transit Supportive Development Area (TSDA) shall conform with the following criteria as further specified in the Land Development Code:*

a. provide access to transit facilities;
b. connect to centralized potable water and sanitary sewer systems;
c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;
d. implement "Complete Street' and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;
e. integrate 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. 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, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single-family detached units within designated areas as established in Policy 2.104-A7."

- *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."*

- *Chapter 553 of the Florida Statutes states that "Mobile Homes" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*

- *This request has been reviewed for consistency with Section 303 and Section 906 of the LDC.*

Development Review Committee Recommendation: Based on the information provided by the applicant, the findings of fact, a recent site visit, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **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 LDCU-2023-54.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of **LDCU-2023-54** with the following Conditions:

1. LDCU-2023-54 is approved for no more than one (1) mobile home on Parcel No. **242804-000000-022130** as indicated in the site plan and staff report.

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: RL-1 Vacant ±2.04 acres	**North:** RL-1 Vacant ±1.70 acres	**Northeast:** RL-1 Vacant ±1.70 acres
West: RL-1 Vacant ±2.04 acres	**Subject Property:** RL-1 Vacant ±0.85 acres	**East:** RL-1 Site-built home (1,756 sq. ft.) ±0.72 acres
Southwest: RL-1 Vacant ±0.34 acres	**South:** RL-1 Site-built home (1,740 sq. ft.) & Mobile Home (672 sq. ft.) ±0.72 acres	**Southeast:** RL-1 Site-built home 1,974 sq. ft. ±0.48 acres

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

The proposed mobile home will be located on 0.85 acres within the Residential Low-1 (RL-1) district. Although the lot size is below the 40,000 square foot requirement for the RL-1 district, the LDC allows density to be calculated to the centerline of a local road. As shown in *Exhibit 4*, the parcel measures ±40,265 when the measuring to the centerline. The adjacent lots surrounding the subject property are also within a Residential Low-1 (RL-1) land use district and are occupied with a combination of a site-built homes, a mobile home, and vacant residential real estate. According to information retrieved from the Polk County Property Appraiser's website, the property was first recorded through a Warranty Deed on March 29, 1995 (OR Book 3518 Page 332) and is eligible for a building permit.

Compatibility with the Surrounding Land Uses and Infrastructure:

The LDC defines compatibility 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 impact from a single mobile home is minimal. Site-built residences and mobile homes are comparable uses; the diffenece lies within the design of each structure. Given the improved standards for mobile home construction in recent years, staff finds the placement of a mobile home in this location to be compatible with surrounding homes. According to the submitted site plan (*Exhibit 5*), the applicant wishes to place a 2,400 square foot mobile home on the subject parcel. Staff finds the proposed size to be similar to those in the immediate area (*Table 1*). As previously mentioned, past ariels depict a mobile home on site but the 24 month period to replace the mobile home by right has lapsed.

Polk County Property Appraiser's website is currently assessing a mobile home to the south of the subject parcel. The property is primarily surrounded by vacant parcels. If a mobile home were to have been developed on either of the abutting properties or the adjacent home was not there, additional approval via the Planning Commission would not be necessary.

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one mobile home will not

trigger school concurrency requirements; however, there is available capacity for the zoned schools. The subject property is located within Lakeland's utility service area. The site will connect to the city's water system and will utilize an existing septic tank for wastewater, according to the submitted impact assessment statement.

Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Philip O'Brien Elementary, Crystal Lake Middle, and Tenoroc High School. School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.
Sheriff	Sheriff's response to the site is served by the Southwest District located at 4120 US Highway 98 in Lakeland. The response times for SW in December 2023 were: Priority 1 Calls –9:22 and Priority 2 Calls – 19:51.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 39 located at 3325 East Main Street, Lakeland. This is located approximately 2.7 miles from the subject site with a response time of eight (8) minutes.
Water	Lakeland
Sewer	Onsite Treatment System
Transportation	The subject site has direct access through Ralph Road. However, the nearest monitored link is Combee Road (SR 659), a two-way, two-lane, State-maintained roadway. According to the 2022 Roadway Network Database, SR 659 (7300N) has approximately 803 available PM Peak Hour trips; SR 659 (7300S) has approximately 772 available PM Peak Hour trips. SR 659 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".
Urban Sprawl	Site is located within the TSDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The lot is within Lakeland Service Area and will use potable water through their system. However, the site will continue utilize an existing onsite treatment system, according to the applicant's impact assessment statement. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary **Proposed Conditional Use** **(One Mobile Home)**			
Potable Water Impact	**Wastewater Impact**	***AADT Impact**	***PHT Impact**
360 GPD	270 GPD	7.81 AADT	1.00 PHT
Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.			

Environmental Conditions Analysis

There are no wetlands on the subject property and no further known conditions exist that should pose a threat to the existing environmental resources based upon the proposed request (*See Table 4, below*). The parcel is not located within any Flood Hazard Zones. The subject site is not located within any of the County's identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed entirely of Tavares fine sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is relatively flat and contains no surface water features. In addition, the subject property is not located within a Historical Preservation area. The subject site is outside any Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
Surface Water	None
Wetlands/Floodplains	The parcel is not within any Flood Zones and does not contain any wetlands.
Soils	The property is composed entirely of Tavares fine sand, 0 to 5 percent slopes.
Protected Species	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located outside any Airport's Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

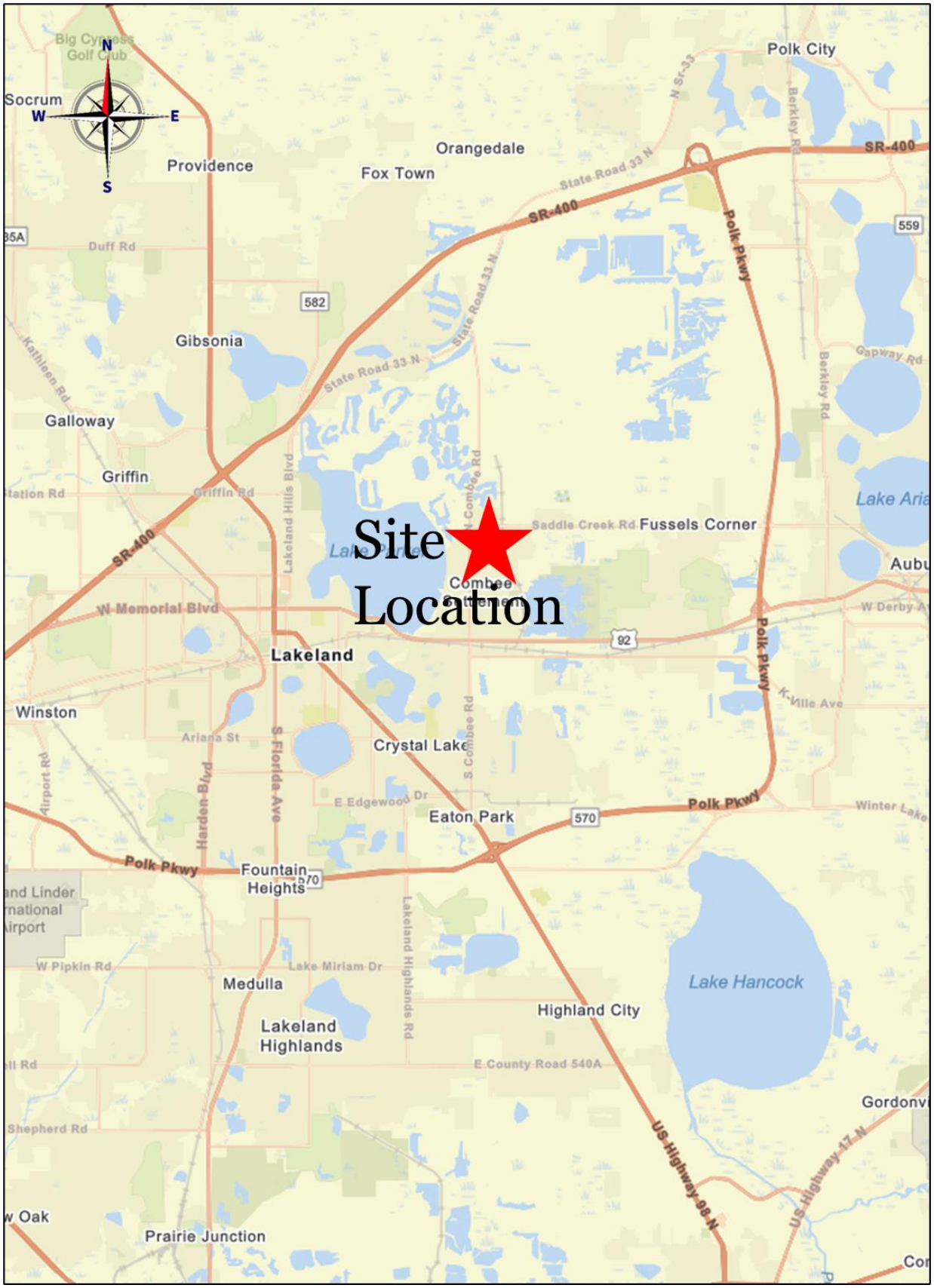
Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 of the staff report.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this request is consistent with the Comprehensive Plan.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*Yes, the request is compatible with surrounding uses and the general character of the area. See Page 7 of this staff report for data and analysis on surrounding uses and compatibility.*
How the concurrency requirements will be met if the development were built.	*This request will not require concurrency determination from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 8 of the staff report and waiver requirements in the Conditions of Approval.*

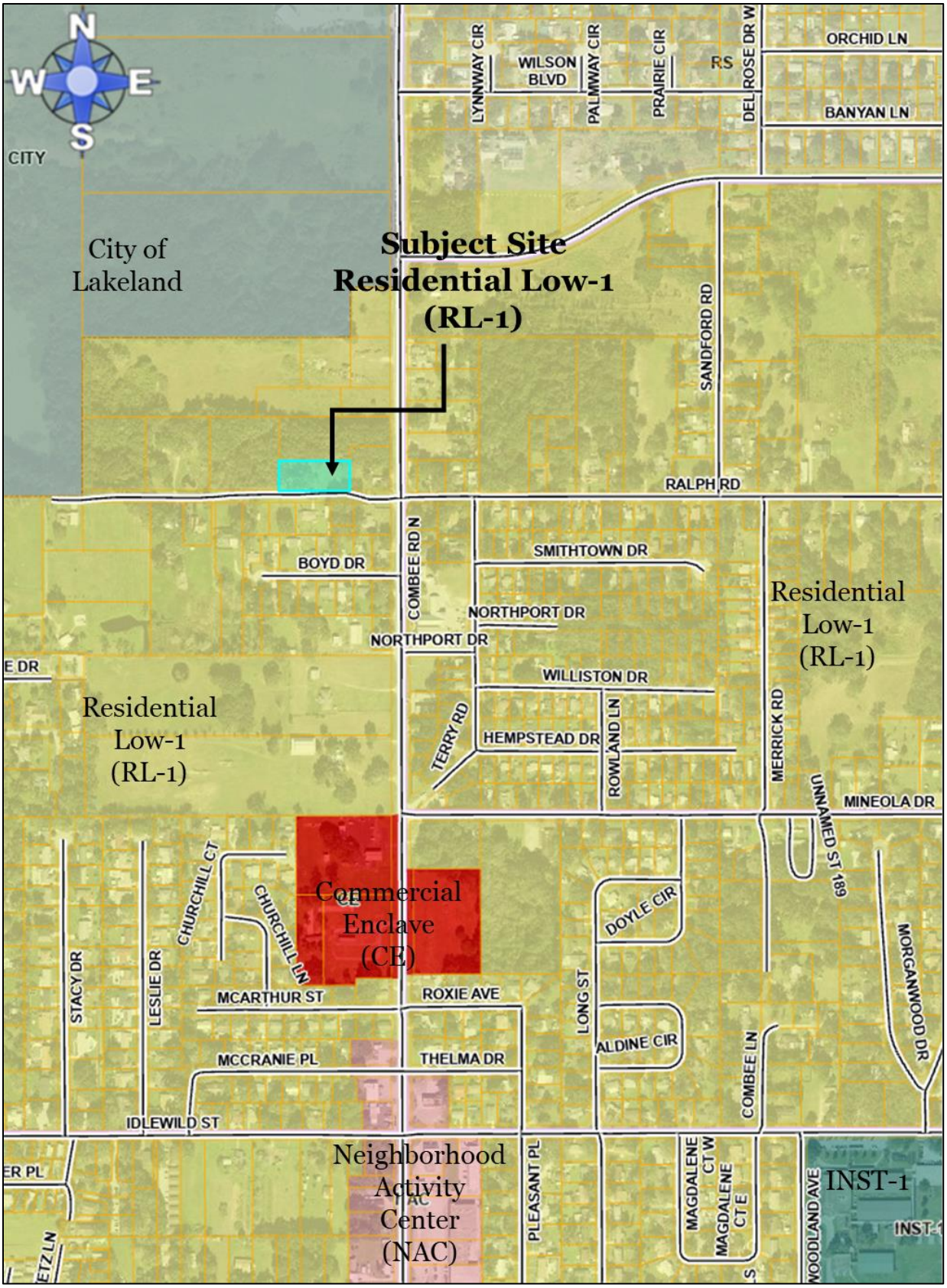
Comments from other Agencies: None

Exhibits:

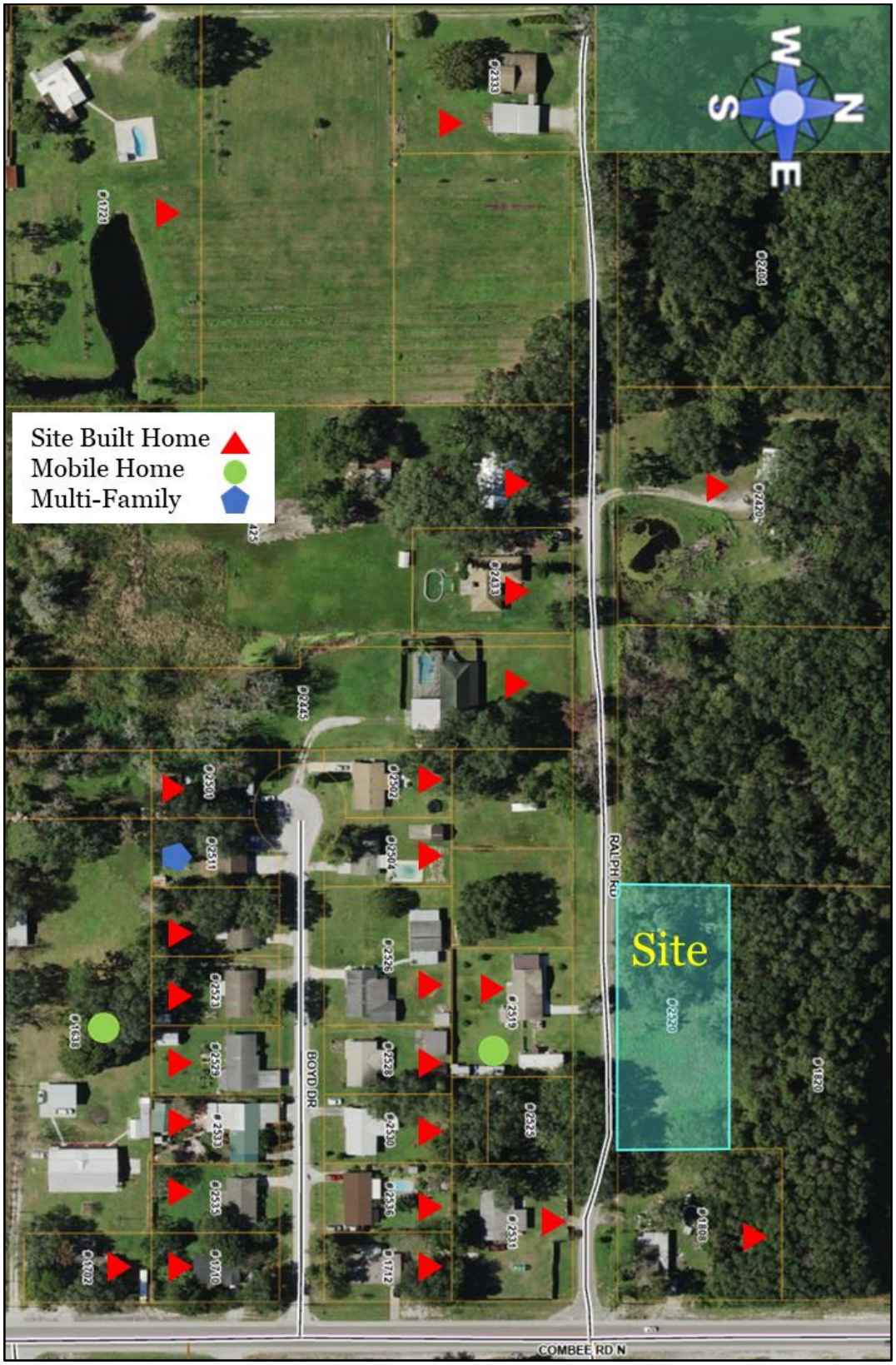
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Adjacent Homes
Exhibit 4	Aerial Image (Context)
Exhibit 5	Aerial Image (Close)
Exhibit 6	Site Plan



Location Map



Future Land Use Map



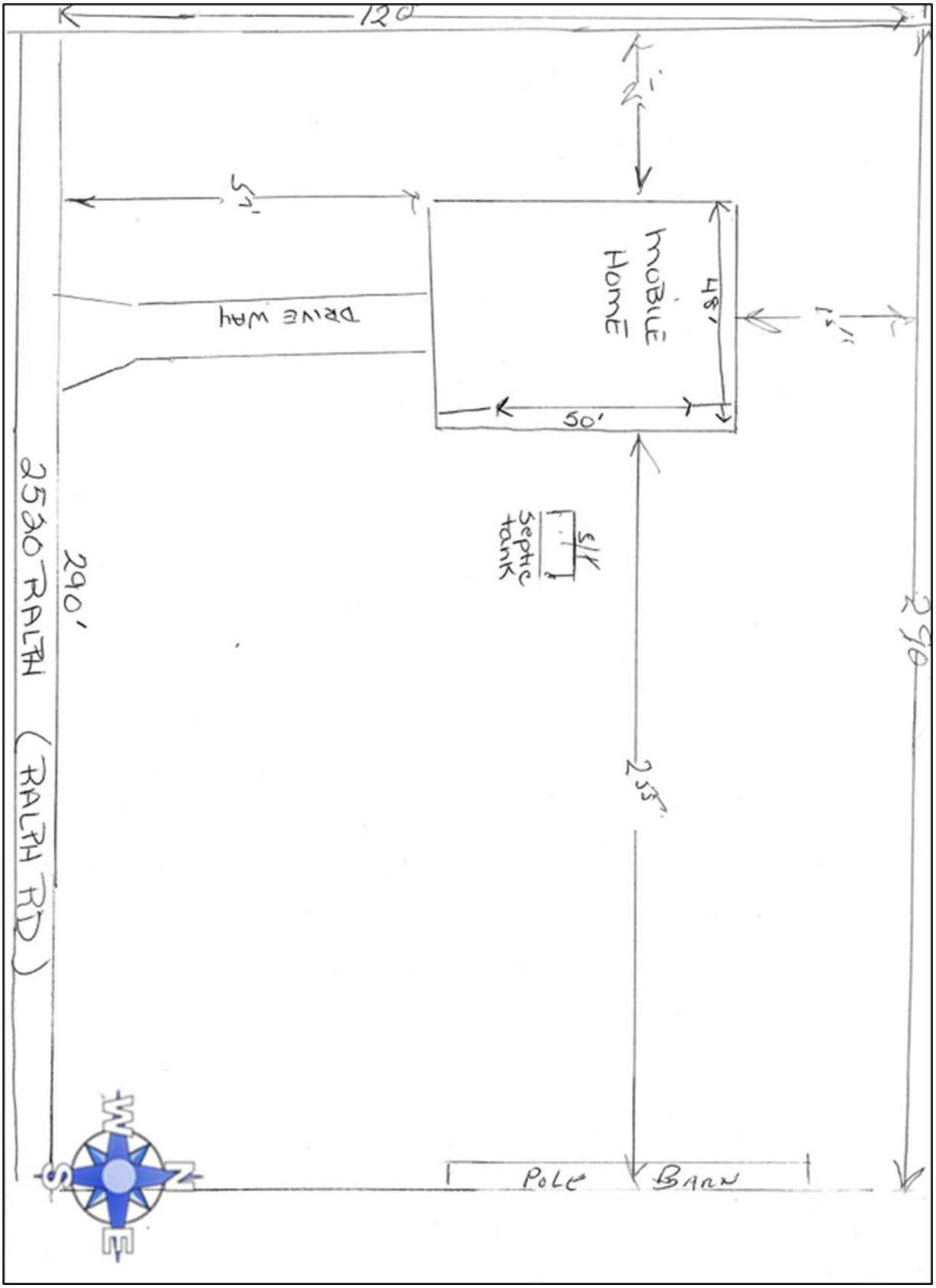
Adjacent Homes



Aerial Image (Context)



Aerial Image (Close)


120'
2'
5'
MOBILE HOME
48'
DRIVE WAY
50'
2530 RALPH (RALPH RD)
290'
septic tank
5'x
290'
253'
POLE BARN

Site Plan

Florida's Crossroads of Opportunity

Board of County Commissioners

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

POLK COUNTY

PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Frank Murillo (print owner's name), as the owner of the real property described as follows, 2520 Ralph Rd, do hereby authorize to act as my/our agent myself Frank Murillo (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.

Property Owner Signature	Frank Murillo Property Owner Printed Name	10-24-23 Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

2520 Ralph Rd Lakeland FL. 33801

Parcel # 242804000000022130

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 30 day of October 2023, by Frank Murillo.

Personally known _____ Produced Identification X Type of Identification produced and verified: Florida Driverslicens

Notary Public Signature	LINNEA VOGT Notary Public, State of Florida Commission# HH65706 My comm. expires Jan. 3, 2025 Notary Stamp
Linnea Vogt Notary Public Printed Name	Jan 3, 2025 My Commission Expires

COMMISSIONERS: George Lindsey III, Chair • Rick Wilson • Bill Braswell, Vice Chair • Martha Santiago • Neil Combee

120'
2'
57'
DRIVE WAY
MOBILE HOME
48'
50'
Septic tank
5'
2530 RALPH (RALPH RD)
290'
255'
290
POLE BARN

Request for Extension of Processing Time

Polk County
Office of Planning and Development

For Official Use Only:	
Date Received: _____	Meeting Date: _____
Project Number: _____	Approved/Denied: _____

Contact Information:

Name of Applicant/Property Owner/Agent: Frank Murillo

Mailing Address: 3538 Oakland Rd S. Lakeland 33801

Phone: 8633981004 Email: aaaconcrete1930@gmail.com

Location of Property: 2520 Ralph Rd

Per F.S. 125.022(1), the County must process applications for development orders and development permits pursuant to the time frames set forth in the statute. Specifically, the County must review and issue a letter to each applicant indicating the application is complete or specifying deficiencies within 30 days after receipt of the application. If deficiencies are identified, applicants have 30 days to submit the required additional information. Within 120 days after an application is deemed complete, or 180 days for an application that requires final action through a quasi-judicial or public hearing, the County must approve, approve with conditions or deny each application. These limits may be reasonably extended by mutual agreement of the applicant and the County, and it is the policy of the OPD to automatically agree to any reasonable extension. Additionally, per F.S. 125.022(2), when reviewing an application for a development permit or development order that is certified by a professional listed in F.S. 403.0877, the County may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

To request an extension of processing time and waiver of the limitation on requests for additional information, please fill out and sign this form and return it to OPD staff. Applicants may request an extension of processing time at the time of filing an initial application or at any time an application is pending before final action. Please be advised that the Applicant may incur additional advertising fees.

As the Applicant/Agent for Applicant for a development order or development permit from Polk County, I hereby request (check all that apply):

- ☐ A complete waiver of all statutory processing time limits
- ☐ An extension of _____ days for the County to issue final action approving, approving with conditions or denying an application for development permit or development order (**up to 180 additional days**)
- ☐ A waiver of the limitation on requests for additional information per F.S. 125.022(2)
- ☐ Decline the waiver and agree to comply with the time frames set forth in F.S. 125.022(1)

Signature of Applicant/Agent for Applicant

10-24-23
Date

*Not applicable to Comprehensive Plan Amendments, LDC text amendments, or the Green Swamp Area of Critical State Concern

Section 910 Impact Assessment Statements

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A. ***Land and Neighborhood Characteristics***

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses;
There was a mobile home on this property before it ha
been over 2 yrss
2. Provide a site plan showing each type of existing and proposed land use;
DOR use code 0002 RL-1 A / residental mobile home
EXSISTING + PROPOSED SAME
3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses; NONE this land was used in same method prior
4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and This would not effect the district as surrounding land is developed
5. Describe each of the uses proposed in a Planned Development and identify the following:

   a. The density and types of residential dwelling units;
   1 mobile home unit
   b. The type of commercial and industrial uses;
   NONE
   c. The approximate customer service area for commercial uses; and
   NONE
   d. The total area proposed for each type of use, including open space and recreation. 0.83 acres 1 residental mobile home
   1 storage shed / barn

B. ***Access to Roads and Highways***

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;
1-2 daily at most and only Pm use at peak time in emerg
2. Indicate what modifications to the present transportation system will be required as a result of the proposed development; NO modifications would BE NEEDED

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development; 2 driveway parking spots

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and direct access to Ralph Rd from property

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes. No other transportation modes have been considered

C. ***Sewage***

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development; 200gallons per day

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed; Property has a septic system which will be proffesional Pumped as needed

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems; NONE Private septic tank

4. Identify the service provider; and private septic system

5. Indicate the current provider's capacity and anticipated date of connection. No provider private septic owned by applicant

D. ***Water Supply***

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment; City water

2. Identify the service provider; Lakeland electric & water

3. Calculate the estimated volume of consumption in gallons per day (GPD); and 25 gallons

4. Indicate the current provider's capacity and anticipated date of connection. water is currently on

E. ***Surface Water Management and Drainage***

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality; NONE land has already been used in the same manner
2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project; No alterations required land has been used prior in same manner
3. Describe the impact of such alterations on the fish and wildlife resources of the site; and None land has been used in same manner on property in prior years
4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site. None as land has been used in prior years in same manner

F. ***Population***

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses; No commercial used (2 adult residents) NON commercial
2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift; No commercial use
3. Indicate the expected demographic composition of the additional population (age/socio-economic factors); and 93 yr old man and 61 yr old caregiver both on Social Security
4. Describe the proposed service area and the current population thereof. residental current population of approx 9 residences on this road

G. ***General Information***

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and 93 yr old owner of property needs old zoning this will also make property BEAsthetically kept and keep rats down
2. Discuss the demand on the provision for the following services: FOR HANDICAPPED

   a. Parks and Recreation; NONE

   b. Educational Facilities (preschool/elementary/middle school/high school); NONE

c. Health Care (emergency/hospital); NONE owner already lives in area

d Fire Protection; none

e. Police Protection and Security; and none

f. Electrical Power Supply approximately 750 Killowatts monthly

H. ***Maps***

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

3. Map A: A location map showing the relationship of the development to cities, highways, and natural features;

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;

5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;

6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths.

8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type,

and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes; and

9. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features.

LDCU-2023-54 - Ralph Road MH CU

Menu Reports Help

Application Name: Ralph Road MH CU

File Date: 10/16/2023

Application Type: PC-Conditional Use-New Or Mobile Home

Application Status: In Review

Application Comments:

View ID	Comment	Date

Description of Work: I am a 93 year old man seeking to keep the mobile home that i have already paid to have moved and set up on this property. I was unaware that I could not just replace the prior unit which was there in 2020. Please help me as I am on a fixed income and apparently I have made a mess of things.

Application Detail: Detail

Address: 2520 RALPH RD, LAKELAND, FL 33801

Parcel No: 242804000000022130

Owner Name: MURILLO FRANK P JR

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
MURILLO FRANK P JR		Applicant	Mailing, 3538 Oakland ...	Active
MURILLO FRANK P JR		Individual	Mailing, 2520 Ralph Rd...	Active
MURILLO FRANK P JR		Individual	Mailing, 3538 Oakland ...	Active
MURILLO FRANK P JR		Individual	Mailing, 3538 Oakland ...	Active
FRANK MURILLO		Applicant		Active
MURILLO FRANK P JR	MURILLO FRANK P JR	Individual	Mailing, 3538 Oakland ...	Active
MURILLO FRANK P JR	MURILLO FRANK P JR	Individual	Mailing, 3538 Oakland ...	Active
MURILLO FRANK P JR		Individual	Mailing, 2520 Ralph Rd...	Active
MURILLO FRANK P JR		Individual	Mailing, 3538 Oakland ...	Active
MURILLO FRANK P JR	MURILLO FRANK P JR	Individual	Mailing, 3538 Oakland ...	Active
Niaomi Murillo		Individual	Mailing, 3538 Oakland ...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $966.00

Total Fee Invoiced: $966.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Conditional Use
Mobile Home

Brownfields Request
N/A

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
_

Will This Project Be Phased

Acreage
0.85

DRC Meeting
11/30/2023

DRC Meeting Time
12:30

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Case File Number
–

Is this Polk County Utilities

Is this Application a result of a Code Violation
Yes

One Year Extension
–

FS 119 Status
Non-Exempt

Code Violation Case Number
CMA-2023-1166

ADVERTISING

Legal Advertising Date
–

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
–

1st BOCC Date
–

2nd BOCC Date
–

LUHO-Level 3
–

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
Open

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-23EST-00000-60105

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
–

RequiredDocumentTypesComplete
Yes

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
√

SELECTED AREA PLANS

Selected Area Plans

N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	RL-1- Residential Low

DEVELOPMENT AREA

Development Area

Transit Supportive

NOR

Neighborhood Organization Registry (NOR)

Combee Area Revitalization Effort

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC		38		01/23/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/03/2023	Angela Kaufman
Engineering Review	Robert Joynes			
Fire Marshal Review	Kim Turner			
Planning Review	Malissa Celestine			
Surveying Review	Steve McQuaig	Approve	11/07/2023	Steve McQuaig
School Board Review	School District			
Roads and Drainage Review	Phil Irven	Approve	11/07/2023	Phil Irven
Review Consolidation	Angela Kaufman			
Staff Report				
Public Notice				
Hearing				
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
Documents and Payment ...	***10/27/23 - Fees wer...	Condition...	10/31/2023		

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-54 (Ralph Rd Mobile Home CU)

Applicant: Frank Murillo Jr

Property Owner: Frank Murillo Jr and Naomi Murillo

Hearing Date: 2/7/2024

I. Request:

The applicant is requesting Conditional Use approval for a Mobile Home to be permitted on ±0.85 acres within a Residential Low-1 (RL-1) Future Land Use District. The site is also located in the County's Transit Supportive Development Area (TSDA).

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 application, consider the following factors:

    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met if the development was built.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 303 and 906.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February **2024**, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chair Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

From:	White, Margo
To:	Kaufman, Angela
Subject:	FW: Case Number LDCU-2023-54 for the property at 2520 Ralph Road, Lakeland, Florida, 33801.
Date:	Tuesday, February 6, 2024 11:02:58 AM
Importance:	High

From: Anita Clyne <anita@uamonline.com>
Sent: Tuesday, February 6, 2024 10:20 AM
To: White, Margo <MargoWhite@polk-county.net>
Subject: [EXTERNAL]: FW: Case Number LDCU-2023-54 for the property at 2520 Ralph Road, Lakeland, Florida, 33801.
Importance: High

> You don't often get email from anita@uamonline.com. Learn why this is important

Mrs. White,

Please see the email below. I have called and left a message for you as well.

Thank you,

Anita Clyne
478-472-1964

From: Call, Planner On <PlannerOnCall@polk-county.net>
Sent: Tuesday, February 6, 2024 8:07 AM
To: Anita Clyne <anita@uamonline.com>
Subject: Re: Case Number LDCU-2023-54 for the property at 2520 Ralph Road, Lakeland, Florida, 33801.

TCS ANTI-PHISHING SECURITY
Warning: Sender @PlannerOnCall@polk-county.net is not yet trusted by your organization.
Please be careful before replying or clicking on the URLs.
Report as Phishing Remove Banner if Safe
powered by Graphus®

Hello Mrs. Clyne,

If you'd like to leave your opinion on the Conditional Use approval of LDCU-2023-54, you'll have to get in contact with Mrs. Margo White, of the Processing department, who can tally your input on this conditional approval. You can reach her at (863) 534-6012.

If you've any more questions of us, feel free to contact us at your own convenience.

Chance Smith, Planning Technician
Office of Planning and Development

Mailing: P. O. Box 9005/Drawer GM01, Bartow, FL 33831-9005
Physical: 330 W. Church Street, Bartow, FL 33830
Planner on call phone number -863.534.6084 | F-863.534.6021
E-mail: planneroncall@polk-county.nethttp://www.polk-county.net

DISCLAIMER

The "Planner on Call" service is provided as a courtesy to our customers. Please be advised that none of the information provided shall be construed to supersede any requirement of the Polk County Comprehensive Plan or Polk County Land Development Code. A more formal determination regarding land use entitlements or the use of land can be obtained through a request for a Land Use Verification Letter.

From: Anita Clyne <anita@uamonline.com>
Sent: Sunday, February 4, 2024 7:23 PM
To: Call, Planner On <PlannerOnCall@polk-county.net>; Call, Planner On <PlannerOnCall@polk-county.net>
Cc: Fenton, Autumn <autumnfenton@polk-county.net>; kjdeeson@teamfishel.com <kjdeeson@teamfishel.com>; Jackie Suggs <suggshj@yahoo.com>
Subject: [EXTERNAL]: Case Number LDCU-2023-54 for the property at 2520 Ralph Road, Lakeland, Florida, 33801.

> Some people who received this message don't often get email from anita@uamonline.com. Learn why this is important

To Whom It May Concern,

We are the property owners at 2519 Ralph Road, located directly across from the property for which the referenced conditional use hearing is scheduled. We have specific concerns about the landowner's intentions for the property's use and how it will impact the value of our home and other homes in the neighborhood should the county issue this permit.

Our first concern is that the owner is relocating his commercial business, AAA Concrete & Stucco, from 2711 N. Combee Road under the guise of this request for the conditional use permit for a mobile home.

As evidenced by the attached photos, the double-wide at the commercial property on Combee Road is the same double-wide setup on the Ralph Road property. There is power and an apparent layout for a second mobile home, and the shed/pole barn is now filled with materials and supplies previously

located at the Combee Road business.

Secondly, the fence installed around the property is in disrepair and of varying material types. The fence is an eyesore for the entire neighborhood and directly affects the value of surrounding properties.

The property owner is in clear violation of the county codes on many levels and shows complete disregard for the impact that it is having on the surrounding properties. Based on the property owner's public criminal record, he has a history of committing fraud and ignoring the law without remorse. He will continue to defraud the County and his neighbors if allowed to continue with this permit.

We respectfully request that the County deny the conditional use permit and require the removal of the double-wide and the removal or replacement of the unsightly fencing. We further ask that the County cause the owner to cease relocating the commercial business to our residential neighborhood.

Sincerely,

Harold and Jackie Suggs
Anita Clyne
Dale Suggs

Anita Clyne
President
Utility Asset Management, Inc.

Phone: 478-842-2301
Mobile: 478-472-1964
Email: anita@uamonline.com

2025 US Highway 41 South
Perry, GA 31069

www.uamonline.com

Agenda Item 5. 2/7/2024

SUBJECT

LDCU-2023-58 (Warner University Wastewater Plant)

DESCRIPTION

Kim McCranie of Carter-Kaye Engineering, on Behalf of Warner Southern University, requests Conditional Use approval of a 290,000 gallons per day (GPD) Wastewater Treatment Plant in an INST-2X district on +/- 97 acres. The site is located at 151 Warner Drive, west of U.S. Highway 27, south of Alturas-Babson Park Cutoff Road, east of the CSX Railroad, west of Fulton Hall, west of the town of Hillcrest Heights, south of the city of Lake Wales, north of the town of Frostproof in Section 34, Township 30, Range 27.

RECOMMENDATION

Approval.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

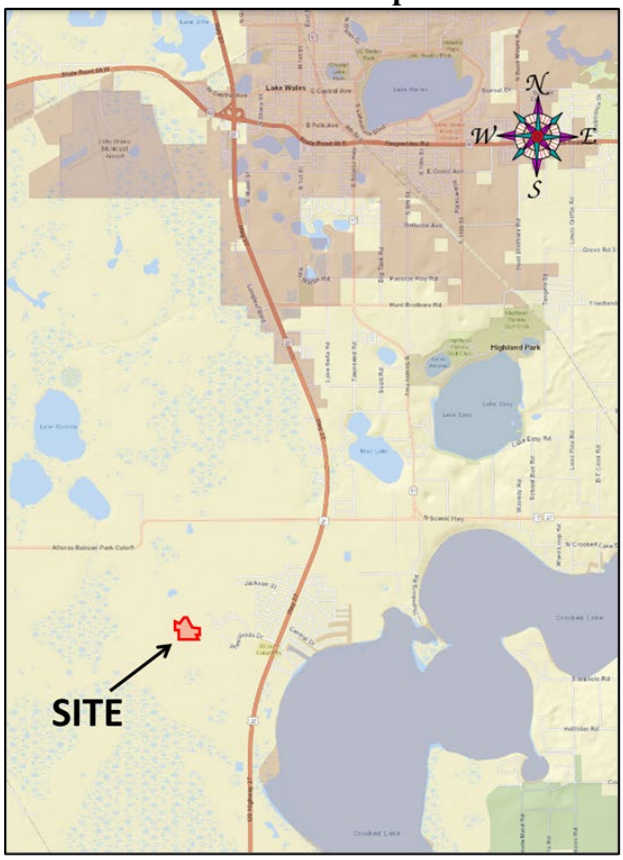
Erik Peterson, AICP
Planning Administrator
Land Development Division
(863) 534-6470
erikpeterson@polk-county.net <mailto:erikpeterson@polk-county.net>

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

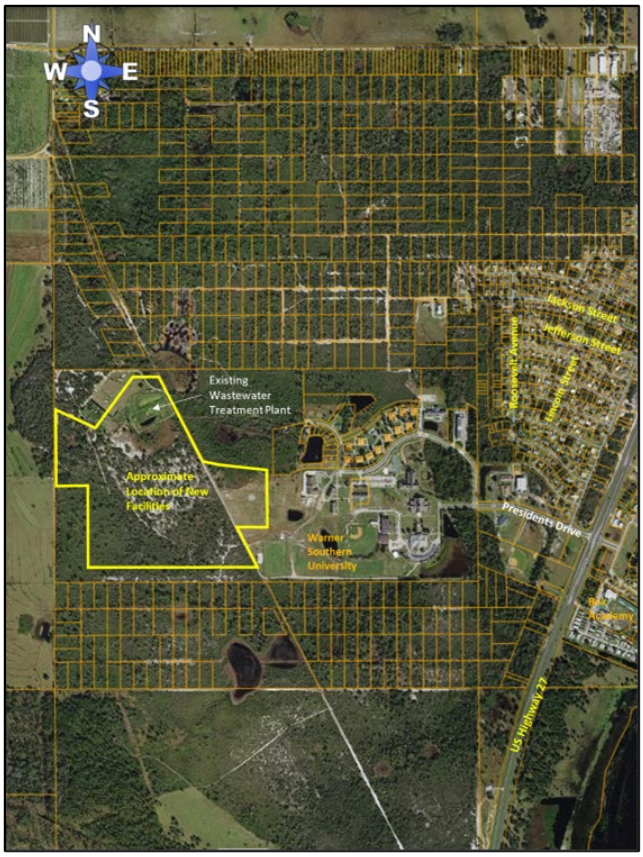
DRC Date:	November 30, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use
BoCC Date:	n/a	**Case Numbers:**	**LDCU-2023-58**
		Case Name:	Warner University Wastewater Plant
Applicant:	Kim McCranie Carter-Kaye Engineering	**Case Planner:**	Erik Peterson, AICP

Request:	Conditional Use approval of a 290,000 gallons per day (GPD) Wastewater Treatment Plant in an INST-2X district.
Location:	151 Warner Drive, west of U.S. Highway 27, south of Alturas-Babson Park Cutoff Road, east of the CSX Railroad, west of Fulton Hall, west of the town of Hilcrest Heights, south of the city of Lake Wales, north of the town of Frostproof in Section 34, Township 30, Range 27.
Property Owners:	Warner University Inc.
Parcel Size (Number):	±97 acres (273034-000000-012020)
Future Land Use:	Institutional-2X (INST-X) Southeast Polk Selected Area Plan (SAP)
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	Hillcrest Heights 3½ miles
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Public Hearing

Location Map



2020 Aerial Photo



Summary:

Warner Southern University is growing. In the next 10 years, the university will add approximately 300 new dormitory units, a new student center, new dining hall, and a 3,000-seat multipurpose sports field. With these new facilities will come the need for greater wastewater capacity. This request is an expansion of their current system from 86,000 GPD to 290,000 GPD. The new facility will be located approximately 900 feet to the south of the existing facility. The existing facility will then be removed. Wastewater Treatment Facilities are considered Class III Utilities and require Planning Commission approval through a Level 3 Review.

The university has a consistent enrollment in the mid-600s. They desire to expand but are limited by the amount of on-campus housing that is available. To increase the enrollment, more facilities and dormitories are needed. To serve them will require an expansion of the wastewater treatment plant. An expansion of over three times its current size will provide adequate capacity for expansion in the near future and expansions in the distant future as the school grows.

This facility will be located well inside the Warner Southern University campus. It will be a significant distance from the nearest private residence (over 1,700 feet). Wastewater facilities of this size make few discernable noises and generate an insignificant amount vehicle traffic. Staff has determined this location to be compatible with the surrounding land uses due to the significant size of the property and distances from any offsite land uses.

Findings of Fact

- *This is a request for Conditional Use approval of a 290,000 gallons per day (GPD) Wastewater Treatment Plant on ±97 acres in an INST-2X district.*
- *The site was approved for an 89,000 gallon per day (GPD) wastewater treatment facility in 1976.*
- *The site is in a Rural Development Area (RDA), which 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" according to POLICY 2.108-A1 of the Comprehensive Plan. The site is in a Rural Development Area (RDA), which 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," according to POLICY 2.108-A1 of the Comprehensive Plan.*
- *Comprehensive Plan POLICY 2.125-D2.c says, "The development of utility facilities shall be permitted in the Rural-Development Area, as designated on the Future Land Use Map Series, only when such developments provide regional services, or is incompatible with urban uses, or services the existing needs of the immediate area in which it is located."*
- *Comprehensive Plan POLICY 2.125-D2.d says, "Polk County adopted the Land Development Code in accordance with Section 163.3202(1), FS, to further define appropriate development controls to govern the locational and site criteria for utilities."*
- *Chapter 10 of the Land Development Code (LDC) defines Class III Utilities as "Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities."*
- *Section 401.08, Table 401.08.01, Use Table for Standard Land Use Districts for the Southeast Polk Selected Area Plan lists Class III Utilities as a Level 3 Conditional Use in the Institutional-2X (INST-2X) districts.*
- *Chapter 3, Section 303, Criteria for Conditional Uses, of the Land Development Code states "Class III utility facilities may be permitted within the Rural Development Area (RDA), as designated on the Future Land Use Map Series, only when such development:*

  a. Provides regional (multi-county) services;
  b. Is determined by the County to be incompatible with urban uses;
  c. Is necessary to service the existing needs of the immediate area in which it is proposed to locate."

- *The surrounding Future Land Use Map districts are INST-2X to the east, A/RR to the north, west and south, and RMX to the northeast. There are no residential structures within over 1,700 feet.*
- *The property is over ½ mile from the nearest school and a significant distance from current or potential school bus stops in the vicinity of the site.*
- *County Fire response to this project is from Polk County Fire Rescue Station 21, located at located at 14684 U.S. 27, within ¾ mile of the university with direct access to Washington Street. The ambulance is from the County's fire rescue station at the Lake Wales airport.*
- *The site is served by the Polk County Sheriff's Office Southeast District Command Center at 4011 Sgt. Mary Campbell Way, Lake Wales approximately 10 miles driving distance from the site.*

- *The site is in the Park Water system for potable water services. It is managed by the city of Lake Wales.*
- *The site access to the subject property is through the university roadways that connect to a County maintained local residential road and a state maintained arterial roadway.*
- *According to the Transportation Planning Organization, there is adequate capacity on U.S. Highway 27 as well as other roads within the area transportation network.*
- *There are no wetlands and floodplains on the site where the wastewater treatment facility is planned.*
- *The site where the wastewater treatment facility will be located is comprised of Archbold Sands, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.*
- *According to the 2011 Polk County Endangered Habitat Map, the property is not located within a one-mile radius of an endangered species sighting according to the Florida Natural Areas Inventory, 2002, 2006, &2011.*
- *The site is not within an airport flight path and height notification zone.*

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 with the proposed conditions the request **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 LDCU-2023-58.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2023-58 with the following conditions:

1. This approval shall be for 290,000 GPD Wastewater Treatment Plant on ±97 acres. [PLG]

2. Wastewater treatment effluent may be distributed anywhere within the Warner Southern University property either in spray fields, rapid infiltration basins, or reclaimed water distribution system.

3. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDCU-2023-58, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. Building permits will be required for improvements to structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: Agricultural/Residential Rural-X (A/RRX) JMC Ranch Improved Pasture	**North:** Institutional-2X (INST-2X) PUD 76-5 Warner Southern University Existing Wastewater Treatment Facility	**Northeast:** Residential Medium-X (RMX) Genesis Point Estates Residential Quadruplexes
West: Agricultural/Residential Rural-X (A/RRX) JMC Ranch Improved Pasture	**Subject Property:** Institutional-2X (INST-2X) PUD 76-5 Warner Southern University Vacant property	**East:** Institutional-2X (INST-2X) PUD 76-5 Warner Southern University Virginia & JW Holland Hall
Southwest: Agricultural/Residential Rural-X (A/RRX) JMC Ranch Improved Pasture	**South:** Institutional-2X (INST-2X) PUD 76-5 Warner Southern University Vacant land	**Southeast:** Institutional-2X (INST-2X) PUD 76-5 Warner Southern University Soccer Fields

The site is over 1,700 feet from the nearest private residence in Genesis Pointe Estates. The other neighboring properties are the university, an active cow pasture, and environmental preservation lands.

Compatibility with the Surrounding Land Uses and Infrastructure:

This wastewater facility expansion is compatible with surrounding land uses and other infrastructure in the immediate area needed and related to the proposed development. The analysis to follow breaks down the components of the surrounding area and provides data to determine how well the proposed use will coexist in the proposed location in a stable fashion over time.

A. Land Uses:

This facility will be located well inside the Warner Southern University campus. It will be a significant distance from the nearest private residence (over 1,700 feet). Wastewater facilities of this size make few discernable noises and generate diminimus vehicle traffic. It's location is close to the existing plant location. It is clearly compatible with its surrounding land uses by definition.

B. Infrastructure:

This request is to improve the capacity of the existing wastewater system, a vital element of urban infrastructure. This system expansion will enable the university to continue its expansion plans. Other needed

The LDC defines compatibility 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.*"

infrastructure is available. The only concern is that the potable water system will be a limiting factor. There is capacity in the system, but not as much as the wastewater system expansion will support. There will need to be some expansion planning for the Park Water system in the future. This utility is under the City of Lake Wales ownership now.

Nearest and Zoned Elementary, Middle, and High School

School capacity is not a concern for non-residential uses. Proximity and traffic conflicts are a concern. Fortunately, the activity on this site is benign and will have no potential conflicts with any school's operation. Listed to follow are the three closest schools to the site.

Table 2

Name of School	Average driving distance from subject site
Zoned: Ben Hill Griffen Elementary in Frostproof	±6 miles, ±9¼ miles driving distance
Closest: Babson Park Elementary School	±5 miles, ±5½ miles driving distance
Zoned: McLaughlin Middle	±4½ miles, ±6 miles driving distance
Closest: Bok Academy Middle School	±0.6 miles driving distance
Frostproof Senior High School	±5 miles, ±5½ miles driving distance

Source: Polk County School Board GIS

This wastewater treatment facility will pose no potential adverse impacts upon any nearby schools. It will help Bok Academy Middle School because it is currently served by the existing facility.

Nearest Sheriff, Fire, and EMS Station

Fire response to the wastewater treatment facility is from Polk County Fire Rescue Station 21, located at 14684 U.S. 27, just ¾ mile up Washington Street from the university. This facility does not have ambulance vehicles. The ambulance (EMS) response is from the County's fire rescue station at the Lake Wales airport. Response times can vary significantly based on many factors but are within the urban levels on average.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Southeast District Headquarters (4011 Sgt. Mary Campbell Way, Lake Wales)	±10 miles	7 minutes
Fire	Polk County Fire Rescue Station 21 Caloosa Lake (14684 U.S. 27)	±¾ miles	4 minutes
EMS	Polk County Fire Rescue Station 11 (2029 State Road 60, Lake Wales)	±7 miles	11 minutes

Source: Polk County Sheriff's Office and Public Safety

**Response times are based on when the station receives the call, not from when the call is made to 911.*

This will be an unmanned facility. Aside from construction, there should be little demand for fire rescue. There are not many combustible features to a wastewater treatment facility of this size.

The site is in the Polk County Sheriff's Office Southeast District which is headquartered at 4011 Sgt. Mary Campbell Way in Lake Wales. 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. There is even less of a need for law enforcement services than there is for fire rescue at the site of at a wastewater treatment facility.

Water and Wastewater Demand and Capacity:

This wastewater treatment facility will not require any water or wastewater. It will provide wastewater services. The current capacity is 86,000 gallons per day (GPD) which is capable of serving the equivalent of approximately 320 single family homes. The new facility will provide 290,000 GPD, which is a level of service equivalent to approximately 1,075 single family homes.

A. Estimated Demand and Service Provider:

Park Water Company provides potable water to Warner Southern University. Park water is now owned and managed by the city of Lake Wales. The existing wastewater treatment plant does not receive potable water. It uses a raw water well for its water needs. If this site were to be utilized for something else under the INST-2X category, it would likely be more utility intensive than a wastewater treatment plant. There is such a wide variety of potential INST-2X uses that it is difficult to compare the request to alternatives. For standard analysis protocol, the table to follow assumes government facilities.

Table 4

Subject Property	**Estimated Impact Analysis**		
±97 acres INST-2X	**Demand as Currently Permitted INST-2X**	**Maximum Permitted in the District INST-2X**	**Proposed Plan**
Permitted Intensity	vacant	1,056,330 sq.ft. Government Offices	Class III Utility
Potable Water Consumption (GPD)	0 GPD	253,520 GPD	0 GPD
Wastewater Generation (GPD)	0 GPD	202,815 GPD	0 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

The wastewater Treatment plant will add to the wastewater capacity and not detract from the available potable water capacity.

B. Available Capacity:

Park Water Company is permitted to draw up to 393,000 GPD from their well system, according to the Southwest Florida Water Management District General Permits Viewer. Their average flow is 302,000 GPD, which puts the system at 76% capacity. The Park Water Company system can potentially serve up to 1,100 units. They currently have 752 connections serving an estimated population of 1,948 people, according to the Florida Department of Environmental Protection Basic Facility Report for 2022.

The current capacity of the existing wastewater treatment plant is 86,000 gallons per day (GPD). The new facility will provide 290,000 GPD which is a 337% increase. The average enrollment in the university has been 644 students in the Fall Semester for the last five years. But not all of them live on campus. It is estimated that a student living on campus consumes approximately 110 GPD. This expansion could enable on campus enrollment to reach approximately 2,350 students.

C. Planned Improvements:

There are no specific plans for expansion or improvements in the Park Water system in the current Lake Wales Capital Improvements Program (CIP). Aside from the university, the system's growth rate has not demonstrated a need for expansion. Over the long-term, both the city and the County should make efforts to promote future camps expansions. Academic institutions are a significant

economic development asset. If the wastewater system is expanding, it will be just as important to expand the potable water system.

This request is a planned expansion of the Warner Southern University's wastewater treatment plant. According to the applicant, Warner University is expected to grow significantly over the next ten years. Specifically, we are looking at the following construction projects between now and 2034:

- The construction of a 196-bed residence hall.
- The construction of a 3,000-seat stadium at the front of campus for viewing of the new multi-use Athletic Turf Field.
- The construction of a new Student Center and Dining Hall.
- The construction of an additional 100-bed residence hall.

Roadways/ Transportation Network

Class III Utilities do not often generate significant amounts of traffic on roadways. They are typically more of a "land intensive" use. This means they can use a lot of land but don't have as much activity to go with it. The site is developed with a commercial driveway access to a private local residential road. There is more than ample capacity on the directly affected roadways, even for a use with higher transportation demands.

A. Estimated Demand:

It's difficult to compare the traffic impacts of a wastewater system to anything else. It's even harder to compare it against the many possible land uses that can locate in an INST-2X district. Wastewater treatment plants in the sizes currently planned and existing require very little operational labor. They are often operated remotely and only visited periodically for maintenance. On the other hand, the INST-2X district can be occupied by schools of Kindergarten through College, government offices, college dormitories, corporate or religious lodges and retreats, landfills, and jails. With so many different uses, there's really no way provide a meaningful analysis as to the maximum amount of development impact in the district compared to the proposed use.

Table 5

Subject Property	**Estimated Impact Analysis**		
±97 acres INST-2X	**Demand as Currently Permitted INST-2X**	**Maximum Permitted in the District INST-2X**	**Proposed Plan**
Permitted Intensity	vacant	1,056,330 sq.ft. Government Offices	Class III Utility
Average Annual Daily Trips (AADT)	0	19,164	<1
PM Peak Hour Trips	0	2,780	<1

Source: Polk County Concurrency Manual

In the end, the land has very little use without the provision of potable water and wastewater services. This request will not require a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. The access is through a private local residential road.

B. Available Capacity:

Although the request will have limited impact on the transportation system, it is still pertinent to be aware of available capacity when making land use decisions. Table 6, to follow, provides a good snapshot of the capacity on the surrounding road network. U.S. Highway 27 is the only facility of significant traffic in the area and the university connects to it directly. On average, 18,500 vehicles pass by Warner Southern University each day.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5101N	U.S. Highway 27 From: County Road 630 (Fort Meade Road) To: County Road 640 (Alturas Babson Park Cut-off Road)	C	1,151	D
5101N	U.S. Highway 27 From: County Road 640 (Alturas Babson Park Cut-off Road) To: County Road 630 (Fort Meade Road)	C	1,184	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database April 2022

There is more than adequate capacity in the network. This is the least traveled portion of U.S. Highway 27 in Polk County.

C. Roadway Conditions

Access to the wastewater treatment facility is only a compacted soil driveway. That is all that is needed due to minimal traffic to the site. The portion of U.S. Highway 27 along the frontage of Warner Southern University is in fair condition and was last resurfaced in 2010.

D. Planned Improvements:

There are no roadway improvements planned in the next five years for this area of the County.

E. Sidewalks

There are sidewalks within the Warner Southern University campus. They are not needed for the wastewater treatment plant.

F. Mass Transit

There are no mass transit services provided to the Warner Southern University area. If these improvements lead to more on-campus housing and that results in a higher enrollment, there may one day be enough mass transit demand to provide services to the campus.

Park Facilities:

The closest County recreation facility is Babson Park Playground approximately 6 miles away on the other side of Crooked Lake. The request will not adversely affect the park or its operations.

A. Location:

Babson Park Playground is located on 5th Avenue approximately ½ mile from the site ¾ mile walking or driving distance.

B. Services:

A basketball court and a Playground.

C. Environmental Lands:

The closest Environmental Lands holding is Crooked Lake West abutting the site of the existing wastewater treatment plant. Moving the wastewater facility farther away poses no adverse impacts to it.

D. Planned Improvements

The playground was recently renovated. There are no planned improvements to park facilities in this area in the County's 5-year capital improvements plan.

Environmental Conditions

There are no significant environmental limitations to development of this property. The applicant has selected the best location for a wastewater treatment plant on the entire ±360-acre Warner Southern University campus. It has good soils, is far from nearby surface waters, no wetlands or flood hazard areas, no recent endangered species sightings, or archeological resources.

A. Surface Water:

The first impression is that drainage from the site flows into Crooked Lake due to proximity, but it does not. The proposed wastewater treatment site is located within the Peace Creek Tributary Canal Basin. This basin flows to the Peace River. The site is slightly higher than the properties around it. This is chosen because of its potential percolation qualities. There is very little impervious surface associated with wastewater treatment plants. The wastewater effluent will be of a high quality due to three separate levels of treatment (anaerobic, aerobic, and filtration) The effluent is designed to percolate onsite through rapid infiltration basins. No effluent will be directed towards any surface waters. This proposed facility will have no adverse impacts upon the quality of nearby surface waters.

B. Wetlands/Floodplains:

There are no wetlands or 100-year flood hazard areas within the vicinity of the area planned for the new wastewater treatment plant. The rapid infiltration basins and tentative spray field locations are also outside of the flood hazard or wetland areas.

C. Soils:

The site is comprised of mostly favorable soils for development with less than 10% of the site compromised by severely limited soils, according to the U.S. Department of Agriculture, Soil Conservation Service (USDA, SCS) Polk County Survey. The applicant proposes to place the new wastewater treatment system on better soils than the former one.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site *(approximate)*
Archbold Sand (83)	Moderate: wetness.	Slight	90%
Narcoossee Sand (74)	Severe: wetness, poor filter	Severe: wetness.	10%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

D. Protected Species

There have been no sightings within one mile of the proposed wastewater treatment plant site according to the Florida Natural Areas Inventory surveys in 2002, 2006, and 2011. A more in-depth protected species study will be required for both the Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection as well as the federal agency providing the funding for the project.

E. Archeological Resources:

There are no protected archeological resources in Section 34, Township 30, and Range 27, that the site of these proposed ground storage tanks would adversely impact, according to the Florida Department of State, Division of Historical Resources.

F. Wells (Public/Private)

There are irrigation wells on campus to support the landscaping and ballfield turf. There are no potable water wells nearby. The campus is served potable water from Park Water Company which is owned and managed by the City of Lake Wales through the city utility department. The wellsite is over 1¼ from the university's proposed new wastewater treatment facility.

G. Airports:

The site is over 4½ miles from the edge of the runway for the Lake Wales Municipal Airport. Wastewater Treatment Plants are typically close to grade and pose no threat to aircraft.

Economic Factors:

Colleges and Universities are major economic generators for a community. They not only provide basic economic sector job creation, but they also improve the quality of the local workforce that attracts skilled businesses. This campus stimulates the local economy in many ways. It attracts students to the area that consume local goods and services. It also produces skilled labor that often remains in the community for a period of time. These labor resources lead to greater economic development. The primary element that any employer looks to when deciding where to locate a new business or industry is labor; both in quality as well as quantity. Increasing the quality of the labor force attracts businesses that provide higher wages. From an economic development standpoint, a community should do everything in their power to support colleges and universities. Approval of this wastewater treatment plant expansion is imperative to the further success of Warner Southern University.

Consistency with the Comprehensive Plan, LDC, and Other County Ordinances:

The property is located in the Rural Development Area (RDA), which "*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." according to POLICY 2.108-A1 of the Comprehensive Plan. Warner University abuts a Rural Center. Also, some of the Warner Southern University property is within a Utility Enclave Area (UEA) which are "*those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas*."

POLICY 2.125-D1: UTILITIES PERMITTED USES states that "*utility facilities shall be permitted throughout the County in all land use classifications, subject to County approval, to support existing and proposed development.*" Founded as Warner Southern College in 1968 by Church of God pastors and laity, the institution became known as Warner University in 2008. The campus includes approximately 360 acres and has an average enrollment of 640 fulltime students over the last five years. This facility expansion is needed to expand their on-campus housing, dining facilities, classrooms, and sports facilities.

Table 9, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 9

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 proposed new wastewater treatment facility is planned to be located south and more interior to the university property than the existing facility. This increases the compatibility of the plant with its neighboring properties. Additionally, the closest of site properties are owned by the Board of County Commissioners. The closest residential property is over 1,600 feet away from the plant site. There is no need for additional screening and buffering because there is ample foliage and other structures between them.
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.	Nothing can be a more compact use than a university campus with classrooms, auditoriums, dormitories, and dining halls. All of which need wastewater treatment to develop. This plant is a necessity for a "compact growth pattern" to occur.
POLICY 2.102-A3: DISTRIBUTION - 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.	This new facility is needed to serve the approved land uses on the university campus.

Comprehensive Plan Policy	Consistency Analysis
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.	The university is growing in student attendance. More students require more housing and restroom facilities. These facilities need a way to dispose of wastewater in an efficient way. The existing plant is nearing capacity. This new facility will expand capacity and run more efficiently than the current one.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).	A wastewater system of this size is not staffed with personnel on a regular basis and there are very few flammable components. There will not be significant demands for public safety services at this wastewater treatment plant.

Land Development Code (LDC) Section 401.08, Table 401.08.01, Use Table for Standard Land Use Districts for the Southeast Polk Selected Area Plan lists Class III Utilities as a Level 3 Conditional Use in the Institutional-2X (INST-2X) districts. A Level 3 Review is approved by the Planning Commission under the criteria listed in Section 906.D.7 of the LDC

Table 10

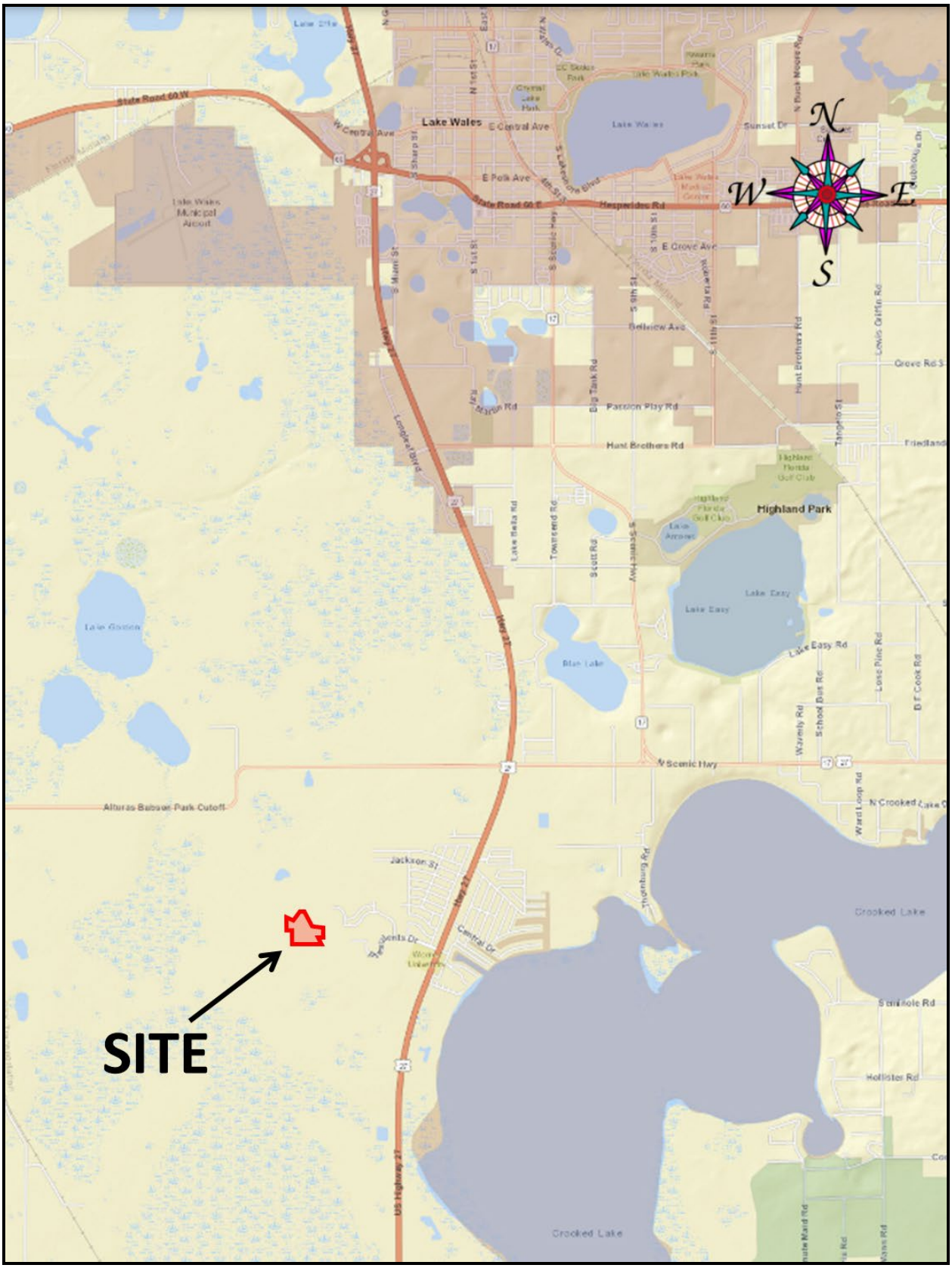
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC, specifically Sections 401.08 (Southeast Polk SAP), 303, Class III Utilities and 906.D Level 3 Review Procedures.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this development is consistent with the Comprehensive Plan because POLICY 2.125-D1 states "utility facilities shall be permitted throughout the County in all land use classifications"*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*The proposed location of the wastewater treatment plant is tucked away far from any neighboring properties outside of the university campus. It is farther away from neighboring properties than the location of the current wastewater treatment facility.*
How the concurrency requirements will be met if the development were built.	*Wastewater treatment plants generate an insignificant amount of vehicle travel, require no school or park capacity, must be designed to meet drainage requirements, and are a concurrency facility on their own.*

The request meets all conditions in Section 303 of the LDC for Class III Utilities in an INST-2X land use district. These conditions are listed in the Findings of Fact on page 3 of this report.

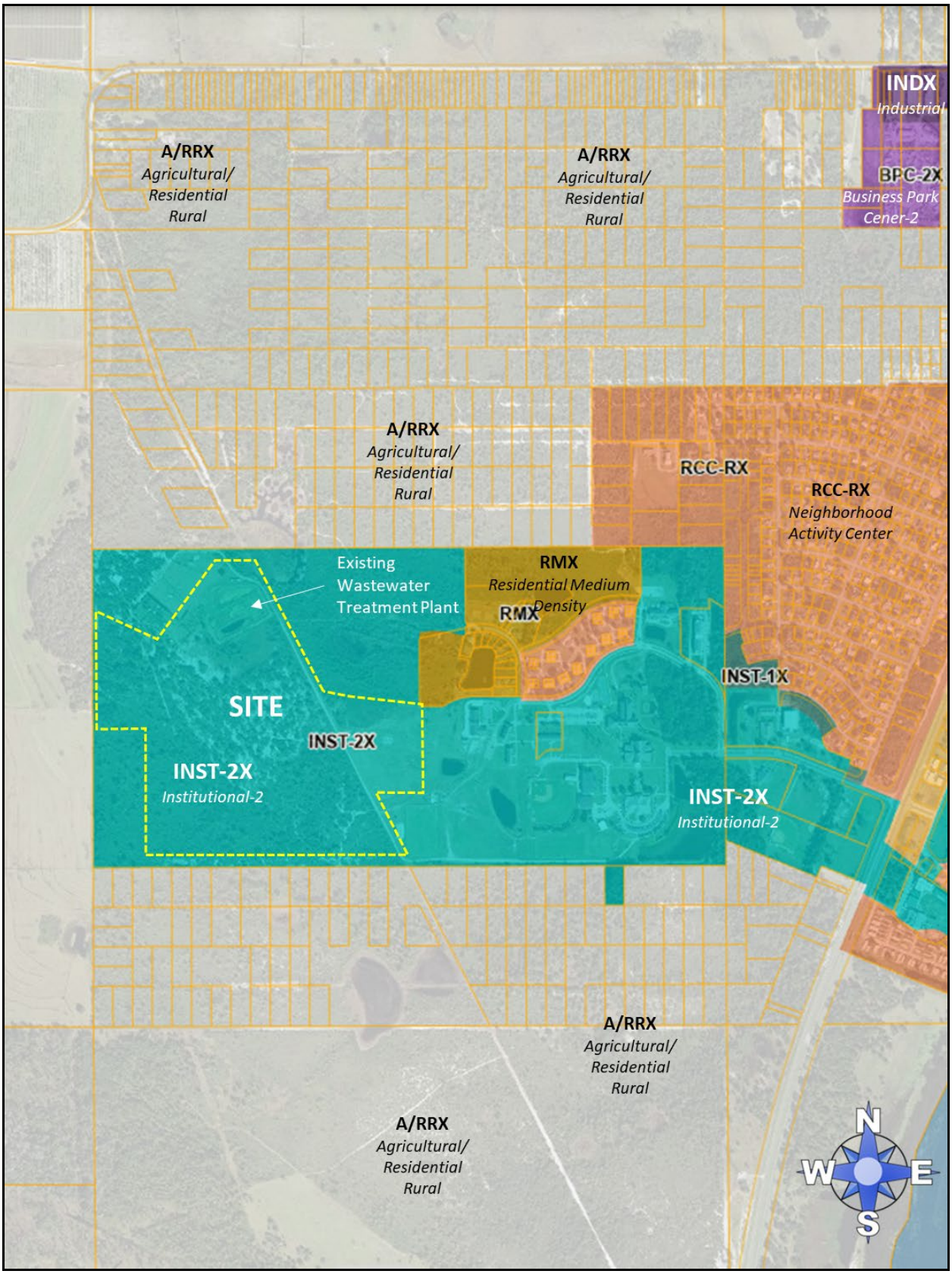
Comments from other Agencies: The Polk County Utilities, Land Development Engineering, County Surveyor, Polk County School Board, and the Polk County Public Safety Division contributed to the drafting of this report.

Exhibits:

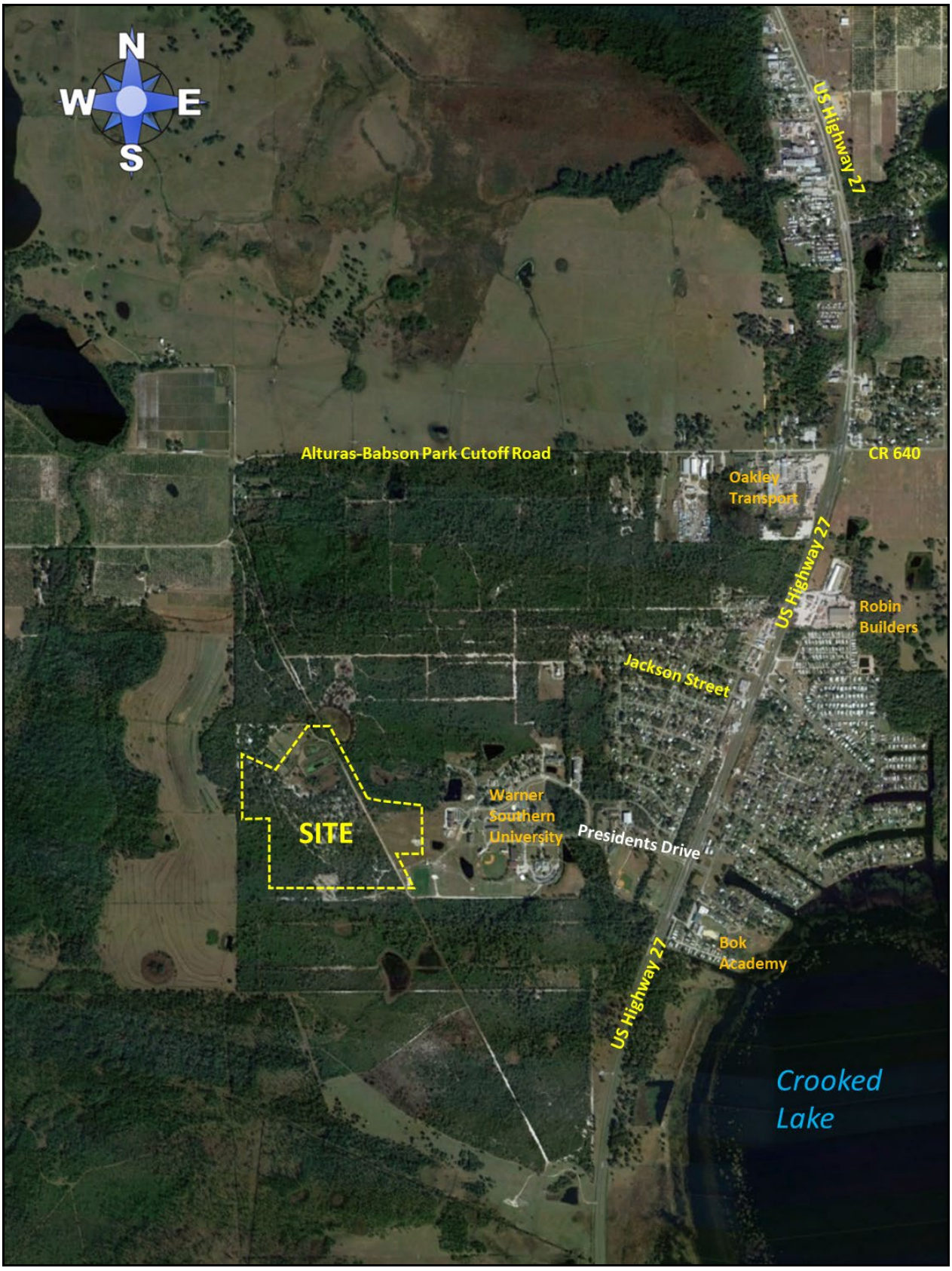
Exhibit – 1 Location Map
Exhibit – 2 Future Land Use Map
Exhibit – 3 2021 Satellite Photo (Context)
Exhibit – 4 2020 Aerial with Parcels (Close-up)
Exhibit – 5 Site Plan



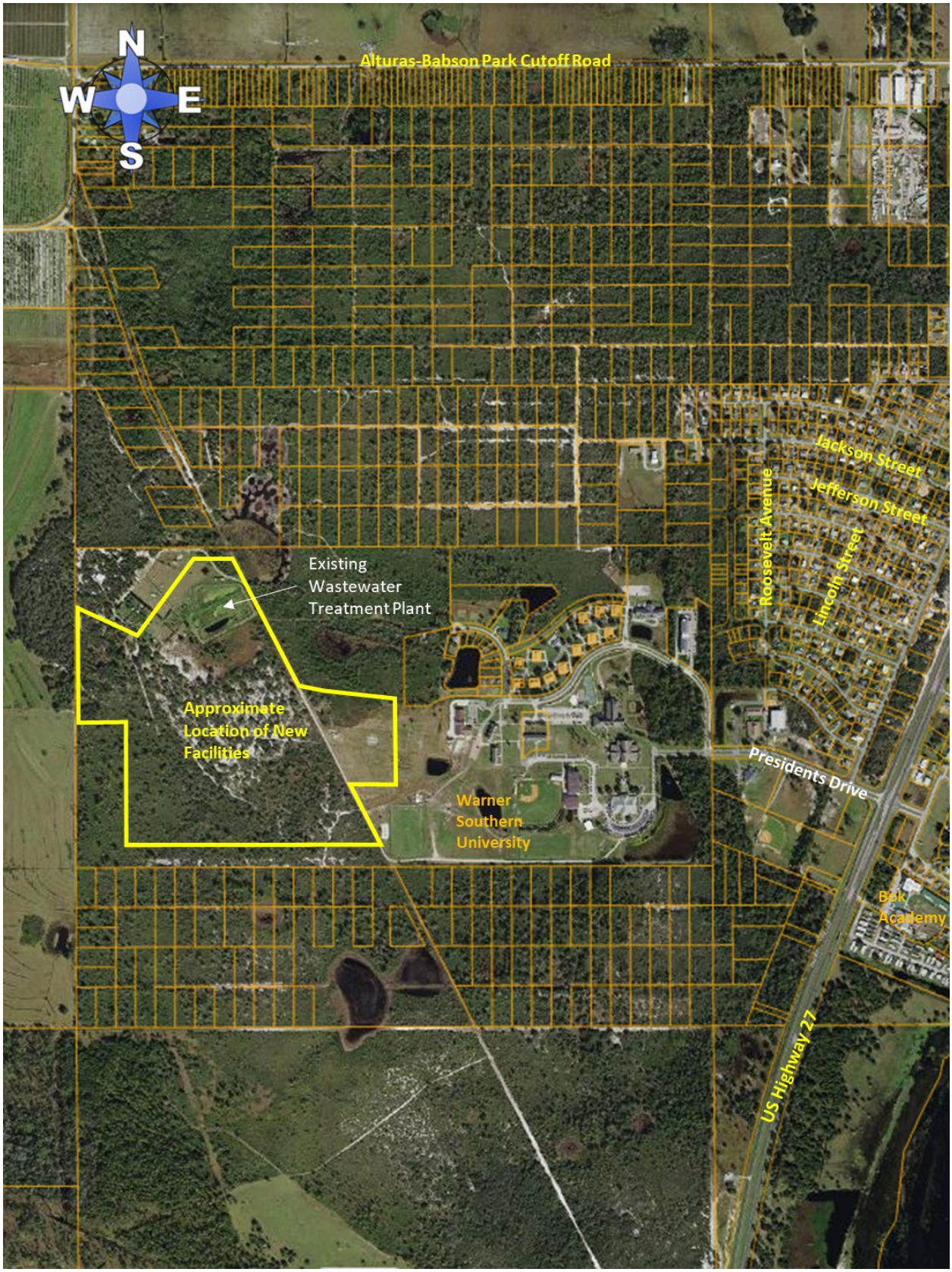
Location Map



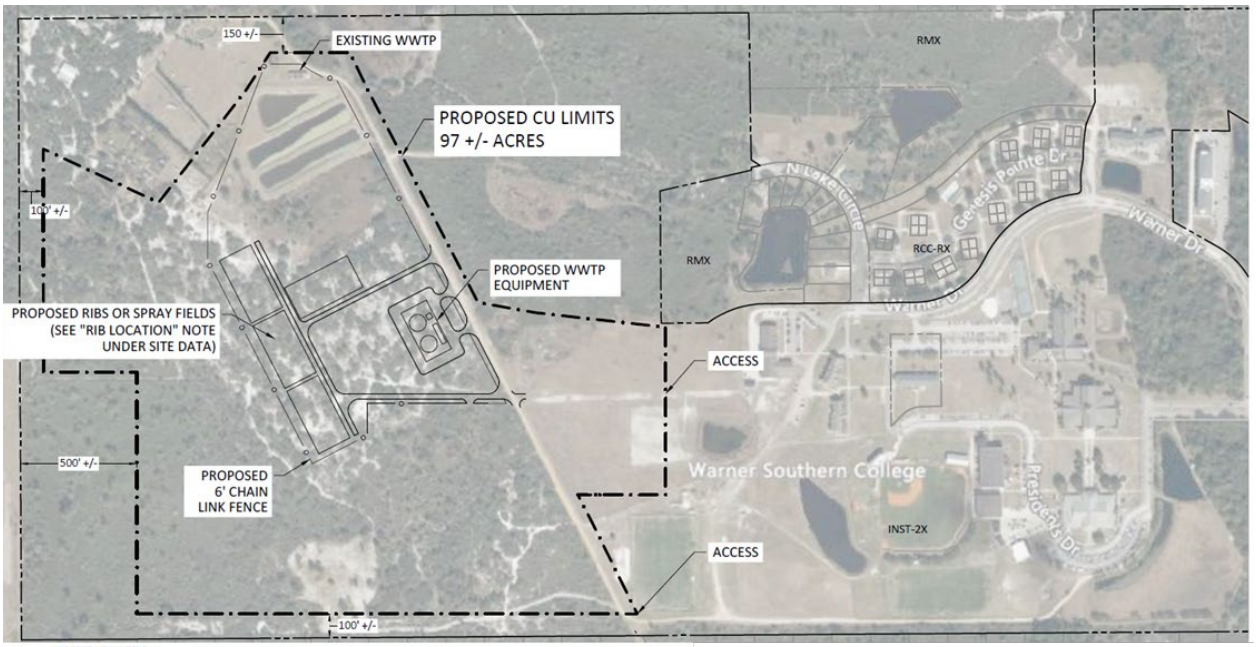
Future Land Use Map



2021 Satellite Photo (Context)



2020 Aerial with Parcel Lines (Close Up)



SITE DATA

OWNERSHIP	WARNER UNIVERSITY, INC.
PARCEL ID:	PART OF PARCEL: 273034-000000-012020
LAND AREA:	97 +/- ACRES (CU LIMITS)
EXISTING FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
PROPOSED FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
DEVELOPED USE:	EXISTING WASTEWATER TREATMENT FACILITY
ACTIVITY SETBACKS:	NORTH - 150' PROPOSED / 100' REQUIRED SOUTH - 500' PROPOSED / 100' REQUIRED EAST - N/A WEST - 500' PROPOSED / 100' REQUIRED
FLOOD ZONE:	THIS SITE LIES IN FLOOD ZONE "X" PER NFIP FIRM PANEL #12105C0730G DATED 12/22/2016
LANDSCAPE BUFFERS:	SEPARATION DISTANCES COMPLY WITH THE LAND DEVELOPMENT CODE SECTION 303 UTILITIES PART 7C AND SECTION 720. NO BUFFERING IS PROPOSED.
CAPACITY	290,000 GPD WASTEWATER TREATMENT PLANT
RIB LOCATIONS	LOCATION OF THE PROPOSED RIBS OR SPRAY FIELDS ARE APPROXIMATE AND SUBJECT TO CHANGE WITHIN THE CU BOUNDARY LIMITS ONCE DETAILED DESIGN IS COMPLETED.

PERMITTED NOISE LEVELS

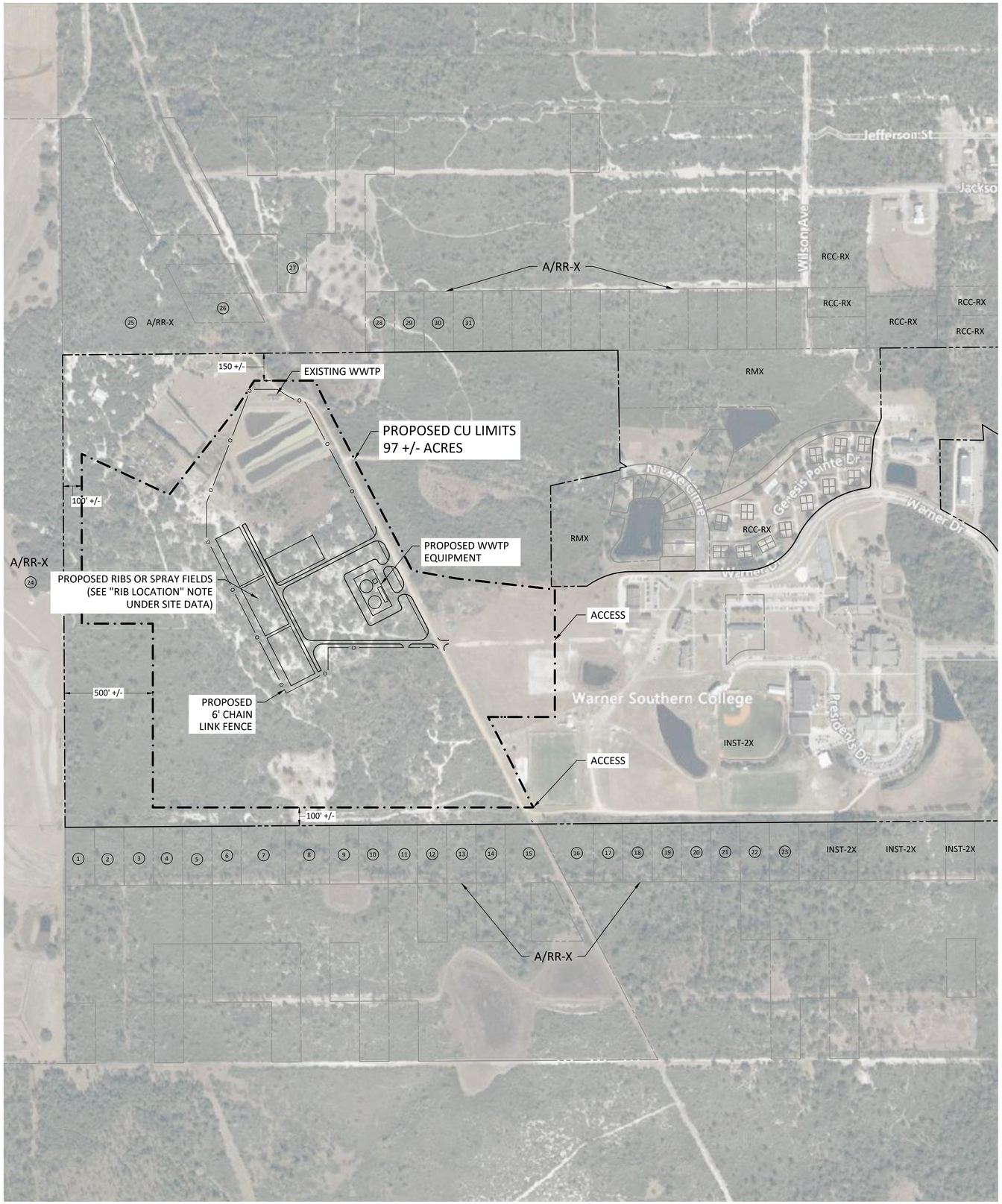
1. THE FOLLOWING ARE MAXIMUM AVERAGE NOISE LEVELS WHICH SHALL BE PERMITTED AT THE UTILITY SITE'S PERIMETER ON ANY GIVEN DAY, WHEN A PROPOSED UTILITY LOCTES AS INDICATED:
   - A. NEXT TO A RESIDENTIAL USE OR RESIDENTIAL DISTRICT: 65dB
   - B. NEXT TO A COMMERCIAL, NON-RESIDENTIAL USE OR DISTRICT: 70dB
   - C. NEXT TO AN INDUSTRIAL, NON-RESIDENTIAL DISTRICT OR USE: 80dB

LEGEND

- EXISTING PROPERTY BOUNDARY
- EXISTING CONDITIONS TEXT
- EXISTING SPOT ELEVATIONS
- EXISTING CONTOURS
- EXISTING POTABLE WATER
- EXISTING STORM SEWER
- EXISTING SANITARY LINE
- EXISTING OVERHEAD WIRES
- EXISTING BURIED TELEPHONE LINE
- EXISTING BURIED FORCE MAIN
- PROPOSED RIGHT-OF-WAY
- PROPOSED CONDITIONS TEXT
- PROPOSED FENCE LINE
- PROPOSED CU AREA
- JURISDICTIONAL WETLAND LINE
- 25' WETLAND BUFFER
- 100-YR FIRM

CARTER|KAYE ENGINEERING
137 5th Street N.W. • Winter Haven, FL 33881
T: (863) 294-6965 • Web: www.carterkaye.com

Site Plan



SITE DATA

OWNERSHIP	WARNER UNIVERSITY, INC.
PARCEL ID:	PART OF PARCEL: 273034-000000-012020
LAND AREA:	97 +/- ACRES (CU LIMITS)
EXISTING FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
PROPOSED FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
DEVELOPED USE:	EXISTING WASTEWATER TREATMENT FACILITY
ACTIVITY SETBACKS:	NORTH - 150' PROPOSED / 100' REQUIRED SOUTH - 500' PROPOSED / 100' REQUIRED EAST - N/A WEST - 500' PROPOSED / 100' REQUIRED
FLOOD ZONE:	THIS SITE LIES IN FLOOD ZONE "X" PER NFIP FIRM PANEL #12105C0730G DATED 12/22/2016
LANDSCAPE BUFFERS:	SEPARATION DISTANCES COMPLY WITH THE LAND DEVELOPMENT CODE SECTION 303 UTILITIES PART 7C AND SECTION 720. NO BUFFERING IS PROPOSED.
CAPACITY	290,000 GPD WASTEWATER TREATMENT PLANT
RIB LOCATIONS	LOCATION OF THE PROPOSED RIBS OR SPRAY FIELDS ARE APPROXIMATE AND SUBJECT TO CHANGE WITHIN THE CU BOUNDARY LIMITS ONCE DETAILED DESIGN IS COMPLETED.

PERMITTED NOISE LEVELS

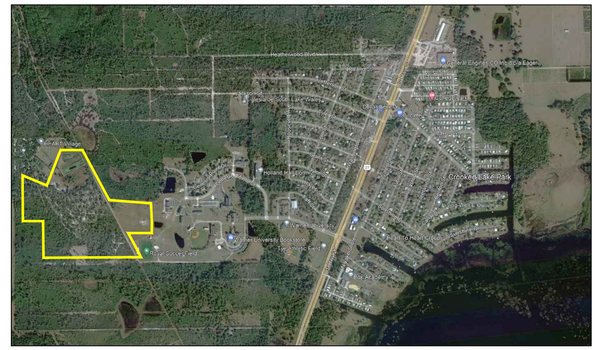
1. THE FOLLOWING ARE MAXIMUM AVERAGE NOISE LEVELS WHICH SHALL BE PERMITTED AT THE UTILITY SITE'S PERIMETER ON ANY GIVEN DAY, WHEN A PROPOSED UTILITY LOCATES AS INDICATED:

   A. NEXT TO A RESIDENTIAL USE OR RESIDENTIAL DISTRICT: 65dB

   B. NEXT TO A COMMERCIAL, NON-RESIDENTIAL USE OR DISTRICT: 70dB

   C. NEXT TO AN INDUSTRIAL, NON-RESIDENTIAL DISTRICT OR USE: 80dB

LOCATION MAP



ADJACENT PROPERTY OWNERS

	PARCEL DATA	OWNER INFORMATION
1	273034-0000000-44160	Fowler Gay and Joyce
2	273034-0000000-44170	Madd Assets, LLC.
3	273034-0000000-44040	Polk County
4	273034-0000000-44100	Dahlberg Sandra C and Craig
5	273034-0000000-44180	Dean Johnie L Jr.
6	273034-0000000-44050	Polk County
7	273034-0000000-44140	Lakshminarayanan Prakash
8	273034-0000000-42030	Morris Janie P
9	273034-0000000-42020	Polk County
10	273034-0000000-42040	Macalik Donald E
11	273034-0000000-42160	Polk County
12	273034-0000000-42050	Klein Kathy and Frank
13	273034-0000000-42060	Lachhman Jaiprakash and Kowsillia
14	273034-0000000-42010	Polk County
15	273034-0000000-22010	Polk County Board of County Commissioners
16	273034-0000000-24120	Ballard Melvin and Eileen R
17	273034-0000000-24030	Fitzgerald H Stuart and Stephanie M
18	273034-0000000-24190	Fitzgerald H Stuart and Stephanie M
19	273034-0000000-24040	Fitzgerald H Stuart and Stephanie M
20	273034-0000000-24080	Fitzgerald H Stuart and Stephanie M
21	273034-0000000-24150	Fitzgerald H Stuart and Stephanie M
22	273034-0000000-24010	Fitzgerald H Stuart and Stephanie M
23	273034-0000000-22150	Fitzgerald H Stuart and Stephanie M
24	273033-0000000-11000	JMC Ranch, LLC.
25	273034-0000000-11010	Polk County Board of County Commissioners
26	273034-0000000-33090	Fors Russell A Trust
27	273034-0000000-31020	TMR Fam, LLC.
28	273034-0000000-31010	Albert Ray
29	273034-0000000-31120	Lakshminarayanan Prakash
30	273034-0000000-31110	Polk County
31	273034-0000000-31160	Lempeck Theodore J

0 300' 600'

DATUM = NAVD88
(ALL UNITS IN FEET)

LEGEND

- EXISTING PROPERTY BOUNDARY
- EXISTING CONDITIONS TEXT
- EXISTING SPOT ELEVATIONS
- EXISTING CONTOURS
- EXISTING POTABLE WATER
- EXISTING STORM SEWER
- EXISTING SANITARY LINE
- EXISTING OVERHEAD WIRES
- EXISTING BURIED TELEPHONE LINE
- EXISTING BURIED FORCE MAIN
- PROPOSED RIGHT-OF-WAY
- PROPOSED CONDITIONS TEXT
- PROPOSED FENCE LINE
- PROPOSED CU AREA
- JURISDICTIONAL WETLAND LINE
- 25' WETLAND BUFFER
- 100-YR FIRM

This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
2023.11.02 10:54:59 -04'00'

PRINTED COPIES OF THIS DOCUMENT WHICH DO NOT HAVE A SEAL OVER AN ORIGINAL SIGNATURE & DATE ARE NOT CONSIDERED SIGNED AND SEALED. A DIGITAL SIGNATURE, IF APPLICABLE, MUST BE VERIFIED TO BE VALID ON ANY ELECTRONICALLY SIGNED COPIES.

DAVID C. CARTER LICENSE No. 31915 STATE OF FLORIDA PROFESSIONAL ENGINEER

DAVID C. CARTER, P.E.
FL. P.E. LIC. No. 31915

Sunshine811

NO.	DATE	REVISIONS	BY
P-0	10.20.23	ISSUE FOR REVIEW	AJO

CARTER|KAYE ENGINEERING
137 5th Street N.W. • Winter Haven, FL 33881
T: (863) 294-6965 • Web: www.carterkaye.com

WARNER UNIVERSITY WWTP EXPANSION

WARNER UNIVERSITY INC.

CONDITIONAL USE PLAN

PROJECT NO:	ACLUS23002
DRAWN BY:	AJO
APPROVED BY:	KM

THESE PLANS ARE PRELIMINARY PRIOR TO PERMIT ISSUANCE

SHEET NO:

1.0

Dwg: K:\Clients\ACLUS - ACLUS Engineering LLC\ACLUS23002 - Warner WWTF Expansion\ACAD_SHEETS\230116 CUPlanExhibit\V2 KM AJO.dwg, Layout: CU Plan Nov 28, 2023-14:56

LDCU-2023-58 - Warner University Wastewater Plant

Menu Reports Help

Application Name: Warner University Wastewater Plant

File Date: 11/02/2023

Application Type: PC-Conditional Use-New Or Mobile Home

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Request is for a new Conditional Use in INST-2X within the Southeast Village Center SAP to construct an expansion to the Wastewater Treatment Facility to serve Warner University on approximately 97 +/- acres in Lake Wales. This area is located south of Alturas Babson Cutoff Road just west of US Highway 27 in Sec. 34, Township 30 S, Range 27 E.

Application Detail: Detail

Address: 13895 HWY 27, LAKE WALES, FL 33859

Parcel No: 273034000000012020

Owner Name: WARNER UNIVERSITY INC

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Kriss Kaye	Carter and Kaye...	Applicant	Mailing, 137 Fifth St ...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $4,473.00

Total Fee Invoiced: $4,473.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Conditional Use New

Variance Type
–

Brownfields Request
–

Affordable Housing

Type of Acreage
–

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
97

DRC Meeting
12/02/2023

DRC Meeting Time
–

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Case File Number
–

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
–

FS 119 Status
Non-Exempt

Code Violation Case Number
–

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
–

1st BOCC Date
–

2nd BOCC Date
–

LUHO-Level 3
–

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Hearing Results

–

BOCC 2nd Vote Tally

–

FINAL LETTER

Denovo Appeal

–

Denovo Results

–

Denovo Tally

–

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

–

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-23EST-00000-59004

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
–

RequiredDocumentTypesComplete
Yes

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
√

SELECTED AREA PLANS

Selected Area Plans
Southeast Polk

LAND USE

Selected Area Plan	LU Code
In an SAP	INSTX -Institutional In Sap

DEVELOPMENT AREA

Development Area
Rural

NOR

Neighborhood Organization Registry (NOR)
Caloosa Lake Village

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	2	125	01/18/2024	01/16/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/03/2023	Angela Kaufman
Engineering Review	Robert Joynes	Approve	11/20/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	11/17/2023	Kim Turner
Planning Review	Erik Peterson	Approve	11/16/2023	Erik Peterson
Surveying Review	Steve McQuaig	Approve	11/07/2023	Steve McQuaig
School Board Review	School District	Approve	12/12/2023	School District
Roads and Drainage Review	Phil Irven	Approve	11/07/2023	Phil Irven
Review Consolidation	Angela Kaufman	Approved for...	12/13/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Hearing	Angela Kaufman			
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

DAVID C. CARTER LICENSE NO. 31915 STATE OF FLORIDA PROFESSIONAL ENGINEER

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2023.11.02 10:54:59 -04'00'

WARNER UNIVERSITY WWTF
REQUEST FOR CU APPROVAL
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1) How and why is the location suitable for the proposed uses?

The property has a FLU of INST-2X and is in the Southeast Village Center SAP. The area for the proposed facility site is generally on the west side of #27 and lies south of Lake Wales and north of Frostproof. The site is bounded by the existing university facilities on the east, with a largely rural and undeveloped area to the north, west, and south.

The existing plant has been in use for about 50 years and is in need of upgrading and enlarging. Unfortunately it is impractical to simply modify the existing plant, so a new plant is being proposed, with the old plant ultimately being properly abandoned. The existing plant is undersized for even the current uses, so obviously cannot handle future growth planned for the university facilities.

2) What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

The rural nature of the surrounding properties minimizes incompatibility. However, the following illustrates the efforts to minimize any possible incompatibility:

a. Order Control: Odors associated with wastewater treatment facilities typically originate from sewage that is kept in anaerobic conditions for an extended period of time. This facility is not expected to generate any significant odors due to the relatively small size of the collection system, (which translates to a short travel time), and the nature of the proposed aerobic treatment process. Also, the flow equalization tank will be equipped with coarse bubble diffusers to mix and aerate its contents and minimize any potential odors.

The large separation from the new WWTF to the property boundary will allow for the dissipation of any odors. Accordingly, an odor control system is not proposed as no odor complaints are anticipated because of this project.

b. <u>Noise Control:</u> Noise complaints from wastewater treatment facilities are generally associated with positive displacement blowers, which provide air for the various processes. This facility will have several blowers; however, they will be equipped with noise attenuation enclosures to protect them from the elements and provide a significant level of noise reduction.

The distance between the facility and the property boundary will help reduce the noise level to nearby residents. Accordingly, noise generated by the facility is not expected to generate any complaints.

c. <u>Lighting Effects:</u> New lighting will be installed only where required for plant access and safety reasons. Most lights will be controlled manually on an as-needed basis and will not be on during the entire night. Therefore, no detrimental effects from nighttime lighting is anticipated.

3) How will the requested district (if the request is a district change) influence future development patterns if the proposed change occurs?

Not a district change.

B. <u>Access to Roads and Highways</u>

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response.

1) What are the number of vehicle trips to be generated daily and at PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

The new WWTP will not generate any measurable new trips. Normal traffic anticipated for this facility would include a daily operator visit, bi-monthly liquid chlorine deliveries, and a monthly sludge hauler. This is similar to the existing plant.

2) What modifications to the present transportation system will be required because of the proposed development?

No modifications to the transportation system are needed or planned. Access to the new facility will be through existing roads within the University's campus.

3) What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

The LDC lists 1 space for 260 SF of GFA for government facilities. However, no office space or administrative building is being proposed. No dedicated parking is needed or proposed.

4) What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, frontage roads)?

Access to the new facility will be through existing roads within the University's campus.

C. Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1) What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (Response may be based on Section 703 of the LDC or the Impact Fee Ordinance)

No new site development which would generate additional flows is being proposed with this CU. However, the existing plant is rated at 86,000 gpd, but in recent years has exceed that amount regularly.

2) What is the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed?

The new facility will provide Advanced Level Treatment with alternating aerobic and anoxic zones, followed by solids separation and basic disinfection. The proposed treatment process will meet the following effluent water quality limits: BOD 20 mg/L, TSS 20 mg/L, Total Nitrogen 6

mg/L, and Total Phosphorous 3 mg/L. Effluent disposal will be by rapid rate land application consisting of a Rapid Infiltration System with a capacity equivalent to the treatment plant capacity.

3) What is the relationship of the proposed sewage system to the service provider's plans and policies for sewage treatment systems (e.g., will it be integrated into a larger system)?

Both the existing and proposal systems are to be owned and operated by the university. Both the capital costs and ongoing maintenance will be paid by the university.

4) Where is the nearest sewer line (in feet) to the proposed development *(Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code)*.

The nearest sewer is the county owned treatment facility at the College Park development, which is about one mile to the north.

5) Who is the service provider?

Polk County

6) What is the current provider's capacity?

We undwerstand that the plant at College Park is over capacity

7) What is the anticipated date of connection?

No connection to the county system is anticipated.

D. Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1) What is the proposed source of water supply?

No additional water consumption is anticipated.

2) What is the estimated volume of consumption in gallons per day (GPD)? *(Provide Methodology)*.

No additional.

3) Where is the nearest potable water connection and gray water connection, including the distance and size of the line?

N/A

4) Who is the service provider?

N/A

5) What is the current provider's capacity?

N/A

6) What is the anticipated date of connection?

No connection anticipated.

7) Is there an existing well on the property(ies)?

NA

E. Surface Water Management and Drainage

Determine the impact of drainage on the ground water and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1) Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

The site slopes gradually from the northeast to the southwest. The elevations range from 138 to 130. The site design will provide customary

stormwater treatment meeting county and FDEP standards. (The FDEP will be the agency providing drainage review, rather than SWFWMD).

There is no floodplain located on the proposed facility site.

2) What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

None is needed or proposed.

F. Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1) Discuss the environmental sensitivity of the property and adjacent property by identifying any significant features of the site and the surrounding properties.

The site is part of the Lake Wales Ridge, and can be habitat for a number of threatened or endangered species. Further environmental studies to be conducted at level 2 approval.

2) What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

N/A. No wetlands or floodplain onsite.

3) Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts) and;

N/A. No wells onsite.

4) Discuss the location of Airport Buffer Zones (if any) discuss the location, address potential impacts).

Project is not located in an Airport Buffer Zone.

G. Population (Response is only required for district changes and uses generating more than 750 AADT based on the methodology of Appendix C of the Land Development Code)

N/A

H. General Information

Determine if any special needs or problems will be created by the proposed development. At a minimum, address the following specific questions in your response:

1) What are the special features of the proposed development that contribute to neighborhood needs?

N/A

2) What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

A. Parks and Recreation;

No impact to these facilities.

B. Educational Facilities (e.g., preschool, elementary, middle school, high school);

No impact to these facilities.

C. Health Care (e.g., emergency, hospital);

Minimal.

D. Fire Protection;

Minimal.

E. Police Protection and Security;

Minimal.

F. Electrical Power Supply;

Power for the facility will be provided by Duke Energy.

G. Emergency Medical Services (EMS); and

Emergency Medical Services are provided by Polk County. No excessive demands on EMS are expected due to the proposed development.

H. Solid Waste.

No impact to these facilities.

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-58 (Warner University Wastewater Plant)

Applicant: Kim McCranie, Carter-Kaye Engineering

Property Owner: Warner University Inc.

Hearing Date: February 7, 2024

I. Request:

This is a request for a Conditional Use approval of a 290,000 gallons per day (GPD) Wastewater Treatment Plant in an INST-2X district.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony and exhibits presented during the hearing:

1. Pursuant to Section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 Review application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met, if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 906, and 303.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Planning Commission's Decision:

Based upon the evidence and testimony presented to the Planning Commission and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application with the Land Development Division within 7 calendar days after the Planning Commission hearing.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February 2024, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chairman Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Agenda Item 6. 2/7/2024

SUBJECT

LDPD-2023-34 (North Wabash Multi-family PD)

DESCRIPTION

The applicant is requesting a Planned Development approval for 150 multi-family townhome units in a Residential Low-4 land use district. The subject property is located at 1431 North Wabash Avenue, north of 10th Street, west of Kathleen Road, south of I-4, south of the city of Lakeland in Section 11, Township 28, Range 23.

RECOMMENDATION

Approval with Companion Development Order

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

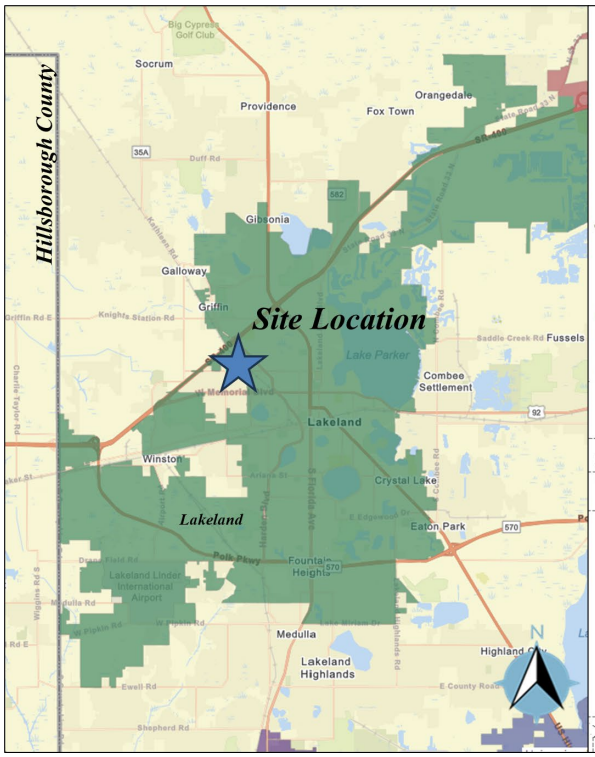
Ian Nance
Land Development
(863) 534-7621
ivannance@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

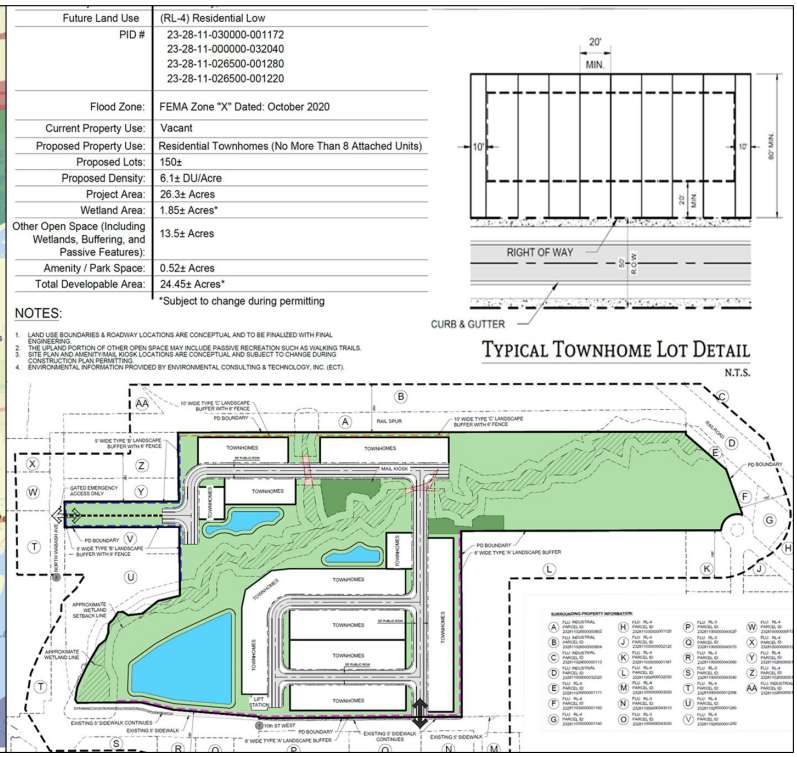
DRC Date:	November 30, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Planned Development
BoCC Date:	N/A	**Case Numbers:**	LDPD-2023-34
		Case Name:	North Wabash MF PD
Applicant:	LevelUp Consulting, LLC	**Case Planner:**	Ian Nance

Request:	The applicant is requesting a Planned Development approval for 150 multi-family townhome units in a Residential Low-4 land use district.
Location:	The subject property is located at 1431 North Wabash Avenue, north of 10th Street, west of Kathleen Road, south of I-4, south of the city of Lakeland in Section 11, Township 28, Range 23.
Property Owner:	Harriett E. Dicesare; Joseph Dicesare; Chalah Dicesare
Parcel Number (Size):	232811-030000-001172 (+/- 0.77 Acres) 232811-000000-032040 (+/- 16.67 Acres) 232811-026500-001280 (+/- 8.34 Acres) 232811-026500-001220 (+/- 0.65 Acres)
Land Use District:	Residential Low-4 (RL-4)
Development Area/Overlays:	Transit Supportive Development Area (TSDA)
Nearest Municipality/County:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending

Location



Site Plan



Summary of Analysis:

The applicant is requesting a Planned Development approval for 150 multi-family townhome units in a Residential Low-4 (RL-4) land use district adjacent to the city of Lakeland. The site is approximately 24.45 upland acres with 1.85 acres of wetlands. The upland residential density is proposed at 6.13 DU/AC. At this location in the Transit Supportive Development Area (TSDA), the Comprehensive Plan allows up to 7 DU/AC. The proposed townhome units will be 20 feet wide with no more than eight (8) units per building. The project provides for two parking spaces per residential unit, exclusive of the garage, and a 25-foot garage setback. Over half of this site will be comprised of Open Space, wetlands, and buffers, including the requisite recreation area for PDs. Two points of access are planned, one on North Wabash, which will serve as an emergency entrance, and the other onto 10th Street with internal sidewalks reaching each road. A setback reduction to 10 feet along the right-of-way of 10th Street will be required to accommodate right-of-way dedications and remain consistent with other rear setbacks.

The main purpose of this PD request is not for density, as it is allowed by-right up to the level previously mentioned. Rather, this review is to assess the dwelling type relative to the surrounding area, which consists of a mixture of housing types and non-residential activities. According to the applicant, the proposed townhomes will resemble single-family style structures to the greatest extent possible. Abutting the site to the east is a duplex development. Site-built and mobile homes are adjacent to the west, and a railway spur borders to the north which separates the subject site from an aggregate processing/storage facility. The proposed structures will be approximately 150 feet from the operations of this facility and are well-screened by existing vegetation. Landscaping and green space will adequately buffer the property from off-site residential uses.

This site is well-suited for multi-family development. It has access to two Urban Collector roadways within close access to I-4, Kathleen Road, and US 92. Employment opportunities, in the fields of manufacturing, warehousing, education, office, and health care are within a short commute. Public transit stops are within walkable distances with sidewalks available. Water and wastewater services are available through the city of Lakeland. Emergency services are available to the area with expected levels of service. Few environmental issues are present at this site that would hinder the development of this project, though a stream does run through the middle of the property with associated wetlands. The site plan shows slight impacts for internal traffic circulation which will need to be mitigated, in accordance with LDC Section 620.

This project is ideally located for higher density, but this request is about structure type. The townhome style dwelling units will transition well between the single-family and duplex developments in the area, and other townhome units are planned in the immediate area. This application meets the applicable criteria found within the LDC and Comprehensive Plan and is compatible with surrounding uses. Staff recommends approval.

Findings of Fact

- *LDPD-2023-34 is a request for a Planned Development for 150 multi-family units on approximately 24.45 upland acres. The total site, including wetlands, is approximately 26.3 acres. No more than eight attached townhome units will be included in each structure. A setback reduction to 10 feet along the right-of-way of 10th Street will be required to accommodate right-of-way dedications and remain consistent with other rear setbacks.*

- *According to Land Development Code (LDC) Table 2.1, "Multi-family" is a "C3" conditional use in RL-4 requiring Planning Commission approval.*

- *According to Table 2.2 of the Land Development Code (LDC), the standard residential density in RL-4 is four (4) DU/AC. Rear setbacks are 10 feet; side setbacks are seven (7) feet; and the setbacks from Urban Collector rights-of-way are 35 feet. Accessory setbacks are five (5) feet. The maximum structure height is 50 feet.*

- *According to Footnote #1 in LDC Table 2.2, "Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies and limited transfer of density out of wetlands per Section 620."*

- *According to Comprehensive Plan Policy 2.120-C4, Residential development in Residential Low land use districts "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."*

- *This site is in the Transit Supportive Development Area (TSDA). Policy 2.104-A7 of the Comprehensive Plan states, "To promote energy efficient land use patterns and compact mixed-use development, the TSDA and the Transit Corridors and Centers Overlay (TCC Overlay) within the TSDA shall include higher densities and intensities of development." Under this policy, densities at this location can reach 7 DU/AC.*

- *The gross density on the upland portions of the site is 6.13 DU/AC.*

- *According to LDC Section 303, "Multi-family development within residential low-density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) shall:*

  a. Consist of structures comprised of no greater than four dwelling units attached,

  b. Consist of structures with two above ground level floors or less,

  c. Place all non-residential accessory structures in center of the development and separated from property boundaries by residential structures within the development,

  d. Limit parking to either individual driveways or located in the rear yard where ample screening is provided,

  e. Position the doorways of at least 50% of the units towards the street,

  f. Resemble single-family style development to the greatest extent possible,

  g. Limit fencing within the front setback to no greater than four feet in height,

  h. Limit signage to no greater than one 20 square foot sign of less than 4 feet in height, and

i. The items above may be varied by the Planning Commission or the Board through the approval of a Conditional Use or Planned Development within the Transit Supportive Development Area."

- *POLICY 2.104-A5 of Polk County's Comprehensive Plan states, "development within the Transit Supportive Development Areas shall conform with the following criteria consistently with the requirements of the Land Development Code:*

  a. provide access to transit facilities;

  b. connect to centralized potable water and sanitary sewer systems;

  c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;

  d. implement "Complete Street' and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;

  e. integrate 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. 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, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7."

- *"Planned Development" is defined in Chapter 10 of the LDC as "A land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district." Development criteria for Planned Developments is found in Section 303 of the LDC.*

- *According to Table 2.1 of the LDC, "Planned Development" is a "C3" conditional use in the RL-4 land use district and subject to the conditional use standards found in Section 303 of the LDC.*

- *According to LDC Section 303, PDs are required to provide a minimum of 20% Open Space. Townhomes must provide 500 sq. ft. per unit of that space towards Recreational Open Space.*

- *The subject site is located within the city of Lakeland's utility service area for public water and wastewater.*

- *The property is comprised of Smyrna & Myakka Fine Sands; Sparr Sand (0 to 5% slopes); Apopka Fine Sands; and Basinger Mucky Fine Sand.*

- *Polk County's DataViewer shows wetlands onsite. Development on properties with wetlands is subject to Section 620 of the LDC.*

- *The subject site has frontage and access on North Wabash Avenue (Road No. LK 831136) and 10th Street (Road No. 830910).*

- *Fire and EMS responses are from PCFR Station 24, located at 1140 North Galloway Road, Lakeland 33810.*

- *The site is served by Polk County Sheriff's Office Northwest District, located at 1045 Wedgewood Estates Boulevard, in north Lakeland.*

- *The zoned schools for the project area are Dr. NE Roberts Elementary, Kathleen Middle, and Kathleen Senior High.*

- *The nearest County Regional Park is Walker Road located to the west. Bonnet Springs Park within Lakeland is located to the southeast.*

- *According to the Florida Department of State, Division of Historical Resources, there are no historical resources within the subject site.*

- *According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an endangered species sighting.*

- *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."*

- *This request has been reviewed for consistency with Tables 2.1 & 2.2 and Sections 303 and 906 of the LDC.*

- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT, SECTION 2.120-C RESIDENTIAL LOW, and SECTION 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) of the Comprehensive Plan.*

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, the findings of fact, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **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 LDPD-2023-34.**

CONDITIONS OF APPROVAL

Based upon the findings of fact the DRC recommends APPROVAL of LDPD-2023-34 with the following Conditions:

1. Approval of this application shall allow 150 multi-family townhome units. The proposed townhome units will be a minimum of 20 feet wide with no more than eight (8) units per building. This approval shall grant a setback reduction to 10 feet for structures along the right-of-way of 10th Street.

2. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDPD-2023-34, except for those listed in Section

906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission.

3. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that 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.

4. The entrance on North Wabash Avenue shall only be used for the access of emergency vehicles and services.

5. For each street terminus located within the development, a cul-de-sac or T-turnaround shall be constructed to accommodate emergency and service vehicles.

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: Lakeland Railroad/Aggregate Processing	**North:** Lakeland Railroad/Aggregate Processing	**Northeast:** Lakeland Railroad/Aggregate Processing
West: RL-4 MH & Site-Built Homes North Wabash Avenue	**Subject Property:** RL-4 Vacant Pasture	**East:** RL-4 Duplexes & Single-Family Homes
Southwest: LDPD-2021-24 10th Street Single-Family Homes	**South:** RL-3 10th Street & Vacant Tracts	**Southeast:** RL-4 10th Street Single-Family Homes

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

Staff has reviewed aerial imagery dating back to 1941. This area south of I-4 and west of Kathleen has been building out since the 1960s after the arrival of the interstate. By 1971, manufacturing and distribution businesses had taken root along with a proliferation of single-family subdivisions and mobile home parks replacing former citrus groves. The development of Oakbridge Heights and the Colton Meadow duplexes were underway by 1980. From 2002 to 2020, development slowed, though the aggregate processing facility to the north showed on 2014 aerials. Individual single family home lots on the south side of 10th street were abandoned and overgrown.

In 2021, the Redding Pointe subdivision to the southwest was approved (LDPD-2021-24) for 95 40-foot-wide single-family lots. To the southeast, planning is underway by the Lakeland Housing Authority to build the 10th Street Townhomes, a 92-unit townhome community. North Wabash Avenue was extended from along the subject site to Kathleen Road. A hospital is being built nearby on the northwest side of I-4 and Kathleen Road.

In summary, this proposal represents infill development, and townhome units are compatible to the surrounding area. This is one of the last relatively large developable properties in the area, though it is possible the vacant lots to the south and those to the west across North Wabash Avenue could be aggregated for future residential uses.

Compatibility with the Surrounding Land Uses and Infrastructure:

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."

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

A. Land Uses:

The applicant is requesting a Planned Development approval for 150 multi-family townhome units in a Residential Low-4 (RL-4) land use district adjacent to the city of Lakeland. The site is approximately 24.45 upland acres with 1.85 acres of wetlands. The upland residential density is proposed at 6.13 DU/AC. Rear setbacks are 10 feet; side setbacks are seven (7) feet; and the setbacks from Urban Collector rights-of-way are 35 feet, though a setback reduction to 10 feet along the right-of-way of 10th Street will be required to accommodate right-of-way dedications and remain consistent with other rear setbacks. Accessory setbacks are five (5) feet. The maximum structure height is 50 feet, which these units will not reach as they will not exceed two stories.

Policy 2.104-A7 of the Comprehensive Plan states, "To promote energy efficient land use patterns and compact mixed-use development, the TSDA and the Transit Corridors and Centers Overlay (TCC Overlay) within the TSDA shall include higher densities and intensities of development." Under this policy, densities at this location can reach 7 DU/AC through a PD. This density is "by-right" in the TSDA.

So, this Planned Development request is not to permit increased density, rather it is required to deviate from Conditional Use architectural and building style criteria. According to LDC Section 303, "Multi-family development within residential low-density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) shall:

a. Consist of structures comprised of no greater than four dwelling units attached,

b. Consist of structures with two above ground level floors or less,

c. Place all non-residential accessory structures in center of the development and separated from property boundaries by residential structures within the development,

d. Limit parking to either individual driveways or located in the rear yard where ample screening is provided,

e. Position the doorways of at least 50% of the units towards the street,

f. Resemble single-family style development to the greatest extent possible,

g. Limit fencing within the front setback to no greater than four feet in height,

h. Limit signage to no greater than one 20 square foot sign of less than 4 feet in height, and

The items above may be varied by the Planning Commission through the approval of a Planned Development within the Transit Supportive Development Area. Specific to this request is the need to vary from the four units per structure standard. The proposed townhome units will be 20 feet wide with no more 8 units per building and will resemble single-family style development to the greatest extent possible.

Comprehensive Plan POLICY 2.102-A2 states, "Land shall be developed so that adjacent uses are compatible with each other" and provides three options to ameliorate incompatibilities.

The tools for accomplishing higher standards of compatibility, as outlined in the Comprehensive Plan, are as follows:

- Buffering
- Limiting Scale & Intensity
- Transition using innovative techniques

The development of townhomes at this location presents few incompatibilities to surrounding uses. To the east are the Colton Meadow duplexes, another kind of single-family attached housing type, with a density of approximately 7.91 DU/AC. The subject site plan shows a Type "A" landscaping buffer between the project area and Colton Meadow. Beyond that to the east is Oakridge Heights subdivision. No proposed townhomes will abut these single-family properties. When examining the northeast intersection of North Wabash and 10th Street, there is an evident transition in unit types from east to west of single-family detached and duplex units to the proposed townhome model.

At first review, the most concerning aspect of this development regarding impacts on existing residential uses is the entrance off North Wabash that passes between two mobile homes. The grade of North Wabash is significantly higher than that of the mobile homes. This entrance, though, will only be used for access by emergency vehicles and services. The emergency access will be constructed per the requirements of the fire marshal but will likely remain unpaved. Type "B" landscaping will be planted with a six-foot opaque fence where the subject property abuts these existing residential uses. Native vegetation and trees along the creek and wetlands will be preserved where possible to provide additional screening and aesthetics.

The project area does have contact with more-intense non-residential uses. A railway spur borders to the north which separates the subject site from an aggregate processing/storage facility. The proposed townhome structures will be approximately 150 feet from the operations of this facility and are well-screened by existing vegetation. Still, the site plan offers an additional Type "C" landscaping buffer and six-foot opaque fence to further screen the railroad and processing facility from view.

Internally, the project meets current PD standards. Per LDC Section 720, the subject site will need to provide Type "A" landscaping along the frontage of the site. LDC Section 708 requires two spaces per unit for townhome developments, exclusive of garages, and 25-foot setbacks for attached garages to prevent parking on internal sidewalks, which will be provided. All lighting will be shielded from off-site view and provided in accordance with Chapters 7 & 8 of the LDC.

Approximately 11.65 acres (48%) of buffers, Open Space, and recreation areas are provided. Stormwater facilities may be used to meet Open Space requirements only if all facilities onsite are curvilinear in

design and meet the canopy and understory tree planting requirements of a Type "C" Buffer. This landscaping may be clustered and shall be landscaped with species native to the area. From the required Open Space acreage, Planned Developments shall provide a minimum 500 square feet of park-and-recreation space per unit. In no case shall any individual recreation area be less than 10,000 square feet in area. To meet recreation requirements, stormwater facilities shall meet the Open Space standards above and be utilized for active or passive recreation. Where Type II–IV Amenities abut residential lots, Type "C" landscape buffering shall be provided to separate the residential property from the park. Wetland buffers may be counted towards Open Space if a 25-foot setback is maintained throughout the entire buffer.

B. Infrastructure:

Comprehensive Plan Policy 2.102-A1 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.

This site is well-suited for multi-family development and represents an infill opportunity that aligns with Policy 2.102-A1. It has frontage along two Urban Collector roadways within close access to I-4, Kathleen Road, and US 92. Employment opportunities, in the fields of manufacturing, warehousing, education, office, and health care are within a short commute. Public transit stops are within walkable distances with sidewalks available. Water and wastewater services are available through the city of Lakeland. Emergency services are available to the area with expected levels of service. A high school is near the site. Finally, this site is one of the last to develop in the area, surrounded by development that is decades old. A Voluntary Annexation agreement with the city of Lakeland will be required once utility connection is needed for development.

Nearest Elementary, Middle, and High School

Table 2, below, shows zoned public schools for the site, the annual estimated student demand this development will create, and the capacity available at each zoned school. These figures are based on an Impact Fee formula for multi-family developments that assumes 0.195 elementary, 0.047 middle, and 0.069 high school student per unit.

Table 2

Name of School	Annual Estimated Demand	Driving Distance	2022-23 School Capacity
Dr. NE Roberts Elementary	29 students	±7 mile	79%
Kathleen Middle	7 students	±6 miles	79%
Kathleen Senior	10 students	±1.2 miles	73%

Source: Polk County School Board, GIS, Google Maps

These figures are subject to change and are not to be considered binding. A binding concurrency letter issued by the Polk County School Board is required at the time of the Level 2 Review which will reserve student stations. At the current rates ($6,025/multi-family unit), this development will contribute $903,750 in school impact fees.

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to all of unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

For the Sheriff's response, Priority 1 Calls are 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. Sheriff's 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, to follow, shows the distances from the subject property to these stations as well as response times from December 2023.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Polk County Sheriff's Office Northwest District 1045 Wedgewood Estates Blvd., Lakeland 33809	±4.0 miles	P1: 12:39 P2: 25:14
Fire/EMS	PCFR Station 24 1140 North Galloway Road, Lakeland 33810	±1.9 miles	5 minutes

*Source: Polk County Sheriff's Office and Public Safety *Response times are based on when the station receives the call, not from when the call is made to 911.*

The PCSO is always trying to improve response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely.

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

The subject site is located within the city of Lakeland's utility service area for public water and wastewater. Multi-family residences are estimated to consume 198 gallons per day (GPD) of potable water and generate 180 GPD of wastewater. This information is based on concurrency calculations utilized throughout Polk County, though this is lower than figures used by the city of Lakeland for townhome units (325 GPD/244 GPD, respectively).

Table 4, to follow, provides generalized estimates of the anticipated water and wastewater demands if the property was developed at standard densities allowed in the RL-4 land use district for a single-family detached subdivision (360/270 GPD); one that is utilized to its maximum intensity for a multi-family development; and the proposed plan.

Table 4

Subject Property			
24.45 ± upland acres RL-4 & TSDA	**RL-4 Standard Density (4 DU/AC)**	**Max. Density 7 DU/AC**	**Proposed Plan (6.13 DU/AC)**
Permitted Intensity	97 SF Units	171 MF Units	150 MF Units
Potable Water Consumption (GPD)	34,920 GPD	33,858 GPD	29,700 GPD
Wastewater Generation (GPD)	26,190 GPD	30,780 GPD	27,000 GPD

Further analysis and binding capacity determinations for potable water and wastewater will be required during the Level 2 Review process. Generally, though, the demand produced by single-family detached units is higher than that of multi-family uses. The proposed development will hypothetically use 85% of the potable water a possible single-family subdivision would at the base density of the RL-4 sub-district.

B. Available Capacity:

There is an existing 12" potable water main running along North Wabash Avenue as well 16" main along 10th Street on the southern boundary of the site. The nearest sewer line lies within the Wabash Avenue ROW. An 8" gravity sewer line runs along North Wabash Avenue and an 8" line along 10th Street. The proposed on-site gravity sewer line will tie into the existing gravity sewer line along Wabash Avenue if the depth of the existing gravity sewer is adequate. If the gravity tie in is not feasible, an on-site lift station will be utilized to pump into one of the existing manholes along 10th Street.

A capacity determination is being processed with the City of Lakeland Utilities. At the time of the Level 2 Review, the applicant must submit a letter from the city of Lakeland showing capacity for the use of their services. Annexation into Lakeland is required due to connection to their utilities.

C. Planned Improvements:

No planned improvements are noted currently.

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (850 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

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).

A. Estimated Demand:

According to methodology utilized by the Polk County Transportation Planning Organization (TPO), multi-family housing (ITE Code 220) generates 6.74 Annual Average Daily Trips (AADT) and 0.51 Peak PM Hour Trips. Table 5, to follow, provides preliminary, generalized estimates of the anticipated traffic demands if the property was developed with a single-family detached subdivision (7.81/1.00) at densities allowed by-right in the RL-4 land use district; one that could be developed to its maximum intensity for a multi-family development; and the proposed plan.

Table 5

Subject Property			
24.45 ± upland acres RL-4 & TSDA	**RL-4 Standard Density (4 DU/AC)**	**Max. Density 7 DU/AC**	**Proposed Plan (6.13 DU/AC)**
Permitted Intensity	97 SF Units	171 MF Units	150 MF Units
Average Annual Daily Trips (AADT)	758 AADT	1,153 AADT	1,011 AADT
Peak PM Hour Trips	97 Peak PM	87 Peak PM	77 Peak PM

Of the Peak PM trips, 37% - or 28 vehicles - are expected to exit the development during the busiest driving periods. These trips will be diffused across the roadway links described below. Since the number of trips does exceeds 750 AADT, a Major Traffic Study will be required during the Level 2 Review process to provide an analysis of the potential transportation impacts that may result from this development at this location. Overall, though, multi-family housing produces less burden on the traffic system during peak hours than single-family developments.

B. Available Capacity:

The site has access to North Wabash Avenue and 10th Street West, each Urban Collector roadways. Table 6, to follow, provides a generalized estimate of available capacity for each roadway link.

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
4155 N	North Wabash Avenue	C	596	D	C
4155 S	From West Memorial Blvd. to W. 10th Street	C	588	D	C
4000 E	10th Street West	C	685	E	C
4000 W	From N. Galloway Road to Kathleen Road	C	652	E	C

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

It is anticipated that the surrounding roadways have the capacity to assimilate all the peak hour traffic generation created from this project.

C. Roadway Conditions:

The subject site has frontage and access on North Wabash Avenue (Road No. LK 831136) and 10th Street (Road No. 830910). Both roads are listed as Urban Collector roadways in Polk County's Roadway Inventory. Right-of-way dedication will be required along 10th street pursuant to LDC Section 811, and Table 8.2 requires 40 feet of right-of-way from the centerline of two-lane collector roads. Pavement width on collector roads is required to be 24 feet wide. Any deficiencies to the roadways and intersection type (Type II or III) will be further reviewed during the Level 2 engineering process.

North Wabash Avenue was recently widened and extended to connect to Kathleen Road to the north. Intersection improvements with 10th Street were also completed. The finished road grade of Wabash was raised above the project area which could limit its utility for the subject site. It is recommended through a Condition of Approval that access be limited solely to emergency services. During the Level 2 Review process, the Fire Marshal will require a gate and Knox Box to reach the property, as needed. The project will require a right-of-way permit from the city of Lakeland for the North Wabash Avenue driveway.

D. Sidewalk Network

An existing sidewalk network runs along North Wabash from West Bella Vista Street to the railroad crossing South Wabash Avenue, approximately 1.6 miles to the south of the project site. A partial sidewalk system was built when the intersection of North Wabash and 10th Street was improved. A sidewalk along the remainder of 10th Street where it abuts this property will be required, in accordance with LDC Section 707. This will connect with existing sidewalks in front of Colton Meadows that

connect to sidewalks on Kathleen Road. Safety lighting will be provided at each entrance of the site in accordance with LDC guidelines.

E. Planned Improvements:

No further improvements near the immediate area of the subject site are noted by the Lakeland or the County.

F. Mass Transit

A bus stop featuring a rain shelter is located across 10th Street from the Colton Meadows duplexes adjacent to the subject site. Another stop is posted on the east side of North Wabash Avenue near the Lakeland Logistics Center. Sidewalk access is available to this location, less than .50 miles from the subject site.

These stops are serviced by the Citrus Connection Yellow Line. This route runs east-west from the Lakeland Downtown Terminal to the Pines Development off Swindell Road.

Park Facilities and Environmental Lands:

The site is located near Walker Road Park, a County regional park, and Bonnet Springs within the city of Lakeland.

A. Location:

Walker Road Park is located at 1285 Walker Road, Lakeland 33810. Driving distance is approximately four (4) miles from the subject site.

Bonnet Springs is located at 400 Bonnet Springs Boulevard, Lakeland 33815. Driving distance is approximately 3.8 miles from the subject site.

B. Services:

Walker Road Park features has a 1.1. mile walking trail, as well as four softball and two multi-purpose fields. Other amenities include a playground, a nature trail, restrooms, and picnic tables.

Bonnet Springs Park features playgrounds, a boardwalk, a rock wall, event center, bar, and refreshments within a natural setting.

C. Multi-use Trails:

Multi-use trails are located within both facilities.

D. Environmental Lands:

Tenoroc Fish Management Area is located approximately 11 miles to the northeast. This property is owned by the State of Florida and is home to a shooting range, sporting clays course, hiking and equestrian trails, and hunting and fishing opportunities.

E. Planned Improvements:

According to the CIP DataViewer, no planned improvements are scheduled in this area.

Environmental Conditions

A creek running through the middle of the property and prominent grade changes will cluster units on the upland portions of the site.

A. Surface Water:

There is a drainage system in the middle of the property that flows east to west with elevations generally running from 180 feet to 136 feet. The proposed stormwater ponds will meet all requirements from the LDC and those from SWFWMD. Post-development run-off rates will not exceed pre-development run-off rates.

B. Wetlands/Floodplains:

There are no flood zones noted on the County DataViewer on the subject site, but a floodplain review will be conducted during the Level 2 Review process since the property exceeds five acres. Given the streams located onsite, grade changes from surrounding properties, and endemic soils, it is reasonable to anticipate flood zones will be identified here. Any impacts to identified flood zones will require "cup-for-cup" compensation and adhere to LDC Section 630.

There is a perennial stream and an intermittent stream as well as a small, forested wetland within the project boundary. The site drains to the perennial stream and eventually offsite to the west. Minimal impacts to the stream will be required for internal vehicle circulation. Development on properties with wetlands is subject to Section 620 of the LDC. Wetlands can be impacted for access and internal circulation once mitigated with the agency having jurisdiction. An undisturbed vegetative buffer adjacent to wetlands with an average width of 25 feet and a minimum width of 15 feet is required.

C. Soils:

The soil types and limitations, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, are listed in Table 7, below. The soils are considered poorly drained soils and will require a higher level of engineering to ensure a safe foundation and support for any multifamily units. However, development on the subject site will connect to public water and sewer.

Table 7

Soil Name	**Septic Tank Absorption Field Limitations**	**Limitations to Dwellings**	**% of Site** *(approximate)*
Smyrna & Myakka Fine Sands	Severe: Wetness	Severe: Wetness	75%
Sparr Sand (0 to 5% slopes)	Severe: Wetness	Severe: wetness, poor filter	20%
Apopka Fine Sands	Slight	Slight	3%
Basinger Mucky Fine Sand	Severe: Ponding	Severe: wetness, poor filter	2%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service.

The soils onsite share similar characteristics. The Smyrna series consists of very deep and poorly drained soils. They are found on nearly level flatwoods areas and formed in thick deposits. Myakka series consists of very deep, poorly drained, and moderately rapid or moderately permeable soils that occur primarily in mesic flatwoods of peninsular Florida. The Sparr series consists of very deep, poorly drained, moderately slowly to slowly permeable soils on uplands of the coastal plain. All formed in thick beds of sandy and loamy marine sediments.

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. All future development is required by the LDC to implement best management practices for erosion-control, and the soils are not of such that would limit compliance with applicable

regulations for the proposed use. This project will utilize centralized wastewater. Without these services, it might not be possible to develop this site at the intensity proposed.

D. Protected Species

According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an endangered species sighting. (Source: Florida Department of Environmental Protection, 2015). The burden of identifying endangered species is on the developer. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that 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 historical resources within the subject site. The developer will be required to contact the state if any resources are found on the subject during construction.

F. Wells (Public/Private)

Wellhead Protection Districts are located on the eastern and western sides of the project area, which are subject to LDC Section 670. Multi-family developments are exempt from this section as are the activities of constructing, repairing, or maintaining any facility or improvement on land, provided that all agents, when using, handling, storing, producing, transporting, or disposing of regulated substances use applicable Best Management Practices.

The applicant has indicated in their Impact Assessment Statement that no private wells exist onsite.

G. Airports:

The Lakeland Linder Airport is located approximately 4.8 miles to the southwest. The subject site is not located within Airport Impact District (AID), according to the latest Polk County Airport Regulations approved on September 6, 2019.

Economic Factors:

A diversity of housing types helps maintain a strong community. With the cost of single-family dwellings in Polk County selling at a premium that reflects its current desirability, higher-density, multi-family residential development spreads the costs of land acquisition and development across more units, making it far more affordable to the buyer.

Next, the location of higher-density multi-family developments near employment centers is simply good planning. This reduces the commuting distances and travel times for workers in the area that will be attracted to the myriad of employment opportunities ranging from education and health care to manufacturing and retail. This reduces the cost of living for the individual as well as relieves the traffic burden on the surrounding roadways. Furthermore, the site is well-sited for commuters, given the proximity to I-4, Kathleen Road, and Memorial Avenues.

Consistency with the Comprehensive Plan and Land Development Code:

This project is consistent with the Comprehensive Plan. Comprehensive Plan Section 2.120-C states that the Residential Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units. In the TSDA, it specifically encourages a variety of housing types. If this project was in the Urban Growth Area (UGA), the density would be limited to five (5) DU/AC and a maximum of four units per structure. The TSDA provides this extra flexibility as it is the highest level of urban-level development in the County.

Table 8, to follow, outlines other pertinent Comprehensive Plan policies.

Table 8

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 existing residential uses surrounding the site include single-family detached lots, mobile homes, and duplexes. Other townhomes are planned in the city limits, and a single-family development with 40-foot-wide lots is in development. To the north is aggregate processing, but it is buffered by a railroad spur and ample existing vegetation. The proposed townhomes will be consistent in design with other single-family dwelling types. The site plan calls out adequate buffers and green spaces between uses.
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 request is in an area with urban level services, including public water and sewer and direct access to Urban Collector roadways. Mass transit is nearby with an extensive sidewalk network. Schools and emergency services are in the area with adequate response times. This site is one of the last in the area to develop and represents infill on the northeast side of North Wabash and 10th Street.
POLICY 2.102-A3: DISTRIBUTION - 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 - 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.	The request is in an RL-4 land use district where all forms of infrastructure are available for residential development on the subject site. Therefore, the timing and location of development of the subject site is consistent with the Comprehensive Plan's growth management strategy.
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: 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	

Comprehensive Plan Policy	Consistency Analysis
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.	

This request is consistent with Land Development Code (LDC). Development criteria for Planned Developments is detailed under Section 303 of the LDC.

Table 9

LDC Section 303 – Planned Development	Consistency Analysis
The site shall be suitable, or it shall be possible to make the site suitable for development in the manner proposed without negative impact to persons or property, on or off the property. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended. Erosion, flood hazard and damage to natural resources shall be avoided.	This site has been planned with stormwater ponds and will require a flood study. Soil conditions are not ideal for development but can be overcome with grading and fill.
Planned Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can be available at the time of request for Certificate of Concurrency.	All listed services are available, as identified in the Staff Report, and have ample capacity for this development.
Planned Development, where appropriate because of the size or intensity of the proposed project, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities. Planned Development shall be designed to provide access to and from its location without creating excessive traffic along minor streets in residential neighborhoods outside the Planned Development.	The subject site will have direct ingress/egress to 10th Street West and North Wabash. Sidewalks will be constructed along the frontage of the site where necessary. Mass transit is within a mile of the site. No traffic will pass over local roads to leave the site.
Planned Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.	The applicant will improve landscaping as required by the LDC. Lighting will be shielded from off-site view.
Planned Development shall be responsive to the character of the area. When located in an area where land use types, intensities, or densities vary, Planned Development shall be designed in such a manner as to provide for gradual changes in intensity or density.	The surrounding residential types are single-family site-built homes, mobile homes, and duplexes. The site is located near major thoroughfares near employment centers.
All Planned Development proposing specific approval of requirements for development under standard district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.	The standards approved through this PD reflect those of the developments surrounding the subject site.
Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.	The applicant will improve landscaping along roadway frontages. Lighting will be shielded from off-site view.
Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Accel/decel lanes or medians shall be required where existing or anticipated traffic flows indicate need.	No changes to the roadway are necessary at this time. The surrounding roadway system and any deficiencies in standards will be reviewed during the Level 2 Review process.
Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and uses. Uses shall be grouped to minimize internal vehicular movements. Facilities	The development will provide sidewalks to encourage walkability between the site and surrounding development, as well as provide for pedestrian safety.

LDC Section 303 – Planned Development	Consistency Analysis
and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic.	
Planned Development shall provide internal or external walkways where pedestrian circulation requires them. The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the site, with a minimum of conflicts with vehicular traffic.	Sidewalks will be constructed along 10th Street in accordance with LDC Section 707.
Planned Development shall be designed to preserve the natural features such as wetlands, wildlife and plant species. Project design shall address protection of well fields, flood plains, surface water, and archaeological and historic sites, as much as possible.	Wetlands around a stream will be impacted for internal circulation. A species walkover will be required to ensure no endangered or threatened species are found onsite.
Density or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.	This approval will not exceed the density allowed within the TSDA overlay in RL-4 land use district.
Height in a Planned Development shall be determined after review of the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.	The multi-family buildings will not exceed the height limitations for the RL-4 district.
Fences, walls, or vegetative buffers shall be provided where appropriate to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining properties from similar adverse influences.	The site will be buffered and screened with landscaping in accordance with LDC Section 720. The applicant will improve landscaping along the roadways. Lighting will be shielded from off-site view.
Yard and setback requirements shall promote general health, safety, welfare, design excellence and neighborhood compatibility in each Planned Development. All setbacks within a Planned Development shall be measured from property lines and shall be shown on the development plans in either graphic or tabular form.	The site plan shows the district setbacks will be met.
All central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development.	Dumpsters and trash collection will be in accordance with Sections 209 & 213 of the LDC.
The provisions of the Planned Development approvals may be more restrictive, as necessary, to meet the other standards contained in this Section but not less restrictive than required in Section 760.	The applicant will adhere to the signage requirements of Section 760. Should the applicant deviate from this section, a Sign Plan and Level 3 Review will be required as stated in Section 760.J.
Landscaping shall be equal to or exceed the standards stipulated under Section 720, Landscaping and Buffering.	Landscaping and buffers have been addressed.
Stormwater Management facilities shall adhere to the requirements of Section 740, Stormwater Management and the Technical Manual.	The site plan shows stormwater ponds.

Table 10

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	Yes, this request is consistent with the LDC, specifically Table 2.1 and Section 303 as detailed throughout the Staff Report and summarized in Table 9.
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	Yes, this request has been reviewed for consistency with SECTION 2.102 and SECTION 2.104.
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 6-9 of this staff report for data and analysis on surrounding uses and compatibility.
How the concurrency requirements will be met if the development were built.	Yes, the request is capable of meeting concurrency requirements in the timeframe in which it will be constructed. See pages 9-13 of this staff report for data and analysis.

Comments from other Agencies:

City of Lakeland:

- *A Voluntary Annexation agreement with the City of Lakeland will be necessary.*

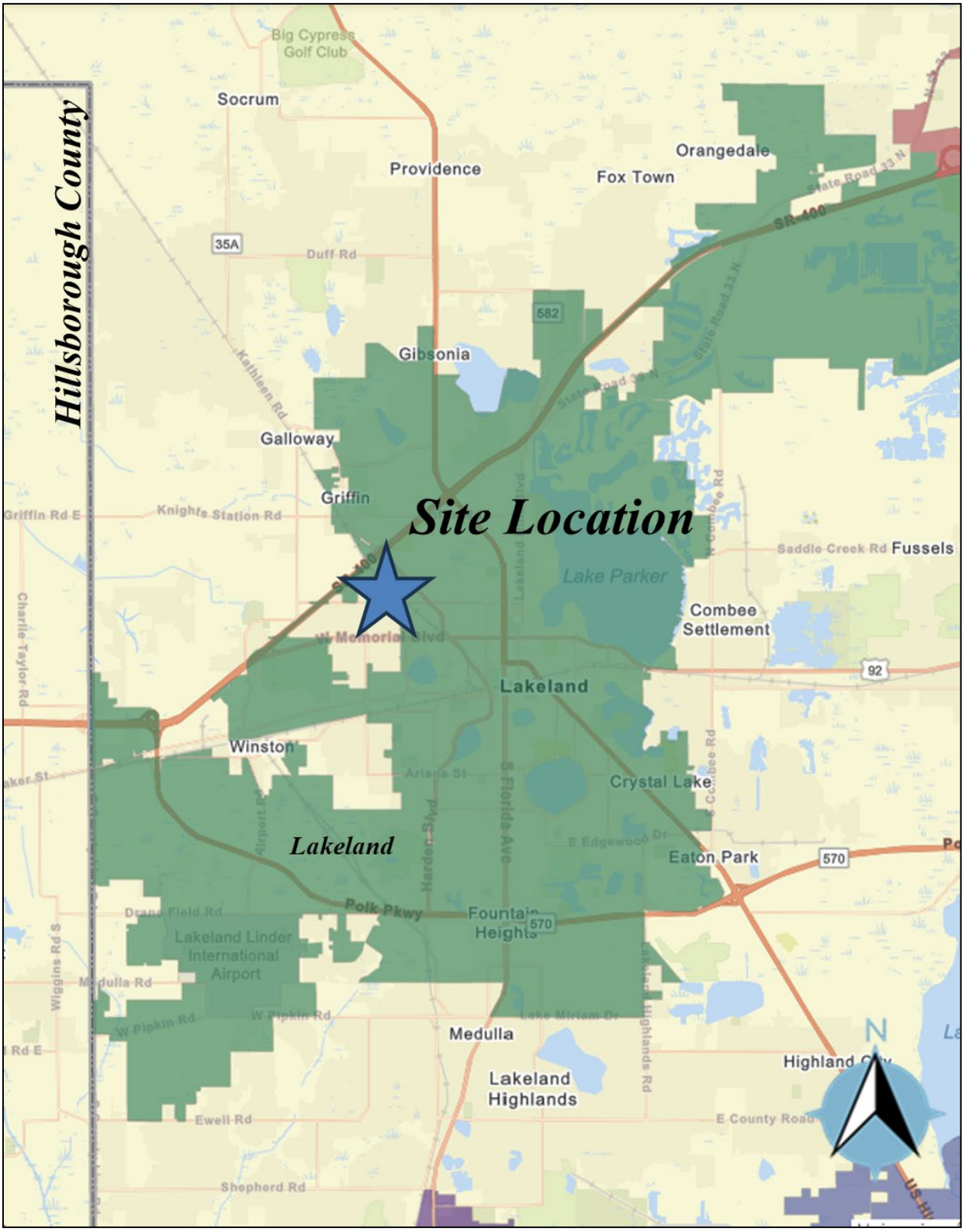
- *A sidewalk should be constructed along the site's 10th Street frontage.*

- *For the street terminus in the southwest corner of the development, a cul-de-sac or T-turnaround should be constructed to accommodate emergency and service vehicles. Another option would be to wrap the townhomes around the corner without a stub-out as exists on the north side of the circular street.*

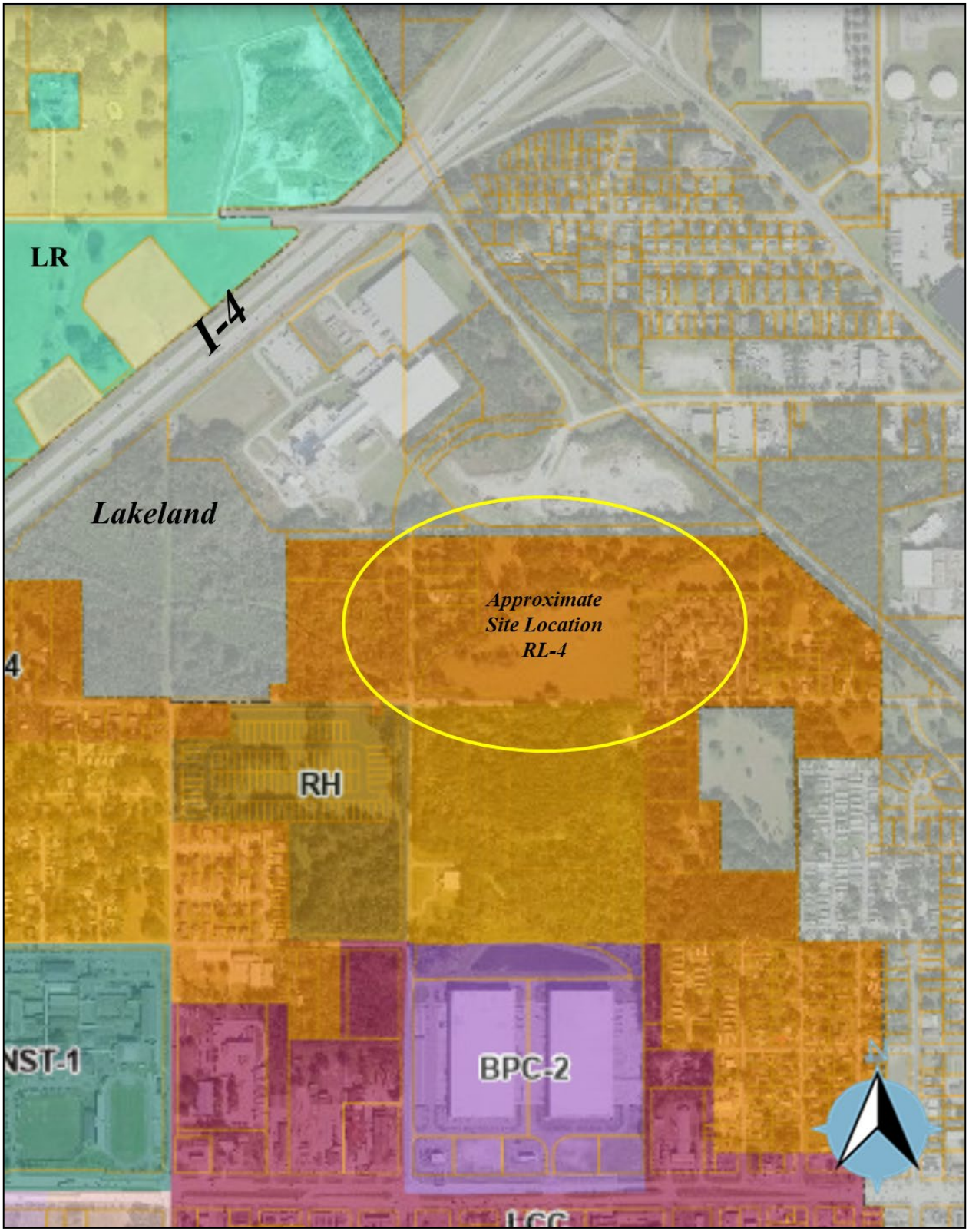
- *The project will require a right of way permit from the City of Lakeland for the North Wabash Avenue driveway.*

Exhibits:

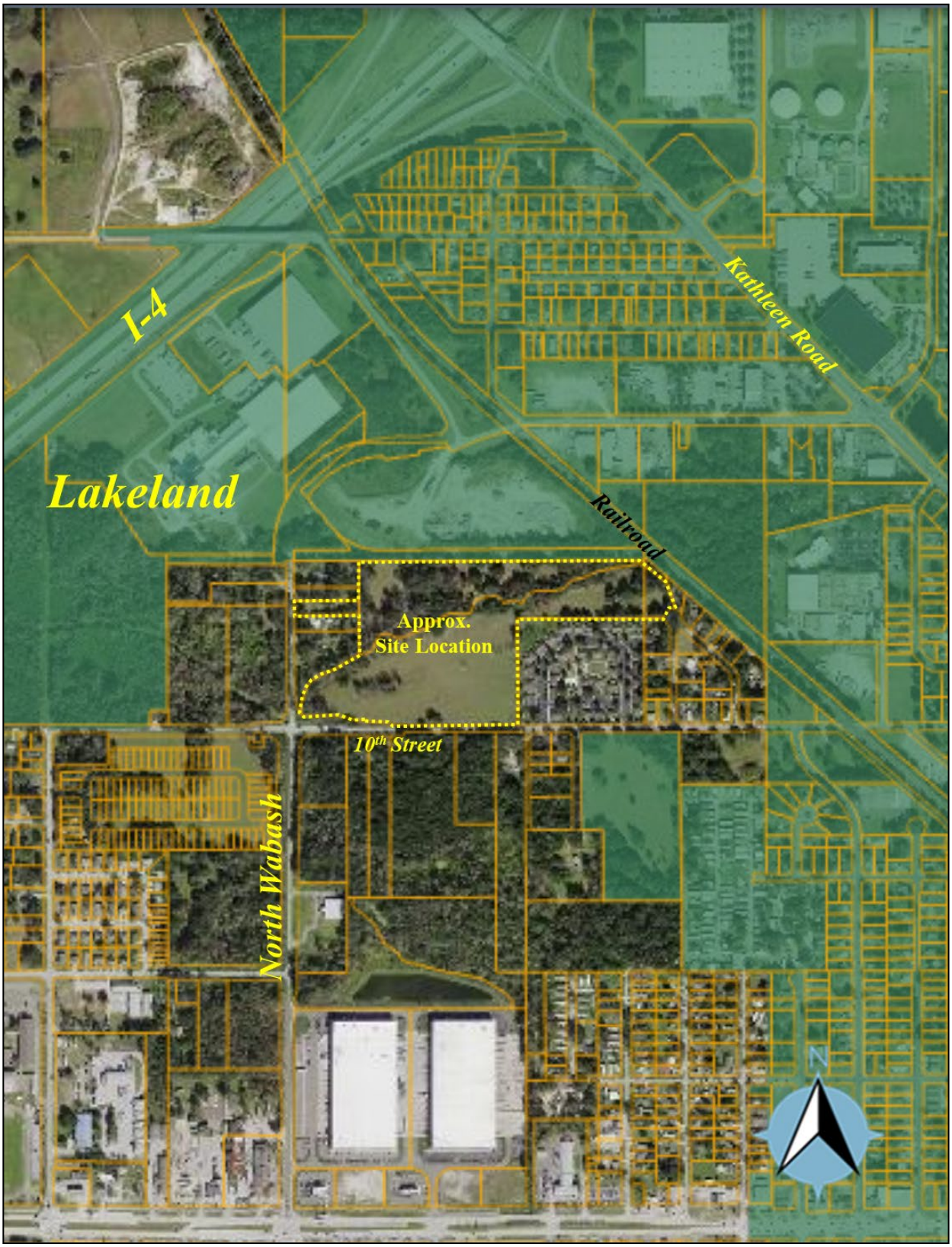
Exhibit 1 Location Map
Exhibit 2 Future Land Use Map
Exhibit 3 Aerial Image (Context)
Exhibit 4 Aerial Image (Close)
Exhibit 5 Site Plan



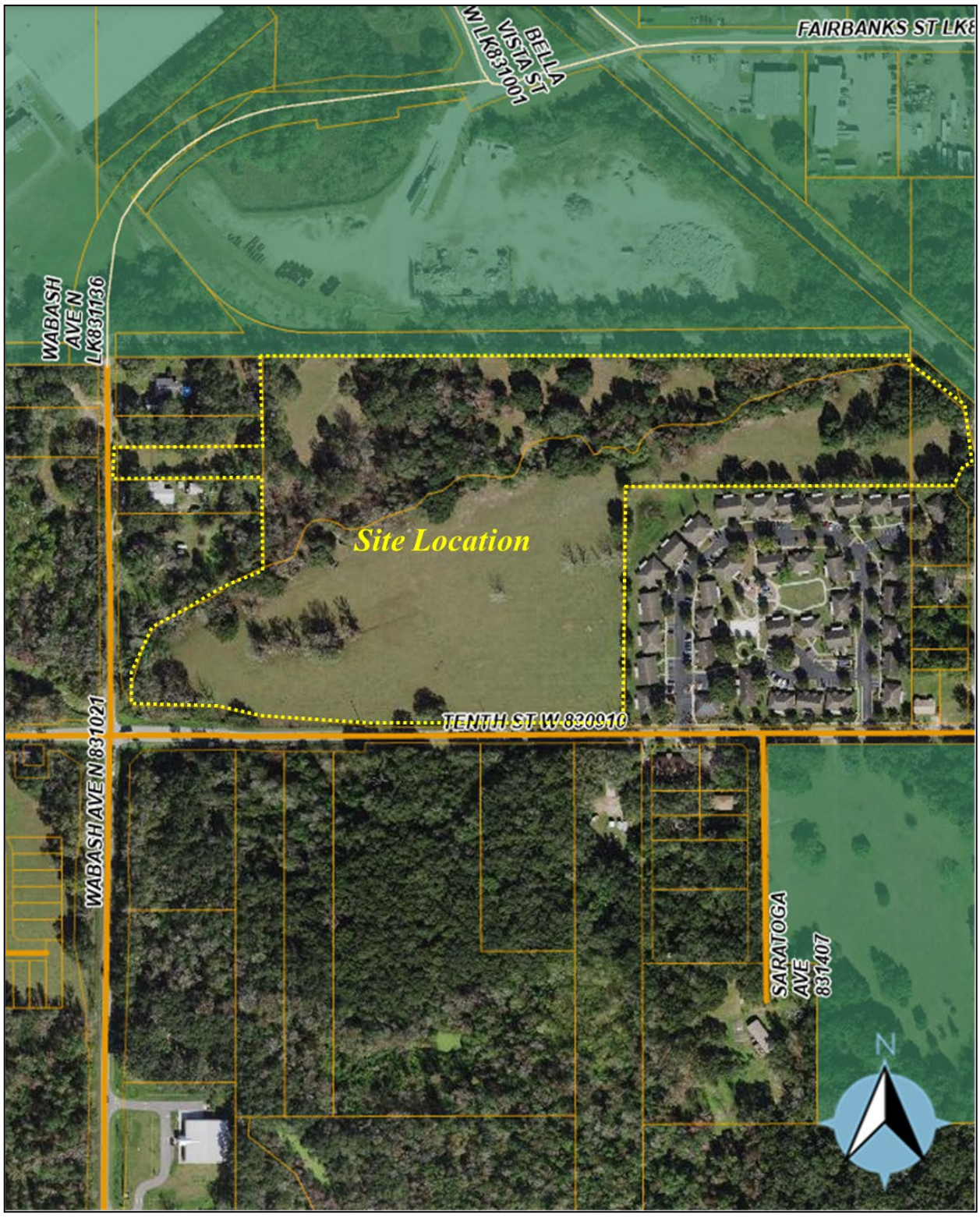
Location Map



Future Land Use Map



Aerial Image - Context



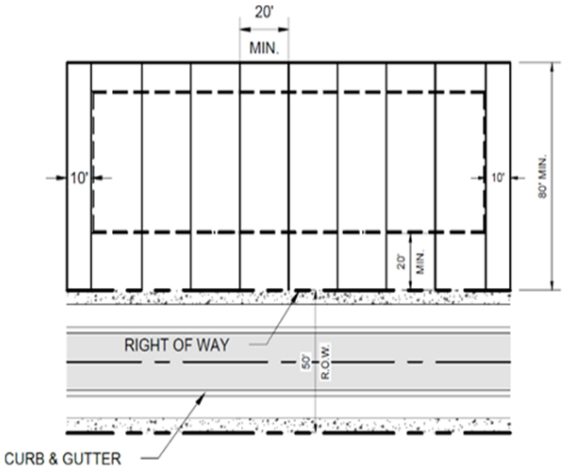
Aerial Image - Close

Future Land Use	(RL-4) Residential Low
PID #	23-28-11-030000-001172 23-28-11-000000-032040 23-28-11-026500-001280 23-28-11-026500-001220
Flood Zone:	FEMA Zone "X" Dated: October 2020
Current Property Use:	Vacant
Proposed Property Use:	Residential Townhomes (No More Than 8 Attached Units)
Proposed Lots:	150±
Proposed Density:	6.1± DU/Acre
Project Area:	26.3± Acres
Wetland Area:	1.85± Acres*
Other Open Space (Including Wetlands, Buffering, and Passive Features):	13.5± Acres
Amenity / Park Space:	0.52± Acres
Total Developable Area:	24.45± Acres*

*Subject to change during permitting

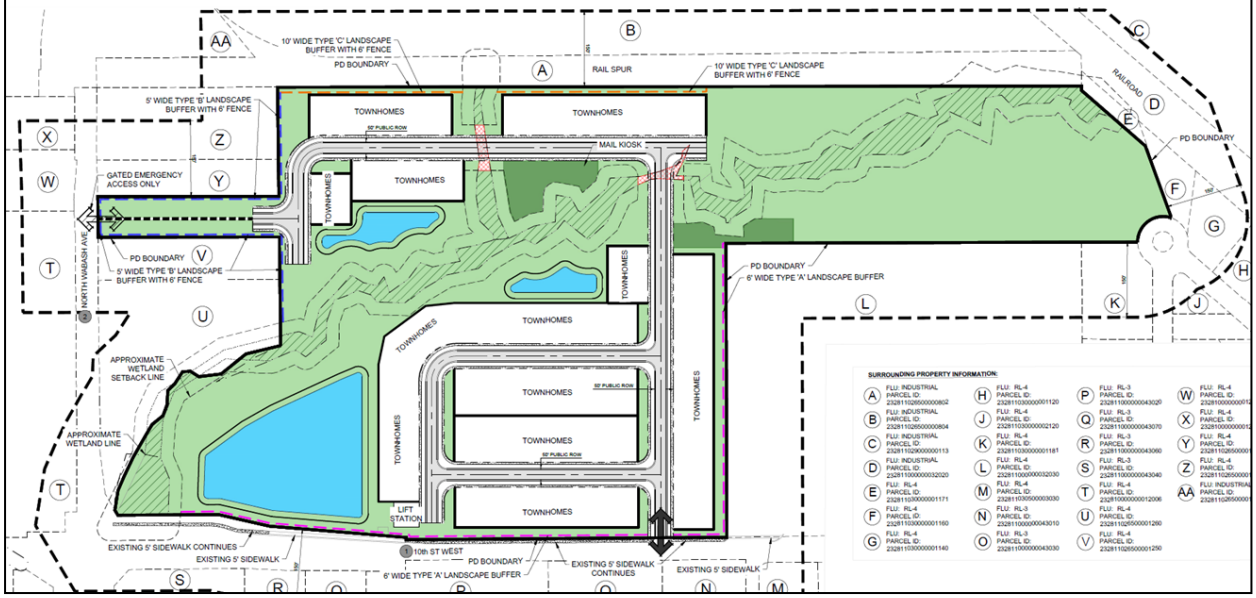
NOTES:

1. LAND USE BOUNDARIES & ROADWAY LOCATIONS ARE CONCEPTUAL AND TO BE FINALIZED WITH FINAL ENGINEERING.
2. THE UPLAND PORTION OF OTHER OPEN SPACE MAY INCLUDE PASSIVE RECREATION SUCH AS WALKING TRAILS.
3. SITE PLAN AND AMENITY/MAIL KIOSK LOCATIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE DURING CONSTRUCTION PLAN PERMITTING.
4. ENVIRONMENTAL INFORMATION PROVIDED BY ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC. (ECT).

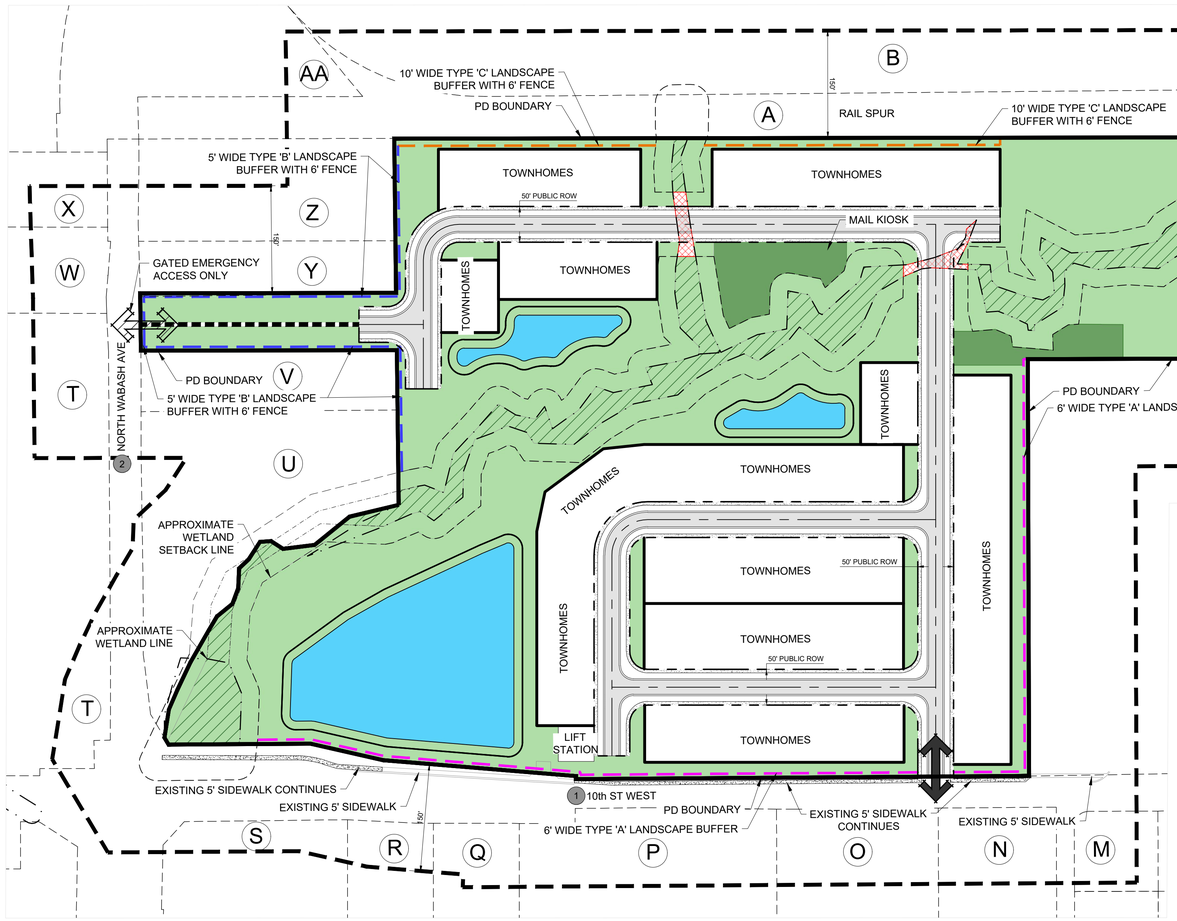


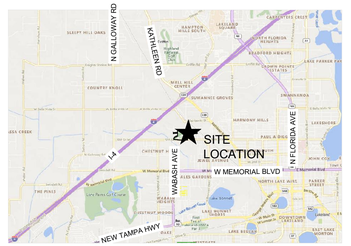
TYPICAL TOWNHOME LOT DETAIL

N.T.S.



Site Plan





Vicinity Map

N.T.S.

N

0 50 100 200
SCALE IN FEET

Site Data Table

Project Location	Polk County, Florida
Future Land Use	(RL-4) Residential Low
PID #	23-28-11-030000-001172 23-28-11-000000-032040 23-28-11-026500-001280 23-28-11-026500-001220
Flood Zone:	FEMA Zone "X" Dated: October 2020
Current Property Use:	Vacant
Proposed Property Use:	Residential Townhomes (No More Than 8 Attached Units)
Proposed Lots:	150±
Proposed Density:	6.1± DU/Acre
Project Area:	26.3± Acres
Wetland Area:	1.85± Acres*
Other Open Space (Including Wetlands, Buffering, and Passive Features):	13.8± Acres
Amenity / Park Space:	0.52± Acres
Total Developable Area:	24.45± Acres*

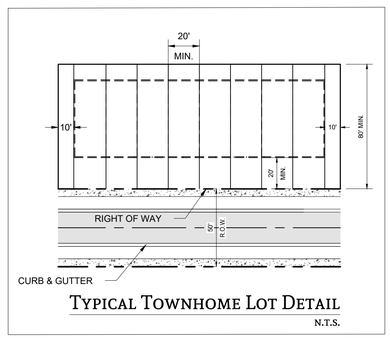
*Subject to change during permitting

NOTES:

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4. ENVIRONMENTAL INFORMATION PROVIDED BY ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC. (ECT).

SURROUNDING PROPERTY INFORMATION:

A	FLU: INDUSTRIAL PARCEL ID: 232811026500000802	H	FLU: RL-4 PARCEL ID: 232811030000001120	P	FLU: RL-3 PARCEL ID: 232811000000043020	W	FLU: RL-4 PARCEL ID: 232810000000012009
B	FLU: INDUSTRIAL PARCEL ID: 232811026500000804	J	FLU: RL-4 PARCEL ID: 232811030000002120	Q	FLU: RL-3 PARCEL ID: 232811000000043070	X	FLU: RL-4 PARCEL ID: 232810000000012002
C	FLU: INDUSTRIAL PARCEL ID: 232811029000000113	K	FLU: RL-4 PARCEL ID: 232811030000001181	R	FLU: RL-3 PARCEL ID: 232811000000043060	Y	FLU: RL-4 PARCEL ID: 232811026500001240
D	FLU: INDUSTRIAL PARCEL ID: 232811000000032020	L	FLU: RL-4 PARCEL ID: 232811000000032030	S	FLU: RL-3 PARCEL ID: 232811000000043040	Z	FLU: RL-4 PARCEL ID: 232811026500001230
E	FLU: RL-4 PARCEL ID: 232811030000001171	M	FLU: RL-4 PARCEL ID: 232811030500003030	T	FLU: RL-4 PARCEL ID: 232810000000012006	AA	FLU: INDUSTRIAL PARCEL ID: 232811026500001290
F	FLU: RL-4 PARCEL ID: 232811030000001160	N	FLU: RL-3 PARCEL ID: 232811000000043010	U	FLU: RL-4 PARCEL ID: 232811026500001260		
G	FLU: RL-4 PARCEL ID: 232811030000001140	O	FLU: RL-3 PARCEL ID: 232811000000043030	V	FLU: RL-4 PARCEL ID: 232811026500001250		



Typical Townhome Lot Detail

N.T.S.

RESIDENTIAL DESIGN STANDARDS:

Townhomes							
Lot Type	Lot Width	Lot Depth	Front Primary Setback	Side Setback	Side Corner Setback	Rear Setback	Garage Setback
Townhouses Platted	20'	80'	20'	0 OR 10'	15'	10'	25'

LEGAL DESCRIPTION:

(PER TITLE COMMITMENT NO. 11355674, ISSUED BY FIDELITY NATIONAL TITLE COMMITMENT WITH A COMMITMENT DATE OF 9/6/2023.)

PARCEL 1

LOT 17, BLOCK 1 AND THAT PART OF LOTS 18 AND 19, BLOCK 1, LYING NORTH OF A LINE DESCRIBED AS BEING 1.75 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 18, RUNNING WEST TO THE WEST LINE OF SECTION AND END OF LINE, OAK RIDGE HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 41, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 29.13 FEET OF SAID LOT 17.

PARCEL 2

LOT 12, GENERAL MAP OF WEBSTER & OMOHUNDRO EST. LANDS IN SECTION 11, TOWNSHIP 28 SOUTH, RANGE 23 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 81, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LYING WEST OF THE ATLANTIC COAST LINE RAILROAD, LESS AND EXCEPT THE NORTH 433.5 FEET OF AND LESS AND EXCEPT THE WEST 402.0 FEET THEREOF.

PARCEL 3

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, RUN THE EAST 1946.16 FEET; THENCE NORTH 905.1 FEET TO BRANCH SW ALONG BRANCH; THENCE SOUTHWEST ALONG BRANCH TO WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 11; THENCE SOUTH 66 FEET TO POINT OF BEGINNING, LESS THE SOUTH 598.69 FEET OF THE EAST 702.38 FEET AND LESS ROAD RIGHT-OF-WAY.

ALSO, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PARCEL 3 AS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED MAY 7, 1980 IN OFFICIAL RECORDS BOOK 1942, PAGE 1846, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

ALSO, LESS AND EXCEPT THAT PORTION OF ABOVE DESCRIBED PARCEL 3 CONVEYED TO POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY VIRTUE OF THE WARRANTY DEED RECORDED AUGUST 27, 2001 IN OFFICIAL RECORDS BOOK 4784, PAGE 1711, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

ALSO, LESS AND EXCEPT THAT PORTION OF ABOVE DESCRIBED PARCEL 3 CONVEYED TO THE CITY OF LAKELAND, A FLORIDA MUNICIPAL CORPORATION, BY VIRTUE OF THE WARRANTY DEED RECORDED MAY 4, 2017 IN OFFICIAL RECORDS BOOK 10138, PAGE 731, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

LEGEND

- BOUNDARY/PROPERTY LINE
- RIGHT OF WAY LINE
- WETLAND LINE
- WETLAND SETBACK LINE
- FEMA LINE
- 5' WIDE TYPE 'B' LANDSCAPE BUFFER
- 6' WIDE TYPE 'A' LANDSCAPE BUFFER
- 10' WIDE TYPE 'C' LANDSCAPE BUFFER
- EMERGENCY ACCESS ROAD
- ACCESS POINTS (PEDESTRIAN & VEHICULAR)
- EMERGENCY ACCESS POINT (VEHICULAR)
- STORMWATER POND
- WETLAND
- WETLAND IMPACT
- OTHER OPEN SPACE
- AMENITY / PARK SPACE

DATE PREPARED: December 13, 2023

1 10th ST WEST:
- ROW WIDTH VARIES
- PAVEMENT VARIES
- PUBLIC ROAD - COUNTY
- ASPHALT
- NO BIKE PATH / TRANSIT STOPS / TRAFFIC DEVICES

2 NORTH WABASH AVENUE:
- ROW WIDTH VARIES
- PAVEMENT VARIES
- PUBLIC ROAD - COUNTY
- ASPHALT IN GOOD CONDITION
- 5' SIDEWALK (EAST & WEST SIDE)
- NO BIKE PATH / TRANSIT STOPS / TRAFFIC DEVICES

Project Team Members:

Developer:
Meritage Homes
10117 Princess Palm Ave
Tampa, Florida 33610
Phone: (855) 588-6374
Email: Betsey.Jolley@meritagehomes.com

Engineer & Planning:
LevelUp Consulting, LLC
505 E. Jackson Street Suite 200
Tampa, Florida 33602
Phone: (813) 375-0616
Email: trent@levelupflorida.com

Environmental:
Environmental Consulting & Technology, Inc. (ECT)
1408 N Westshore Boulevard, Suite 115
Tampa, Florida 33607
Phone: (855) 737-0444
Email:

PROJECT NAME:
WABASH - 10th STREET

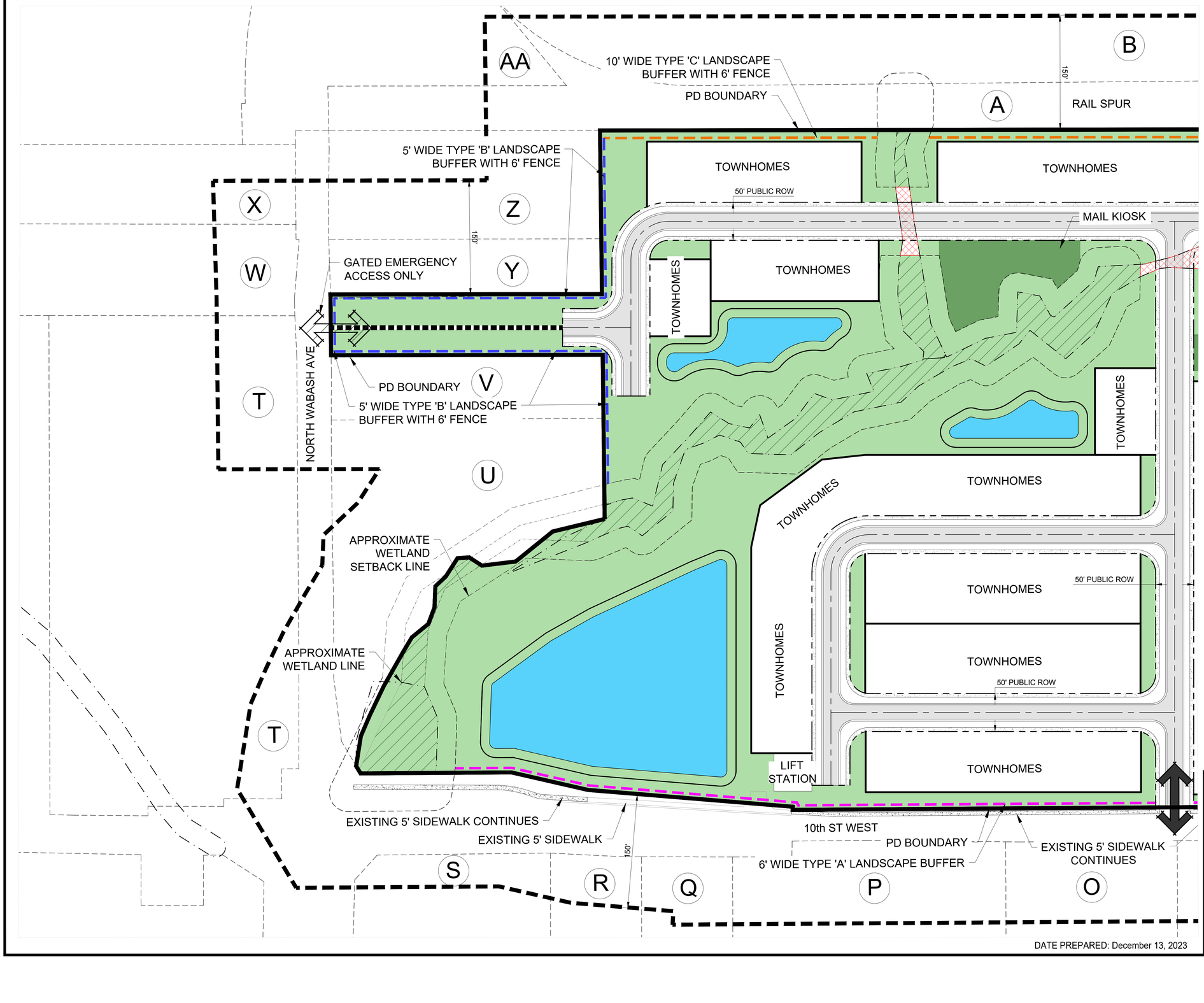
DRAWING TITLE:
PD PLAN

PREPARED FOR:
MERITAGE HOMES

PROJECT No. 274-01-01

SHEET 1 OF 3

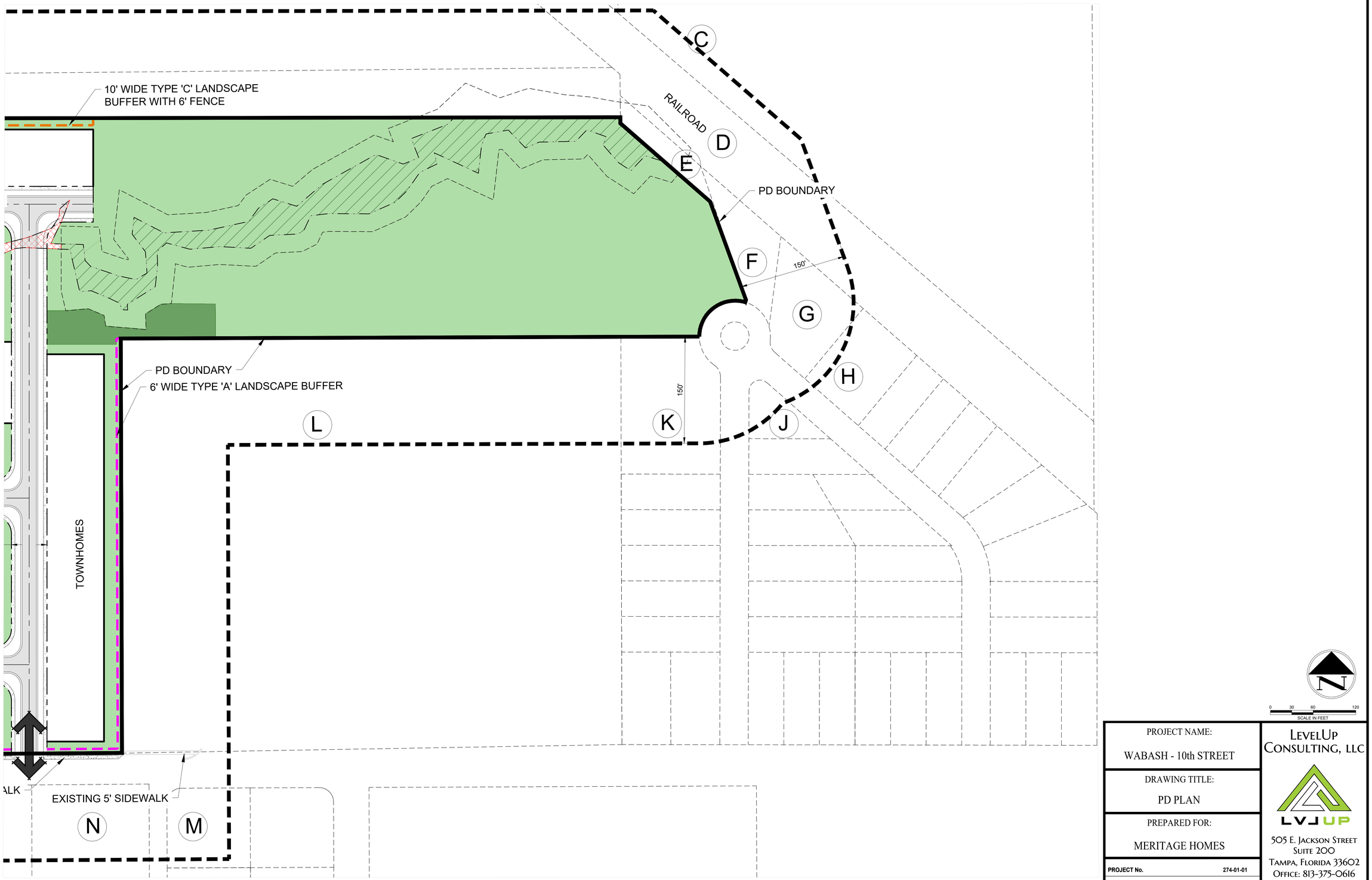
LevelUp Consulting, LLC
505 E. Jackson Street
Suite 200
Tampa, Florida 33602
Office: 813-375-0616
www.levelupflorida.com



DATE PREPARED: December 13, 2023

PROJECT NAME:	WABASH - 10th STREET
DRAWING TITLE:	PD PLAN
PREPARED FOR:	MERITAGE HOMES
PROJECT No.	274-01-01
SHEET	2 OF 3

LEVELUP CONSULTING, LLC
505 E. JACKSON STREET
SUITE 200
TAMPA, FLORIDA 33602
OFFICE: 813-375-0616
WWW.LEVELUPFLORIDA.COM



PROJECT NAME:

WABASH - 10th STREET

DRAWING TITLE:

PD PLAN

PREPARED FOR:

MERITAGE HOMES

PROJECT No. 274-01-01

SHEET 3 OF 3

LEVELUP CONSULTING, LLC

505 E. JACKSON STREET
SUITE 200
TAMPA, FLORIDA 33602
OFFICE: 813-375-0616
WWW.LEVELUPFLORIDA.COM

DATE PREPARED: December 13, 2023

Impact Assessment Statement Form Responses

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?
   This Planned Development (PD) proposes a 150-unit townhome community in the northeast corner of Wabash Ave N. and 10th St W. A PD is sought to provide up to 8 attached units on a project site that is currently vacant. The Future Land Use designation of the site is Residential Low-4 and is also within the Transit Supportive Development Area (TSDA), which allows for a maximum density of 7 dwelling units per acre. This project site represents an infill opportunity in an area that has been experiencing recent growth. Directly adjacent to the east are Colton Meadow Apartments and to the west are several single family homes that front on the recently improved Wabash Avenue N. To the south are 10th Street W and vacant residential parcels. 10th Street W is a significant roadway linking Kathleen Road to the east and N Galloway Road to the west, with a bridge over I-4. Major employment is concentrated nearby at the intersection of Kathleen Road and I-4. To the southeast is 10th Street Townhomes, a townhome community being developed by the Lakeland Housing Authority. Bordering the project site to the north is the Owens Corning Spur Track, which will provide a buffer between the proposed development and the light industrial uses present to the north. The location of the proposed townhome community is suitable as it provides a transition from the multifamily in the east to the single family in the west.

2. What are, if any the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?
   There are not any incompatibilities with the townhomes proposed by this Planned Development. However, to the north of the property is the Owens Corning Spur Track, which is +/- 60 feet wide, and is exclusively for the Owens Corning facility. A 15-foot landscape buffer is proposed along this boundary that will be owned and maintained by the homeowner's association and will contain a 6-foot privacy fence. This in addition to the +/- 60 feet of the spur parcel, provides a substantial buffer from the light manufacturing uses present in the north. Considering the diversity of residential uses (duplexes, apartments, mobile homes, and townhomes) present in the area, the townhome product is well suited for this location.

3. How will the request influence future development of the area?
   As an infill site, the request will enhance the sense of place and encourage existing development trends in the area.

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed 1 methodology and calculations.
   Per the ITE Manual, the weekday daily trip ends generated is 2,511. The AM and PM weekday peak hour trip ends are 171 and 227. This was calculated using land use code 220 multifamily low-rise housing up to 3 stories (townhomes).

2. What modifications to the present transportation system will be required as a result of the proposed development?
   No modifications to the surrounding transportation system will be required.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?
   Parking will be provided in accordance with Section 708 of the Polk County Land Development Code.

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?
   The property will directly connect to the existing "Wabash Avenue" west of the property and "10th Street" south of the property.

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (Response may be based on Section 703.F of the LDC).
   Per Lakeland Water Utilities Water Operations, the expected potable water generated per day for a townhome unit is 244 GPD.

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?
   On-site treatment is not proposed.

3. If offsite treatment, who is the service provider?
   The existing service provider is City of Lakeland Utilities.

4. Where is the nearest sewer line (in feet) to the proposed development (Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of- way under certain conditions listed in Section 702E.3 of the Land Development Code).
   Per Section 702E.3, the nearest sewer line lies within the Wabash Avenue ROW. An 8" VCP SGM gravity sewer line runs along Wabash Avenue, and an 8" PVC SGM along 10th Street West. The proposed on-site gravity sewer line will tie into the existing gravity sewer line along Wabash Avenue if the depth of the existing gravity sewer is adequate. If the gravity tie in is not feasible, an on-site lift station will be utilized to pump into one of the existing manholes along 10th Street West. Capacity determination is being processed with the City of Lakeland Utilities.

5. What is the provider's general capacity at the time of application?
   A capacity determination is being processed with the City of Lakeland Utilities.

6. What is the anticipated date of connection?
   Fall 2024.

7. What improvements to the providers system are necessary to support the proposed request (e.g., lift stations, line extensions/expansions, interconnects, etc.)?
   The proposed on-site gravity sewer line will tie into the existing gravity sewer line along Wabash Avenue if the depth of the existing gravity sewer is adequate. If the gravity tie in is not feasible, an on-site lift station will be utilized to pump into one of the existing manholes along 10th Street West. Capacity determination is being processed with the City of Lakeland Utilities.

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?
   The existing service provider is City of Lakeland Utilities, with an existing 16" DIP potable water connection within Wabash Avenue right of way.

2. What is the estimated volume of consumption in gallons per day (GPD)? (Response may be based on Section 703 of the LDC)
   Per Lakeland Water Utilities Water Operations, the expected potable water generated per day for single family detached is 325 GPD and for a townhome unit is 244 GPD.

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?
   There is an existing 16" DIP Water Main running along Wabash Avenue as well as 10th Street West on the southern boundary of the site.

4. Who is the service provider?
   The existing service provider is City of Lakeland Utilities.

5. What is the anticipated date of connection?
   Fall 2024.

6. What is the provider's general capacity at the time of application?
   A capacity determination is being processed with the City of Lakeland Utilities.

7. Is there an existing well on the property(ies)?
   Yes ☐ What type?

   No ☒ Permit Capacity:

   Location:

   Water Use Permit #:

   Constructed prior to Water Management District Permitting: Yes ☐ No ☐

   Type of Use: ☐ Ag ☐ Public ☐ Industrial or Commercial

   ☐ Recreation or Aesthetic ☐ Mining

   Permitted Daily Capacity:

   Average Peak Monthly Withdrawal Rate:

   Location:

   Casing Diameter:

   Mainline Diameter:

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);
   As provided by Environmental Consulting & Technology, Inc. (ECT), there is a perennial stream and an intermittent stream as well as a small, forested wetland within the project boundary. The site drains to the perennial stream and eventually offsite to the west.

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?
   Stream crossings for access purposes would be necessary to maximize the usage of the uplands on site.

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.
   As provided by Environmental Consulting & Technology, Inc. (ECT), environmentally sensitive features identified onsite include a perennial and intermittent stream. All surface waters and wetland features are considered jurisdictional under Ch. 62-330 and 62-331 FAC.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

As currently proposed, the site plan includes two stream crossings and complete wetland avoidance.

3. Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts), and;

   Currently working with the City of Lakeland for the provision of Water and Sewer.

4. Discuss the location of Airport Buffer Zones (if any) (discuss the location and address, potential impacts).

   Not applicable.

5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

   See the attached soils map.

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;
   a. ***Bonnet Springs Park and Lake Bonnet are located +/- 2.5 miles from the project site.***
2. Educational Facilities (e.g., preschool, elementary, middle school, high school);
   Wabash PD is zoned for the following schools according to the Polk County Public Schools Address Zoning website.
   a. ***Griffin Elementary - +/- 2.8 miles from the project site.***
   b. ***Kathleen Middle School - +/- 6.5 miles from the project site.***
   c. ***Kathleen Senior High - +/- 1.2 miles from the project site.***
3. Health Care (e.g., emergency, hospital);
   a. ***Lakeland Regional Health Medical Center is located +/- 2 miles from the project site.***
4. Fire Protection;
   a. ***The closest Fire Station is Polk County Fire Rescue Station 24 – Winston Creek Station which is +/- 1.6 miles from the project site.***
5. Police Protection and Security;

   a. ***The Community Policing Unit is located +/- 1.4 miles from the project site.***
   b. ***The County Sheriff Policing Unit is located +/- 7 miles from the project site.***

6. Emergency Medical Services (EMS);
   a. ***Lakeland Regional Health Medical Center is located +/- 2 miles from the project site.***

7. Solid Waste (collection and waste generation); and
   a. ***FCC Environmental Services is the solid waste collection provider.***

8. How may this request contribute to neighborhood needs?
   a. ***This request contributes to neighborhood needs by adding to the mix of housing types available in an area that is experiencing revitalization.***

LDPD-2023-34 - Wabash Avenue N Townhome PD

Menu Reports Help

Application Name: Wabash Avenue N Townhome PD

File Date: 10/26/2023

Application Type: PC-Planned Development

Application Status: In Review

Application Comments:

View ID	Comment	Date

Description of Work: The Wabash project is proposing a Level 3 Planned Development rezoning consisting of 150 townhome units.

Application Detail: Detail

Address: 1431 N WABASH AVE, LAKELAND, FL 33805

Parcel No: 232811030000001172

Owner Name: DICESARE HARRIETT E

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Tyler Vansant	Meritage Homes	Applicant	Mailing, 10117 Princes...	Active
Stephen Sposato	LevelUp Consult...	Applicant	Mailing, 505 E Jackson...	Active
Tyler Vansant	Meritage Homes	Applicant	Mailing, 10117 Princes...	Active
Eric Dunning	LevelUp Consult...	Licensed People	Mailing, 505 E Jackson...	Active
Eric Dunning	LevelUp Consult...	Organization		Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $4,473.00

Total Fee Invoiced: $4,473.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Planned Development New

Variance Type
–

Brownfields Request
N/A

Affordable Housing

Type of Acreage
–

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
24.46

DRC Meeting
11/30/2023

DRC Meeting Time
12:30

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
150

Case File Number
–

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
–

FS 119 Status
Non-Exempt

Code Violation Case Number
–

ADVERTISING

Legal Advertising Date
–

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
–

1st BOCC Date
–

2nd BOCC Date
–

LUHO-Level 3
–

HEARING

PC Hearing Results

PC Vote Tally

BOCC 1st Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Results

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-23EST-00000-61560	DIGITAL PROJECTS LD	

RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
No	Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion	Yes

Activate FSA	DigitalSigCheck
Yes	Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

√

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	RL-4- Residential Low

DEVELOPMENT AREA

Development Area
Transit Supportive

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC		44		01/23/2024	No

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/03/2023	Angela Kaufman
Engineering Review	Robert Joynes	Approve	11/20/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	11/21/2023	Kim Turner
Surveying Review	Steve McQuaig	Approve	11/16/2023	Steve McQuaig
Roads and Drainage Review	Phil Irven	Approve	11/27/2023	Phil Irven
Planning Review	Ivan Nance	Approve	12/14/2023	Ivan Nance
School Board Review	School District	Resubmittal ...	12/12/2023	School District
Review Consolidation	Angela Kaufman	Revisions Re...	12/13/2023	Angela Kaufman
Staff Report				
Public Notice				
Hearing				
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

December 13, 2023

Ivan Nance
Planner II
Land Development Division
330 W. Church Street
Bartow, FL 33830

Subject: Wabash Avenue N Townhome PD (LDPD-2023-34)

Dear Mr. Nance,

Please see the responses to all comments below:

Planning – Ivan Nance

Comment 1: Please provide documentation from the City of Lakeland that there is infrastructure and capacity for potable water and wastewater available to serve this project.
Response: We have filed an application for Water and Wastewater Capacity Commitment for Subdivision and Commercial Developments. There is confirmation of capacity for potable water, and the applicant team is currently working with the City regarding wastewater.

Comment 2: Density is based on upland area. Please amend the site plan to calculate the proposed density based on upland acreage only.
Response: The PD Plan has been updated and includes the density based on the upland area.

Comment 3: Please note, each residential unit requires two parking spaces. Garage parking and tandem parking spaces do not count towards the requirement. 25-foot garage setbacks are recommended.
Response: The project provides for two parking spaces per residential unit and a 25-foot garage setback is proposed.

Comment 4: Which of the following – aside from attached units – are being requested with this PD? Multi-family development within residential low-density districts (RCC-R, RL-1, RL-3, and RL-4) shall:

a. Consist of structures comprised of no greater than four dwelling units attached,
   - ***A maximum of 8 attached units is currently being proposed.***

b. Consist of structures with two above ground level floors or less,
   - ***Two above ground level floors are proposed.***

c. Place all non-residential accessory structures in center of the development and separated from property boundaries by residential structures within development,
   - ***All non-residential accessory structures are in the center of the development.***

d. Limit parking to either individual driveways or located in the rear yard where ample screening is provided,
   - ***Required parking shall be limited to individual driveways.***

e. Position the doorways of at least 50% of the units towards the street,
   - ***The doorways are positioned towards the street.***

f. Resemble single family style development to the greatest extent possible,
    - ***Townhomes will resemble single family style development to the greatest extent possible.***
g. Limit fencing within the front setback to no greater than four feet in height,
    - ***Fencing is not proposed in the front yard.***
h. Limit signage to no greater than one 20 square foot sign of less than 4 feet in height, and
    - ***Signage will be consistent with the Land Development Code.***
i. The items above may be varied by the Planning Commission or the Board through the approval of a Conditional Use or Planned Development within the Transit Supportive Development Area.

Response: The responses are provided above.

Comment 5: Open space shall be provided at a minimum ratio of 500 square feet per dwelling unit. Open space areas may be used for recreation facilities, environmental preservation, drainage areas if they are approved by the County as usable recreation areas, and general open space (open space requirements are further provided in Section 750). At a minimum, 30 percent of the required open space shall be comprised of recreation open space. Please show the location and purpose of any amenity centers and that these standards have been met.
Response: At a minimum ratio of 500 square feet per dwelling unit, the project is required to provide 75,000 square feet or 1.72 acres of open space. Approximately 13.5 acres are proposed as open space representing +/- 51% of the project site. Over 30% of the required open space (+/-22,500 sq ft or +/- 0.52 acres) shall be comprised of recreation open space and is designated on the site plan.

Comment 6: Note: The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.
Response: Acknowledged.

Comment 7: Staff reserves the right for additional comments as plans change. To stay on the February PC schedule, comments need to be resolved by December 14th.
Response: Acknowledged.

Should you have any questions or require additional information, please do not hesitate to call.

Sincerely,



LevelUp Consulting, LLC.
Eric Dunning, P.E.
Senior Vice President
eric@levelupflorida.com

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDPD-2023-34 (North Wabash Multi-family PD)

Applicant: LevelUp Consulting, LLC

Property Owner: Harriett E. Dicesare; Joseph Dicesare; Chalah Dicesare

Hearing Date: 2/7/24

I. Request:

The applicant is requesting a Planned Development approval for 150 multi-family townhome units in a Residential Low-4 land use district.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 application, consider the following factors:

    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met if the development was built.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 303 and 906.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February **2024**, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chair Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Agenda Item 7. 2/7/2024

SUBJECT

LDPD-2023-37 (Gull Drive PD Mod)

DESCRIPTION

The applicant is requesting Planned Development Modification to PUD 71-10 to allow the placement of two single family homes. The subject site is located south of Gull Drive, north of Hummingbird Court, east of Audubon Road, west of Falcon Road, and east of the Town of Dundee in Section 25, Township 27, Range 28.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

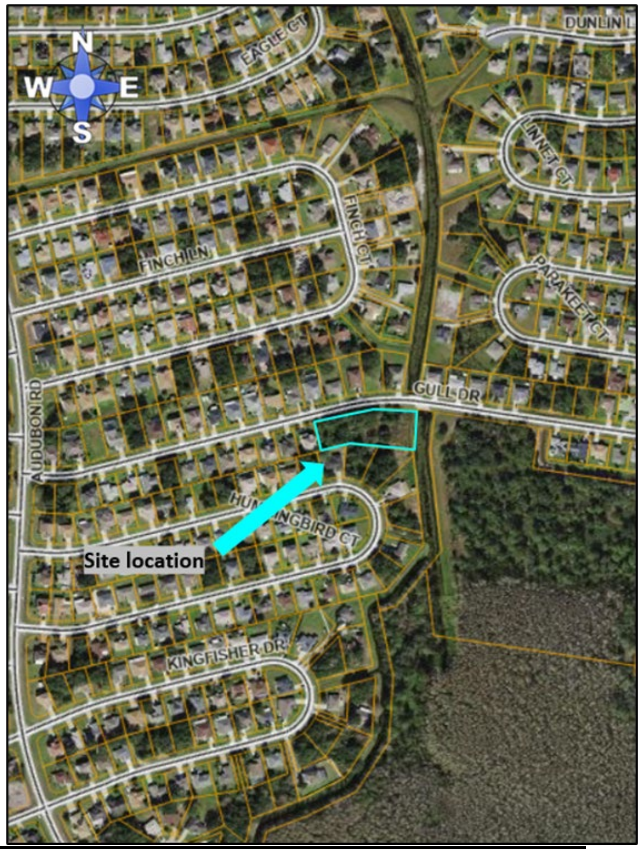
DRC Date:	December 2, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Planned Development
BoCC Date:	N/A	**Case Numbers:**	LDPD-2023-37
		Case Name:	Gull Drive PD Mod (71-10)
Applicant:	Marion Skilling	**Case Planner:**	Aleya Inglima, Planner II

Request:	The applicant is requesting Planned Development Modification to PUD 71-10 to allow the placement of two single family homes.
Location:	The subject site located south of Gull Drive, north of Hummingbird Court, east of Audubon Road, west of Falcon Road, and east of the Town of Dundee in Section 25, Township 27, Range 28.
Property Owners:	Lakedrop LLC
Parcel Size (Number):	0.93+/- acres (282725-934060-079112)
Future Land Use:	PRE-DRI#1
Development Area:	Utility Enclave Area (UEA)
Nearest Municipality:	Town of Dundee
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



Aerial Image



Summary of Analysis:

The applicant is requesting modification to Planned Development (PD) 71-10 to allow the placement of two single family homes. The development is on Tract K off Gull Dr on an approximately 0.93-acre lot within a Poinciana Pre-Development of Regional Impact (PRE-DRI#1) Future Land Use District (*See Exhibit 2*). The PD is needed for modifying PUD 71-10. The Land Development Code indicates a Planned Development modification within the PRE-DRI#1 land use district requires approval via a Level 3 Review (Planning Commission). In order to meet current development approval conditions, Planned Development requests are subject to the standards found in Section 303 of the LDC. The site is within the Utility Enclave Area (UEA) in Poinciana Neighborhood 5, Village 3. In the 1981 Poinciana Master Plan, this property was designated as "Single Family Residential."

The property is part of the Poinciana Planned Unit Development (PUD 71-10) approved by the Board of County Commissioners in 1971. Poinciana has experienced rapid growth in recent years. The newly proposed site plan shows LDPD-2023-37 is adding two single family homes to Tract K off Gull Drive. This is still under the maximum permitted in the PUD for single family residential of 5 du/ac.

This site is located in a Utility Enclave Area (UEA), and the services found within this development area are at urban levels with capacity to accommodate this request. This includes services such as public safety services, an urban road network, and developed parks. Utility Enclave Area (UEA) also promotes and supports future areas for development at urban densities and intensities. No environmental issues are located on the site which would hinder development.

Staff recommends approval, the number of units requested are similar density to the area that there are no perceivable compatibility issues inherent to this request. The lots will be larger than adjacent and surrounding lots. The subject site is surrounded by single family homes within a PRE-DRI#1 land use district. Two single family homes will not have adverse effects on public infrastructure. This development should fit seamlessly into the surrounding community. The request is consistent with the Polk County Comprehensive Plan and Section 303 of the LDC as it pertains to PDs.

Findings of Fact

- *LDPD-2023-37 is a Planned Development (PD) modification request for two single family homes on Parcel No. 282725-934060-079112 (+/- 0.93 acres) within a PRE-DRI#1 land use district in the Utility Enclave Area (UEA).*

- *The surrounding properties are within Poinciana Pre-Development of Regional Impact (PRE-DRI#1) land use district.*

- *Gull Drive (Road No 782520) is a County-maintained, paved local road with a width of 20 feet.*

- *According to Section 303 of the LDC, "Planned Development may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and future land use districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets."*

- *Section 2.130-A of the Comprehensive Plan states, "The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within 8 villages, 9 estate areas, and 6 office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Sections 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process."*

- *Poinciana (PUD 71-10) mandates right-of-way setbacks for the primary structure of 25 feet, side setbacks for the primary structure of seven and a half (7.5) feet, and rear setbacks for the primary structure of 20 feet.*

- *This subject property is located in the Utility Enclave Area (UEA). According to POLICY 2.107-A1 of Polk County's Comprehensive Plan, "UEAs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas."*

- *According to Section 111.I of the LDC, "Planned Unit Developments (PUD):*

    1. *A PUD which had a valid, unexpired concept, tentative or final level of approval prior to the effective date of the ordinance adopting the Comprehensive Plan or Comprehensive Plan Amendment, respectively, shall be vested for permitted uses, density and intensity.*

2. *A PUD which has a valid, unexpired concept approval, including approvals which have been reinstated by the Board of County Commissioners, prior to the effective date of this Code shall be vested for permitted uses, density and intensity. Any future PUD approvals shall be processed in compliance with this Code.*

3. *A PUD which has a valid, unexpired tentative or final level of approval, including approvals which have been reinstated by the Board of County Commissioners, prior to the effective date of this Code shall be vested for consistency with respect to this Code with respect to permitted uses, land use density and intensity, and Planned Development requirements. Such vested rights shall be applied within the limits of the approvals and conditions of the PUD approval.*

4. *A property owner with a PUD which has an expired tentative or final level of approval may make an application for an extension of the approval, provided such an extension is consistent with the Comprehensive Plan. The Board of County Commissioners may grant an extension of the approval pursuant to Section 905. Such extensions may include conditions which specifically address the time limit of the extension and items or sections of this Code for which a development is vested. In no instances shall extensions exceed two years from the effective date of this Code.*

5. *All conditions of approval of a vested PUD shall remain in full force and effect.*

6. *A PUD reinstated prior to the adoption of this Code where no construction has occurred may be reinstated for a period not to exceed two years from the effective date of this Code.*

7. *A reinstatement or extension shall be a Level 2 Review as provided in Chapter 9 and placed on the BoCC's regular agenda for final approval.*

- *POLICY 2.203-A8 of the Comprehensive Plan (Housing Element) states that "Polk County shall encourage residential communities to include a variety of housing types, such as single family detached homes, townhomes, multi-family units, and residential units in a mixed-use building."*

- *According to Section 303 of the LDC, "Planned Development may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and future land use districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets."*

- *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."

- *Fire and EMS Response is from Polk County Fire Rescue Station 46 located at 9500 Marigold Ave, Kissimmee FL. This is located approximately 6.2 miles from the subject site with a response time of eight (8) minutes.*

- *The subject property is served by the Polk County Sheriff's Northeast District, located at 100 Dunson Rd, Davenport.*

- *The subject property is located within the Toho Water Authority service area.*

- *The development is zoned for Laurel Elementary, Lake Marion Creek Middle, and Haines City Senior High. The site is 5.4 miles from Laurel Elementary, 5.3 miles from Lake Marion Creek Middle, and 14 miles from Haines City Senior High.*

- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*

- *The property is composed entirely of Eau Gallie Fine Sand.*

- *The property has a FEMA A flood hazard zone.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*

- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*

- *A Citrus Connection mass transit stop is located to the north at the Walmart located at 904 Cypress Pkwy, Kissimmee, FL.*

- *The subject site has access through Gull Drive. Gull Drive is a county-maintained local roadway. The nearest monitored link is Marigold Avenue. According to the 2023 Roadway Network Database, Marigold Avenue (8101N) has approximately 880 available PM Peak Hour trips; Marigold Avenue (8101S) has approximately 834 available PM Peak Hour trips. Marigold Avenue current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".*

- *Lil Halibut Park is southwest of the subject site.*

- *This request has been reviewed for consistency with Section 303 of the LDC.*

- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.107 UTILITY ENCLAVE AREA (UEA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, the findings of fact, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions the request **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 Development Review Committee (DRC) recommends **APPROVAL of LDPD-2023-37.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDPD-2023-37 with the following Conditions:

1. LDPD-2023-37 is approved for two single family homes on Parcel # 282725-934060-079112 as indicated in the site plan and staff report.

2. Minimum principal structure setbacks shall be seven and a half (7.5) feet from the sides and twenty (20) feet from the rear.

3. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDPD-2023-37, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: Single Family Residential Single Family Home PD 71-10	**North:** Single Family Residential Single Family Home PD 71-10	**Northeast:** Single Family Residential Single Family Home PD 71-10
West: Single Family Residential Single Family Home PD 71-10	**Subject Property:** Single Family Residential Vacant PD 71-10	**East:** Open Space PD 71-10
Southwest: Single Family Residential Single Family Home PD 71-10	**South:** Single Family Residential Single Family Home PD 71-10	**Southeast:** Open Space PD 71-10

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

According to aerial photos and satellite images available on Polk County's DataViewer, this property has always been vacant. To the south, north, and west are single family homes. To the east is a canal. The adjacent lots are within the single-family residential land use within the Poinciana Pre-Development of Regional Impact (PRE-DRI#1) and are occupied with single family homes.

Compatibility with the Surrounding Land Uses and Infrastructure:

The request is compatible with surrounding land uses and infrastructure.

A. Land Uses:

The LDC defines compatibility 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.*"

This request is compatible with surrounding land uses and available infrastructure. The proposed single-family development on Tract K is similar density to the surrounding area. Gull Drive only has a few more vacant parcels left. The addition of two homes on this parcel will start the process of completing the development out for this area. The dominant surrounding use is all single-family homes. Single family homes are interspersed north, south, and west of the property. To the east is a canal. Please refer to Exhibit 6 for the layout of the single-family homes in relation to the surrounding area.

B. Infrastructure

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Additions on Tract K will not trigger school concurrency requirements; however, there is available capacity for zoned schools. The subject property is located within the Toho Water Authority service area for potable water and wastewater.

Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Nearest Elementary, Middle, and High School

According to information from the Polk County School Board's website, the zoned schools are Laurel Elementary (±5.4 miles), Lake Marion Creek Middle (±5.3 miles), and Haines City Senior High (±14 miles). These zoned schools have capacity to accommodate the proposed development.

Table 2, to follow, illustrates the driving distances from the site to the zoned schools, in addition to the annual estimated student demand generated by 2 additional single family homes and available capacity for each school based on the 2023-24 utilization projections.

Table 2

Name of School	Annual Estimated Demand	% Capacity 2023-2024 School Year	Average driving distance from subject site
Laurel Elementary	1 student	83%	±5.4 miles driving distance
Lake Marion Creek Middle	1 student	86%	±5.3 miles driving distance
Haines City Senior High	1 student	96%	±14 miles driving distance

Source: Polk County School Board, GIS, Google Maps

Nearest Sheriff, Fire, and EMS Station

Fire and Ambulance response is from Polk County Fire Rescue Station 46 located at 9500 Marigold Ave, Kissimmee FL. This is located approximately 6.2 miles from the subject site with a response time of eight (8) minutes.

This property is served by the Polk County Sheriff's Office's Northeast District substation, located at 1100 Dunson Rd. The response times for the NE District for December 2023 were: Priority 1 – 12:29 & Priority 2 – 26:00. Priority 1 Calls are considered to be 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. Sheriff's 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

	Name of Station	Distance	Response Time*
Sheriff	PCSO Northeast District Substation 1100 Dunson Rd, Davenport	±21 miles	P1: 12:29 P2: 26:00
Fire	Polk County Fire Station 46 9500 Marigold Ave, Kissimmee FL	±6.2 miles	8 minutes
EMS	Polk County Fire Station 46 9500 Marigold Ave, Kissimmee FL	±6.2 miles	8 minutes

Source: Polk County Sheriff's Office and Public Safety
**Response times are based from when the station receives the call, not from when the call is made to 911.*

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

Table 4, to follow, provides generalized estimates of the anticipated water and wastewater demands. Assuming other development standards could be met, the maximum density for a Planned Development in Residential Low land use districts within the Urban Growth Area is five (5) dwelling units/acre. At any rate, the number of units for either option would have a negligible impact.

Table 4

Subject Property		
±0.93 acres (PUD 71-10) Single Family Residential - Tract K	**Maximum Permitted (5 DU/AC)**	**Proposed Plan (2 DU/AC)**
Permitted Intensity	5 Single Family Homes	2 Single Family Homes
Potable Water Consumption (GPD)	1,800 GPD	720 GPD
Wastewater Generation (GPD)	1,350 GPD	540 GPD

B. Available Capacity:

The site will be using Toho Water Authority for potable water and wastewater. Applicant will need to provide capacity at Level 2 review.

C. Planned Improvements:

The site has no planned improvements.

Roadways/ Transportation Network

The surrounding roadway network is more than suitable for the proposed project. The roadway conditions are adequate, and there is ample available capacity. Sidewalks are proposed and accessibility to mass transit are also available.

A. Estimated Demand:

Single family housing generates 7.81 Average Annual Daily Trips (AADT) and 1.00 Peak PM Hour Trips per unit (ITE Code 210). The proposed two single family homes will equate to 16 AADT and 2 PM Trips (ITE Code 210). Table 5 shows the traffic that is projected for the proposed two single family homes versus what the maximum could be with a Planned Development, according to Section 303 of the LDC.

Table 5

Subject Property		
±0.93 acres (PUD 71-10) Single Family Residential - Tract K	**Maximum Permitted (5 DU/AC)**	**Proposed Plan (2 DU/AC)**
Permitted Intensity	5 Single Family Homes	2 Single Family Homes
Average Annual Daily Trips (AADT)	39	16
PM Peak Hour Trips	5	2

The plan is to have two driveways for two proposed single-family homes on Gull Dr. Generally, there will be approximately 2 vehicles exiting the site during the peak hour. The addition of two single family homes to Tract K will not require a Traffic Study during the Level 2 Review process because the AADT is estimated to be less than 50 trips.

B. Available Capacity:

There is currently more than adequate capacity to serve the proposed development. A development of this size has negligible impacts on the roadway system or function of traffic. Table 6, to follow, displays the generalized capacity on the adjacent transportation links. Direct ingress/egress is from Gull Drive.

Table 6

Road Name	**Current Level of Service (LOS)**	**Available PM Peak Hour Capacity**	**Minimum LOS Standard**
Marigold Avenue (8101N) From Palmetto Street to CR 580 (Cypress Parkway)	C	880	D
Marigold Avenue (8101S) From Palmetto Street to CR 580 (Cypress Parkway)	C	834	D

These are trips that will be entering the roadways during a two-hour span during the evening when traffic is generally considered the most intense. These roadways have the capacity to assimilate all the peak hour traffic generation from this project and not fall below the Level of Service standard set by the Board.

C. Roadway Conditions:

The subject site has access through Gull Drive. Gull Drive is a County-maintained local roadway. The nearest monitored link is Marigold Avenue. According to the 2023 Roadway Network Database, Marigold Avenue (8101N) has approximately 880 available PM Peak Hour trips; Marigold Avenue (8101S) has approximately 834 available PM Peak Hour trips. Marigold Avenue current Level-of-Service (LOS) is “C” with an adopted LOS standard of “D”.

D. Sidewalk Network

A sidewalk is not located nearby. The applicant is proposing a sidewalk on the frontage of the property.

E. Planned Improvements:

This proposed development will not depend upon any upcoming transportation system improvements, and none are currently found in the area.

F. Mass Transit

The nearest Citrus Connection Transit Route is the 16X Line which serves the Haines City/Poinciana area. The closest stop is located at the Walmart, 904 Cypress Pkwy, Kissimmee, FL - approximately 4.4 miles to the north of the subject site.

Park Facilities and Environmental Lands:

Environmental lands and multi-use trails are located within a reasonable distance of the property.

A. Location:

Lil Halibut Park is off Halibut Road approximately 4.1 miles southwest of the subject site.

B. Services:

Lil Halibut Park features a playground with slides and swings. This park is owned by Polk County.

C. Multi-use Trails:

No multi-use trails are located near the subject site.

D. Environmental Lands:

Environmental and conservation lands supporting the Kissimmee Chain of Lakes on the northwest shore of Lake Hatchineha are down the road from the subject site. This area is managed by the South Florida Water Management District. This property was acquired to manage lake levels to provide year-round flow to the Kissimmee River. These are the headwaters of the Lake Okeechobee and the Everglades.

E. Planned Improvements:

There are no further recreation improvements scheduled for this area by the County in the five-year Capital Investment Plan.

Environmental Conditions

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The parcel has a FEMA flood hazard A zone. The subject site is not located within any of the County's identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed of Eau Gallie Fine Sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is level with a slight slope from the west to the east with contour elevations ranging from 62 to 56. The subject property is not located within a Historical Preservation area. The subject site is not located within an Airport Height Notification or In-Flight Visual Interference Zones.

A. Surface Water:

There are no surface water ponds on the subject property. The subject property has contour elevations of 62 to 56 for the proposed location of the homes.

B. Wetlands/Floodplains:

There are no wetlands on the property but there is a flood zone A. The site is not subject to a flood study. Per Section 630 of the LDC, the subject site will be reviewed by the Building Division.

C. Soils:

The property is composed entirely of Eau Gallie Fine Sand soils which provides some limitations for drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.

Table 7

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site *(approximate)*
Eau Gallie Fine Sand	Severe: Wetness	Severe: Wetness	100%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

The subject property is level with a slight slope from the west to the east with contour elevations ranging from 62 to 56. The proposed development will meet all requirements from the LDC.

D. Protected Species

According to the Florida Natural Area Inventory (FNAI) Biodiversity Matrix, this site is not within one mile of a documented endangered species sighting.

E. Archeological Resources:

The property has no recorded archaeological resources or historical sites, according to the Florida Department of State's Division of Historical Resources.

F. Wells (Public/Private)

The property is not located within a Wellfield Protection District.

G. Airports:

The proposed PD is not within any Airport Impact District.

Economic Factors:

This area of Polk County has mostly single-family homes. Urban level services - including potable water, wastewater, mass transit, nearby schools, parks etc. – make this area an attractive place to live. Demand for housing has come from two main markets: retirement and commuters to the greater Orlando metropolitan area. This is partially due to slightly lower land values in Polk compared to the other counties and convenient routes of travel to work and leisure opportunities. However, it is also related to the location of this portion of the County to the Orlando metro

population center. This is also one of the last developable parcels off Gull Drive Bimini Bay. It will not place additional burdens on any of a forementioned services. The limited number of units here should not have an impact on existing development, either.

Consistency with the Comprehensive Plan:

This project is consistent with the Comprehensive Plan. Table 8, to follow, outlines the pertinent Compressive Plan policies.

Table 8

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 proposed townhome development is compatible with neighboring properties and there is adequate infrastructure to support it, as well.
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 site is located in an area planned for urban-level development. It is one of the last vacant properties off Gull Dr. No environmental concerns are found on this property.
POLICY 2.102-A3: DISTRIBUTION - 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.	Public utilities, mass transit, parks, schools, etc. are readily available to the subject site. The proposal is along Gull Dr.
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.	The site is located within an area that has a significant amount of capacity with potable water, traffic, and public schools. Emergency services are within a reasonable time and distance.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.

Consistency with the LDC:

This request is consistent with the LDC. Development criteria for planned developments are detailed under Section 303 of the LDC. This section will be applied during the Level 2 Review. The proper landscaping has been proposed and sidewalks will be constructed as set forth by Chapter Seven of the LDC.

Furthermore, Staff has analyzed the criteria in Section 303 for PDs. PDs may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and future land use districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets. Table 9, to follow, outlines how these standards are addressed.

Table 9

LDC Section 303 – Planned Development	Consistency Analysis
The site shall be suitable, or it shall be possible to make the site suitable for development in the manner proposed without negative impact to persons or property, on or off the property. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended. Erosion, flood hazard and damage to natural resources shall be avoided.	During the Level 2 Review, the applicant will submit a lot grading plan that shall be reviewed by the Development Review Committee.
Planned Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can be available at the time of request for Certificate of Concurrency.	All listed services are available, as identified in the Staff Report, and have ample capacity for this development.
Planned Development, where appropriate because of the size or intensity of the proposed project, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities. Planned Development shall be designed to provide access to and from its location without creating excessive traffic along minor streets in residential neighborhoods outside the Planned Development.	The subject area is on a local roadway, as described in the Staff Report. It will have direct ingress/egress onto Gull Dr.
Planned Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.	The proposed development will meet project control from surrounding residential development in accordance with Ch. 7 of the LDC. The traffic generated from this project is minimal, as described in the Staff Report.
Planned Development shall be responsive to the character of the area. When located in an area where land use types, intensities, or densities vary, Planned Development shall be designed in such a manner as to provide for gradual changes in intensity or density.	The surrounding residential types are single family in this area. The addition of two more single family homes to this area should not result in an incompatibility of uses.
All Planned Development proposing specific approval of requirements for development under standard district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.	The proposed development will not deviate from the development standards of the PRE-DRI#1 land use district.
Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.	This development will adhere to buffering and landscaping practices as described in Ch. 7 of the LDC. The project is on a local roadway.
Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Accel/decel lanes or medians shall be required where existing or anticipated traffic flows indicate need.	Changes to the roadway system will be reviewed at the time of the Level 2 submission

LDC Section 303 – Planned Development	Consistency Analysis
Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and uses. Uses shall be grouped to minimize internal vehicular movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic.	The applicant has submitted a site plan that reflects these standards. Further details will be available for review at the time of the Level 2 submission.
Planned Development shall provide internal or external walkways where pedestrian circulation requires them. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the site, with a minimum of conflicts with vehicular traffic.	The proposed development will incorporate sidewalks per the requirements of Ch. 7 of the LDC.
Planned Development shall be designed to preserve the natural features such as wetlands, wildlife and plant species. Project design shall address protection of well fields, flood plains, surface water, and archaeological and historic sites, as much as possible.	No wetlands, surface waters, endangered habitats, or historical site are located on the subject site.
Density or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.	The residential density of this PD is (2 DU/AC). This maximum density allowed in a Single Family Residential district is (5 DU/AC) within the UEA.
Height in a Planned Development shall be determined after review of the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.	The two single family homes will not exceed the height limit of the Single Family Residential land use district. They will be setback from adjacent property so as to prevent encroaching on existing residents.
Fences, walls, or vegetative buffers shall be provided where appropriate to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining properties from similar adverse influences.	This development will adhere to buffering and landscaping practices as described in Ch. 7 of the LDC.
Yard and setback requirements shall promote general health, safety, welfare, design excellence and neighborhood compatibility in each Planned Development. All setbacks within a Planned Development shall be measured from property lines and shall be shown on the development plans in either graphic or tabular form.	This development will meet the setbacks are in accordance with the requirements of PD 71-10.
All central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development.	Dumpsters and trash collection will be in accordance with Sections 209 & 213 of the LDC and reviewed at the time of the Level 2 submission.
The provisions of the Planned Development approvals may be more restrictive, as necessary, to meet the other standards contained in this Section but not less restrictive than required in Section 760.	The applicant will adhere to the requirements of Chapter 7. Should the applicant deviate from this section, a Level 3 Review will be required.
Landscaping shall be equal to or exceed the standards stipulated under Section 720, Landscaping and Buffering.	This development will adhere to buffering and landscaping practices as described in Ch. 7 of the LDC.
Stormwater Management facilities shall adhere to the requirements of Section 740, Stormwater Management and the Technical Manual.	This development will adhere to the pertinent standards and will be reviewed at the time of the Level 2 submission.

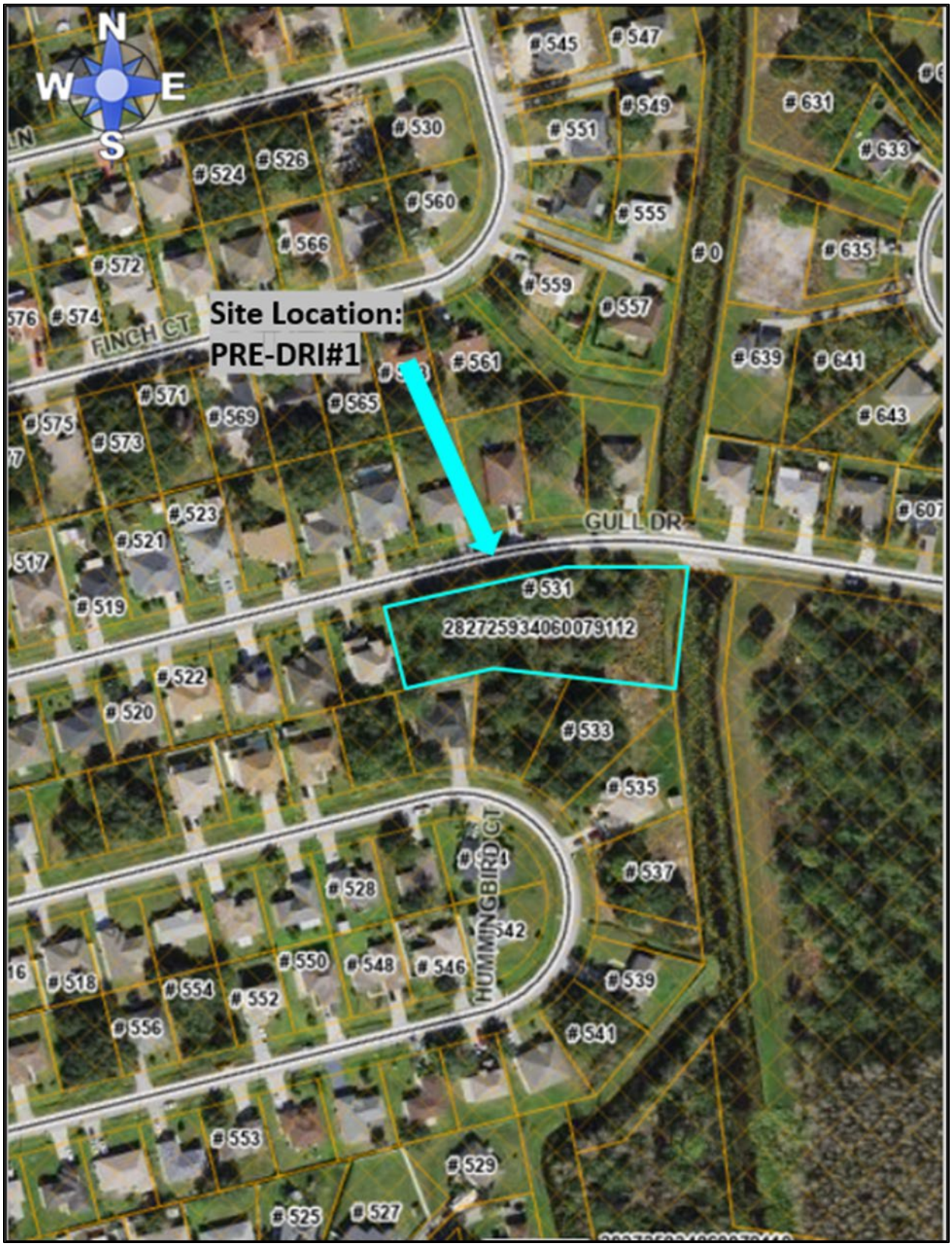
Comments from other Agencies: None

Exhibits:

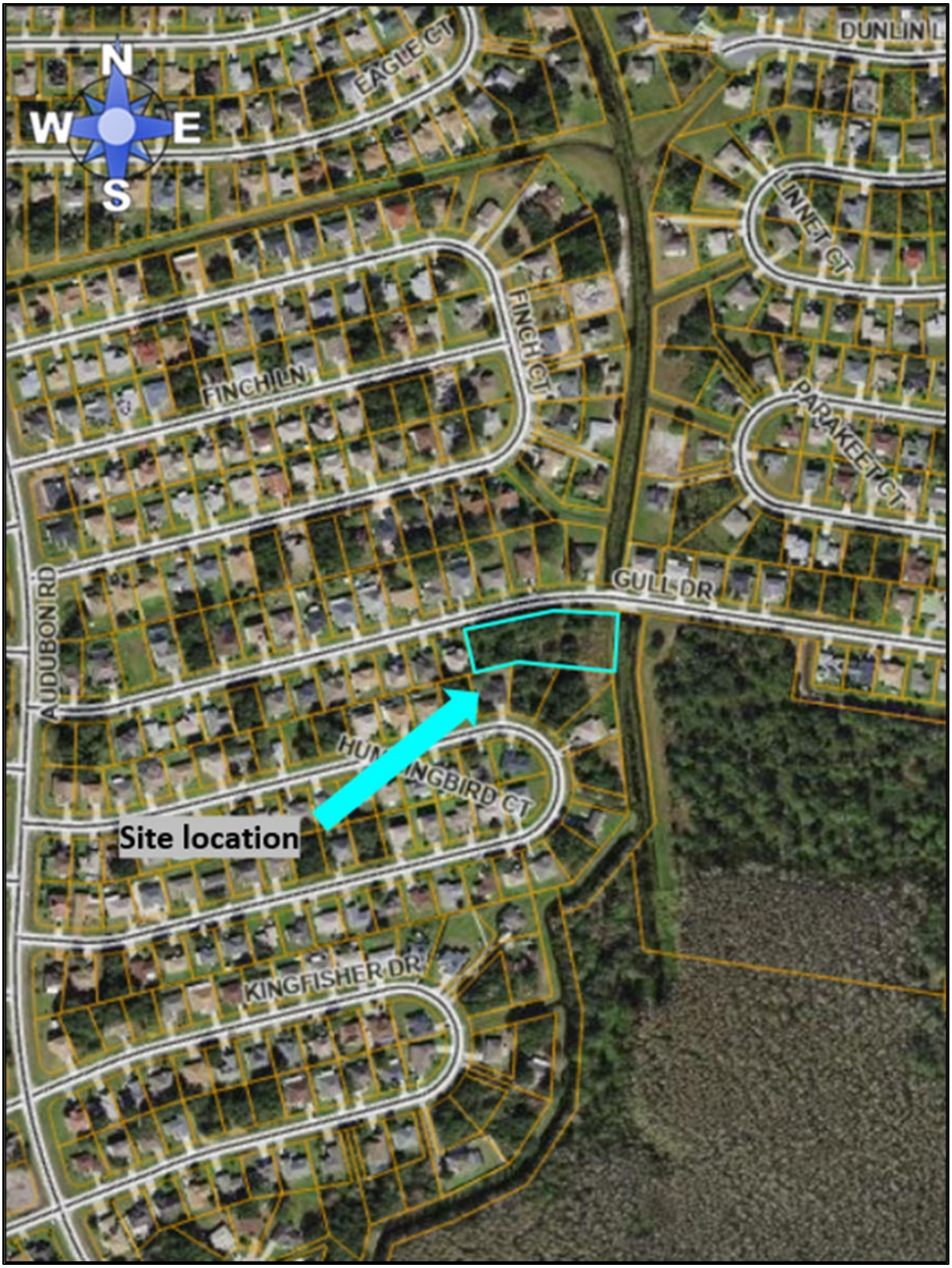
Exhibit 1 Location Map
Exhibit 2 Future Land Use Map
Exhibit 3 Aerial Photograph (context)
Exhibit 4 Aerial Photograph (close-up)
Exhibit 5 Site Plan
Exhibit 6 Poinciana Neighborhood 5 North Village 3 Plat
Exhibit 6 Poinciana Land Use



Location Map



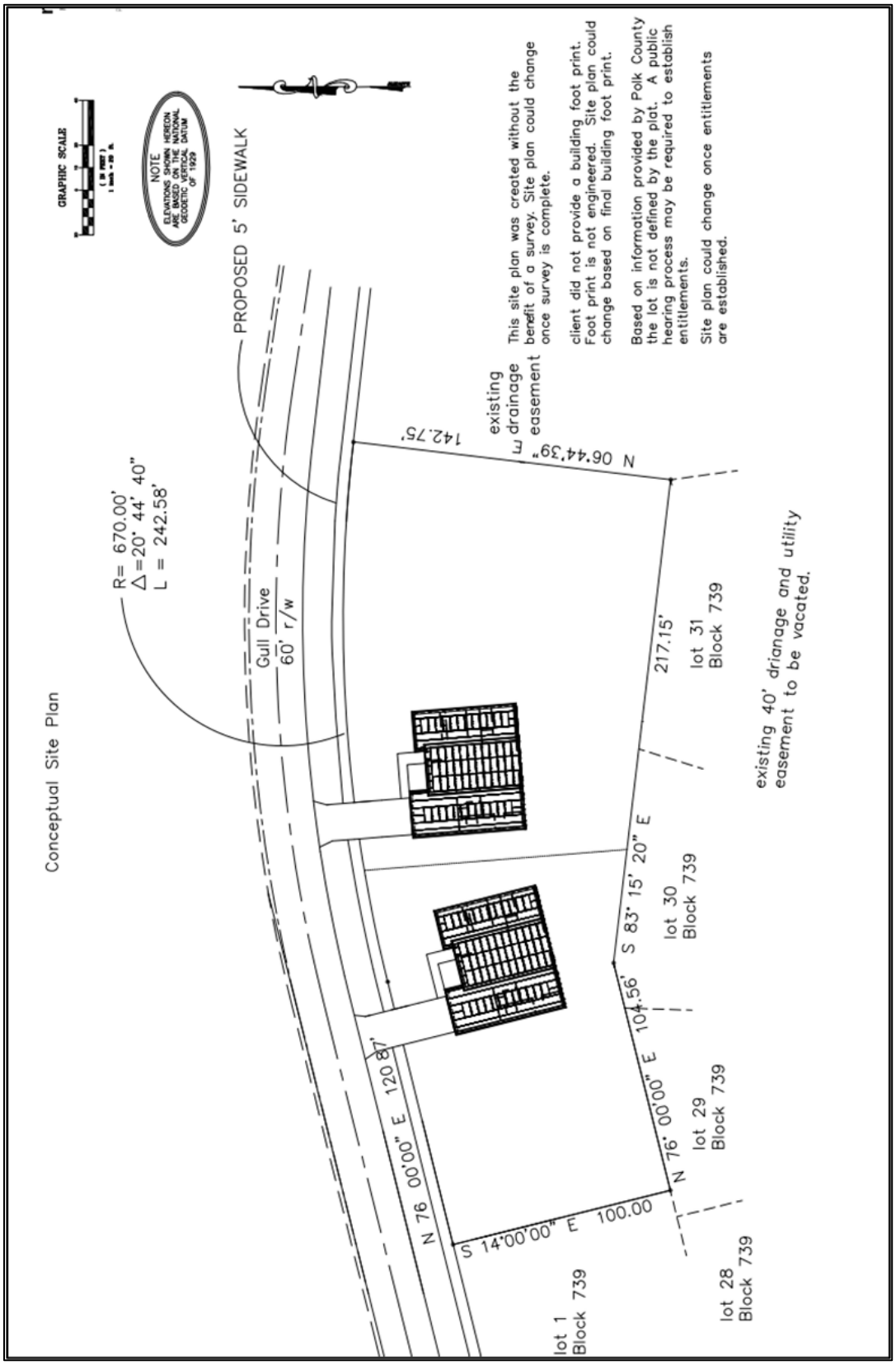
Future Land Use Map



Aerial Image (Context)



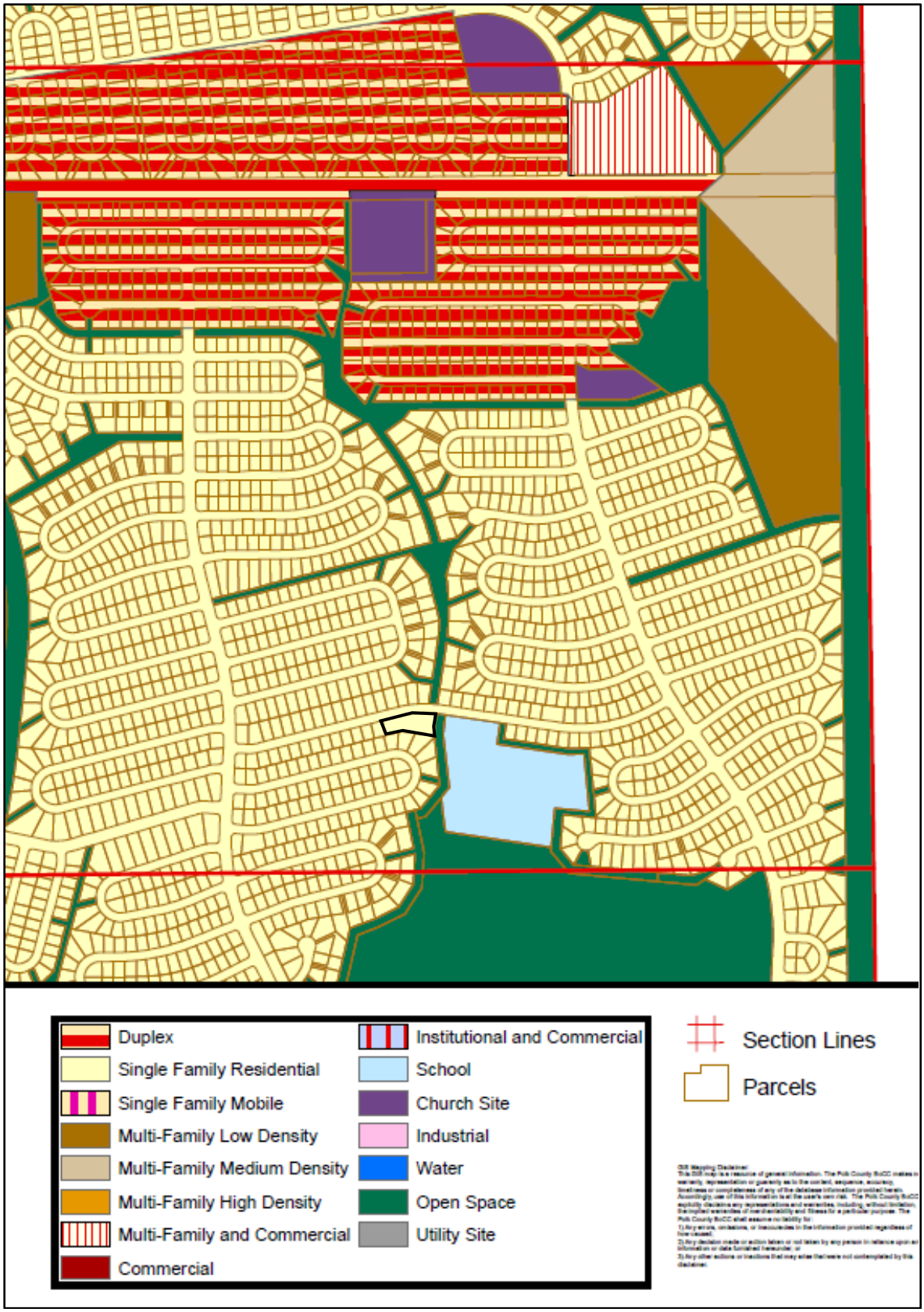
Aerial Image (Close)


Conceptual Site Plan
GRAPHIC SCALE
NOTE
ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929
PROPOSED 5' SIDEWALK
Gull Drive
60' r/w
R= 670.00'
Δ=20° 44' 40"
L = 242.58'
existing drainage easement
142.75'
N 06°44'39" W
This site plan was created without the benefit of a survey. Site plan could change once survey is complete.
client did not provide a building foot print. Foot print is not engineered. Site plan could change based on final building foot print.
Based on information provided by Polk County the lot is not defined by the plat. A public hearing process may be required to establish entitlements.
Site plan could change once entitlements are established.
existing 40' drianage and utility easement to be vacated.
217.15'
lot 31
Block 739
S 83° 15' 20" E
104.56'
lot 30
Block 739
N 76° 00'00" E
lot 29
Block 739
S 14°00'00" E 100.00
lot 28
Block 739
N 76° 00'00" E 120.87'
lot 1
Block 739

Site Plan

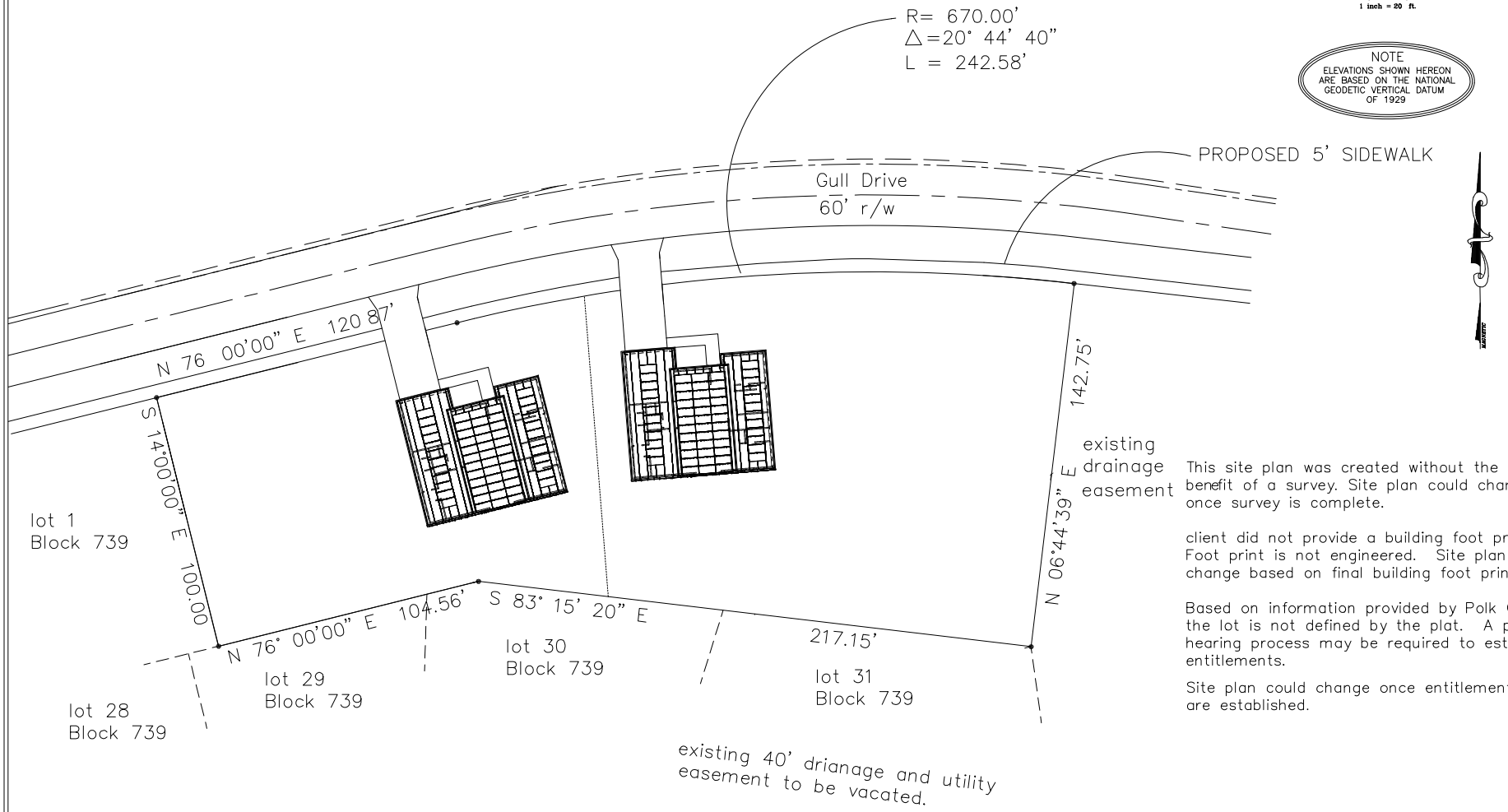


Poinciana Neighborhood 5 North Village 3 Plat



Poinciana Land Use

Conceptual Site Plan



GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

NOTE
ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929

This site plan was created without the benefit of a survey. Site plan could change once survey is complete.

client did not provide a building foot print. Foot print is not engineered. Site plan could change based on final building foot print.

Based on information provided by Polk County the lot is not defined by the plat. A public hearing process may be required to establish entitlements.

Site plan could change once entitlements are established.

rapidmodul
Modular Building Solutions

2151 Consulate Dr #13 Suite B
Orlando, FL 32837

Phone Number +1 407 815 7479

www.rapidmodul.com

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PROJECT

REVISION DATES

PAGE FORMAT
A1

DATE

SHEET TITLE

SHEET NUMBER
A00

PROJECT NAME
TOWNHOUSE

The Toho Water Authority (Toho)

Impact Assessment for Gull Rd Parcel # 28 27 25 9340 600 112

The property is approximately .9 acres and is in the Poinciana PUD which controls the development for the property. The owner wishes to do a lot split and create 2 lots. Because of the small scale of this development, many of the questions below do not apply. Answers are provided to the best of the researcher's ability.

Land and Neighborhood Characteristics

1. The request is for 2 lots that will be approximately ½ acre each. All the surrounding lots are 75" X 100 feet and are much smaller, Therefore the two lots proposed is suitable and compatible for the propped use with the surrounding lot size and neighborhood.
2. Site Plan Dated 10/31/2023. See attached.
3. This is for only two lots and therefore there is no incompatibility issue.
4. This is for two lots located within an existing residential subdivision and there is no available vacant land left to develop.
5. There is only one use which is single family.

Access to Roads and Highways

1. The two single family homes within a PUD will generate 10 average trips per house with a peak rate of 10 per ITE Trip Generation Table by ITE Technical Council Committee Rate
2. There is no impact, therefore no off site roadway improvements are necessary impact.
3. Generally, the number of parking spaces will be 2 spaces per unit. Parking will be onsite.
4. The property fronts directly on Gull Rd. which is the only access to the property.
5. There is no immediate bus stop in the area. Therefore, the main source of travel is by car. e

Sewage

1.The amount of sewage flow per day is 300 gallons

2. NA No onsite treatment is necessary.

3. The development is only for 2 residences, and therefore the question is not relevant.

4. The service provider is The Toho Water Authority (Toho) who have been contacted and a reply is forthcoming.

Sewage Flow Table:

RESIDENTIAL: Residences (a) Single or multiple family per dwelling Unit 1 Bedroom with 750 sq. ft. or less of building area…… 100 2 Bedrooms with 751-1200 sq. ft. of building area…… 200 3 Bedrooms with 1201-2250 sq. ft. of building area…… 300 4 Bedrooms with 2251-3300 sq. ft. of building area…… 400 For each additional bedroom or each additional 750 square feet of building area or fraction thereof in a dwelling unit, system sizing shall be increased by 60 gallons per dwelling unit. (b) Other per occupant…… 50

Source: STATE OF FLORIDA DEPARTMENT OF HEALTH CHAPTER 64E-6, FLORIDA ADMINISTRATIVE CODE STANDARDS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS

Water Supply

1. The water source is central water and is located in front of the property along Gull Rd

2. The service provider is The Toho Water Authority (Toho) and

3. The estimated volume of consumption is
   Daily: **356 gallons**
   Weekly: **2,492 gallons**
   Monthly: **9,968 gallons**
   Yearly: **129,584 gallons**

4. The service provider is The Toho Water Authority (Toho) who have been contacted and a reply is forthcoming.

Source: Southwest Florida Water Management District; Water Use Calculator. Based on 3 persons / household.

Surface Water Management and Drainage

1.The proposed development is 2 residential homes. Therefore, there is no impact to surface water quality.

2.The individual lots will be graded so that the water flows away from the structure. There are no other alterations.

3. and 4. The development is two homes and therefore no impact to wildlife, aquifer recharge or Groundwater conditions.

The property is within a 100-year flood zone. Engineer Rodney Gad has been retained to handle all surface water conditions and permits. A topographical elevation certificate

will be provided at the build plan submittal stage. According to a drainage study in Poinciana the base elevation is 63. All surrounding contours as shown on the Polk County Map Viewer district elevations of 60 and 61.

Population

1. The development is for 2 houses and the population generated is typical for an average family of 3.

2. There are no commercial or industrial uses associated with this development.

3. The demographic projection is to continue as residential

4. The service is the Poinciana PUD as shown on Poinciana pre DRI 71-10.

General Information

1. A Thru b. (f); The development is for 2 residential homes and the demand for outside service is negligible.

Maps: 1

3. See attached location map.

4. See attached site plan.
5. The property is located within the Poinciana Pre DRI PUD plan 71-10
6. The soil type is Eaugally Fine Sand
7. Because of the scale of the property a traffic circulation map is not applicable
8. See site plan with dimensions which are approximate.
9. See attached site plan p for drainage contours. Since development if only for 2 homes the impact on drainage is negligible. All drainage requirements will be meet all government standards. Engineer Roney Gad has been retained to address drainage for the property.

Application Preparer: Marion Skilling 407 947 7224, mskilling@marionskilling.com

LDPD-2023-37 - Gull Drive PD Mod (71-10)

Menu Reports Help

Application Name: Gull Drive PD Mod (71-10)

File Date: 11/02/2023

Application Type: PC-Major Modifications

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Applicant wished to do a lot slit to build 2 homes on this acre property. Because it is in the Poinciana Pre DRI PUD 71-10 a Level 3 review is required. POINCIANA SUB NBRHD 5 NORTH VIL 3

Application Detail: Detail

Address: 531 GULL DR, POINCIANA, FL 34759

Parcel No: 282725934060079112

Owner Name: LAKEDROP LLC

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
marion skilling		Applicant	Mailing, 7444 cypress ...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $4,471.00

Total Fee Invoiced: $4,471.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Planning Commission

Application Type
Planned Development Major Modification

Brownfields Request
N/A

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
2

Will This Project Be Phased

Acreage
0.93

DRC Meeting
12/02/2023

DRC Meeting Time
_

Rescheduled DRC Meeting
_

Rescheduled DRC Meeting Time
_

Green Swamp
No

Number of Units
_

Case File Number
_

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
_

FS 119 Status
Non-Exempt

Code Violation Case Number
_

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
_

BOCC2 Advertising Date
_

Advertising Board
Planning Commission

MEETING DATES

Community Meeting
_

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
_

1st BOCC Date
_

2nd BOCC Date
_

LUHO-Level 3
_

HEARING

PC Hearing Results
_

PC Vote Tally
_

BOCC 1st Hearing Results
_

BOCC 1st Vote Tally
_

BOCC 2nd Hearing Results
_

BOCC 2nd Vote Tally
_

FINAL LETTER

Denovo Appeal
_

Denovo Results
_

Denovo Tally
_

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
Open

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC23-00000-019W4

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
_

RequiredDocumentTypesComplete
No

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	DR-I Development Regional Impact

DEVELOPMENT AREA

Development Area
Utility Enclave

NOR

Neighborhood Organization Registry (NOR)

Association of Poinciana Village Inc.

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	1	99	01/18/2024	01/10/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/06/2023	Angela Kaufman
Engineering Review	Robert Joynes	Approve	11/20/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Approve	11/21/2023	Kim Turner
Planning Review	Aleya Inglima	Approve	11/16/2023	Aleya Inglima
Surveying Review	Steve McQuaig	Approve	11/21/2023	Steve McQuaig
School Board Review	School District	Approve	12/12/2023	School District
Roads and Drainage Review	Phil Irven	Approve	11/07/2023	Phil Irven
Review Consolidation	Angela Kaufman	Approved for...	12/13/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Hearing	Angela Kaufman			
BOCC Hearing				
Final Letter				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
Documents Required	Application is missing...	Condition...	11/06/2023		

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDPD-2023-37 (Gull Drive PD Mod)

Applicant: Marion Skilling

Property Owner: Lakedrop LLC

Hearing Date: 2/7/24

I. Request:

The applicant is requesting Planned Development Modification to PUD 71-10 to allow the placement of two single family homes.

Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met if the development was built.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 303, 402, and 906.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

II. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

III. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February **2024**, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chair Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Agenda Item 8. 2/7/2024

SUBJECT

LDCD-2023-10 (Lunn Road Sub-District Change)

DESCRIPTION

The applicant is requesting a sub-district change from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) within the Transit Supportive Development Area (TSDA). The subject property is located east of Sweet Bay Drive, south of Pipkin Road West, west of Lunn Road, north of Sophia Place, south of the city of Lakeland in Section 10, Township 29, and Range 23.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

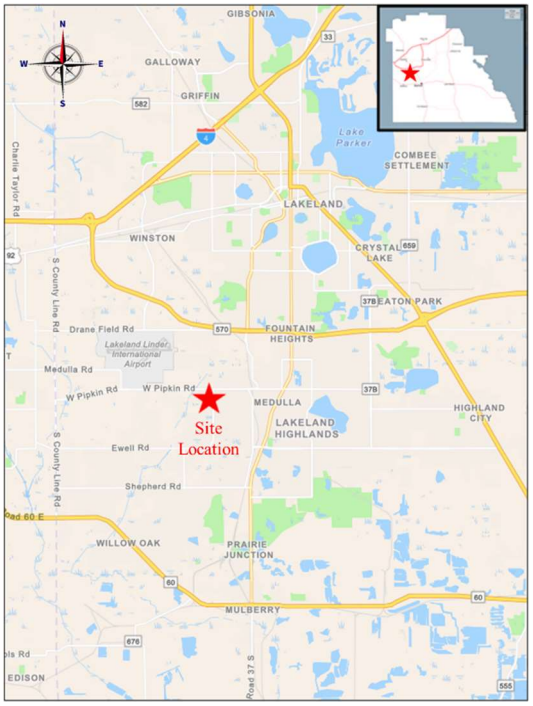
Amy Little
Land Development
863-534-7687
amylittle@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

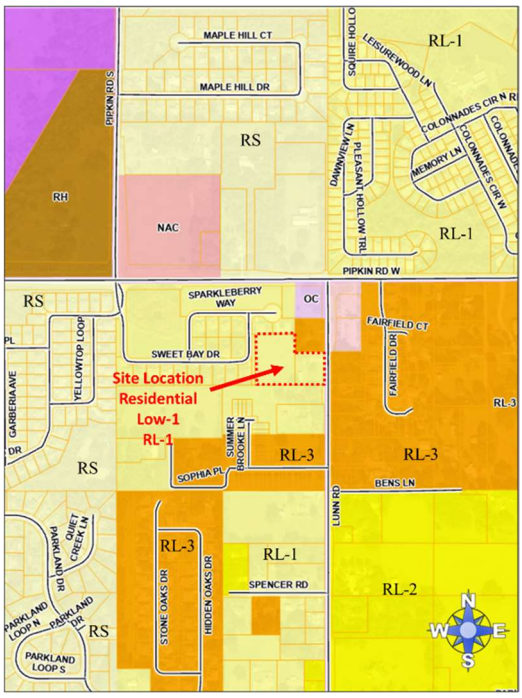
DRC Date:	November 30, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	LDC Sub-District Change
BoCC Date:	March 19, 2024	**Case Numbers:**	LDCD-2023-10
		Case Name:	Lunn Road Sub-District Change
Applicant:	William Tower Jr.	**Case Planner:**	Amy Little, Senior Planner

Request:	The applicant is requesting a Sub-District Change from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) on approximately 2.71 acres.
Location:	The subject property is located east of Sweet Bay Drive, south of Pipkin Road West, west of Lunn Road, north of Sophia Place, south of the City of Lakeland in Section 10, Township 29, and Range 23.
Property Owner:	Offshore Life, LLC
Parcel Number (Size):	232910-000000-021010 (+/- 1.83 Acres) 232910-000000-021030 (+/- 0.88 Acres)
Future Land Use:	Residential Low-1 (RL-1)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing

Site Location



Future Land Use Map



Summary:

The applicant requests a sub-district change from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) on an approximately 2.71-acre parcel south of the City of Lakeland. The current RL-1 district requires minimum lot sizes of 40,000 sq. ft. (+/- 0.92 acres), according to Table 2.2 of the Land Development Code (LDC). Approving this change to RL-3 will reduce the minimum lot size to 10,000 sq. ft. (+/- 0.23 acres) and allow the applicant to create a proposed 9 lot subdivision.

The surrounding land use districts and land uses support this change. Abutting and adjacent lot sizes are congruent with RL-3 standards with RL-3 land use designations located to the north of the subject property and across Lunn Road to the east. Approval of this request will have minimal to no effect on utilities, schools, parks, traffic, or emergency services. No wetlands, flood zones, or surface waters are found onsite.

Staff finds this request consistent with the LDC and Comprehensive Plan and is compatible with the surrounding area and land uses. Staff recommends approval.

Findings of Fact

- *The applicant is requesting to change the Future Land Use Designation on ±2.71 acres (Parcels #232910-000000-021010 and 232910-000000-021030) from Residential Low-1 (RL-1) to Residential Low-3 (RL-3).*

- *According to Section 204.A.6 of the Land Development Code (LDC), "The purpose of the RL-3 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 10,000 square feet."*

- *According to Table 2.2 of the LDC, the residential density in RL-3 is three dwelling units per acre (3 DU/AC.) Side setbacks are seven (7) feet; rear setbacks are ten (10) feet; accessory setbacks are five (5) feet; the right-of-way setback from Lunn Road is 35 feet.*

- *Per Section 202.A of the LDC, "The purpose of TSDAs is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. TSDAs are where there exists 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. The TSDA also promotes and supports the location of higher density and intensity that requires compact and mixed-use development."*

- *According to Comprehensive Plan 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."

- *According to Table 2.104.1 of the Comprehensive Plan, residential densities in Residential Low districts should be at a minimum of 3 DU/AC and reach 7 DU/AC.*

- *The subject property is served by the Polk County Sheriff's Northwest District substation located at 1045 Wedgewood Estates Blvd, Lakeland.*

- *Fire/EMS response is from PCFR Station 2, located at 2523 Ewell Road, Lakeland.*

- *The subject property is within the Southwest Regional Utility Service Area for potable water and wastewater. A 8-inch water main and 10-inch force main are available on Lunn Road opposite of the property.*

- *The subject site has frontage on Lunn Road (Road No. 932201). This is an Urban Collector roadway with a paved surface width of 20 feet and a right-of-way width of 60 feet.*

- *The zoned public schools are Medulla Elementary; Southwest Middle School; and George W. Jenkins Senior High School.*

- *The Christina Park is located to the east. Loyce E. Harpe Park is located to the southeast. Fuller Heights Park is located to the south.*

- *The subject parcel is comprised of Tavares Fine Sand and Adamsville Fine Sand, according to the USDA Natural Resources Conservation Service GIS Database.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting.*

- *There are no known historical or archeological resources onsite, according to the Secretary of State's Department of Historical Resources Florida Master Site File.*

- *There are no surface water features on or immediately abutting the subject property.*

- *There are no wetlands or flood hazard zone on the property.*

- *The site is within Height Notification Zones and In-Flight Visual Interference Zone for the Lakeland Linder Regional Airport.*

- *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."

- *This request has been reviewed for consistency with Comprehensive Plan SECTION 2.102 GROWTH MANAGEMENT; SECTION 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA); POLICY 2.119-A2; and SECTION 2.120-C –RESIDENTIAL LOW.*

- *This request has been reviewed for consistency with Section 907 of the LDC.*

Development Review Committee Recommendation: Based on the information provided by the applicant, the findings of fact, a recent site visit, and the staff report, the Development Review Committee (DRC) finds that 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; therefore, the DRC recommends **APPROVAL of LDCD-2023-10.**

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 4 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1		
Northwest: RL-1 Single-Family Home Lot 18, Ashwood East +/- 0.24 acres	**North:** RL-3 Single-Family Home +/- 0.88 acres	**Northeast:** CC Commercial Plaza
West: RL-1 Single-Family Home Lot 11, Ashwood East +/- 0.24 acres	**Subject Property:** RL-1 Single-Family Home	**East:** RL-3 Single-Family Home +/- 0.88 acres
Southwest: RL-1 Single-Family Home Lot 10, Ashwood East +/- 0.27 acres	**South:** RL-1 Common Area for Summer Brooke Townhomes	**Southeast:** RL-3 Single-Family Homes +/- 0.42 acres

The subject property abuts residential land use districts and uses on all sides. To the northeast of the site is a commercial plaza within a Convenience Center land use district. To the immediate west, Ashwood East is within a RL-1 district with similar lot sizes to the proposed future parcels. No incompatibility between this request and the existing land use districts is readily apparent or expected.

Compatibility with the Surrounding Land Uses and Infrastructure:

This request is compatible with surrounding land use districts and the uses found upon them. 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."

A. Land Uses:

This property is currently in a RL-1 land use district which allows minimum lot sizes of 40,000 sq. ft. This request to change the site to RL-3 will reduce the minimum lot size requirement to 10,000 sq. ft. To the west of the site are developments that are within a RL-1 district with similar lot sizes to the subject parcels. To the north and east are larger lots just under 1 acre despite the underlying land use district of RL-3.

The purpose of TSDAs is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. TSDAs are where there exists 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. The TSDA also promotes and supports the location of higher density and intensity that requires compact and mixed-use development.

Additionally, according to Table 2.104.1 of the Comprehensive Plan, residential densities in Residential Low districts should be at a minimum of 3 DU/AC and reach 7 DU/AC in the TSDA. The proposed density is 3.32 DU/AC, which is at the lower end of the range expected in Residential Low districts.

The proposed sub-district change does not present any readily apparent incompatibilities and will help the applicant achieve their goal of constructing single-family residences on the subject parcels.

B. Infrastructure:

The site is located within an area that has adequate levels of urban infrastructure and services with capacity to serve it. There is available capacity on all major roadways near the subject property. Public safety facilities and services are at urban levels. This property could be considered infill as development surrounds the site and services are available to serve it.

Nearest Zoned Elementary, Middle, and High School

The zoned public schools are Medulla Elementary; Southwest Middle School; and George W. Jenkins Senior High School.

Schools in this area of the County have capacity. According to a 2022/23 School Utilization report produced by the Polk County School Board, Medulla Elementary is operating at 64% capacity; Southwest Middle at 73%; and George Jenkins Senior High at 92%.

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to all of unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Fire and EMS responses are from PCFR Station 2, located at 2523 Ewell Road, Lakeland. The travel distance is approximately 1.8 miles with a response time of three (3) minutes. Fire hydrants are located approximately 80 feet to the northeast of the subject property on Lunn Road.

Table 3

	Name and Address of Station	Distance	Response Time*
Sheriff	Polk County Sheriff's Northwest District 1045 Wedgewood Estates Blvd, Lakeland	12.8± miles	Priority 1 – 12:39 Priority 2 – 25:14
Fire/EMS	PCFR Station 2 2523 Ewell Road, Lakeland	1.8 ± miles	3 minutes

*Source: Polk County Sheriff's Office and Public Safety *Response times are based from when the station receives the call and not from when the call is made to 911.*

The subject property is served by the Polk County Sheriff's Northwest District substation located at 1045 Wedgewood Estates Blvd in Lakeland. The estimated response times for December 2023 were as follows:

Priority 1 Calls – 12:39
Priority 2 Calls – 25:14

Priority 1 Calls are considered to be 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. At any rate, Sheriff's 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.

The PCSO is always trying to improve response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely.

Water and Wastewater Demand and Capacity:

The subject property is located within the Southwest Regional Utility Service Area for water and wastewater services. Both services are adjacent to the site. With only nine proposed units and the nearest wastewater line available a force main, the applicant is proposing onsite wastewater treatment on each lot. However, potable water connection is required for lots less than 40,000 square feet and is proposed by the applicant.

A. Estimated Demand and Service Provider:

The site is located within a Transit Supportive Development Area (TSDA) where centralized water and sewer services typically exist. The service provider in this area is Polk County Utilities.

With this approval, the residential density will change from 1 DU/AC to 3 DU/AC. Table 4, to follow, compares the water consumption and wastewater generation between each level of residential development. Single-family units are anticipated to consume 360 gallons per day (GPD)

of potable water and generate 270 GPD of wastewater. This table will also show what the maximum utilities demands would be if this property was built to its full residential density potential of 7 DU/AC, which is permitted within residential low designations in the Transit Supportive Development Area, although this is not the stated intention of the applicant.

Table 4

Subject Property			
± 2.71 acres RL-1	**Demand as Currently Permitted RL-1 (1 DU/Acre)**	**Proposed Plan RL-3 (3 DU/Acre)**	**Maximum Allowed RL-3 (7 DU/AC) in TSDA**
Permitted Intensity	2 Single-Family Units	9 Single-Family Units	18 Multi-Family Units
Potable Water Consumption	720 GPD	3,240 GPD	6,480 GPD
Wastewater Generation	540 GPD	2,430 GPD	4,860 GPD

No matter the type of development, the acreage available is not large enough to create a significant demand upon either potable water or wastewater services.

B. Available Capacity:

A 8-inch potable water main is located in the eastern right-of-way of Lunn Road. The Southwest Regional Utility Service Area is permitted for 6,780,200 GPD of potable water. Current flow is at approximately 3,796,912 GPD (56%) for 2,983,288 GPD of available flow capacity today. Of this, there are approximately 183,000 GPD allocated to projects with entitlements leaving 2,800,288 GPD in uncommitted capacity. The system growth rate (173 GPD/day) is such that it will take over 20 years before capacity is reached.

A 10-inch wastewater force main is located in the eastern right-of-way of Lunn Road. The Southwest Regional Wastewater Collection System has a working permit limit of 4,000,000 GPD. The current flow is 2,120,000 GPD with 53% of that flow used today, leaving 1,727,000 GPD in available capacity. With a system growth rate of 112 GPD, it will be more than 20 years before capacity is reached.

In short, for a property of this size and its proposed use, there is ample potable water and wastewater capacity available. With only nine proposed units, and the nearest wastewater line a force main, the applicant is proposing onsite wastewater treatment. The lots will be required to connect to potable water, as both lots are less than 40,000 square feet.

C. Planned Improvements:

According to the Polk County Community Investment Program (CIP) database, no nearby improvements are projected that will directly impact this property.

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour

traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

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).

A. Estimated Demand:

The residential density will change from 1 DU/AC to 3 DU/AC with this approval. Single Family Detached Housing generates 7.81 Average Annual Daily Trips (AADT) and 1.00 PM Peak Hour trips per unit (ITE Code 210). Table 5, below, shows the minimal impacts this approval will potentially have on traffic. This table will also show what the maximum traffic demands would be if this property was built to its full residential density potential of 7 DU/AC. At this level, though, single-family detached units are impractical. Multi-family developments (ITE Code 220) create 6.74 AADT and 0.51 Peak PM Trips per unit.

Table 5

Subject Property			
2.71 ± RL-1	**Demand as Currently Permitted RL-1 (1 DU/Acre)**	**Proposed Plan RL-3 (3 DU/Acre)**	**Maximum Allowed RL-3 (7 DU/AC) in TSDA**
Permitted Intensity	2 Single-Family Unit	6 Single-Family Units	18 Multi-Family Units
Average Annual Daily	15	21	121
PM Peak Hour Trips	2	6	18

As the table indicates, any development at this site will place minimal burden on the local roadways. The applicant has indicated their desire with the sub-district change is to build nine single-family residences, which will have little impact to the roadways.

B. Available Capacity:

Lunn Road (8027 N/S) is tracked for concurrency by Polk County's Transportation Planning Organization (TPO). Table 6, below, summarizes the generalized capacity on the most affected transportation links. Ample capacity is available on this roadway.

Table 6

Link #	**Road Name**	**Current Level of Service (LOS)**	**Available PM Peak Hour Capacity**	**Minimum LOS Standard**
8027 N	Lunn Road Ewell Road to Pipkin Road W	C	543	D
8027 S	Lunn Road Ewell Road to Pipkin Road W	C	533	D

Source: TPO Roadway Network Database, October 13, 2023

C. Roadway Conditions:

The subject site has frontage on Lunn Road (Road No. 932201). This is an Urban Collector roadway with a paved surface width of 20 feet and a right-of-way width of 60 feet. This does not meet the standards set for two-lane Urban Collector roadways set in Table 8.2 of the LDC; however, the minimal anticipated annual daily trips for the proposed two single-family residences will not require the applicant to provide any dedication of right-of-way.

D. Planned Improvements:

West Pipkin Road is currently under construction to widen the roadway from two lanes to four lanes from Medulla Road to Old Highway 37. West Pipkin Road from Old Highway 37 to South Florida Avenue will go from two lanes to three. Construction is expected to be completed November 2024.

E. Mass Transit

The subject property has no direct access to public transit. The nearest Citrus Connection stop is found on Shepherd Road near the Publix Super Market at Imperial Lakes, approximately 2.6 miles to the south by foot. This stop is for the 21X Lakeland/Bartow/Lake Wales route and provides a ride to over 40 stops from Mulberry, Bradley Junction, Bartow, and Lake Wales.

F. Sidewalks

There are no sidewalks along the frontage of the subject parcels. There is an incomplete sidewalk system along Lunn Road to the south. The applicant will be required to provide sidewalks along the frontage of their property at the time of Level 2.

Park Facilities:

The closest public park facilities are Christina Park to the east and Loyce E. Harpe Park to the southeast. Numerous small community parks are within a five-mile radius. Environmental lands with public access include Alafia River Reserve to the southeast and Lakeland Highland Scrub to the east.

A. Location

Christina Park is located is at 625 County Road 540A, Lakeland. It is approximately 2.9 miles by vehicle from the subject site. Loyce E. Harpe Park is located at 300 W. Carter Road, Mulberry, approximately 4.6 miles by vehicle to the southeast.

B. Services

Christina Park includes softball and baseball fields, pavilions and picnic shelters, a playground, walking paths and restroom facilities. Loyce E. Harpe Park includes baseball and softball fields, a skate park, a disc golf course, multi-purpose fields, a dog park, playgrounds, picnic shelters, mountain biking trails, and walking trails.

C. Multi-use Trails:

Both Christina Park and Loyce E. Harpe Park provide multi-use trails for walking and mountain biking.

D. Environmental Lands:

Lakeland Highlands Scrub is a 551-acre conservation area home to one of the largest undeveloped scrub properties on the Lakeland Ridge, one of a series of elevated sandy ridges along the backbone of an area known as "peninsular Florida." The facility includes multi-use trails for walking and hiking, picnic shelters, and restroom facilities. It is located 6.7 miles by vehicle from the subject site.

E. Planned Improvements

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

Environmental Conditions:

There are no wetlands or flood hazard zone on the property, according to the Polk County Data Viewer. No threatened or endangered species are found onsite. The site presents few limitations to residential development.

A. Surface Water:

There are no surface water features on the subject parcel or within a one-mile radius.

B. Wetlands/Floodplains:

There are no wetlands or flood plain on the property, according to the Polk County Data Viewer.

C. Soils:

The subject parcel is comprised of Tavares Fine Sand and Adamsville Fine Sand, according to the USDA Natural Resources Conservation Service GIS Database. Both soil types present slight limitations for a single-family residence and severe limitations for septic tank absorption fields. Potable and sanitary sewer connections are available, although the applicant has indicated they intend to use onsite wastewater treatment. They will need to construct any onsite treatment system to the standard set forth by the Polk County Health Department.

D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting.

E. Archeological Resources:

There are no protected archeological resources, according to the Florida Department of State, Division of Historical Resource.

F. Wells (Public/Private)

This project is not within a Wellfield Protection District. No private wells are noted onsite.

G. Airports:

The site is within Height Notification Zones for the Lakeland Linder Regional Airport. Development is subject to LDC Section 641. The Airport Impact District (AID) overlay is established to ensure that land uses and activities are compatible with the existing operations of public-use airports and the planned operations of those with adopted Airport Master Plans.

Economic Factors:

The subject property is located in an area intended for residential use. The development surrounding this site occurred from the mid-1980s through the mid-2000s. According to Zillow.com, site-built homes adjacent the to the property range from the high-200K to nearly $400K. The addition of nine homes to the area will not have a large impact on the local economy.

Consistency with the Comprehensive Plan:

The following polices have been found to be the most relevant to the proposed request. In this case, the request is consistent with the Comprehensive Plan. The proposed change to the Future Land Use Designation from RL-1 to RL-3 is on par with the type of development and uses found in the surrounding area.

Table 7

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 proposed change to RL-3 is compatible with neighboring properties, and there is adequate infrastructure to support it. The intensity of the uses surrounding the subject property are similar, if not identical, to what the applicant is proposing.

Comprehensive Plan Policy	Consistency Analysis
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 site is located in an area where public services are abundantly available. This is a parcel surrounded by single-family residential uses approximate in density to what the RL-3 district will provide.
POLICY 2.102-A3: DISTRIBUTION - 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.	Any development allowed with the RL-3 land use district will be consistent with public services available in the Transit Supportive Development Area.
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.	The site is located within an area that has the appropriate public services available for the type of development proposed.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).	The subject property is located within an area of the county that has an adequate level of public safety services as identified in the staff report.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 8 in accordance with Section 906.D.7 of the Land Development Code.

Table 8

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC. Residential Low land use districts are to be found in TSDAs. Please refer to the Findings of Fact.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this request is consistent with the Comprehensive Plan, as reviewed in the table above.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 5 & 6 of this staff report for data and analysis on surrounding uses and compatibility.*
How the concurrency requirements will be met, if the development were built.	*Any development on this site will require a minor traffic study, school capacity determinations, and utilities concurrency. The potential impact on public services can be found in the analysis found on Pages 6-10 of the staff report.*

The BoCC, in the review of development plans, shall consider the following factors listed in Table 9 in accordance with Section 907.D.10 of the Land Development Code.

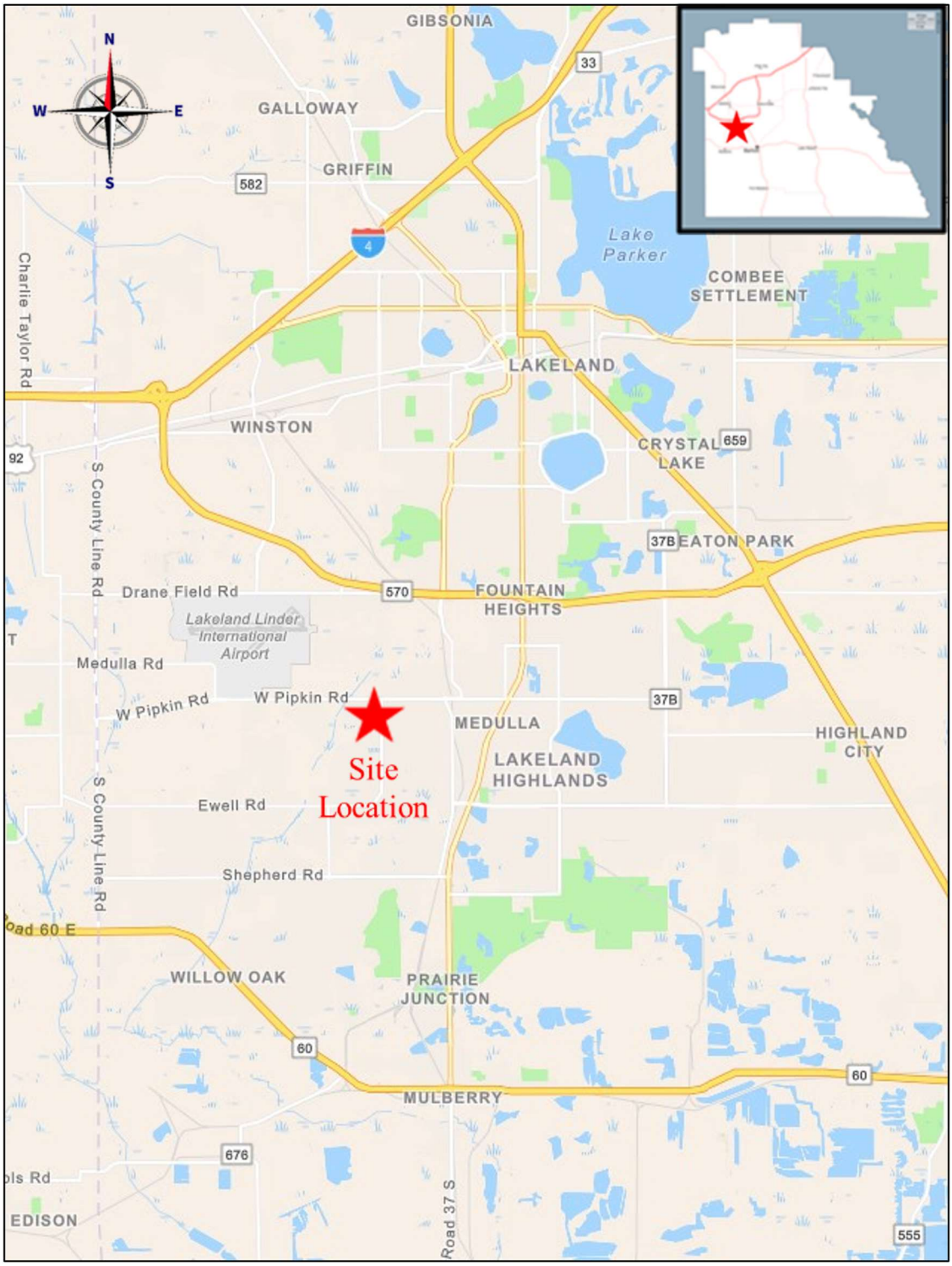
Table 9

The BoCC, in the review of development plans, shall consider the following factors in accordance with Section 907.D.10 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC. Residential Low land use districts are to be found in TSDAs. Please refer to the Findings of Fact.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this request is consistent with the Comprehensive Plan, as reviewed in the table above.*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 6-10 of this staff report for data and analysis on surrounding uses and compatibility.*
Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.	*The proposed development is minimal in that it will not require a traffic study, school concurrency, or a site plan review by County staff. The potential impact on public services can be found in the analysis found on Pages 6-10 of the staff report.*

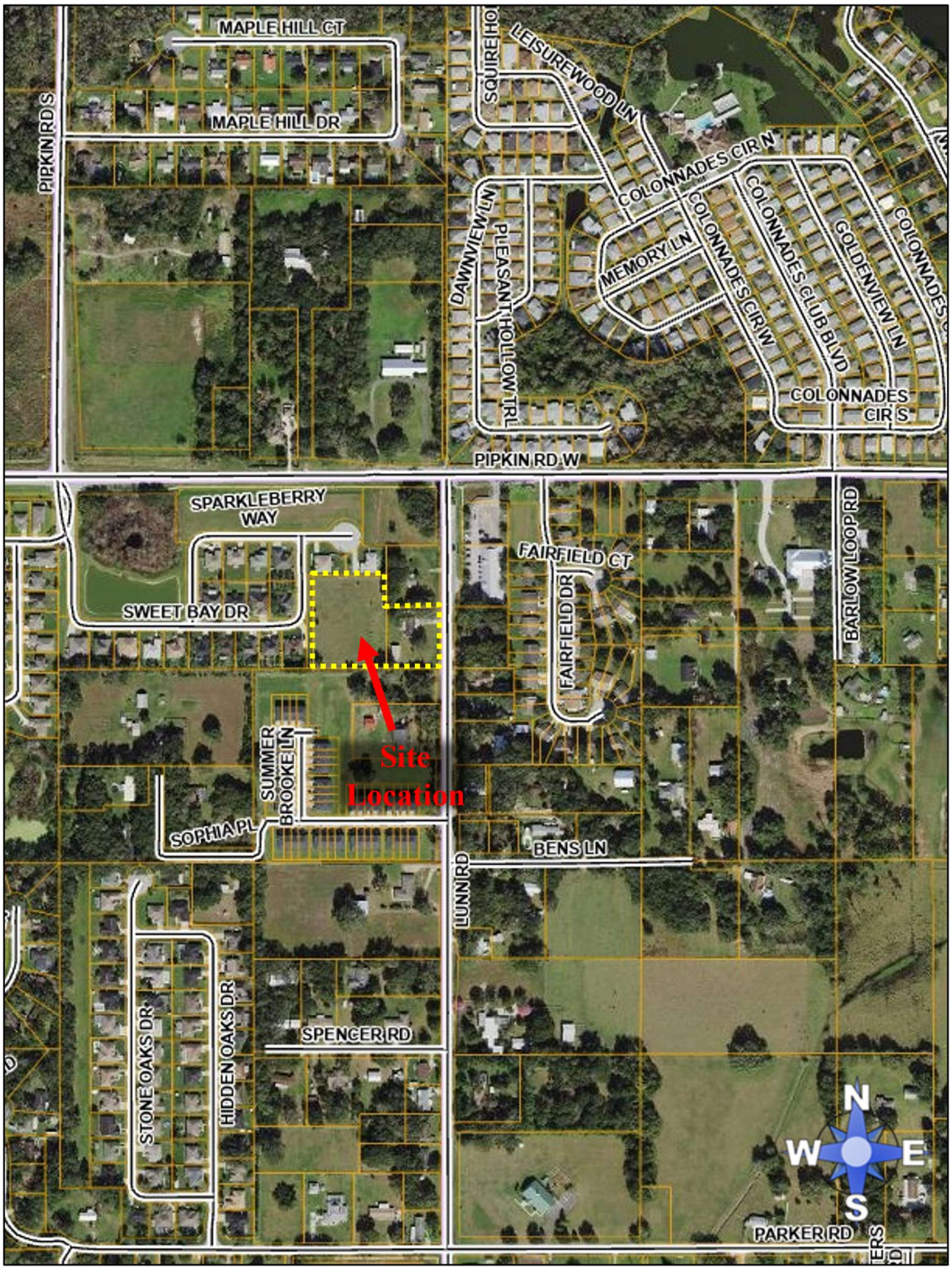
Comments from other Agencies: None.

Exhibits

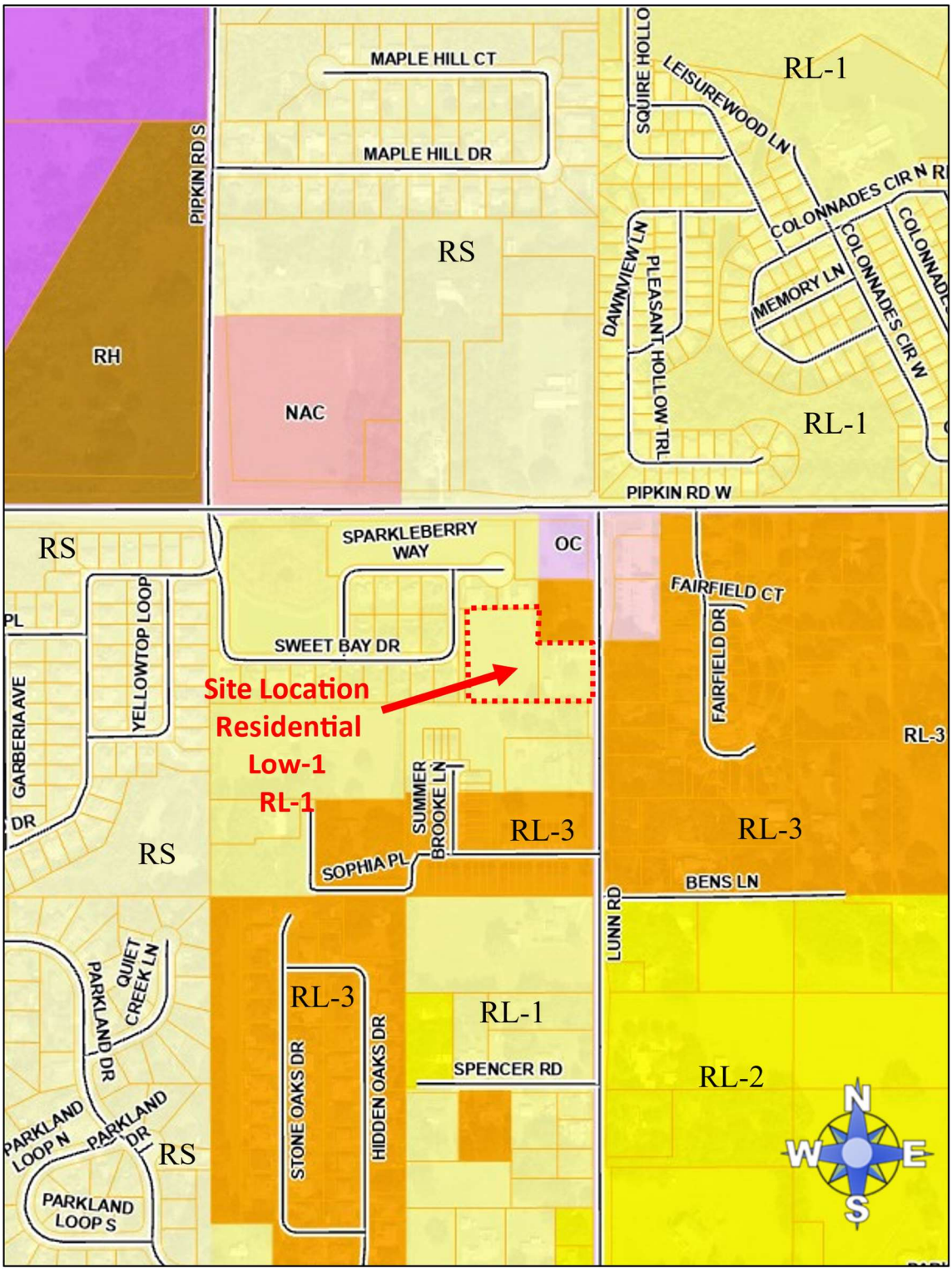
Exhibit 1 Site Location
Exhibit 2 Aerial Image - Context
Exhibit 3 Future Land Use Map
Exhibit 4 Aerial Image – Close
Exhibit 5 Comparison of Permitted and Conditional Uses



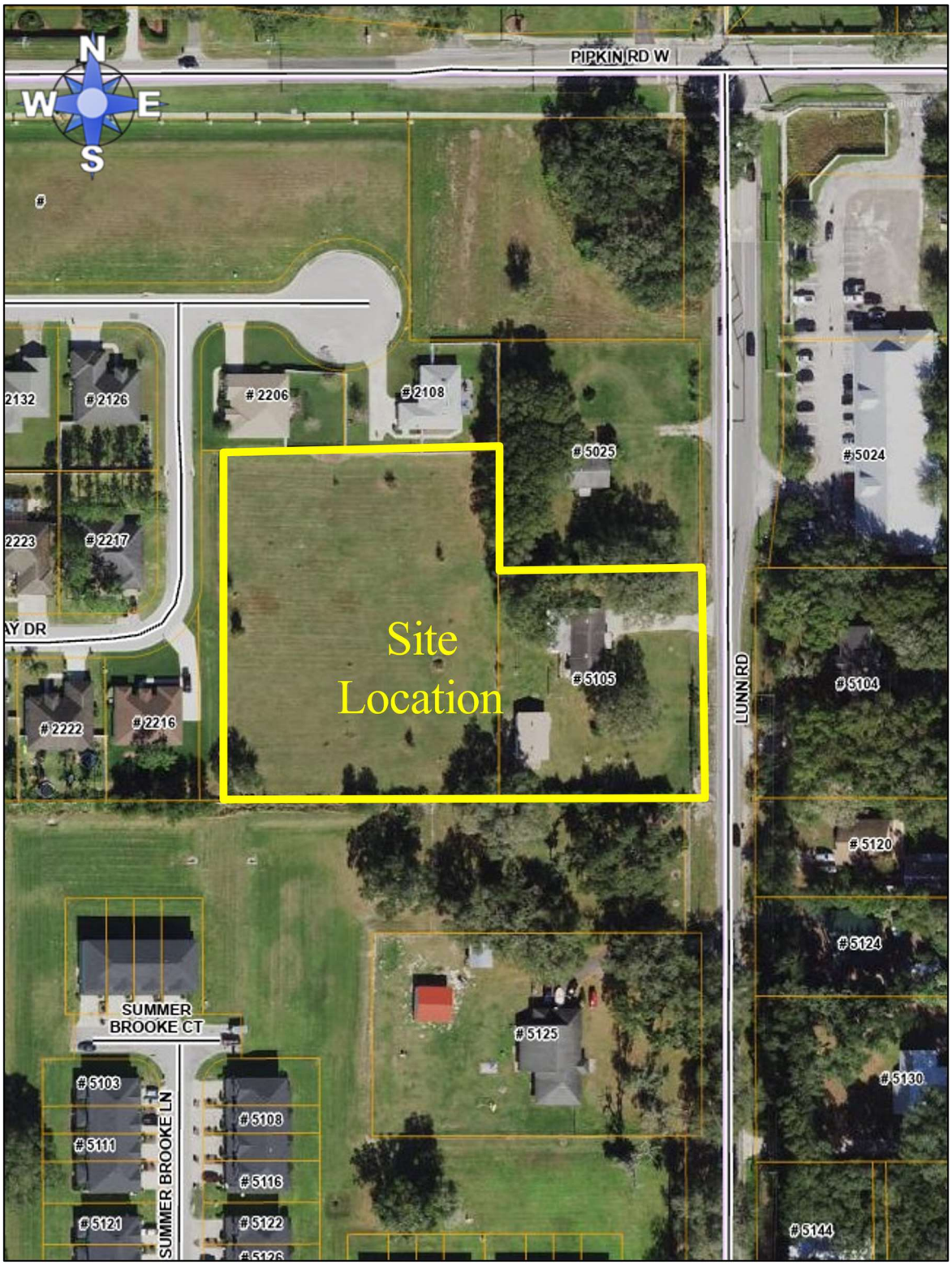
Site Location



Aerial Image - Context



Future Land Use Map



Aerial Image – Close

Exhibit 5

Comparison of Permitted and Conditional Uses

(differences indicated in bold font)

District	Permitted Uses	Administrative Review	Public Hearing(s) Required
RL-1 *Residential Low-1*	Single-family Detached Home & Subdivision **40,000 SF min lot size** General Farming Class 1 Utilities	Small Group Home (<or=6 residents) Individual Mobile Homes Residential Infill Development **Intensive Animal Farm** **Livestock Auction** **Nurseries and Greenhouses** Small Emergency Shelter (<or=6) Regulation Golf Course Passive Recreation Low Intensity Recreation Elementary School Middle School Class 2 Utilities	Group Living Facility (15+residents) Mobile Home Park Multi-family Residential Short Term Rental Unit Planned Development Adult Day Care Center (7+ clients) **Off Site Agricultural Support** Bed and Breakfast Childcare Center Cultural Facility Emergency Shelter, Large (15+) Government Facility Helistops Non-Phosphate Mining High Intensity Recreation Vehicle Oriented Recreation Religious Institution **Riding Academies** High School Leisure Special Interest School Class 3 Utility
RL-3 *Residential Low-3*	Single-family Detached Home & Subdivision **10,000 SF min lot size** General Farming Class 1 Utilities	Small Group Home (<or=6 residents) Individual Mobile Homes Residential Infill Development Small Emergency Shelter (<or=6) Regulation Golf Course Passive Recreation Low Intensity Recreation Elementary School Middle School Class 2 Utilities	Duplex, Two-family Attached Group Living Facility (15+residents) Mobile Home Park Multi-family Residential Short Term Rental Unit Planned Development Adult Day Care Center (7+ clients) Bed and Breakfast Childcare Center Cultural Facility Emergency Shelter, Large (15+) Government Facility Helistops Non-Phosphate Mining High Intensity Recreation Vehicle Oriented Recreation Religious Institution High School Leisure Special Interest School **University** Class 3 Utility

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCD-2023-10**, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED, AMENDING THE SUB-DISTRICT MAP TO CHANGE 2.71 +/- ACRES FROM RESIDENTIAL LOW-1 (RL-1) TO RESIDENTIAL LOW-3 (RL-3), LOCATED EAST OF SWEET BAY DRIVE, SOUTH OF PIPKIN ROAD, WEST OF LUNN ROAD, NORTH OF SOPHIA PLACE, SOUTH OF THE CITY OF LAKELAND, IN SECTION 10, TOWNSHIP 29 AND RANGE 23, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the "Act") Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners (the "Board) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; (the "LDC") and

WHEREAS, the Board of County Commissioners adopted a LDC Sub-district Map on September 26, 2001; and

WHEREAS, Chapter 9, Section 903 of the LDC provides the approval process for amending the LDC Sub-district Map as a Level 4 Review; and

WHEREAS, LDCD-2023-10 is an applicant-initiated application (the "Application") to amend the LDC Sub-district maps to change 2.71 +/- acres from Residential Low-1 (RL-1) to Residential Low-3 (RL-3); and

WHEREAS, pursuant to Section 163.3174 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Sub-district Map Amendment on February 7, 2024; and

WHEREAS, pursuant to Section 125.66 of the Florida Statutes, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Land Development Code Sub-district Map Amendment on March 19,

2024; and

WHEREAS, the Board reviewed and considered all comments received during said public hearing, the Planning Commission's recommendation, the staff report, and provided for necessary revisions, if any; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

SECTION 1: FINDINGS The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on February 7, 2024 to consider the LDC Sub-district map amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Sub-district Map Amendment contained within the Application.

b) Pursuant to section 907D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of the Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.

c) The Application is consistent with all relevant requirements of the Comprehensive Plan.

d) The Application is consistent with all relevant requirements of the LDC, including without limitation, section 907.

e) The Application is compatible with surrounding uses and the general character of the area.

f) The record is hereby incorporated by reference into this ordinance and is on file with the County Clerk. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, the Planning Commission's recommendation, and all testimony and evidence presented at the hearing.

SECTION 2: AREA AMENDED.

Polk County Ordinance No. 01-69 as amended (the "Polk County Land Development Code Sub-district Map"), of Polk County Ordinance No. 00-09, as amended (the "Polk County Land Development Code") is hereby amended to reflect a change in the Sub-district of Parcels, legally described below and graphically depicted in Attachment "A" of this ordinance, from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) as:

PARCEL 1: PARCEL ID NO. 232910-000000-021030
THE SOUTH 208.71 FEET OF THE NORTH 517.42 FEET OF THE EAST 208.71 FEET OF THE NORTH 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA. SUBJECT TO MAINTAINED RIGHT-OF-WAY FOR LUNN ROAD.

AND

PARCEL 2: PARCEL ID NO. 232910-000000-021010
COMMENCING AT THE SE CORNER OF THE NORTH 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, RUN THENCE WEST 208.71 FEET FOR POINT OF BEGINNING, RUN THENCE WEST 250.12 FEET; THENCE NORTH 318.25 FEET; THENCE EAST 250.92 FEET; THENCE SOUTH 318.25 FEET TO THE POINT OF BEGINNING.

SECTION 3: SEVERABILITY.

If any portion of this Ordinance is for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy of the Ordinance with the Department of State.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

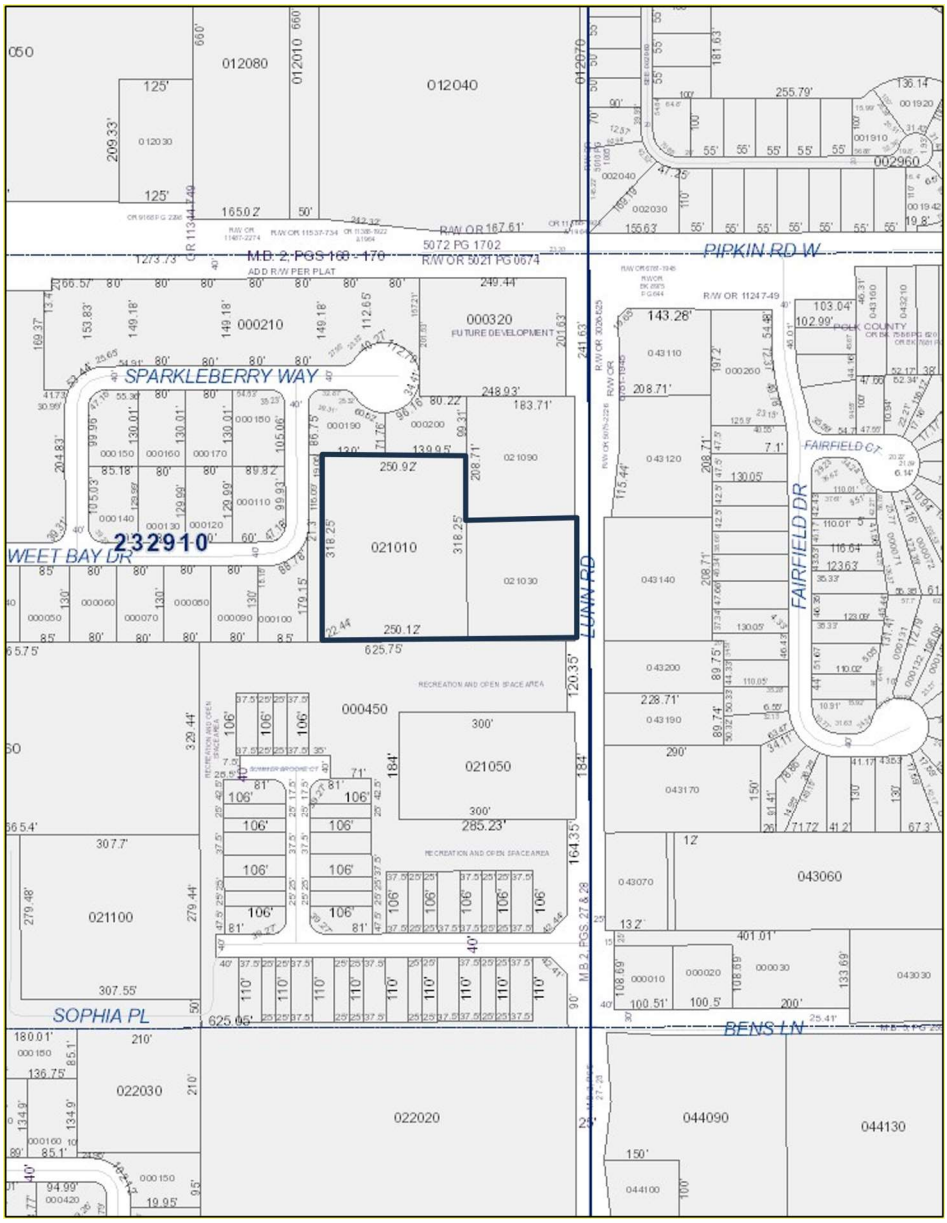
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 19th day of March, 2024.

Date rendered to the Clerk:_____

Exhibits to Board's Order
Exhibit A-Property Map
Exhibit B-Staff Report

ATTACHMENT "A"

LDCD-2023-10
Development Area: Transit Supportive Development Area (TSDA)
Location: Located east of Sweet Bay Drive, south of Pipkin Road West, west of Lunn Road, north of Sophia Place, south of the City of Lakeland in Section 10, Township 29, and Range 23.
Section 10, Township 29, Range 23



PARCEL DETAIL

Note: Not to Scale

Section 910 Impact Assessment Statements

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area: on the transportation facilities: on the environment and natural resources of the County: on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities: and any other aspect with an identified impact of the development and deemed appropriate for concern.

A. Land and Neighborhood Characteristics

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses:
2. Provide a site plan showing each type of existing and proposed land use: ✓
3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses: **None.**
4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped: **None.**
5. Describe each of the uses proposed in a Planned Development and identify the following: **N/A**
    a. The density and types of residential dwelling units: **SEE SITE PLAN**
    b. The type of commercial and industrial uses: **N/A**
    c. The approximate customer service area for commercial uses: **N/A**
    d. The total area proposed for each use type, including open space & recreation. **N/A**

B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned, and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations: **26 TRIPS**
2. Indicate what modifications to the present transportation system will be required as a result of the proposed development: **NONE.**
3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development: **18 PARKING SPACES**
4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads): **CONCRETE DRIVEWAY**
5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train, or air) and describe the modes. **NONE.**

C. Sewage (N/A – NO SEWER, ONLY SEPTIC TANKS)

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development:
2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed:
3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems:
4. Identify the service provider:
5. Indicate the current provider's capacity and anticipated date of connection.

D. Water Supply

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and the type of treatment:
2. Identify the service provider: **POLK COUNTY WATER**
3. Calculate the estimated volume of consumption in gallons per day (GPD): **2700± GPD**
4. Indicate the current provider's capacity and anticipated date of connection. **NO ISSUE WITH CAPACITY – CONNECTION DATE 04/2024**

E. Surface Water Management and Drainage

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality: **NONE.**
2. Describe the alteration to the site's natural drainage features, including wetland, that would be necessary to develop the project: **NO ALTERATIONS – NO IMPACT**
3. Describe the impact of such alterations on the fish and wildlife resources of the site: **NONE.**
4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from the development of the site: **NO SIGNIFICANT IMPACT FROM CHANGES.**

F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses: **ESTIMATED POPULATION = 27**
2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift: **N/A**
3. Indicate the expected demographic composition of the additional population (age/socio-economic factors): **34 YEARS – MEDIAN AGE**
4. Describe the proposed service area and the current population thereof: **SIMILAR DENSITY/ POPULATION PER ACRE.**

G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs: **PROVIDE S.F.R. FOR FAMILIES**
2. Discuss the demand on the provision for the following services:
    a. Parks and Recreation: **MINIMAL, IF ANY IMPACT**
    b. Educational Facilities (preschool/elementary/middle school/high school): **NEGLIGIBLE IMPACT**
    c. Health Care (emergency/hospital): **NEGLIGIBLE IMPACT**
    d. Fire Protection: **NEGLIGIBLE IMPACT**
    e. Police Protection and Security: **NEGLIGIBLE IMPACT**
    f. Electrical Power Supply: **NEGLIGIBLE IMPACT**

H. Maps

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.
2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements: ✓

H. Maps (CONTINUED)

3. Map A: A location map showing the relationship of the development to cities, highways, and natural features: ✓

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County: ✓

5 Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density:

6 Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable:

7 Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths:

8 Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area: the typical minimum lot sizes and dimensions for each use and unit type, and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes: ✓

9 Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features: ✓

LDCD-2023-10 - Lunn Road Sub-District Change (TOWER PINES)

Menu Reports Help

Application Name: Lunn Road Sub-District Change (TOWER PINES)

File Date: 09/11/2023

Application Type: BOCC-LDC District Change

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: 9 LOT SIMPLE PLAT Land Use Change from RL-1 to RL-3

Application Detail: Detail

Address: LUNN RD, LAKELAND, FL 33803

Parcel No: 232910000000021010

Owner Name: WIGGINS PHYLLIS J

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
William Tower	JMT ENTERPRISES...	Applicant	Mailing, 2621 BROOKSID...	Active
William Tower	JMT ENTERPRISES...	Individual	Mailing, 2621 BROOKSID...	Active
William Tower	JMT ENTERPRISES...	Individual	Mailing, 2621 BROOKSID...	Active
William Tower	Tower Palms LLC.	Individual	Mailing, 2621 Brooksid...	Active
William Tower JR	Tower Homes LLC	Licensed People	Mailing, 2621 Brooksid...	Active
William Tower Jr	TOWER HOMES LLC	Individual	Mailing, 2621 Brooksid...	Active
William Tower Jr	TOWER HOMES LLC	Individual	Mailing, 2621 Brooksid...	Active
William Tower Jr	TOWER HOMES LLC	Individual	Mailing, 2621 Brooksid...	Active
William Tower Jr	TOWER HOMES LLC	Individual	Mailing, 2621 Brooksid...	Active
William Tower Jr	TOWER HOMES LLC	Individual	Mailing, 2621 Brooksid...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $3,904.75

Total Fee Invoiced: $3,904.75

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Board of County Commissioners

Application Type
LDC District Change

Brownfields Request
N/A

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
9

Will This Project Be Phased

Acreage
0

DRC Meeting
12/02/2023

DRC Meeting Time
_

Rescheduled DRC Meeting
_

Rescheduled DRC Meeting Time
_

Green Swamp
No

Number of Units
_

Is this Polk County Utilities

Case File Number
_

One Year Extension
_

FS 119 Status
Non-Exempt

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
_

BOCC2 Advertising Date
_

Advertising Board
Board of County Commissioners

MEETING DATES

Community Meeting
_

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3

1st BOCC Date

2nd BOCC Date
–

LUHO-Level 3
03/19/2024

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
Open

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-23EST-00000-52872

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
–

RequiredDocumentTypesComplete
No

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
√

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	RL-1- Residential Low
Not in an SAP	RL-3 -Residential Low

DEVELOPMENT AREA

Development Area
Transit Supportive

NOR

Neighborhood Organization Registry (NOR)
Colonnades Property Owners Association Inc.

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	1	66	01/18/2024	01/21/2024	Yes
BOCC 1	1			01/21/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/03/2023	Angela Kaufman
Surveying Review	Steve McQuaig	Approve	11/16/2023	Steve McQuaig
Roads and Drainage Review	Phil Irven	Approve	11/14/2023	Phil Irven
Engineering Review	Robert Joynes	Approve	11/20/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Not Required	11/16/2023	Kim Turner
Planning Review	Amy Little	Approve	11/20/2023	Amy Little
School Board Review	School District	Approve	12/12/2023	School District
Review Consolidation	Angela Kaufman	Approved for...	12/13/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Planning Commision	Angela Kaufman			

Task	Assigned To	Status	Status Date	Action By
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
	Documents Required	***11/2/23 - Recorded ...	Condition...	11/03/2023		

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments

Agenda Item 9. 2/7/2024

SUBJECT

LDCPAS-20232-21 (Rifle Range Hwy 60 HIC)

DESCRIPTION

Future Land Use designation change from Agricultural/Rural Residential-X (A/RR-X) in the Rural Development Area (RDA) to High Impact Commercial-X (HIC-X) in the Suburban Development Area (SDA), located on the south side of US Highway 60, west of CR 655A (Alturus Road), north of Lake Garfield, and east of 80 Foot Road, west of the city of Winter Haven and east of the city of Bartow, in Section 32, Township 29 and Range 26.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Robert Bolton

Planner III

Land Development

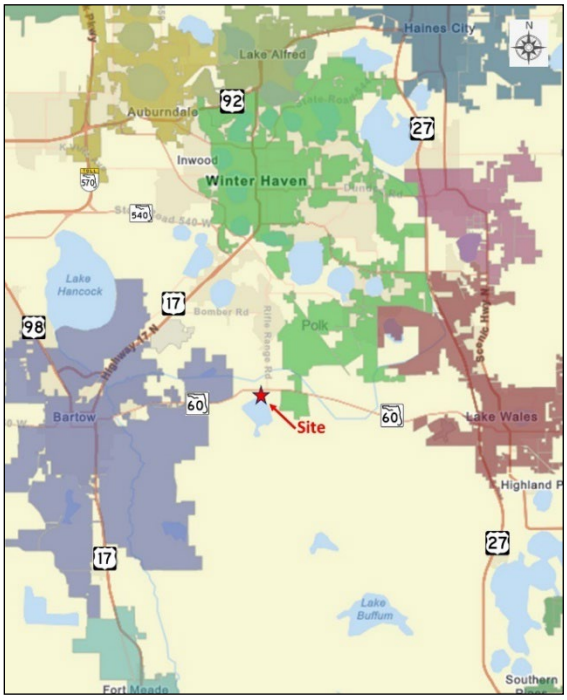
863-534-6468

robertbolton@polk-county.net

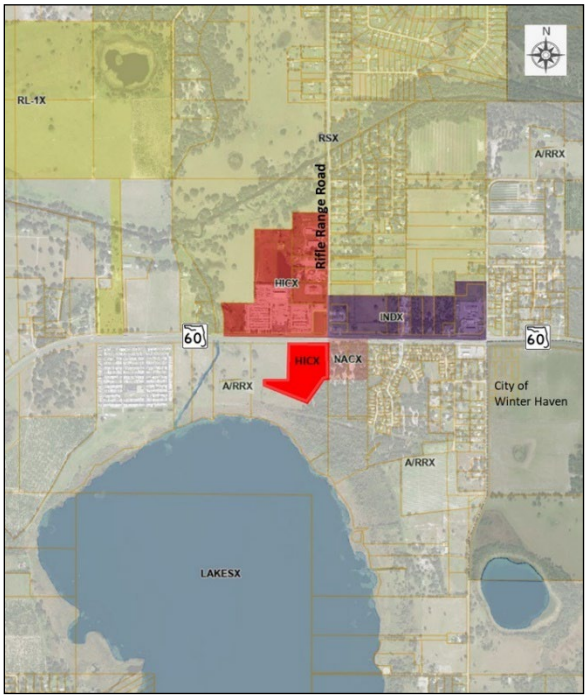
POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	November 2, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	Small Scale CPA
BoCC Date:	March 19, 2024	**Case Numbers:**	LDCPAS-2023-21
		Case Name:	Rifle Range Road RaceTrac HIC
Applicant:	Tanath Design, Inc., Bryan Potts	**Case Planner:**	Robert Bolton, Planner III

Request:	Future Land Use designation change from Agricultural/Rural Residential-X (A/RR-X) in the Rural Development Area (RDA) to High Impact Commercial-X (HIC-X) in the Suburban Development Area (SDA)
Location:	The subject property is located on the south side of US Highway 60, west of CR 655A (Alturus Road), north of Lake Garfield, and east of 80 Foot Road, west of the city of Winter Haven and east of the city of Bartow, in Section 32, Township 29 and Range 26.
Property Owners:	Appleboom, Johannes W., Estate of
Parcel Size/number:	13.56± acres of 47.04 ± acres (Parcel #(s) portion of 262932-000000-021000)
Development Area:	Rural Development Area (RDA), Transit Corridors and Centers Overlay (TCCO), Gateway Selected Area Plan (SAP)
Nearest Municipality:	City of Winter Haven
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Public Comment:	Pending
Florida Commerce	N/A



Location Map



Proposed Future Land Use Map

Summary:

The applicant, Tanath Design, Inc.,, is requesting a Small Scale Comprehensive Plan Amendment on behalf of the property owner, Appleboom, Johannes W., Estate of, to change the Future Land Use Designation from Agricultural/Rural Residential-X (A/RR-X) in the Rural Development Area (RDA) to High Impact Commercial-X (HIC-X) in the Suburban Development Area (SDA) on 13.56± acres of 47.04 ± acres in the Rural Development Area (RDA), Transit Corridors and Centers Overlay (TCCO), and the Gateway Selected Area Plan (SAP), located on the south side of US Highway 60, west of CR 655A (Alturus Road), north of Lake Garfield, and east of 80 Foot Road, west of the city of Winter Haven and east of the city of Bartow, in Section 32, Township 29 and Range 26.

The requested Land Use change is consistent with the Location Criteria for the HICX, with HICX, north of the subject, which has been built out with an RV dealer, Camping World, an area of predominantly vacant IND-X, and NAC-X adjacent to the east. One concern has been the southern extension of Rifle Range Road to make a full intersection. Attached under separate cover is a copy of a draft easement agreement with the land owner to the east which will allow for construction of the southern portion of Rifle Range Road. The construction of the southern portion of Rifle Range Road will be a sufficiency requirement for any Level 2 review for development of the site.

Compatibility Summary

The request is for a FLU designation change within an area that is experiencing higher traffic and planned for significant growth with the Clear Springs planned development within the city of Bartow just to the west of the site. The Location Criteria for HIC is meet with this location, HIC-X and IND-X to the north, NACX to the east, to the south is an area of flood zone and Lake Garfield. The remainder of the site that is not included within the request to the west.

Infrastructure Summary

The site is within the city of Bartow's Utility service area, with the Polk County Central Regional district, adjacent to the east. Full buildout of the site would not significantly deteriorate the surrounding roadway network. Fire and Sheriff response times are appropriate for this area of the County. There is an Airport Impact District (AID) height notification and education restriction zone around the Bartow Municipal Airport. HICX does not permit elementary, middle, or high schools but does permit other types of training and vocational schools.

Environmental Summary

There are limited environmental limitations with the development of this property. The property's flood plain is located on the southern portion of the property, outside of the requested Land Use change area. There are no wells or public Wellfields on site and the property is within an airport impact district. The site is also located within a one (1) mile radius of an Eagle's Nest according to the Florida Fish and Wildlife Conservation Commission (2015).

Comprehensive Plan

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

- Section 2.102 – General Growth Management policies
- Policy 2.106-A3 Suburban Development Area (SDA) Land Use Categories
- Policy 2.106-A5 Suburban Development Area (SDA) Development Criteria
- Policy 2.110-H High-Impact Centers (HIC)
- Policy 2.110-H-3, and H-4 Location Criteria, and Development Criteria
- Section 2.131-T Gateway Selected Area Plan

Findings of Fact

Request and Legal Status

- The applicant is requesting a Future Land Use (FLU) designation change from Agricultural/Rural Residential-X (A/RR-X) in the Rural Development Area (RDA) to High Impact Commercial-X (HIC-X) in the Suburban Development Area (SDA).

- The subject site is located within the Gateway Selected Area Plan (SAP).

- The applicant submitted the request for a portion, 13.56±acres, of the parent tract, 47.04± acres. The portion that is being requested for the Land Use change represents the northeastern portion of the parcel.

- The subject site is located on the south side of US Highway 60, west of CR 655A (Alturus Road), north of Lake Garfield, and east of 80 Foot Road, west of the city of Winter Haven and east of the city of Bartow, in Section 32, Township 29 and Range 26.

Compatibility

- The description of the existing uses surrounding the subject site are as follows:
  -North of the subject, across Highway 60, is an area of HICX which is utilized by Camping World, an RV dealer and an Industrial Land Use district at the northeast of the intersection,
  -East of the subject site is a vacant Neighborhood Activity Center-X (NACX) Land Use district,
  -South of the subject site is a vacant portion of the remaining parent parcel with an Agricultural/Rural Residential-X (A/RRX) land Use designation and Lake Garfield,
  -West of the subject site is a vacant portion of the remaining parent parcel with an Agricultural/Rural Residential-X (A/RRX) land Use designation.

Infrastructure

- The subject site is located within the City of Bartow Utility Service area for water and wastewater. The point of connection, for water, is on the north side of SR 60, within the boundary of the Clear Springs Corporate Park, approximately 2.7 miles west of the site. Adjacent to the east of the subject site, Polk County Utilities has the Central Regional area with water and wastewater.

- It is anticipated at the highest use, the demand for potable water would be 56,705 Gallons Per Day (GPD) and 45,364 GPD for wastewater based on 13.56± acres of the 47.04± acre parent parcel.

- The zoned schools for the site are Alturas Elementary, Bartow Middle, and Bartow Senior High School. All three schools have available capacity; a change to HIC-X would not impact the schools capacity.

- The subject site is approximately 0.1 miles from the nearest Fire and Emergency Management Station (EMS), Fire Station #19, located at 7400 E SR 60, Bartow.

- The nearest Sheriff's office is the Southeast District Office, 4011 Sgt. Mary Campbell Way, Lake Wales, approximately 11.4 miles from the subject site.

- Highway 60 is a Principle Arterial road, it runs east and west from Hillsborough Couty to Osceola County and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) within this area of "C".

- Rifle Range Road is an urban collector, it runs north and south and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".

- The subject site will be accessed via an extension of Rifle Range Road to the south of Highway 60. This roadway extension will be constructed by the developer and service the proposed HICX and the NACX located on the southeast quadrant of Highway 60 and Rifle Range Road. Attached under separate cover is an Easement Agreement that is to be executed with a Land Use change. The construction of the Rifle Range Road is a concurrency requirement for a Level 2 site plan review.

- The nearest bus stop is located at Alturas Road and SR 60 approximately ½ mile east of the subject site (21X – Bartow / Lake Wales Express).

- There are currently two (2) county parks within about three (3) +/-mile radius of the subject site. Lake Gwyn Park and Wahneta Baseball Park.

Environmental

- According to the soil survey by the United States Department of Agriculture, the subject site is made up of two (2) soil type; Pomona Fine Sand, and Pomello Fine Sand. 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 too implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

- The subject site is located within the height notification area of an Airport Notification Zone for Bartow Municipal Airport.

- The subject site has a portion that is located within Flood Zone AE. The flood zone runs from Lake Garfield north to the subject site.

- The subject site is located within a one-mile radius of an eagle's nest, according to the Florida Fish and Wildlife Conservation Commission (2015).

- There are no known historical or archeological resources onsite, according to the Secretary of State's Department of Historical Resources Florida Master Site File.

- There are no known wells on the site. There is a Wellfield-Protection District approximately 0.35 miles east of the subject, within the Lake Garfield Estates subdivision.

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 2.106-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Suburban Development Areas:
  a. ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.
  b. RESIDENTIAL: Rural Suburban.
  c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.

  Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or
  neighborhood plans as specified in Section 2.109.

- POLICY 2.106-A5: DEVELOPMENT CRITERIA - Development within SDAs shall be guided by the following criteria:
  a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;
  b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;
  c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;
  d. provide access to civic space, parks, green areas, and open space and other amenities;
  e. be supported by public safety (i.e., fire, EMS and law enforcement);
  f. have access to elementary schools;

g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and
h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.

- POLICY 2.131-TB2: LAND USE CATEGORIES ESTABLISHED AND GENERAL DEVELOPMENT CRITERIA - All Future Land Use districts and development shall be permitted as specified by the applicable policies in the general land use and Future Land Use elements of the Comprehensive Plan, unless otherwise specified in the Gateway Selected Area Plan within the Comprehensive Plan. These land uses include:
  a. Activity Centers: 1. Rural-Cluster Centers, 2. Convenience Centers, 3. Neighborhood Activity Centers, 4. Community Activity Centers, 5. Regional Activity Centers, 6. High Impact Centers, 7. Tourism Commercial Centers.
  b. Linear Commercial Corridor.
  c. Commercial Enclave.
  d. Industrial/Business Park Center/Office Center: 1. Industrial, 2. Business Park Center, 3. Office Center, 4. Employment Center.
  e. Leisure/Recreation.
  f. Institutional.
  g. Recreation and Open Space.
  h. Preservation Areas.
  i. Residential: 1. Urban: a. Residential Suburban, b. Residential Low, c. Residential Medium, d. Residential High. 2. Rural: a. Agricultural/Residential Rural, b. Rural Cluster Center-Residential.
  j. Phosphate Mining.

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 LDCPAS 2023-21.**

Planning Commission Recommendation: On February 7, 2024, at an advertised public hearing, the Planning Commission recommend **?:?** to **APPROVE or DENY LDCPAS-2023-21**.

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 below this sentence lists the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest HICX Camping World RV Dealer	**North** HICX Camping World RV Dealer	**Northeast** INDX PCFS #19, Sandblasting, Vacant / Pasture
West A/RR Vacant / Pasture	**Subject Site** A/RR Vacant / Pasture	**East** NACX Vacant
Southwest A/RR / LAKESX Vacant / Pasture	**South** A/RR / LAKESX Vacant	**Southeast** A/RR Vacant

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

Compatibility with the Surrounding Uses

Compatibility is often regarded as a subjective term used to express ones' opinion or feeling about the appropriateness of locating differentiating uses rather than being based upon facts or evidence to support those opinions or feelings. 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."

The subject site is located within the Rural Development Area (RDA). According to Policy 2.108-A-1 of Polk County's Comprehensive Plan, 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.

Highway 60 is an east/west Principle Arterial road that connects Tampa to the west and Vero Beach to the east, and is a significant east/west route, south of Interstate 4. The site location is half way between the city of Bartow and the city of Lake Wales with the community of Wahneta to the north. The Polk Parkway (SR 570) extension, that will connect the existing Toll Road to Highway 60 has begun construction and will connect with Highway 60 west of the site closer to Bartow. This connection will increase the access and utility of Highway 60 making a connection between Interstate 4 and Highway 60 significantly more accessible. As the area between Bartow and Lake Wales continues to grow commercial uses are needed. The subject's location and requested Land Use change completes the commercial uses for the transit node of Highway 60 and Rifle Range Road. The request is an expansion of the HICX on the north side of Highway 60 and the west side of Rifle Range Road.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property, as shown in Table 2, include Alturas Elementary, Bartow Middle and Bartow Senior High School. The applicant does not need to address capacity for the described project as it is not anticipated to generate a use impacting school concurrency. HICX does not permit residential development.

Table 2: Schools

Name of School	**Average driving distance from subject site**
Alturas Elementary	4.1 ± miles driving distance
Bartow Middle School	8.7 ± miles driving distance
Bartow Senior High School	8.3 ± miles driving distance

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office is northeast of the site and the Fire and Emergency Management Station is located southeast of the site.

Table 3 Public Safety Information

	Name of Station	**Distance Response Time**
Sheriff*	Polk County Sheriff Office's Southeast District Office, 4011 Sgt. Mary Campbell Way, Lake Wales	11.4 +/- miles NE Priority 1: 13:01 Priority 2: 27:01
Fire/ EMS	Polk County Fire and Emergency Management Station #19, 7400 E SR 60, Bartow	0.1 +/- miles N Response: 3:00 minutes

*Source: Polk County Sheriff's Office and Polk County Fire Rescue. *Response times are based on December 2023 data.*

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.

Water and Wastewater

A. Estimated Demand and Service Provider
The subject site is within the City of Bartow's Utility Service Area. The estimated demand for potable water at the highest capacity at maximum buildout is 56,705 Gallons per Day (GPD) and 45,364 GPD capacity for wastewater.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity **13.56 +/- acres** **590,674 sq. ft.**	**Maximum Permitted in Existing Land Use A/RR**	**Maximum Permitted in Proposed HIC-X**
	13.56 acres = 2 du	590,674 sq. ft x 0.40 FAR= 236,270 sq ft
Potable Water Consumption	2 units x 360 = **720 GPD**	236,270 x 0.24 GPD **56,705 GPD**
Wastewater Generation	2 units x 270 **= 540 GPD**	56,705 x 0.80 percent = **45,364 GPD**

Source: Polk County Maximum Feasible Buildout Methodology; A/RR 360 GPD per unit for water and 270 GPD for wastewater; BPC 0.35 FAR; Warehousing 0.24 per square foot Water and 80% Wastewater

B. Available Capacity

The subject site is in the City of Bartow's Utility Service Area. The point of connection, for water, is on the north side of SR 60, within the boundary of the Clear Springs Corporate Park, approximately 2.7 miles west of the site. Adjacent to the east of the subject site, Polk County Utilities has the Central Regional area with water and wastewater.

C. Planned Improvements
There are no known utility improvements near the subject site or for the service area.

Roadways/Transportation Network

B. Estimated Demand

Table 5 see below, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The proposed request will generate more AADT and PM Peak Hour Trips than A/RR Future Land Use Trips.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity **13.56 +/- acres** **590,674 sq. ft.**	**Maximum Permitted in Existing Land Use – A/RR**	**Maximum Permitted in Proposed Land Use – HIC**
	13.56 acres = 2 du	590,674 sq. ft x 0.40 FAR= 236,270 sq ft 236,270 / 1,000 = 236
Average Annual Daily Trips (AADT)	2 x 7.81= **16 Trips**	236 x 1.71 AADT x 92%= **372 Trips**
PM Peak Hour Trip	2 x 1= **2 PM Peak Hour Trips**	236 x 0.18 PM Peak x 92%= **40 Trips**

Source: Concurrency Manual June 2019: ITE 210 Single family rate per unit 7.81 AADT and 1.00 AADT PM Peak Hour; ITE 150 Warehousing 1.71 AADT and 0.18 PM Peak Hour per 1,000 sq. ft.

C. Available Capacity

Table 6 below displays the available capacity for SR 60 and CR 655 (Rifle Range Road). There is available capacity in the PM Peak Hour for maximum buildout.

Table 6 Roadway Link Concurrency

Link #	**Road Name**	**Lane Type***	**Current Level of Service (LOS)**	**Available Peak Hour Capacity**	**Minimum LOS Standard**	**5-Year Peak Hr. Projected LOS**
5906E	SR 60(Flamingo Drive to CR 655 Rifle Range Road)	4D	C	673	D	C
5906W		PA	C	627	D	C
5907E	SR 60(CR 655 Rifle Range Road to US 27)	4D	C	607	D	C
5907W		PA	C	558	D	C
4074N	CR 655 Rifle Range Road (SR 60 to CR 559 Bommer Road)	2U	C	238	D	C
4074S		UC	C	216	D	C

Source: Polk County Transportation Planning Organization Roadway Network Database October 2023

D. Roadway Conditions

SR 60 is a 4-lane divided principle arterial road that runs east and west and is monitored by the Polk County TPO with a LOS of "C". Rifle Range Road is a 2-lane urban collector. It runs north and south and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".

E. Planned Improvements

Approximately 3 ½ miles north of the site, the Thompson Nursery Road Extension will cross near the northern area of Wahneta. West of the subject site the extension of the Polk Parkway (SR 570) will be connecting south to SR 60.

F. Mass Transit and Sidewalk Network

The nearest mass transit route is along State Road 60 (21X – Bartow / Lake Wales Express) which services residents between Bartow and Lake Wales. The nearest bus stop is located at Alturas Road and SR 60 approximately ½ mile east of the subject site.

Park Facilities

There are two (2) county parks within about three (3) +/-mile radius of the subject site. Lake Gwyn Park and Wahneta Baseball Park.

A. Location:

Both Lake Gwyn Park and Wahneta Baseball Park are located approximately 3 miles north of the site. Lake Gwyn Park is located on 2nd Street E, with Wahneta Baseball Park located on the west side of Rifle Range Road.

B. Services:

Lake Gwyn Park includes a playground and a screened-in pavilion, which can be rented, as well as picnic shelters, basketball courts and soccer fields. An adjacent water restoration project has a walking trail and an observation pier. Previously, Lake Gwyn Park was a dry lakebed thanks to a depression-era drainage canal. It has been transformed into a natural wetlands system, which allows it to send clean water to the Peace River. It also gives local wildlife more of its natural habitat. Wahneta Baseball Park has baseball and softball fields, a basketball court, league play and tennis courts. There also is a playground, restrooms, picnic tables and picnic shelters.

C. Multi-use Trails:

The closest multi-use trail is within the Lakeland Highland Scrub Trail, located approximately twelve (12) miles southeast from the subject site at 6998 Lakeland Highlands Rd., Lakeland. The trail offers hiking, a 2.2 miles trail known as the Tortoise Trail and a 0.6 mile trail known as the Shady Oak Trail.

D. Environmental Lands:

The Circle B Bar Reserve is the closest Environmental Land property. It offers a series of maintained and marked trails of varying lengths, picnic shelters and tables, multi-purpose rooms, hands-on learning center and restrooms.

E. Planned Improvements:

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

Environmental Conditions

There are no severe environmental limitations with the development of this property. The property is not in a wetland and the soils are not considered well drained. However, development on the subject site will connect to public water and sewer. There are no wells or public Wellfields on site

and the property is within an airport restriction zone. There have been sightings of protected species in the area.

A. Surface Water:

The subject site, of the requested Land Use request, does not have surface waters. There are no surface waters on the subject site. Located on the southern side of the parent tract is Lake Garfield and an area of wetlands and is not part of the Land Use request.

The property is relatively flat and tends to slope to the south from an elevation of 110 feet on the northwest corner to 107 feet above sea level along the southern area of the Land Use request. Lake Garfield has an elevation of 101 feet above sea level.

B. Wetlands/Floodplains:

The subject site, of the requested Land Use request, is not located with wetlands or a flood zone. Located on the southern side of the parent tract is within Flood Zone AE and is not part of the Land Use request. The parent tract has a drainage canal that would border the southeast portion of the Land Use request.

C. Soils:

The soil types and limitations, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, are listed in Table 8. The soils are not considered well drained. However, development on the subject site will connect to public water and sewer.

Table 8 Soil Information

Soil Name	**Septic Tank Absorption Field Limitations**	**Small Commercial Buildings**	**% of Site** *(approximate)*
Pomona Fine Sand (7)	Severe	Severe	57%
Pomello Fine Sand (22)	Moderate	Severe	43%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service..

D. Protected Species:

According to Polk County Endangered Habitat Maps, the subject site is located within a one-mile radius of an eagle's nest sighting. (Source: Florida Department of Environmental Protection, 2015). The burden of identifying endangered species is on the developer.

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):

There are no public wells on-site per the Applicant's Impact Assessment Statement. The subject site is not within a Wellfield Protection District.

G. Airports:

The property is within an Airport Impact District (AID) height notification zone for Bartow Municipal Airport. Property owners are required to provide notice to the Federal Aviation Administration (FAA) for the construction and alteration of certain structures, including those structures greater than 200 feet in height above ground level.

Economic Factors:
The subject site is located on the southwestern corner of Highway 60 and Rifle Range Road between Bartow and Lake Wales. Highway 60 connects the east and west coasts of Florida below the Interstate 4 corridor and provides a significant linkage. Highway 60 is a significant corridor within Polk County providing an uninterrupted connection across Polk County. The Central Polk Parkway connection to Highway 60 will intersect west of the site and will provide for increased connectivity to the travel and distribution network within central Florida. The intersection of Highway 60 and Rifle Range Road provides a commercial node between Bartow, Winter Haven / Wahneta and Lake Wales. This area includes a large RV dealer that was constructed in the early 2000's, an Industrial Land Use District, and a Neighborhood Activity Cent Land Use District. As Polk County continues to grow commercial nodes are needed to support this growth and this area is an ideal location for that support.

During the construction of commercial development, the local economy benefits from the funds spent on material and labor. The effect is three-fold; jobs created and supported by the construction, jobs supported by spending locally earned wages, and jobs supported by households occupying new homes.

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 or inconsistent** with the Comprehensive Plan is listed below:

- Section 2.102 – General Growth Management policies
- Policy 2.106-A3 Suburban Development Area (SDA) Land Use Categories
- Policy 2.106-A5 Suburban Development Area (SDA) Development Criteria
- Policy 2.110-H High-Impact Centers (HIC)
- Policy 2.110-H-3, and H-4 Location Criteria, and Development Criteria
- Section 2.131-T Gateway Selected Area Plan

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.	The request is for HIC, which is also on the northwest quadrant of Highway 60 and Rifle Range Road. An Industrial Land Use district is located on the northeast quadrant of Highway 60 and Rifle Range Road, with Neighborhood Activity Center located on the southeast quadrant.

Comprehensive Plan Policy	Consistency Analysis
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 request is for a portion of the parent tract with the southern and western portions remaining A/RR-X. The southern portion of the site fronts on Lake Garfield.
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 request for the Future Land Use designation is consistent with the Development Location policy. The site is within the Bartow Utility Service Area and adjacent to the Polk County Central Region.
POLICY 2.102-A3: DISTRIBUTION - 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 - 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.	The request for the Future Land Use designation and Development Area change and Land Use district change are consistent with the Location Criteria. The area is an expanding east/west travel route across the State of Florida and Polk County.
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: 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	

Comprehensive Plan Policy	Consistency Analysis
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 2.106-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Suburban Development Areas: a. ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria. b. RESIDENTIAL: Rural Suburban. c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation. Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.	The requested Future Land Use designation is listed in this policy. Therefore, the request is consistent with this policy to permit HIC.
POLICY 2.106-A5: DEVELOPMENT CRITERIA - Development within SDAs shall be guided by the following criteria: a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts; b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element; c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element; d. provide access to civic space, parks, green areas, and open space and other amenities; e. be supported by public safety (i.e., fire, EMS and law enforcement); f. have access to elementary schools; g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design	The request is consistent with this policy as the subject site has adequate access to public safety services.

Comprehensive Plan Policy	Consistency Analysis
criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.	
POLICY 2.110-H-3: LOCATION CRITERIA - High-Impact Commercial Centers shall be located in close proximity to existing industrial development so that an orderly "step-down" in uses can occur. Consideration shall be given to compatibility with surrounding land uses from development within the HIC and appropriate vehicle access.	The request is an expansion of the HIC to the north. The subject site is located along the southern side of Highway 60, a Principal Arterial road that traverses the State east and west from Tampa to Vero Beach and is strategically located for distributions to all points east, and west, for areas south of Interstate 4.
POLICY 2.113-H-4: DEVELOPMENT CRITERIA – Development within a High-Impact Center shall conform to the following criteria: a. High-Impact Commercial Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial roadway. b. Different uses within a High-Impact Commercial Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical. c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic. d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, exterior storage yards, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions. e. No residential uses shall be permitted within a high-impact commercial center. General commercial uses shall be limited to those that support the workers within in the High-Impact Commercial Centers and under no circumstances shall general commercial uses be allowed to constitute over 5 percent of the gross acreage of the High-Impact Commercial Center.	The subject site fronts Highway 60, which is a Principal Arterial road as stated in A of the policy. The southerly extension of Rifle Range Road will be completed as a sufficiency condition during a Level 2 review.

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. Table 9 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl.

Table 9 Urban Sprawl Criteria

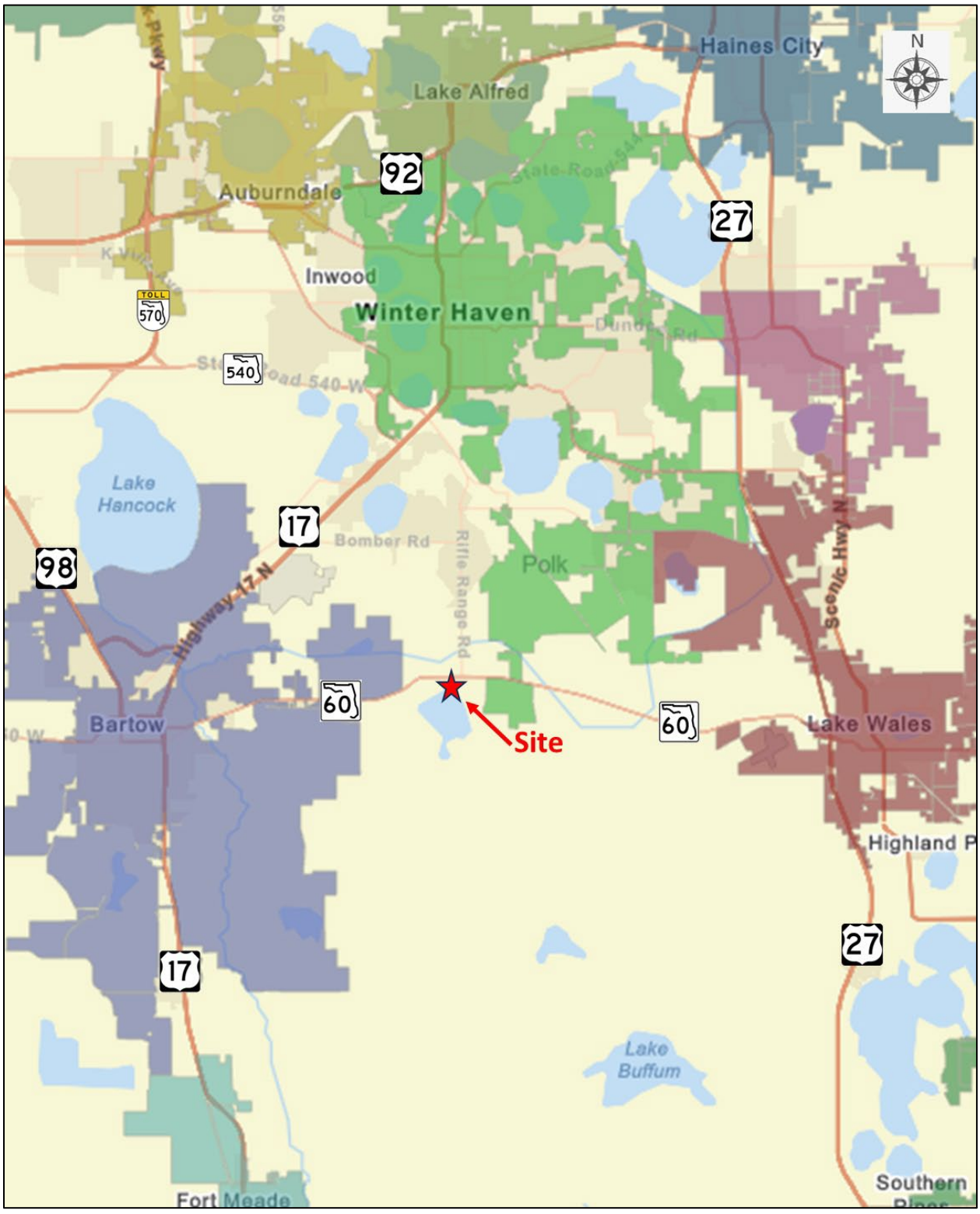
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	**Sections were referenced in this report**
a. *Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.*	Summary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

Comments from other agencies
No comments

Exhibits:

Exhibit 1	Location Map
Exhibit 2	Aerial Context Map
Exhibit 3	Aerial Close Up
Exhibit 4	Current Future Land Use Map
Exhibit 5	Proposed Future Land Use Map
Exhibit 6	Current Permitted and Conditional Uses
Exhibit 7	Proposed Permitted and Conditional Uses

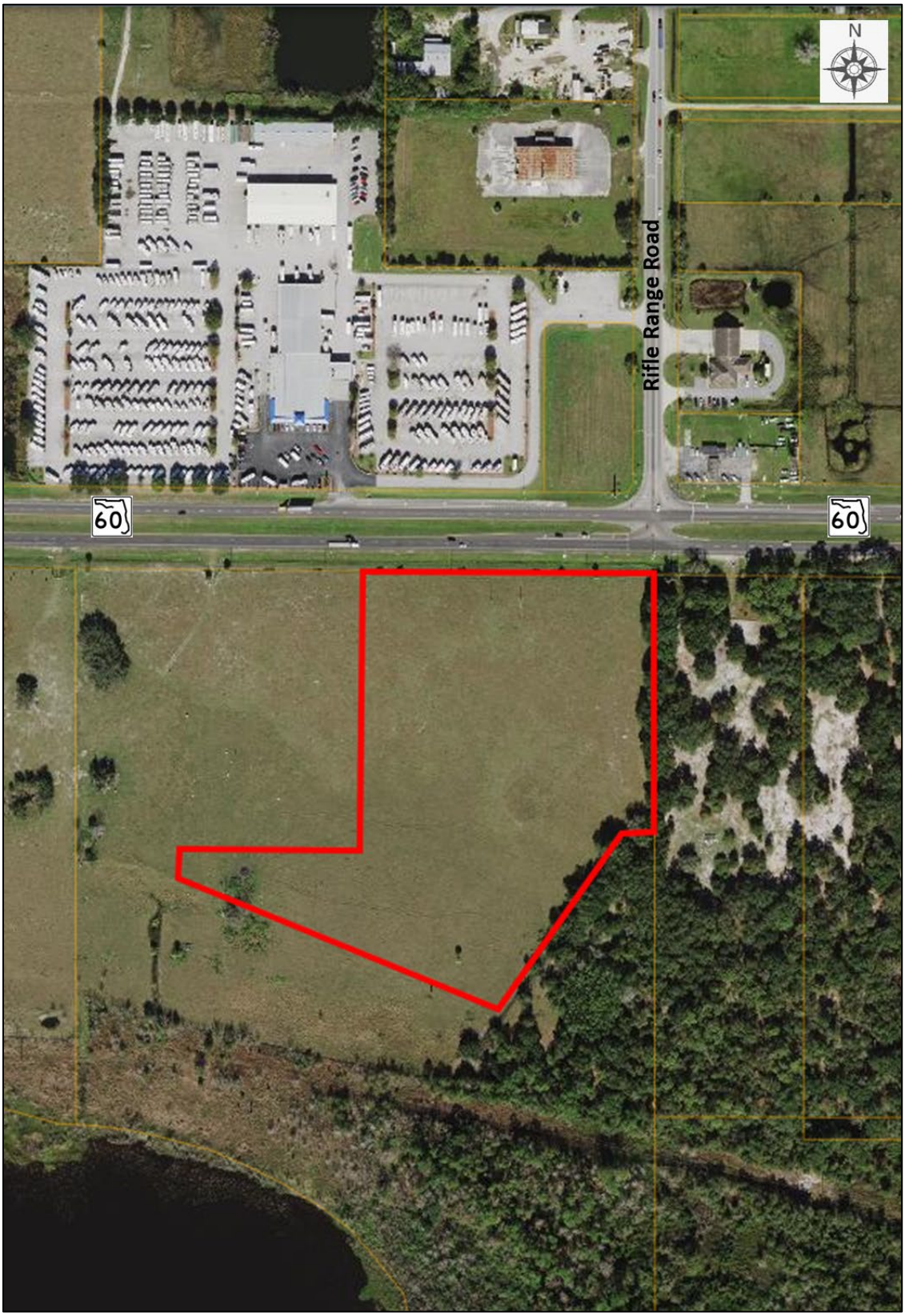
Applicant's submitted documents and ordinance as separate files



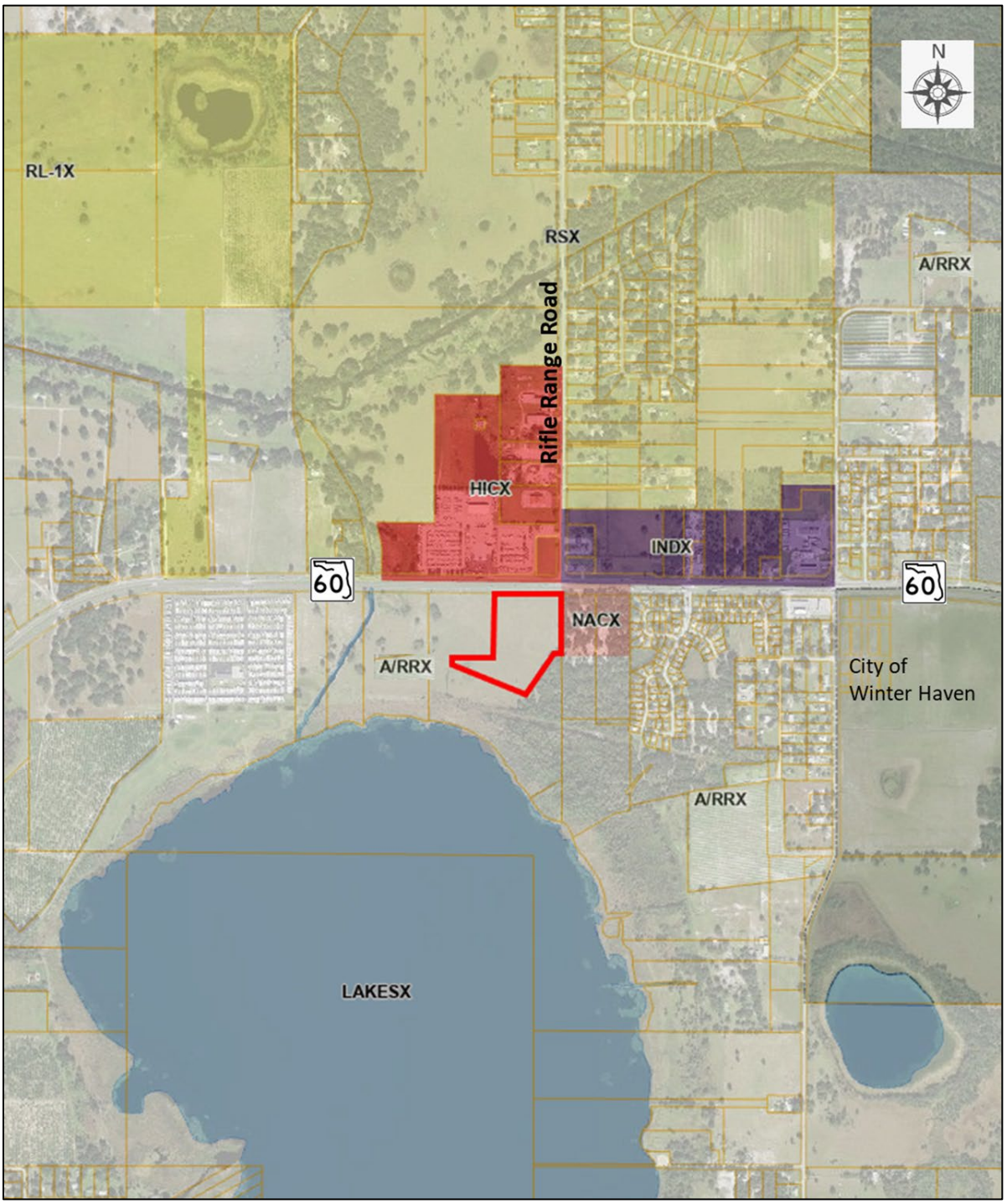
LOCATION MAP



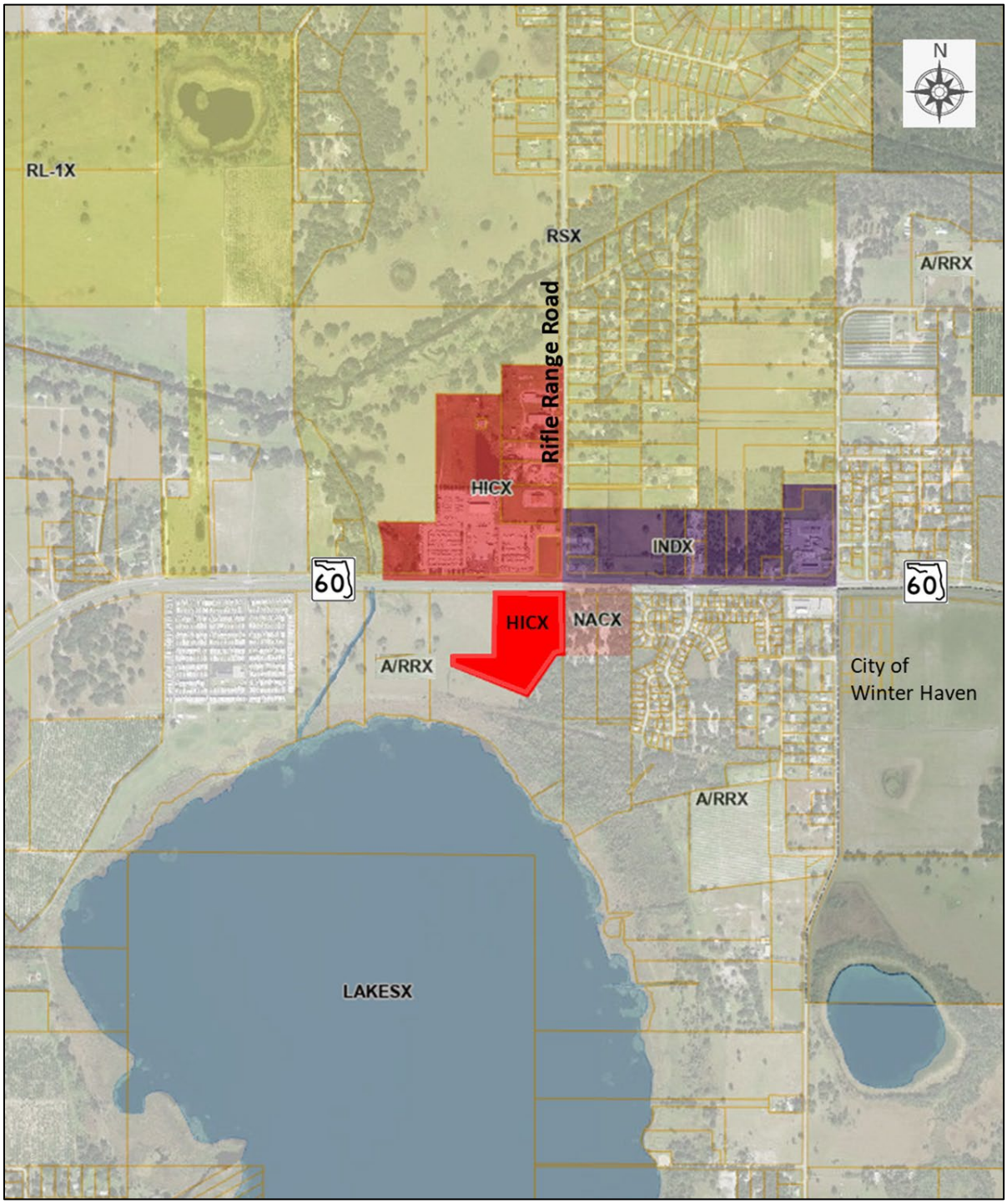
AERIAL MAP CONTEXT



AERIAL MAP CLOSE UP



CURRENT FUTURE LAND USE MAP
Agricultural Residential Rural-X (A/RR-X)



PROPOSED FUTURE LAND USE MAP
High Impact Commercial-X (HIC-X)

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

PERMITTED AND CONDITIONAL USES
Agricultural Residential Rural-X (A/RR-X)

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
HIC	Agricultural Support- Off-Site, Commercial Vehicle Parking, Farming General, Funeral Home & Related Facilities, Gas Station, Government Facility, Kennels-Boarding and Breeding, Lodges and Retreats, Motor Freight Terminal, Nurseries- Retail, Printing & Publishing, Research & Development, Restaurant-Sit-down/Take-out, Retail- 10-000 – 34-999 sq. ft., Retail- 35-000 - 64-999 sq. ft, Retail- Home Sales Offsite, Retail- Less than 10-000 sq. ft., Retail- Outdoor Sales/Display, School-Leisure/Special Interest, School-Technical/Vocational/Trade & Training, Studio- Production, Transit- Facility, Truck Stop, Utilities- Class I, Utilities- Class II, Vehicle Repair- Auto Body, Vehicle Sales- Leasing, Vehicle Service- Mechanical, Veterinary Service, Warehousing/Distribution	Alcohol Package Sales, Bars-Lounges- and Taverns, Childcare Center, Flea Market/Enclosed, Flea Market/Open, Recreation- Passive, Cemetery, Communication Tower-Monopole, Community Center, Convenience Stores- Isolated, Cultural Facility, Financial Institution, Financial Institution-Drive Through, Heavy Machinery Equipment Sales and Services, Heliports, Helistops, Livestock Sale-Auction, Medical Marijuana Dispensaries, Office, Personal Service, Recreation & Amusement General, Recreational Vehicle Storage, Religious Institution, Restaurant- Drive-thru/Drive-in, Retail- More than 65-000 sq. ft., Self-storage Facility, Solar Electric-Power Generation Facility, Transit-Commercial, Vehicle Recovery Service/Agency	Planned Development, Transitional Area Development, Communication Towers- Guyed and Lattice, Lime Stabilization Facility, Mining-Non-phosphate, Railroad Yard, Recreation & Amusement Intensive, School- University/College, Utilities- Class III, Water Ski Schools, Power Plants Non-Certified- Low

PERMITTED AND CONDITIONAL USES
High Impact Commercial-X (HIC-X)

ORDINANCE NO. 24 -____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2023-21**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 13.56 +/- ACRES FROM AGRICULTURAL/RURAL RESIDENTIAL-X (A/RR-X) TO HIGH IMPACT COMMERCIAL-X (HIC-X), LOCATED ON THE SOUTH SIDE OF US HIGHWAY 60, WEST OF CR 655A (ALTURAS ROAD), NORTH OF LAKE GARFIELD, AND EAST OF 80 FOOT ROAD, WEST OF THE CITY OF WINTER HAVEN AND EAST OF THE CITY OF BARTOW, IN SECTION 32, TOWNSHIP 29 AND RANGE 26, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on February 7, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on March 19, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the "Polk County Comprehensive Plan") is hereby amended to reflect a change in the Future Land Use District of parcel 262932-000000-021000 and as legally described below and graphically depicted as referenced in Attachment "A" of this ordinance, from Agricultural/Rural Residential-X (A/RR-X) in the Rural Development Area (RDA) to High Impact Commercial-X (HIC-X) in the Suburban Development Area (SDA), legally described as:

LEGAL DESCRIPTION:

That part of U.S. Government Lot 1 in Section 32, Township 29 South, Range 26 East, Polk County, Florida, described as follows:

Commence at the northeast corner of the southeast quarter of said Section 32; thence South 00°11 '09" East along the east line of the southeast quarter thereof a distance of 119.05 feet to the south right-of-way line of State Road 60 per State of Florida, State Road Department right-of-way map section 16110-2505 and the POINT OF BEGINNING; thence continue South 00°11 '09" East along said east line a distance of 580.83 feet; thence North 89°53'16" West a distance of 77.59 feet; thence South 36°36'20" West a distance of 478.16 feet; thence North 68°06'48" West a distance of 758.54 feet; thence North 00°00'00" West a distance of 64. 75 feet; thence North 90°00'00" East a distance of 413.41 feet; thence North 00°00'00" West a distance of 621.98 feet to the aforesaid south right-of-way line of State Road 60; thence South 89°33'47" East along said south right-of-way line a distance of 651.30 feet to the POINT OF BEGINNING.

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

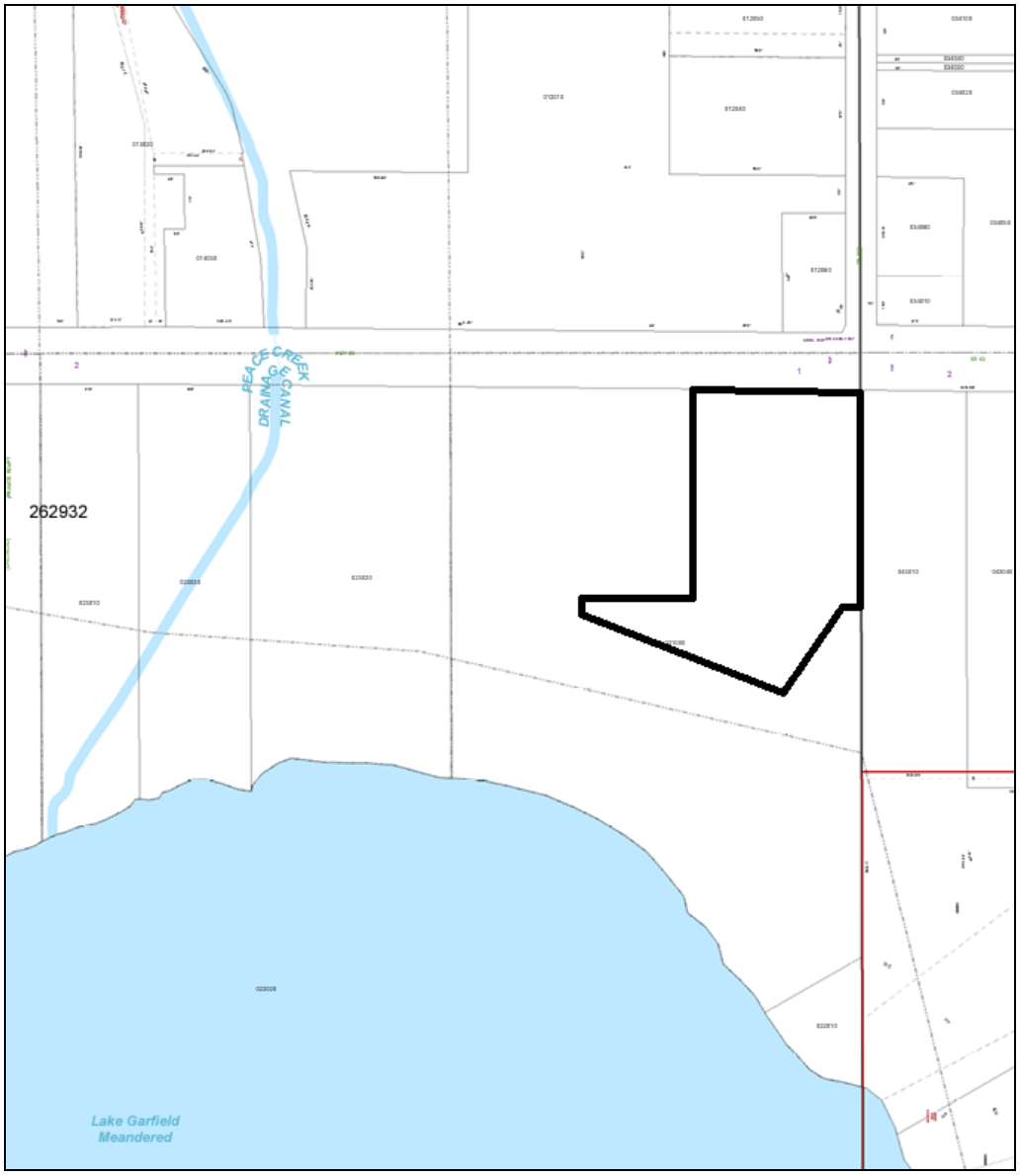
This ordinance shall be effective on April 19, 2024 (31 days after adoption) unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued, or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 19th day of March 2024.

LDCPAS 2023-21
Development Area: Suburban Development Area (SDA)
Location: Located on the south side of US Highway 60, west of CR 655A (Alturus Road), north of Lake Garfield, and east of 80 Foot Road, west of the city of Winter Haven and east of the city of Bartow.
Section 32, Township 29, Range 26



PARCEL DETAIL
Note: Not to Scale

www.polk-county.net

LEVEL 3 & 4 DEVELOPMENT REVIEW APPLICATION

Office of Planning and Development
Land Development Division
330 W. Church St.
P.O. Box 9005, Drawer GM03
Bartow, FL 33831-9005
(863)534-6792
FAX (863) 534-6407

TYPE OF APPLICATION

( ) Level 3 (✓) Level 4

( ) Conditional Use **(✓) Planned Development**

( ) Suburban Planned Development **( ) Sign Plan**

( ) Major Modification - Case Number _____

	Owner	Applicant	Contact Person
Name	See list of owners	Justen Giambalvo	Bryan Potts, P.E.
Work Number		770-431-7600	407-982-9878
Fax Number			
Mailing Address		RaceTrac 200 Galleria Pkwy SE, Suite 900 Atlanta, GA 30339	Tannath Design, Inc. 2494 Rose Spring Drive Orlando, FL 32825
Email		jphoover@racetrac.com	bpotts@tannathdesign.com

Description of Proposed Activity or Use

Please provide a detailed description of the project, quantifying intensity (such as number of units, employees, seats, beds, rooms, children, holes of golf, pumps, vehicle repair bays, etc.), specify phasing, and estimated period for completion.

An 8,100 SF convenience market with gas is proposed to be constructed in one phase. The site is split into two sections one for cars and the other for Trucks. Two sets pumps and two parking areas. There are 32 spaces for automobiles and 32 spaces for trucks. There will be two dumpsters and two sets of underground tanks. This site will have an access drive to the intersection of SR 60 and Rifle Range road. A right-in right-out is proposed on the West side of the building, along with an access aisle stubbed at the south end of the site.

	Range -	Township -	Section	Subdivision #	-	Parcel #
Parcel ID Number(s):	R 26	T 29	S 32	000000	-	021000 .
			(Include others on a separate attachment)			
	R 26	T 29	S 33	000000	-	043010 .
	R	T	S		-	.
	R	T	S		-	.

Address and Location of Property:

The southwest corner of SR60 and Rifle Range Road.

Directions to Property from Bartow

Take SR60 east out of Bartow. The site will be on your right side just before Rifle Range Road.

Property Description

Future Land Use (and Subdistrict if applicable): Agricultural/ Rural Residential (A/RR) .

Property Size: 47.04 Development Area: 7.49

Water Provider Name and Phone Number: No water service available. .

Sewer Provider Name and Phone Number: Polk County .

Development of Regional Impact: N/A .
(Name and Phase of DRI)

Selected Area Plan: Gateway Selected Area Plan (SAP) .
(Name of SAP)

Green Swamp Area of Critical State Concern: N/A .
(Name of Special Protection Area)

Joint Planning Area/Interlocal Agreement N/A

Have Development Rights been transferred to or from the subject property? ___ Yes ✓ No

26-29-33-000000-043010

Equity Trust Company Custodian

Le Diep BA IRA

P.O. Box 1938

Pinellas Park, FL 33780-1938

26-29-32-000000-021000

Appelboom Johannes W. Estate of

2720 W. Lake Eloise Drive

Winter Haven, FL 33884-1935

June 26, 2023

Osceola County
Community Development Department
1 Courthouse Square
Kissimmee, Florida 34741

Tannath Design, Inc.

2494 Rose Spring Drive
Orlando, Florida 32825
(407) 982-9878
www.tannathdesign.com

RE: RaceTrac – Rifle Range – Demonstration of Need

Dear Reviewers,

a) Land Use Compatibility

The project, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts are compatible with adjacent land uses and will not adversely impact land use activities in the immediate vicinity or otherwise be adverse to the public interest:

- The property is adjacent to Vacant land to the East, with a land use of Neighborhood Activity Center. To the West, is vacant agricultural land. Lake Garfield is to the South.
- The site is at the Southwest corner of the SR 60 and Rifle Range Road junction, adding a fourth leg along the Eastern property line.
- The height of the project is in scale with the adjacent uses and will be properly buffered by landscaping to separate commercial uses, with the surrounding areas.
- The project's proximity to SR 60 between the City of Bartow and Lake Wales makes the Convenience market with gas needed.
- The project provides retail to residents.

b) Sufficient Site Size, Adequate Site Specifications, and Infrastructure to Accommodate the Proposed Use.

The size and shape of the Properties, the proposed access and internal circulation and the project's design enhancements accommodate the proposed scale and intensity of use. As shown on the site plan, the project meets the LDC's required setbacks, and development standards. The project provides adequate internal circulation for customer traffic.

c) Proper Use of Mitigative Techniques

The existing Land Use is Agriculture/ Residential Rural (A/RR). A land use change to High Intensity Commercial Center (HIC) will allow convenience market with gas, which will cater to motorists entering and exiting SR 60. The buildings will be designed with an architectural appearance to blend in with the future retail development, as a mitigative technique.

d) Hazardous Waste

The Project will not generate hazardous waste or require use of hazardous materials. Storage of hazardous materials will be strictly prohibited.

e) Compliance with Applicable Laws and Ordinances

The project complies with all applicable Federal & County codes and ordinances. The Applicant shall obtain all required water management district, DEP, and City water & sewer connection permits.

f) Traffic Trip Generation and Parking

Convenience Market generates approximately 11,187 daily trips with 874 during PM peak hour (per ITE 945). Retail will generate approximately 1,001 daily trips with 120 during PM peak hour (per ITE 822). A shared driveway will connect the retail and convenience market to SR 60. Combined daily trips of approximately 12,188 with 994 during PM peak hours. Parking requirements for Convenience Market is 1 space per 150 SF & 1 space per 0.25 fuel pumps (60 spaces), and Retail is 1 space per 300 SF (63 spaces).

g) Utilities

Polk County serves Sewer to the site. There is an 8" gravity main running along the South ROW of SR 60, approximately 1,200 feet east of the site. Wahneta Water Systems does not have the capacity to serve the site. A potable water well will be required.

h) Stormwater

The project's stormwater management is in compliance with SWFWMD and Polk County.

i) Infrastructure Impact

The project will have no impact on Parks & Recreation and Educational Facilities. The closest hospital is Central Florida Health Care – Lake Wales, 8.3 miles away. Polk County Fire Rescue Station 19 is 0.09 miles NE, and Bartow Police Station is 7.4 miles West of the site. Solid waste and EMS services will be through Polk County.

We hope these revisions meet all the concerns regarding this project. If you have any questions please contact us.

If you have any questions, please contact us.

Sincerely,



Bryan Potts, P.E.
Principal
Tannath Design, Inc.

Polk County

Impact Assessment Statement

Land and Neighborhood Characteristics

1. How and why is the location suitable for the proposed uses?

   The gas station will cater the motorists entering & exiting SR 60. Retail supports the local residents.

2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

   Retail will buffer the gas station to the West. A fourth leg of the US Hwy 60 and Rifle Range Road will buffer the gas station to the East. There will be a 6-foot buffer to the North, 20-foot buffer to the East, West and South.

3. How will the request influence future development of the area?

   Retail and the gas station will allow overall developmental growth.

Access to Roads and Highways

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

   ITE code 822 for Retail. 1,001 daily trips with 120 PM peak hr.

   ITE code 945 for Gas Station. 11,187 daily trips with 874 PM.

2. What modifications to the present transportation system will be required as a result of the proposed development?

   The gas station provides direct driveway access to Rifle Range Road. Indirect access to SR 60 is proposed to the West.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

   For Retail, the required parking is 1 space per 300 SF, for a total of 63 spaces.

   For a Gas Station, the required parking is 1 space per 150 SF & 1 space per 0.25 fuel pump, for a total of 60 spaces.

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?

   Retail and gas station both share indirect access to SR 60. The gas station has direct access to Rifle Range Road.

Sewage

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development?

   2,490 GPD

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?

   On-site treatment is not proposed.

3. If offsite treatment, who is the service provider?

   Polk County is the service provider.

4. Where is the nearest sewer line (in feet) to the proposed development?

   There is a 8" gravity main along SR 60 approximately 1,200 feet to the East.

5. What is the provider's general capacity at the time of application?

   TBD

6. What is the anticipated date of connection?

   02/2024

7. What improvements to the providers system are necessary to support the proposed request?

   A gravity sewer extension of around 1,200 feet will be required.

Water Supply

1. What is the proposed source of water supply and/or who is the service provider?

   The site is within the service area of Wahneta Water Systems. The existing water system does not have the capacity to serve this site. The site will be served by well.

2. What is the estimated volume of consumption in gallons per day (GPD)?

   2,490 GPD

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?

   Not Applicable.

4. Who is the service provider?

   Wahneta Water Systems

5. What is the anticipated date of connection?

   02/2024

6. What is the provider's general capacity at the time of the application?

   TBD

7. Is there an existing well on the properties?

   No

Surface Water Management and Drainage

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

   The site drains South toward Lake Garfield.

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

   Stormwater will be treated in a retention pond prior to discharge.

Environmental Analysis

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

   The site is adjacent to Lake Garfield. Wetlands will not be encroached upon.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from the development of the site.

   The area of development is in flood zone X. The South side of the site falls into flood zone AE at elevation 106.8, prior to Lake Garfield.

3. Discuss location of potable water supplies, private wells, public well fields.

   A water well will be provided on the North side of the site.

4. Discuss the location of Airport Buffer Zones (if any).

   The site does not lie in an Airport Buffer Zone.

1. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

The site is almost completely Pomona fine sand with a Hydrologic group A/D. There is a little Placid & Mayakka fine sand with Hydrologic group A/D to the NE corner and Ona-Ona wet, fine sand with Hydrologic group B/D at the SW corner of the site.

Infrastructure Impact Information

1. Parks and Recreation.

   There is no impact on Parks and Recreation.

2. Educational Facilities.

   There is no impact on Educational Facilities.

3. Health Care.

   Central Florida Health Care – Lake Wales is 8.3 mi East off West Central Ave.

4. Fire Protection.

   Polk County Fire Rescue Station 19 is 0.09 mi Northeast, off Rifle Range Rd.

5. Police Protection and Security.

   Bartow Police Station is 7.4 miles West, at the NE corner of N. Broadway Ave. and E. Church St.

6. Emergency Medical Services (EMS).

   Central Florida Health Care – Lake Wales is 8.3 mi East off West Central Ave.

7. Solid Waste.

   Polk County.

8. How may this request contribute to neighborhood needs?

   The gas station will cater the motorists entering & exiting SR 60. Retail supports the local residents.

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Prepared by and after recording,
Please return to:
RaceTrac, Inc.
200 Galleria Parkway, Suite 900
Atlanta, Georgia 30339
Attn: Sr. Real Estate Counsel

ACCESS EASEMENT AGREEMENT WITH RESTRICTIONS

THIS ACCESS EASEMENT AGREEMENT (this "Agreement"), is made as of the ____ day of _____, 2024, by and between Jay Yoon Lee, Successor Trustee of TRUST NO. 21070 - 21090 dated November 15, 2008, as to a 25% Undivided Interest, Equity Trust Company, Custodian FBO Diep Ba Le IRA as to 40% Undivided Interest, Equity Trust Company, Custodian FBO Lisa N. Le IRA as to 5% Undivided Interest (collectively, "Common Owners"), and Dung Le, a married woman, as to 30% Interest as to Parcel A; Common Owners and Jay Yoon Lee as Successor Trustee of Trust No. 7197 dated November 15,2008 as to Parcel B. (collectively "Equity"), and **RACETRAC, INC.,** a Georgia corporation ("RaceTrac"). Parcel A and Parcel B are described on Exhibit "A" attached hereto.

W I T N E S S E T H:

WHEREAS, Equity is the owner of that certain real property lying and being in Polk County, Florida, being more particularly described on **Exhibit "A"** attached hereto and by this reference made a part hereof (the "Equity Property"); and

WHEREAS, RaceTrac is the owner of that certain real property lying and being in Polk County, Florida, more particularly described on **Exhibit "B"** attached hereto and by this reference made a part hereof (the "RaceTrac Property"), which is adjacent to the Equity Property; and

WHEREAS, Equity agrees to grant to RaceTrac an access easement over a portion of the Equity Property (the "Access Easement Area #1"), which portion is more particularly depicted and described on **Exhibit "C"** attached hereto [to be attached at Closing] and incorporated herein by reference; and

WHEREAS, RaceTrac agrees to grant to Equity an access easement over a portion of the RaceTrac Property ("Access Easement Area #2"), which portion is more particularly depicted and described on **Exhibit "D"** attached hereto [to be attached at Closing] and incorporated herein by reference (Access Easement Area #1 and Access Easement Area #2 hereinafter collectively the "Access Easement Area"); and

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and of the mutual covenants herein contained, and for other valuable and good consideration in hand paid at or before the sealing of these presents, the sufficiency and receipt of which are hereby expressly acknowledged and confirmed, the parties hereby agree as follows:

1. Grant of Access Easements; Construction of Driveway. (a) Equity does hereby bargain, sell, grant and convey to RaceTrac, for the benefit of and as an appurtenance to the RaceTrac Property, a perpetual, non-exclusive right, privilege and easement on and over Access Easement Area #1 for pedestrian and vehicular access, ingress and egress to and from the RaceTrac Property and State Road 60 and RaceTrac does hereby bargain, sell, grant and convey to Equity, for the benefit of and as an appurtenance to the Equity Property, a perpetual, non-exclusive

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right, privilege and easement on and over Access Easement Area #2 for pedestrian and vehicular access, ingress and egress to and from the Equity Property and State Road 60. Notwithstanding any contrary provision contained herein, without first obtaining RaceTrac's prior written approval (which shall not be unreasonably withheld, conditioned or delayed), (i) Equity shall not use the Driveway (a) during its clearing of the Equity Property and (b) for construction vehicles, and (ii) Equity shall not modify the Access Easement Area nor grant additional parties (other than its successors-in-interest and tenants, users, customers and invitees of the Equity Property) access to the Access Easement Area.

(b) RaceTrac shall construct and install a driveway (the "Driveway"), at RaceTrac's sole cost and expense and, to RaceTrac's reasonable specifications (which shall satisfy the requirements of the applicable governmental authorities),on those portions of the Access Easement Area as shown on Exhibit "E" attached hereto simultaneously with RaceTrac's development of the RaceTrac Property. Without limiting the foregoing, the Driveway shall be constructed in accordance with the driveway plan previously approved by the parties (the "Driveway Plan"). The portion of the Driveway shown on the Driveway Plan that is located on the Equity Property shall include raised curbing on the east side of the Driveway.

(c) Following the construction of the Driveway, the Access Easement Area shall be deemed reduced to the area of the Driveway plus ten (10) feet on either side thereof.

(d) At the time of RaceTrac's construction of the Driveway, RaceTrac shall stub a water line to that portion of the Equity Property fronting State Road 60 that is within one hundred (100) feet east of the western boundary of the Equity Property , subject to applicable permits and approvals.

(e) Either party may construct or extend the Driveway within the Access Easement Area once the plans for such extension are approved by the parties.

2. Slope, Grading and Temporary Construction Easement. RaceTrac and Equity do hereby bargain, sell, grant and convey to each other, for the benefit of and as an appurtenance to the RaceTrac Property and the Equity Property, slope, grading and temporary construction easements over and across those portions of the RaceTrac Property and the Equity Property lying within twenty (20) feet of the Access Easement Area, to grade, slope, maintain lateral support for, and to construct the improvements contemplated in Paragraph 1. The temporary construction easement created hereby shall terminate upon the completion of the Driveway. The grading and slope easements shall terminate at such time as the RaceTrac Property or Equity Property is developed in such a manner as to provide lateral support for the Driveway.

3. Maintenance. (a) From and after the construction of the Driveway, RaceTrac shall maintain and repair the portion of the Driveway constructed by RaceTrac, at RaceTrac's sole cost and expense, provided, however, from and after the commencement of any infrastructure work on the Equity Property (excluding clearing the land), if Equity or its successors and/or assigns are using the constructed Driveway, Equity shall reimburse to RaceTrac Equity's pro rata share of all costs incurred to maintain, repair and replace the Driveway (the "Maintenance Costs"). Equity shall not be obligated to reimburse the Maintenance Costs for limited work performed by Equity for which Equity has requested and received prior written approval from RaceTrac to commence. RaceTrac shall first allocate to each of the RaceTrac Property and the Equity Property an estimated number of vehicle trips based on the land use category of each such property, using the Institute of Transportation Engineers' Trip Generation Manual. Equity's pro rata share shall then be calculated by multiplying the Maintenance Costs by a fraction, the numerator of which is the number of vehicle trips allocated to the Equity Property, and the denominator of which is the

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aggregate number of trips allocated to both the RaceTrac Property and the Equity Property collectively. In the event Equity disputes its pro rata share calculation, it may engage a third-party traffic study, at its sole cost, to calculate traffic patterns and traffic intensities to accurately allocate road maintenance costs based on actual usage.

(b) In the event a party constructs or extends any portion of the Driveway pursuant to Paragraph 1(e) above, such party shall be responsible for maintenance of same and all other parties that use the extended Driveway shall be responsible for reimbursement as provided above (if applicable).

(c) Notwithstanding any contrary provision contained herein, in the event any improvements contemplated in this Agreement are damaged by a party hereto (or any agent thereof), such party shall be responsible for one hundred percent (100%) of all costs of repairing such damage except to the extent such damage is a result of the other party's gross negligence or willful misconduct.

(d) If a party fails to perform the maintenance required of it under paragraph (a), (b) or (c) above (if applicable), then the other party may perform such maintenance and be reimbursed by the non-maintaining party for the non-maintaining party's pro rata share of the Maintenance Costs (as determined above).

(e) Any reimbursement due to RaceTrac or Equity pursuant to paragraphs (a) through (d) above shall be due within thirty (30) days following receipt of any invoice and request for the appropriate party's share of such expenses. If the responsible party shall fail to reimburse such amounts within said thirty (30) day period, such unpaid amounts shall incur interest at the rate of twelve percent (12%) per annum until paid and the party to whom reimbursement is owed shall have the right to pursue any remedies available at law or in equity.

4. **Not a Parking Easement; Regarding Parking**. Notwithstanding anything to the contrary contained herein, the easements created hereby grant no parking rights on a party's property. Without limiting the foregoing, neither RaceTrac nor Equity shall construct or install parking spaces immediately adjacent to the Access Easement Area unless such spaces are separated from the Access Easement Area by curbing or landscaping, it being the intent hereof that the Access Easement Area shall not be obstructed or congested with motor vehicles pulling into or out of parking spaces.

5. **Indemnification and Insurance**. Prior to entry upon the other party's property to perform any work contemplated herein, the party performing such work (the "Performing Party") shall maintain, and provide the other party with copies of certificates of insurance evidencing, commercial general liability insurance (naming the other party as an additional insured) which policy shall have limits of at least $1,000,000 per occurrence/$2,000,000 in the aggregate for property damage and personal injury (which limits may be met in whole or in part with umbrella policies). The Performing Party agrees to indemnify the other party from and against all costs or claims arising from such work. Such indemnification shall not apply to the extent of any negligence by the other party or its agents, contractors, employees or tenants.

6. **Binding Effect**. The benefits, burdens, terms and conditions of this Agreement shall run with the title to the RaceTrac Property and the Equity Property, respectively, and shall bind the owners, and their respective successors and/or successors-in-title thereof.

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7. **Interpretation.** This Agreement and the rights and obligations of the respective parties hereunder shall be governed by and interpreted and enforced in accordance with the laws of the State of Florida.

8. **Attorneys' Fees**. In connection with any litigation arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs from the non-prevailing party, including all such attorneys' fees and costs which may be incurred in any trial, appellate or bankruptcy proceedings.

9. **Notices**. All notices, demands, or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served if by (i) hand delivery, or (ii) reputable national overnight courier service, or (iii) prepaid, certified U.S. Mail, return receipt requested, and shall be effective upon delivery or refusal. Any such notice, demand or request shall be addressed to the applicable party as follows:

To RaceTrac:
RaceTrac, Inc.
200 Galleria Parkway, Suite 900
Atlanta, Georgia 30339
Attention: Sr. Real Estate Counsel

To Equity:
Lisa Le
Email: lle@lisalelaw.com

10. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, but all of which together will constitute one instrument.

11. **Restriction on Equity Property.** The Equity Property is hereby subjected to the following use restriction for the benefit of the RaceTrac Property, which restriction will run with the title to the Equity Property and prohibit, for the longest period allowed by law, a retail outlet for motor fuels or a convenience store or the advertising thereof on any portion of the Equity Property; provided however if any portion of the Equity Property is developed into a RV park, campground or other resort park, a sundry store offered to the visitors of the park is be permitted within the park provided such sundry store does not sell motor fuels. The term "retail outlet for motor fuels" shall include by way of illustration, but not by way of limitation, (i) a mobile dispensary or delivery service, and (ii) the provision of charging services or stations for electric vehicles, even if the foregoing are only temporarily located on the Equity Property; provided, however, the restriction in clause (ii) shall not prohibit the installation of charging stations as an ancillary benefit for the guests and employees of hotels, retail stores (excluding motor fuel outlets or convenience stores), banks, industrial uses or restaurants located on the Equity Property. The foregoing restriction shall be enforceable by RaceTrac and may not be terminated or modified without the express written consent of RaceTrac.

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IN WITNESS WHEREOF, the undersigned have executed and delivered this Agreement under seal as of the day and year first above written.

EQUITY:

Jay Yoon Lee, Successor Trustee of TRUST NO. 21070 - 21090 dated November 15, 2008, as to a 25% Undivided Interest in Parcel A and Parcel B

By: _____
Name:_____
Title:_____

Executed this ____ day of _____, 2024

STATE OF _____ §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by _____ as _____ of _____, a _____, on behalf of such _____, who is personally known to me or has produced _____ as identification.

_____

Notary Public

(Notarial Seal)
My commission expires:

[Signatures Continue on Following Page]

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EQUITY TRUST COMPANY, CUSTODIAN FBO DIEP BA LE IRA, as to a 40% Undivided Interest in Parcel A and Parcel B

By: _____
Name:_____
Title:_____

Executed this ____ day of _____, 2024

STATE OF _____ §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by _____ as _____ of _____, a _____, on behalf of such _____, who is personally known to me or has produced _____ as identification.

_____
Notary Public

(Notarial Seal)
My commission expires:

[Signatures Continue on Following Page]

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EQUITY TRUST COMPANY, CUSTODIAN FBO LISA N. LE IRA, as to a 5% Undivided Interest in Parcel A and Parcel B

By: _____
Name:_____
Title:_____

Executed this ____ day of _____, 2024

STATE OF _____ §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by _____ as _____ of _____, a _____, on behalf of such _____, who is personally known to me or has produced _____ as identification.

_____
Notary Public

(Notarial Seal)
My commission expires:

_____

[Signatures Continue on Following Page]

DocuSign Envelope ID: 1FFBE1A6-E8A9-4B88-8320-F8794DB96B3D

DUNG LE, A MARRIED WOMAN, as to a 30% Undivided Interest in Parcel A

Executed this ____ day of _____, 2024

STATE OF _____ §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by _____ as _____ of _____, a _____, on behalf of such _____, who is personally known to me or has produced _____ as identification.

_____
Notary Public

(Notarial Seal)
My commission expires:

[Signatures Continue on Following Page]

DocuSign Envelope ID: 1FFBE1A6-E8A9-4B88-8320-F8794DB96B3D

Jay Yoon Lee, Successor Trustee of TRUST NO. 7197 dated November 15, 2008, as to a 30% Undivided Interest in Parcel B

By: _____
Name:_____
Title:_____

Executed this ____ day of _____, 2024

STATE OF _____ §
§
COUNTY OF _____ §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by _____ as _____ of _____, a _____, on behalf of such _____, who is personally known to me or has produced _____ as identification.

_____

_____

Notary Public

(Notarial Seal)
My commission expires:

[Signatures Continue on Following Page]

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RACETRAC

_____
Witness
Print Name:_____

RACETRAC, INC.,
a Georgia corporation

_____
Witness
Print Name:_____

By:_____
Name: Max E. McBrayer, Jr.
Title: Chief Executive Officer

STATE OF GEORGIA §
§
COUNTY OF COBB §

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2024 by Max E. McBrayer, Jr. as Chief Executive Officer of RACETRAC, INC., a Georgia corporation, on behalf of such company, who is personally known to me or has produced _____ as identification.

_____
Notary Public

(Notarial Seal)
My commission expires:

DocuSign Envelope ID: 1FFBE1A6-E8A9-4B88-8320-F8794DB96B3D

EXHIBIT "A"

Equity Property

Parcel A :The West ½ of the West ½ of the NW1/4 of the SW ¼ of Section 33, Township 29 South, Range 26 East, less road right of way for State Road 60, Polk County ,Florida
and
Parcel B :The East ½ of the West ½ of the NW1/4 of the SW ¼ of Section 33, Township 29 South, Range 26 East, less road right of way for State Road 60, Polk County ,Florida

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EXHIBIT "B"

RaceTrac Property

THAT PART OF U.S. GOVERNMENT LOT 1 SITUATED IN SECTION 32, TOWNSHIP 29 SOUTH, RANGE 26 EAST, LESS BORROW PIT AND HAUL ROUTE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION LESS HIGHWAY 60 AND LESS THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE INTERSECTION OF THE EXTENSION OF THE SOUTH LINE OF LOT 6, GARFIELD PART AS SHOWN BY PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 30, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND THE SHORE LINE OF LAKE GARFIELD, RUN THENCE NORTHWESTERLY ALONG THE SHORE LINE 500 FEET; THENCE NORTHEASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID LOT 6 TO THE EAST SECTION LINE OF SECTION 32, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA; THENCE SOUTH TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS OF RECORD.

DocuSign Envelope ID: 1FFBE1A6-E8A9-4B88-8320-F8794DB96B3D

EXHIBIT "C"

Access Easement Area #1
(to be added prior to recording)

INGRESS/EGRESS EASEMENT #1 DESCRIPTION:

The above described land is more particularly shown on the following page.

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EXHIBIT "C (Continued)"
(to be added prior to recording)

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EXHIBIT "D"

Access Easement Area # 2
(to be added prior to recording)

The above described land is more particularly shown on the following page.

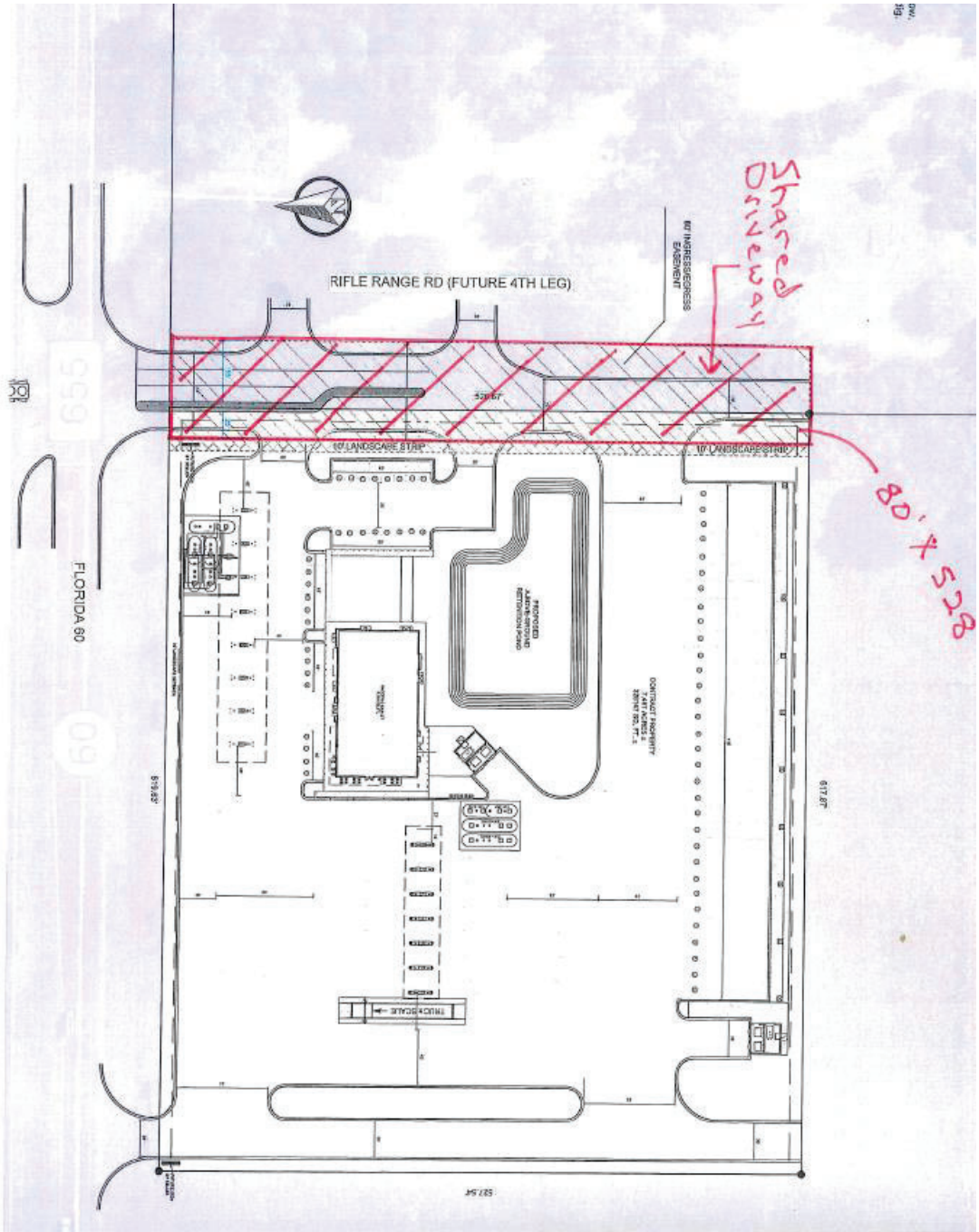
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Exhibit “D” (Continued)
(to be added prior to recording)

DocuSign Envelope ID: 1FFBE1A6-E8A9-4B88-8320-F8794DB96B3D

Exhibit “E”

Driveway Plan
[to be replaced before recording with permitted plan]



Agenda Item 10. 2/7/2024

SUBJECT

LDCPAS-2023-31 (Fox Lake CPA)

DESCRIPTION

A Future Land Use designation change from Linear Commercial Corridor (LCC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA). The subject property is located south of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane, north of the city of Lakeland in Section 13, Township 27, and Range 23.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Amy Little
Land Development
863-534-7687
amylittle@polk-county.net

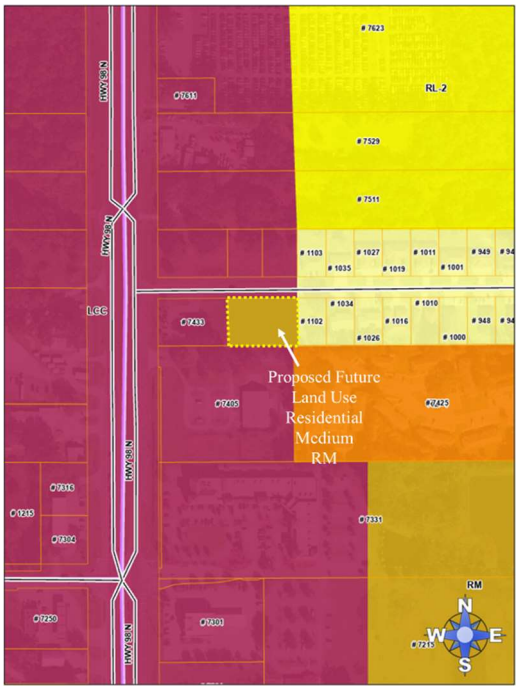
POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	December 7, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	Small Scale CPA
BoCC Date:	March 19, 2024	**Case Numbers:**	LDCPAS-2023-31
		Case Name:	Fox Lake Dr FLU Change CPA
Applicant:	Sarah Case	**Case Planner:**	Amy Little, Senior Planner

Request:	A Future Land Use designation change from Linear Commercial Corridor (LCC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA)
Location:	The subject property is located south of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane, north of the City of Lakeland in Section 13, Township 27, and Range 23.
Property Owner:	Inspire Veterinary Alliance LLC
Parcel Size:	0.62 +/- acres (232713-000931-000960)
Development Area/SAP:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing
Public Comment:	Pending Hearing



Location Map



Proposed Future Land Use Map

Summary of Analysis
This is an applicant-initiated Small-Scale Comprehensive Plan Map Amendment (CPA) to change the Future Land Use (FLU) designation on 0.62 +/- acres from Linear Commercial Corridor (LCC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA). The subject property is located south of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane, north of the City of Lakeland in Section 13, Township 27, and Range 23. Staff has reviewed the request thoroughly and finds that it is consistent with the Comprehensive Plan policies and recommends approval.

Compatibility Summary
The request is compatible with the surrounding uses as it allows for a step down or transition from the intensive use of the Linear Commercial Corridor (LCC) to the west of the subject site. The applicant intends to develop the lot with two triplex units. To the west is a veterinary office, and to the east are existing duplexes that were developed in the early 2000s. The RM Future Land Use designation will provide a gradual step down in intensity from the LCC to the left and RL-1 Future Land Use designation to the east. The property to the southeast of the subject site is designated Residential Low-4 (RL-4) and is developed with higher density multi-family. Staff finds the request is compatible with surrounding uses.

Infrastructure Summary
The proposed CPA is not anticipated to degrade the Level-of-Service (LOS) standard for transportation, schools, utilities, and public safety facilities. The subject site will utilize the same public safety facilities as the surrounding properties. The subject site has already available water and wastewater by the Polk County Northwest Regional Service Area.

Environmental Summary
The subject site is not within a wellhead district or an Airport Impact District (AID) height notification zone. The property is not located in an area of endangered habitats. According to the National Wetlands Inventory there are no wetlands, and there are no flood hazard zones on the site. There are no private wells on the subject site per SWFWMD.

Findings of Fact

Request, Legal Designations, and Surrounding Uses

- The applicant is requesting a change of the Future Land Use (FLU) designation from Linear Commercial Corridor (LCC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA).

- The subject site is 0.62 +/- acres located south of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane, north of the City of Lakeland in Section 13, Township 27, and Range 23.

- The description of the existing uses surrounding the subject site are as follows:
  -North of the subject site is a 0.31 +/- acre parcel that is undeveloped with a LCC Future Land Use designation;
  -East, of the subject site is a 0.26 +/- acre parcel that is undeveloped with a RL-1 Future Land Use designation;
  -West of the subject site, within a LCC Future Land Use designation, is developed with a veterinary office; and
  -South of the subject site, within a LCC Future Land Use designation, is developed with a Childcare Center.

- The access to the subject site, Fox Lake Drive, is the same access to the Fox Lake Subdivision. The unit types include duplexes, triplexes, and quads in the western side of the subdivision. The eastern portion of the subdivision includes single family detached homes.

- LCC does permit multi-family uses up to 25 units to the acre in the TSDA but is limited to 25% of the site and must be in conjunction with a mixed-use project, according to Policy 2.111.A6.

Infrastructure

- The subject site located within the Polk County Northwest Regional service area for water and wastewater. There is a 8-inch diameter force main to the south of the site for wastewater and can treat an additional 79,000 GPD. On the north side of Fox Lake Drive there is a 6-inch main water (potable) line, with 1,355,000 GPD of available water.

- It is anticipated at the highest use wastewater would be 1,188 GPD and water 1,080 GPD.

- There is a fire hydrant located at the intersection of Fox Lake Drive and Highway 98 North, approximately 200 feet from the subject site.

- Fox Lake Drive is north of the subject site and is classified as a Local Residential roadway. Highway 98 North to the west of the site is monitored by the Polk County Transportation Planning Organization (TPO) under Links #5416 N/S. Link 5416N has a Level-of-Service (LOS) rating of C. Link 5416S has a LOS rating of D.

- The subject site is approximately 1.8 miles from the nearest fire and EMS station, Fire Station #6, located at 8936 US 98 N. in Lakeland.

- The nearest Sheriff's office is the Northwest District Office, 1045 Wedgewood Estates Boulevard in Lakeland and is approximately 3.2 miles from the subject site.

- The assigned schools for the proposed project are R. Clem Churchwell Elementary, Lake Gibson Middle and Lake Gibson Senior High School.

Environmental

- According to the soil survey by the United States Department of Agriculture the subject site is made up of two (2) different soils. Pomona fine sand, 64%, Wachula fine sand, 36%. 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 too implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

- The subject site is not located within an Airport height notification zone.

- The subject site is relatively flat that maintains a contour of 154 to 152 feet.

- There are no private wells on site per SWFWMD.

- There are no flood hazard zones or wetlands on the subject property.

- The subject site is not located within a one-mile radius of an endangered protected species according to the Florida Fish & Wildlife Conservation Commission.

- There are no known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Master Site File.

Comprehensive Plan Policies

- 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.

- Policy 2.102-A-2 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.

- Policy 2.104-A1: Description – Transit Supportive Development Areas shall meet the following criteria:
  a. 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;
  b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon;
  c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options;
  d. 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;

- Policy 2.104-A5: Development Criteria -- Development within the Transit Supportive Development Areas shall conform to the following criteria as further specified by the Land Development Code:
  a. provide access to transit facilities;
  b. connect to centralized potable water and sanitary sewer systems;
  c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;
  d. implement "Complete Street' and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;
  e. integrate 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. 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, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.

- 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-D2: Designation And Mapping - Residential-Medium districts shall be located throughout TSDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "RM."

- 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.

- The following are the relevant Comprehensive Plan policies for this case:
  Section 2.102 (Policy 2.102-A1 thru 2.102.A-15) Growth Management policies
  Section 104 Transit Supportive Development Area
  Section 119 Residential
  Section 120 Residential Medium

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 LDCPAS-2023-31.**

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 below lists the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest LCC Vacant	**North** LCC Vacant	**Northeast** RL Duplex
West LCC Veterinary Office	**Subject Site** RL Vacant	**East** RL Vacant
Southwest INST Religious Institution/School	**South** LCC Childcare Center	**Southeast** RL-4 Multi-family Development

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."

The subject site is 0.62 +/- acres located south of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane, north of the City of Lakeland in Section 13, Township 27, and Range 23. The request is to change the Future Land Use designation from LCC to RM.

A transitional use from Linear Commercial Corridor (LCC) shall be a step-down use as encouraged in the Comprehensive Plan (POLICY 2.111-A4.c) and shall be lower in intensity than the LCC. RM is a step-down from LCC and is contiguous to the less intensive use of duplexes to the east. If approved, the request will allow the site to develop with two triplex units or other similar dwelling types within the Fox Lakes Subdivision.

The subject site can connect to centralized potable water and sanitary sewer systems through Polk County. There are no sidewalks along Fox Lake Drive and there is fire, EMS and the Sheriff's department services available along with schools and parks within close proximity. Mass transit

is available to the south of the subject site along US Highway 98 approximately 0.2 miles away along with the shopping center that contains a variety of retail and personal uses. This is an ideal location for multi-family. It demonstrates how multi-family is compatible to the surrounding uses, as it allows for a transition between LCC and RL with a RM as the step-down from LCC.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property, as shown in Table 2, include R. Clem Churchwell Elementary, Lake Gibson Middle and Lake Gibson Senior High School. The subject site is not anticipated to negatively impact school seats. Based on the provisions of the Polk County Land Development Code the applicant will be required to apply for a binding school capacity determination at the time of Level 2 Review.

Table 2: Schools

	Enrollment	Capacity	Distance
R. Clem Churchwell	708	746	2.2 miles east
Lake Gibson Middle	1218	1364	2.0 miles to the east
Lake Gibson Senior High	2086	2235	2.3 miles to the east

Source: Polk County School Board, November 17, 2021

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office located approximately 3.2 miles south from the subject site. Response time varies depending on where the nearest sheriff's deputy patrol car is located rather than the office. The fire station and Emergency Medical Services (EMS) are at Station #6, located only 1.8 miles to the north of the subject site. The distance is appropriate for an urban area.

Table 3 Public Safety Information

	Name of Station	Distance
Sheriff	Polk County Northwest District 1045 Wedgewood Estates Boulevard, Lakeland	3.2 +/- miles south
Fire/EMS	Polk County Fire Station #6 8936 US 98 N., Lakeland	1.8 +/- miles north

Source: Polk County Sheriff's Office and Polk County Fire Rescue.

Water and Wastewater

A. Estimated Demand and Service Provider

The subject site is inside the Polk County Northwest Regional service area. The nearest water line is a 6-inch main for potable water on the north side of Fox Lake Drive. The highest water use would be 1,188 Gallons Per Day (GPD). The subject site will be serviced by the 8-inch diameter force main south of the subject site for wastewater with the highest use generating at 1,080 GPD. The proposed Future Land Use designation change will result in less of a demand for potable and wastewater compared to what could be developed on the site in a LCC Future Land Use designation.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity 0.62 +/- acres	**Maximum Permitted in Existing Land Use LCC**	**Maximum Permitted in Proposed Land Use RM in TSDA**
	27,007 sq. ft. x 0.35 FAR = 9,452 sq. ft.	10 du x 0.62 acres
Potable Water Consumption	9,452 sq. ft. x 0.60 = **5,671 GPD**	6 x 198 =**1,188 GPD**
Wastewater Generation	5,671 x 0.80 = 4,537 **GPD**	6 X 180 = **1,080 GPD**

Source: Polk County Maximum Feasible Buildout Methodology; Medical Office – Potable water 0.60 GPD per square feet; wastewater 80% of potable water. Residential Medium (RM) in the TSDA density of 10 du/1 ac, 198 GPD water, 180 GPD wastewater.

B. Available Capacity

Table 4 provides a scenario of the maximum buildout of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential in the current land use designation LCC, and the proposed land use classification RM. Medical office was selected as the maximum permitted in LCC as LCC requires a similar or less intense use in relation to existing, developed LCC, according to Section 205.H of the LDC. The Polk County Northwest Regional service area has 1,355,000 GPD for potable water and 79,000 GPD for uncommitted wastewater capacity. Northwest Regional service area has enough capacity to service the property for water and wastewater as the densities in the TSDA can get higher.

C. Planned Improvements

The subject site is not located near any Utility Community Investment Projects.

Roadways/Transportation Network

The subject site has frontage on Fox Lake Drive which is classified as a Local Residential roadway. The closest monitored link is Highway 98 North. It is monitored by the Polk County Transportation Planning Organization (TPO). It is a divided six (6) lane road that has a median, and multiple turn lanes to the east and west. There is an existing deceleration lane that turns into Fox Lake Drive. Table 5 below, will show the estimated demand based on maximum buildout.

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 to RM will generate less traffic than the current Future Land Use designation. Medical office was selected as the maximum permitted in LCC as LCC requires a similar or less intense use in relation to existing, developed LCC, according to Section 205.H of the LDC.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity 0.62 +/- acres	**Maximum Permitted in current LCC**	**Maximum Permitted in Proposed RM with PD**
	27,007 sq. ft. x 0.35 FAR = 9,452 sq. ft.	0.62 x 10 dua = 6
Average Annual Daily Trips (AADT)	9,452/1,000 x 34.80 = **329 Trips**	6 x 6.74 **41 Trips**
PM Peak Hour Trip	9,452/1,000 x 3.46 **33 Trips**	6 x 0.56 **4 Trips**

Source: Polk County TPO August 4, 2022, Table 1: Medical Office Building ITE 720 – 34.80 AADT per 1,000 sq. ft. / PM Peak Hour 3.46 per 1,000 square feet. Multi-family ITE 220 – 6.74 AADT, 0.51 PM Peak Hour.

B. Available Capacity

The property has frontage on Fox Lake Drive and to the east is US Highway 98. Table 6 below displays the available capacity on each road. US Highway 98 both has available capacity to serve this site.

Table 6 Roadway Link Concurrency

Link #	**Road Name**	**Current Level of Service (LOS)**	**Available Peak Hour Capacity**	**Minimum LOS Standard**	**5-Year Peak Hr. Projected LOS**
5416N	US 98 (Daughtery Road W. to Socrum Loop Road W.)	C	148	D	F
5416S	US 98 (Daughtery Road W. to Socrum Loop Road W.)	D	72	D	F

Source: Polk County Transportation Planning Organization Roadway Network Database October 2023

C. Roadway Conditions

US Highway 98 to the east of the subject site has a paved roadway of approximately 140 feet depending minus the median of 30 feet. The LOS for the link to the north is a C which is considered stable flow, at or near free flow. The LOS for southbound Highway 98 North is a D, which is considered approaching unstable flow where speeds slightly decrease as traffic volume decreases. Highway 98 North is a state-maintained roadway, and Polk County does not maintain the road. However, the proposed use will have minimal impact on the roadways. The current Future Land Use designation could be developed with a much higher intensity use generating much higher trips.

D. Sidewalk Network

There are no sideways on Fox Lake Drive, and the closest sidewalk system on Highway 98 North is approximately 0.20 miles to the south of the subject site.

E. Planned Improvements

There are currently no planned improvements within proximity to the subject site.

Park Facilities and Environmental Lands

Hunts Fountain Sports Complex is located approximately 1.3 miles to the southwest of the subject site. This complex has baseball fields, basketball courts, football fields, picnic shelters with tables, playgrounds, racquetball courts, soccer fields, tennis courts and restrooms. The nearest environmental facility is the Gator Creek Reserve which is approximately 3.1 miles from the subject site. The project site will not reduce the LOS for the park facilities or environmental lands.

Environmental Conditions

There are no wetlands or flood hazard zones on the subject site. The area is relatively flat with some vegetation of trees to the rear of the property.

A. Surface Water

The subject site is relatively flat across the majority of the property, although it is elevated slightly from the roadway. There is no significant surface water within a mile of the subject site. Any impact to surface water and storm water management will be in accordance with the requirements of the Comprehensive Plan and Land Development Code.

B. Wetlands/Floodplains

The subject site does not contain any wetlands or floodplains.

C. Soils

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.

Table 7 Soils

Soil Name	**Septic Tank Absorption Field Limitations**	**Dwellings without basements**	**% of Site** *(approximate)*
Pomona fine sand	Severe	Severe	64%
Wauchula fine sand	Severe	Severe	236%

Source: USDA Natural Resources Conservation Service 2024

D. Protected Species

According to Polk County Protected Species Observation Map, the subject site is not located within a one-mile radius of an endangered protected species and habitat according to the Florida Fish & Wildlife Conservation Commission.

E. Archeological Resources

There are no known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Master Site File and the Historic Preservation Commission.

F. Wells (Public/Private)

There are no private wells on the site per the Southwest Florida Water Management District. The subject site is not within a Wellfield Protection district.

G. Airports

The property is not within an Airport Impact District (AID) height notification zone.

Economic Factors

The County has made significant investments in infrastructure to support urban development in this area. Facilities such as water, wastewater, mass transit, fire protection, EMS and recreational facilities provide some capacity for growth. Such development growth as may occur by this request is now needed to contribute to the funding of these facilities. The subject site will generate more public safety calls (Fire/EMS/Sheriff) and traffic than what can what is currently under the current LCC. Allowing RM on the subject site increases the potential for housing diversity in this portion of the County which includes a majority of single-family detached homes.

Consistency with the Comprehensive Plan and Land Development Code

The following policies have been included as being the most relevant policies to the proposed request. The following are the relevant Polk County Comprehensive Plan Policies:

- POLICIES 2.102: Growth Management Policies
- POLICY 2.104 Transit Supportive Development Area (TSDA)
- POLICY 2.119 Residential
- POLICY 2.20 Residential Medium

Table 8 Consistency with the Comprehensive Plan

The policy is first stated and then an analysis of how the request may or may not be consistent with the County's Comprehensive Plan is provided.

Policy	Consistency
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 proposed CPA is consistent with Policy 2.102-A1 as the subject site is close to Highway 98 North where resources are available. The proposed RM FLU designation is an example of step-down land use from LCC to the west and RL to the east. This is compact growth as services are already available on this site.
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 proposed CPA is compatible to the adjacent uses of LCC and RL. It becomes a transition between the two uses and a buffer. It limits the intensity of the LCC from the RL.
• Policy 2.104-A1: Description – Transit Supportive Development Areas shall meet the following criteria: a. 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; b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon; c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded	The infrastructure is available for mass transit through Citrus Connection, Blue Line. There are utilities, public safety recreation and education facilities within appropriate urban service area. The development supports walkable communities with a variety of uses within the neighborhood. The proposed Future Land Use designation will include RM that will allow for a range of housing opportunities meeting the intent of the TSDA.

Policy	Consistency
transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options; d. 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;	
• Policy 2.104-A5: Development Criteria -- Development within the Transit Supportive Development Areas shall conform to the following criteria as further specified by the Land Development Code: a. provide access to transit facilities; b. connect to centralized potable water and sanitary sewer systems; c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element; d. implement "Complete Street' and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element; e. integrate 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. 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, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units	The subject site meets the development criteria for Transit Supportive Development Area (TSDA) identified in Policy 2.104-A5. Access to transit facilities, connection to potable water and sanitary sewer, integrate pedestrian-oriented features including sidewalks, public parks and environmental lands, public safety, close access to schools, connectivity to other TSDA and other urban centers and encourage a variety of housing choices as requesting a FLU designation change to RM to allow for multi-family.

Policy	Consistency
within designated areas as established in Policy 2.104-A7.	
• 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.	The subject site meets the requirements for residential location criteria for Residential Medium Future Land Use designation change. It meets the criteria of having access to a County maintained road, in close proximity to an Activity Center, have water and sewage, close proximity with adequate response time for public safety, close to recreation facility, provides a buffer between higher intensity and lower intensity land uses and is not Urban Sprawl.
• Policy 2.120-D2: Designation And Mapping - Residential-Medium districts shall be located throughout TSDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "RM." • 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.	The request for TSDA will meet the requirements for RM FLU. It will allow for greater density and multi-family. It meets the location and development criteria in accordance to the policies of this Comprehensive Plan.

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. 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:

Table 9 Urban Sprawl Criteria

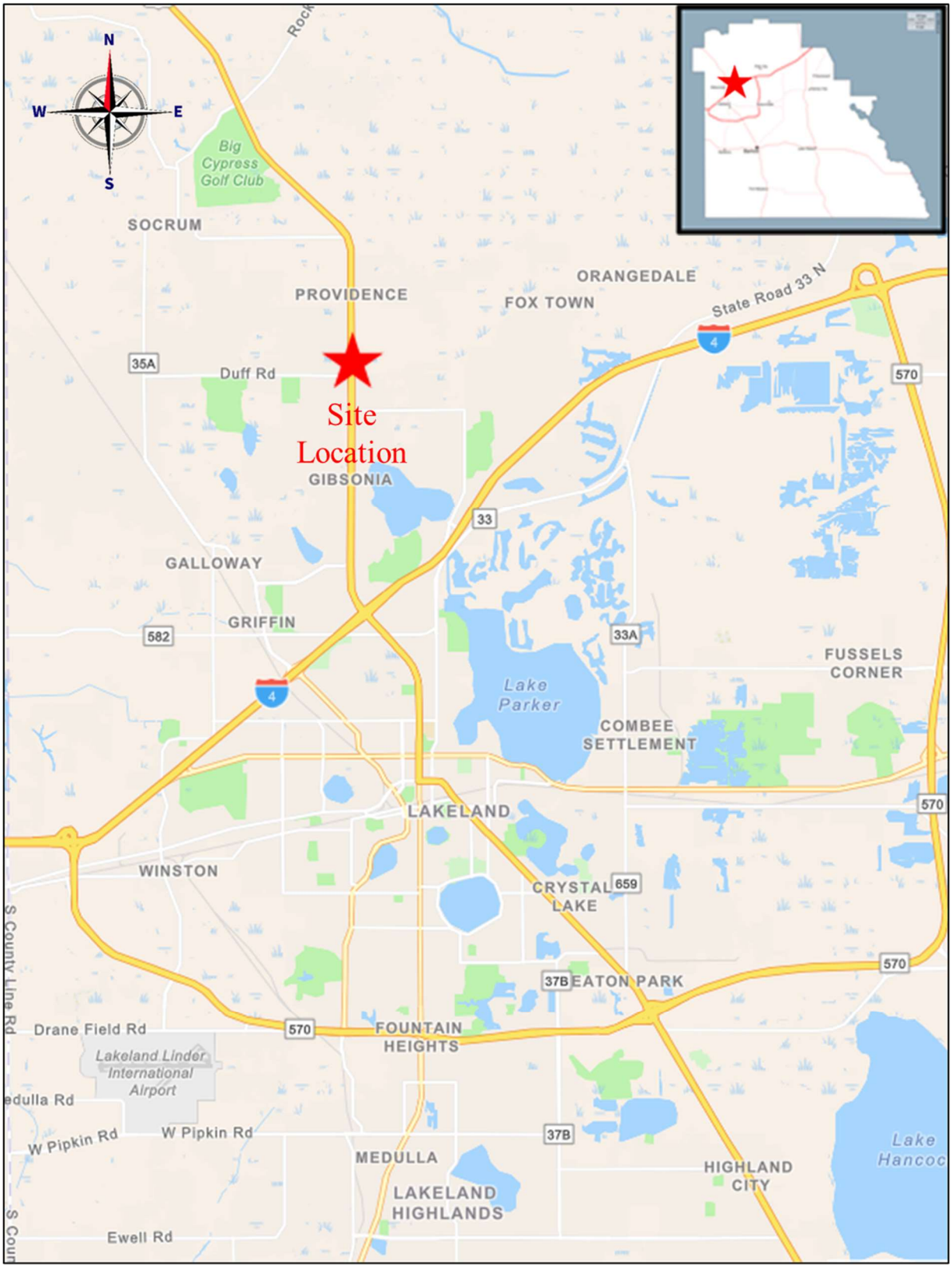
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	**Sections where referenced in this report**
a. ***Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.***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

Comments from other agencies

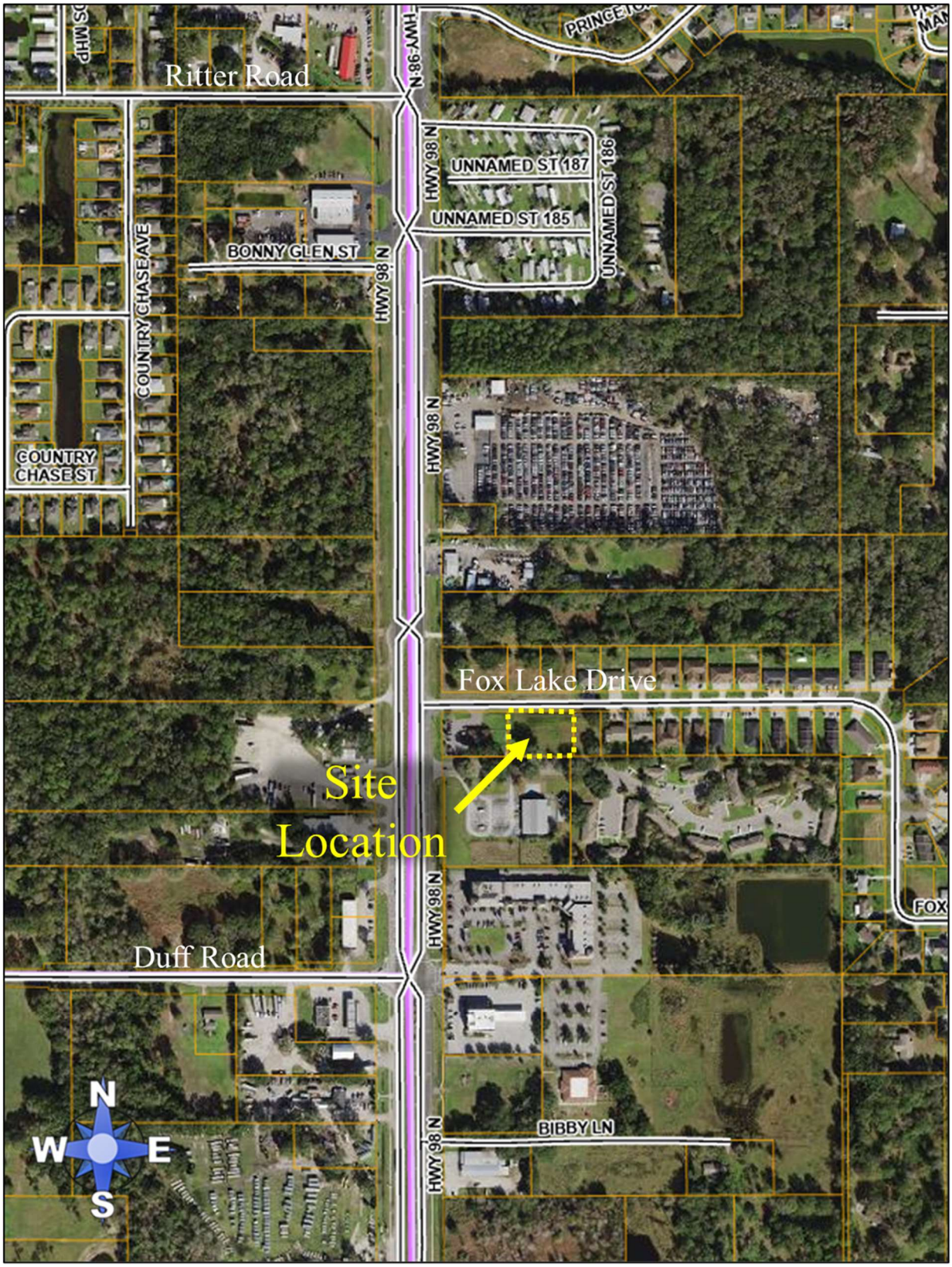
The nearest municipality is the city of Lakeland. The subject site is three quarters of a mile north of Lakeland. The proposed development is in unincorporated Polk County and is not anticipated to detrimentally affect nearby municipalities.

Exhibits

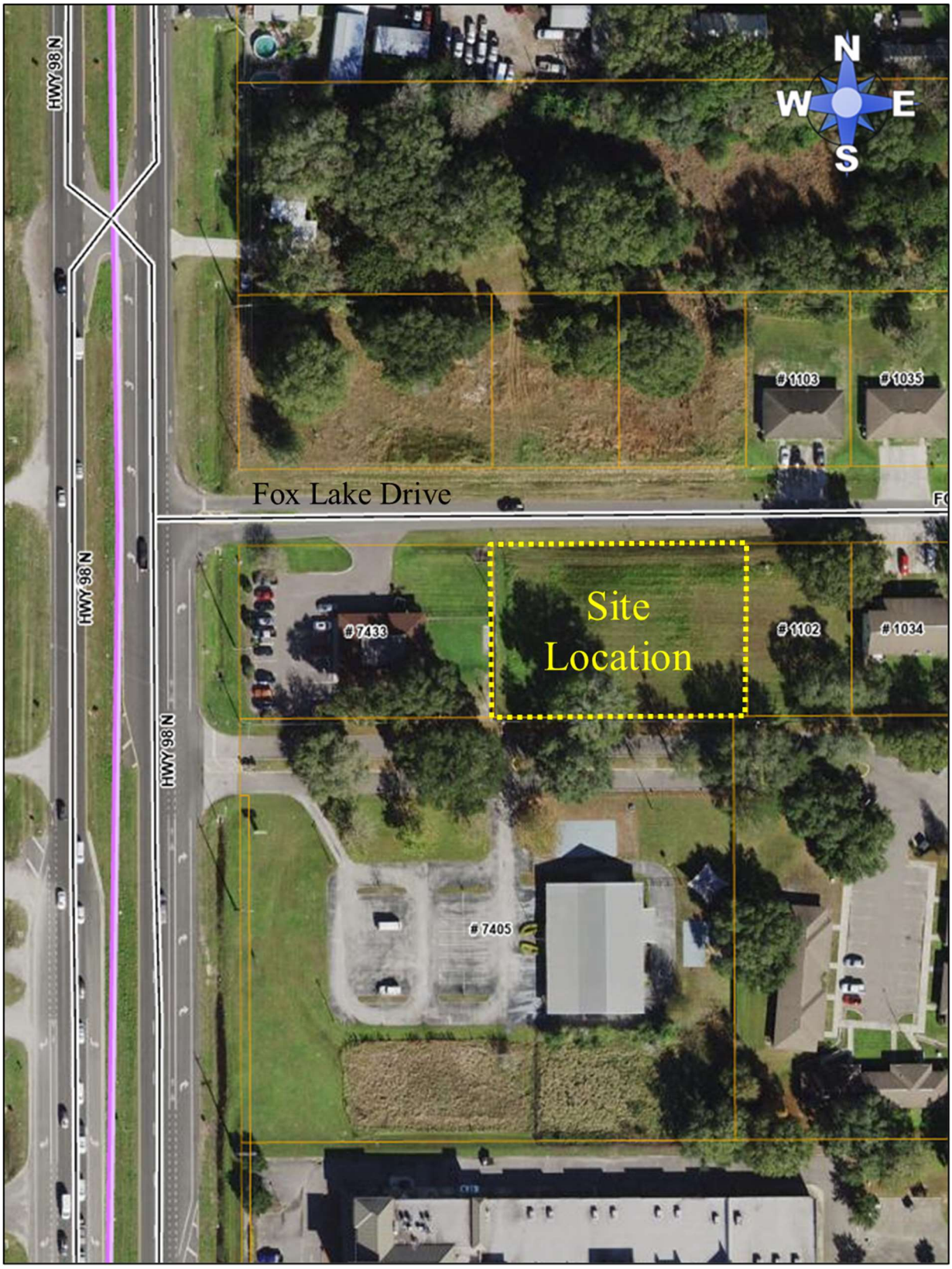
Exhibit 1 Location Map
Exhibit 2 Aerial Map – Context
Exhibit 3 Aerial Map – Close-up
Exhibit 4 Current Future Land Use Map
Exhibit 5 Proposed Future Land Use Map
Exhibit 6 Permitted and Conditional Use – Current Land Use LCC
Exhibit 7 Permitted and Conditional Use – Proposed Land Use RM



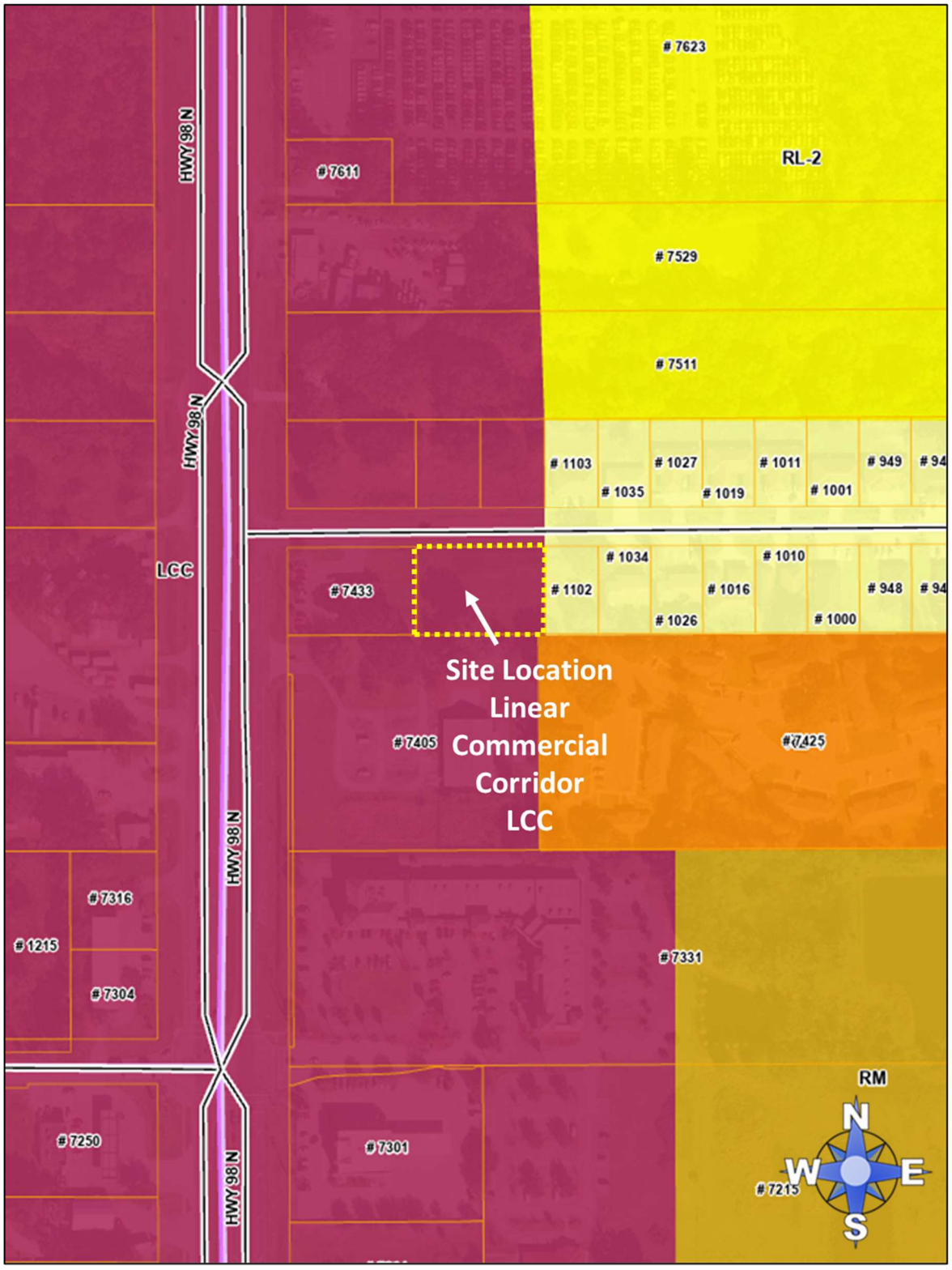
LOCATION MAP



AERIAL MAP CONTEXT

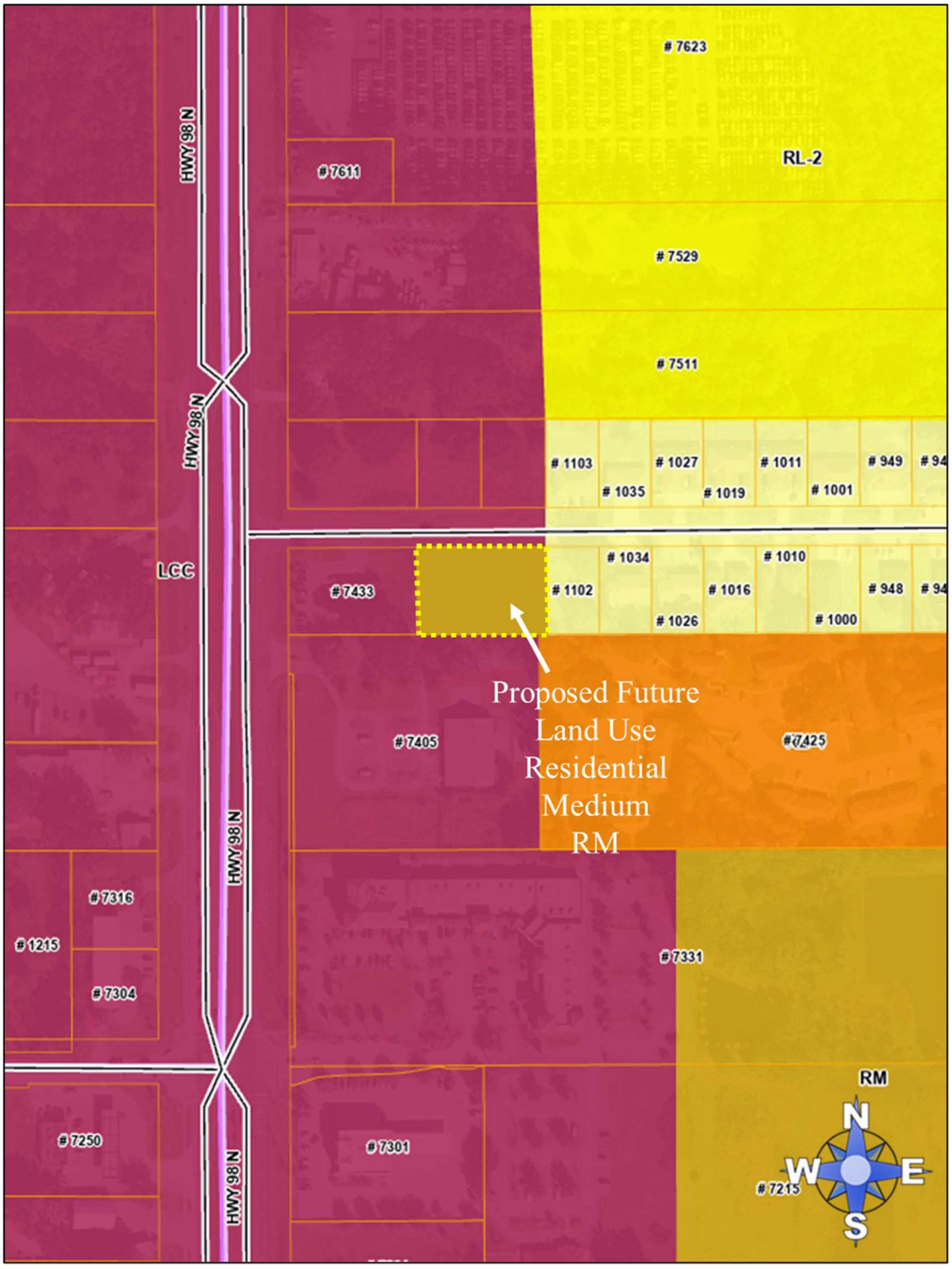


AERIAL MAP – CLOSE Up



CURRENT FUTURE LAND USE MAP
LINEAR COMMERCIAL CORRIDOR (LCC)

Exhibit 5



PROPOSED FUTURE LAND USE MAP
RESIDENTIAL MEDIUM (RM)

Exhibit 6

FLU District	Technical Staff Review	Public Hearing(s) Required
Linear Commercial Corridor (LCC)	Adult Use; Agricultural Support, Off-Site; Alcohol Package Sales; Car Wash, Full Service; Car Wash, Self Service; Childcare Center; Clinics & Medical Offices; Commercial Vehicle Parking; Community Center; Cultural Facility; Farming General; Financial Institution; Financial Institution, Drive Through; Funeral Home & Related Facilities; Gas Station; Government Facility; Heavy Machinery Equipment Sales and Services; helistops; Hotels and Motels; Kennels, Boarding and Breeding; Livestock Sale, Auction; Lodges and Retreats, Private; Manufacturing, General; Manufacturing, Light; Marinas and Related Facilities; Medical marijuana Dispensaries; Nurseries, Retail; Nurseries and Greenhouses; Office; Office, Park; Personal Service; Printing & Publishing; Recreation, Passive; Recreation & amusement General; Religious Institution; Research & Development; Restaurant, Drive-thru/Drive-in; Restaurant, Sit-down/Take-Out; Retail, 10,000-34,999 sq. ft.; Retail, 35,000-64,999 sq. ft.; Retail, Home Sales Offsite; Retail, Less than 10,000 sq. ft.; Retail, Outdoor Sales/Display; School, Leisure/Special Interest; School, university/College; Self-storage Facility; Studio, Production; Transit, Facility; Truck Stop; Utilities, Class I; Utilities, Class II; Vehicle Recovery Service/Agency; Vehicle Service, Mechanical; Vehicle Sales, Leasing; Veterinary Service; Warehousing/Distribution	Multi-Family; Planned Development; Transitional Area Development; Bars, Lounges, and Taverns; Cemetery; Communication Tower, Monopole; Heliports; Lime Stabilization Facility; Mining, Non-Phosphate; Motor Freight Terminal; Nightclubs and Dance Halls; Recreation & Amusement, Intensive; Residential Treatment Facility (C4); Retail, More than 65,000 sq. ft.; School, Technical/Vocational/Trade & Training; Transit, Commercial; Utilities, Class III; Vehicle Repair, Auto Body; Water Ski Schools

PERMITTED AND CONDITIONAL USES
LINEAR COMMERCIAL CORRIDOR (LCC)

Exhibit 7

Residential Medium (RM)			
Technical Staff Review -Level 1& 2		**Public Hearing (s) Required-Level 3 & 4**	
All Other Uses:	Duplex, Two-family Attached, P Group Home, Small (6 or less residents), C1 Group Home, Large (7-14 residents), C1 Mobile Homes, Individual, C1 Multi-family, P Single-family Detached Home & Subdivision, P Bed and Breakfast, C2 Emergency Shelter, small (6 or less residents), C1 Emergency Shelter, Medium (7-14 residents), C1 Farming General, P Nursing Home, C2 Recreation, Passive, C1 Recreation, Low Intensity, C2 School, Elementary, C2 School, Middle, C2 School, High, C2 Utilities, Class I, P Utilities, Class II, C1	**All Other Uses:**	Group Living Facility (15 or more residents), C3 Mobile Home Park & Subdivision, C3 Short-Term Rental Unit, C3 Planned Development, C3 Residentially Based Mixed Development (RBMD), C3 Transitional Area Development, C3 Adult Day Care Center (7 or more clients), C3 Childcare Center, C3 Community Center, C3 Cultural Facility, C3 Emergency Shelter, Large (15 or more residents), C3 Golf course, C3 Government Facility, C3 Helistops, C3 Mining, Non-phosphate, C3 Recreation, High Intensity, C3 Recreation, Vehicle Oriented, C3 Religious Institution, C3 School, Leisure/Special Interest, C3 School, University/College, C3 Utilities, Class III, C3

PERMITTED AND CONDITIONAL USES
RESIDENTIAL MEDIUM (RM)

ORDINANCE NO. 24-____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2023-31**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 0.62 +/- ACRES FROM LINEAR COMMERCIAL CORRIDOR (LCC) TO RESIDENTIAL MEDIUM (RM), LOCATED SOUTH OF FOX LAKE DRIVE, EAST OF HIGHWAY 98 NORTH, WEST OF RANCH ROAD, NORTH OF BIBBY LANE, NORTH OF THE CITY OF LAKELAND IN SECTION 13, TOWNSHIP 27, AND RANGE 23; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on February 7th, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on March 19th, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the "Polk County Comprehensive Plan") is hereby amended to reflect a change in the Future Land Use designation on a 0.62 +/- acre site from Linear Commercial Corridor (LCC) to Residential Medium (RM) in the Transit Supportive Development Area (TSDA) on the parcel listed below and graphically depicted on the parcel map in Attachment "A".

Parcel 232713-000931-000960

THE WEST 200 FEET OF TRACT "B" OF FOX LAKES SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 72, PAGE49, PUBLIC RECORD OF POLK COUNTY, FLORIDA.

AND TRACT "B" OF FOX LAKES SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 72, PAGE49, PUBLIC RECORD OF POLK COUNTY, FLORIDA.

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall be effective on April 19th, 2024 (31 days after adoption) unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

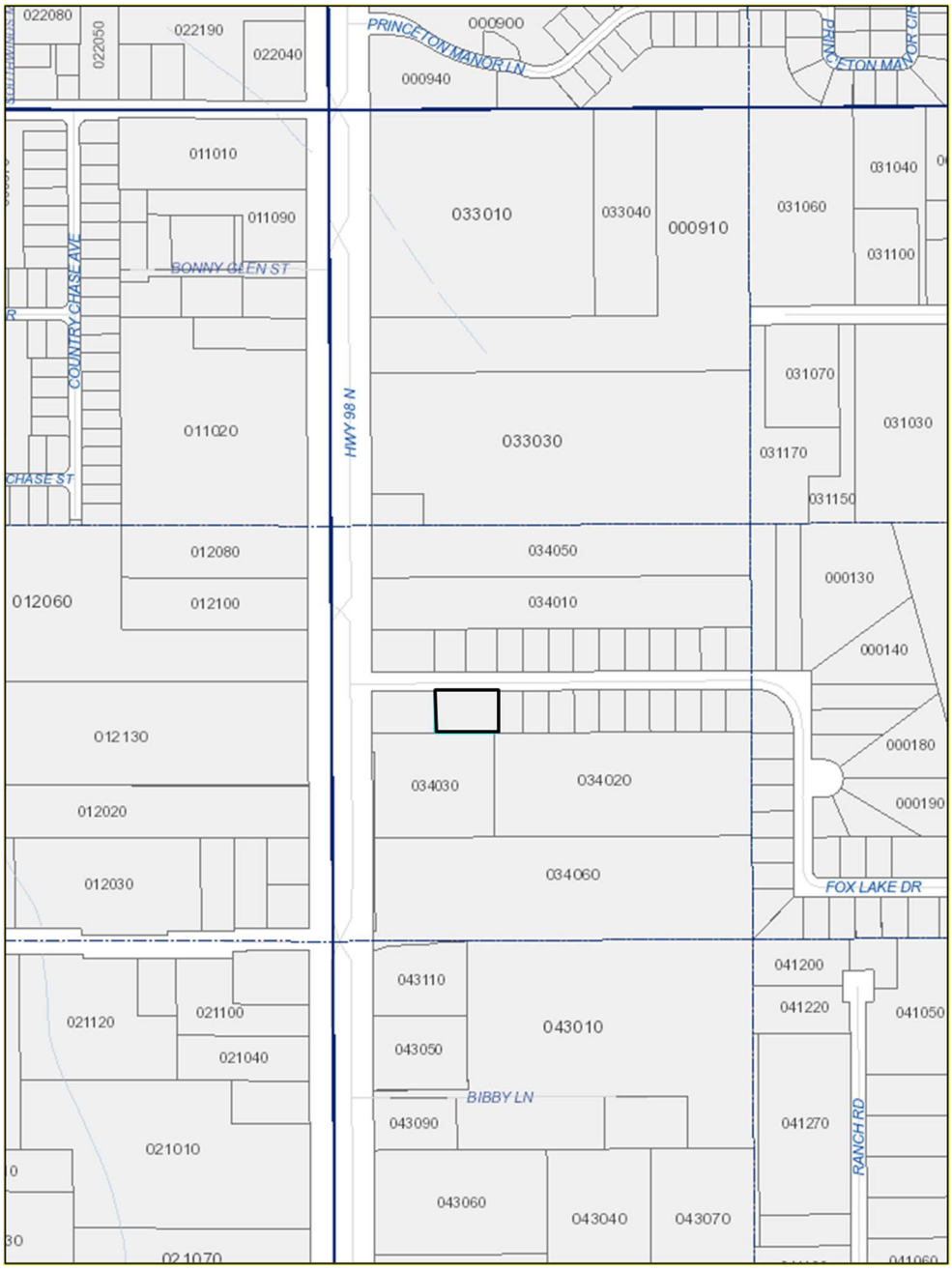
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 19th day of March 2024.

ATTACHMENT "A"

LDCPAS-2023-31
Development Area: Transit Supportive Development Area
Location: South of Fox Lake Drive, east of Highway 98 North, west of Ranch Road, north of Bibby Lane
Section-13 Township-27 Range-23

PARCEL DETAIL

Note: Not to Scale



LDCPAS-2023-31 - Fox Lake Dr FLU Change CPA (Inspire Multi-Family)

Menu Reports Help

Application Name: Fox Lake Dr FLU Change CPA (Inspire Multi-Family)

File Date: 11/02/2023

Application Type: BOCC-CPA Small

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: FLU change from LCC to RM. LDDRC-2023-201

Application Detail: Detail

Address: 0 FOX LAKE DR, LAKELAND, FL 33809

Parcel No: 232713000931000960

Owner Name: INSPIRE VETERINARY ALLIANCE LLC

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Sarah Case		Applicant	Mailing, 3825 S. Flori...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $4,608.00

Total Fee Invoiced: $4,608.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Board of County Commissioners

Application Type
CPA Small Scale Or EAR

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
.62

DRC Meeting
12/07/2023

DRC Meeting Time
9:45

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Green Swamp
No

Number of Units
–

Case File Number
–

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
–

FS 119 Status
Non-Exempt

Code Violation Case Number
–

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Board of County Commissioners

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3
–

1st BOCC Date
03/19/2024

2nd BOCC Date
–

LUHO-Level 3
–

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List
–

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC23-00000-01E0Q

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
–

RequiredDocumentTypesComplete
Yes

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	LCC- Linear Commercial Center

DEVELOPMENT AREA

Development Area
Transit Supportive

NOR

Neighborhood Organization Registry (NOR)
Country Chase of Central FL HOA

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	1	21	01/18/2024	01/21/2024	Yes
BOCC 1	1	21		01/21/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	12/14/2023	Angela Kaufman
Surveying Review	Steve McQuaig	Approve	12/19/2023	Steve McQuaig
Roads and Drainage Review	Phil Irven	Approve	12/18/2023	Phil Irven
Engineering Review	Robert Joynes	Approve	01/03/2024	Robert Joynes
Fire Marshal Review	Kim Turner	Not Required	12/14/2023	Kim Turner
Planning Review	Amy Little	Approve	12/22/2023	Amy Little
School Board Review		Not Required	12/14/2023	Angela Kaufman
Review Consolidation	Angela Kaufman	Approved for...	01/05/2024	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Planning Commision	Angela Kaufman			
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
Needs Demo of Need & P...	***12/12/23 - Payment ...	Condition...	01/05/2024		

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

FOX LAKE DRIVE – COMPREHENSIVE PLAN AMENDMENT

DEMONSTRATION OF NEED

Address the following statements with regard to the proposed land use amendment:

1. Could the proposed amendment promote substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need?

   The proposed will offer additional housing opportunities, which are in great demand in Northwestern Polk County.

2. Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?

   The proposed amendment is for a site located within the TSDA which allows more urban development; subject parcel is not located within a rural area.

3. Does the proposed amendment create or encourage urban development in radial, strip, isolated, or ribbon patterns emanating from existing urban development?

   No, the amendment area is within the TSDA. The requested RM Land use is adjacent to linear commercial development (to the West) and will act as a transition in intensity to the single-family residential to the East.

4. Does the proposed amendment fail to adequately protect adjacent agriculture areas?

   The proposed future land use site is not in an agricultural area.

5. Could the proposed amendment fail to maximize existing public facilities and services?

   The proposed amendment is considered infill development, and will require connection to existing public facilities.

6. Could the proposed amendment fail to minimize the need for future public facilities and services?

   No, the current site, while undeveloped, is located within the TSDA. The existing public facilities and services are currently underutilized.

7. Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?

   No, the requested amendment will allow infill development, where connection to public facilities and services is required, thereby maximizing Polk County and City of Lakeland's investment to infrastructure in the area.

8. Does the proposed amendment fail to provide clear separation between urban and rural uses?

   While the existing site is currently undeveloped, given the TSDA designation of the parcel, the area is recognized as an area of growth.

9. Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?

   The proposed amendment is considered infill development.

10. Does the proposed amendment fail to encourage an attractive and functional mixture of land uses?

    The request for RM will act as a transition from LCC into the RL properties to the East.

11. Could the proposed amendment result in poor accessibility among linked or related land uses?

    The subject site is in close proximity to US 98 North and the intersection of Fox Lake Drive, providing access to transit and a variety of related uses.

12. As a result of approval of this amendment, how much open space will be lost?

No open space will be lost; commercial development of the subject property was anticipated when the current LCC designation was assigned.

INSPIRE MULTI-FAMILY

PLANNED DEVELOPMENT

LDCPAS-2023-31

IMPACT ASSESMENT STATEMENT

A. Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed use?

   The subject site is LCC (Linear Commercial Corridor) Land Use, which through a Level III review allows Multi-Family. The site is within the TSDA (Transit Supportive Development Area) which per Policy 2.111-A6 in the Polk County Comprehensive Plan will allow up to 10 DU p/Acre multi-family residential development limited to the RM (Residential Medium) land use designation Density and Dimensional Standards.

   The site is adjacent to non-residential development to the West, South West and North West, and is adjacent single-family to the East. There is multi-family to the Southeast. Developing the proposed six MF units serves as a transition between the commercial uses and the single-family lots.

2. Provide a site plan showing each type of existing and proposed land use;

   Please see Conceptual Site Plan depicting the proposed development.

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;

   Vegetative buffering will be required to mitigate any incompatibilities.

4. How will the request influence future development of the area?

   The surrounding subject area to the West is a (mostly) developed commercial corridor. The addition of six MF units will offering housing options to those not in the market for a single-family residence.

B. Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

   ITE Code 230 – Multi-Family – 5.81 AADT p/unit & 0.52 PM Peak Hour

   6 x 5.81 = 35 AADT

   PM Peak Hour Trips = 6 x 0.52 = 6 PM Peak Hour Trips

2. What modifications to the present transportation system will be required as a result of the proposed development?

   No modifications anticipated.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

   According to Table 7.10 in the Land Development Code, Minimum Off-Street Parking Requirements for Single-Family Homes is 2 spaces per unit.

   6 x 2 = 12 off-street parking spaces required at Level 2

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?

   The subject site will access Fox Lake Drive, classified as a Polk County Local Residential road.

C. Sewage -

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703 of the LDC)*

   270 GPD P/DU
   270 X 6 = 1,620 GPD ESTIMATED

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?

   Polk County Utilities

3. If offsite treatment, who is the service provider?

   Polk County Utilities

4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code*)

   Polk County Utilities indicated during the pre-application (LDDRC-2023-201) that wastewater is available to the site for connection. A utility map for the area has been requested and is forthcoming.

5. What is the provider's general capacity at the time of application?

   PCU to furnish data.

6. What is the anticipated date of connection?

   TBD

7. What improvements to the providers system are necessary to support the proposed request *(e.g. lift stations, line extensions/expansions, interconnects, etc.)?*

   Lift Station

D. Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?

   Polk County Utilities

2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC)*

   Water = 360 GPD p/DU

   360 x 6 = 2,160 GPD ESTIMATED

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?

   Polk County Utilities indicated during the pre-application (LDDRC-2023-201) that potable water is available to the site for connection.

4. Who is the service provider?

   Polk County Utilities

5. What is the anticipated date of connection?

   TBD

6. What is the provider's general capacity at the time of application?

   PCU to furnish data.

7. Is there an existing well on the property(ies)?

   A search through SWFWMD permit files, WUP viewer showed no well permits on site.

E. Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

   The subject land sheetflows to the South.

   No flood hazards on-site.

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

   There are no wetlands on-site, refer to Map G.

F. Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

   There are no wetlands or Floodplain on site; see Exhibits F & G.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

   There are no wetlands or Floodplain on site; see Exhibits F & G.

3. Discuss location of potable water supplies, private wells, public well fields *(discuss the location, address potential impacts)*, and;

   There are no known wells on site. Public water is available to the site.

4. Discuss the location of Airport Buffer Zones (if any) *(discuss the location and address, potential impacts).*

   The subject site is not within an Airport Impact District (AID).

1. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development. **Please refer to Exhibit D – Soil Map.**

G. Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;

   Hunt Foundation Park – 1.3 miles – 4 min.
2. Educational Facilities (e.g., preschool, elementary, middle school, high school)

   NE Roberts Elementary – 1.8 Miles – 5 Minutes
   Lake Gibson Middle School – 2 Miles – 6 Minutes
   Lake Gibson High School – 3.2 Miles - 6 Minutes
3. Health Care (e.g., emergency, hospital);
   Lakeland Regional Hospital – 5.9 miles – 15 Minutes
4. Fire Protection

   Polk County Fire Rescue Station #6 Providence – 3.1 Miles – 8 Minutes
5. Police Protection and Security

   Polk County Sheriff's Office NW District – 3.3 Miles – 9 Minutes
6. Emergency Medical Services (EMS)
   Polk County Fire Rescue Station #6 Providence – 3.1 Miles – 8 Minutes
7. Solid Waste (collection and waste generation); and
   Polk County Solid Waste

How may this proposed project contribute to the neighborhood needs?

The proposed PD will provide additional housing opportunities in the area.

Agenda Item 11. 2/7/2024

SUBJECT

LDCPAS-2023-11 (Providence RES to CAC)

DESCRIPTION

Future Land Use designation change from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X), This request is related to LDDRI-2023-1. The subject site is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Robert Bolton

Planner III

Land Development

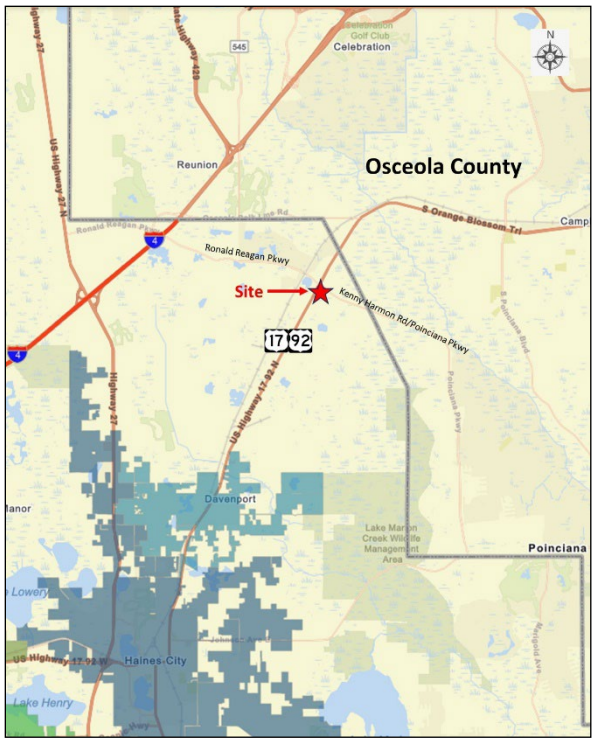
863-534-6468

robertbolton@polk-county.net

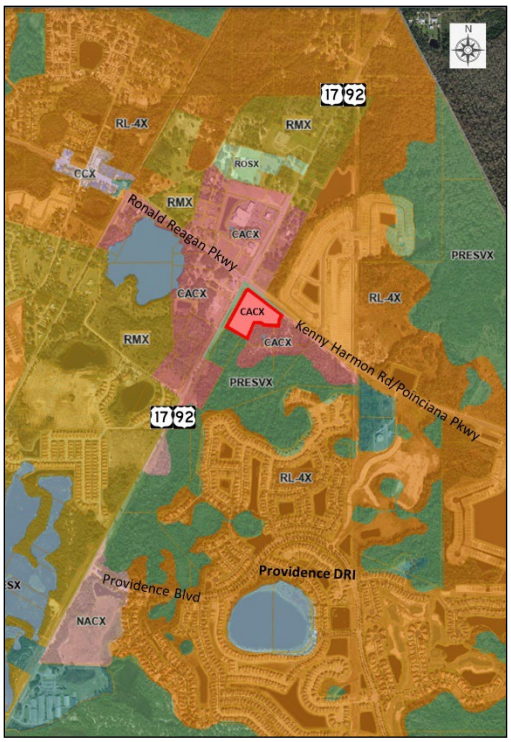
POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	March 30, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	Small Scale CPA
BoCC Date:	March 19, 2024	**Case Numbers:**	LDCPAS-2023-11
		Case Name:	Providence N-27 CAC
Applicant:	Applied Building Development Company, Mark Wilson	**Case Planner:**	Robert Bolton, Planner III

Request:	A Future Land Use designation change from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X), This request is related to LDDRI-2023-1.
Location:	The subject property is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.
Property Owners:	Applied Building Development Company - Oakhills, Inc.
Parcel Size/number:	7.48± acres of (Parcel #(s) 272612-702500-011010, 272612-702500-012000, 272612-702500-013000)
Development Area:	Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), Ronald Reagan SAP
Nearest Municipality:	City of Davenport
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Public Comment:	Pending
Florida Commerce	N/A



Location Map



Proposed Future Land Use Map

Summary:

The applicant, Applied Building Development Company - Oakhills, Inc., Mark Wilson, is requesting a Small Scale Comprehensive Plan Amendment on behalf of the property owner, Applied Building Development Company - Oakhills, Inc., to change the Future Land Use Designation from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X) on 7.48± acre property in the Ronald Reagan SAP, Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway, west of the Osceola County line, and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.

The subject site is an expansion of an existing Community Activity Center-X (CACX), Neighborhood-27 (N-27), of the Providence DRI. The expansion of the Land Use does not increase the entitlements of the site, the entitlements within the Providence DRI are contained within the Development Order for Providence, which was originally approved as Oak Hills Estates in 1990. The Land Use change will allow for the N-27 to be more efficiently designed and developed. The current N-27 location only has frontage along the southern side of Ronald Reagan/Kenny Harmon Road. The request will allow also allow the application to request an access form FDOT along the eastern side of US 17-19, allowing of a better and more efficient traffic routing internally as well as ingress/egress to the roadway network. The site is comprised of wetlands, the applicant has approvals from Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) for mitigation of these wetlands. The subject wetlands comprise less than one percent (1%) of the wetlands protected within the Providence DRI.

Compatibility Summary

The request is for a FLU designation change within the Providence DRI. The site's location is at the southern quadrant of US 17/92 and Ronald Reagan/Kenny Harmon Road. The northwest and northeast boundaries of the site are the right-of-way lines to each of these roads. To the north of the site is the Publix anchored Loughman Crossings. East of the site is an area fronting US 17/92 of vacant CACX, and Vistamar Villages, a residential development within a RL-4X Land Use district. To the south of the site is the Providence DRI. West of the subject site the Pointe Grand. The requested Land Use change does not increase entitlement; hover allows the existing commercial neighborhood within Provident to provide a more efficient commercial site. As recently as 2007, both US 17/92, and Ronald Reagan were 2-lane undivided roads, with Keny Harmon Road an unpaved road. By 2009 Kenny Harmon was a paved 2-lane road with Ronald Reagan Parkway widened with dedicated north and south turn lanes. US 17/19 was widened with turn lanes also, impacting the wetlands in the area. By 2017 US 17/92 was widened with 2 dedicated turn lanes to the west, one to the east, Kenny Harmon Road, 2-lanes east bound, 2-lanes west bound, one dedicated turn lane north bound, and two dedicated turn lanes south bound. These road improvements have impacted the wetlands (PRESVX) at this site. The four quadrants of the subject's intersection have been and continue to experience significant development.

Infrastructure Summary

There is available capacity for public water, sewer, and in the surrounding roadway network. Fire and Sheriff response times are appropriate for this area of the County.

Environmental Summary

The subject site is comprised of wetlands that the Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) have determined may be mitigated. The reports and analysis have been reviewed and analyses by Polk County's Floodplain Manager, Richard Benton. There are no wells or public Wellfields on site and the property is not within an airport restriction zone. The site is also located within a one (1) mile radius of an Eagle's Nest according to the Florida Fish and Wildlife Conservation Commission (2015).

Comprehensive Plan

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

- Section 2.102 – General Growth Management policies
- Policy 2.105-A3 Urban Development Area (UDA) Land Use Categories
- Policy 2.105-A5 Urban Development Area (UDA) Development Criteria
- Policy 2.110-E Community Activity Center (CAC)
- Policy 2.110-E-3, and E-4 Location Criteria, and Development Criteria
- Policy 2.113-B-4: Development within a Community Activity Center
- Policy 2.131-B.2.1 – A13 Preservation

Findings of Fact

Request and Legal Status

- The applicant is requesting a Future Land Use (FLU) designation change from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X) in the Urban Development Area (UDA), and the Ronald Regan Selected Area Plan (SAP).

- The applicant submitted the request to change the FLU on portions of three (3) parcels which total 19.12± acres, the request is for 7.48± acres.

- The subject site is located within the Providence DRI (DRI #2), the requested Land Use change represents an expansion of the commercial neighborhood N-27, currently CACX. The expansion does not provide the DRI with any additional entitlements, the DRI's entitlements are contained within the DRI's Development Order. This request is related to LDDRI-2023-1 which allows for the expansion of N-27 as well as other amendments to the Providence DRI.

- The Providence DRI was originally approved as Oak Hills Estates DRI (DRI 90-04) on October 16, 1990, prior to the adoption of the Comprehensive Plan in 1991. Developments approved prior to the adoption of the Comprehensive Plan retain vesting rights from the original development agreement.

- The subject site is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.

Compatibility

- The description of the existing uses surrounding the subject site are as follows:
  -North of the subject, is the Publix anchored Loughman Crossings,
  -East of the subject, cemetery, vacant CACX, and Vistamar Villages, a residential development,
  -South of the subject, the Providence DRI, wetlands, and single-family detached,
  -West of the subject, the Pointe Grand Apartments are currently under construction.

Infrastructure

- The subject site is located within the Polk County Utilities Northeast Regional Service Area for water and wastewater. There is a water, wastewater and reclaimed water distribution lines along the Ronald Reagan Parkway/Kenny Harmon Road, adjacent to the site.

- It is anticipated at the highest use, the demand will not change as the DRI entitlements will not be increased by this request, However the potential for this site would be to need 57,346 Gallons Per Day (GPD) for potable water and generate 45,877 GPD for wastewater based on 7.48± acres of Community Activity Center-X (CAC-X). It is noted that the Land Use request does not provide for additional entitlements, The Providence DRI is vested with the entitlements.

- The zoned schools for the site are Loughman Oaks Elementary, Shelly Boone Middle, and Davenport Senior High School.

- The subject site is approximately 1.4 miles from the nearest Fire and Emergency Management Station (EMS), Fire Station #20, located at US Highway 17/92 N, Davenport.

- The nearest Sheriff's office is the Northeast District Office, 1100 Dunson Road, Davenport, approximately 6.9 miles from the subject site.

- Ronald Reagan Parkway is an urban collector, it runs east and west from US 27 to the Osceola Couty Line and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".

- US 17/92 is a principle arterial, it runs north and south and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".

- The nearest mass transit route is the Citrus Connection 19X – Posner Park / Poinciana Express which connects Posner Park and the Poinciana Sunrail station.

- The nearest park is Loughman Park on Old Kissimmee Road to the north of the subject site.

Environmental

- According to the soil survey by the United States Department of Agriculture, the subject site is made up of two (2) soil types; Hontoon muck, frequently ponded, 0 to 1 percent

slopes, and Pomona Fine Sand. The soils are considered wetlands. If the request is approved the site will be mitigated through Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD). 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 too implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

- The subject's parent site, Providence DRI, encompasses over 2,300 acres with a total of 806± acres of wetlands. The requested Land Use change will impact 7.48± acre, or less that 1% of the total wetlands within the Providence DRI.

- The Oak Hills Estates DRI Application for Development Approval (ADA) in PART III, 16 Environmental and Natural Resources: Wetlands, the plan proposed and was approved for alteration or disturbance to wetlands. (section attached under separate cover),

- The subject site is located entirely within Flood Zone AE with a Base Flood Elevation of 90.4 feet.

- The subject site is not located within an Airport Notification Zone.

- The subject site is located within a one-mile radius of an eagle's nest, according to the Florida Fish and Wildlife Conservation Commission (2015).

- There are no known historical or archeological resources onsite, according to the Secretary of State's Department of Historical Resources Florida Master Site File.

- There are no known wells on the site. The nearest Wellfield-Protection District is 5+ miles to the southwest.

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-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Urban Growth Areas:
  a. ACTIVITY CENTERS: Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.

b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.
c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.

Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.

- POLICY 2.105-A5: DEVELOPMENT CRITERIA - Development within UGAs 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);

- POLICY 2.110-E-3: LOCATION CRITERIA - Community Activity Centers shall be located at the intersections of arterial and/or collector roads, and preferably with the capability to accommodate a fixed route mass-transit line. There shall be the following traveling distance, on public roads, between the center of a Community Activity Center and the center of any other Community Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same community shopping needs:
  a. Four (4) miles within the TSDA and UGA
  b. Six (6) miles within the SDA and UEA

  This required separation may be reduced if:
  a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or,
  b. The proposed Community Activity Center market-area radius, minimum population support is over 50,000 people.

- POLICY 2.113-B-4: DEVELOPMENT CRITERIA- Development within a Community Activity Center shall conform to the following criteria:
  a. Community Activity Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.

b. Different uses within a Community Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.
e. New residential shall be limited to Special Residential and shall not exceed 30 percent of the total area of the community activity center. Location of residential units above stores shall be encouraged by not considering such units against the maximum residential percentages.
f. There shall be no limits on the mix of office and commercial uses within a Community Activity Center.
g. The maximum floor area ratio shall not exceed 0.30 unless developed as a Planned Development.
h. Planned Developments within the Community Activity Center may be permitted a maximum floor area ratio up to 1.0 and a maximum residential density of 25 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.

- SECTION 620: WETLAND PROTECTION:

A. Purpose and Intent (Rev. 06/04/13 Ord 13-020)

It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations.

B. Applicability (Rev. 06/04/13 Ord 13-020)

1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following:
   a. The U.S. Army Corps of Engineers (USACOE).
   b. The Florida Department of Environmental Protection (FDEP).
   c. The Southwest Florida Water Management District (SWFWMD).
   d. The South Florida Water Management District (SFWMD).
2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County.
3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

C. Development Standards: All development within areas covered by this Section shall comply with the following:

1. Wetland impacts shall be avoided to the maximum extent possible.
2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for:
   a. Access to the site;
   b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
   c. Utility transmission and collection lines;
   d. Pre-treatment storm water management facilities;
   e. Mining uses which meet State and Federal regulations; or
   f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan.

D. Beneficial Use: If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.

E. Density Transfers: Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following:

1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres.
2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the base land use density if the base density is less than one dwelling unit per acre, and when there has been no disturbance to wetlands. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within wetland areas.
3. All such transfers of density shall:
   a. Be contiguous property under the same ownership;
   b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code;
   c. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and
   d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners.

F. Allowable Uses: Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

   1. Scenic, historic, wildlife, or scientific preserves;
   2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;

3. Cultivating agricultural or horticultural products that occur naturally on the site;
4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.).

G. Onsite Sewage Disposal System (OSDS)

The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.

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 LDCPAS 2023-21.**

Planning Commission Recommendation: On February 7, 2024, at an advertised public hearing, the Planning Commission recommend **?:?** to **APPROVE or DENY LDCPAS-2023-21**.

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 below this sentence lists the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest CACXX Convenience Store & Vacant	**North** CACX Loughman Crossing	**Northeast** CACX & RL-4X Vacant CACX & Vista Mar Villages
West CACX Pointe Grand Apartments	**Subject Site** A/RR Vacant / Pasture	**East** CACX & RL-4X Vacant CACX & Vista Mar Villages
Southwest CACX Vacant & Pointe Grand Apartments	**South** CACX & PRES-X Vacant	**Southeast** CACX & PRES-X Vacant

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

Compatibility with the Surrounding Uses

Compatibility is often regarded as a subjective term used to express ones' opinion or feeling about the appropriateness of locating differentiating uses rather than being based upon facts or evidence to support those opinions or feelings. 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."

The subject site is located within the Providence DRI, with existing entitlements. This request does not provide for an increase in entitlements, it allows for a more efficient design plan for the N-27 Commercial Neighborhood. The site's location for the requested change is located at the southern quadrant of US 17/92 and Ronald Reagan/Kenny Harmon Road. The northwest and northeast boundaries of the site are the right-of-way lines to each of these roads. The request allows for the existing Commercial Neighborhood to request an access from US 17/92 for FDOT, which would not be permissible as PRESX. The change also allows for the site to be utilized for stormwater retention and will allow for a more efficient commercial center located at the intersection of principle arterial and urban collector roads. To the north of the site is the Publix anchored Loughman Crossings. East of the site is an area fronting US 17/92 of vacant CACX, and Vistamar Villages, a residential development

within a RL-4X Land Use district. To the south of the site is the Providence DRI. West of the subject site the Pointe Grand Apartments are currently under construction. The site location is within an area the is experiencing rapid growth in the northeast Polk County market.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property, as shown in Table 2, include Loughman Oaks Elementary, Shelly Boone Middle and Davenport Senior High School. The applicant does not need to address capacity for the described project as it is not anticipated to generate a use impacting school concurrency. While CAC permits multi-family development the N-27 of the Providence DRI is designated for commercial development and not residential development.

Table 2: Schools

Name of School	**Average driving distance from subject site**
Loughman Oaks Elementary	1.4 ± miles driving distance
Shelly Boone Middle School	10.8 ± miles driving distance
Davenport Senior High	2.3 ± miles driving distance

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office is northeast of the site and the Fire and Emergency Management Station is located southeast of the site.

Table 3 Public Safety Information

	Name of Station	**Distance Response Time**
Sheriff*	Polk County Sheriff Office's Northeast District Office, 1100 Dunson Road, Davenport	6.9 +/- miles W Priority 1: 12:29 Priority 2: 26:00
Fire/ EMS	Polk County Fire and Emergency Management Station #20, 4611 US Highway 17/92 N, Davenport	1.4 +/- miles SE

*Source: Polk County Sheriff's Office and Polk County Fire Rescue. *Response times are based on December 2023 data.*

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.

Water and Wastewater

A. Estimated Demand and Service Provider

The subject site is within Polk County Utilities Northeast Regional Service Area. The estimated demand for potable water at the highest capacity at maximum buildout is 57,346 Gallons per Day (GPD) and 45,877 GPD capacity for wastewater. The requested change does not provide for any increase in entitlements; therefore, this request will not generate any additional water, wastewater than currently permitted by the DRI.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	**Maximum Permitted in Existing Land Use PRES-X**	**Maximum Permitted in Proposed CAC-X**
7.48 +/- acres **325,829 sq. ft.**	325,829 sq. ft x 0.00005 FAR= 16 sq ft	325,829 sq. ft x 0.80 FAR= 260,663 sq ft
Potable Water Consumption	16 x 0.24 GPD **4 GPD**	260,663 x 0.22 GPD **57,346 GPD**
Wastewater Generation	4 x 0.80 percent = **3 GPD**	57,346 x 0.80 percent = **45,877 GPD**

Source: Polk County Maximum Feasible Buildout Methodology; PRES 0.00005 FAR; Dance Hall 0.24 per square foot Water and 80% Wastewater; CAC 0.35 FAR; Supermarket and Grocery 0.22 per square foot Water and 80% Wastewater

B. Available Capacity

Table 4 provides a scenario of the maximum buildout of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential using the current and proposed Future Land Use designation. The proposed development represents an expansion of the existing CAC-X district and will allow for a more efficient utilization of the existing CAC-X and not increase the entitlements or intensity within the CAC-X to the extent indicated. Therefore, this request will not generate any additional water, wastewater than currently permitted by the DRI.

C. Planned Improvements

There are no known utility improvements near the subject site or for the Polk County Utilities Northeast Regional Service Area.

Roadways/Transportation Network

D. Estimated Demand

Table 5 see below, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The proposed request will generate more AADT and PM Peak Hour Trips than A/RR Future Land Use Trips.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	**Maximum Permitted in Existing Land Use PRES-X**	**Maximum Permitted in Proposed CAC-X**
7.48 +/- acres **325,829 sq. ft.**	325,829 sq. ft x 0.00005 FAR= 16 sq ft 16 / 1,000 = 0.016	325,829 sq. ft x 0.80 FAR= 260, sq ft 236,270 / 1,000 = 236
Average Annual Daily Trips (AADT)	.016 x 17.14 AADT x 49%= **0 Trips**	236 x 24.43 AADT x 76%= **4,382 Trips**
PM Peak Hour Trip	.016 x 1.83 PM Peak x 49%= **0 Trips**	236 x 3.40 PM Peak x 76%= **610 Trips**

Source: Polk County Maximum Feasible Buildout Methodology; PRES 0.00005 FAR; Racquet Club; CAC 0.35 FAR; Discount Store

E. Available Capacity

Table 6 below displays the available capacity for US 17/92 and CR 54 (Roald Reagan Pkwy / Kenny Harmon Road). There is not available capacity in the PM Peak Hour for maximum buildout. It should be noted that the Land Use request does not increase entitlements, the entitlements for the Providence DRI are within the Development Order. Therefore, this request will not generate any additional trips than currently permitted by the DRI. However, all Level 2 requirements at the time of development will be required to be met.

Table 6 Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
7305E 7305W	CR 54 (Ronald Reagan Pkwy) Lake Wilson Rd to US 17/92	4D UC	C	600 552	D	C
5907E 5907W	Ronald Reagan Pkwy/Kenny Harmon Road US 17/92 to Osceola County Line	2U UC	C	305 285	D	C
5121N 5121S	US 17/92 CR 547 to Osceola County Line	2U PA	C	135 164	D	C

Source: Polk County Transportation Planning Organization Roadway Network Database October 2023

F. Roadway Conditions

CR 54 (Roald Reagan Pkwy / Kenny Harmon Road) is an urban collector that runs east and west, the western portion is 4-lane divided, the eastern portion is a 2-lane undivided road and is monitored by the Polk County TPO with a LOS of "C". US 17/29 is a 2-lane undivided Principle Arterial road which runs north and south. It is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".

G. Planned Improvements

There are no current improvements planned for this area. However it is noted that FDOT does have US 17/92 on an unfunded long-range plan for further widening in the area.

H. Mass Transit and Sidewalk Network

The nearest mass transit route is the Citrus Connection 19X – Posner Park / Poinciana Express which connects Posner Park and the Poinciana Sunrail station.

Park Facilities

The nearest park is Loughman Park on Old Kissimmee Road to the north of the subject site. There are no environmental lands abutting the site. The closest environmental site is the Reedy Creek Mitigation Bank.

A. Location:
Loughman Park is located at 6302 Old Kissimmee Road approximately 2.25 north of the subject site.

B. Services:
The current hours of operation are from 5 a.m. to 10 p.m. The complex offers baseball, soccer, and multi-purpose fields as well as a playground, pavilion, picnic table and sports leagues.

C. Multiuse Trails:
The closest free hiking trails are the Snell Creek Trails and Lake Marion Creek Management Area Trails.

D. Environmental Lands:
The Reedy Creek Mitigation Bank is east of the subject site. The Reedy Creek Mitigation Bank is a 3,520-acre mitigation bank that is located in Polk/Osceola County, Florida. The bank was permitted by both the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (USACOE) and can be utilized as mitigation for impacts within the service area.

E. Planned Improvements:
There are no further recreation improvements scheduled for this area of Polk County at this time.

Environmental Conditions

There are severe environmental limitations with the development of this property. The subject site is a wetland, and the soils are predominantly Hontoon muck. The subject's parent site, Providence DRI, encompasses over 2,300 acres with a total of 806± acres of wetlands. The requested Land Use change on the subject site, will impact 7.48± acres. There are no wells or public Wellfields on site and the property is not within an airport restriction zone. There have been sightings of protected species in the area.

A. Surface Water:

The subject site, of the requested Land Use request, is comprised of wetlands and does appear to have standing water for parts of the year. The site is adjacent to an upland tract that it is proposed to be developed with.

The property is relatively flat with an elevation of 89 feet, the uplands to the southeast and south have an elevation of 92 feet +.

B. Wetlands/Floodplains:

The subject site, of the requested Land Use request, is located with wetlands and a flood zone. The site which is bordered by US Highway 17/92 to the northwest, Ronald Reagan Parkway to the northeast, upland Community Activity Center-X (CAC-X) to the southeast, and Preservation-X (PRES-X) to the southwest. Both Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) acknowledge and approve the impact, with the Environmental Resource Permit requiring mitigation be completed offsite. Based on the scale of the project and the fact that the impacted wetlands are less than 1% of the total wetlands within this project, it appears that the design professionals have made a considerable effort in reducing the impact to any areas of significant ecological value. The wetlands of higher ecological value have been prioritized and maintained. It is considered that the project meets the

intent of Chapter 6 of the Land Development Code and the Comprehensive Plan, with respect to wetlands. Richard Benton, Floodplain Manager, Land Development was consulted and reviewed the analysis from both FDEP and SWFWMD.

This intersection has experienced significant growth and impacts to this quadrant of the intersection. As recently as 2007, both US 17/92, and Ronald Reagan were 2-lane undivided roads, with Keny Harmon Road an unpaved road. By 2009 Kenny Harmon was a paved 2-lane road with Ronald Reagan Parkway widened with dedicated north and south turn lanes. US 17/19 was widened with turn lanes also, impacting the wetlands in the area. By 2017 US 17/92 was widened with 2 dedicated turn lanes to the west, one to the east, Kenny Harmon Road, 2-lanes east bound, 2-lanes west bound, one dedicated turn lane north bound, and two dedicated turn lanes south bound. These road improvements have impacted the wetlands (PRESVX) at this site. It is also noted that the Oak Hills Estates DRI Application for Development Approval (ADA) in PART III, 16 Environmental and Natural Resources: Wetlands, the plan proposed and was approved for alteration or disturbance to wetlands. (section attached under separate cover).

The Providence DRI was originally approved as Oak Hills Estates DRI (DRI 90-04) on October 16, 1990, prior to the adoption of the Comprehensive Plan in 1991. Developments approved prior to the adoption of the Comprehensive Plan retain vesting rights from the original development agreement.

The subject site is fully located within Flood Zone AE with a Base Flood Elevation of 90.4 feet.

C. Soils:

The soil types and limitations, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, are listed in Table 8. The soils are considered wetlands. If the request is approved the site will be mitigated through Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) and will need to meet minimum soil stabilization standards for any development that is located on the site.

Table 8 Soil Information

Soil Name	**Septic Tank Absorption Field Limitations**	**Small Commercial Buildings**	**% of Site** *(approximate)*
Hontoon muck, frequently ponded, 0 to 1 percent slopes (35)	Severe	Severe	75%
Pomona Fine Sand (30)	Severe	Severe	25%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service..

D. Protected Species:

According to Polk County Endangered Habitat Maps, the subject site is located within a one-mile radius of an eagle's nest sighting. (Source: Florida Department of Environmental Protection, 2015). The burden of identifying endangered species is on the developer.

E. Archeological Resources:

According to the Florida Department of State, Division of Historical Resources, Florida Master Site File, there is a historical burial site east of the site, not within the subject site area.

F. Wells (Public/Private):

There are no public wells on-site per the Applicant's Impact Assessment Statement. The subject site is not within a Wellfield Protection District.

G. Airports:

The property is not within an Airport Impact District (AID) height notification zone.

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 or inconsistent** with the Comprehensive Plan is listed below:

- Section 2.102 – General Growth Management policies
- Policy 2.105-A3 Urban Development Area (UDA) Land Use Categories
- Policy 2.105-A5 Urban Development Area (UDA) Development Criteria
- Policy 2.110-E Community Activity Center (CAC)
- Policy 2.110-E-3, and E-4 Location Criteria, and Development Criteria

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 request is to expand the CACX land use district within the Providence DRI commercial neighborhood known as N-27. The expansion does not increase the entitlements within the DRI. The site is located at he southern quadrant of the Ronald Reagan Parkway/Kenny Harmon Road and US 17/92 with existing NACX located on the remaining three corners of the intersection.
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 request for the Future Land Use designation is consistent with the Development Location policy. The area has public water and sewer, public transit, and part of an expansion of the existing CACX, with no additional entitlements.

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A3: DISTRIBUTION - 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 - 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.	
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: 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.	The request for the Future Land Use designation is consistent with the Location Criteria. The area has public water and sewer, public transit, and part of an expanding warehouse employment and distribution center.
POLICY 2.105-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Urban Growth Areas: a. ACTIVITY CENTERS: Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers,	The requested Future Land Use designation is listed in this policy. Therefore, the request is consistent with this policy to permit CACX.

Comprehensive Plan Policy	Consistency Analysis
High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria. b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria. c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation. Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.	
POLICY 2.105-A5: DEVELOPMENT CRITERIA - Development within UGAs 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)	The request is consistent with this policy as the subject site has adequate access to public safety services.

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.110-E-3: LOCATION CRITERIA - Community Activity Centers shall be located at the intersections of arterial and/or collector roads, and preferably with the capability to accommodate a fixed route mass-transit line. There shall be the following traveling distance, on public roads, between the center of a Community Activity Center and the center of any other Community Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same community shopping needs: a. Four (4) miles within the TSDA and UGA b. Six (6) miles within the SDA and UEA This required separation may be reduced if: a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or, b. The proposed Community Activity Center market-area radius, minimum population support is over 50,000 people.	The request is an expansion of the CACX, within the Providence DRI, to the northwest. The subject site is located at the intersection of US 17/92, a Principle Arterial, and Ronald Reagan Parkway/Kenny Harmon Road an Urban Collector. This area is one of the fastest growing areas located in northeast Polk County.
POLICY 2.110-E-4: DEVELOPMENT CRITERIA- Development within a Community Activity Center shall conform to the following criteria: a. Community Activity Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway. b. Different uses within a Community Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical. c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic. d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions. e. New residential shall be limited to Special Residential and shall not exceed 30 percent of the total area of the community activity center. Location of residential units above stores shall be encouraged by not considering such units against the maximum residential percentages. f. There shall be no limits on the mix of office and commercial uses within a Community Activity Center.	The subject site fronts both US 17/92, a Principle Arterial and Ronald Reagan Parkway, an Urban Collector as stated in "A" of the policy.

Comprehensive Plan Policy	Consistency Analysis
g. The maximum floor area ratio shall not exceed 0.30 unless developed as a Planned Development. h. Planned Developments within the Community Activity Center may be permitted a maximum floor area ratio up to 1.0 and a maximum residential density of 25 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.	
POLICY 620: WETLAND PROTECTION- A. **Purpose and Intent (Rev. 06/04/13 Ord 13-020)** It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations. **B. Applicability (Rev. 06/04/13 Ord 13-020)** 1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following: a. The U.S. Army Corps of Engineers (USACOE). b. The Florida Department of Environmental Protection (FDEP). c. The Southwest Florida Water Management District (SWFWMD). d. The South Florida Water Management District (SFWMD). 2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County. 3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater. C. **Development Standards:** All development within areas covered by this Section shall comply with the following:	The subject site has been reviewed by both The South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) with determinations from both agencies that, with consideration of the location of the subject site at the heavily traveled and expanded intersection of US 17/92 and Ronald Reagan Parkway/Kenny Harmon Road, along with analysis from the applicant that mitigation of the site is appropriate. The site represents less than 1% of the total protected wetlands within the Providence DRI. The anticipated impacts within the mitigated wetlands, per the SFWMD and FDEP applications indicate the primary use within the area will be stormwater retention and access.

Comprehensive Plan Policy	Consistency Analysis
1. Wetland impacts shall be avoided to the maximum extent possible. 2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for: a. Access to the site; b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety; c. Utility transmission and collection lines; d. Pre-treatment storm water management facilities; e. Mining uses which meet State and Federal regulations; or f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan. D. **Beneficial Use:** If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel. E. **Density Transfers:** Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following: 1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres. 2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the base land use density if the base density is less than one dwelling unit per acre, and when there has been no disturbance to wetlands. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within wetland areas. 3. All such transfers of density shall: a. Be contiguous property under the same ownership; b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code; c. Not result	

Comprehensive Plan Policy	Consistency Analysis
in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners. F. **Allowable Uses:** Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following: 1. Scenic, historic, wildlife, or scientific preserves; 2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds; 3. Cultivating agricultural or horticultural products that occur naturally on the site; 4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.). G. **Onsite Sewage Disposal System (OSDS):** The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.	
POLICY 2.131-B.2.1.A13: PRESERVATION (PRESVX) - The characteristics of the Preservation future land use district shall be in conformance with Section 2.118 of the Comprehensive Plan. (a) DESIGNATION AND MAPPING - All wetland areas deemed under the jurisdiction of the Army Corps of Engineers, Florida Department of Environmental Protection or the Water Management District (South or Southwest Florida) shall be designated PRESVX regardless of their appearance on the generalized Future Land Use Map. (b) PURPOSE - The purpose of the preservation district is to offset and mitigate the impact upon the regional environmental system that is anticipated to result from the urbanization of the area. (c) DEVELOPMENT STANDARDS - i. PERMITTED USES - The following uses shall be allowed: 1. access to the site where other alternatives do not exist; 2. internal traffic or pedestrian circulation, where other alternatives do not exist, or for purposes of public safety; 3. utility transmission and collection lines; 4. passive recreation facilities; and, 5. pre-treated storm-water management. ii. PROHIBITED USES - All uses not listed as permitted.	Per the South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) applications indicate the primary use within the area will be stormwater retention and access.

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

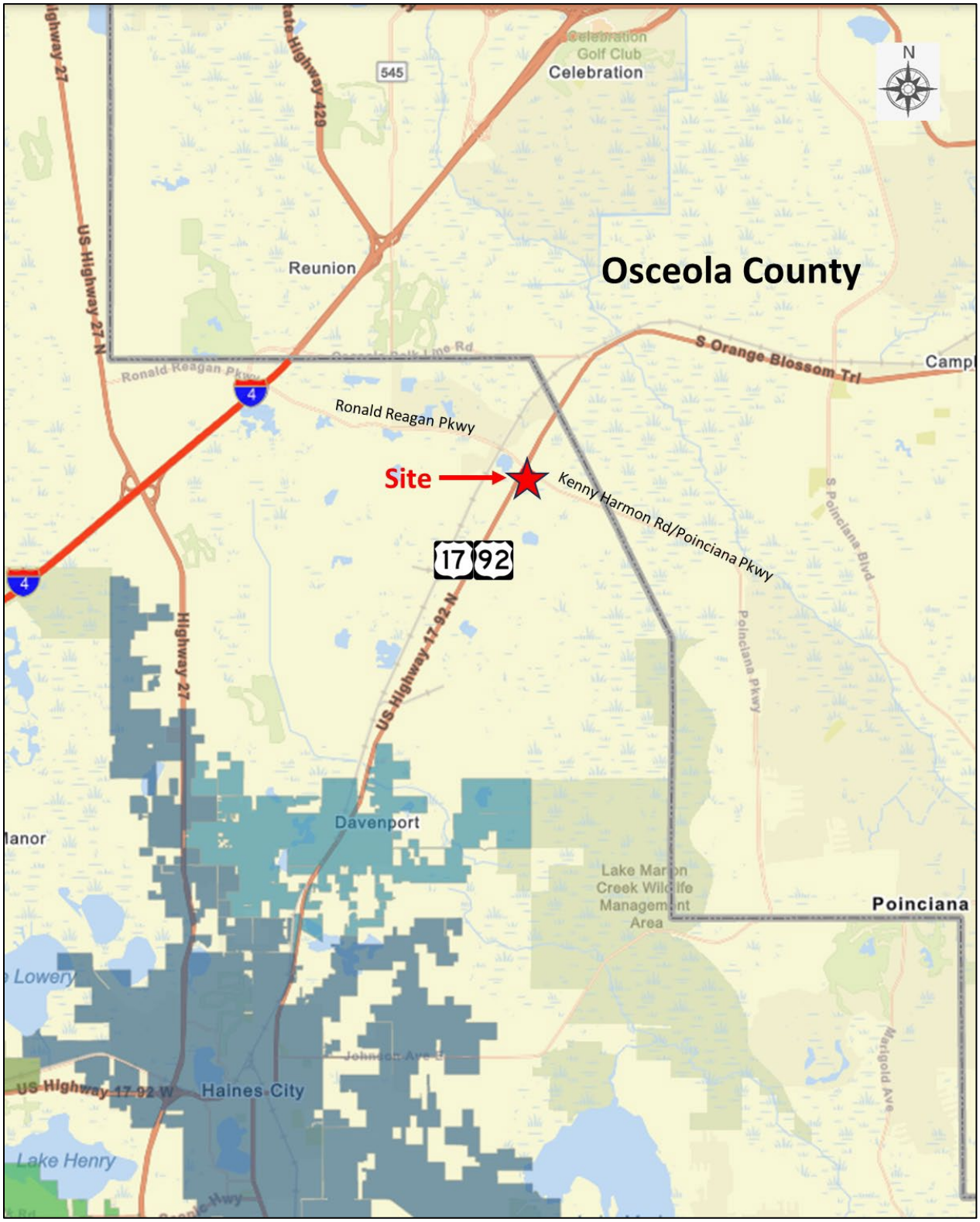
Comments from other agencies:
Florida Department of Environmental Protection – Separate Attachment

Southwest Florida Water Management District – Separate Attachment

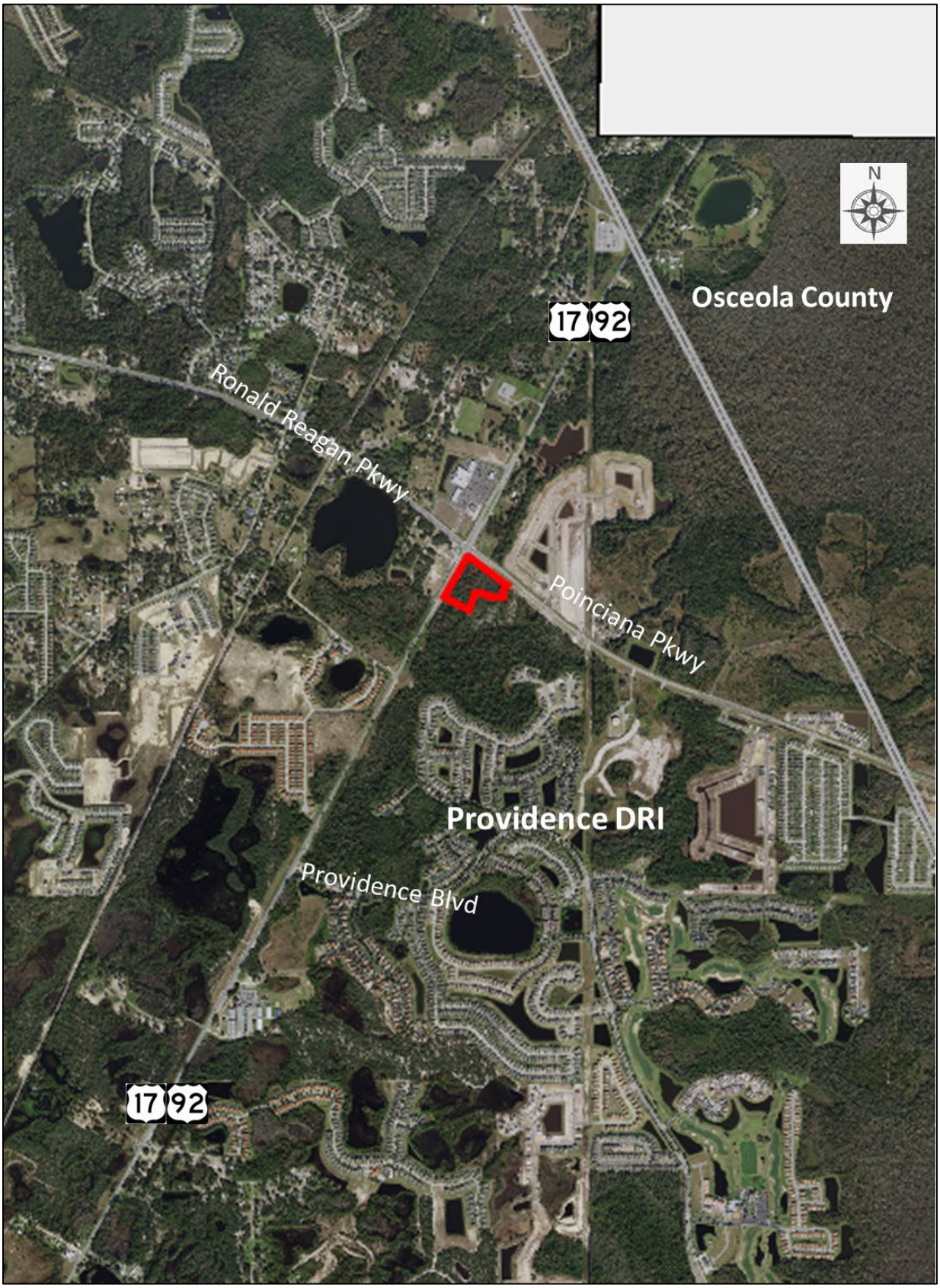
Attachments:

Exhibit 1 – Location Map
Exhibit 2 – Aerial Context Map
Exhibit 3 – Aerial Map
Exhibit 4 – Current Future Land Use Map
Exhibit 5 – Proposed Future Land Use Map
Exhibit 6a – Current Permitted and Conditional Uses
Exhibit 6b – Proposed Permitted and Conditional Uses

Applicant's submitted documents and ordinance as separate files



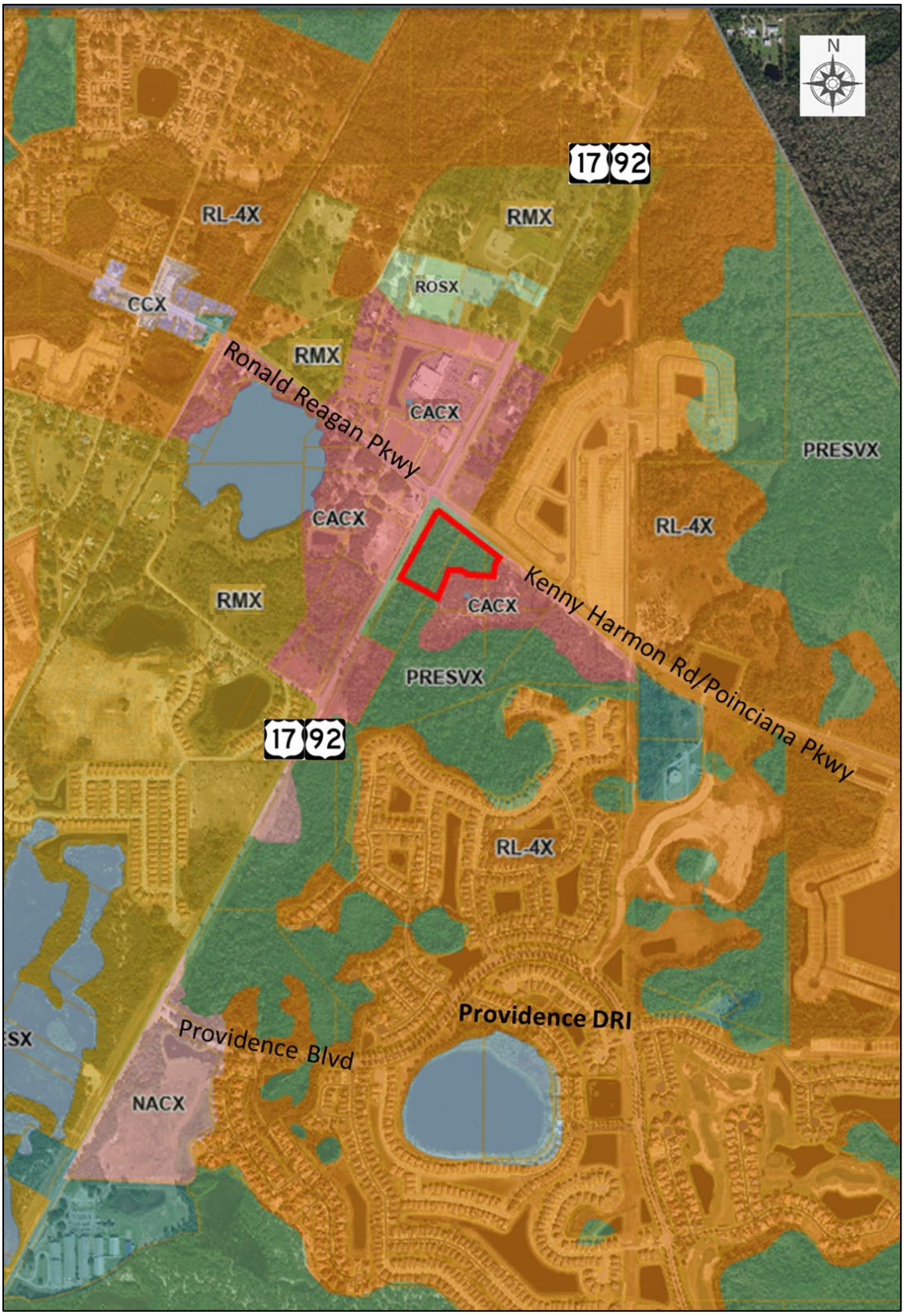
LOCATION MAP



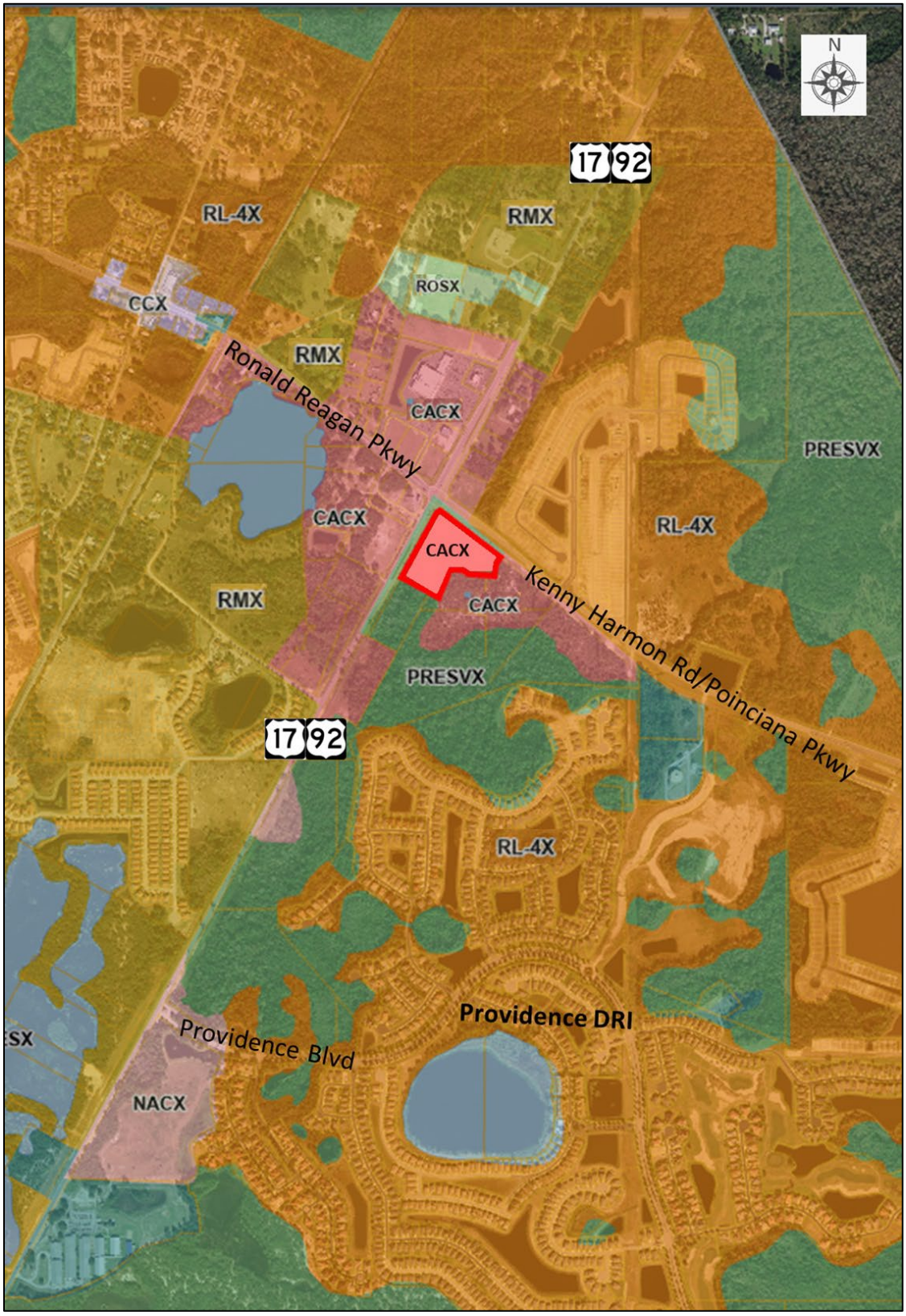
AERIAL MAP CONTEXT



AERIAL MAP CLOSE UP



CURRENT FUTURE LAND USE MAP
Preservation



PROPOSED FUTURE LAND USE MAP
Community Activity Center

Exhibit 6a

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
PRESV	Utilities- Class I	Recreation- Passive	Planned Development, Communication Tower- Monopole, Communication Towers- Guyed and Lattice

CURRENT PERMITTED AND CONDITIONAL USES Preservation

Exhibit 6b

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
CAC	Car Wash- Full Service, Car Wash- Incidental, Car Wash- Self Service, Childcare Center, Clinics & Medical Offices, Farming General, Financial Institution, Gas Station, Government Facility, Hospitals, Hotels and Motels, Nurseries and Greenhouses, Nurseries- Retail, Office, Personal Service, Restaurant- Sit-down/Take-out, Retail- 10-000 – 34-999 sq. ft., Retail- 35-000 - 64-999 sq. ft, Retail- Less than 10-000 sq. ft., Retail- More than 65-000 sq. ft., School- Leisure/Special Interest, Transit- Facility, Utilities- Class I, Utilities- Class II, Vehicle Service- Mechanical, Veterinary Service	Adult Use, Alcohol Package Sales, Bars- Lounges- and Taverns, Flea Market/Enclosed, Kennels- Boarding and Breeding, Marinas and Related Facilities, Recreation- Passive, Multi-family, Cemetery, Commercial Vehicle Parking, Communication Tower- Monopole, Community Center, Cultural Facility, Financial Institution- Drive Through, Funeral Home & Related Facilities, Heliports, Medical Marijuana Dispensaries, Nursing Home, Recreation & Amusement General, Religious Institution, Restaurant- Drive-thru/Drive-in, School- Technical/Vocational/Trade & Training, Self-storage Facility, Vehicle Sales- Leasing	Planned Development, Transitional Area Development, Communication Towers- Guyed and Lattice, Helistops, Mining- Non-phosphate, Nightclubs and Dance Halls, Retail- Outdoor Sales/Display, School- University/College, Utilities- Class III, Water Ski Schools, Flea Market/Open, Residential Treatment Facility

PROPOSED PERMITTED AND CONDITIONAL USES Community Activity Center

ORDINANCE NO. 24 -____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2023-11**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 7.48 +/- ACRES FROM PRESERVATION-X (PRES-X) TO COMMUNITY ACTIVITY CENTER-X (CAC-X), LOCATED ON THE EAST SIDE OF US HWY 17/92, SOUTH OF RONALD REAGAN PARKWAY, NORTH OF EARNIE CALDWELL BOULEVARD, NORTHEAST OF DAVENPORT CITY LIMITS, IN SECTION 12, TOWNSHIP 26 AND RANGE 27; AND SECTION 07, TOWNSHIP 26 AND RANGE 28, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on February 7, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on March 19, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the "Polk County Comprehensive Plan") is hereby amended to reflect a change in the Future Land Use District of portions of parcels 272612-702500-011010, 272612-702500-012000, 272612-702500-013000 and as legally described below and graphically depicted as referenced in Attachment "A" of this ordinance, from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X)in the Urban Growth Area (UGA), legally described as:

LEGAL DESCRIPTION:

Lots 1 through 8, Block K; and a portion of Blocks L and M; TOGETHER WITH the vacated portions of Bay Street; all as described and recorded on the plat of ROY A. MILLER's SUBDIVISION AT LOUGHMAN, FLA.; TOGETHER WITH a portion of unnamed right-of-way as recorded on the plat of CAPT. DAVID BURNS SUBDIVISION, as recorded in Plat Book 4, Page 34, Public Records of Polk County, Florida; all being situated in Section 12, Township 26 South, Range 27 East and in Section 7, Township 26 South, Range 28 East, Polk County, Florida, being described as follows:

Commence at the northeast corner of Tract B, DRA YTON-PRESTON WOODS AT PROVIDENCE - PHASE 2, according to the plat thereof as recorded in Plat Book 161, Pages 35 through 40, Public Records of Polk County, Florida; thence run westerly along the northerly line of said Tract B, the following five (5) courses and distances: run N 86°22'00" W, a distance of 1,040.22 feet; thence run S 78°45'54" W, a distance of 60.00 feet; thence run S 70°06'06" W, a distance of 1138.27 feet; thence run S 81°58'38" W, a distance of 259.22 feet; thence run S 78°59' 45" W, a distance of 35.94 feet to a point on the centerline of the aforesaid unnamed right-of-way as recorded on the plat of CAPT. DAVID BURNS SUBDIVISION; said right-of-way vacated pursuant to Official Records Book 5220, Page 1447 and Official Records Book 5235, Page 645, Public Records of Polk County, Florida; thence run N 54°50'49" W, along said centerline, a distance of 73.62 feet to a point on the centerline of Bay Street, said right-of-way vacated pursuant to Official Records Book 5220, Page 1447 and Official Records Book 5235, Page 645, Public Records of Polk County, Florida; thence run N 28°53'06" E, a distance of 741.74 feet to a point being the intersection with the southeasterly extension of Lot 13; thence run N 61°06'54" W, along the southwesterly line of said Lot 13 and the southeasterly extension thereof, a distance of 290.50 feet to the southeast corner of Tract 0-3, according to the plat of POINCIANA PARKWAY - POLK COUNTY PORTION, as recorded in Plat Book 154, Pages 43 through 48, Public Records of Polk county, Florida; thence run northerly along the easterly line of said Tract 0-3 the following three (3) courses and distances: run N 28°53'06" E, a distance of 595.90 feet to the POINT OF BEGINNING; thence continue N 28°53'06" E, a

distance of 668.91 feet; thence run N 78°40'41" E, a distance of 39.29 feet to a point on the southwesterly line of Tract 0-4, POINCIANA PARKWAY - POLK COUNTY PORTION; said point being a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 5,808.00 feet; thence, on a chord bearing of S 53°07' 48" E and a chord distance of 294.22 feet, run southeasterly along the arc of said curve, a distance of 294.25 feet, through a central angle of 02°54'10" to a point of reverse curvature of a curve, having a radius of 5,652.00 feet and a central angle of 01°50'04"; thence run southeasterly along the arc of said curve, a distance of 180.97 feet to a point on a non-radial line; said point being a point on the southwesterly right-of-way line of Kinney Harmon Road, as recorded in Official Records Book 6161, Page 570, Public Records of Polk county, Florida; thence run S 50°14'24" E, along said southwesterly right-of-way line, a distance 188.93 feet to the easterly line of a wetland area; thence departing said southwesterly right-of-way line, run along the easterly line of said wetland area the following eight (8) courses: thence run S 39°06'09" W, a distance of 70.35 feet; thence run S 7°07'30" W, a distance of 104.31 feet; thence run N 86°28'46" W, a distance of 103.82 feet; thence N 90°00'00" W, a distance of 90.63 feet; thence N 78°38'53" W, a distance of 33.02 feet; thence N 59°01'11" W, a distance of 75.52 feet; thence N 90°00'00" W, a distance of 110.06 feet; thence S 19°34'00" W, a distance of 274.93 feet; thence departing said easterly line N 63°26'06" W, a distance of 114. 56 feet; thence N 61°53'47" W, a distance of 266.11 feet to the POINT OF BEGINNING.

Said parcel containing 7.48 acres, more or less

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

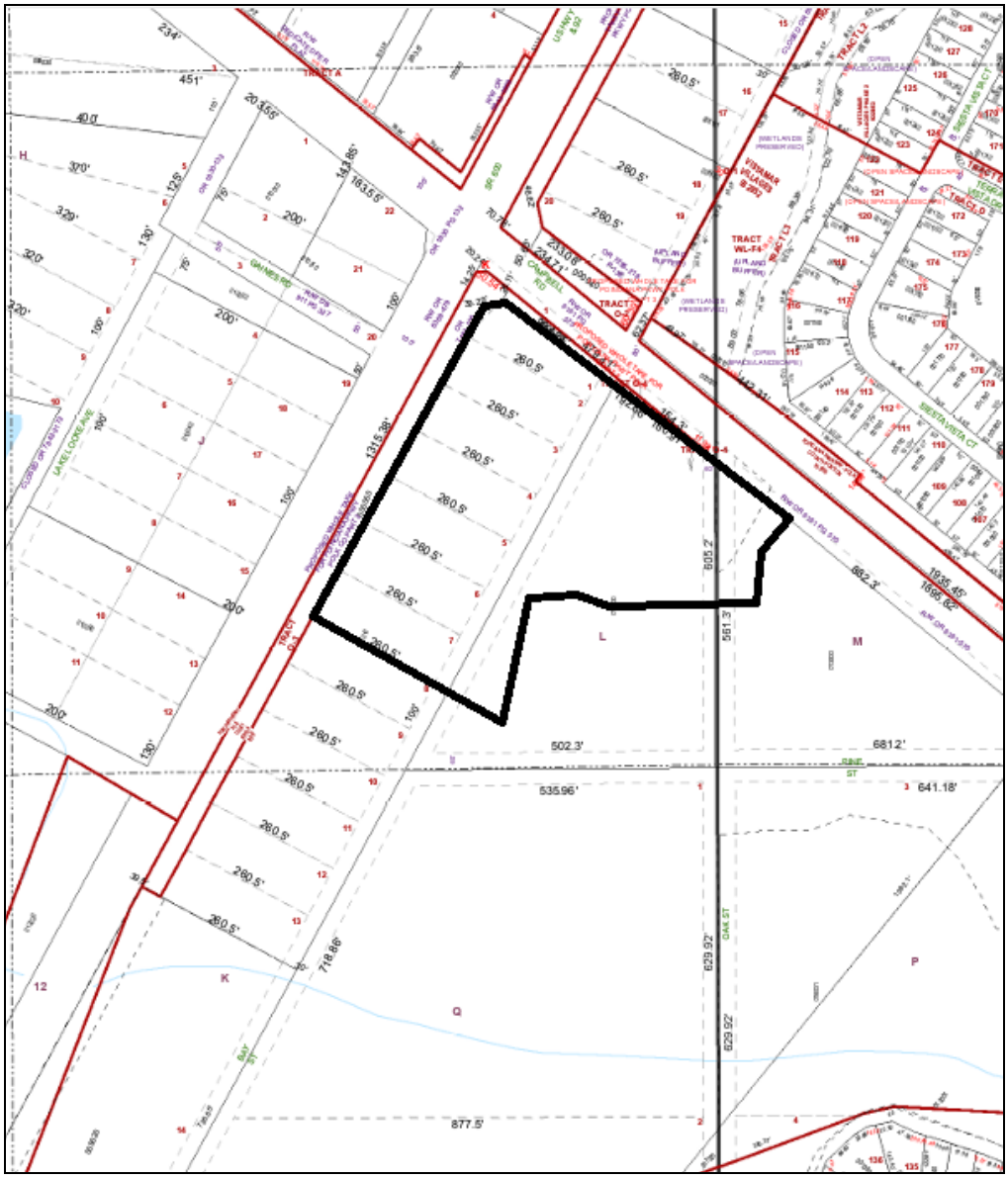
This ordinance shall be effective on April 19, 2024 (31 days after adoption) unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued, or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 19th day of March 2024.

LDCPAS 2023-11
Development Area: Suburban Development Area (SDA)
Location: Located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits.
Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28



PARCEL DETAIL
Note: Not to Scale

www.polk-county.net

Office of Planning and Development
Land Development Division
330 W. Church St.
P.O. Box 9005, Drawer GM03
Bartow, FL 33831-9005
Phone (863)534-6792
FAX (863) 534-6407

LEVEL 4
LAND DEVELOPMENT CODE
COMPREHENSIVE PLAN
AMENDMENT APPLICATION

TYPE OF AMENDMENT

Land Development Code **( ) Text** **( ) Sub-district**

Comprehensive Plan **( ) Text** **( ) Large Scale Map** **(✓) Small Scale Map**

Is property in a Selected Area Plan (SAP) **(✓) Yes** **( ) No**

SAP Name Ronald Reagan Parkway

Pre Application Project # _____ (Required)

	Owner	**Applicant**	**Contact Person**
Name	Applied Building Development	Kimley-Horn and Associates	Mark Wilson, PE
Work Number	863.420.2100	863.701.8702	863.226.6863
Fax Number			
Mailing Address	131 Chadwick Dr. Davenport, FL 33896	109 S. Kentucky Ave. Lakeland, FL 33801	109 S. Kentucky Ave. Lakeland, FL 33801
Email	yuval@abddevelopment.com	marke.wilson@kimley-horn.com	marke.wilson@kimley-horn.com

If additional contacts, please list on a separate sheet and submit with application.

Brief Description Request *(No more than 250 characters)***:**

Small Scale change from Preserve to CAC.

Request **From:** Pres Land Use/Sub-District

To: CAC Land Use/Sub-District

Acreage: 22.6 +/-

	Range -	Township -	Section	Subdivision #	-	Parcel #
Parcel ID Number(s):	R 27	T 26	S 13	000000	-	014010 .
	R	T	S		-	.
	R	T	S		-	.
	R	T	S		-	.

(Include others on a separate attachment)

Address and Location of Property:

Ronald Reagan Parkway and US 17/92, Southern corner, within Providence subdivision

Water Provider Name and Phone Number: PCU .

Sewer Provider Name and Phone Number: PCU .

( ) Yes (✔) No Is the property located in the Green Swamp Area of Critical State Concern? *(If yes, a Green Swamp Impact Assessment Statement must be submitted with this application.)*

Identify existing uses and structures on subject and surrounding properties (e.g. vacant, residential # du/ac, commercial approx. square feet, etc.):

CAC Loughman Crossing NW	CAC Loughman Crossing N	RL-4 Vistamar Villages NE
CAC Convenience Store W	PRESV Subject Property	RL-4 Providence E
RM Oak Hills Estates SW	RL-4 Oak Hills Estates S	RL-4 Oak Hills Estates SE

Approval of this application does not waive any other applicable provisions of the Polk County Land Development Code, the Polk County Comprehensive Plan, the Polk County Utility Code which are not part of the request for this application, nor does approval waive any applicable Florida Statutes, Florida Building Code, Florida Fire Prevention Code, or any other applicable laws, rules, or ordinances, whether federal, state or local. The applicant has the obligation and responsibility to be informed of and be in compliance with all applicable laws, rules, codes and ordinances.

I, Yuval Botansky (print name), the owner of the property which is the subject of this application, or the authorized representative of owner of the property which is the subject of this application, hereby authorize representatives of Polk County to enter onto the property which is the subject of this application to perform any inspections or site visits necessary for reviewing this application. I understand that representatives of Polk County are not authorized to enter any structures dwellings which may be on the property.

Yuval Botansky
President

Property owner or property owner's authorized representative.

04-13-2023
Date:

Demonstration of Need

1. **Could the proposed amendment promote substantial amounts of low-density, low intensity, or single use development in excess of demonstrated need?**

   No.

2. **Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?'**

   Yes.

3. **Does the proposed amendment create or encourage urban development in radial, strip, isolated, or ribbon patterns emanating from existing urban development?**

   No.

4. **Does the proposed amendment fail to adequately protect adjacent agriculture areas?**

   No.

5. **Could the proposed amendment fail to maximize existing public facilities and services?**

   No.

6. **Could the proposed amendment fail to minimize the need for future public facilities and services?**

   No.

7. **Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?**

   No.

8. **Does the proposed amendment fail to provide clear separation between urban and rural uses?**

   No.

9. **Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?**

   No.

10. **Does the proposed amendment fail to encourage an attractive and functional mixture of land uses?**

No.

11. **Could the proposed amendment result in poor accessibility among linked or related land uses?**

No.

12. **As a result of approval of this amendment, how much open space will be lost?**

Approximately 11 acres.

Providence N27
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses:

The proposed retail area is suitable for this site because it will provide more services for the residents in the area.

2. Provide a site plan showing each type of existing and proposed land use.

Please see the attached exhibits 6 and 7 for the Future Land Use and the Proposed Land Use Maps, respectively.

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses

This is not applicable because the proposed use is the exact same as the use of the adjacent property, which is also CAC (Community Activity Center). Therefore, the proposed land use is compatible.

4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped

The District expansion is expected to infill an area that has already been developing as commercial. The adjoining intersections are continuing to expand and the Expressway Authority is looking to extend Poinciana Parkway and continue the increased intensity of development in this area.

5. Describe each of the uses proposed in a Planned Development and identify the following:

a. The density and types of residential dwelling units:

N/A

b. The type of commercial and industrial uses:

Retail

c. The approximate customer service area for commercial uses

Retail Area: 5.33 acres

d. The total area proposed for each type of use, including open space and recreation

Retail Area: 5.33

B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned, and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations

Please see the attached minor traffic study.

2. Indicate what modifications to the present transportation system will be required as a result of the proposed development

There will be two entrances and exits on to Kinney Harmon Road.

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development

There will be 490 parking spaces within the parking lot and 7 of those spaces are handicap.

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads)

Frontage Roads.

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes:

Currently there is no bus transit. There are existing partial sidewalks. There are not any existing bicycle facilities.

C. Sewage

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development.

9,825 GPD sewage generated.

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed

N/A

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems:

The proposed sewage system will comply with all of the standards set forth by Polk county in accordance with the Polk County Standards and Specifications Manual.

4. Identify the service provider:

Polk County Utilities

5. Indicate the current provider's capacity and anticipated date of connection

Expected connection in Fall 2024 and adequate capacity is available form PCU.

D. Water Supply

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment

Expected connection in Fall 2024 and adequate capacity is available form PCU.

2. Identify the service provider

Polk County Utilities

3. Calculate the estimated volume of consumption in gallons per day (GPD)

9,825 GPD water consumed.

4. Indicate the current provider's capacity and anticipated date of connection

Expected connection in Fall 2024 and adequate capacity is available form PCU.

E. Surface Water Management and Drainage

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality

The surface water quality will be maintained since the design is up to SWFWMD, SFWMD, and Polk County drainage standards.

2. Describe the alteration to the site's natural drainage features, including wetland, that would be necessary to develop the project.

The site will not alter the existing drainage pattern in the area. There will be impacted wetlands.

3. Describe the impact of such alterations on the fish and wildlife resources of the site

There will be impacted wetland areas.

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site

The proposed site should have none to very minimal effects to the existing groundwater conditions.

F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses

N/A

2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift.

The proposed development will need about 164 employee's total. There will be 3 shifts per day total, approximately 22 employees needed total per shift. The type of skills needed are customer service. The expected training required will be on the job training. 100% of the employees will be found locally.

3. Indicate the expected demographic composition of the additional population (age/socio-economic factors)

N/A

Based on Polk County's demographics and the most recent U.S. Census data for Polk County, the following demographic composition may be expected:

- Persons Under 5 Years (5.7%) x 933 Expected Residents = 53± Residents
- Persons Under 18 Years (22.0%) x 933 Expected Residents = 205± Residents
- Persons 18 Years to 65 Years (51.9%) x 933 Expected Residents = 484± Residents
- Persons 65 Years and Over (20.4%) x 933 Expected Residents = 190± Residents

4. Describe the proposed service area and the current population thereof

The proposed service area is residential with single and multi-family.

G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs.

The addition of a supermarket and retail area provides more services for the residents in the area, which makes this proposed site desirable.

2. Discuss the demand on the provision for the following services:

a. Parks and Recreation: N/A

b. Educational Facilities (preschool/elementary/middle school/high school): N/A

c. Health Care (emergency/hospital): N/A

d. Fire Protection: The proposed development will require fire protection.

e. Police Protection and Security: The proposed development will require police protection and security.

f. Electrical Power Supply: The proposed development will electrical power supply.

H. Maps – See Attachments

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

a. Map 1: A location map showing the relationship of the development to cities, highways, and natural features;

b. Map 2: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries.

b. Map 3: An aerial map showing the relationship of the development to cities, highways, and natural features;

d. Map 4: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

e. Map 6: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density &

f. Map 6: FEMA Firmetta Map delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County.

Southwest Florida Water Management District
2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal Opportunity Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

September 18, 2023

Applied Building Development Company - Oakhills, Inc.
Attn: Yuval Botansky
131 Chadwick Drive
Davenport, FL 33837

Subject: **Notice of Intended Agency Action - Approval**
ERP Individual Construction

Project Name:	Providence N27
App ID/Permit No:	850358 / 43008331.024
County:	Polk
Sec/Twp/Rge:	S13/T26S/R27E, S07/T26S/R28E, S12/T26S/R27E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: Mark Wilson, P.E., Kimley-Horn & Associates, Inc.

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Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit. Based upon a review of the information you submitted, the application is approved.

Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached
As-Built Certification and Request for Conversion to Operation Phase
Notice of Authorization to Commence Construction
Notice of Rights

cc: Mark Wilson, P.E., Kimley-Horn & Associates, Inc.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE

INDIVIDUAL CONSTRUCTION
PERMIT NO. 43008331.024

EXPIRATION DATE: **September 18, 2028** **PERMIT ISSUE DATE:** **September 18, 2023**

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME:	Providence N27
GRANTED TO:	Applied Building Development Company - Oakhills, Inc. Attn: Yuval Botansky 131 Chadwick Drive Davenport, FL 33837
OTHER PERMITTEES:	N/A

ABSTRACT: This permit is for the construction of a new stormwater management system to serve a 16.2-acre project including mass grading of the project site, construction of one entrance connected to Kinney Harmon Road (Ronald Reagan Parkway), and associated stormwater management infrastructure. One wet detention pond will provide treatment and attenuation of the post-development 25-year, 24-hour peak discharge rate to the pre-development 25-year, 24-hour peak discharge rate. The new pond (Wet Pond) has been designed for runoff from the future buildout of the site at 70% impervious. For future construction beyond what is shown on the approved construction plans authorized under this permit, a permit modification(s) shall be obtained prior to that construction. Information regarding the stormwater management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings. The project is located on the southeast quadrant of the intersection of U.S. Highway 17 and Ronald Regan Parkway, in Polk County. A portion of the project area is located within the South Florida Water Management District (SFWMD) boundary; However, the area has been included in an approved interagency agreement between the Southwest Florida Water Management District (SWFWMD) and SFWMD.

OP. & MAIN. ENTITY:	Providence HOA
OTHER OP. & MAIN. ENTITY:	N/A
COUNTY:	Polk
SEC/TWP/RGE:	S13/T26S/R27E, S07/T26S/R28E, S12/T26S/R27E
TOTAL ACRES OWNED OR UNDER CONTROL:	2182.25
PROJECT SIZE:	16.20 Acres
LAND USE:	Residential
DATE APPLICATION FILED:	June 14, 2022
AMENDED DATE:	N/A

I. Water Quantity/Quality

POND No.	Area Acres @ Top of Bank	Treatment Type
Wet Pond	2.87	MAN-MADE WET DETENTION
FPC Scrapedown Area 1	0.00	NO TREATMENT SPECIFIED
FPC Scrapedown Area 2	0.00	NO TREATMENT SPECIFIED
	Total: **2.87**	

Water Quality/Quantity Comment:

The stormwater management system is composed of one wet detention pond which will provide treatment via conservation wet detention. Additional permanent pool volume is provided in lieu of a littoral shelf. The new pond (Wet Pond) has been designed for runoff from the future buildout of the site at 70% impervious. Future construction, not depicted on the permitted plan drawings, will require permit modifications prior to construction. The project is located within and contributes to the waterbody Reedy Creek (WBID 3170C) which is on the FDEP study list as impaired for nutrients. Accordingly, the certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341 has been waived. The Engineer-of-Record has demonstrated that by providing treatment within a treatment train consisting of a 390 linear foot swale and a wet detention pond with excess permanent pool volume net improvement is achieved. The plans reflect the National Geodetic Vertical Datum of 1929 (NGVD29) with a conversion to the North American Vertical Datum of 1988 (NAVD88) of -0.94 foot.

A mixing zone is not required.
A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
3.46	2.05	Storage Modeling	N/A

Floodplain Comment:

Onsite floodplain elevations have been established at 91.34' (NGVD29) by site specific modeling. The proposed project will provide compensation for onsite encroachment into the 100-year floodplain of 3.46 acre-feet by providing 2.05 acre-feet of dedicated scrape down areas of volume storage within Floodplain Compensation Area 1 and Floodplain Compensation Area 2. The Engineer-of-Record has shown, through dynamic stormwater modeling, the provided floodplain compensation areas, and one combined treatment, attenuation, and compensation pond that there are no expected stage increases to offsite areas due to the proposed improvements.

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland 3	46.25	37.45	8.80	3.80	0.00	0.00
Total:	**46.25**	**37.45**	**8.80**	**3.80**	**0.00**	**0.00**

*** For impacts that do not require mitigation, their functional loss is not included.**

Wetland/Other Surface Water Comments:
The project area for this ERP modification contains 2.45 acres of wetlands 1, 2, and 3 that have been previously approved and reported in SFWMD ERP Nos. 060117-17 and 071212-21, entitled Poinciana Parkway Sectiton 1, issued February 14, 2008 and Providence Parcel N27 issued May 15, 2008. This permit does not change any of the previously authorized wetland impacts or mitigation.

There are 46.25 acres of wetlands (FLUCCS 617) located within the project area for this ERP. Permanent filling/dredging impacts to 7.95 acres of wetlands and secondary impacts to 0.85 acre of wetlands (FLUCCS 617) will occur for construction of a commercial business. Permanent filling/dredging impacts to 7.95 acres and secondary impacts to 0.85 acre of qualifying wetlands were evaluated using the Uniform Mitigation Assessment Method (UMAM) as required pursuant to Chapter 62-345, F.A.C. The results of the UMAM analysis indicate a functional loss of 3.80 units due to the permanent impacts proposed. There are no other surface water features located within the project area.

Mitigation Information

Name	Creation		Enhancement		Preservation		Restoration		Enhancement +Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Southport Ranch Mitigation Bank	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.80
Total:	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**3.80**

Mitigation Comments:
Wetland mitigation for permanent filling/dredging impacts will be provided by the purchase of 3.80 freshwater forested credits from the Southport Ranch Mitigation Bank, SFWMD ERP No. 49-0002-M. The results of the UMAM analysis indicate a relative functional gain of 3.80 units. The UMAM analysis determined that the mitigation provided by the permit adequately offsets the project's proposed impacts to functional wetland habitat.

Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.

2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.

3. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance. No owner of property within the subdivision may perform any work, construction, maintenance, clearing, filling or any other type of activities within the wetlands or wetland buffers described in the approved permit and recorded plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District.

4. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

   a. wetland and surface water areas

   b. wetland buffers

   c. limits of approved wetland impacts

   The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

5. Rights-of-way and easement locations necessary to construct, operate and maintain all facilities, which constitute the permitted stormwater management system, and the locations and limits of all wetlands, wetland buffers, upland buffers for water quality treatment, 100-year floodplain areas and floodplain compensation areas, shall be shown on the final plat recorded in the County Public Records. Documentation of this plat recording shall be submitted to the District with the As-Built Certification and Request for Conversion to Operational Phase Form, and prior to beneficial occupancy or use of the site.

6. Copies of the following documents in final form, as appropriate for the project, shall be submitted to the Regulation Division:
   a. homeowners, property owners, master association or condominium association articles of incorporation, and

   b. declaration of protective covenants, deed restrictions or declaration of condominium

   The Permittee shall submit these documents with the submittal of the Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity form.

7. The following language shall be included as part of the deed restrictions for each lot:

   "Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the construction plans for the stormwater management system approved and on file with the Southwest Florida Water Management District."

8. Certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341 is waived.

9. For future construction beyond what is shown on the approved construction plans authorized under this permit, a permit modification(s) shall be obtained prior to that construction.

10. If limestone bedrock is encountered during construction of the stormwater management system, the District must be notified and construction in the affected area shall cease.

11. The Permittee shall notify the District of any sinkhole development in the stormwater management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.

12. The Permitted Plan Set for this project includes: the set received by the District on August 11, 2023.

13. If prehistoric or historic artifacts such as pottery or ceramics, stone or shell tools or metal implements, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project area, the permittee shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850) 245-6333, as well as the District. Project activities in the immediate vicinity shall not resume without authorization from the District after coordination with the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work that may disturb the unmarked human remains shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

14. The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase. For systems utilizing wet detention, the inspections shall be performed five (5) years after operation is authorized and every five (5) years thereafter.

    The operation and maintenance entity must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and permitted, and make such record available upon request of the District.

    Within 30 days of any failure of a stormwater management system or deviation from the permit, an inspection report shall be submitted using Form 62-330.311(1), “Operation and Maintenance Inspection Certification” describing the remedial actions taken to resolve the failure or deviation.

15. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

16. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.

17. The permittee shall complete construction of all aspects of the stormwater management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

18. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

    a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.

    b. Any existing septic tanks on site shall be abandoned at the beginning of construction.

    c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

19. All stormwater management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

20. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

21. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

22. The Permittee shall not begin construction within the project area until the Southport Ranch Mitigation Bank has received a permit modification authorizing the withdrawal of 3.80 freshwater forested credits from SFWMD mitigation bank permit number 49-0002-M, and a copy of this modification is provided to the District, or this permit has been modified to provide an equivalent level of mitigation to be completed by the Permittee. Initiation of construction prior to issuance of the required permit modification shall be a violation of this permit.

23. This permit does not authorize the Permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

24. A “Recorded notice of Environmental Resource Permit,” Form No. 62-330.090(1), shall be recorded in the public records of the County(s) where the project is located.

25. If the Permit will be transferred to a non-profit corporation for perpetual operation and maintenance, including a homeowner, property owner, condominium owner, or master association, then in addition to the Request for Transfer, the Permittee shall submit the Association Affidavit form published in the References and Design Aids for the ERP Applicant’s Handbook Volume I, (DA 7-8 to DA 7-10), https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/DesignAidsAH-I.pd_.pdf) in conjunction with the documents identified in section 12.3.4 of the Applicant’s Handbook Volume I, to demonstrate the entity has the financial, legal, and administrative capability to provide for the long term operation and maintenance of the project.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A” are hereby incorporated into this permit by reference and the Permittee shall comply with them.

David Kramer, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.

a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.

b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5),F.A.C. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

2. For all other activities - "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

g. If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310 (2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

i. This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

2. Convey to the permittee or create in the permittee any interest in real property;

3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

l. The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and

2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

n. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving

subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. (2012).

o. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION

Providence N27
PROJECT NAME

Residential
PROJECT TYPE

Polk
COUNTY

S13/T26S/R27E, S07/T26S/R28E, S12/T26S/R27E
SEC(S)/TWP(S)/RGE(S)

Applied Building Development Company - Oakhills, Inc.
PERMITTEE See permit for additional permittees

APPLICATION ID/PERMIT NO: 850358 / 43008331.024
DATE ISSUED: September 18, 2023

David Kramer, P.E.
Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY DISPLAYED AT THE SITE OF THE WORK

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.

2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.

3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.

4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.

5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.

6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.

7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North,Tampa,FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.

2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9. 110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

CONSTRUCTION PLANS

FOR

PROVIDENCE N27 MASS GRADING

(PRIVATE ROADWAY)

LOCATED IN SECTION 12, TOWNSHIP 26S, RANGE 27E

POLK COUNTY, FLORIDA

SWFWMD

NOVEMBER 2022



AERIAL

N.T.S.

OWNER/DEVELOPERS:

APPLIED BUILDING DEVELOPMENT COMPANY - OAKHILLS, INC.

Applied Building Development Company - Oakhills, Inc.
131 Chadwick Drive
Davenport, Florida 33837
PHONE: (407) 370-6400
FAX: (407) 370-6550

CONSULTANTS:

KIMLEY-HORN AND ASSOCIATES, INC.

109 S. KENTUCKY AVENUE
LAKELAND, FL 33801
Tel: (863) 701-8702

SURVEYOR:

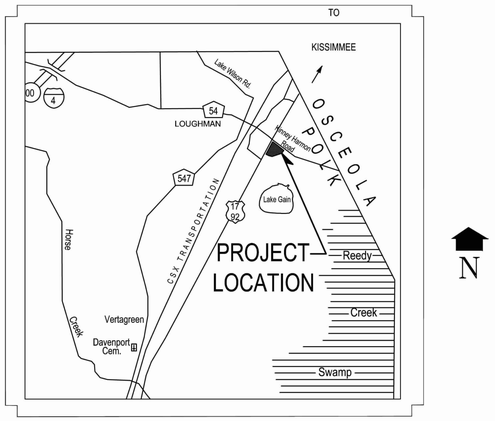
GANUNG-BELTON ASSOCIATES, INC.

1275 E. Robinson Street
Orlando, FL 32801
Ph: (407) 894-6656

GEOTECHNICAL CONSULTANT:

ARDAMAN & ASSOCIATES, INC.

8008 S. ORANGE AVE.
ORLANDO, FL 32809
PHONE: (407) 855-3860
FAX: (407) 859-8121



VICINITY MAP

N.T.S.

N

Sheet List Table

Sheet Number	Sheet Title
C100	COVER SHEET
C200	GENERAL CONDITIONS
C250	EXISTING CONDITIONS
C300	BEST MANAGEMENT PRACTICES PLAN
C400	MASS GRADING PLAN
C401	DRAINAGE STRUCTURES AND PIPE TABLES
C500	CROSS SECTIONS
C501	CROSS SECTIONS
C600	WETLAND IMPACT PLAN
C700	FLOODPLAIN COMPENSATION
--	BOUNDARY AND TOPOGRAPHICAL SURVEY

POLK COUNTY LAND DEVELOPMENT DIVISION STANDARD NOTES

1. TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED PRIOR TO OPENING A NEW OR MODIFIED ROAD.
2. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.
3. CHANGES FROM PLANS OR SPECIFICATIONS SUBSTANTIALLY AFFECTING CONFORMANCE TO STANDARDS OR PERFORMANCE OF SYSTEMS MUST BE SUBMITTED IN A WRITTEN REQUEST BY THE ENGINEER OF RECORD AND RECEIVE WRITTEN APPROVAL BY THE COUNTY ENGINEER PRIOR TO THE IMPLEMENTATION OF SUCH CHANGES, UNLESS OTHERWISE PROVIDED FOR IN THE POLK COUNTY LAND DEVELOPMENT CODE OR THE POLK COUNTY UTILITIES CODE. MAJOR MODIFICATIONS MAY REQUIRE AN APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE. IN SUCH CASES, THE APPLICANT SHALL SUBMIT THE APPROPRIATE APPLICATION AND FEES FOR A NEW REVIEW AT THE LEVEL OF THE ORIGINAL APPROVAL, OR LEVEL 2, WHICHEVER IS GREATER.
4. THE CONTRACTOR SHALL NOTIFY POLK COUNTY INSPECTIONS STAFF (863) 534-6449, AT LEAST FIVE (5) WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND PRIOR TO ANY ACTIVITY REQUIRING INSPECTION, INCLUDING SITE PAVING.
5. TO SCHEDULE THE REQUIRED PRE-CONSTRUCTION MEETING, THE ENGINEER OF RECORD SHALL CONTACT THE POLK COUNTY LAND DEVELOPMENT DIVISION, OFFICE OF THE COUNTY ENGINEER AT (863) 534-6449.
6. AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO BENEFICIAL USE OF ANY FACILITY OR SYSTEM, AS-BUILT RECORD DRAWINGS SHALL BE SUBMITTED AND APPROVED IN ACCORDANCE WITH POLK COUNTY UTILITIES CODE, CHAPTER 2, PART 3.01 AND THE POLK COUNTY LAND DEVELOPMENT CODE, APPENDIX A, SECTION A406.C.
7. MOT FOR THE PROJECT WILL BE IN ACCORDANCE WITH THE CURRENT FDOT TRAFFIC CONTROL REQUIREMENTS THROUGH WORK ZONES, SECTION 102-600 SERIES, OF THE FDOT STANDARD PLANS.
8. THE ASPHALT PAVEMENT WILL EXTEND ¼ INCH ABOVE THE ROAD SIDE EDGE FOR ALL CURB AND GUTTER CONSTRUCTED ON PUBLIC OR PRIVATE ROADS.
9. POLK COUNTY IS NOT RESPONSIBLE FOR DESIGN AND/OR PLAN ERRORS. ALL CONSTRUCTION WITHIN POLK COUNTY R/W SHALL BE IN ACCORDANCE WITH POLK COUNTY AND FDOT STANDARDS AND SPECIFICATIONS. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MARK E. WILSON, P.E. #47615. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Mark E Wilson Digitally signed by Mark E Wilson Date: 2023.08.11 13:57:19 -04'00'

NOTE

CONSTRUCTION MATERIALS QUALITY AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH POLK COUNTY AND FDOT SPECIFICATIONS AND STANDARDS, AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

NOTE

POTABLE WATER, RECLAIMED WATER AND WASTE WATER COLLECTION SYSTEMS WILL BE OWNED BY POLK COUNTY UTILITY WITHIN R/W OR WITHIN EASEMENTS

THE SITE CONSTRUCTION STAKEOUT SHALL BE PERFORMED UNDER THE DIRECTION OF A FLORIDA REGISTERED SURVEYOR. AUTOCAD FILES WILL BE FURNISHED TO AID IN THE SITE CONSTRUCTION STAKEOUT. ANY DISCREPANCIES FOUND BETWEEN AUTOCAD FILES AND SITE CONSTRUCTION PLANS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION FOR CLARIFICATION PRIOR TO THAT STAKEOUT.

CALL 2 BUSINESS DAYS BEFORE YOU DIG
IT'S THE LAW! DIAL 811
811 Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

Kimley»Horn

Registry No. 35106

MARK E. WILSON, P.E.
FL. P.E. NO. 47615
ENGINEER'S PROJECT NO.: 049853

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the
SWFWMD Tampa Regulation Department when construction begins.

Plotted By:Boyd, Griffin Sheet Set:Kha Layout:C100 COVER SHEET August 11, 2023 12:34:51pm K:\Vak_civil\049853-Providence N27 Layout:C100 COVER SHEET August 11, 2023 12:34:51pm K:\Vak_civil\049853001 — providence\N27\CADD\CONSTR\C100 COVER SHEET.dwg

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the
SWFWMD Tampa Regulation Department when construction begins.

Plotted By: Boyd, Griffin Sheet Set: 049853-Providence N27 Layout: C200 GENERAL CONDITIONS August 11, 2023 12:36:08pm K:\Wes_ent\049853001 — providence N27\CADD\CONSTR\C200 GENERAL CONDITIONS.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR AND SUBCONTRACTORS SHALL OBTAIN A COPY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" (LATEST EDITION) AND BECOME FAMILIAR WITH THE CONTENTS PRIOR TO COMMENCING WORK.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING ALL MATERIAL AND LABOR TO CONSTRUCT THE FACILITY AS SHOWN AND DESCRIBED IN THE CONSTRUCTION DOCUMENTS IN ACCORDANCE WITH THE APPROPRIATE APPROVING AUTHORITIES, SPECIFICATIONS AND REQUIREMENTS. CONTRACTOR SHALL CLEAR AND GRUB ALL AREAS UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK, EXISTING PAVEMENT AND ALL OTHER DELETERIOUS MATERIAL.
3. EXISTING UTILITIES SHOWN ARE LOCATED ACCORDING TO THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF THE TOPOGRAPHIC SURVEY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER. GUARANTEE IS NOT MADE THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN OR THAT THE LOCATION OF THOSE SHOWN ARE ENTIRELY ACCURATE. FINDING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE DONE BEFORE HE COMMENCES ANY WORK IN THE VICINITY. FURTHERMORE, THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE OWNER OR ENGINEER WILL ASSUME NO LIABILITY FOR ANY DAMAGES SUSTAINED OR COST INCURRED BECAUSE OF THE OPERATIONS IN THE VICINITY OF EXISTING UTILITIES OR STRUCTURES, NOR FOR TEMPORARY BRACING AND SHORING OF SAME. IF IT IS NECESSARY TO SHORE, BRACE, SWING OR RELOCATE A UTILITY, THE UTILITY COMPANY OR DEPARTMENT AFFECTED SHALL BE CONTACTED AND THEIR PERMISSION OBTAINED REGARDING THE METHOD TO USE FOR SUCH WORK.
4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES WHICH MAY HAVE BURIED OR AERIAL UTILITIES WITHIN OR NEAR THE CONSTRUCTION AREA BEFORE COMMENCING WORK. THE CONTRACTOR SHALL PROVIDE 48 HOURS MINIMUM NOTICE TO ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION. A LIST OF THE UTILITY COMPANIES WHICH THE CONTRACTOR MUST CALL BEFORE COMMENCING WORK IS PROVIDED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS. THIS LIST SERVES AS A GUIDE ONLY AND IS NOT INTENDED TO LIMIT THE UTILITY COMPANIES WHICH THE CONTRACTOR MAY WISH TO NOTIFY.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED CONSTRUCTION PERMITS AND BONDS IF REQUIRED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL HAVE AVAILABLE AT THE JOB SITE AT ALL TIMES ONE COPY OF THE CONSTRUCTION DOCUMENTS INCLUDING PLANS, SPECIFICATIONS, AND SPECIAL CONDITIONS AND COPIES OF ANY REQUIRED CONSTRUCTION PERMITS.
7. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN ARE TO BE MADE WITHOUT PRIOR APPROVAL OF THE OWNER AND NOTIFICATION TO THE ENGINEER.
8. ALL COPIES OF COMPACTION, CONCRETE AND OTHER REQUIRED TEST RESULTS ARE TO BE SENT TO THE OWNER AND DESIGN ENGINEER OF RECORD DIRECTLY FROM THE TESTING AGENCY.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING TO THE ENGINEER A CERTIFIED RECORD SURVEY SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA DEPICTING THE ACTUAL FIELD LOCATION OF ALL CONSTRUCTED IMPROVEMENTS THAT ARE REQUIRED BY THE JURISDICTIONAL AGENCIES FOR THE CERTIFICATION PROCESS. ALL SURVEY COSTS WILL BE THE CONTRACTORS RESPONSIBILITY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND MAINTAINING AS-BUILT INFORMATION WHICH SHALL BE RECORDED AS CONSTRUCTION PROGRESSES OR AT THE COMPLETION OF APPROPRIATE CONSTRUCTION INTERVALS AND SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT DRAWINGS TO THE OWNER FOR THE PURPOSE OF CERTIFICATION TO JURISDICTIONAL AGENCIES AS REQUIRED. ALL AS-BUILT DATA SHALL BE COLLECTED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR WHOSE SERVICES ARE ENGAGED BY THE CONTRACTOR.
11. ANY WELLS DISCOVERED ON SITE THAT WILL HAVE NO USE MUST BE PLUGGED BY A LICENSED WELL DRILLING CONTRACTOR IN A MANNER APPROVED BY ALL JURISDICTIONAL AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY WELL ABANDONMENT PERMITS REQUIRED.
12. ANY WELL DISCOVERED DURING EARTH MOVING OR EXCAVATION SHALL BE REPORTED TO THE APPROPRIATE JURISDICTIONAL AGENCIES WITHIN 24 HOURS AFTER DISCOVERY IS MADE.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK THAT WOULD BE AFFECTED. FAILURE TO NOTIFY OWNER OF AN IDENTIFIABLE CONFLICT PRIOR TO PROCEEDING WITH INSTALLATION RELIEVES OWNER OF ANY OBLIGATION TO PAY FOR A RELATED CHANGE ORDER.

MAINTENANCE

ALL MEASURES STATED ON THE EROSION AND SEDIMENT CONTROL PLAN, AND IN THE STORM WATER POLLUTION PREVENTION PLAN, SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR A COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CHECKED BY A QUALIFIED PERSON AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A 0.5" RAINFALL EVENT, AND CLEANED AND REPAIRED IN ACCORDANCE WITH THE FOLLOWING:

1. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING, OR DETERIORATION.
2. ALL SEEDED AREAS SHALL BE CHECKED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED, WATERED AND RESEEDED AS NEEDED. FOR MAINTENANCE REQUIREMENTS REFER TO SECTION 981 OF THE STANDARD SPECIFICATIONS.
3. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCES WHEN IT REACHES ONE-HALF THE HEIGHT OF THE SILT FENCE.
4. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE CONSTRUCTION ENTRANCES AS CONDITIONS DEMAND.
5. THE TEMPORARY PARKING AND STORAGE AREA SHALL BE KEPT IN GOOD CONDITION (SUITABLE FOR PARKING AND STORAGE). THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE TEMPORARY PARKING AS CONDITIONS DEMAND.
6. OUTLET STRUCTURES IN THE SEDIMENTATION BASINS SHALL BE MAINTAINED IN OPERATIONAL CONDITIONS AT ALL TIMES. SEDIMENT SHALL BE REMOVED FROM SEDIMENT BASINS OR TRAPS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 55 CUBIC YARDS / ACRE.
7. ALL MAINTENANCE OPERATIONS SHALL BE DONE IN A TIMELY MANNER BUT IN NO CASE LATER THAN 2 CALENDAR DAYS FOLLOWING THE INSPECTION.

PAVING, GRADING AND DRAINAGE NOTES

1. ALL PAVING, CONSTRUCTION, MATERIALS, AND WORKMANSHIP WITHIN COUNTY'S RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH LOCAL OR COUNTY SPECIFICATIONS AND STANDARDS (LATEST EDITION) OR FDOT SPECIFICATIONS AND STANDARDS (LATEST EDITION) IF NOT COVERED BY LOCAL OR COUNTY REGULATIONS. WHICHEVER IS MOST RESTRICTIVE OF THE TWO.
2. ALL UNPAVED AREAS IN EXISTING RIGHTS-OF-WAY DISTURBED BY CONSTRUCTION SHALL BE REGRADED AND SODDED.
3. TRAFFIC CONTROL ON ALL FDOT, LOCAL AND COUNTY RIGHTS-OF-WAY SHALL MEET THE REQUIREMENTS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (U.S. DOT/FHA) AND THE REQUIREMENTS OF THE STATE AND ANY LOCAL AGENCY HAVING JURISDICTION. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
4. THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED AND SHALL REGRADE WASHOUTS WHERE THEY OCCUR AFTER EVERY RAINFALL UNTIL A GRASS STAND IS WELL ESTABLISHED OR ADEQUATE STABILIZATION OCCURS.
5. ALL OPEN AREAS WITHIN THE PROJECT SITE SHALL BE SODDED UNLESS INDICATED OTHERWISE ON THE LANDSCAPE PLAN.
6. ALL AREAS INDICATED AS PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTIONS AS INDICATED ON THE DRAWINGS.
7. WHERE EXISTING PAVEMENT IS INDICATED TO BE REMOVED AND REPLACED, THE CONTRACTOR SHALL SAW CUT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND REPLACE THE PAVEMENT WITH THE SAME TYPE AND DEPTH OF MATERIAL AS EXISTING OR AS INDICATED.
8. WHERE NEW PAVEMENT MEETS THE EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING PAVEMENT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND MATCH THE EXISTING PAVEMENT ELEVATION WITH THE PROPOSED PAVEMENT UNLESS OTHERWISE INDICATED.
9. THE CONTRACTOR SHALL INSTALL FILTER FABRIC OVER ALL DRAINAGE STRUCTURES FOR THE DURATION OF CONSTRUCTION AND UNTIL ACCEPTANCE OF THE PROJECT BY THE OWNER. ALL DRAINAGE STRUCTURES SHALL BE CLEANED OF DEBRIS AS REQUIRED DURING AND AT THE END OF CONSTRUCTION TO PROVIDE POSITIVE DRAINAGE FLOWS.
10. IF DEWATERING IS REQUIRED, THE CONTRACTOR SHALL OBTAIN ANY APPLICABLE REQUIRED PERMITS. THE CONTRACTOR IS TO COORDINATE WITH THE OWNER AND THE DESIGN ENGINEER PRIOR TO ANY EXCAVATION.
11. STRIP TOPSOIL AND ORGANIC MATTER FROM ALL AREAS OF THE SITE AS REQUIRED. IN SOME CASES TOPSOIL MAY BE STOCKPILED ON SITE FOR PLACEMENT WITHIN LANDSCAPED AREAS BUT ONLY AS DIRECTED BY THE OWNER.
12. FIELD DENSITY TESTS SHALL BE TAKEN AT INTERVALS IN ACCORDANCE WITH THE LOCAL JURISDICTIONAL AGENCY OR TO FDOT STANDARDS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
13. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED AS PER PLANS. THE AREAS SHALL THEN BE SODDED OR SEEDED AS SPECIFIED IN THE PLANS, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE JOB SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER. ALL EARTHEN AREAS WILL BE SODDED OR SEEDED AND MULCHED AS SHOWN ON THE LANDSCAPING PLAN.
14. ALL CUT OR FILL SLOPES SHALL BE 4 (HORIZONTAL) :1 (VERTICAL) OR FLATTER UNLESS OTHERWISE SHOWN.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.
16. THE CONTRACTOR SHALL TAKE ALL REQUIRED MEASURES TO CONTROL TURBIDITY, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF TURBIDITY BARRIERS AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATER BODY EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST BE MAINTAINED IN EFFECTIVE CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND DISTURBED SOIL AREAS ARE STABILIZED. THEREAFTER, THE CONTRACTOR MUST REMOVE THE BARRIERS. AT NO TIME SHALL THERE BE ANY OFF-SITE DISCHARGE WHICH VIOLATES THE WATER QUALITY STANDARDS IN CHAPTER 17-302, FLORIDA ADMINISTRATIVE CODE.
17. SOD, WHERE CALLED FOR, MUST BE INSTALLED AND MAINTAINED ON EXPOSED SLOPES WITHIN 48 HOURS OF COMPLETING FINAL GRADING, AND AT ANY OTHER TIME AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGES.
18. THE CONTRACTOR MUST REVIEW AND MAINTAIN A COPY OF THE ENVIRONMENTAL RESOURCE PERMIT COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND PERMIT MODIFICATIONS IN GOOD CONDITION AT THE CONSTRUCTION SITE. THE COMPLETE PERMIT MUST BE AVAILABLE FOR REVIEW UPON REQUEST BY WATER MANAGEMENT DISTRICT REPRESENTATIVES.
19. THE CONTRACTOR SHALL ENSURE THAT ISLAND PLANTING AREAS AND OTHER PLANTING AREAS ARE NOT COMPACTED AND DO NOT CONTAIN ROAD BASE MATERIALS. THE CONTRACTOR SHALL ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE SITE TO BE PLANTED AND PROPERLY DISPOSED OF IN A LEGAL MANNER.
20. THE CONTRACTOR SHALL INSTALL ALL UNDERGROUND STORM WATER PIPING PER MANUFACTURER'S RECOMMENDATIONS.

DEMOLITION NOTES

1. ALL MATERIAL REMOVED FROM THIS SITE BY THE CONTRACTOR SHALL BE DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER.
2. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING STRUCTURES, ETC., LOCATED WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING BUILDINGS, STRUCTURES, SLABS, CONCRETE, ASPHALT, DEBRIS PILES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. SOME ITEMS TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL EXTENT OF ITEMS TO BE REMOVED. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF SAID ITEMS.
3. THE CONTRACTOR SHALL REFER TO THE DEMOLITION PLAN FOR DEMOLITION/PRESERVATION OF EXISTING TREES. ALL TREES NOT SPECIFICALLY SHOWN TO BE PRESERVED OR RELOCATED SHALL BE REMOVED AS A PART OF THIS CONTRACT. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY DEMOLITION.

WATER AND SEWER UTILITY NOTES

1. THE CONTRACTOR SHALL CONSTRUCT GRAVITY SEWER LATERALS, MANHOLES GRAVITY SEWER LINES AND DOMESTIC WATER AND FIRE PROTECTION SYSTEM AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL FURNISH ALL NECESSARY MATERIALS, EQUIPMENT, MACHINERY, TOOLS, MEANS OF TRANSPORTATION AND LABOR NECESSARY TO COMPLETE THE WORK IN FULL AND COMPLETE ACCORDANCE WITH THE SHOWN, DESCRIBED AND REASONABLY INTENDED REQUIREMENTS OF THE CONTRACT DOCUMENTS AND JURISDICTIONAL AGENCY REQUIREMENTS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
2. ALL EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN ARE APPROXIMATE THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS FOR UTILITY LOCATION AND COORDINATION IN ACCORDANCE WITH THE NOTES CONTAINED IN THE GENERAL CONSTRUCTION SECTION OF THIS SHEET.
3. THE CONTRACTOR SHALL RESTORE ALL DISTURBED VEGETATION IN KIND, UNLESS SHOWN OTHERWISE.
4. DEFLECTION OF PIPE JOINTS AND CURVATURE OF PIPE SHALL NOT EXCEED THE MANUFACTURER'S SPECIFICATIONS. SECURELY CLOSE ALL OPEN ENDS OF PIPE AND FITTINGS WITH A WATERTIGHT PLUG WHEN WORK IS NOT IN PROGRESS. THE INTERIOR OF ALL PIPES SHALL BE CLEAN AND JOINT SURFACES WIPED CLEAN AND DRY AFTER THE PIPE HAS BEEN LOWERED INTO THE TRENCH. VALVES SHALL BE PLUMB AND LOCATED ACCORDING TO THE PLANS.
5. ALL PHASES OF INSTALLATION, INCLUDING UNLOADING, TRENCHING, LAYING AND BACK FILLING, SHALL BE DONE IN A FIRST CLASS WORKMANLIKE MANNER. ALL PIPE AND FITTINGS SHALL BE CAREFULLY STORED FOLLOWING MANUFACTURER'S RECOMMENDATIONS. CARE SHALL BE TAKEN TO AVOID DAMAGE TO THE COATING OR LINING IN ANY D.I. PIPE FITTINGS. ANY PIPE OR FITTING WHICH IS DAMAGED OR WHICH HAS FLAWS OR IMPERFECTIONS WHICH, IN THE OPINION OF THE ENGINEER OR OWNER, RENDERS IT UNFIT FOR USE, SHALL NOT BE USED. ANY PIPE NOT SATISFACTORY FOR USE SHALL BE CLEARLY MARKED AND IMMEDIATELY REMOVED FROM THE JOB SITE, AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
6. WATER FOR FIRE FIGHTING SHALL BE AVAILABLE FOR USE PRIOR TO COMBUSTIBLES BEING BROUGHT ON SITE.
7. ALL UTILITY AND STORM DRAIN TRENCHES LOCATED UNDER AREAS TO RECEIVE PAVING SHALL BE COMPLETELY BACK FILLED IN ACCORDANCE WITH THE GOVERNING JURISDICTIONAL AGENCY'S SPECIFICATIONS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
8. UNDERGROUND LINES SHALL BE SURVEYED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR BEFORE BACK FILLING.
9. CONTRACTOR SHALL PERFORM, AT HIS OWN EXPENSE, ANY AND ALL TESTS REQUIRED BY THE SPECIFICATIONS AND/OR ANY AGENCY HAVING JURISDICTION. THESE TESTS MAY INCLUDE, BUT MAY NOT BE LIMITED TO, INFILTRATION AND EXFILTRATION, TELEVISION INSPECTION AND A MANDREL TEST ON GRAVITY SEWER. A COPY OF THE TEST RESULTS SHALL BE PROVIDED TO THE UTILITY PROVIDER, OWNER AND JURISDICTIONAL AGENCY AS REQUIRED.

EROSION CONTROL NOTES

1. THE STORM WATER POLLUTION PREVENTION PLAN ("SWPPP") IS COMPRISED OF THIS EROSION CONTROL PLAN, THE STANDARD DETAILS, THE PLAN NARRATIVE, ATTACHMENTS INCLUDED IN SPECIFICATIONS OF THE SWPPP, PLUS THE PERMIT AND ALL SUBSEQUENT REPORTS AND RELATED DOCUMENTS.
2. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF FLORIDA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.
3. THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE SWPPP. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.
4. BEST MANAGEMENT PRACTICES (BMP'S) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, AS APPLICABLE. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY THE PERMITTING AGENCY OR OWNER.
5. EROSION CONTROL PLAN MUST CLEARLY DELINEATE ALL STATE WATERS. PERMITS FOR ANY CONSTRUCTION ACTIVITY IMPACTING STATE WATERS OR REGULATED WETLANDS MUST BE MAINTAINED ON SITE AT ALL TIMES.
6. THE CONTRACTOR SHALL MINIMIZE CLEARING TO THE MAXIMUM EXTENT PRACTICAL OR AS REQUIRED BY THE GENERAL PERMIT.
7. CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES.
8. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.
9. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL ON SITE. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
11. RUBBISH, TRASH, GARBAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
12. ALL STORM WATER POLLUTION PREVENTION MEASURES PRESENTED ON THE PLAN, SHALL BE INITIATED AS SOON AS PRACTICABLE.

EROSION CONTROL NOTES (CONT.)

13. STABILIZATION PRACTICES SHOULD BE INITIATED AS SOON AS PRACTICAL, BUT IN NO CASE MORE THAN 7 DAYS WHERE CONSTRUCTION HAS TEMPORARILY OR PERMANENTLY CEASED.
14. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS PERMANENTLY STOPPED SHALL BE PERMANENTLY SEEDED. THESE AREAS SHALL BE SEEDED NO LATER THAN 7 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRED IN THESE AREAS. REFER TO SECTION 981 OF THE STANDARD SPECIFICATIONS FOR SEEDING AND MAINTENANCE REQUIREMENTS.
15. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION ENTRANCES IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.
16. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED AS SOON AS POSSIBLE.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING SEDIMENT IN THE DETENTION POND AND ANY SEDIMENT THAT MAY HAVE COLLECTED IN THE STORM SEWER DRAINAGE SYSTEMS IN CONJUNCTION WITH THE STABILIZATION OF THE SITE.
18. ON-SITE & OFF SITE SOIL STOCKPILE AND BORROW AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES. STOCKPILE AND BORROW AREA LOCATIONS SHALL BE NOTED ON THE EROSION CONTROL PLAN AND PERMITTED IN ACCORDANCE WITH GENERAL PERMIT REQUIREMENTS.
19. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.
20. DUE TO GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, ETC.) TO PREVENT EROSION.
21. ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY, THIS INCLUDES BACK FILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.

POLK COUNTY LAND DEVELOPMENT DIVISION STANDARD NOTES

1. TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED PRIOR TO OPENING A NEW OR MODIFIED ROAD.
2. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.
3. CHANGES FROM PLANS OR SPECIFICATIONS SUBSTANTIALLY AFFECTING CONFORMANCE TO STANDARDS OR PERFORMANCE OF SYSTEMS MUST BE SUBMITTED IN A WRITTEN REQUEST BY THE ENGINEER OF RECORD AND RECEIVE WRITTEN APPROVAL BY THE COUNTY ENGINEER PRIOR TO THE IMPLEMENTATION OF SUCH CHANGES, UNLESS OTHERWISE PROVIDED FOR IN THE POLK COUNTY LAND DEVELOPMENT CODE OR THE POLK COUNTY UTILITIES CODE. MAJOR MODIFICATIONS MAY REQUIRE REVIEW AND APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE. IN SUCH CASES, THE APPLICANT SHALL SUBMIT THE APPROPRIATE APPLICATION AND FEES FOR A NEW REVIEW AT THE LEVEL OF THE ORIGINAL APPROVAL, OR LEVEL 2 WHICHEVER IS GREATER.
4. SHALL NOTIFY POLK COUNTY INSPECTIONS STAFF (863) 534-6449, AT LEAST FIVE (5) WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND PRIOR TO ANY ACTIVITY REQUIRING INSPECTION, INCLUDING SITE PAVING.
5. TO SCHEDULE THE REQUIRED PRE- CONSTRUCTION MEETING, THE ENGINEER OF RECORD SHALL CONTACT THE POLK COUNTY LAND DEVELOPMENT DIVISION, OFFICE OF THE COUNTY ENGINEER @ (863) 534-6449.
6. AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO BENEFICIAL USE OF ANY FACILITY OR SYSTEM, AS-BUILT RECORD DRAWINGS SHALL BE SUBMITTED AND APPROVED IN ACCORDANCE WITH POLK COUNTY UTILITIES CODE, CHAPTER 2, PART 3.01 AND THE POLK COUNTY LAND DEVELOPMENT CODE, APPENDIX A, SECTION A406.C.
7. MOT FOR THE PROJECT WILL BE IN ACCORDANCE WITH THE CURRENT FDOT TRAFFIC CONTROL REQUIREMENTS THROUGH WORK ZONES, SECTION 600, OF THE FDOT DESIGN STANDARDS.
8. THE ASPHALT PAVEMENT WILL EXTEND ¼ INCH ABOVE THE ROAD SIDE EDGE FOR ALL CURB AND GUTTER CONSTRUCTED ON PUBLIC OR PRIVATE ROADS.

No.	REVISIONS	DATE	BY

Kimley»Horn
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109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ____
DRAWN BY ____
CHECKED BY ____

GENERAL CONDITIONS

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C200

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PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the
SWFWMD Tampa Regulation Department when construction begins.

Plotted By:Boyd, Griffin Sheet Set:049853-Providence N27 Layout:250 EXISTING CONDITIONS August 11, 2023 12:35:45pm K:\lak_civil\049853001 - providence\N27\CADD\CONSTR\C250 EXISTING CONDITOINS.dwg
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CALL 2 BUSINESS DAYS BEFORE YOU DIG
IT'S THE LAW!
DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

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SHEET NUMBER C250

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

EXISTING CONDITIONS

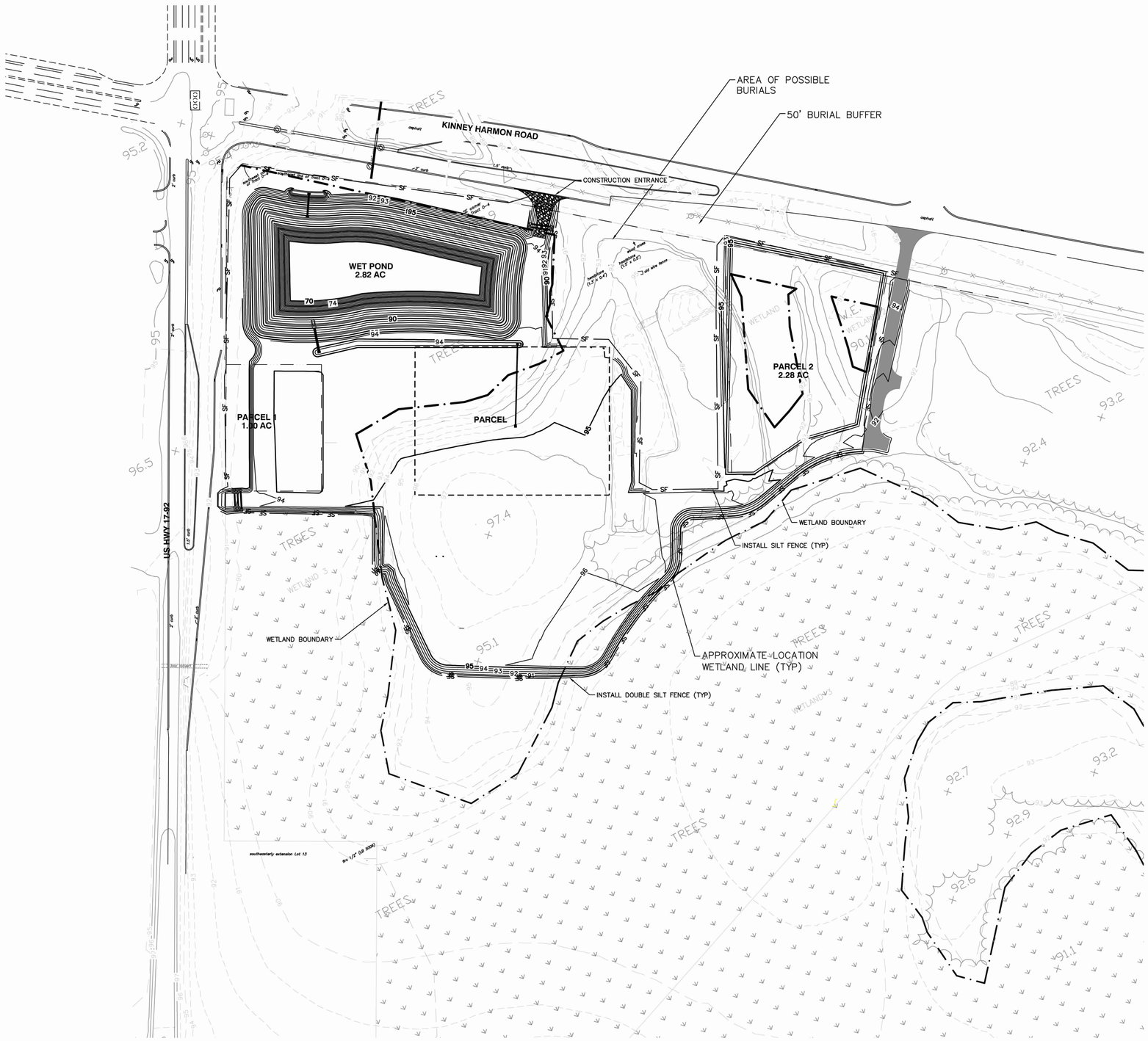
KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ____
DRAWN BY ____
CHECKED BY ____

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No.	REVISIONS	DATE	BY





GRAPHIC SCALE IN FEET
0 50 100 200

LEGEND

SF SILT FENCE

INLET PROTECTION

NOTES:

1. CONSTRUCTION TESTING AND CONSTRUCTION STAKING ARE OWNER'S RESPONSIBILITY TO PROVIDE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THESE SERVICES DURING CONSTRUCTION.
2. THE LOCATION OF EXISTING UTILITIES IS APPROXIMATE AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THEIR EXACT LOCATION PRIOR TO CONSTRUCTION IN THEIR VICINITY.
3. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN THE AREA PRIOR TO CONSTRUCTION.
4. ALL CONSTRUCTION LAYOUT AND STAKING IS TO BE PERFORMED UNDER THE SUPERVISION OF A FLORIDA REGISTERED LAND SURVEYOR.
5. SLOPES OF 4:1 AND GREATER ARE TO BE SODDED. ALL OTHER DISTURBED AREAS ARE TO BE STABILIZED WITH SEED AND MULCH.
6. EROSION CONTROL OR SEDIMENTATION BARRIER: THE CONTRACTOR IS TO PROVIDE EROSION CONTROL OR SEDIMENTATION BARRIER (HAY BALES OR SILT SCREEN) TO PREVENT SILTATION OF ADJACENT PROPERTY, STREETS, DETENTION PONDS, STORM SEWERS AND WATERWAYS, AND TO MAINTAIN THE EROSION CONTROL OR SEDIMENTATION BARRIER IN AN EFFECTIVE WORKING MANNER FOR THE DURATION OF CONSTRUCTION. ADDITIONALLY, CONTRACTOR MAY PLACE STRAW, MULCH OR OTHER SUITABLE MATERIAL ON GROUND IN AREAS WHERE CONSTRUCTION RELATED TRAFFIC IS TO ACCESS THE SITE. IF, IN THE OPINION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES, EXCESSIVE QUANTITIES OF SOIL ARE TRANSPORTED OFF-SITE EITHER BY NATURAL DRAINAGE OR BY VEHICULAR TRAFFIC, THE CONTRACTOR IS TO REMOVE SAID SOIL AND REPAIR THE DAMAGED OR INEFFECTIVE EROSION CONTROL OR SEDIMENTATION BARRIER TO THE SATISFACTION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS.
7. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.

BEST MANAGEMENT PRACTICES:

THIS PLAN HAS BEEN PREPARED TO ENSURE COMPLIANCE WITH APPROPRIATE CONDITIONS OF LOCAL, STATE, AND FEDERAL REGULATIONS. THE PLAN ADDRESSES THE FOLLOWING AREAS:

1. GENERAL EROSION CONTROL.
2. PROTECTION OF SURFACE WATER QUALITY DURING AND AFTER CONSTRUCTION.
3. CONTROL OF WIND EROSION.

THE VARIOUS TECHNIQUES OR ACTIONS IDENTIFIED UNDER EACH SECTION INDICATE THE APPROPRIATE SITUATION WHEN THE TECHNIQUES SHOULD BE EMPLOYED. IT SHOULD BE NOTED THAT THE MEASURES IDENTIFIED ON THIS PLAN ARE ONLY SUGGESTED BMP(S). THE CONTRACTOR SHALL PROVIDE POLLUTION PREVENTION AND EROSION CONTROL MEASURES AS SPECIFIED IN FDOT EROSION AND SEDIMENT CONTROL MANUAL AND AS NECESSARY FOR EACH SPECIFIC APPLICATION.

CALL 2 BUSINESS DAYS BEFORE YOU DIG
IT'S THE LAW! DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the SWFWMD Tampa Regulation Department when construction begins.

Plotted By: Boyd, Griffin Sheet Set: 049853 - Providence N27 Layout: C300 BEST MANAGEMENT PRACTICES PLAN August 11, 2023 12:46:23pm G:\Use_Boyd\049853 - Providence N27 Layout\C300 BEST MANAGEMENT PRACTICES PLAN.dwg
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MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

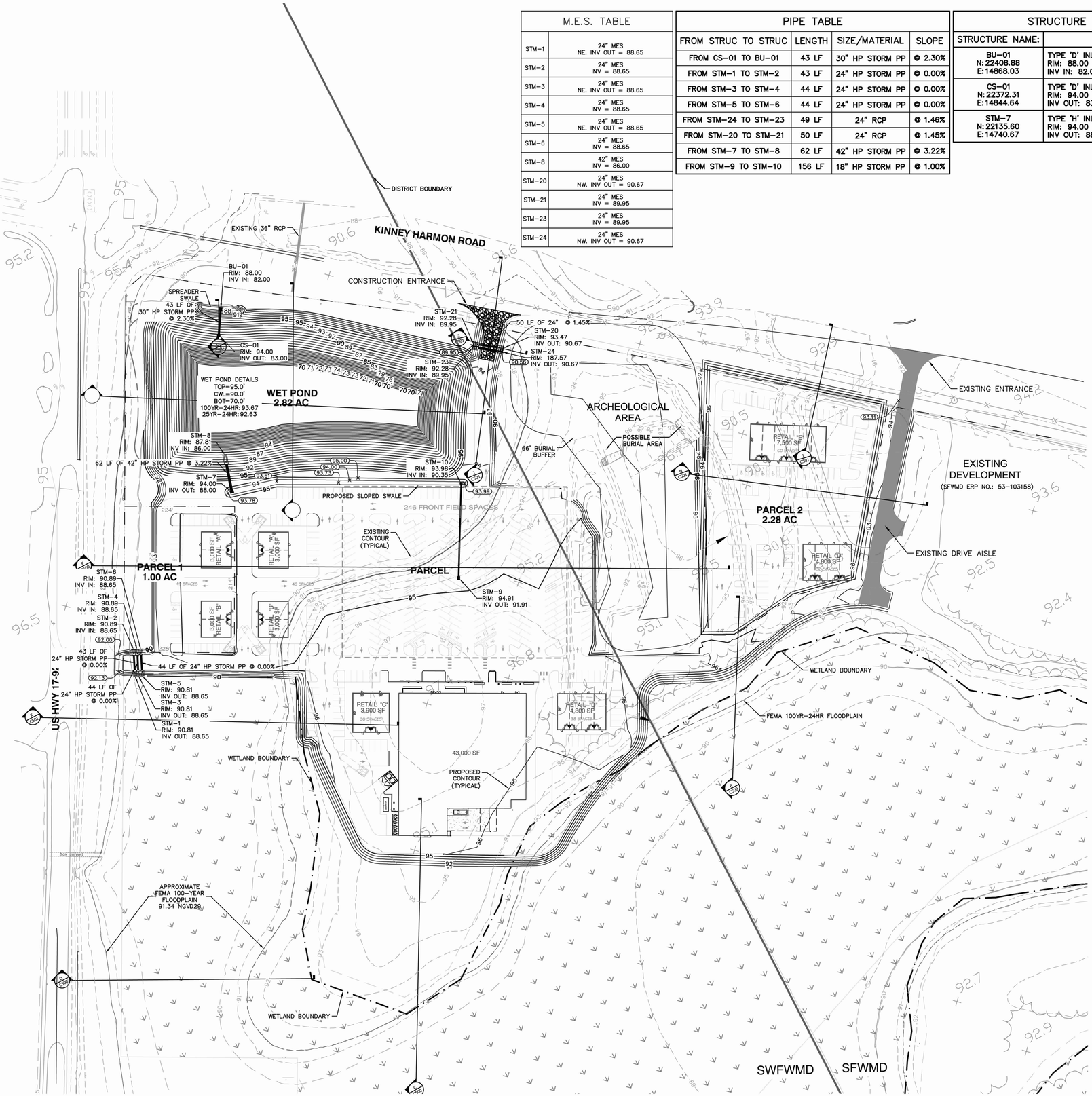
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KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

BEST MANAGEMENT PRACTICES PLAN

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C300



M.E.S. TABLE	
STM-1	24" MES NE. INV OUT = 88.65
STM-2	24" MES INV = 88.65
STM-3	24" MES NE. INV OUT = 88.65
STM-4	24" MES INV = 88.65
STM-5	24" MES NE. INV OUT = 88.65
STM-6	24" MES INV = 88.65
STM-8	42" MES INV = 86.00
STM-20	24" MES NW. INV OUT = 90.67
STM-21	24" MES INV = 89.95
STM-23	24" MES INV = 89.95
STM-24	24" MES NW. INV OUT = 90.67

PIPE TABLE			
FROM STRUC TO STRUC	LENGTH	SIZE/MATERIAL	SLOPE
FROM CS-01 TO BU-01	43 LF	30" HP STORM PP	@ 2.30%
FROM STM-1 TO STM-2	43 LF	24" HP STORM PP	@ 0.00%
FROM STM-3 TO STM-4	44 LF	24" HP STORM PP	@ 0.00%
FROM STM-5 TO STM-6	44 LF	24" HP STORM PP	@ 0.00%
FROM STM-24 TO STM-23	49 LF	24" RCP	@ 1.46%
FROM STM-20 TO STM-21	50 LF	24" RCP	@ 1.45%
FROM STM-7 TO STM-8	62 LF	42" HP STORM PP	@ 3.22%
FROM STM-9 TO STM-10	156 LF	18" HP STORM PP	@ 1.00%

STRUCTURE TABLE	
STRUCTURE NAME:	DETAILS:
BU-01 N: 22408.88 E: 14868.03	TYPE 'D' INLET RIM: 88.00 INV IN: 82.00 SW
CS-01 N: 22372.31 E: 14844.64	TYPE 'D' INLET RIM: 94.00 INV OUT: 83.00 NE
STM-7 N: 22135.60 E: 14740.67	TYPE 'H' INLET (4-GRATE FDOT INLET) RIM: 94.00 INV OUT: 88.00 N

NORTH

GRAPHIC SCALE IN FEET
0 40 80 160

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON BM-52, BEING A 4"x4" CONCRETE MONUMENT STAMPED BM-52, ELEVATION BEING 111.641, DATUM NGVD 1929, AS FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

THE CONVERSION FACTOR BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929 AND NORTH AMERICAN VERTICAL DATUM (NAVD) IS -0.942 FEET.

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAPS AS PROVIDED BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE WITH A PUBLISHED ELEV OF 90.4 FEET. PER MAP #12105C0235H, DATED 12/22/2016.

NOTES:

1. CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE AND INSPECTION OF SAID TURBIDITY BARRIERS TO ENSURE THEIR PROPER FUNCTION.
2. THE RETENTION PONDS SHALL BE THE FIRST ITEM CONSTRUCTED BEFORE THE BALANCE OF THE SITE IS CLEARED AND BEFORE ANY OF THE PROPOSED CONSTRUCTION BEGINS. SIDE SLOPES FOR THE RETENTION PONDS AND THE AREA ALONG THE BACK SIDE OF THE RETENTION AREA INCLUDING THE CONVEYANCE SWALES SHOULD BE IMMEDIATELY SODDED UPON COMPLETION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISTURBED AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION.
4. SEE SHEET C500 FOR GRADING AND POND DETAILS.
5. AS-BUILTS SHALL BE PREPARED, SIGNED, SEALED AND DATED BY A REGISTERED LAND SURVEYOR AND SUBMITTED TO THE ENGINEER OF RECORD.
6. AS-BUILTS SHALL INDICATE ANY DEPARTURES FROM THE APPROVED PLANS DURING CONSTRUCTION.
7. CONSTRUCTION DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF F.D.O.T. "DESIGN STANDARDS FOR DESIGN, CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS ON THE STATE HIGHWAY SYSTEM" IS REFERRED TO FOR THE STRUCTURAL DESIGN OF DRAINAGE STRUCTURES SPECIFIED IN THESE PLANS, AS REFERENCED BY STANDARD INDEX. ALL SPECIALTY DRAINAGE STRUCTURES REQUIRE SEPARATE STRUCTURAL DESIGN, WHICH IS NOT INCLUDED IN THESE PLANS.
8. CONTRACTOR SHALL RESTORE DAMAGED IMPROVEMENTS TO THEIR ORIGINAL CONDITION, AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
9. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO THE OWNER'S ENGINEER FOR APPROVAL. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION MAY RESULT IN REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR IS TO USE CAUTION WHEN WORKING IN OR AROUND AREAS OF OVERHEAD TRANSMISSION LINES OR UNDERGROUND UTILITIES.
11. CONTRACTOR SHALL PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS TEMP.D BY THE DEMOLITION OPERATION.
12. THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE, OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE, OR PART OF A STRUCTURE WHICH IS LOCATED OUTSIDE THE LINES, GRADES, OR GRADING SECTIONS ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATION OR REMOVAL IS PROVIDED FOR IN THE CONTRACT, PLANS, OR SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE WORK PERFORMED, BY THE CONTRACTOR OR SUB-CONTRACTORS, IS CALLED FOR IN THESE CONTRACT DOCUMENTS.
13. THE CONTRACTOR SHALL CALL (811) SUNSHINE STATE ONE CALL OF FLORIDA. FOR FIELD LOCATIONS 2 BUSINESS DAYS BEFORE DIGGING NEAR UNDERGROUND UTILITIES.
14. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.
15. THE ROADWAYS AND DRAINAGE SYSTEMS WITHIN THIS PROJECT WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PERMITEE AND WILL BE RESPONSIBLE FOR OPERATING AND MAINTAINING THE STORM SEWER SYSTEM IN PERPETUITY.
16. IF MUCK OR ANY OTHER UNSUITABLE MATERIAL IS ENCOUNTERED IN THE TRENCH BED OF THE DRAINAGE PIPES THE MATERIAL MUST BE REMOVED AND BACKFILLED TO A DEPTH (MIN. 2' FEET) WHERE THE MINIMUM COMPACTION PER POLK COUNTY SPECIFICATIONS CAN BE OBTAINED.
17. CONTRACTOR SHALL REMOVE WASTE MATERIALS AND UNSUITABLE AND EXCESS TOPSOIL FROM PROPERTY AND DISPOSE OF OFF-SITE IN A LEGAL MANNER.
18. DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY AND SHALL ROUTE DISCHARGE WATER IN SUCH A MANNER AS TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM THE SITE.
19. IF DETERMINED NECESSARY, DEWATERING DURING EXCAVATING/BACKFILLING OPERATIONS MAY BE ACCOMPLISHED BY DITCHING AND THE USE OF SUMP PUMPS AND/OR OTHER METHODS (WELL POINTS), AS NECESSARY. CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS FOR DEWATERING ACTIVITIES THAT MAY BE REQUIRED.
20. THE PERMITTEE WILL BE RESPONSIBLE FOR THE FOLLOWING STORM WATER MANAGEMENT SYSTEM MAINTENANCE AND INSPECTIONS:
- MOW THE GRASS ABOUT 2-3 TIMES PER MONTH
- REMOVE TRASH FROM THE SYSTEM ABOUT ONCE EVERY 2-3 MONTHS
- ENSURE THE SYSTEM IS INSPECTED WITH A FOCUS ON: THE POND FUNCTIONING AS PERMITTED; POND VEGETATION CONDITIONS AND CHANGE;POND EROSION, SETTLEMENT, CRACKING, AND STABILITY; EVIDENCE OF ENCROACHMENT AND MISUSE OF THE POND; CONDITION OF THE STRUCTURES. REPAIRS SHALL BE MADE TO THE STORMWATER MANAGEMENT SYSTEM IF THE SYSTEM IS NOT FUNCTIONING AS PERMITTED OR ANY OF THE PRECEDING ITEMS NEED ADDRESSING.
-TO ENSURE THE POND FUNCTIONS PROPERLY, SEDIMENT SHALL BE REMOVED IF IT BUILDS UP MORE THAN 6" WITHIN THE POND.
21. ALL ON-SITE STORM WATER SHALL BE DIRECTED TOWARD PROPOSED SWALES, INLETS AND/OR PONDS.

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
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Plotted By:Boyd Griffin Sheet Set:049853 Providence N27 Layout:C400 MASS GRADING PLAN August 11, 2023 2:37:23pm K:\tpa_civil\049853\Dgn Providence N27\CAD\CONSTRUCTION MASS GRADING PLAN.dwg

No.	REVISIONS	DATE	BY

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PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

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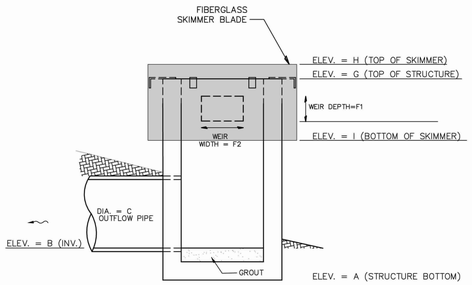
MARK E. WILSON LICENSE No 47915 STATE OF FLORIDA PROFESSIONAL ENGINEER

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DATE NOV. 2022
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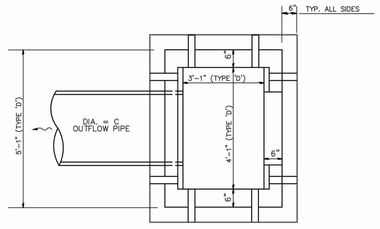
MASS GRADING PLAN

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

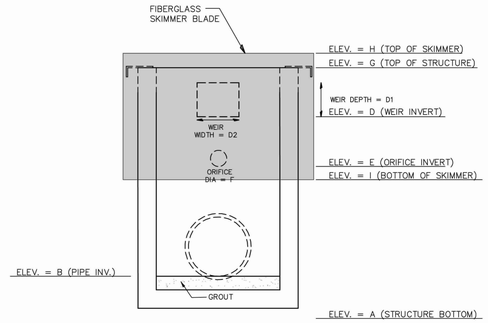
SHEET NUMBER
C400



SIDE VIEW



PLAN VIEW



FRONT VIEW

CONTROL STRUCTURE
N.T.S.

F.D.O.T. INDEX 425-052 (AS NOTED)

POND OUTFALL STRUCTURE CS-01
TYPE "D"

A =	82.00 FT
B =	83.00 FT
C =	30 INCHES
D =	90.80 FT
D1 =	6 INCHES
D2 =	12 INCHES
E =	90.00 FT
F =	3 INCHES
G =	94.00 FT
H =	94.50 FT
I =	89.50 FT

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
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Plotted By: Boyd Griffin Sheet Set: 04985-Providence N27 Layout: C301 DRAINAGE STRUCTURES AND PIPE TABLES August 11, 2023 12:37:43pm K:\Tde_eng\04985301 — providence\N27\CADD\CONSTR\C301 POND CROSS SECTION.dwg
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MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

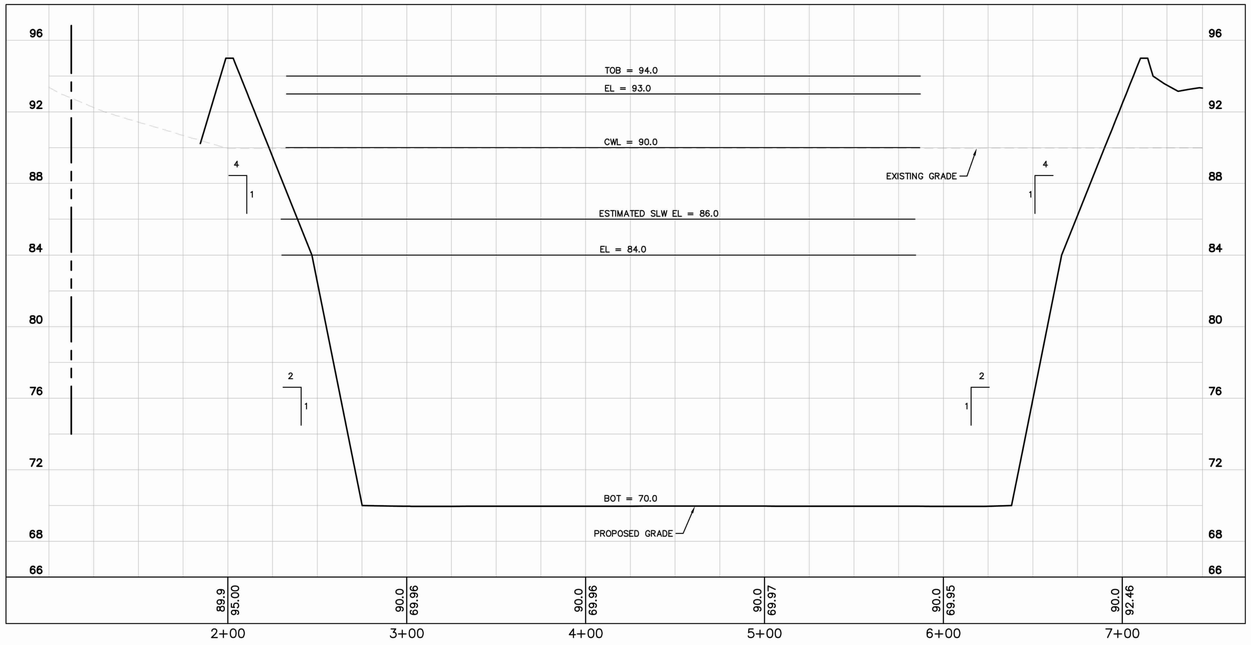
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PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

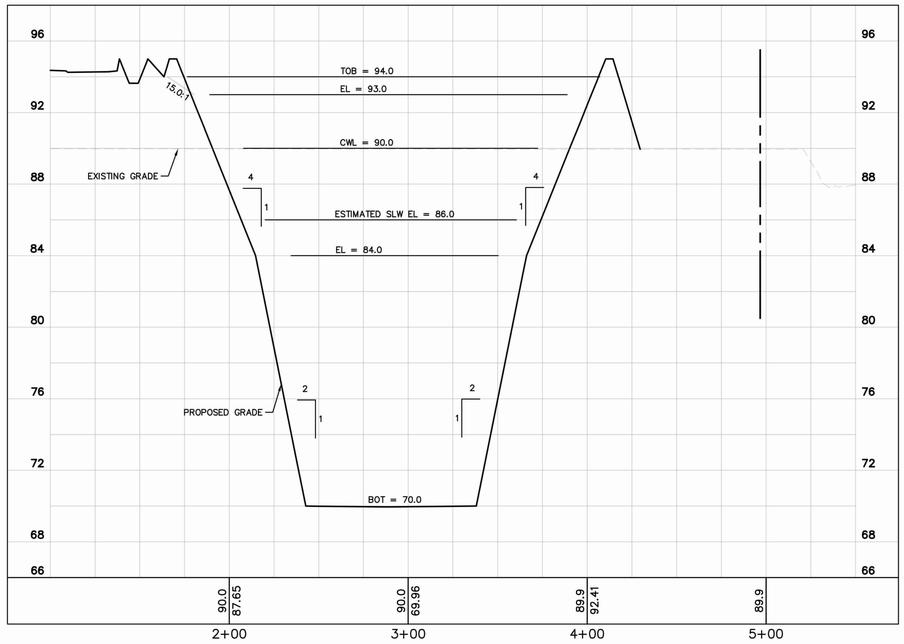
DRAINAGE STRUCTURES AND PIPE TABLES

KHA PROJECT 04985
DATE NOV. 2022
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DRAWN BY ____
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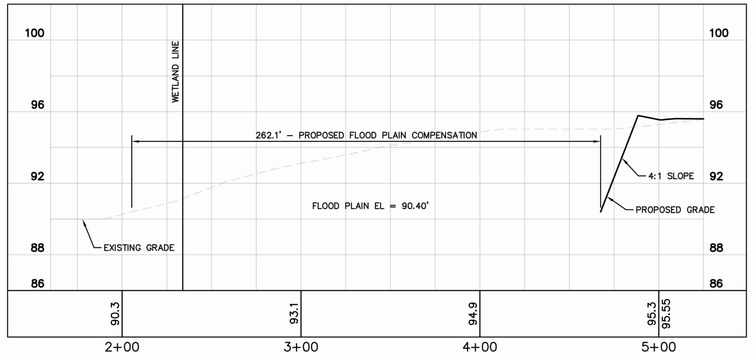
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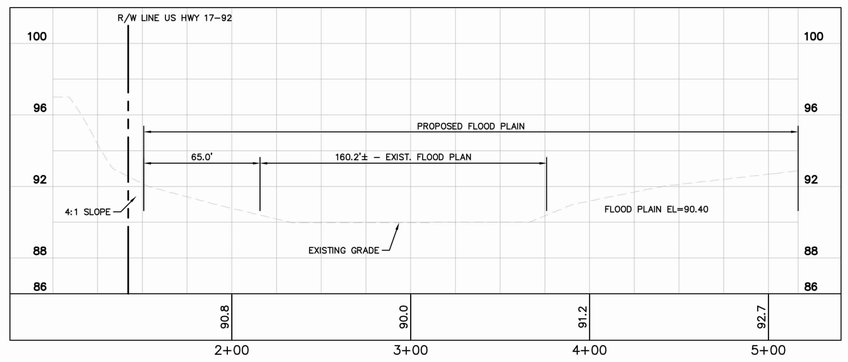
A SECTION
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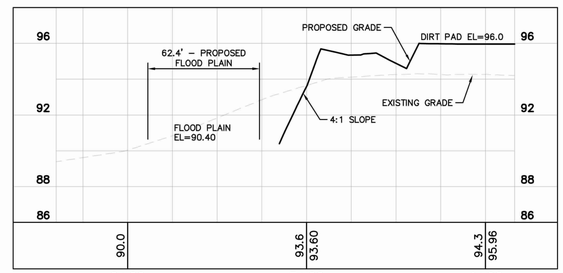
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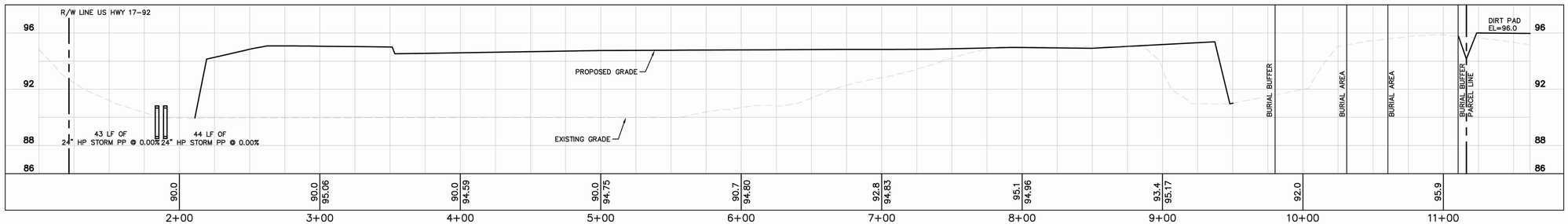
C SECTION
Scale: 1:40 H, 1:4 V



D SECTION
Scale: 1:40 H, 1:4 V



E SECTION
Scale: 1:40 H, 1:4 V



F SECTION
Scale: 1:40 H, 1:4 V

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the SWFWMD Tampa Regulation Department when construction begins.

Plotted By: Boyd Griffin Sheet Set: 049853-Providence N27 Layout: C500 CROSS SECTIONS August 11, 2023 12:38:19pm K:\Ote-civil\049853\01 — Providence N27\CAD\CONSTR\C500 CROSS SECTIONS.dwg
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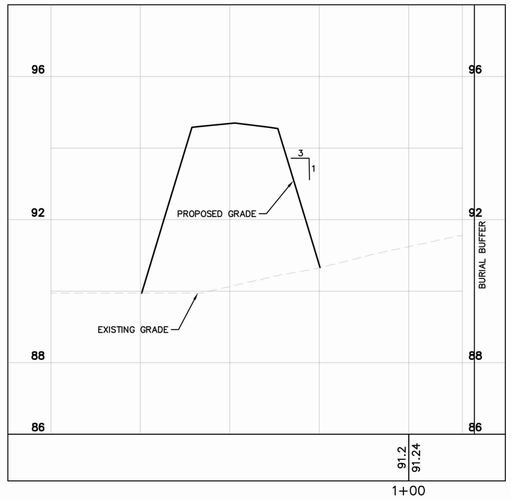
CROSS SECTIONS

MASS GRADING

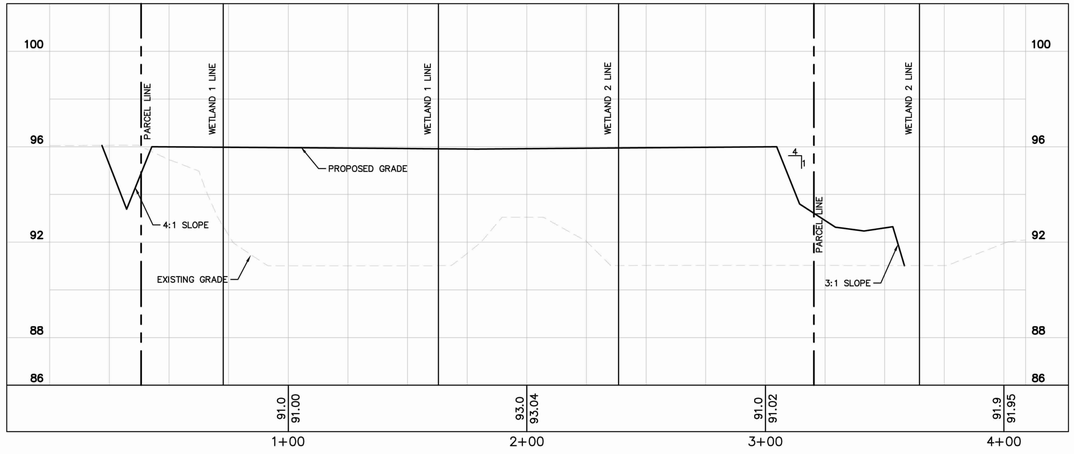
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.

PROVIDENCE N27

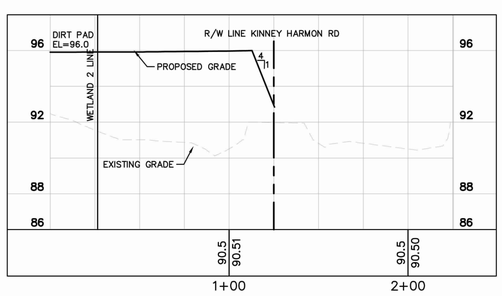
SHEET NUMBER
C500



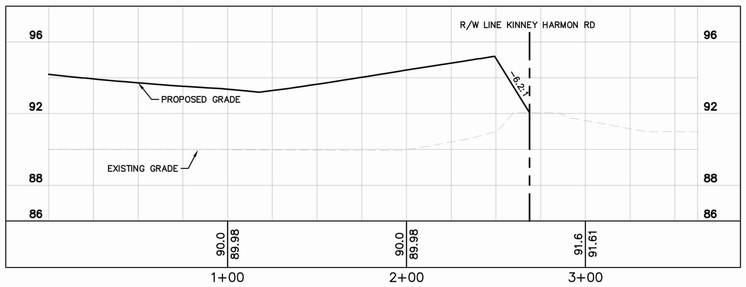
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Scale: 1:20 H, 1:4 V



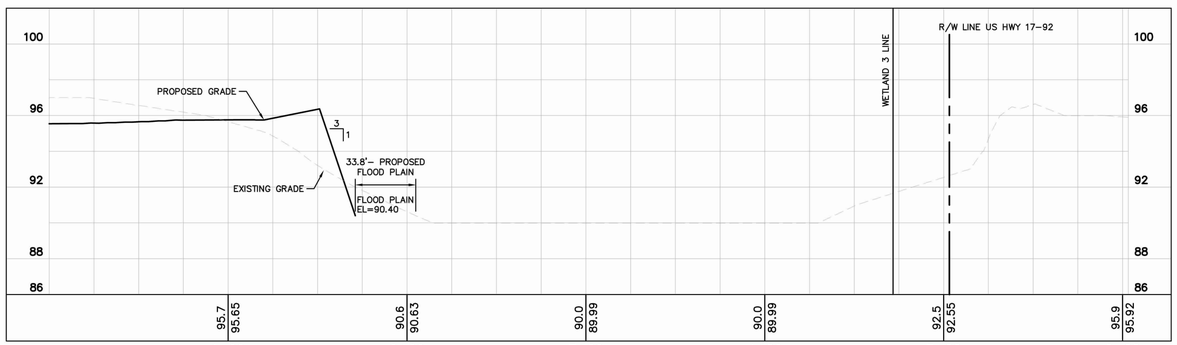
H SECTION
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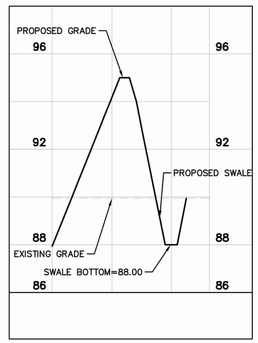
I SECTION
Scale: 1:40 H, 1:4 V



J SECTION
Scale: 1:40 H, 1:4 V



K SECTION
Scale: 1:40 H, 1:3 V



L SECTION
Scale: 1:30 H, 1:4 V

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
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Plotted By: Boyd Griffin Sheet Set: 049853-Providence N27 Layout: C501 CROSS SECTIONS August 11, 2023 12:38:24pm K:\Ldv_civil\049853\01 - Providence N27\CAD\CONSTR\C501 CROSS SECTIONS.dwg

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MARK E. WILSON ★ LICENSE ★ No 47615 ★ STATE OF FLORIDA ★ PROFESSIONAL ENGINEER

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KHA PROJECT 049853
DATE NOV. 2022
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DESIGNED BY ____
DRAWN BY ____
CHECKED BY ____

CROSS SECTIONS

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C501

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
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Plotted By: Boyd, Griffin Sheet Set: 049853 Providence N27 Layout: C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN August 11, 2023 12:39:01pm K:\Ver\Kha\049853001 providence N27\CAD\CONSTR\C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN.dwg

DISTRICT BOUNDARY

US HWY 17-92

KINNEY HARMON

WETLAND 3 IMPACT
1.33 AC. (PREVIOUS PERMIT
NO. 060117-17)

WETLAND 1 IMPACT
0.22 AC. (PREVIOUS PERMIT
NO. 060117-17)

WETLAND 2 IMPACT
0.18 AC. (PREVIOUS PERMIT
NO. 060117-17)

EXISTING ENTRANCE

WETLAND 1:
IMPACT AREA 1
SF: 23,426
AC: 0.54

WETLAND 1:
SHWE: 90.97
(NGVD 29)

WETLAND 2:
IMPACT AREA 1
SF: 7,803
AC: 0.18

WETLAND 2:
SHWE: 90.11
(NGVD 29)

EXISTING DRIVE AISLE

WETLAND 3:
IMPACT AREA 1
SF: 336,780
AC: 7.73

25' WETLAND BUFFER LINE

WETLAND BOUNDARY

WETLAND 3:
2ND IMPACT
AREA 2
SF: 29,252
AC: 0.67

WETLAND 3:
SHWE: 90.00
(NGVD 29)

WETLAND 3:
IMPACT AREA 2
SF: 9,709
AC: 0.22

WETLAND 5:
2ND IMPACT
AREA 2
SF: 7,997
AC: 0.18

WETLAND LINE

WETLAND
BUFFER LINE

WETLANDS WITHIN
CONSERVATION
EASEMENT

SWFWMD SFWMD

GRAPHIC SCALE IN FEET
0 35 70 140

NORTH

LEGEND

EXISTING WETLAND
48.7± ACRES

AREA OF WETLAND IMPACTS
WITHIN PROJECT BOUNDARY
8.67± ACRES

AREA OF SECONDARY
WETLAND IMPACTS
WITHIN PROJECT BOUNDARY
0.85± ACRES

WETLAND IMPACTS FROM PREVIOUS
PERMIT, POINCIANA PARKWAY
1.73±

CALL 2 BUSINESS
DAYS BEFORE
YOU DIG

IT'S THE LAW!
DIAL 811

Know what's **below.**
Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

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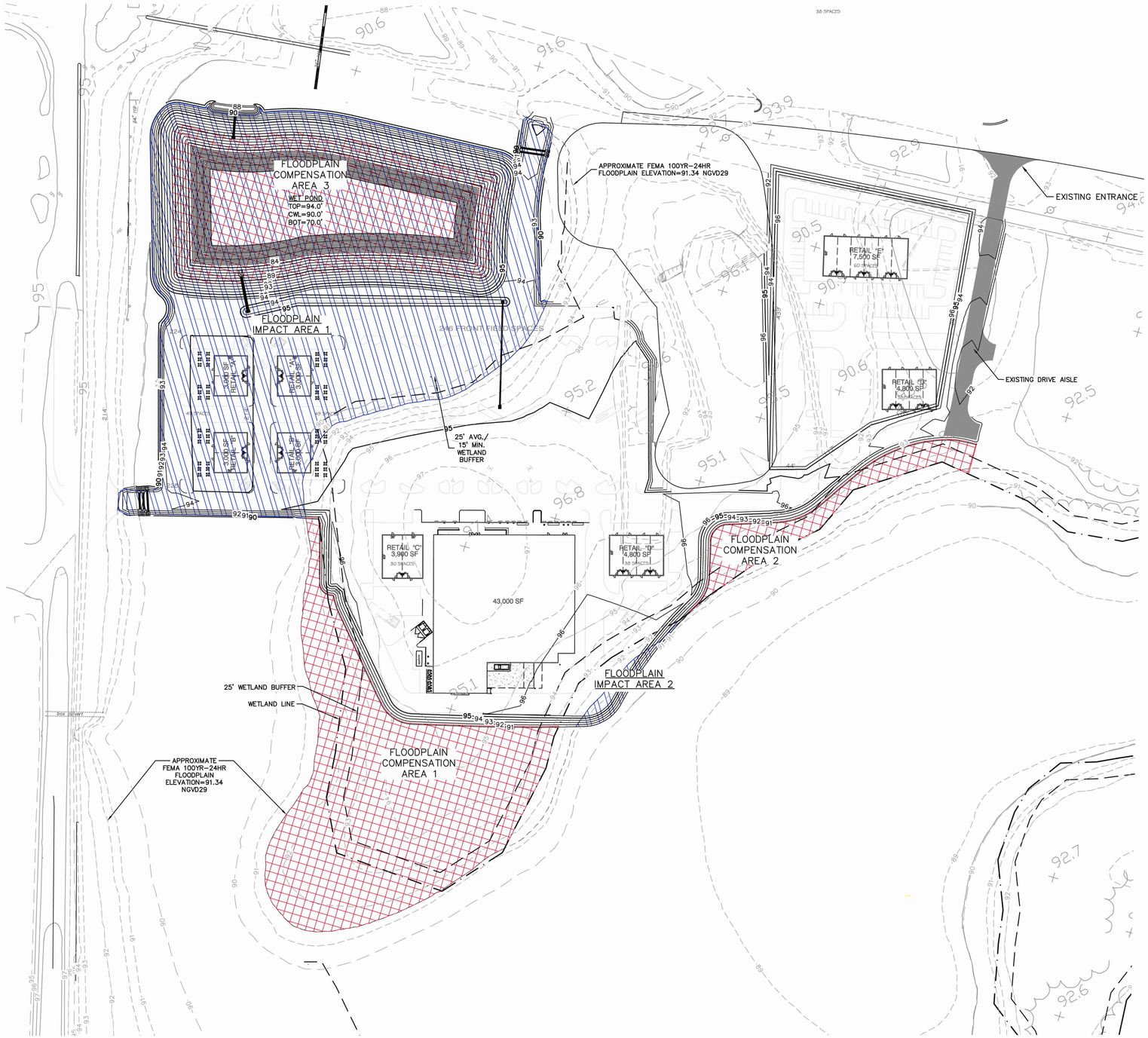
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WETLAND IMPACT PLAN

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C600





GRAPHIC SCALE IN FEET
0 40 80 160

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON BM-52, BEING A 4"x4" CONCRETE MONUMENT STAMPED BM-52, ELEVATION BEING 111.641, DATUM NGVD 1929, AS FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

THE CONVERSION FACTOR BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929 AND NORTH AMERICAN VERTICAL DATUM (NAVD) IS -0.942 FEET.

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAPS AS PROVIDED BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE WITH A PUBLISHED ELEV OF 90.4 FEET, PER MAP #12105C0235H, DATED 12/22/2016.

NOTES:

1. CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE AND INSPECTION OF SAID TURBIDITY BARRIERS TO ENSURE THEIR PROPER FUNCTION.
2. THE RETENTION PONDS SHALL BE THE FIRST ITEM CONSTRUCTED BEFORE THE BALANCE OF THE SITE IS CLEARED AND BEFORE ANY OF THE PROPOSED CONSTRUCTION BEGINS. SIDE SLOPES FOR THE RETENTION PONDS AND THE AREA ALONG THE BACK SIDE OF THE RETENTION AREA INCLUDING THE CONVEYANCE SWALES SHOULD BE IMMEDIATELY SODDED UPON COMPLETION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISTURBED AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION.
4. SEE SHEET C500 FOR GRADING AND POND DETAILS.
5. AS-BUILTS SHALL BE PREPARED, SIGNED, SEALED AND DATED BY A REGISTERED LAND SURVEYOR AND SUBMITTED TO THE ENGINEER OF RECORD.
6. AS-BUILTS SHALL INDICATE ANY DEPARTURES FROM THE APPROVED PLANS DURING CONSTRUCTION.
7. CONSTRUCTION DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF F.D.O.T. "DESIGN STANDARDS FOR DESIGN, CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS ON THE STATE HIGHWAY SYSTEM" IS REFERRED TO FOR THE STRUCTURAL DESIGN OF DRAINAGE STRUCTURES SPECIFIED IN THESE PLANS, AS REFERENCED BY STANDARD INDEX. ALL SPECIALTY DRAINAGE STRUCTURES REQUIRE SEPARATE STRUCTURAL DESIGN, WHICH IS NOT INCLUDED IN THESE PLANS.
8. CONTRACTOR SHALL RESTORE DAMAGED IMPROVEMENTS TO THEIR ORIGINAL CONDITION, AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
9. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO THE OWNER'S ENGINEER FOR APPROVAL. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION MAY RESULT IN REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR IS TO USE CAUTION WHEN WORKING IN OR AROUND AREAS OF OVERHEAD TRANSMISSION LINES OR UNDERGROUND UTILITIES.
11. CONTRACTOR SHALL PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS TEMP.D BY THE DEMOLITION OPERATION.
12. THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE, OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE, OR PART OF A STRUCTURE WHICH IS LOCATED OUTSIDE THE LINES, GRADES, OR GRADING SECTIONS ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATION OR REMOVAL IS PROVIDED FOR IN THE CONTRACT, PLANS, OR SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE WORK PERFORMED, BY THE CONTRACTOR OR SUB-CONTRACTORS, IS CALLED FOR IN THESE CONTRACT DOCUMENTS.
13. THE CONTRACTOR SHALL CALL (811) SUNSHINE STATE ONE CALL OF FLORIDA. FOR FIELD LOCATIONS 2 BUSINESS DAYS BEFORE DIGGING NEAR UNDERGROUND UTILITIES.
14. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.
15. THE ROADWAYS AND DRAINAGE SYSTEMS WITHIN THIS PROJECT WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PERMITEE AND WILL BE RESPONSIBLE FOR OPERATING AND MAINTAINING THE STORM SEWER SYSTEM IN PERPETUITY.
16. IF MUCK OR ANY OTHER UNSUITABLE MATERIAL IS ENCOUNTERED IN THE TRENCH BED OF THE DRAINAGE PIPES THE MATERIAL MUST BE REMOVED AND BACKFILLED TO A DEPTH (MIN. 2' FEET) WHERE THE MINIMUM COMPACTION PER POLK COUNTY SPECIFICATIONS CAN BE OBTAINED.
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- REMOVE TRASH FROM THE SYSTEM ABOUT ONCE EVERY 2-3 MONTHS
- ENSURE THE SYSTEM IS INSPECTED WITH A FOCUS ON: THE POND FUNCTIONING AS PERMITTED; POND VEGETATION CONDITIONS AND CHANGE;POND EROSION, SETTLEMENT, CRACKING, AND STABILITY; EVIDENCE OF ENCROACHMENT AND MISUSE OF THE POND; CONDITION OF THE STRUCTURES. REPAIRS SHALL BE MADE TO THE STORMWATER MANAGEMENT SYSTEM IF THE SYSTEM IS NOT FUNCTIONING AS PERMITTED OR ANY OF THE PRECEDING ITEMS NEED ADDRESSING.
-TO ENSURE THE POND FUNCTIONS PROPERLY, SEDIMENT SHALL BE REMOVED IF IT BUILDS UP MORE THAN 6" WITHIN THE POND.
21. ALL ON-SITE STORM WATER SHALL BE DIRECTED TOWARD PROPOSED SWALES, INLETS AND/OR PONDS.

100YR-24HR FEMA FLOODPLAIN IMPACT CALCULATIONS

FLOODPLAIN IMPACT AREA	IMPACT VOLUME (AC-FT)
1	3.40
2	0.06
SUM:	3.46

100YR-24HR FEMA FLOODPLAIN COMPENSATION CALCULATIONS

FLOODPLAIN COMP AREA	COMP VOLUME (AC-FT)
1	1.77
2	0.28
3	1.54
SUM:	3.59

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ____
DRAWN BY ____
CHECKED BY ____

FLOODPLAIN COMPENSATION

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C700

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MARK E. WILSON, P.E. #47615. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

PERMITTED DRAWINGS SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
For Construction permits, the permittee shall notify, in writing, the
SWFWMD Tampa Regulation Department when construction begins.

Plotted By: Boyd Griffin Sheet Set: 049853-Providence N27 Layout: FLOODPLAIN COMPENSATION August 11, 2023 12:39:54pm K:\Lak_Civil\049853\001 - Providence N27\CAD\CONSTRUCTION PLANS\FLOODPLAIN COMPENSATION.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

September 13, 2023

Applied Building Development Company
Yuval Botansky
131 Chadwick Drive
Davenport, FL 33837

Subject: **Reservation Letter for Southport Ranch Mitigation Bank**
Providence N-27
SWFWMD Application No. 850358

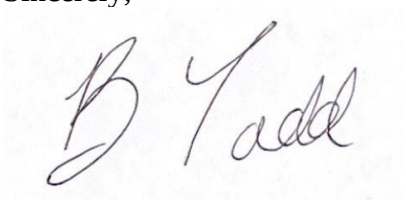
Yuval Botansky,

I am writing in reference to your need for mitigation credits for the **Providence N-27** project in Polk County, Florida. This letter confirms that **Southport Ranch Mitigation Bank**; SFWMD permit number 49-00002-M, has the following credits reserved for this project:

- 3.8 Freshwater State Forested (UMAM)

It is agreed that the credits will be reserved until the final permits are received and credits paid for in full at which time the credits will be transferred on the ledgers. Should you have questions or require additional information, please do not hesitate to contact me.

Sincerely,



Brody Larsen
Mitigation Marketing, LLC
Phone: 407-481-0677 Fax: 407-648-3866
brody@mitigationmarketing.com
Providing Mitigation Solutions Throughout Florida

cc:**Ashley Argitis, Yuval Botansky**

FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 21, 2023

Applied Building Development
% Yuval Botansky
131 Chadwick Drive
Davenport, Florida 33896
Yval@abddevelopment.com

Dear Yuval Botansky:

Thank you for your application to the State 404 Permit Program. Enclosed is Permit Number 0397738-002-SFI, to Applied Building Development.

The enclosed permit requires that you sign the document, indicating that you accept and agree to comply with the terms and conditions of the permit.

Please sign and return the attached document to the Department at SW_ERP@FloridaDEP.gov within 60 days of the date of this letter.

The permit will not become effective until the permit is signed by the Permittee and the Department designated official.

If you have any questions about this document, please contact me at Jessica.t.hamilton@floridadep.gov or 813-470-5956.

Sincerely,

Jessica Hamilton

Jessica Hamilton
Environmental Specialist III
Permitting and Waste Cleanup Programs
Southwest District

cc:
Florida Fish and Wildlife Conservation Commission, ConservationPlanningServices@myFWC.com
Amelia Missavage, Florida Fish and Wildlife Conservation Commission, Amelia.Missavage@myfwc.com
State 404 Permitting, Southwest District, SW_ERP@FloridaDEP.gov
Jessica Hamilton, Southwest District, Jessica.t.hamilton@floridadep.gov
Shannon Herbon, Southwest District, Shannon.Herbon@floridadep.gov
U.S. Environmental Protection Agency, State404FinalPermits-Florida@epa.gov
Mark Wilson, Kimley-Horn and Associates, Marke.Wilson@Kimley-horn.com
Jim Modica, Modica & Associates, Inc., Jimm@Modica.cc
Ashley Miller Argitis, Modica & Associates, Inc., Ashleym@Modica.cc
Elaine Imbruglia, Modica & Associates, Inc., Eca@Modica.cc

FLORIDA DEPARTMENT OF
Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:
Applied Building Development
% Yuval Botanksy
131 Chadwick Drive
Davenport, Florida 33896, Polk County
Yuval@abddevelopment.com

Providence N-27

Authorized Agent:
Kimley-Horn and Associates
% Mark Wilson
109 South Kentucky Avenue
Lakeland, Florida 33801
Marke.Wilson@Kimley-horn.com

State 404 Program Individual Permit

Polk County
Permit No.: 0397738-002-SFI

Permit Issuance Date: TBD
Permit Expiration Date: TBD

FLORIDA DEPARTMENT OF
Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

State 404 Program Individual Permit

Permittee: Applied Building Development
Permit No: 0397738-002-SFI

PROJECT LOCATION

The activities authorized by this permit are located south of the intersection of US 17-92 and Kinney Harmon Road, Parcel IDs: 272612702500013000, 272612702500012000, 272612702500011010, 272612702500017010, and 272612702500016031, Davenport, Florida 33837, in Section 7 and 12, Township 26 South, Range 27 and 28 East in Polk County, at Latitude 28.23436851 / Longitude -81.55798802.

PROJECT DESCRIPTION

The permittee is authorized to directly impact 0.18 acres of depression marsh, 8.51 acres of hydric hammock and secondary impacts to 1.26 acres of hydric hammock. Waters associated with this project are contiguous to Reedy Creek above Lake Russell, a Class III, Florida Waterbody. These activities are associated with the construction of retail space with associated roadways, parking lots, utilities, and stormwater infrastructure to serve the demand for commercial development.

To offset unavoidable impacts to 0.18 acres of depression marsh, 8.51 acres of hydric hammock with secondary impacts to 1.26 acres of hydric hammock that will occur from these authorized activities, the permittee shall purchase 5.15 palustrine forested mitigation credits from the Reedy Creek Mitigation Bank.

Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Providence N-27

State 404 Program Individual Permit

The Department has determined that the activity qualifies for a State 404 Program Individual Permit. Therefore, the State 404 Program Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-331, Florida Administrative Code (F.A.C.).

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. This permit shall expire on TBD pursuant to 62-331.090(2), F.A.C. Any deviations must be authorized in a permit modification in accordance with rule 62-331.080, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

2. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the permittee's name and permit number 53-0397738-002-SFI and shall be directed by e-mail to SW_ERP_CAP@floridadep.gov with a subject line of "Compliance: permit number 53-0397738-002-SFI", or by mail to:

   Department of Environmental Protection
   Southwest District
   ATTN: ERP Compliance Assurance
   13051 North Telecom Parkway, Suite 101
   Temple Terrace, FL 33637-0926

3. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

4. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

5. To offset unavoidable impacts that will occur from directly impacting 0.81 acres of depression marsh, and 8.51 acres of hydric hammock with secondary impacts to 1.26 acres of hydric hammock that will occur from these authorized activities, the permittee shall purchase 5.15 palustrine forested mitigation credits from the Reedy Creek Mitigation Bank.

   Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that a total of 5.15 palustrine forested mitigation credits have been deducted from the credit ledger of the Reedy Creek Mitigation Bank (*SAJ-1995-07852*).

6. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards (>29 NTU's above background, pursuant to Rule 62-302, F.A.C.). Methods may include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

7. Prior to construction, the limits of impact shall be clearly marked in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment. Orange construction fence or tall flagged stakes along the construction limits are possible methods.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

8. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

9. Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during construction and operation of permitted activities.

10. Grass seed, or sod shall be installed and maintained on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands. A vegetative cover that stabilizes and prevents erosion of the fill material shall be established within 60 days of sodding or seeding. Turbidity barriers/erosion control devices shall be removed upon establishment of a substantial vegetative cover.

11. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

12. Staked filter cloth shall be positioned at the edge of the permitted fill slopes adjacent to wetlands to prevent turbid run-off and erosion.

13. The permittee shall report any damage to the Department within 24 hours that occurs to any wetlands not authorized for impacts under this permit. If any damage occurs to wetlands or surface waters as a result of any construction activities, the permittee shall be required to restore the wetland area by re-grading the damaged areas back to the natural preconstruction elevations and planting vegetation of the size, densities, and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.

14. Construction equipment shall not be repaired or refueled within Waters of the United States.

15. The permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

16. Construction shall be completed per the approved plan drawings. This permit does not authorize the construction of any additional structures or dredge/fill areas not illustrated on the permit drawings.

17. Unauthorized impacts to wetlands and/or other surface waters as a result of the authorized construction shall be reported to the Department within 24 hours.

18. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris) within wetlands or other surface waters is prohibited.

19. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site violate state water quality standards:

    a. Immediately cease work contributing to the water quality violation.

    b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.

    c. Notify the Department within 24 hours of the time the violation is first detected.

SPECIFIC CONDITIONS - LISTED SPECIES

20. Florida Scrub-jay/Sand Skink/Blue-tailed Mole Skink

(1). The applicant shall preserve the 2.41-acre cemetery with 50-foot buffer as shown in the construction plans.

(2). The project boundaries shall be clearly delineated prior to ground disturbance or clearing by using flags, silt fencing, or similar material to ensure that the quantity of take of scrub habitat is not exceeded. All delineations shall be maintained during construction to ensure that any scrub habitat is not impacted by construction vehicles.

(3). After construction, the permittee will be responsible for ensuring that all operational and maintenance activities remain outside of cemetery and 50-foot burial buffer. Habitat acres were used as a surrogate to quantify take and if, during the course of this action, this level of take is exceeded, such take would represent new information requiring the permittee to report this new information to FDEP.

(4). Any modifications to the proposed work in occupied sand skink habitat shall be coordinated with the USFWS South Florida Ecological Service office at fw4flesregs@fws.gov prior to the start of work. The permittee or permittee's representative shall also notify the FWC by e-mail at ConservationPlanningServices@MyFWC.com.

21. Wood Stork
The permittee shall comply with the approved wetland mitigation and monitoring requirements within the same CFA as the project and as specified by the Department's State 404 permit for the onsite wetland impacts.

22. State-Listed Wading Birds
(1). If any species of state-listed wading bird is observed on site, the permittee shall conduct surveys for wading birds in the forested wetlands throughout the project site prior to commencing any site preparation, staging, clearing, or project activities. Surveys should be conducted during the appropriate survey timeframe indicated in Attachment 1 and in accordance with one of the following methodologies.

a. Direct count surveys shall be conducted of potential breeding sites that are narrow or small in which the observer can see all the way through the vegetation to identify all nests.

i. Direct counts of all nests shall be made from a minimum distance of 330 feet (100 meters) from the freshwater forested wetlands.

b. Flight-line surveys shall be conducted of potential breeding sites that are large or wide enough that the observer cannot see through the vegetation from a distance of 330 feet (100 meters).

(2). If there is evidence of active nests, a buffer of 330 feet (100 meters) shall be established around the nesting area(s). A nest is considered active when supporting essential behavioral patterns, which occur from the point of nest building when a breeding pair exhibits courtship behavior, is carrying nest material, and/or engaging in construction or repair of a nest, until young of the season become capable of sustained flight or permanently leave the nest. The buffer zone shall be clearly visible to all personnel associated with the project.

(3). No pedestrian traffic, operation of a vehicle or watercraft vessel, site preparation, staging, clearing, or project activities shall occur within the 330-foot (100-meter) buffer.

(4). If wading bird nesting is discovered after site activities have begun, or if any of the conditions above cannot be met, the permittee shall contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or WildlifePermits@MyFWC.com for more information.

(5). Death or injury of a wading bird shall be immediately reported to the FWC Wildlife Alert Hotline at 888-404-3922.

23. Florida Sandhill Crane

(1). Surveys for nesting Florida sandhill cranes shall be conducted within the project boundary during the breeding season (December 1 – August 30) within 30 days prior to commencing any clearing or project activities. Surveys shall include either one aerial survey or two ground surveys in accordance with the following methodologies.

a. Aerial Surveys:

i. Aerial transects shall cover 100% of the forested wetland habitat.

ii. Survey transects shall be conducted at a minimum altitude of 250 feet. Sandhill cranes may react differently to different types of aircraft, and altitude shall be adjusted to prevent disturbance.

b. Ground Surveys:

i. Surveys shall be conducted between dawn and 10 a.m. or between 4 p.m. and dusk. Sandhill crane breeding pairs engage in “unison calling” early in the morning or when switching incubation duties, which can help identify habitat areas used for nesting.

ii. The forested wetlands shall be scanned along the peripheries from as far away as practical in order to observe nesting areas without disturbing any sandhill cranes.

iii. Observation points shall be spaced to provide approximately 100% coverage of suitable habitat. A lone adult sandhill crane observed foraging during the breeding season is a good indicator that nesting may be occurring nearby.

(2). If active Florida sandhill crane nests are found, a buffer of 400 feet (122 meters) shall be demarcated around each nest site. The buffer zone shall be clearly visible to all personnel associated with the project. The perimeter of the buffer zone shall be demarcated with material with an open design that allows ingress and egress for adult cranes and chicks. Examples of acceptable materials include 3-4 foot (91-122 cm) tall stakes with a single line of string or rope, suspended at least 18 inches (46 cm) off the ground, or three strand barbed wire with the bottom wire at least 18 inches (46 cm) off the ground. Silt fencing is discouraged, but if it must be used,

leave regularly spaced gaps at least every 0.3-mile that are either sized at least 24 inches (61 cm) wide or the silt fencing is staggered to allow passage by chicks.

(3). No pedestrian traffic, vehicle operations, site preparation, staging, clearing, or project activities shall occur within the 400-foot (122-meter) buffer.

(4). The buffer zone materials may be removed when the eggs have hatched, and chicks are walking on their own.

(5). All personnel associated with the project shall be advised of the presence of Florida sandhill crane nesting and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida sandhill cranes or their eggs or nests, or to attempt to engage in such conduct.

(6). No direct or indirect impacts shall occur to wetland habitats found to be utilized by Florida sandhill cranes for breeding, feeding, or sheltering.

(7). If the project will take place over multiple years, additional surveys shall be conducted during the breeding season within 30 days prior to the start of clearing or project activities.

(8). If permanent fencing is constructed adjacent to wetlands found to be utilized by Florida sandhill cranes for nesting, it shall be made of materials in which the birds cannot become entangled, trapped, or injured. If woven or welded wire fencing is used, framed walk-throughs 18 inches (46 cm) high by 24 inches (61 cm) wide shall be incorporated at least every 0.3 miles. If barbed wire fencing is used, a maximum of 3 strands shall be used with the top wire no more than 42 inches (107 cm) above the ground and the bottom wire no less than 18 inches above the ground.

(9). Any installation of temporary or permanent above-ground utility lines shall include reflective kinetic markers to increase visibility to sandhill cranes inflight and reduce collisions.

(10). If additional nest locations are identified after clearing or other activities have begun or if maintaining the required buffers is not possible, the permittee shall contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or WildlifePermits@MyFWC.com for more information.

(11). Injury or mortality of a Florida sandhill crane shall be immediately reported to the FWC Wildlife Alert Hotline at (888) 404-3922.

24. The Permittee shall report any injured, sick, or dead federally or state listed species discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

25. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list

of fish and wildlife species. If listed species are observed onsite, Florida Fish and Wildlife Conservation Commission (FWC) staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to ConservationPlanningServices@MyFWC.com .

26. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

SPECIFIC CONDITIONS - CONSTRUCTION COMPLETION

The permittee shall comply with the following conditions prior to the transfer to operation phase of the facility. All documentation required below shall be included with the permittee's request to transfer the project to the operation phase [Form No. 62-330.310(2), F.A.C.].

27. The permittee shall submit signed, dated and sealed as-built drawings to the Department for review and approval within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevations must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer. As-builts shall be submitted to the Department regardless of whether or not deviations are present. In addition to the as-built drawings, the permittee shall submit the "As-built Certification and Request for Conversion to Operation Phase" form as required in General Condition #2(f)(2).

    The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Mark Wilson, P.E. #47615, on November 2022:

Plan View/ Cross Section Name	Drawing Number
Grading Plan	C400
Drainage Structure and Pipe Tables	C401
Cross Sections	C500 - 501
Wetland Impact Plan	C600

GENERAL CONDITIONS FOR STATE 404 PROGRAM INDIVIDUAL PERMITS

(1) General Conditions under section 62-331.054, F.A.C.:

(a) The permittee shall comply with all conditions of the permit, even if that requires halting or reducing the permitted activity to maintain compliance. Any permit violation constitutes a violation of Part IV of Chapter 373, F.S., and this Chapter, as well as a violation of the CWA.

(b) The permittee shall take all reasonable steps to prevent any unauthorized dredging or filling in violation of this permit.

(c) The permittee shall timely notify the Agency of any expected or known actual noncompliance.

(d) Upon Agency request, the permittee shall provide information necessary to determine compliance status, or whether cause exists for permit modification, revocation, or termination.

(e) Inspection and entry. The permittee shall allow the Agency, upon presentation of proper identification, at reasonable times to:

1. Enter upon the permittee's premises where a regulated activity is located or where records must be kept under the conditions of the permit,

2. Have access to and copy any records that must be kept under the conditions of the permit,

3. Inspect operations regulated or required under the permit, and

4. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

(2) Applicable General Conditions under section 62-330.350(1), F.A.C., modified to contain applicable references under Chapter 62-331, F.A.C. (remove those that are not applicable):

(a) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-331.080, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(b) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(d) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (http://www.flrules.org/Gateway/reference.asp?No=Ref-02505), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

(e) Unless the permit is transferred under rule 62-331.100, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.

(f) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

2. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(h) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(i) This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;

2. Convey to the permittee or create in the permittee any interest in real property;

3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(k) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and

2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(m) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(n) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper

authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

(p) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-331, F.A.C., or cause violations of state water quality standards.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure

9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Permittee Signature

Pursuant to Rule 62-331.052(3)(a)1, a permit becomes effective when it is signed by both the applicant and the Department. Signing indicates, as permittee, you accept and agree to comply with the terms of this permit. You have **60 days after receipt of this proposed permit** with which to sign and return to the Department for final approval. Failure to return within this timeframe will result in administrative withdrawal of your permit application. After receipt of the signed proposal, the Department will return to you the final signed permit, listing the permit's effective date and expiration date.

_____ _____

(Permittee) (Date)

_____

(Permittee Name – Printed)

This permit becomes effective when the designated Department official has signed below.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Shannon Herbon
Program Administrator
Permitting and Waste Cleanup Program
Southwest District

Attachments:
Project Drawings, 10 pages
Construction Commencement Notice/Form 62-330.350(1)
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
Request to Transfer Permit/Form 62-330.340(1)
Operation and Maintenance Inspection Certification/Form 62-330.311(1)

Permit Expiration: TBD

State - Threatened Wading Bird Ranges, Breeding Seasons, and Recommended Survey Dates by Zone, 1 page

Copies furnished to:
Florida Fish and Wildlife Conservation Commission, ConservationPlanningServices@myFWC.com
Amelia Missavage, Florida Fish and Wildlife Conservation Commission, Amelia.Missavage@myfwc.com
State 404 Permitting, Southwest District, SW_ERP@FloridaDEP.gov
Jessica Hamilton, Southwest District, Jessica.t.hamilton@floridadep.gov
Shannon Herbon, Southwest District, Shannon.Herbon@floridadep.gov
U.S. Environmental Protection Agency, State404FinalPermits-Florida@epa.gov
Mark Wilson, Kimley-Horn and Associates, Marke.Wilson@Kimley-horn.com
Jim Modica, Modica & Associates, Inc., Jimm@Modica.cc
Ashley Miller Argitis, Modica & Associates, Inc., Ashleym@Modica.cc
Elaine Imbruglia, Modica & Associates, Inc., Eca@Modica.cc

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, was mailed before the close of business on September 21, 2023**,** to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk **Date** September 21, 2023

CONSTRUCTION PLANS

FOR

PROVIDENCE N27 MASS GRADING

(PRIVATE ROADWAY)

LOCATED IN SECTION 12, TOWNSHIP 26S, RANGE 27E

POLK COUNTY, FLORIDA



AERIAL

N.T.S.

OWNER/DEVELOPERS:

APPLIED BUILDING DEVELOPMENT COMPANY - OAKHILLS, INC.

Applied Building Development Company - Oakhills, Inc.
131 Chadwick Drive
Davenport, Florida 33837
PHONE: (407) 370-6400
FAX: (407) 370-6550

CONSULTANTS:

KIMLEY-HORN AND ASSOCIATES, INC.

109 S. KENTUCKY AVENUE
LAKELAND, FL 33801
Tel: (863) 701-8702

SURVEYOR:
GANUNG-BELTON ASSOCIATES, INC.

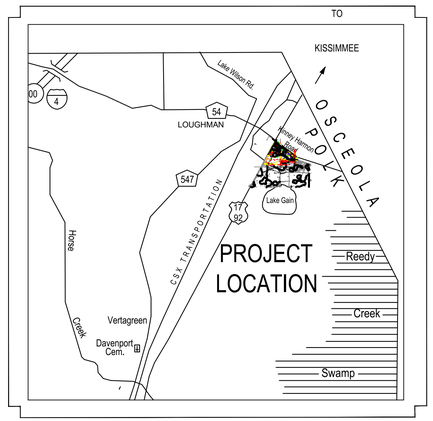
1275 E. Robinson Street
Orlando, FL 32801
Ph: (407) 894-6656

GEOTECHNICAL CONSULTANT:

ARDAMAN & ASSOCIATES, INC.

8008 S. ORANGE AVE.
ORLANDO, FL 32809
PHONE: (407) 855-3860
FAX: (407) 859-8121

NOVEMBER 2022



VICINITY MAP

N.T.S.

N

Sheet List Table

Sheet Number	Sheet Title
C100	COVER SHEET
C200	GENERAL CONDITIONS
C250	EXISTING CONDITIONS
C300	BEST MANAGEMENT PRACTICES PLAN
C400	MASS GRADING PLAN
C401	DRAINAGE STRUCTURES AND PIPE TABLES
C500	CROSS SECTIONS
C501	CROSS SECTIONS
C600	WETLAND IMPACT PLAN
C700	FLOODPLAIN COMPENSATION
--	BOUNDARY AND TOPOGRAPHICAL SURVEY

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MARK E. WILSON, P.E. #47615. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

POLK COUNTY LAND DEVELOPMENT DIVISION STANDARD NOTES

1. TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED PRIOR TO OPENING A NEW OR MODIFIED ROAD.
2. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.
3. CHANGES FROM PLANS OR SPECIFICATIONS SUBSTANTIALLY AFFECTING CONFORMANCE TO STANDARDS OR PERFORMANCE OF SYSTEMS MUST BE SUBMITTED IN A WRITTEN REQUEST BY THE ENGINEER OF RECORD AND RECEIVE WRITTEN APPROVAL BY THE COUNTY ENGINEER PRIOR TO THE IMPLEMENTATION OF SUCH CHANGES, UNLESS OTHERWISE PROVIDED FOR IN THE POLK COUNTY LAND DEVELOPMENT CODE OR THE POLK COUNTY UTILITIES CODE. MAJOR MODIFICATIONS MAY REQUIRE AN APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE. IN SUCH CASES, THE APPLICANT SHALL SUBMIT THE APPROPRIATE APPLICATION AND FEES FOR A NEW REVIEW AT THE LEVEL OF THE ORIGINAL APPROVAL, OR LEVEL 2, WHICHEVER IS GREATER.
4. THE CONTRACTOR SHALL NOTIFY POLK COUNTY INSPECTIONS STAFF (863) 534-6449, AT LEAST FIVE (5) WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND PRIOR TO ANY ACTIVITY REQUIRING INSPECTION, INCLUDING SITE PAVING.
5. TO SCHEDULE THE REQUIRED PRE-CONSTRUCTION MEETING, THE ENGINEER OF RECORD SHALL CONTACT THE POLK COUNTY LAND DEVELOPMENT DIVISION, OFFICE OF THE COUNTY ENGINEER AT (863) 534-6449.
6. AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO BENEFICIAL USE OF ANY FACILITY OR SYSTEM, AS-BUILT RECORD DRAWINGS SHALL BE SUBMITTED AND APPROVED IN ACCORDANCE WITH POLK COUNTY UTILITIES CODE, CHAPTER 2, PART 3.01 AND THE POLK COUNTY LAND DEVELOPMENT CODE, APPENDIX A, SECTION A406.C.
7. MOT FOR THE PROJECT WILL BE IN ACCORDANCE WITH THE CURRENT FDOT TRAFFIC CONTROL REQUIREMENTS THROUGH WORK ZONES, SECTION 102-600 SERIES, OF THE FDOT STANDARD PLANS.
8. THE ASPHALT PAVEMENT WILL EXTEND ¼ INCH ABOVE THE ROAD SIDE EDGE FOR ALL CURB AND GUTTER CONSTRUCTED ON PUBLIC OR PRIVATE ROADS.
9. POLK COUNTY IS NOT RESPONSIBLE FOR DESIGN AND/OR PLAN ERRORS. ALL CONSTRUCTION WITHIN POLK COUNTY R/W SHALL BE IN ACCORDANCE WITH POLK COUNTY AND FDOT STANDARDS AND SPECIFICATIONS. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.

NOTE
CONSTRUCTION MATERIALS QUALITY AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH POLK COUNTY AND FDOT SPECIFICATIONS AND STANDARDS, AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
NOTE
POTABLE WATER, RECLAIMED WATER AND WASTE WATER COLLECTION SYSTEMS WILL BE OWNED BY POLK COUNTY UTILITY WITHIN R/W OR WITHIN EASEMENTS

THE SITE CONSTRUCTION STAKEOUT SHALL BE PERFORMED UNDER THE DIRECTION OF A FLORIDA REGISTERED SURVEYOR. AUTOCAD FILES WILL BE FURNISHED TO AID IN THE SITE CONSTRUCTION STAKEOUT. ANY DISCREPANCIES FOUND BETWEEN AUTOCAD FILES AND SITE CONSTRUCTION PLANS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION FOR CLARIFICATION PRIOR TO THAT STAKEOUT.

CALL 2 BUSINESS DAYS BEFORE YOU DIG

IT'S THE LAW! DIAL 811

811 Know what's below. Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

Kimley»Horn

Registry No. 35106

MARK E. WILSON, P.E.
FL. P.E. NO. 47615
ENGINEER'S PROJECT NO.: 049853

Plotted By:Bauman, Cheryl Sheet Set:049853-Providence N27 Layout:C100 COVER SHEET May 24, 2023 06:12:11pm K:\Vak_civil\049853001 - providence\N27\CADD\CONSTR\C100 COVER SHEET.dwg

GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR AND SUBCONTRACTORS SHALL OBTAIN A COPY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" (LATEST EDITION) AND BECOME FAMILIAR WITH THE CONTENTS PRIOR TO COMMENCING WORK.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING ALL MATERIAL AND LABOR TO CONSTRUCT THE FACILITY AS SHOWN AND DESCRIBED IN THE CONSTRUCTION DOCUMENTS IN ACCORDANCE WITH THE APPROPRIATE APPROVING AUTHORITIES, SPECIFICATIONS AND REQUIREMENTS. CONTRACTOR SHALL CLEAR AND GRUB ALL AREAS UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK, EXISTING PAVEMENT AND ALL OTHER DELETERIOUS MATERIAL.

3. EXISTING UTILITIES SHOWN ARE LOCATED ACCORDING TO THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF THE TOPOGRAPHIC SURVEY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER. GUARANTEE IS NOT MADE THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN OR THAT THE LOCATION OF THOSE SHOWN ARE ENTIRELY ACCURATE. FINDING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE DONE BEFORE HE COMMENCES ANY WORK IN THE VICINITY. FURTHERMORE, THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE OWNER OR ENGINEER WILL ASSUME NO LIABILITY FOR ANY DAMAGES SUSTAINED OR COST INCURRED BECAUSE OF THE OPERATIONS IN THE VICINITY OF EXISTING UTILITIES OR STRUCTURES, NOR FOR TEMPORARY BRACING AND SHORING OF SAME. IF IT IS NECESSARY TO SHORE, BRACE, SWING OR RELOCATE A UTILITY, THE UTILITY COMPANY OR DEPARTMENT AFFECTED SHALL BE CONTACTED AND THEIR PERMISSION OBTAINED REGARDING THE METHOD TO USE FOR SUCH WORK.

4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES WHICH MAY HAVE BURIED OR AERIAL UTILITIES WITHIN OR NEAR THE CONSTRUCTION AREA BEFORE COMMENCING WORK. THE CONTRACTOR SHALL PROVIDE 48 HOURS MINIMUM NOTICE TO ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION. A LIST OF THE UTILITY COMPANIES WHICH THE CONTRACTOR MUST CALL BEFORE COMMENCING WORK IS PROVIDED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS. THIS LIST SERVES AS A GUIDE ONLY AND IS NOT INTENDED TO LIMIT THE UTILITY COMPANIES WHICH THE CONTRACTOR MAY WISH TO NOTIFY.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED CONSTRUCTION PERMITS AND BONDS IF REQUIRED PRIOR TO CONSTRUCTION.

6. THE CONTRACTOR SHALL HAVE AVAILABLE AT THE JOB SITE AT ALL TIMES ONE COPY OF THE CONSTRUCTION DOCUMENTS INCLUDING PLANS, SPECIFICATIONS, AND SPECIAL CONDITIONS AND COPIES OF ANY REQUIRED CONSTRUCTION PERMITS.

7. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN ARE TO BE MADE WITHOUT PRIOR APPROVAL OF THE OWNER AND NOTIFICATION TO THE ENGINEER.

8. ALL COPIES OF COMPACTION, CONCRETE AND OTHER REQUIRED TEST RESULTS ARE TO BE SENT TO THE OWNER AND DESIGN ENGINEER OF RECORD DIRECTLY FROM THE TESTING AGENCY.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING TO THE ENGINEER A CERTIFIED RECORD SURVEY SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA DEPICTING THE ACTUAL FIELD LOCATION OF ALL CONSTRUCTED IMPROVEMENTS THAT ARE REQUIRED BY THE JURISDICTIONAL AGENCIES FOR THE CERTIFICATION PROCESS. ALL SURVEY COSTS WILL BE THE CONTRACTORS RESPONSIBILITY.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND MAINTAINING AS-BUILT INFORMATION WHICH SHALL BE RECORDED AS CONSTRUCTION PROGRESSES OR AT THE COMPLETION OF APPROPRIATE CONSTRUCTION INTERVALS AND SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT DRAWINGS TO THE OWNER FOR THE PURPOSE OF CERTIFICATION TO JURISDICTIONAL AGENCIES AS REQUIRED. ALL AS-BUILT DATA SHALL BE COLLECTED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR WHOSE SERVICES ARE ENGAGED BY THE CONTRACTOR.

11. ANY WELLS DISCOVERED ON SITE THAT WILL HAVE NO USE MUST BE PLUGGED BY A LICENSED WELL DRILLING CONTRACTOR IN A MANNER APPROVED BY ALL JURISDICTIONAL AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY WELL ABANDONMENT PERMITS REQUIRED.

12. ANY WELL DISCOVERED DURING EARTH MOVING OR EXCAVATION SHALL BE REPORTED TO THE APPROPRIATE JURISDICTIONAL AGENCIES WITHIN 24 HOURS AFTER DISCOVERY IS MADE.

13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK THAT WOULD BE AFFECTED. FAILURE TO NOTIFY OWNER OF AN IDENTIFIABLE CONFLICT PRIOR TO PROCEEDING WITH INSTALLATION RELIEVES OWNER OF ANY OBLIGATION TO PAY FOR A RELATED CHANGE ORDER.

MAINTENANCE

ALL MEASURES STATED ON THE EROSION AND SEDIMENT CONTROL PLAN, AND IN THE STORM WATER POLLUTION PREVENTION PLAN, SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR A COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CHECKED BY A QUALIFIED PERSON AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A 0.5" RAINFALL EVENT, AND CLEANED AND REPAIRED IN ACCORDANCE WITH THE FOLLOWING:

1. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING, OR DETERIORATION.

2. ALL SEEDED AREAS SHALL BE CHECKED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED, WATERED AND RESEEDED AS NEEDED. FOR MAINTENANCE REQUIREMENTS REFER TO SECTION 981 OF THE STANDARD SPECIFICATIONS.

3. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCES WHEN IT REACHES ONE-HALF THE HEIGHT OF THE SILT FENCE.

4. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE CONSTRUCTION ENTRANCES AS CONDITIONS DEMAND.

5. THE TEMPORARY PARKING AND STORAGE AREA SHALL BE KEPT IN GOOD CONDITION (SUITABLE FOR PARKING AND STORAGE). THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE TEMPORARY PARKING AS CONDITIONS DEMAND.

6. OUTLET STRUCTURES IN THE SEDIMENTATION BASINS SHALL BE MAINTAINED IN OPERATIONAL CONDITIONS AT ALL TIMES. SEDIMENT SHALL BE REMOVED FROM SEDIMENT BASINS OR TRAPS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 55 CUBIC YARDS / ACRE.

7. ALL MAINTENANCE OPERATIONS SHALL BE DONE IN A TIMELY MANNER BUT IN NO CASE LATER THAN 2 CALENDAR DAYS FOLLOWING THE INSPECTION.

PAVING, GRADING AND DRAINAGE NOTES

1. ALL PAVING, CONSTRUCTION, MATERIALS, AND WORKMANSHIP WITHIN COUNTY'S RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH LOCAL OR COUNTY SPECIFICATIONS AND STANDARDS (LATEST EDITION) OR FDOT SPECIFICATIONS AND STANDARDS (LATEST EDITION) IF NOT COVERED BY LOCAL OR COUNTY REGULATIONS. WHICHEVER IS MOST RESTRICTIVE OF THE TWO.

2. ALL UNPAVED AREAS IN EXISTING RIGHTS-OF-WAY DISTURBED BY CONSTRUCTION SHALL BE REGRADED AND SODDED.

3. TRAFFIC CONTROL ON ALL FDOT, LOCAL AND COUNTY RIGHTS-OF-WAY SHALL MEET THE REQUIREMENTS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (U.S. DOT/FHA) AND THE REQUIREMENTS OF THE STATE AND ANY LOCAL AGENCY HAVING JURISDICTION. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.

4. THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED AND SHALL REGRADE WASHOUTS WHERE THEY OCCUR AFTER EVERY RAINFALL UNTIL A GRASS STAND IS WELL ESTABLISHED OR ADEQUATE STABILIZATION OCCURS.

5. ALL OPEN AREAS WITHIN THE PROJECT SITE SHALL BE SODDED UNLESS INDICATED OTHERWISE ON THE LANDSCAPE PLAN.

6. ALL AREAS INDICATED AS PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTIONS AS INDICATED ON THE DRAWINGS.

7. WHERE EXISTING PAVEMENT IS INDICATED TO BE REMOVED AND REPLACED, THE CONTRACTOR SHALL SAW CUT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND REPLACE THE PAVEMENT WITH THE SAME TYPE AND DEPTH OF MATERIAL AS EXISTING OR AS INDICATED.

8. WHERE NEW PAVEMENT MEETS THE EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING PAVEMENT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND MATCH THE EXISTING PAVEMENT ELEVATION WITH THE PROPOSED PAVEMENT UNLESS OTHERWISE INDICATED.

9. THE CONTRACTOR SHALL INSTALL FILTER FABRIC OVER ALL DRAINAGE STRUCTURES FOR THE DURATION OF CONSTRUCTION AND UNTIL ACCEPTANCE OF THE PROJECT BY THE OWNER. ALL DRAINAGE STRUCTURES SHALL BE CLEANED OF DEBRIS AS REQUIRED DURING AND AT THE END OF CONSTRUCTION TO PROVIDE POSITIVE DRAINAGE FLOWS.

10. IF DEWATERING IS REQUIRED, THE CONTRACTOR SHALL OBTAIN ANY APPLICABLE REQUIRED PERMITS. THE CONTRACTOR IS TO COORDINATE WITH THE OWNER AND THE DESIGN ENGINEER PRIOR TO ANY EXCAVATION.

11. STRIP TOPSOIL AND ORGANIC MATTER FROM ALL AREAS OF THE SITE AS REQUIRED. IN SOME CASES TOPSOIL MAY BE STOCKPILED ON SITE FOR PLACEMENT WITHIN LANDSCAPED AREAS BUT ONLY AS DIRECTED BY THE OWNER.

12. FIELD DENSITY TESTS SHALL BE TAKEN AT INTERVALS IN ACCORDANCE WITH THE LOCAL JURISDICTIONAL AGENCY OR TO FDOT STANDARDS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.

13. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED AS PER PLANS. THE AREAS SHALL THEN BE SODDED OR SEEDED AS SPECIFIED IN THE PLANS, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE JOB SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER. ALL EARTHEN AREAS WILL BE SODDED OR SEEDED AND MULCHED AS SHOWN ON THE LANDSCAPING PLAN.

14. ALL CUT OR FILL SLOPES SHALL BE 4 (HORIZONTAL) :1 (VERTICAL) OR FLATTER UNLESS OTHERWISE SHOWN.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.

16. THE CONTRACTOR SHALL TAKE ALL REQUIRED MEASURES TO CONTROL TURBIDITY, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF TURBIDITY BARRIERS AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATER BODY EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST BE MAINTAINED IN EFFECTIVE CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND DISTURBED SOIL AREAS ARE STABILIZED. THEREAFTER, THE CONTRACTOR MUST REMOVE THE BARRIERS. AT NO TIME SHALL THERE BE ANY OFF-SITE DISCHARGE WHICH VIOLATES THE WATER QUALITY STANDARDS IN CHAPTER 17-302, FLORIDA ADMINISTRATIVE CODE.

17. SOD, WHERE CALLED FOR, MUST BE INSTALLED AND MAINTAINED ON EXPOSED SLOPES WITHIN 48 HOURS OF COMPLETING FINAL GRADING, AND AT ANY OTHER TIME AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGES.

18. THE CONTRACTOR MUST REVIEW AND MAINTAIN A COPY OF THE ENVIRONMENTAL RESOURCE PERMIT COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND PERMIT MODIFICATIONS IN GOOD CONDITION AT THE CONSTRUCTION SITE. THE COMPLETE PERMIT MUST BE AVAILABLE FOR REVIEW UPON REQUEST BY WATER MANAGEMENT DISTRICT REPRESENTATIVES.

19. THE CONTRACTOR SHALL ENSURE THAT ISLAND PLANTING AREAS AND OTHER PLANTING AREAS ARE NOT COMPACTED AND DO NOT CONTAIN ROAD BASE MATERIALS. THE CONTRACTOR SHALL ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE SITE TO BE PLANTED AND PROPERLY DISPOSED OF IN A LEGAL MANNER.

20. THE CONTRACTOR SHALL INSTALL ALL UNDERGROUND STORM WATER PIPING PER MANUFACTURER'S RECOMMENDATIONS.

DEMOLITION NOTES

1. ALL MATERIAL REMOVED FROM THIS SITE BY THE CONTRACTOR SHALL BE DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER.

2. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING STRUCTURES, ETC., LOCATED WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING BUILDINGS, STRUCTURES, SLABS, CONCRETE, ASPHALT, DEBRIS PILES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. SOME ITEMS TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL EXTENT OF ITEMS TO BE REMOVED. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF SAID ITEMS.

3. THE CONTRACTOR SHALL REFER TO THE DEMOLITION PLAN FOR DEMOLITION/PRESERVATION OF EXISTING TREES. ALL TREES NOT SPECIFICALLY SHOWN TO BE PRESERVED OR RELOCATED SHALL BE REMOVED AS A PART OF THIS CONTRACT. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY DEMOLITION.

WATER AND SEWER UTILITY NOTES

1. THE CONTRACTOR SHALL CONSTRUCT GRAVITY SEWER LATERALS, MANHOLES GRAVITY SEWER LINES AND DOMESTIC WATER AND FIRE PROTECTION SYSTEM AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL FURNISH ALL NECESSARY MATERIALS, EQUIPMENT, MACHINERY, TOOLS, MEANS OF TRANSPORTATION AND LABOR NECESSARY TO COMPLETE THE WORK IN FULL AND COMPLETE ACCORDANCE WITH THE SHOWN, DESCRIBED AND REASONABLY INTENDED REQUIREMENTS OF THE CONTRACT DOCUMENTS AND JURISDICTIONAL AGENCY REQUIREMENTS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.

2. ALL EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN ARE APPROXIMATE THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS FOR UTILITY LOCATION AND COORDINATION IN ACCORDANCE WITH THE NOTES CONTAINED IN THE GENERAL CONSTRUCTION SECTION OF THIS SHEET.

3. THE CONTRACTOR SHALL RESTORE ALL DISTURBED VEGETATION IN KIND, UNLESS SHOWN OTHERWISE.

4. DEFLECTION OF PIPE JOINTS AND CURVATURE OF PIPE SHALL NOT EXCEED THE MANUFACTURER'S SPECIFICATIONS. SECURELY CLOSE ALL OPEN ENDS OF PIPE AND FITTINGS WITH A WATERTIGHT PLUG WHEN WORK IS NOT IN PROGRESS. THE INTERIOR OF ALL PIPES SHALL BE CLEAN AND JOINT SURFACES WIPED CLEAN AND DRY AFTER THE PIPE HAS BEEN LOWERED INTO THE TRENCH. VALVES SHALL BE PLUMB AND LOCATED ACCORDING TO THE PLANS.

5. ALL PHASES OF INSTALLATION, INCLUDING UNLOADING, TRENCHING, LAYING AND BACK FILLING, SHALL BE DONE IN A FIRST CLASS WORKMANLIKE MANNER. ALL PIPE AND FITTINGS SHALL BE CAREFULLY STORED FOLLOWING MANUFACTURER'S RECOMMENDATIONS. CARE SHALL BE TAKEN TO AVOID DAMAGE TO THE COATING OR LINING IN ANY D.I. PIPE FITTINGS. ANY PIPE OR FITTING WHICH IS DAMAGED OR WHICH HAS FLAWS OR IMPERFECTIONS WHICH, IN THE OPINION OF THE ENGINEER OR OWNER, RENDERS IT UNFIT FOR USE, SHALL NOT BE USED. ANY PIPE NOT SATISFACTORY FOR USE SHALL BE CLEARLY MARKED AND IMMEDIATELY REMOVED FROM THE JOB SITE, AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

6. WATER FOR FIRE FIGHTING SHALL BE AVAILABLE FOR USE PRIOR TO COMBUSTIBLES BEING BROUGHT ON SITE.

7. ALL UTILITY AND STORM DRAIN TRENCHES LOCATED UNDER AREAS TO RECEIVE PAVING SHALL BE COMPLETELY BACK FILLED IN ACCORDANCE WITH THE GOVERNING JURISDICTIONAL AGENCY'S SPECIFICATIONS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.

8. UNDERGROUND LINES SHALL BE SURVEYED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR BEFORE BACK FILLING.

9. CONTRACTOR SHALL PERFORM, AT HIS OWN EXPENSE, ANY AND ALL TESTS REQUIRED BY THE SPECIFICATIONS AND/OR ANY AGENCY HAVING JURISDICTION. THESE TESTS MAY INCLUDE, BUT MAY NOT BE LIMITED TO, INFILTRATION AND EXFILTRATION, TELEVISION INSPECTION AND A MANDREL TEST ON GRAVITY SEWER. A COPY OF THE TEST RESULTS SHALL BE PROVIDED TO THE UTILITY PROVIDER, OWNER AND JURISDICTIONAL AGENCY AS REQUIRED.

EROSION CONTROL NOTES

1. THE STORM WATER POLLUTION PREVENTION PLAN ("SWPPP") IS COMPRISED OF THIS EROSION CONTROL PLAN, THE STANDARD DETAILS, THE PLAN NARRATIVE, ATTACHMENTS INCLUDED IN SPECIFICATIONS OF THE SWPPP, PLUS THE PERMIT AND ALL SUBSEQUENT REPORTS AND RELATED DOCUMENTS.

2. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF FLORIDA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.

3. THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE SWPPP. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.

4. BEST MANAGEMENT PRACTICES (BMP'S) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, AS APPLICABLE. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY THE PERMITTING AGENCY OR OWNER.

5. EROSION CONTROL PLAN MUST CLEARLY DELINEATE ALL STATE WATERS. PERMITS FOR ANY CONSTRUCTION ACTIVITY IMPACTING STATE WATERS OR REGULATED WETLANDS MUST BE MAINTAINED ON SITE AT ALL TIMES.

6. THE CONTRACTOR SHALL MINIMIZE CLEARING TO THE MAXIMUM EXTENT PRACTICAL OR AS REQUIRED BY THE GENERAL PERMIT.

7. CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES.

8. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.

9. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL ON SITE. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.

11. RUBBISH, TRASH, GARBAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.

12. ALL STORM WATER POLLUTION PREVENTION MEASURES PRESENTED ON THE PLAN, SHALL BE INITIATED AS SOON AS PRACTICABLE.

EROSION CONTROL NOTES (CONT.)

13. STABILIZATION PRACTICES SHOULD BE INITIATED AS SOON AS PRACTICAL, BUT IN NO CASE MORE THAN 7 DAYS WHERE CONSTRUCTION HAS TEMPORARILY OR PERMANENTLY CEASED.

14. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS PERMANENTLY STOPPED SHALL BE PERMANENTLY SEEDED. THESE AREAS SHALL BE SEEDED NO LATER THAN 7 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRED IN THESE AREAS. REFER TO SECTION 981 OF THE STANDARD SPECIFICATIONS FOR SEEDING AND MAINTENANCE REQUIREMENTS.

15. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION ENTRANCES IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.

16. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED AS SOON AS POSSIBLE.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING SEDIMENT IN THE DETENTION POND AND ANY SEDIMENT THAT MAY HAVE COLLECTED IN THE STORM SEWER DRAINAGE SYSTEMS IN CONJUNCTION WITH THE STABILIZATION OF THE SITE.

18. ON-SITE & OFF SITE SOIL STOCKPILE AND BORROW AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES. STOCKPILE AND BORROW AREA LOCATIONS SHALL BE NOTED ON THE EROSION CONTROL PLAN AND PERMITTED IN ACCORDANCE WITH GENERAL PERMIT REQUIREMENTS.

19. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.

20. DUE TO GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, ETC.) TO PREVENT EROSION.

21. ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY, THIS INCLUDES BACK FILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.

POLK COUNTY LAND DEVELOPMENT DIVISION STANDARD NOTES

1. TRAFFIC SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED PRIOR TO OPENING A NEW OR MODIFIED ROAD.

2. ALL CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF APPENDIX A OF THE POLK COUNTY LAND DEVELOPMENT CODE AND THE POLK COUNTY UTILITIES CODE, AS APPLICABLE.

3. CHANGES FROM PLANS OR SPECIFICATIONS SUBSTANTIALLY AFFECTING CONFORMANCE TO STANDARDS OR PERFORMANCE OF SYSTEMS MUST BE SUBMITTED IN A WRITTEN REQUEST BY THE ENGINEER OF RECORD AND RECEIVE WRITTEN APPROVAL BY THE COUNTY ENGINEER PRIOR TO THE IMPLEMENTATION OF SUCH CHANGES, UNLESS OTHERWISE PROVIDED FOR IN THE POLK COUNTY LAND DEVELOPMENT CODE OR THE POLK COUNTY UTILITIES CODE. MAJOR MODIFICATIONS MAY REQUIRE REVIEW AND APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE. IN SUCH CASES, THE APPLICANT SHALL SUBMIT THE APPROPRIATE APPLICATION AND FEES FOR A NEW REVIEW AT THE LEVEL OF THE ORIGINAL APPROVAL, OR LEVEL 2 WHICHEVER IS GREATER.

4. SHALL NOTIFY POLK COUNTY INSPECTIONS STAFF (863) 534-6449, AT LEAST FIVE (5) WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND PRIOR TO ANY ACTIVITY REQUIRING INSPECTION, INCLUDING SITE PAVING.

5. TO SCHEDULE THE REQUIRED PRE- CONSTRUCTION MEETING, THE ENGINEER OF RECORD SHALL CONTACT THE POLK COUNTY LAND DEVELOPMENT DIVISION, OFFICE OF THE COUNTY ENGINEER @ (863) 534-6449.

6. AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO BENEFICIAL USE OF ANY FACILITY OR SYSTEM, AS-BUILT RECORD DRAWINGS SHALL BE SUBMITTED AND APPROVED IN ACCORDANCE WITH POLK COUNTY UTILITIES CODE, CHAPTER 2, PART 3.01 AND THE POLK COUNTY LAND DEVELOPMENT CODE, APPENDIX A, SECTION A406.C.

7. MOT FOR THE PROJECT WILL BE IN ACCORDANCE WITH THE CURRENT FDOT TRAFFIC CONTROL REQUIREMENTS THROUGH WORK ZONES, SECTION 600, OF THE FDOT DESIGN STANDARDS.

8. THE ASPHALT PAVEMENT WILL EXTEND ¼ INCH ABOVE THE ROAD SIDE EDGE FOR ALL CURB AND GUTTER CONSTRUCTED ON PUBLIC OR PRIVATE ROADS.

No.	REVISIONS	DATE	BY

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PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

GENERAL CONDITIONS

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C200

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IT'S THE LAW! DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

No.	REVISIONS	DATE	BY

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MARK E. WILSON ★ LICENSE ★ No 47615 ★ STATE OF FLORIDA ★ PROFESSIONAL ENGINEER

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KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ——
DRAWN BY ——
CHECKED BY ——

EXISTING CONDITIONS

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C250





GRAPHIC SCALE IN FEET
0 50 100 200

LEGEND

SF SILT FENCE

INLET PROTECTION

NOTES:

1. CONSTRUCTION TESTING AND CONSTRUCTION STAKING ARE OWNER'S RESPONSIBILITY TO PROVIDE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THESE SERVICES DURING CONSTRUCTION.
2. THE LOCATION OF EXISTING UTILITIES IS APPROXIMATE AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THEIR EXACT LOCATION PRIOR TO CONSTRUCTION IN THEIR VICINITY.
3. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN THE AREA PRIOR TO CONSTRUCTION.
4. ALL CONSTRUCTION LAYOUT AND STAKING IS TO BE PERFORMED UNDER THE SUPERVISION OF A FLORIDA REGISTERED LAND SURVEYOR.
5. SLOPES OF 4:1 AND GREATER ARE TO BE SODDED. ALL OTHER DISTURBED AREAS ARE TO BE STABILIZED WITH SEED AND MULCH.
6. EROSION CONTROL OR SEDIMENTATION BARRIER: THE CONTRACTOR IS TO PROVIDE EROSION CONTROL OR SEDIMENTATION BARRIER (HAY BALES OR SILT SCREEN) TO PREVENT SILTATION OF ADJACENT PROPERTY, STREETS, DETENTION PONDS, STORM SEWERS AND WATERWAYS, AND TO MAINTAIN THE EROSION CONTROL OR SEDIMENTATION BARRIER IN AN EFFECTIVE WORKING MANNER FOR THE DURATION OF CONSTRUCTION. ADDITIONALLY, CONTRACTOR MAY PLACE STRAW, MULCH OR OTHER SUITABLE MATERIAL ON GROUND IN AREAS WHERE CONSTRUCTION RELATED TRAFFIC IS TO ACCESS THE SITE. IF, IN THE OPINION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES, EXCESSIVE QUANTITIES OF SOIL ARE TRANSPORTED OFF-SITE EITHER BY NATURAL DRAINAGE OR BY VEHICULAR TRAFFIC, THE CONTRACTOR IS TO REMOVE SAID SOIL AND REPAIR THE DAMAGED OR INEFFECTIVE EROSION CONTROL OR SEDIMENTATION BARRIER TO THE SATISFACTION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS.
7. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.

BEST MANAGEMENT PRACTICES:

THIS PLAN HAS BEEN PREPARED TO ENSURE COMPLIANCE WITH APPROPRIATE CONDITIONS OF LOCAL, STATE, AND FEDERAL REGULATIONS. THE PLAN ADDRESSES THE FOLLOWING AREAS:

1. GENERAL EROSION CONTROL.
2. PROTECTION OF SURFACE WATER QUALITY DURING AND AFTER CONSTRUCTION.
3. CONTROL OF WIND EROSION.

THE VARIOUS TECHNIQUES OR ACTIONS IDENTIFIED UNDER EACH SECTION INDICATE THE APPROPRIATE SITUATION WHEN THE TECHNIQUES SHOULD BE EMPLOYED. IT SHOULD BE NOTED THAT THE MEASURES IDENTIFIED ON THIS PLAN ARE ONLY SUGGESTED BMP(S). THE CONTRACTOR SHALL PROVIDE POLLUTION PREVENTION AND EROSION CONTROL MEASURES AS SPECIFIED IN FDOT EROSION AND SEDIMENT CONTROL MANUAL AND AS NECESSARY FOR EACH SPECIFIC APPLICATION.

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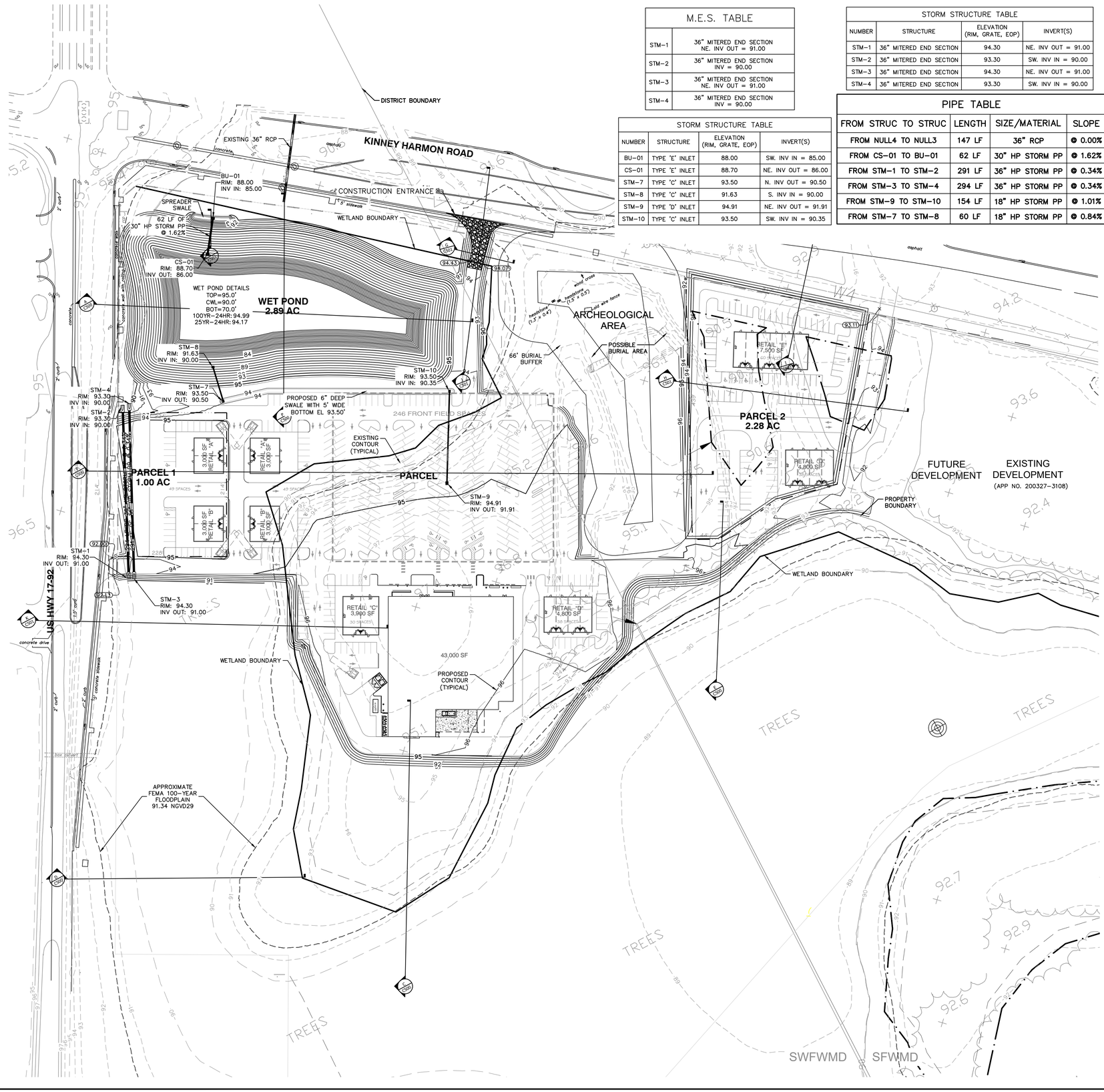
KHA PROJECT 049853
DATE NOV. 2022
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BEST MANAGEMENT PRACTICES PLAN

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C300

Plotted By: Baumann, Cheryl Sheet Set: 049853-Providence N27 Layout: C300 BEST MANAGEMENT PRACTICES PLAN May 24, 2023 06:12:56pm K:\Tde_civil\049853001 — providence\N27\CADD\CONSTR\C300 BEST MANAGEMENT PRACTICES PLAN.dwg
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M.E.S. TABLE	
STM-1	36" MITERED END SECTION NE. INV OUT = 91.00
STM-2	36" MITERED END SECTION INV = 90.00
STM-3	36" MITERED END SECTION NE. INV OUT = 91.00
STM-4	36" MITERED END SECTION INV = 90.00

STORM STRUCTURE TABLE			
NUMBER	STRUCTURE	ELEVATION (RIM, GRATE, EOP)	INVERT(S)
BU-01	TYPE 'E' INLET	88.00	SW. INV IN = 85.00
CS-01	TYPE 'E' INLET	88.70	NE. INV OUT = 86.00
STM-7	TYPE 'C' INLET	93.50	N. INV OUT = 90.50
STM-8	TYPE 'C' INLET	91.63	S. INV IN = 90.00
STM-9	TYPE 'D' INLET	94.91	NE. INV OUT = 91.91
STM-10	TYPE 'C' INLET	93.50	SW. INV IN = 90.35

STORM STRUCTURE TABLE			
NUMBER	STRUCTURE	ELEVATION (RIM, GRATE, EOP)	INVERT(S)
STM-1	36" MITERED END SECTION	94.30	NE. INV OUT = 91.00
STM-2	36" MITERED END SECTION	93.30	SW. INV IN = 90.00
STM-3	36" MITERED END SECTION	94.30	NE. INV OUT = 91.00
STM-4	36" MITERED END SECTION	93.30	SW. INV IN = 90.00

PIPE TABLE			
FROM STRUC TO STRUC	LENGTH	SIZE/MATERIAL	SLOPE
FROM NULL4 TO NULL3	147 LF	36" RCP	@ 0.00%
FROM CS-01 TO BU-01	62 LF	30" HP STORM PP	@ 1.62%
FROM STM-1 TO STM-2	291 LF	36" HP STORM PP	@ 0.34%
FROM STM-3 TO STM-4	294 LF	36" HP STORM PP	@ 0.34%
FROM STM-9 TO STM-10	154 LF	18" HP STORM PP	@ 1.01%
FROM STM-7 TO STM-8	60 LF	18" HP STORM PP	@ 0.84%

NORTH

GRAPHIC SCALE IN FEET
0 40 80 160

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON BM-52, BEING A 4"x4" CONCRETE MONUMENT STAMPED BM-52, ELEVATION BEING 111.641, DATUM NGVD 1929, AS FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

THE CONVERSION FACTOR BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929 AND NORTH AMERICAN VERTICAL DATUM (NAVD) IS -0.942 FEET.

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAPS AS PROVIDED BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE WITH A PUBLISHED ELEV OF 90.4 FEET. PER MAP #12105C0235H, DATED 12/22/2016.

NOTES:

1. CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE AND INSPECTION OF SAID TURBIDITY BARRIERS TO ENSURE THEIR PROPER FUNCTION.
2. THE RETENTION PONDS SHALL BE THE FIRST ITEM CONSTRUCTED BEFORE THE BALANCE OF THE SITE IS CLEARED AND BEFORE ANY OF THE PROPOSED CONSTRUCTION BEGINS. SIDE SLOPES FOR THE RETENTION PONDS AND THE AREA ALONG THE BACK SIDE OF THE RETENTION AREA INCLUDING THE CONVEYANCE SWALES SHOULD BE IMMEDIATELY SODDED UPON COMPLETION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISTURBED AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION.
4. SEE SHEET C500 FOR GRADING AND POND DETAILS.
5. AS-BUILTS SHALL BE PREPARED, SIGNED, SEALED AND DATED BY A REGISTERED LAND SURVEYOR AND SUBMITTED TO THE ENGINEER OF RECORD.
6. AS-BUILTS SHALL INDICATE ANY DEPARTURES FROM THE APPROVED PLANS DURING CONSTRUCTION.
7. CONSTRUCTION DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF F.D.O.T. "DESIGN STANDARDS FOR DESIGN, CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS ON THE STATE HIGHWAY SYSTEM" IS REFERRED TO FOR THE STRUCTURAL DESIGN OF DRAINAGE STRUCTURES SPECIFIED IN THESE PLANS, AS REFERENCED BY STANDARD INDEX. ALL SPECIALTY DRAINAGE STRUCTURES REQUIRE SEPARATE STRUCTURAL DESIGN, WHICH IS NOT INCLUDED IN THESE PLANS.
8. CONTRACTOR SHALL RESTORE DAMAGED IMPROVEMENTS TO THEIR ORIGINAL CONDITION, AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
9. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO THE OWNER'S ENGINEER FOR APPROVAL. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION MAY RESULT IN REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
10. THE CONTRACTOR IS TO USE CAUTION WHEN WORKING IN OR AROUND AREAS OF OVERHEAD TRANSMISSION LINES OR UNDERGROUND UTILITIES.
11. CONTRACTOR SHALL PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS TEMP.D BY THE DEMOLITION OPERATION.
12. THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE, OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE, OR PART OF A STRUCTURE WHICH IS LOCATED OUTSIDE THE LINES, GRADES, OR GRADING SECTIONS ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATION OR REMOVAL IS PROVIDED FOR IN THE CONTRACT, PLANS, OR SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE WORK PERFORMED, BY THE CONTRACTOR OR SUB-CONTRACTORS, IS CALLED FOR IN THESE CONTRACT DOCUMENTS.
13. THE CONTRACTOR SHALL CALL (811) SUNSHINE STATE ONE CALL OF FLORIDA. FOR FIELD LOCATIONS 2 BUSINESS DAYS BEFORE DIGGING NEAR UNDERGROUND UTILITIES.
14. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.
15. THE ROADWAYS AND DRAINAGE SYSTEMS WITHIN THIS PROJECT WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PERMITEE AND WILL BE RESPONSIBLE FOR OPERATING AND MAINTAINING THE STORM SEWER SYSTEM IN PERPETUITY.
16. IF MUCK OR ANY OTHER UNSUITABLE MATERIAL IS ENCOUNTERED IN THE TRENCH BED OF THE DRAINAGE PIPES THE MATERIAL MUST BE REMOVED AND BACKFILLED TO A DEPTH (MIN. 2' FEET) WHERE THE MINIMUM COMPACTION PER POLK COUNTY SPECIFICATIONS CAN BE OBTAINED.
17. CONTRACTOR SHALL REMOVE WASTE MATERIALS AND UNSUITABLE AND EXCESS TOPSOIL FROM PROPERTY AND DISPOSE OF OFF-SITE IN A LEGAL MANNER.
18. DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY AND SHALL ROUTE DISCHARGE WATER IN SUCH A MANNER AS TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM THE SITE.
19. IF DETERMINED NECESSARY, DEWATERING DURING EXCAVATING/BACKFILLING OPERATIONS MAY BE ACCOMPLISHED BY DITCHING AND THE USE OF SUMP PUMPS AND/OR OTHER METHODS (WELL POINTS), AS NECESSARY. CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS FOR DEWATERING ACTIVITIES THAT MAY BE REQUIRED.
20. THE PERMITTEE WILL BE RESPONSIBLE FOR THE FOLLOWING STORM WATER MANAGEMENT SYSTEM MAINTENANCE AND INSPECTIONS:
- MOW THE GRASS ABOUT 2-3 TIMES PER MONTH
- REMOVE TRASH FROM THE SYSTEM ABOUT ONCE EVERY 2-3 MONTHS
- ENSURE THE SYSTEM IS INSPECTED WITH A FOCUS ON: THE POND FUNCTIONING AS PERMITTED; POND VEGETATION CONDITIONS AND CHANGE;POND EROSION, SETTLEMENT, CRACKING, AND STABILITY; EVIDENCE OF ENCROACHMENT AND MISUSE OF THE POND; CONDITION OF THE STRUCTURES. REPAIRS SHALL BE MADE TO THE STORMWATER MANAGEMENT SYSTEM IF THE SYSTEM IS NOT FUNCTIONING AS PERMITTED OR ANY OF THE PRECEDING ITEMS NEED ADDRESSING.
-TO ENSURE THE POND FUNCTIONS PROPERLY, SEDIMENT SHALL BE REMOVED IF IT BUILDS UP MORE THAN 6" WITHIN THE POND.
21. ALL ON-SITE STORM WATER SHALL BE DIRECTED TOWARD PROPOSED SWALES, INLETS AND/OR PONDS.

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WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

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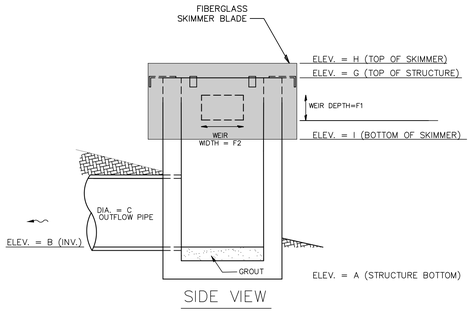
KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

GRADING PLAN

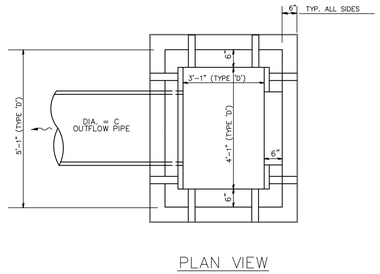
PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C400

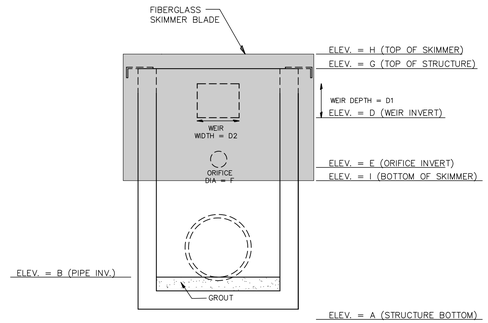
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SIDE VIEW



PLAN VIEW



FRONT VIEW

CONTROL STRUCTURE
N.T.S.

F.D.O.T. INDEX 425-052 (AS NOTED)

POND OUTFALL STRUCTURE CS-01
TYPE "E"

A =	82.00 FT
B =	83.00 FT
C =	30 INCHES
D =	91.39 FT
D1 =	2.61 FT
D2 =	18 INCHES
E =	90.00 FT
F =	3 INCHES
G =	94.00 FT
H =	94.50 FT
I =	89.50 FT

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MARK E. WILSON ★ PROFESSIONAL ENGINEER
LICENSE No 47615 ★ STATE OF FLORIDA

KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
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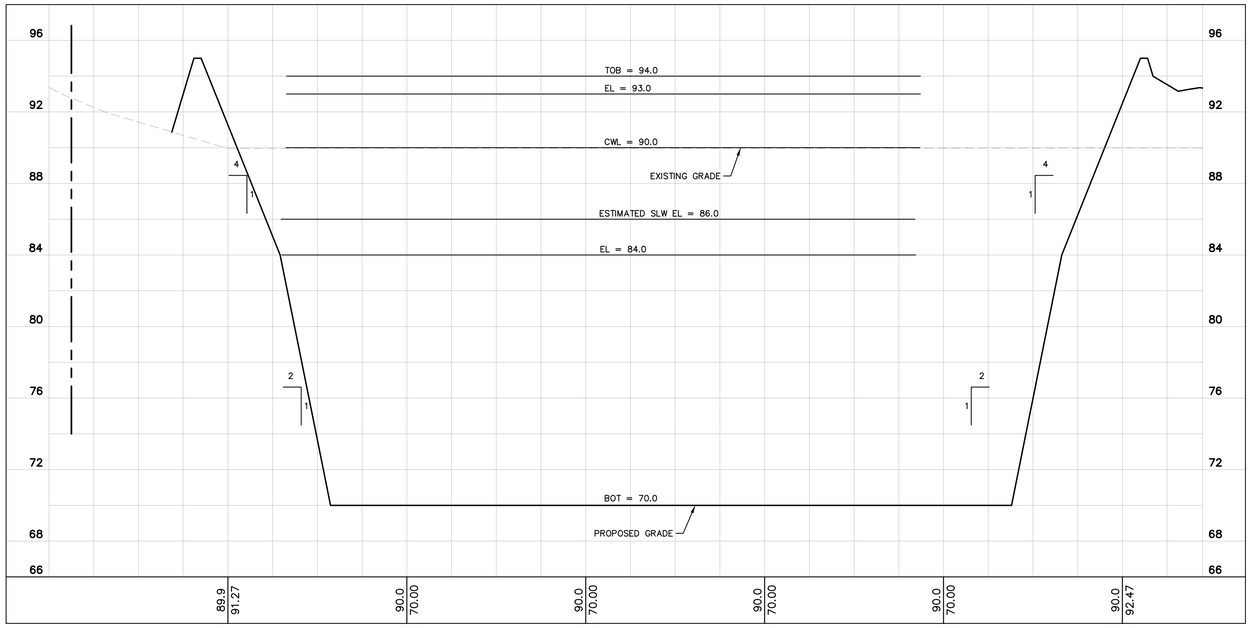
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POLK COUNTY FLORIDA

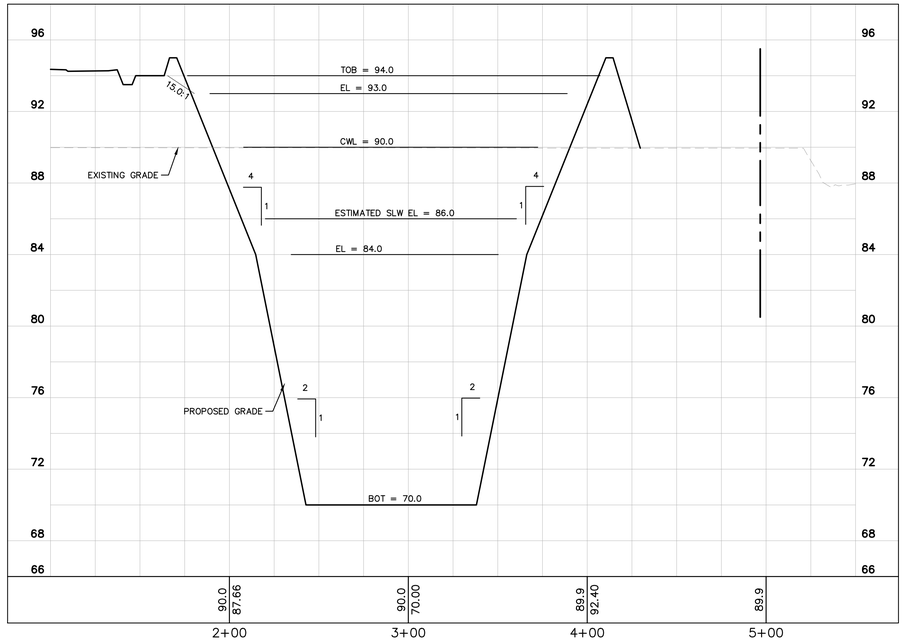
DRAINAGE STRUCTURES AND PIPE TABLES

SHEET NUMBER
C401

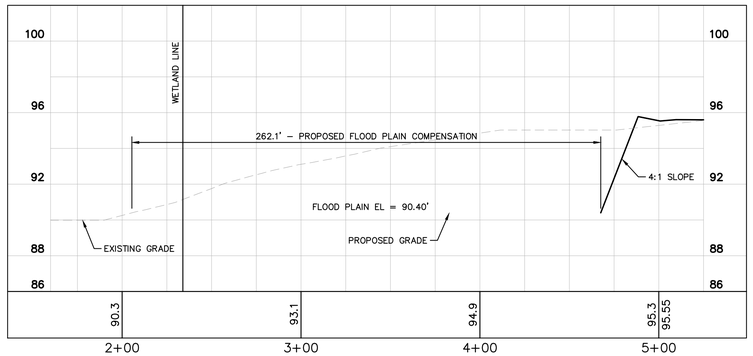
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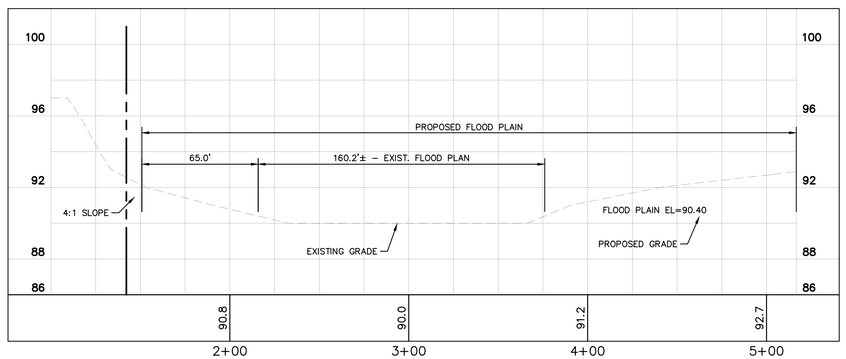
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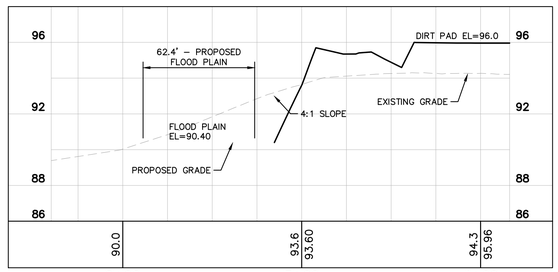
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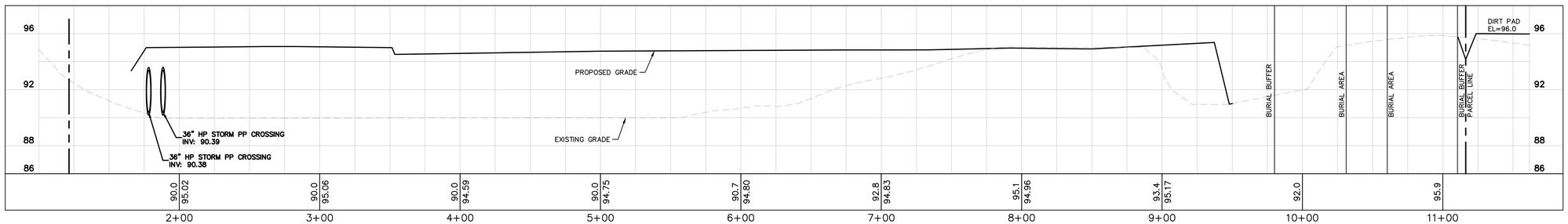
C SECTION
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D SECTION
Scale: 1:40 H, 1:4 V



E SECTION
Scale: 1:40 H, 1:4 V



F SECTION
Scale: 1:40 H, 1:4 V

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MARK E. WILSON ★ PROFESSIONAL ENGINEER ★ LICENSE No 47615 ★ STATE OF FLORIDA

KHA PROJECT	049853
DATE	NOV. 2022
SCALE	AS SHOWN
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DRAWN BY	----
CHECKED BY	----

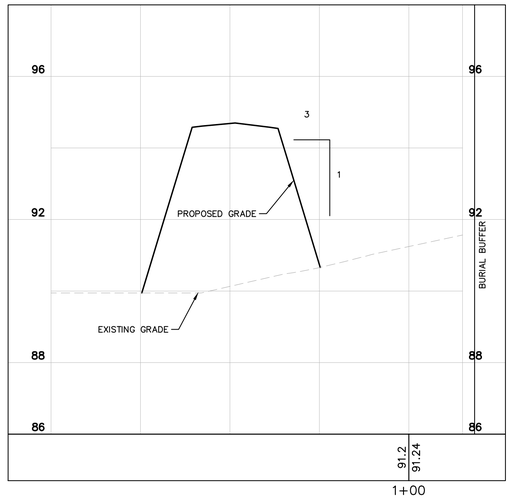
CROSS SECTIONS

PROVIDENCE N27
MASS GRADING
PREPARED FOR
APPLIED BUSINESS
DEVELOPMENT
COMPANY-OAKHILLS, INC.

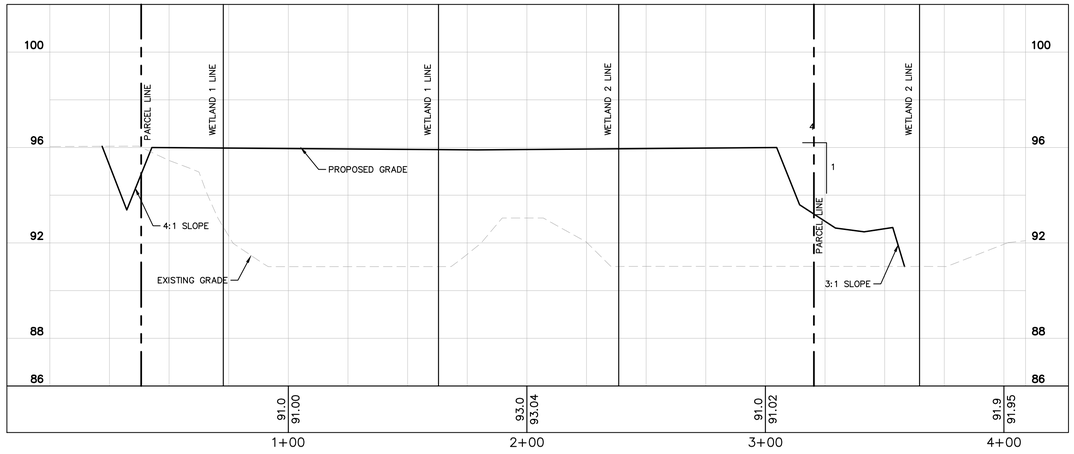
SHEET NUMBER
C500

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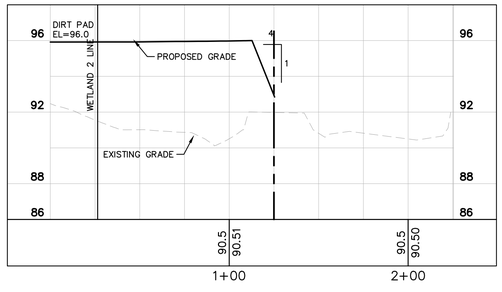
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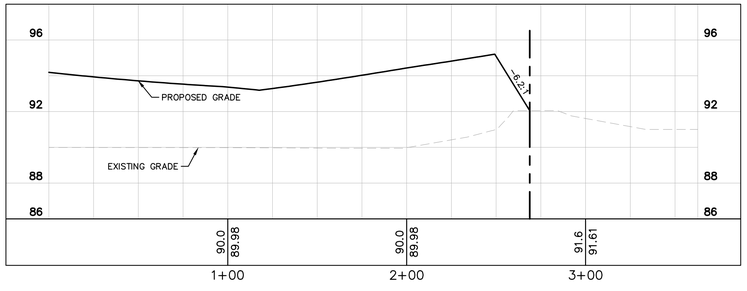
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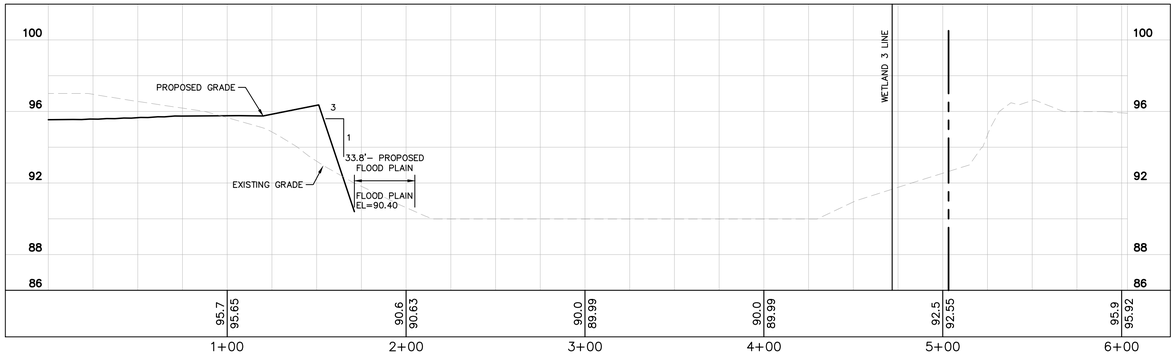
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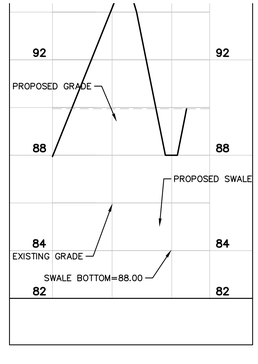
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J SECTION
Scale: 1:40 H, 1:4 V



F SECTION
Scale: 1:40 H, 1:3 V



L SECTION
Scale: 1:30 H, 1:4 V

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MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

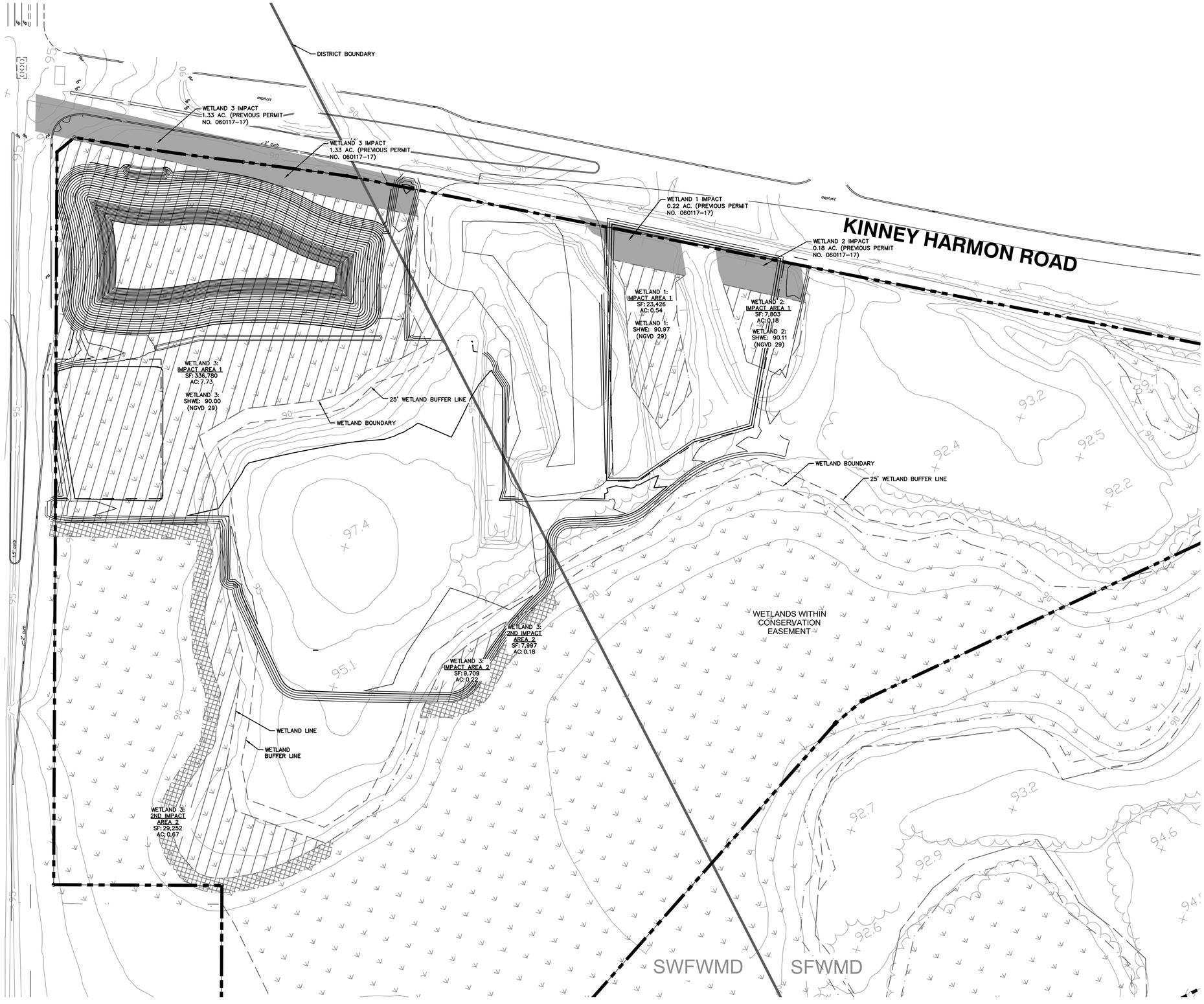
KHA PROJECT	049853
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PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

CROSS SECTIONS

SHEET NUMBER
C501



CALL 2 BUSINESS DAYS BEFORE YOU DIG
IT'S THE LAW! DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

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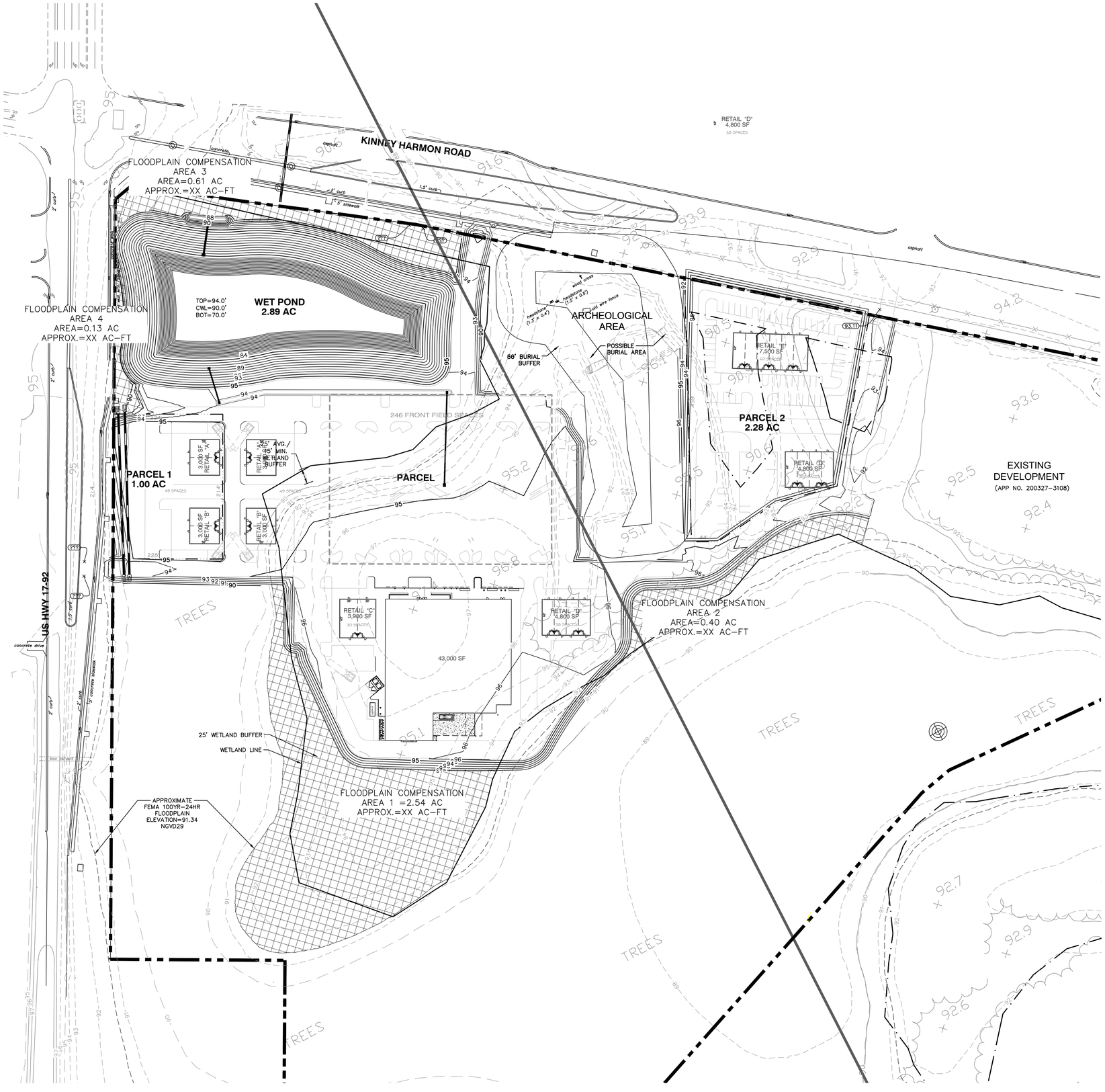
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DRAWN BY ____
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WETLAND IMPACT PLAN

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POLK COUNTY FLORIDA

SHEET NUMBER
C600

Plotted By:Baumon, Cheryl Sheet Set:049853-Providence N27 Layout:C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN May 24, 2023 06:13:49pm K:\Ldv_civil\049853001 — providence\N27\CAD\CONSTR\C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN.dwg
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VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON BM-52, BEING A 4"x4" CONCRETE MONUMENT STAMPED BM-52. ELEVATION BEING 111.641, DATUM NGVD 1929, AS FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

THE CONVERSION FACTOR BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929 AND NORTH AMERICAN VERTICAL DATUM (NAVD) IS -0.942 FEET.

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAPS AS PROVIDED BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE WITH A PUBLISHED ELEV OF 90.4 FEET, PER MAP #12105C0235H, DATED 12/22/2016.

FLOODPLAIN COMPENSATION
TOTAL AREA=3.14 AC
APPROXIMATE FILL VOLUME.=3.91 AC-FT

EXISTING DEVELOPMENT
(APP NO. 200327-3108)

NOTES:

1. CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE AND INSPECTION OF SAID TURBIDITY BARRIERS TO ENSURE THEIR PROPER FUNCTION.
2. THE RETENTION PONDS SHALL BE THE FIRST ITEM CONSTRUCTED BEFORE THE BALANCE OF THE SITE IS CLEARED AND BEFORE ANY OF THE PROPOSED CONSTRUCTION BEGINS. SIDE SLOPES FOR THE RETENTION PONDS AND THE AREA ALONG THE BACK SIDE OF THE RETENTION AREA INCLUDING THE CONVEYANCE SWALES SHOULD BE IMMEDIATELY SODDED UPON COMPLETION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISTURBED AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION.
4. SEE SHEET C500 FOR GRADING AND POND DETAILS.
5. AS-BUILTS SHALL BE PREPARED, SIGNED, SEALED AND DATED BY A REGISTERED LAND SURVEYOR AND SUBMITTED TO THE ENGINEER OF RECORD.
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18. DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY AND SHALL ROUTE DISCHARGE WATER IN SUCH A MANNER AS TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM THE SITE.
19. IF DETERMINED NECESSARY, DEWATERING DURING EXCAVATING/BACKFILLING OPERATIONS MAY BE ACCOMPLISHED BY DITCHING AND THE USE OF SUMP PUMPS AND/OR OTHER METHODS (WELL POINTS), AS NECESSARY. CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS FOR DEWATERING ACTIVITIES THAT MAY BE REQUIRED.
20. THE PERMITTEE WILL BE RESPONSIBLE FOR THE FOLLOWING STORM WATER MANAGEMENT SYSTEM MAINTENANCE AND INSPECTIONS:
- MOW THE GRASS ABOUT 2-3 TIMES PER MONTH
- REMOVE TRASH FROM THE SYSTEM ABOUT ONCE EVERY 2-3 MONTHS
- ENSURE THE SYSTEM IS INSPECTED WITH A FOCUS ON: THE POND FUNCTIONING AS PERMITTED; POND VEGETATION CONDITIONS AND CHANGE; POND EROSION, SETTLEMENT, CRACKING, AND STABILITY; EVIDENCE OF ENCROACHMENT AND MISUSE OF THE POND; CONDITION OF THE STRUCTURES. REPAIRS SHALL BE MADE TO THE STORMWATER MANAGEMENT SYSTEM IF THE SYSTEM IS NOT FUNCTIONING AS PERMITTED OR ANY OF THE PRECEDING ITEMS NEED ADDRESSING.
-TO ENSURE THE POND FUNCTIONS PROPERLY, SEDIMENT SHALL BE REMOVED IF IT BUILDS UP MORE THAN 6" WITHIN THE POND.
21. ALL ON-SITE STORM WATER SHALL BE DIRECTED TOWARD PROPOSED SWALES, INLETS AND/OR PONDS.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MARK E. WILSON, P.E. #47615. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MARK E. WILSON LICENSE No 47615 STATE OF FLORIDA PROFESSIONAL ENGINEER

KHA PROJECT 049853
DATE NOV. 2022
SCALE AS SHOWN
DESIGNED BY ---
DRAWN BY ---
CHECKED BY ---

FLOODPLAIN COMPENSATION

PROVIDENCE N27 MASS GRADING
PREPARED FOR
APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
C700

Plotted By:Bourque, Cheryl Sheet Set:049853-Providence N27 Layout:FLOODPLAIN COMPENSATION May 24, 2023 06:14:05pm K:\Ok_coll\049853001 — providence\N27\CADD\CONSTR\C700 FLOODPLAIN COMPENSATION.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CONSTRUCTION COMMENCEMENT NOTICE

Instructions: In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. _____ Application No. _____

Project Name _____ Phase _____

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on _____ , 20 _____ and will have an estimated completion date of _____ , 20 _____

PLEASE NOTE: If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

Permittee's or Authorized Agent's Signature _____ Company _____

Print Name _____ Title _____ Date _____

E-mail _____ Phone Number _____

As-Built Certification
And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: Application No: Permittee:

Project Name: Phase or Independent Portion (if applicable):

I HEREBY CERTIFY THAT (please check only one box):

☐ To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.

☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.

☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

For activities that require certification by a registered professional*:*

By: _____ (Print Name) (Fla. Lic. or Reg. No.)
Signature

(Company Name) (Company Address)

(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

For activities that do not require certification by a registered professional:

By: _____ (Print Name)
Signature

(Company Name) (Company Address)

(Telephone Number) (Email Address) (Date)

Drawings and Information Checklist

Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.

2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.

3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:

    a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
    b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
    c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
    d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
    e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
    f. Benchmark(s) - location and description (minimum of one per major water control structure);
    g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.

4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.

5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.

6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer ~~to~~ the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: Application No(s):

Project Name: Phase (if applicable):

A. Request to Transfer: The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: _____ _____
Signature of Permittee — Name and Title

_____ _____
Company Name — Company Address

_____ _____
Phone/email address — City, State, Zip

B. Agreement for System Operation and Maintenance Responsibility: The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: _____ _____
Signature of Representative of O&M Entity — Name of Entity for O&M

_____ _____
Name and Title — Address

_____ _____
Email Address — City, State, Zip

_____ _____
Phone — Date

Enclosed are the following documents, as applicable:

☐ Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
☐ Copy of all recorded plats
☐ Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
☐ Copy of filed articles of incorporation (if filed before 1995)
☐ ~~A~~ Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)

Request to Transfer
Environmental Resource Permit

Instructions: To be completed, executed, and submitted by the new owner to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be by letter or e-mail, or through use of this form, and must be sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2013). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No: Application No(s).: Acres to be Transferred:

Permitted Project:

Proposed Project Name (if different):

Phase of Project (if applicable):

I hereby notify the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3(d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permittee:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

_____ _____

Signature of Proposed Permittee Date:

_____

Name and Title

Enclosures:

☐ Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records

☐ Copy of current plat(s) (if any), as recorded in the Public Records

☐ Copy of current recorded restrictive covenants and articles of incorporation (if any)

☐ Other

OPERATION AND MAINTENANCE INSPECTION CERTIFICATION

Instructions: Submit this form to the Agency within 30 days of completion of the inspection after any failure of a stormwater management system or deviation from the permit. This form may also be used to document inspections required under Section 12.4 of Applicant's Handbook Volume I, however submittal to the Agency is not required unless requested by the Agency.

Permit No.: _____ Application No.: _____ Date Issued: _____

Identification or Name of Stormwater Management System: _____

Phase of Stormwater Management System (if applicable): _____

Inspection Date: _____

Inspection results: (check all that apply)

☐ The undersigned hereby certifies that the works or activities are functioning in substantial conformance with the permit. This certification is based upon on-site observation of the system conducted by me or my designee under my direct supervision and my review of as-built plans.

☐ The following maintenance was conducted since the last inspection (attach additional pages if needed):

_____

☐ The undersigned hereby certifies that I or my designee under my direct supervision has inspected this surface water management system and the system does not appear to be functioning in substantial conformance with the permit. I am aware that maintenance or alteration is required to bring the system into substantial compliance with the terms and conditions of the permit. As appropriate, I have informed the owner of the following:

(a) The system does not appear to be functioning properly;
(b) That maintenance or repair is required to bring the system into compliance; and
(c) If maintenance or repair measures are not adequate to bring the system into compliance, the system may have to be replaced or an alternative design constructed subsequent to approval by the agency below.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):

_____

Any components of the constructed system that are not in substantial conformance with the permitted system shall require a written request to modify the permit in accordance with the provisions of Rule 62-330.315, F.A.C. If such modification request is not approved by the agency below, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S.

Name of Inspector: _____ Florida Registration Number: _____

Company Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

_____ _____

Signature of Inspector Date

Report Reviewed by Permittee:

Name of Permittee: _____

_____ _____

Signature of Permittee Date

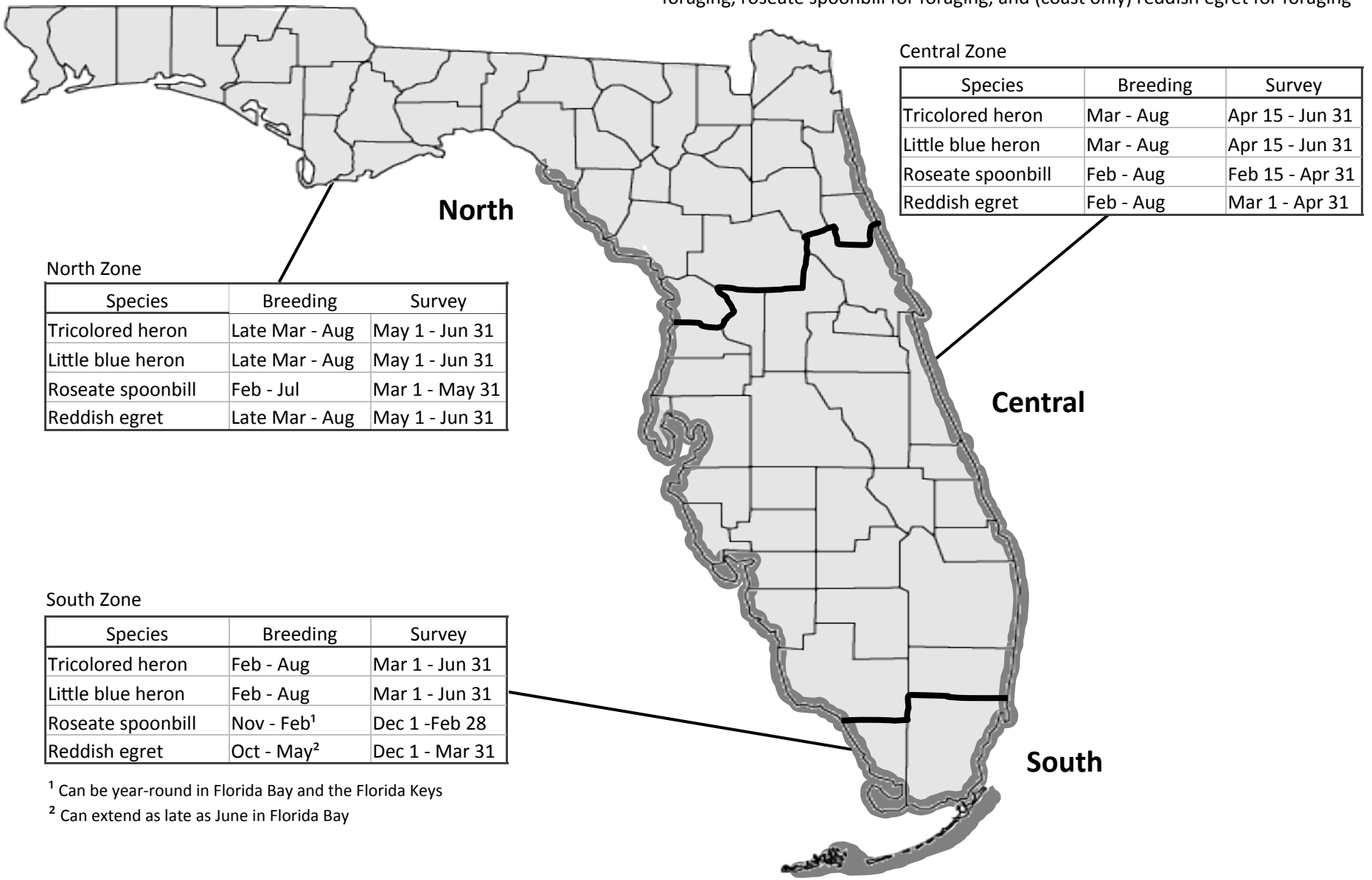
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Title (if any)

State-Threatened Wading Bird Ranges, Breeding Seasons, and Recommended Survey Dates, by Zone

Portion of range used by all species for breeding and foraging

Portion of range used by tricolored heron and little blue heron for breeding and foraging, roseate spoonbill for foraging, and (coast only) reddish egret for foraging



Central Zone

Species	Breeding	Survey
Tricolored heron	Mar - Aug	Apr 15 - Jun 31
Little blue heron	Mar - Aug	Apr 15 - Jun 31
Roseate spoonbill	Feb - Aug	Feb 15 - Apr 31
Reddish egret	Feb - Aug	Mar 1 - Apr 31

North Zone

Species	Breeding	Survey
Tricolored heron	Late Mar - Aug	May 1 - Jun 31
Little blue heron	Late Mar - Aug	May 1 - Jun 31
Roseate spoonbill	Feb - Jul	Mar 1 - May 31
Reddish egret	Late Mar - Aug	May 1 - Jun 31

South Zone

Species	Breeding	Survey
Tricolored heron	Feb - Aug	Mar 1 - Jun 31
Little blue heron	Feb - Aug	Mar 1 - Jun 31
Roseate spoonbill	Nov - Feb[1]	Dec 1 -Feb 28
Reddish egret	Oct - May[2]	Dec 1 - Mar 31

[1] Can be year-round in Florida Bay and the Florida Keys

[2] Can extend as late as June in Florida Bay

Figure 1. Breeding season dates and recommended survey dates for state-Threatened wading birds in different zones of Florida (Cook 2013, 2014, 2016; Cook and Baranski 2017, 2018; Cook and Kobza 2010, 2011, 2012; Smith and Duvall 2017; Anderson 2018; personal communications with G. Anderson, V. Doig, J. Lorenz, A. Paul, K. Smith, M. van Deventer, R. Zambrano).

Kimley»Horn

MEMORANDUM

To: Polk County Land Development

From: Briana Hazel, Environmental Scientist
Kimley-Horn and Associates, Inc.
109 S Kentucky Ave
Lakeland, Florida 33811

Date: November 8th 2023

Subject: N27 Impact Summary – *N27 Providence*

Kimley-Horn has worked closely with the Department of Environmental Protection and Southwest Florida Water Management District to identify sensitive areas and create a sustainable development plan for this uniquely large project area. With each Phase of the project, each residential area was carefully designed to prioritize wetland presence and conservation.

The creation of Providence has ultimately been an ongoing Development of Regional Impact, but it was planned and constructed with the presence of wetlands both on and offsite in mind. The entirety of the site encompasses an expansive 2,344 acres, with a total of 806 acres of wetlands (***Appendix A***). Of these wetlands, only 15.6 acres have been proposed for impact, equaling less than 2% of all wetlands onsite. The eastern wetlands within the Providence project area have been prioritized for avoidance due to their connection to Reedy Creek and the ecological value they maintain. The Reedy Creek adjacent wetlands have quantifiable higher quality as compared to the 2% of lower quality wetlands that were proposed for impact.

Pod N27 is no exception to this approach, as wetland conservation was prioritized. However, during conversations with DEP and SWFWMD, it was agreed that the presence and quality of wetlands in this newest project area was significantly more degraded than the Phases prior. The specific north-northwest corner that encapsulates N27 has an extensive history of encroaching development from

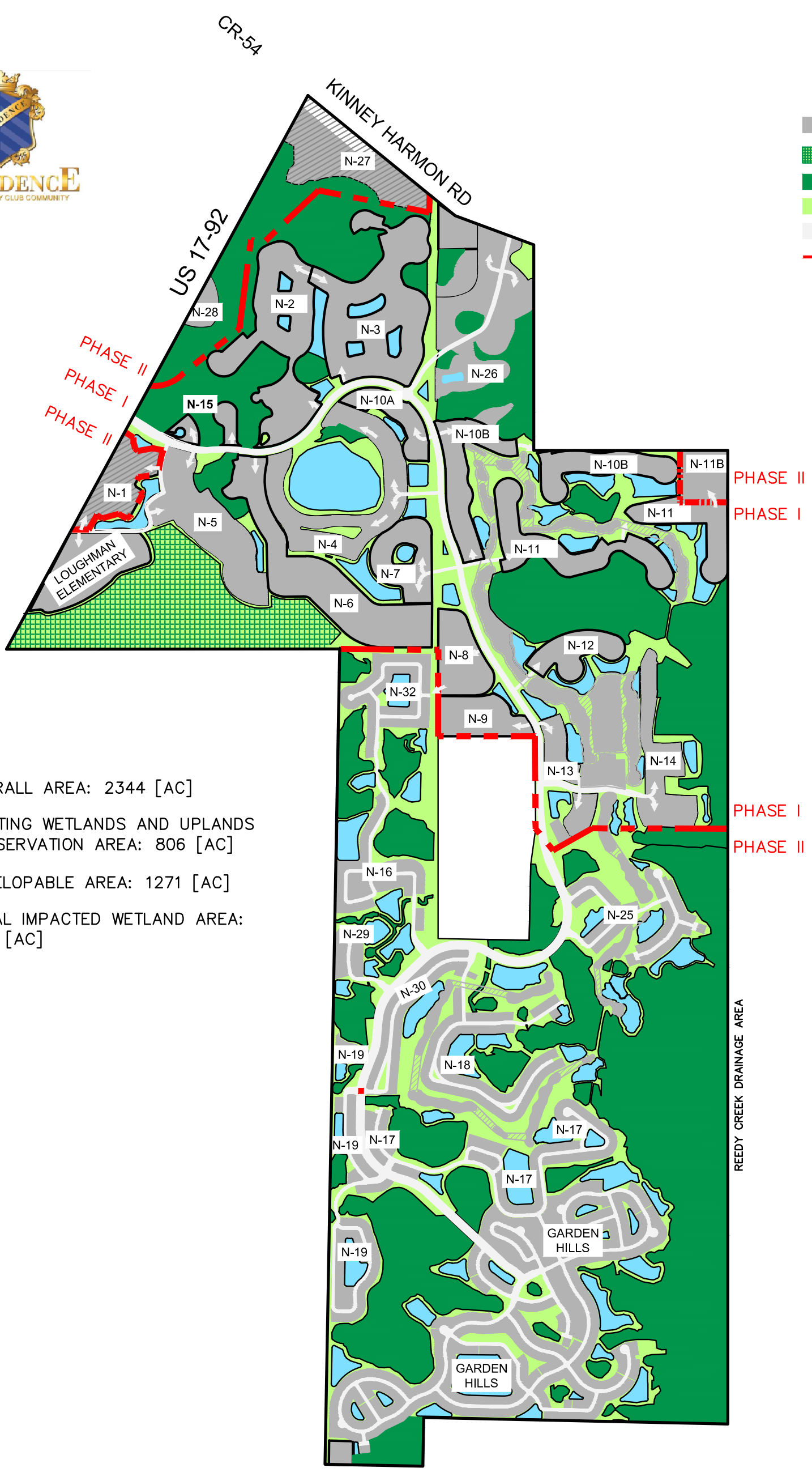
several roadways, FDOT, and utility projects, as it is bordered by both US 17-92 and Kinney Harmon Road; this has turned into a significant arterial intersection for central Polk County.
US 17-92 has been previously expanded in 2015, and there are currently plans to widen it even further; this lessened the wetland size on Lot N27 from the west, as well as contributing to wetland quality and water presence deterioration. Similarly, Kinney Harmon Road was also previously widened in 2015, which impacted the same wetland from the north. Utility projects also impacted the N27 wetlands due to a pipeline having been installed on the west side of the site, just east of US 17-92. Due to Polk County being the fastest growing county in the state, and seventh fastest growing in the nation, there is now a proposal to drastically expand the Central Polk Parkway, which includes lengthening the Poinciana Parkway and creating an elevated highway above Kinney Harmon Road; this roadway project would even further increase the impacts to the N27 wetland (***Appendix B***).

DEP and SWFWMD are well aware of both the previous expansions and the extensive future expansions and have acknowledged that the approximately 8 acres of wetlands on N27 are in poor condition and have little biological function as they currently exist. They have approved plans to impact these wetlands associated with the construction of Providence; they concurred that with the history of impact, the future roadway development and the expansion of Providence, that it would be better ecologically served if higher quality mitigation credits were purchased offsite (will be completed per the Environmental Resource Permit).

APPENDIX A

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PROVIDENCE
A GOLF & COUNTRY CLUB COMMUNITY



NORTH

GRAPHIC SCALE IN FEET
0 750 1500 3000

- EXISTING/PROPOSED DEVELOPMENTAL AREA
- UPLANDS CONSERVATION
- CONSERVATION WETLANDS
- OPEN SPACE
- ROADS
- PHASE LINE

OVERALL AREA: 2344 [AC]

EXISTING WETLANDS AND UPLANDS CONSERVATION AREA: 806 [AC]

DEVELOPABLE AREA: 1271 [AC]

TOTAL IMPACTED WETLAND AREA: 15.6 [AC]

SHEET NUMBER 01

PROVIDENCE
POLK COUNTY FLORIDA

WETLAND IMPACT AREA EXHIBIT

KHA PROJECT 049853001
DATE OCT 2023
SCALE AS SHOWN
DESIGNED BY MEW
DRAWN BY RAR
CHECKED BY MEW

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
109 S. KENTUCKY AVENUE, LAKELAND, FL 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

No.	REVISIONS	DAT
1	MAP REVISIONS	FEB 2023

APPENDIX B


POLK
OSCEOLA
KISSIMMEE
Deen Still Rd.
Ronald Reagan Pkwy
451419-1 PD&E FOR CENTRAL POLK PARKWAY EAST - SOUTH OF US17/92 TO SR538
451419-2 PD&E FOR CENTRAL POLK PARKWAY EAST - SR 60 TO US17/92
TOLL 429
TOLL 538
TOLL 570
532
4
27
98
92
17
580
544
546
542
540
60
LAKELAND
AUBURNDALE
LAKE ALFRED
HAINES CITY
DUNDEE
BARTOW
LAKE WALES
529

PROVIDENCE N-27
ALTERNATIVE SITES ANALYSIS

This information is provided in support of the permit application for the Providence N-27 project, specifically regarding alternative sites considered for development of a retail center.

Project Purpose:

Providence is a Development of Regional Impact (DRI). As part of the DRI approval process, the site plan was to be self-sustaining to include the necessary amenities for the homeowners. The approval process required a commercial facility which in this instance consists of a food center with associated retail stores for the homeowners. Approval of the original site plan required the dedication of this type of facility in an area which had adequate traffic capacity and was located within the boundaries of the DRI to provide services to the Providence community which resulted in the location of the food center at the intersection of Poinciana Parkway and State Road 17-92.

Project Site Criteria:

The project site must meet certain criteria to meet the Project Purpose. The Project Purpose is specifically for retail development to provide services for the people living within the Providence DRI and was located adjacent to an adequate road network. These requirements resulted in the project being located at the intersection of Poinciana Parkway and US 17-92 in Polk County, Florida. This Project Purpose limits the available alternatives because there are limited properties available of sufficient size to support the proposed development, are on the real estate market for sale and in an area to serve the people living within the Providence DRI. These requirements resulted in the proposed location which has direct frontage on Poinciana Parkway and has enough developable square footage (76,000 square feet) for the proposed facilities. Per the county zoning which included a commercial facility encompassing 100,000 square feet as part of the DRI. An evaluation of several off-site alternative locations and on-site No Action alternatives to eliminate or reduce the discharge of fill material into waters of the U.S. (WOTUS) was conducted.

Polk County experienced a 20.4% growth rate between 2010 and 2020 (U.S. Census Bureau). Polk County is also listed as Florida's 9th most populous county (Office of Economic and Demographic Research, 2017). With increased population comes the need for more retail services, which the Providence N-27 project provides.

The 33± acre Providence N-27 tract is a proposed retail development with associated infrastructure and required stormwater management facilities to serve the people of the Providence development. The location for such a development waschosen based on the presence of certain criteria. The Applicant included the following criteria in the alternative site selection process for the Providence N-27 project:

Criteria	Measurement and/or constraint
Frontage on Poinciana Parkway/US 17-92	√ Direct access to Poinciana Parkway and US 17-92
Available for purchase	√ Owned

Within budget	√ Owned
Minimum Size	√ 33 acres
At least 76,000 sq ft of retail space	√ 76,000 sq ft of retail space

Preferred Alternative

The Applicant's preferred site ("Preferred Site") considering the requirements of the DRI and a location and size which provides and adequate footprint for the proposed facility. The requirements resulted in the selection of the proposed 33± Providence N-27 project site as designed and submitted to the Florida Department of Environmental Protection (FDEP) for approval. The preferred site meets all of the above criteria and was required as part of the original DRI. The Preferred Site has room for over 43,000 square feet of grocery space; over 33,000 feet of additional retail space; has direct access to Poinciana Parkway and US 17-92; is owned by the Applicant and is located within the boundaries of the DRI.

The county approved 100,000 square feet for a commercial facility. Even though the county approved the site for 100,000 square feet of commercial construction, the site plan was configured to minimize wetland impact which included staying out of the forested wetland that is part of the southern portion of the site. The site plan and minimization of wetland impacts was very difficult due to the cemetery that was discovered after land acquisition and the approval of the DRI. An archeological evaluation was conducted prior to the purchase of the land and the first design for the commercial area. This archeological evaluation determined that there was a cemetery with a total of 4 graves. During the permit process with the ACOE, the ACOE archeologist requested a ground penetrating radar survey (GPRS). The survey revealed that there was a total of 102 graves which covered an expansive area that was in the center of the original site plan. After the GPRS, the site plan was modified resulting in a footprint that considered wetland minimization resulting in a construction footprint that avoided the cemetery and the higher quality wetlands. The proposed site plan resulted in 9.5± acres of direct and secondary impacts to jurisdictional wetlands. In order for the project to be possible, wetland impacts will be required and cannot be avoided entirely. The site plan had to take in account several constraints including two major roads and the preservation of the cemetery including a buffer that varied with a minimum width of 50 feet. Per the requirements of the ACOE when this project was previously permitted, the cemetery had to be preserved and protected by a fence. The cemetery has already been fenced to meet the ACOE permit requirements previously granted for the N-27 site. The mitigation for the wetland impacts has already been purchased except for two small, isolated wetlands which the ACOE previously did not claim under WOTUS. To prevent a delay in permitting due to the EPA likely appealing the claim that these areas do not meet the WOTUS criteria, the applicant is going to agree that they are jurisdictional.

No Action Alternative

There are two "No Action" Alternatives to be considered for this project. The first is to reconfigure the development to avoid any discharge of dredged or fill material into WOTUS and to avoid the cemetery. The second is to not implement the project at all.

Onsite Alternative 1 – Reconfiguration, No Wetland Impacts

It is not possible to reconfigure the project to avoid discharge of dredged or fill material

into WOTUS. If impacts to Wetlands 1, 2, and 3 were completely avoided along with the boundaries of the cemetery, the project site would not have enough developable acreage to meet the needs of the project.

The wetland impacts are for stormwater ponds, buildings, and portions of a parking lot. The site plan includes 43,000 square feet of grocery space and 33,000 square feet of retail space. As the project design was required to meet the criteria for the SWFWMD and the county and preserve the cemetery and a buffer along its boundary, the project footprint and infrastructure would not fit within the uplands. The majority of impacts to W-3 are for the construction of a stormwater pond.

Onsite Alternative 2-Reconfiguration, Less Wetland Impacts

This onsite alternative reduces the wetland impact acreage by approximately 4 acres. In order to facilitate this, the amount of retail space had to be cut by 33,000 square feet, which nearly reduces the available retail space by half (**Exhibit A**). The DRI that was put into place that covers Providence N-27 requires retail facilities to serve the Providence Community and specifies that shopping centers are required. This onsite alternative does not meet the project purpose of having over 76,000 square feet of commercial and retail space and therefore is not a feasible option.

Onsite Alternative 3– No Project

Polk County is also listed as Florida's 9th most populous county (Office of Economic and Demographic Research, 2017 Polk County experienced a 20.4% growth rate between 2010 and 2020 (U.S. Census Bureau). It is important that more food stores and retail options be provided within the region to keep up with the ever-expanding need from the growing community. This is also consistent with the requirements of the DRI. If the Providence N-27 project were not to be implemented at all, then the demand for this fast-growing area would be hindered and the requirements of the DRI would not be met.

This No Action Alternative does not meet the Project Purpose and is not a practicable or feasible alternative.

Off-site Alternatives

Several alternate sites were considered in close proximity to the target area for the project (off of Poinciana Parkway in Polk County). The following specific properties were considered for the Providence N-27 project site. The location of each of these properties is depicted on the attached map (**Figure 1**).

Off-site locations and configurations	
Alternate Site 1- Gotts Family Properties, LLC	× No Frontage on Poinciana Parkway × 4.94 acres × Not available for purchase × Not owned/within budget. √ Wetland impacts not needed for development. × At least 76,000 sq ft available for retail space x Ingress and egress problems due to its location being near the intersection of State Road 17-92 and Ronald Reagan Parkway.

Alternate Site 2 – Wilmer D. Byrd	√ Frontage on Poinciana Parkway √ Wetland impacts not needed for development. × 1.83 acres × Not available for purchase × Not owned/within budget. × At least 76,000 sq ft available for retail space.
Alternate Site 3 – JAT Investment Group	√ 39.7 acres × Wetland impacts needed for development. × Frontage on Poinciana Parkway × Not available for purchase × Not owned/within budget. √ At least 76,000 sq ft available for retail space x Ingress and egress is a problem due to the lake to the north. Boarded private property to the west and adjacent to the intersection of State Road 17-92 and Ronald Reagan Parkway.

Alternate Site 1 – Gotts Family Properties, LLC

The Gotts Family Properties site available for development is located south of Poinciana Parkway and immediately west of US 17-92. The property is a total of 4.94± acres. This makes the property too small to serve the purpose of the retail facilities proposed and renders the property infeasible for the current project. It does not contain any wetlands or surface waters. Additionally, the proposed project needs direct frontage on Poinciana Parkway. This project site would not meet the objectives of the Project Purpose.

Alternate Site 2 – Wilmer D. Byrd

There is an approximately 1.83± acre property owned by Wilmer D. Byrd that has direct frontage on Poinciana Parkway. It does not contain any wetlands or surface waters. However, it does not meet the minimum size requirements that the proposed retail development needs in order to be built. Additionally, it is not available for purchase. This project site would not meet the objectives of the Project Purpose.

Alternate Site 3 – JAT Investment Group

The JAT Investment Group property is approximately 39.8± acres. It does have direct frontage on Poinciana Parkway and is currently zoned residential. This property also has approximately 21 acres of wetlands and surface waters onsite (**Figure 2**). Purchasing this property along with mitigating wetland impacts would make the project infeasible. This project site would not meet the objectives of the Project Purpose.

Alternatives Comparison

This matrix can be used to identify any remaining practicable alternatives. This matrix is presented in Table 3.

Table 3. Practicability Matrix.

Category	Practicability Factor	Preferred Site	No Action Alternative 1 - Reconfiguration	No Action Alternative 2 – No Project	Alternate Site 1	Alternate Site 2	Alternate Site 3
Availability	Available for Acquisition?	YES (owned)	YES (owned)	N/A- because no development would occur	NO	NO	NO
	Appropriate developable square footage	Yes	No	N/A- because no development would occur	NO	NO	NO
	Appropriate Size?	YES	YES	N/A- because no development would occur	NO- too small	NO- too small	YES
Cost	Reasonable Acquisition Cost?	YES (owned)	YES (owned)	N/A- because n o development would occur	NO	NO	NO
	Costs feasible with wetland impact mitigation?	YES	N/A – no costs because no development would occur	N/A– no costs because no development would occur	NO	NO.	NO
Logistics	Direct frontage on Poinciana Parkway	YES	YES	N/A- because n o development would occur	NO	YES	YES
Wetlands	Wetland impacts needed for development	YES	NO	N/A- because n o development would occur	NO	NO	YES

As presented in the discussions above for the Alternate Sites and No Action Alternatives, the Preferred Site is the most appropriate and practicable alternative available to meet the Project Purpose. Alternate Sites 1, 2, and 3 are either too small, have traffic ingress and egress problems, not within budget or have a large amount of wetlands and surface waters on site. An alternate configuration to the Preferred Site to reduce the amount of wetland impacts proposed is not feasible due to the adjacent road constraints and the cemetery. This would result in no project being able to be built and would be in conflict with the requirements of the DRI and the previous permits granted by the ACOE. None of the considered alternatives represent the most practicable development alternative.

Least Environmentally Damaging Practicable Alternative (LEDPA)

The purchase of mitigation credits will better serve the net function and habitat connectivity of wetlands in this basin than the preservation of the wetland that is being impacted. The ecological functions and benefits of the impacted wetland area have been dramatically reduced due to the sabal transmission line and State Road 17-92 abutting the land to the west, Poinciana Parkway to the north, a self-storage facility to the east and a large bay swamp to the south. By reducing impacts to the largest extent possible to the bigger wetland system to the south, Wetland 3, this meets the criteria of LEDPA.

References:

Office of Economic and Demographic Research. 2022. Population and Demographics, Area Profiles. Polk County. http://edr.state.fl.us/content/area-profiles/county/polk.pdf.

EXHIBIT A



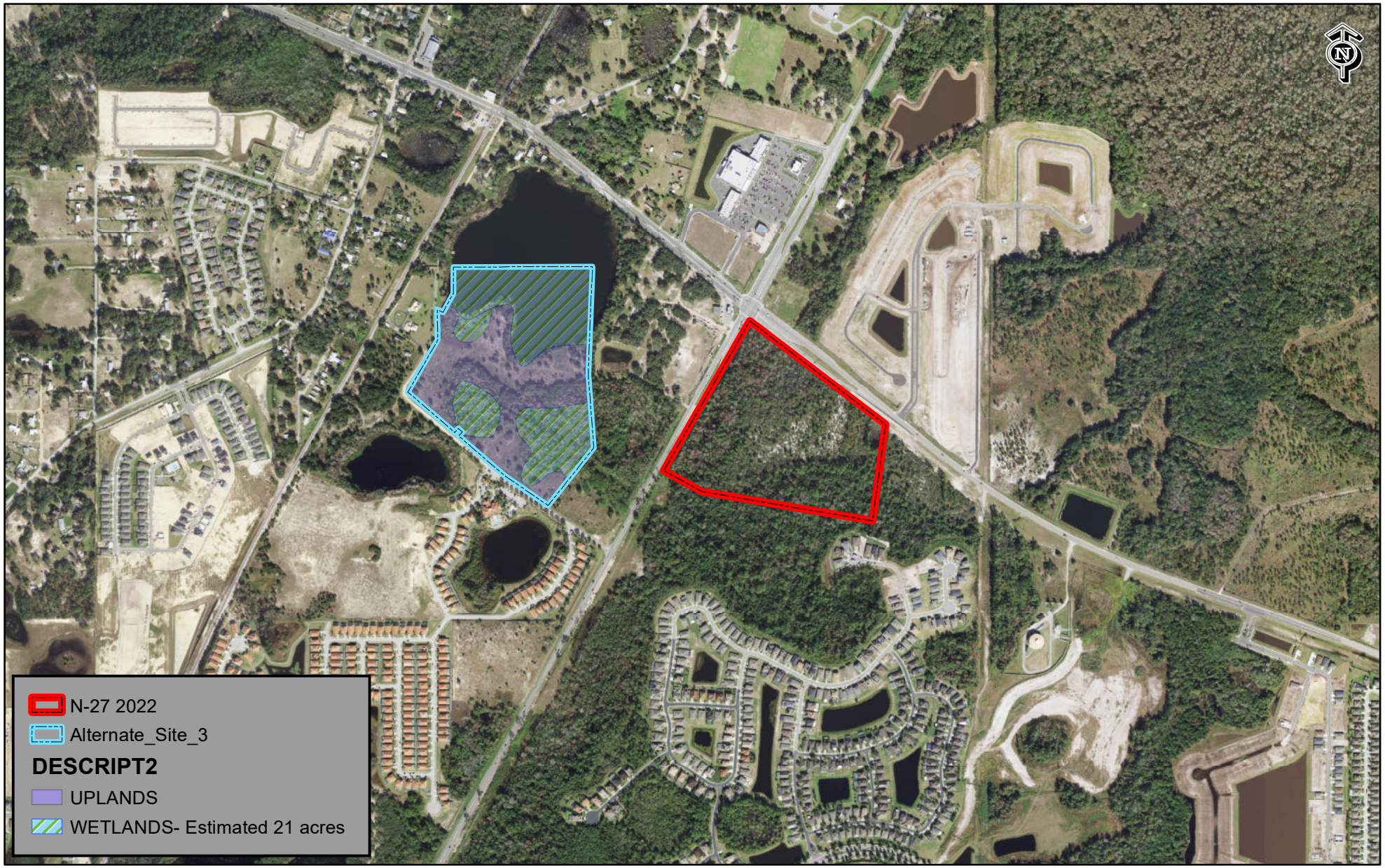
Providence N-27

Alternative Sites Map
Sections 19 & 30, T26S R28E
Polk County, Florida

1,000 500 0 1,000 Feet

MODICA & ASSOCIATES
302 Mohawk Road
Clermont, Florida 34715
P: (352) 394-2000
F: (352) 394-1159
Email: Environmental@Modica.cc
www.ModicaAndAssociates.com

FIGURE 2



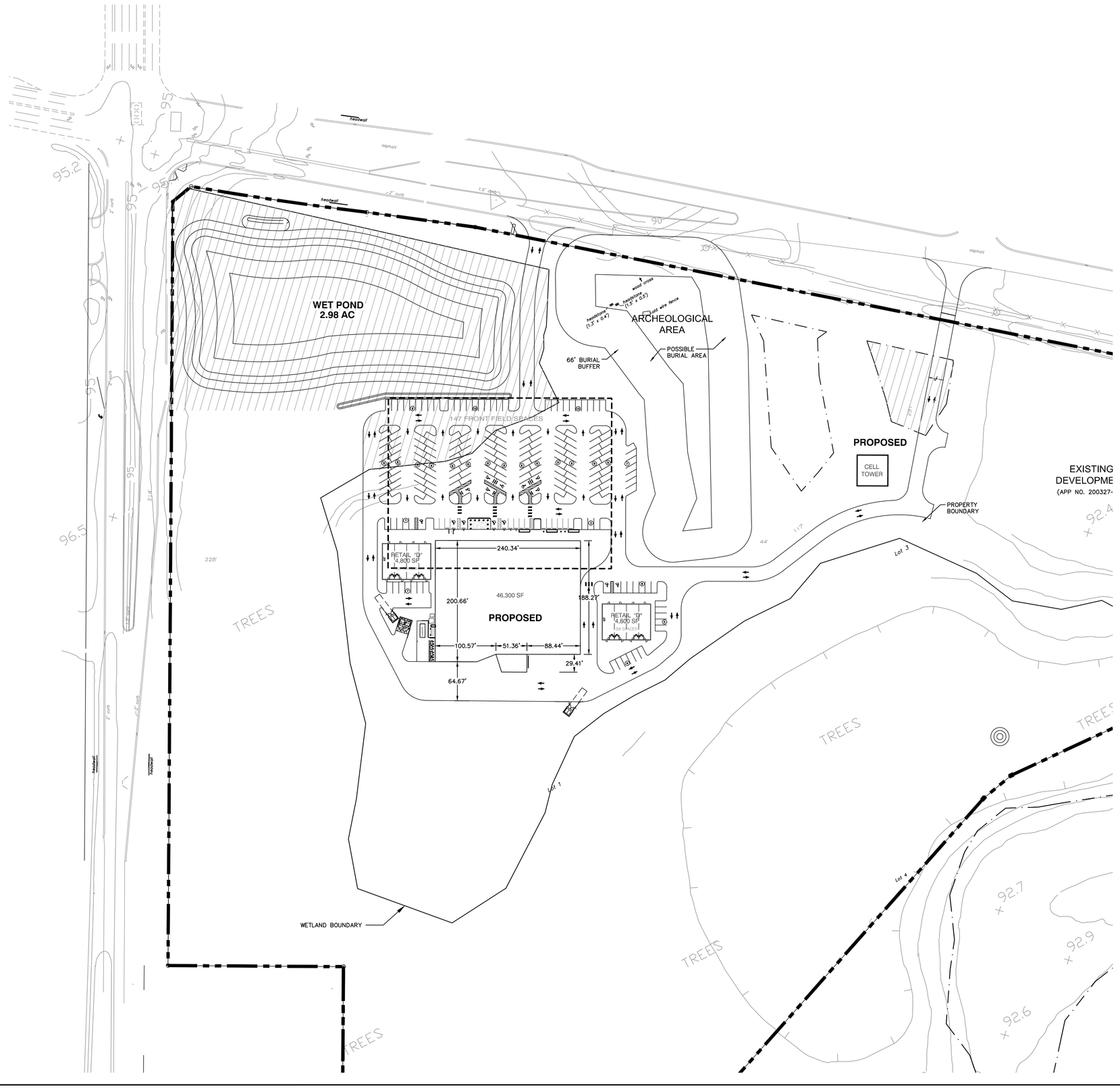
Providence N-27

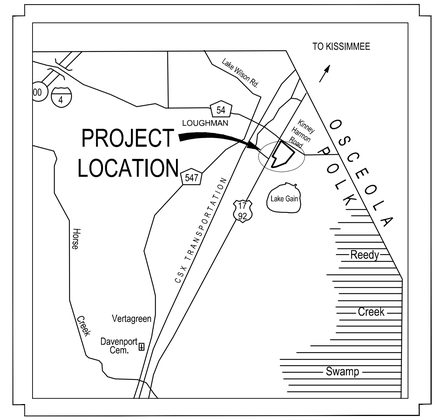
Figure 2- Alternative 3 Wetlands Map
Sections 19 & 30, T26S R28E
Polk County, Florida

1,000 500 0 1,000 Feet

MODICA & ASSOCIATES
302 Mohawk Road
Clermont, Florida 34715
P: (352) 394-2000
F: (352) 394-1159
Email: Environmental@Modica.cc
www.ModicaAndAssociates.com

FIGURE 1





VICINITY MAP

N.T.S.

SITE DATA:

AREAS:

PARCEL AREA	22.6± AC
OUT PARCEL 1:	0.31± AC
RETAIL:	21.72 AC

ZONING AND LAND USE

EXISTING ZONING:	VACANT/RESIDENTIAL
EXISTING LAND USE:	RONALD REAGAN PKWY SELECTED AREA PLAN, CACX

BUILDING SETBACKS:

NORTH SIDE (KINNEY HARMON RD)	50 FT
WEST SIDE (US HWY 17-92)	50 FT

AREA OF WETLAND IMPACTS
5.01± ACRES

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
109 S. KENTUCKY AVENUE, LAKELAND, FL. 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

KHA PROJECT 049853
DATE MAY 2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

CONCEPTUAL SITE PLAN

RETAIL SPACE AT PROVIDENCE N27
PREPARED FOR
APPLIED BUILDING DEVELOPMENT COMPANY-OAKHILLS, INC.
POLK COUNTY FLORIDA

SHEET NUMBER
CSP-07

Plotted By:Rydberg, Tim Sheet Set:Kha Layout:Layout1 May 16, 2023 02:10:05pm K:\LAK_Civil\049853001 PROVIDENCE\N27\CAD\EXHIBITS\2023-05-16 ERP\Concept Site Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

16. ENVIRONMENT AND NATURAL RESOURCES: WETLANDS

A. How many acres of wetlands are found on the site? For these purposes, wetlands are described as areas which are subjected to permanent or prolonged periods of inundation or saturation (water is at the soil surface at least two to seven months, seven out of ten years), and/or which exhibit vegetative communities and/or soil types characteristic of this hydro-period. The Florida Land Use and Cover Classification System: A Technical Report, includes a detailed wetlands definition and is available from each regional planning council.

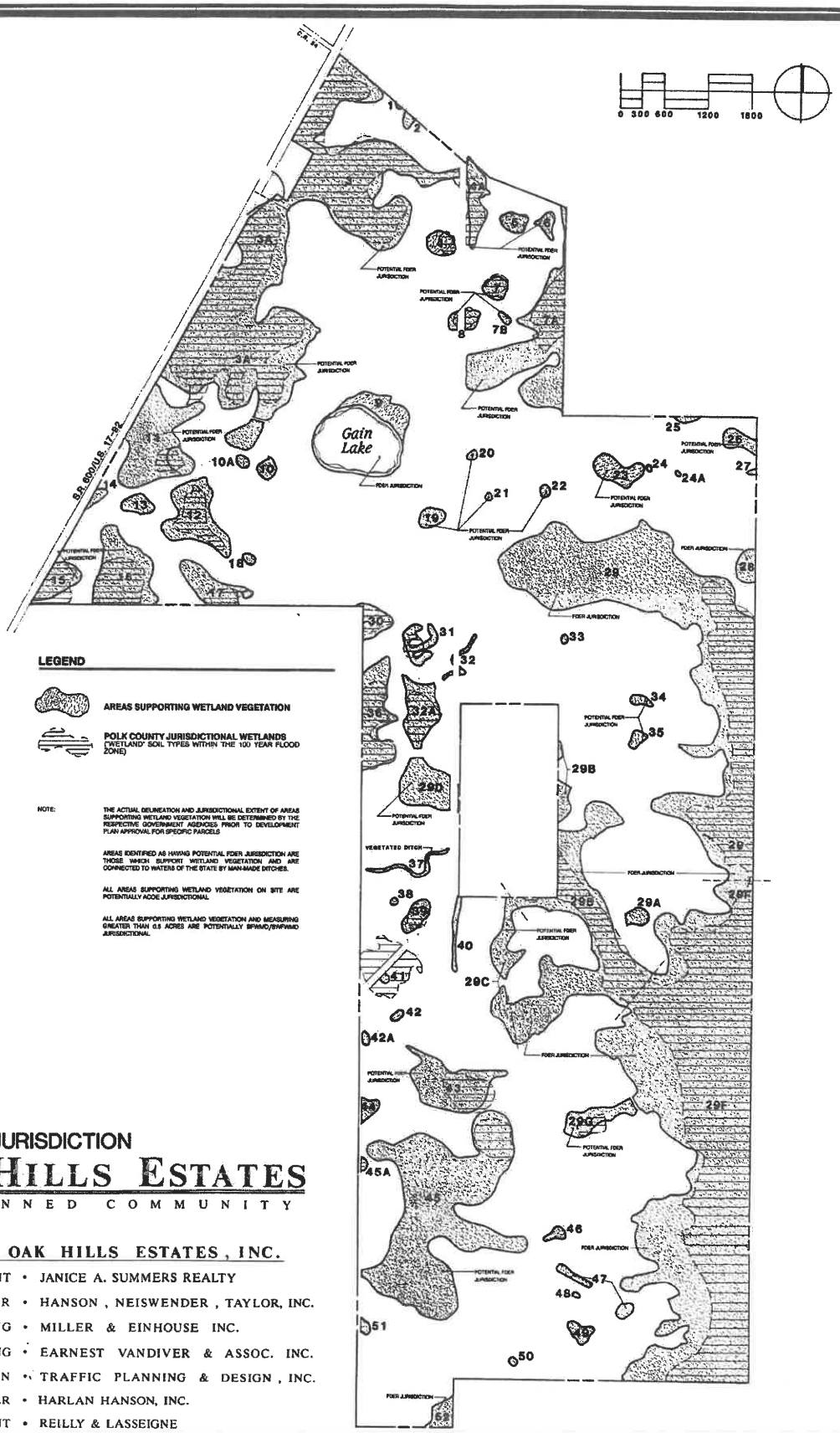
Oak Hills Estates contains approximately 812 acres of land which supports wetland vegetation. Several of these areas as well as other areas not dominated by wetland vegetation are considered jurisdictional by Polk County. Approximately 364.5 acres are considered Polk County Wetlands ("wetland" soils within the 100 yr. flood zone). The extent of other government agencies' jurisdiction as well as that of Polk County is depicted on Exhibit 16-1. Areas supporting wetland species consist of mixed wetland forests, freshwater marshes, and wet prairies which are delineated on Map F. The marshes support a variety of vegetation including rush, pickerelweed, St. Johns wort, arrowhead, spatterdock, maidencane, sawgrass and buttonbush. The dominant species varies between each marsh. The mixed forests support canopies which include maple, red bay, sweet gum, tupelo, sweet bay, cypress, black gum and cabbage palm. The wet prairies

are located in topographically low areas where water accumulates sufficiently long to allow sparse patches of maidencane and, occasionally, rushes to become established.

The marshes are scattered near the western property boundary. The wet prairies are located to the northeast and south of the central out parcel. The mixed forests occur as isolated domes and as large, non-isolated systems. Reedy Creek Swamp dominates the eastern property boundary.

Additionally, the site contains approximately 12 acres of ditches which convey water periodically. They typically support scattered patches of rush and, occasionally, maidencane, pickerelweed and wax myrtle. Typically, these ditches connect isolated wetlands and ultimately drain to Reedy Creek Swamp. Consequently, some of the smaller wetlands have become significantly drained and invaded by upland species.

Located in the northwest area of the site is Gain Lake measuring ±22 acres. The lake supports submerged vegetation as well as a mixed forest to the north and a fringe of wax myrtles to the east and south.



WETLAND JURISDICTION

OAK HILLS ESTATES

A PLANNED COMMUNITY

OWNER • OAK HILLS ESTATES, INC.

APPLICANT • JANICE A. SUMMERS REALTY
PLANNER • HANSON, NEISWENDER, TAYLOR, INC.
ENGINEERING • MILLER & EINHOUSE INC.
SURVEYING • EARNEST VANDIVER & ASSOC. INC.
TRANSPORTATION • TRAFFIC PLANNING & DESIGN, INC.
PROJECT MANAGER • HARLAN HANSON, INC.
LEGAL CONSULTANT • REILLY & LASSEIGNE

EXHIBIT 16-1

◆ ◆ ◆

Comprehensively, the site contains ±812 acres of land which supports wetland vegetation. This represents ±723.5 acres of mixed forests, ±75.5 acres of freshwater marshes and ±13 acres of wet prairies. Also on site are ±12 acres of man-made ditches with sporadic wetland vegetation and ±22 acres of open water.

B. What alterations or disturbances to the wetlands are proposed?

Of the ±812 acres of land supporting wetland vegetation on site, approximately 48 acres are proposed for impact. Additionally, all of the on-site ditches are proposed for impact (±12 acres) except for the large ditch (#37 Exhibit 16-1) which accepts and coveys off-site drainage. The proposed ±48 acres of impact consist of ±30 acres of mixed forest, ±12 acres of freshwater marshes and ±6 acres of wet prairies.

In regard to Polk County wetlands, approximately 28 acres of the ±364.5 acres on site are proposed for impact.

It should be noted that these acreages are based on planimetering only. On-site flagging and agency review will determine the final delineations and acreages of impact and preservation.

C. **What wetland areas will be preserved in their natural or existing state? Describe the planning approach that will be utilized to accomplish this preservation.**

Approximately 764 acres of land supporting wetland vegetation are proposed to remain in a natural state. In regard to Polk County wetlands, ±336.5 acres of the 364.5 acres currently onsite are proposed to remain.

The parcels depicted on Map H have been delineated to exclude wetland areas proposed to remain. Parcel acreages and development densities reflect a "net" amount of developable land which excludes these wetlands. Thus, through preliminary land planning, a mechanism has been established to ensure their preservation.

Additionally, wetlands to remain are typically included as a working part of the water management system such that their hydroperiod is maintained. Significant wetlands which appear to support protected animal species are further enhanced with the preservation of adjacent uplands.

Agenda Item 12. 2/7/2024

SUBJECT

LDDRI-2023-1 (Providence DRI NOPC)

DESCRIPTION

Amendment to the Providence Development of Regional Impact (DRI) for the 1) expansion of the N-27 commercial area (related to LDCPAS-2023-11), 2) summarization of the residential and commercial unit counts within the Neighborhoods, and 3) extend the buildout dates of Phase I and Phase II. The subject property is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway, west of the Osceola County line, and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Sections 12 and 13, Township 26 and Range 27; and Sections 07, 18, 19, 30 and 31, Township 26 and Range 28.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Robert Bolton

Planner III

Land Development

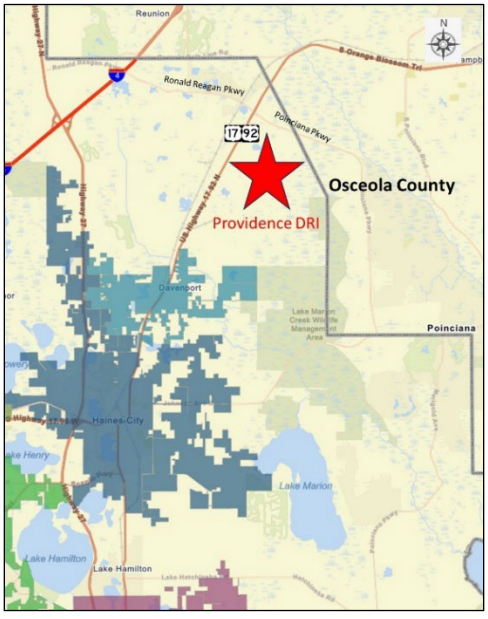
863-534-6468

robertbolton@polk-county.net

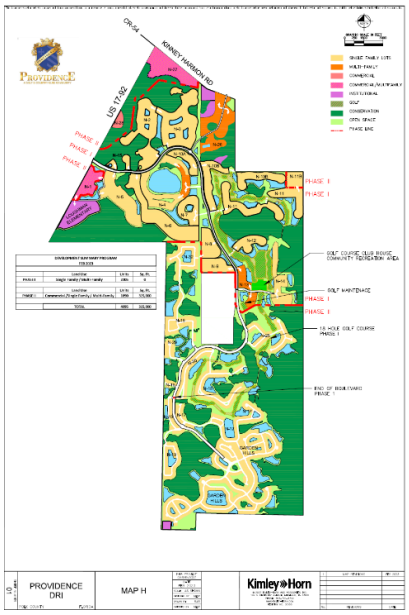
POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	March 30, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	Development of Regional Impact (DRI) Notice of Proposed Change
BoCC Date:	March 19, 2024	**Case Numbers:**	LDDRI-2023-1
		Case Name:	Providence DRI NOPC
Applicant:	Applied Building Development Company, Mark Wilson	**Case Planner:**	Robert Bolton, Planner III

Request:	Amendment to the Providence Development of Regional Impact (DRI) for the 1) expansion of the N-27 commercial area (related to LDCPAS-2023-11), 2) summarization of the residential and commercial unit counts within the Neighborhoods, and 3) extend the buildout dates of Phase I and Phase II.
Location:	The subject property is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway, west of the Osceola County line, and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Sections 12 and 13, Township 26 and Range 27; and Sections 07, 18, 19, 30 and 31, Township 26 and Range 28.
Property Owner:	Applied Building Development Company - Oakhills, Inc.
Parcel Size (Number):	2,300± acres (Parcel #(s) Various in Ranges 27 and 28, Township 26, and various sections)
Development Area/Overlays:	Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), Ronald Reagan SAP
Nearest Municipality:	City of Davenport
DRC Recommendation:	Approval if LDCPAS-2023-11 is approved
Planning Commission Vote:	Pending
Public Comment:	Pending
Florida Commerce:	N/A



Location Map



Proposed Map H

The applicant, Applied Building Development Company - Oakhills, Inc., Mark Wilson, is requesting a Development of Regional Impact (DRI) Amendment on behalf of the property owner, Applied Building Development Company - Oakhills, Inc., requesting 1) expansion of the N-27 commercial area (related to LDCPAS-2023-11), 2) summarization of the residential and commercial unit counts within the Neighborhoods, and 3) extend the buildout dates of Phase I and Phase II of the Providence / Oak Hills Estates DRI (DRI #2).

Originally the Oak Estates DRI (DRI #2) was adopted in the early 1990's Developments of Regional Impact (DRI) are required to have a Development Order (DO), a copy of the Strike-out/underline proposed DO is provided as an Attachment under separate cove. The proposed DO is titled the "Eighth Restated and Amended Development Order for Providence a Development of Regional Impact DRI 90-04."

This application is one of two (2) related to the modification of entitlements to the Providence / Oak Hills Estates DRI site. In addition to this NOPC, the applicant has submitted a Comprehensive Plan Map Amendment (CPA). The CPA (LDCPAS-2023-11) requests a Future Land Use district change on 7.48± acres from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X), representing an expansion of the existing CAC-X and the N-27 Commercial Neighborhood. This expansion does not increase any entitlements previously granted to the DRI. The requested Land Use change requires updating of the DRI's Map H which identifies the approved land use locations within the Providence DRI. The second component of the NOPC reconfigures the summarization of residential and commercial units within the DRI This allows for residential units to be transferred to other neighborhoods without a DRI amendment, maintaining the vested count and staying consistent with the Comprehensive Plan Future Land Uses.. The third component of the NOPC extend the buildout dates of Phase I and Phase II.

Expansion of N-27 Commercial Area:

The related request LDCPAS-2023-11 Providence PRES to CAC request a Land Use change on 7.48± acres from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X), representing an expansion of the existing CAC-X and the N-27 Commercial Neighborhood. This request does not increase the entitlements within the Providence DRI, see explanation below. The expansion of the CAC-X allows for a more efficient utilization of the corner location of US 17/92 and Ronald Reagan Boulevard / Kenny Harmon Road. Within the Ronald Reagan SAP Preservation-X does not allow for any uses, including access and pretreated stormwater retention. Changing the Land Use allows the FDOT to grant access to the N-27 commercial Neighborhood, providing better internal traffic flow and the ability to utilize this area for stormwater retention if needed. This Land Use change, if adopted, will need to be updated on the DRI's Map H. Providence DRI maintains the same vesting as it was approved prior to the Comprehensive Plan, with the exception of the wetland impacts. The widening of US 17/92 and Kenny Harmon Road have greatly impacted the wetlands at the intersection of US 17/92 and Kenny Harmon Road.

Residential and Commercial Unit Count Summarization:

Map H of the Providence DRI includes a table specifying Phase I and Phase II and the specific Neighborhoods, with the residential units for each Neighborhood and the total square feet within each Commercial Neighborhood. The new summary allows for a shifting, no net increase, of residential units from one residential neighborhood to another residential neighborhood, and

commercial square footage from one commercial neighborhood to another commercial neighborhood.

In Exhibit 3, Existing Map H, the Development Summary may be seen with each Phase and Neighborhood's allocated residential and commercial units. These allocations were decided upon when the DRI was originally granted in 2003. In Exhibit 4, Proposed Map H, the Development Summary may be seen with each Phase's allocated residential and commercial units. Exhibit 5 Is a closer view of each of the Summaries. Below is a summarization of the Existing and Proposed Summaries (Table 1 of the DO).

Existing Table 1			
Land Use	Phase 1	Phase II	Total Development
Single Family	1,541 dwelling units	716 dwelling units	2,257 dwelling units
Multi-Family	664 dwelling units	1,570 dwelling units	2,234 dwelling units
Commercial	135,000 square feet	180,000 square feet	315,000 square feet
Golf Course w/club house	18 holes (Existing)	N/A	18 holes (Existing)
Elementary School	Loughman Oaks Elementary School (existing)	N/A	Loughman Oaks Elementary School (existing)

The existing Table 1 entitlements provide for 4,491 dwelling units for single-family and multi-family within the Providence DRI. The proposed Table 1 entitlements provide for 4,095 dwelling units for single-family and multi-family within the Providence DRI. The remaining entitlements remain consistent.

Proposed Table 1			
Land Use	Phase 1	Phase II	Total Development
Single Family/Multi-Family	2,205 dwelling units	1,890 dwelling units	4,095 dwelling units
Multi-Family	N/A	N/A	N/A
Commercial	N/A	315,000 square feet	315,000 square feet
Golf Course w/club house	18 holes (Existing)	N/A	18 holes (Existing)
Elementary School	Loughman Oaks Elementary School (existing)	N/A	Loughman Oaks Elementary School (existing)

With no increase in residential or commercial entitlements, it does not represent a Substantial Deviation from the Existing DRI.

Extension of Phase I and Phase II Build Out Dates:

Originally the Oak Estates DRI (DRI #2) was adopted in the early 1990's development did not begin until the early 2000's. Developments of Regional Impact (DRI) are required to scheduled Build Out dates. Within the "Eighth Restated and Amended Development Order for Providence a Development of Regional Impact DRI 90-04", Section 3 Conditions of Approval, A. Condition One: Scope of Approval, 4. Phasing Dates, will be revised with Phase I, May 2, 2024, and Phase II, May 2, 2029.

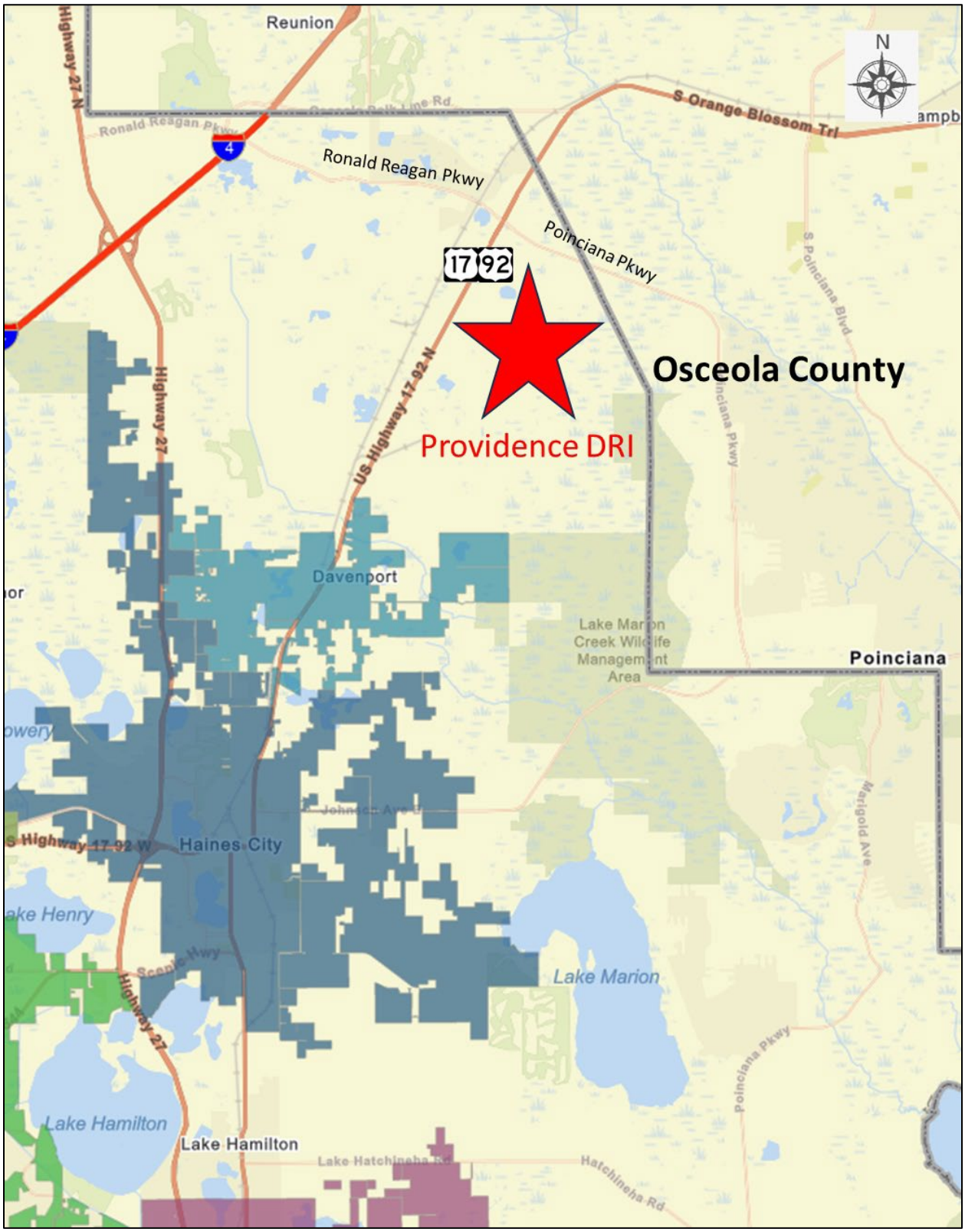
Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding 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 LDDRI 2023-1.**

Planning Commission Recommendation: On February 7, 2024, at an advertised public hearing, the Planning Commission recommend **?:?** to **APPROVE or DENY LDDRI-2023-1**.

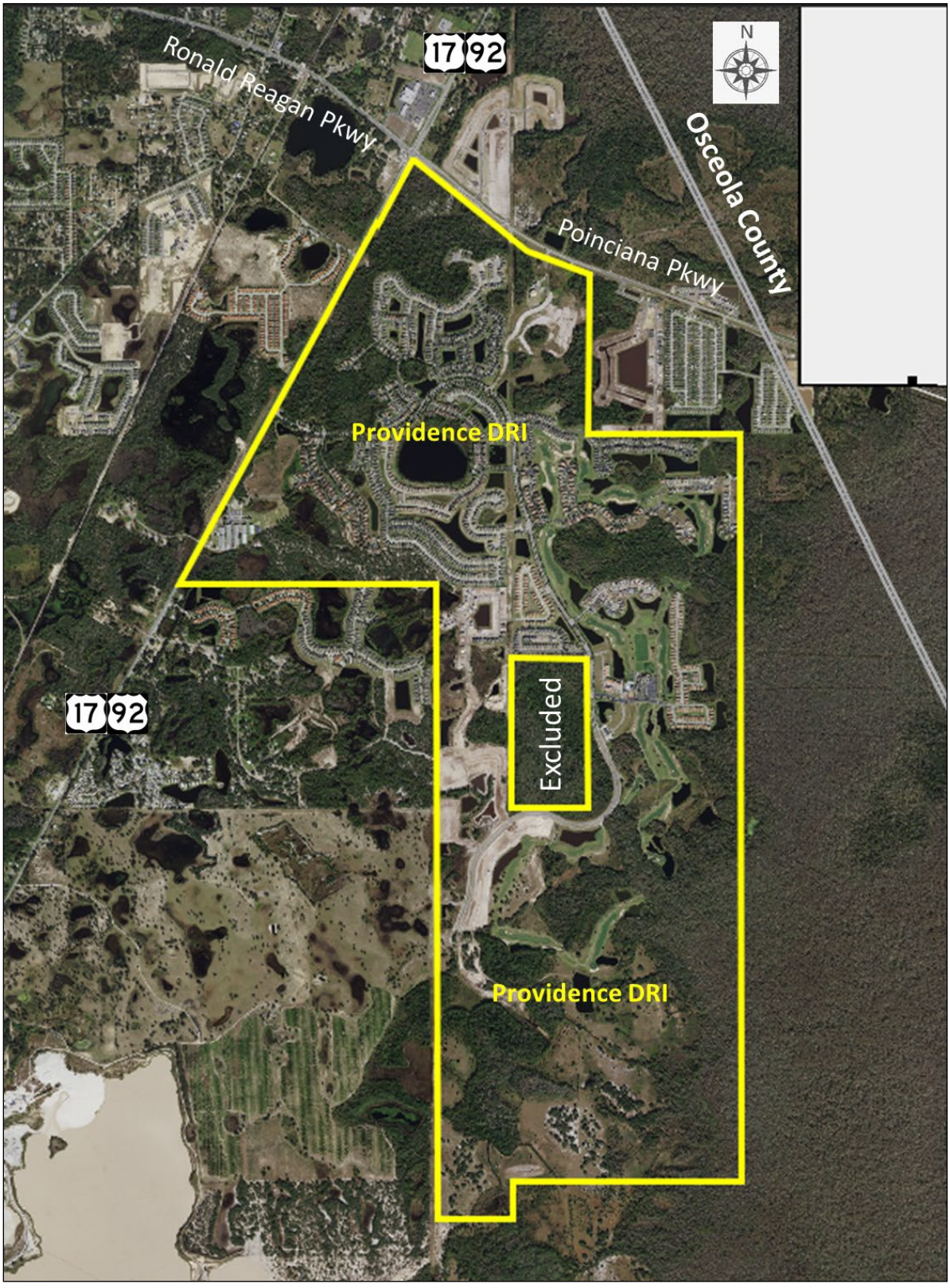
NOTE: *This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.*

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.*

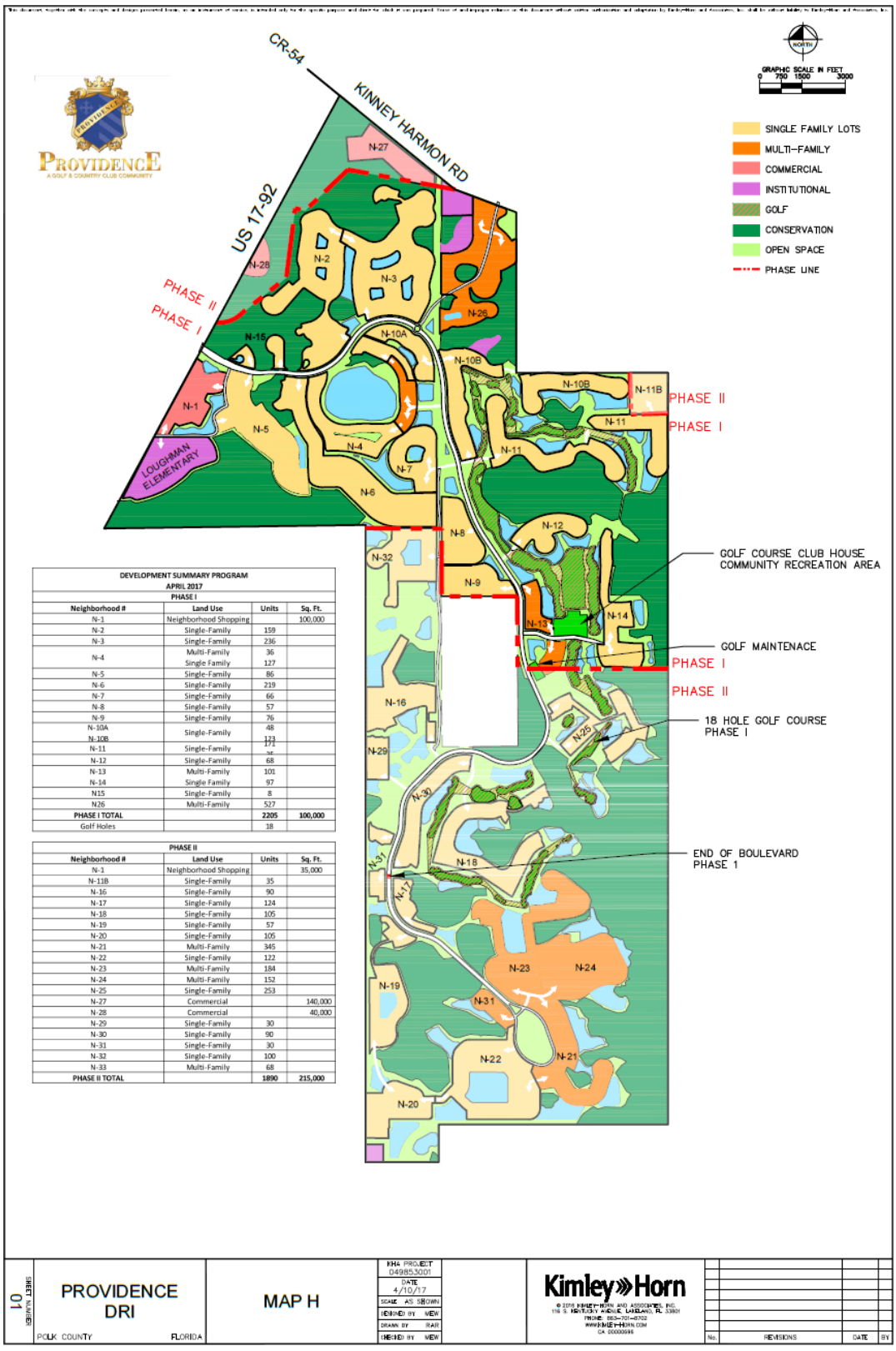
NOTE: *Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite 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*.



Location Map



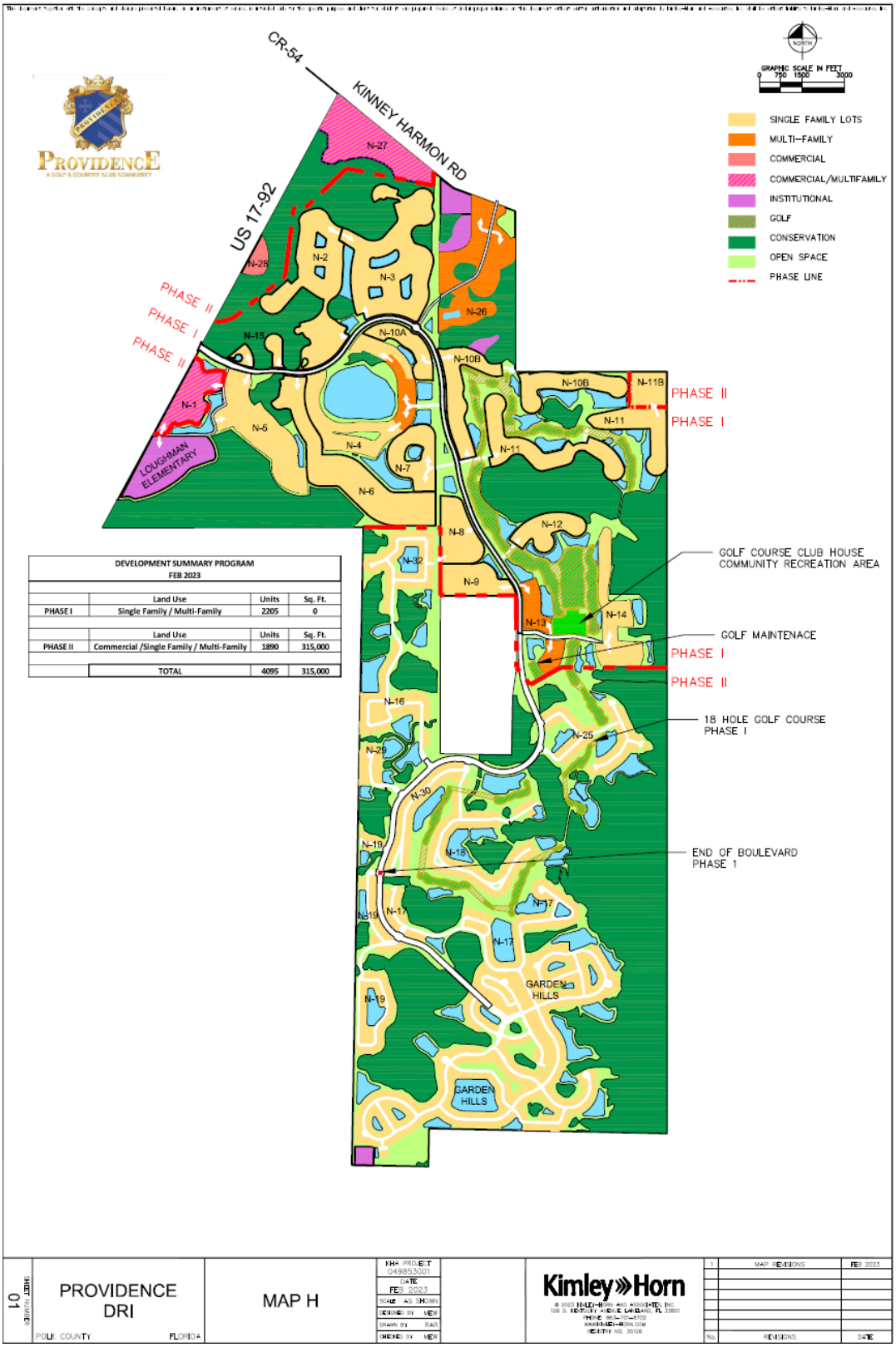
2020 Providence DRI AERIAL



DEVELOPMENT SUMMARY PROGRAM APRIL 2017 PHASE I			
Neighborhood #	Land Use	Units	Sq. Ft.
N-1	Neighborhood Shopping		100,000
N-2	Single-Family	159	
N-3	Single-Family	236	
N-4	Multi-Family Single Family	36 127	
N-5	Single-Family	86	
N-6	Single-Family	219	
N-7	Single-Family	66	
N-8	Single-Family	57	
N-9	Single-Family	76	
N-10A N-10B	Single-Family	48 123	
N-11	Single-Family	171	
N-12	Single-Family	68	
N-13 N-14	Multi-Family Single Family	101 97	
N15	Single-Family	8	
N26	Multi-Family	527	
PHASE I TOTAL		2205	100,000
Golf Holes		18	

PHASE II			
Neighborhood #	Land Use	Units	Sq. Ft.
N-1	Neighborhood Shopping		35,000
N-11B	Single-Family	35	
N-16	Single-Family	90	
N-17	Single-Family	124	
N-18	Single-Family	105	
N-19	Single-Family	57	
N-20	Single-Family	105	
N-21	Multi-Family	345	
N-22	Single-Family	122	
N-23	Multi-Family	184	
N-24	Multi-Family	152	
N-25	Single-Family	253	
N-27	Commercial		140,000
N-28	Commercial		40,000
N-29	Single-Family	30	
N-30	Single-Family	90	
N-31	Single-Family	30	
N-32	Single-Family	100	
N-33	Multi-Family	68	
PHASE II TOTAL		1890	215,000

EXISTING MAP H



DEVELOPMENT SUMMARY PROGRAM
FEB 2023

	Land Use	Units	Sq. Ft.
PHASE I	Single Family / Multi-Family	2205	0
	Land Use	**Units**	**Sq. Ft.**
PHASE II	Commercial /Single Family / Multi-Family	1890	315,000
	TOTAL	4095	315,000

SHEET NUMBER 01

PROVIDENCE DRI
POLK COUNTY FLORIDA

MAP H

HH PROJECT 049853001
DATE FEB 2023
SCALE AS SHOWN
DESIGNED BY MEH
DRAWN BY RAR
CHECKED BY MEH

Kimley»Horn

No.	REVISIONS	DATE
1	MAP REVISIONS	FEB 2023

PROPOSED MAP H

DEVELOPMENT SUMMARY PROGRAM APRIL 2017			
PHASE I			
Neighborhood #	**Land Use**	**Units**	**Sq. Ft.**
N-1	Neighborhood Shopping		100,000
N-2	Single-Family	159	
N-3	Single-Family	236	
N-4	Multi-Family Single Family	36 127	
N-5	Single-Family	86	
N-6	Single-Family	219	
N-7	Single-Family	66	
N-8	Single-Family	57	
N-9	Single-Family	76	
N-10A N-10B	Single-Family	48 123	
N-11	Single-Family	171	
N-12	Single-Family	68	
N-13 N-14	Multi-Family Single Family	101 97	
N15	Single-Family	8	
N26	Multi-Family	527	
PHASE I TOTAL		**2205**	**100,000**
Golf Holes		18	

PHASE II			
Neighborhood #	**Land Use**	**Units**	**Sq. Ft.**
N-1	Neighborhood Shopping		35,000
N-11B	Single-Family	35	
N-16	Single-Family	90	
N-17	Single-Family	124	
N-18	Single-Family	105	
N-19	Single-Family	57	
N-20	Single-Family	105	
N-21	Multi-Family	345	
N-22	Single-Family	122	
N-23	Multi-Family	184	
N-24	Multi-Family	152	
N-25	Single-Family	253	
N-27	Commercial		140,000
N-28	Commercial		40,000
N-29	Single-Family	30	
N-30	Single-Family	90	
N-31	Single-Family	30	
N-32	Single-Family	100	
N-33	Multi-Family	68	
PHASE II TOTAL		**1890**	**215,000**

EXISTING

DEVELOPMENT SUMMARY PROGRAM FEB 2023			
	Land Use	**Units**	**Sq. Ft.**
PHASE I	**Single Family / Multi-Family**	**2205**	**0**
	Land Use	**Units**	**Sq. Ft.**
PHASE II	**Commercial /Single Family / Multi-Family**	**1890**	**315,000**
	TOTAL	**4095**	**315,000**

PROPOSED

MAP H SUMMARY

~~SEVENTH~~ EIGHTH RESTATED AND AMENDED
DEVELOPMENT ORDER FOR PROVIDENCE
A DEVELOPMENT OF REGIONAL IMPACT
DRI 90-04
Resolution ~~17~~23-

A RESOLUTION ADOPTING AN ~~SEVENTH~~EIGHTH RESTATED AND AMENDED DEVELOPMENT ORDER FOR THE PROVIDENCE DEVELOPMENT OF REGIONAL IMPACT (DRI) PURSUANT TO THE REQUIREMENTS OF SECTION 380.06, FLORIDA STATUTES.

WHEREAS, the Board of County Commissioners of Polk County (the "Board") is the governing body of the unit of local government having jurisdiction over the issuance and conditions of issuance of a Development Order, pursuant to Section 380.06 Florida Statutes; and

WHEREAS, the Board adopted a Development Order with conditions of approval on October 16, 1990 for the Oak Hills Estates Development of Regional Impact which was recorded in Official records Book 2905, Page 2072, Public Records; and

WHEREAS, the Board received proposed changes to the Development Order from the Oak Hills Estates Partnership on May 25, 1994 and July 25, 1994. The Board held a public hearing pursuant to section 380.06 Florida Statutes on August 16, 1994, and determined that the proposed changes presented at the public hearing did not constitute a substantial deviation from the adopted Development Order and the proposed amendments to the development conditions were adopted; and

WHEREAS, on July 27, 1998, the Oak Hills Estates Partnership submitted an Application for Development Approval on a Substantial Deviation in accordance with Section 380.06 Florida Statutes to the Central Florida Regional Planning Council (CFRPC). The Substantial Deviation requested full approval of Phase II and III; a shift in the timing of commercial development between phases; rerouting the northernmost entrance on US 17-92 through Commercial Tract A to Kinny Harmon Road; the establishment of new build-out dates for the three project phases; and a new termination date; and

WHEREAS, on December 1, 1998 the CFRPC advised the Polk County Board of County Commissioners that the CFRPC had completed the review for informational sufficiency of the Oak Hills Estates Development of Regional Impact Substantial Deviation and found the application sufficient for review; and

WHEREAS, the Board, on April 6, 1999 in regular session, pursuant to Section 380.06, Florida Statutes, after having considered the report and recommendations of the CFRPC, the Polk County Planning Staff; and the documents and comments upon the record made before the Board, determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a First Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through April 6, 1999; and

WHEREAS, on October 18, 2002, the Oak Hills Estates Partnership submitted a Notice of Proposed Change to extend the build out dates for each phase of development by five years (the "2002 NOPC"); and

WHEREAS, on December 18, 2002 in regular session, pursuant to Section 380.06, Florida Statutes, after having considered the report and recommendations of the Polk County Planning staff; and the documents and comments upon the record made before the Board determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a Second Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through December, 2002; and

WHEREAS, a scrivener's error was made on page 5 by leaving the letter "K" and should be "A" by "Condition One" and on page 6 stating that the buildout date for Phase II was 20013 rather than 2013 in the December 18, 2002 Development Order; and

WHEREAS, on March 19, 2003, the Board of County Commissioners approved the correction on the Consent Agenda; and

WHEREAS, on February 4, 2003, the Oak Hills Estates Partnership submitted a Notice of Proposed Change (the "2003 NOPC"). The 2003 NOPC included a new proposed site plan which modified the sizes and shapes of the various development parcels, the locations of certain roadways, and the phasing. Furthermore, it provided for revised build-out dates as follows: Phase 1 – December 31, 2008, and Phase 2 – December 31, 2013. Finally, the NOPC provided for a complete rewrite of "Condition 3: Transportation" so that the transportation condition would be consistent with the Traffic Impact Study prepared and submitted with the 2003 NOPC.

WHEREAS, the Board held a public hearing pursuant to Section 380.06 Florida Statutes on May 7, 2003 and determined that the proposed changes presented at the public hearing do not constitute a substantial deviation from the adopted Development Order and the Board also determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a Third Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through May 7, 2003; and

WHEREAS, the Board, on May 7, 2003 conducted a duly noticed public hearing for the issuance of a Development Order and, during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both oral and written, from local, state and regional agencies and interested citizens concerned with the issuance of Development Order by Polk County for Oak Hills Estates.

WHEREAS, on July 28, 2003, Applied Building Development Company - Oakhills, Inc., a Florida corporation ("ABD"), purchased the real property which is the subject of the Development Order. By virtue of that transaction, ABD became the Declarant/Developer of the Oakhills Estates DRI hereunder and obtained all rights described in the Development Order; and

WHEREAS, on June 7, 2004, ABD submitted a Notice of Proposed Change (the "2004 NOPC"). The 2004 NOPC included a new proposed site plan which modified the sizes and shapes of the various development parcels and the locations of certain roadways and changed the name of the Oakhills Estates DRI to "Providence DRI."

WHEREAS, the Board held a public hearing pursuant to Section 380.06 Florida Statutes on September 21, 2004 and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through September 21, 2004.

WHEREAS, on November 14, 2013, ABD submitted a Notice of Proposed Change to the Development Order to extend the buildout dates for Phase I & II of the DRI.

WHEREAS, the Board held a duly noticed public hearing on March 4, 2014, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through March 4, 2014.

WHEREAS, on August 16, 2016, ABD submitted a Notice of Proposed Change to the Development Order to modify condition #2 (Pedestrian Connections) in Section 3A: Condition One and add a Pedestrian Connection Map.

WHEREAS, the Board held a duly noticed public hearing on February 21, 2017, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through February 21, 2017.

WHEREAS, on April 14, 2017, ABD submitted a Notice of Proposed Change to the Development Order to modify the Development Order and Map H Master Development Plan to move the 527 multi-family units of N-26, as well as a portion of the existing Providence Boulevard and golf course from Phase 2 into Phase 1, and modify Table 1 within Condition One (Map H) to reflect these changes.

WHEREAS, the Board held a duly noticed public hearing on May 16, 2017, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through May 16, 2017.

WHEREAS, on _____, ABD submitted a Notice of Proposed Change to the Development Order to modify the Development Order and Map H Master Development Plan to move the 135,000 sqare feet allocated N-1 from Phase 1 into Phase 2, to provide more detail to the Southern portion of the map, and to modify Table 1 within Condition One (Map H) to reflect these changes.

WHEREAS, the Board held a duly noticed public hearing on _____, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented

at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through _____.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING OF FACT

A. Oak Hills Estates Partnership, a Florida general partnership, hereinafter referred to as the "Developer") submitted an Application for Development Approval to the Central Florida Regional Planning Council (hereinafter referred to as CFRPC) and Polk County on the 7th day of December 1989 and additional information on the 22nd day of March, 1990, which application and additional information (hereinafter referred to as the "ADA", and incorporated herein by reference) were deemed sufficient for final review on June 12, 1990 by the CFRPC.

B. The ADA proposed a mixed-use development to be completed in three five-year phases, including hotel, residential, golf course, shopping center, elementary school, and conservation and open space, all of which will hereinafter be referred to as the "Project".

C. The real property which is the subject of this ADA is located within Polk County and contains approximately 2215 (+) acres as more particularly described in the ADA and the attached **Exhibit "A"** (hereinafter referred to as the "Property").

D. The Project is not located within an Area of Critical State Concern as defined in Section 380.05, Florida Statutes ("F.S.")

E. On September 5, 1990, the CFRPC conducted a duly noticed public hearing pursuant to Section 380.06 F.S., and on September 14, 1990, transmitted to Polk County its written recommendations concerning the issuance of a Development Order (hereinafter referred to as "CFRPC Report").

F. The CFRPC Report recommended final approval of Phase I and Conceptual Approval of Phases II and III of the Project.

G. The data and information in the ADA is sufficient to enable Polk County to consider and issue a Development Order.

H. The staff of Polk County reviewed the ADA and the recommendation of the CFRPC. The Staff concurred with ADA and the recommendation of the CFRPC. The staff concurred with the CFRPC Report regarding final development approval of Phase I and Conceptual Approval of Phases II and III.

I. On September 18, 1990, the Board of County Commissioners of Polk County convened a public hearing to consider the ADA, and comments from the public and the Oak Hills Estates Partnership.

J. The existing and planned public utilities to be made available to the Project in accordance with the information in the ADA are adequate to service the Project.

K. Oak Hills Estates Partnership proposed changes to the Board on May 25, 1994 which changes were amended on July 25, 1994.

L. The Board held a public hearing on August 16, 1994 pursuant to Section 380.06(19), Florida Statutes and determined that the proposed changes did not constitute a substantial deviation from the previously adopted Development Order.

M. The Board on August 16, 1994, approved revisions to the Master Site Plan, Map H:

N. On July 27, 1998, Oak Hills Estates Partnership submitted an Application for Development Approval for a Substantial Deviation. The Staff of Polk County reviewed the Application For Development Approval of a Substantial Deviation (found sufficient for review by the CFRPC) and the CFRPC staff report dated January 15, 1999 containing the recommendations of the CFRPC. The staff concurred with the CFRPC report regarding final development approval of Phases I, II and III.

O. The Board of County Commissioners approved the Application for Development Approval on April 6, 1999 and issued the First Restated and Amended Development Order pursuant thereto.

P. The Oak Hills Estates Partnership submitted a Notification of Proposed Change dated October 18, 2002 proposing changes to the Development Order (the "2002 NOPC").

Q. The Board held a public hearing on December 18, 2002 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record, determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into the Second Restated and Amended Development Order.

R. The Oak Hills Estates Partnership submitted a Notification of Proposed Change dated February 4, 2003 proposing changes to the Development Order (the "2003 NOPC"). The 2003 NOPC provided a new proposed site plan which modified the sizes and shapes of the various development parcels, the locations of certain roadways, and the phasing. Furthermore, it provided for revised build-out dates as follows: Phase 1 – December 31, 2008, and Phase 2 – December 31, 2013. Finally, the 2003 NOPC provided for some general changes and a complete rewrite of "Condition 3: Transportation" so that the transportation condition would be consistent with the Traffic Impact Study prepared and submitted with the 2003 NOPC.

S. The Board held a public hearing on May 7, 2003 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record, determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into the Third Amended Restated Development Order.

T. On July 28, 2003, Applied Building Development Company - Oakhills, Inc., a Florida corporation, purchased the real property which is the subject of the Development Order, and became the Declarant/Developer hereunder and obtained all rights described in the Development Order.

U. Applied Building Development Company - Oakhills Estates, Inc., a Florida corporation, hereinafter referred to as the "Developer" submitted a NOPC dated June 3, 2004 proposing changes to the Development Order (the "2004 NOPC"). The 2004 NOPC provided a new proposed site plan which modified the sizes and shapes of the various development parcels and the locations of certain roadways and also changed the name of the Oakhills Estates DRI to "Providence DRI."

V. The Board held a public hearing on September 21, 2004 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record, determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into this Fourth Restated Amended Development Order.

W. On November 14, 2013, ABD submitted a Notice of Proposed Change to the Development Order to extend the buildout dates for Phase I & II of the DRI. The request included a recognition of the four year extension granted by SB 360 & SB 1762 in 2009, the four year extension granted by the Legislature in 2011, and States of Emergency declared by the governor in 2011, and two additional years requested by the developer.

X. The Board held a duly noticed public hearing on March 4, 2014, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through March 4, 2014.

Y. On August 16, 2016, ABD submitted a Notice of Proposed Change to the Development Order to modify condition #2 (Pedestrian Connections) in Section 3A: Condition One and add a Pedestrian Connection Map.

Z. The Board held a duly noticed public hearing on February 21, 2017, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order for Providence cumulatively incorporating all changes to the Development Order through February 21, 2017.

AA. On April 14, 2017, ABD submitted a Notice of Proposed Change to the Development Order to modify the Development Order and Map H Master Development Plan to move the 527 multi-family units of N-26, as well as a portion of the existing Providence Boulevard and golf course from Phase 2 into Phase 1, and modify Table 1 within Condition One (Map H) to reflect these changes.

BB. The Board held a duly noticed public hearing on May 16, 2017, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through May 16, 2017.

CC. On_____, ABD submitted a Notice of Proposed Change to the Development Order to modify the Development Order and Map H Master Development Plan to move the 135,000 sqare feet allocated N-1 from Phase 1 into Phase 2, to provide more detail to the Southern portion of the map, and to modify Table 1 within Condition One (Map H) to reflect these changes.

DD. The Board held a duly noticed public hearing on _____, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through_____.

SECTION 2. CONCLUSIONS OF LAW

A. Polk County's review of the Project and the issuance of this Fourth Restated and Amended Development Order have been conducted pursuant to, and comply with, the provisions of Chapter 380, F.S.

B. The ADA and the subsequent Application for Development Approval of a Substantial Deviation, and the subsequent NOPCs, comply with the requirements of Section 380.06, F.S., and Section 9J-2, Florida Administrative Code.

C. The development activities of Phase I, and II shall be subject to the terms and conditions of this Restated and Amended Development Order and shall not be subject to future development of regional impact review, pursuant to Section 380.06 , F.S. (As amended), unless a proposed change or failure of condition constitutes a substantial deviation, pursuant to Section 380.06, F.S., (as amended), or the provisions of this Development Order. The DRI boundary shall remain as described in the ADA and in **Exhibit "A"** attached hereto.

D. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the Developer, and subsequent property owners affected by this Order and their successors, assigns and grantees.

E. The Polk County, Florida, Director of Community Services Director, or his designee, shall be the local government official responsible for assuring compliance with this Development Order.

F. This Development Order constitutes acceptance of the proposed uses, size, type and intensity of the Project. Development shall occur strictly in accordance with this Development Order and all other applicable regulations.

G. Unless otherwise provided herein, governing regulations, rules, ordinances, fee schedules, maps, permits and jurisdictional determinations regarding design, improvements, exactions, construction standards and specifications, applicable to development of the Project, shall be those rules, regulations, and official policies enforced at the time of adoption of this Development Order.

H. The conditions contained in SECTION 3 hereof constitute reasonable mitigative techniques that address the reasonably anticipated impacts on the Project.

I. The Project conforms to and is consistent with the duly adopted Polk County Comprehensive Plan, and local land development regulations.

J. The Project conforms to and is consistent with the applicable provisions of the adopted Regional Comprehensive Policy Plan and the State of Florida Land Development Plan.

K. This Development Order is consistent with all the CFRPC reports issued from time to time regarding the ADA and the July 27, 1998 Application for Development Approval of a Substantial Deviation and the Notices of Proposed Changes filed in 2002, 2003, 2004, 2013, 2016 and 2017. In the event of any inconsistencies between any previously recorded development orders and this Restated and Amended Development Order, the terms of this document shall prevail.

SECTION 3. CONDITIONS OF APPROVAL

In accordance with Chapter 380.06, Florida Statutes, the Providence Development of Regional Impact is hereby approved subject to the following conditions.

A. CONDITION ONE: Scope of Approval

1. **Map H -** The Master Development Plan (Map H) for Providence, attached as **Exhibit "B"**, illustrates the project and incorporates all changes described in the Notice of Proposed Changes through ~~May 16, 2017~~ _____, 2023 including the modification of the locations and configurations and sizes of roads, tracts, development "pods", golf course, clubhouse, and other improvements. Map H shall be provided in the Annual Report along with final square footage, acreage and unit totals for each neighborhood as they develop; the square footage, acreage and unit totals for each neighborhood may increase or decrease based on final engineering, so long as the final totals in Phase I and Phase II do not increase. The Project shall be developed in accordance with Map H attached hereto as **Exhibit "B"** and in accordance with the following phasing schedule (Table 1):

Table 1

LAND USE	PHASE I[1]	PHASE~~S~~ II[1]	TOTAL DEVELOPMENT
Single Family/Multi-Family[2]	~~1,541~~2,205 Dwelling Units	~~716~~ 1,890 Dwelling Units	~~2,257~~4,095 Dwelling Units

Table 1			
LAND USE	PHASE I[1]	PHASES II[1]	TOTAL DEVELOPMENT
~~Multi-Family[2]~~	~~664 Dwelling Units~~	~~1,570 Dwellings Units~~	~~2,234 Dwelling Units~~
Commercial[3]	~~135,0000~~ Square Feet	~~180,000~~315,000 Square Feet	315,000 Square Feet
Golf Course w/club house	18 holes		18 holes
Elementary School	24.5 acres (Existing)		24.5 acres (Existing)

[1] Other Miscellaneous uses as listed on Map H such as lakes, major ROW, conservation, utility, and lakes
[2] Multi-family includes townhouses and apartments
[3] Commercial includes only commercial and retail uses as permitted in the Community Activity Center (CAC) Future Land Use designation.

2. **Pedestrian Connections** – Paved (asphalt or concrete) pedestrian interconnectivity access shall be provided between tracts N-1, N-5 and the Loughman Elementary School, as indicated on the Pedestrian Network Map (attached as Exhibit E).

3. **Consistency -** The ADA, the July 27, 1998 Application for Development Approval of a Substantial Deviation, the Sufficiency Response, the Notices of Proposed Changes described above, and all other documentation provided by the Applicant are adopted by reference as part of this Development Order. The Project shall be developed in accordance with the 2004 NOPC, the conditions of this Development Order, and the Polk County Comprehensive Plan and the Land Development Code.

4. **Phasing Dates -** The buildout dates for the two phase areas as shown on Revised Map H are as follows:

Phase I ~~November 21, 2019~~May~~September~~ 20~~0~~, 2020~~0~~4

Phase II ~~November 21, 2024~~~~September~~May 2~~1~~, 2025~~9~~

5. **Short Term Rental -** The applicant may be permitted to have Short Term Rental units through the approval of a Planned Development and according to the following conditions:

a. The construction plans (Level 2 Review) and the plat (Level 5 Review) for any subdivision shall contain a conspicuous note that short-term rentals are allowed within the subdivision. No subdivision shall be a mix of short term rental units and permanent residents.

b. The deed restrictions for the subdivision or instruments similar in function to deed restrictions shall indicate that short-term rentals are allowed within the subdivision and shall set forth the definition of "short-term rental".

c. A document to be entitled "Notice of Short-Term Rentals," as set forth, shall be recorded in the public records, separate from the deed restrictions or instruments similar in function for the subdivision. A copy of the recorded Notice shall be provided to the Polk County Development Services Division within ten days of

approval of the subdivision plat by the Board of County Commissioners or prior to the sale of any lots within the subdivision, whichever occurs first. In addition, the Notice shall be posted in a conspicuous place in the sales office for the subdivision, if any, and be included in all sales literature for the subdivision.

d. The applicant shall provide written notice to any prospective purchaser that short-term rentals are allowed within the subdivision.

e. The applicant shall ensure that the management company operating within a subdivision shall provide a 24 hour phone number to the Development Services Division.

6. **Matrix -** The Developer may increase or decrease the amount of a particular land use approved herein by using the conversion table as described in Exhibit D attached hereto and by this reference made a part hereof, which is based upon net external p.m. peak hour, peak directional Project traffic (Conversion Matrix). Use of the Conversion Matrix may increase or decrease the total amount of each land use by no more than the amount allowed for in the substantial deviation criteria identified in Chapter 380.06(19)(b) 1-14, F.S., unless the Consolidated Amended Development Order is amended to accommodate such a change. Greater changes than those discussed above, considered cumulatively, shall be subject to normal development order amendment processes. Any time the conversion table is to be used, the Florida Department of Community Affairs (FDCA), CFRPC, and Polk County must be provided notice of the proposal at least 30 days in advance of the change. Use of the conversion table will be reported on an individual and cumulative basis and Property impacts documented in the annual report. Any future Notifications of Proposed Change (NOPC) shall incorporate any changes due to the use of the Conversion Matrix.

B. CONDITION TWO: Environment and Natural Resource

1. **Surface Water and Wetland Mitigation -** The surface water management system and wetland mitigation, as proposed in the ADA, shall be constructed in accordance with the applicable Water Management District Policies and Guidelines in effect at the time the Development Order is adopted. Under no circumstances shall post-development peak run-off rate exceed pre-development peak run-off rate. The permitted and constructed surface water management systems shall operated and maintained in accordance with permit conditions.

2. **Xeriscape -** Xeriscape landscaping and water conservation landscaping techniques shall be used on the project site. Exotic species, such as Brazilian Pepper, shall be eliminated if found on-site.

3. **Potable Water Conservation -** For the purpose of potable water conservation, the DRI shall utilize low volume plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices.

4. **Final Storm Water Management System -** Prior to the final design of the storm water management system a detailed analysis of the off-site drainage area shall be conducted to assure adequate flow capacity through the project site to Reedy Creek for pre-development flows.

5. **Upland Buffers -** Buffer areas of native upland vegetation with a minimum width of 25 feet shall be retained around all wetlands. Upland buffers between on-site wetlands, marshes, rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

6. **NW Corner Forested Wetland -** The large forested wetland in northwest corner of the property shall be retained in its current configuration, with appropriate upland buffers as depicted on Map H. The isolated wetlands in the area of commercial B parcel, of the July 13, 1990 version of the Master Plan, shall be reincorporated into the development plan.

7. **Unavoidable Losses of Wetlands -** Unavoidable losses of wetlands must be mitigated through creation of wetlands or restoration of wetlands within the same watershed and in accordance with adopted rules and policies of the County and the Districts. Wetlands to be created shall be located conterminously with one or more major habitat area to be preserved so as to provide a continuity or expansion of natural areas. Where possible, wetland creation should take advantage of areas of the site that may have been historic wetlands. These areas are likely to contain suitable soils and elevations, thus less contouring and planting of species would be needed and the potential for success would be increased. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetlands mitigation.

8. **Pervious Surface Pavement -** Where feasible pervious-surface pavement for parking areas shall be utilized to facilitate ground-water recharge and to reduce surface-water runoff.

9. **Utilities -** The Property shall be connected to the potable water and wastewater services provided by Polk County Utilities, which currently has in place a capital improvements plan which includes the Property. If potable water wells are to be located on site, the location and use shall be consistent with the Polk County Comprehensive Plan and the Land Development Code. The applicant shall develop a water conservation plan which shall, at a minimum, employ water conservation measures including but not limited to irrigation, re-use water, potable water issues, landscaping materials, and water conservation devices, and shall send notices or advertisements to residents, renters, hotel guests, persons employed within the Property. This plan shall be submitted with the first Level 2 Review and shall include the review of the Polk County Utilities Division and Polk County's Water Resources Coordinator, and the Central Florida Regional Planning Council.

The Property shall be connected to Polk County's re-use water system for irrigation, and such re-use water shall be utilized for irrigation, if available in sufficient quantity to meet the demand of the Property and at the times required by development on the Property. If Polk County's re-use system is not available, the Applicant shall install a dry-line system for future connection when available. Notwithstanding the above, irrigation wells may be utilized as a back up system to meet the irrigation needs of the Property if the re-use water from Polk County's re-use water system is not available in sufficient quantities to meet the needs of the development on the Property. Owners of individual tracts within the Property may install irrigation wells within said tract to meet the needs of said tract(s) as a back up system to meet the irrigation needs.

10. **Master Drainage System -** The design of the master drainage system shall maintain the existing natural hydroperiod of any wetlands which are incorporated into the overall drainage system. The applicant shall provide accurate documentation of the natural hydroperiod of the subject wetlands to the CFRPC for review and comment to the Water Management District. All construction permit applications to the Water Management District shall be copied to the CFRPC.

11. **Discharge Into On-site Wetlands -** Any drainage outfalls from on site retention/detention ponds which discharge into on-site wetlands shall be discharged directly into a marsh system created adjacent to existing wetlands. This created marsh area may be located within the buffer adjacent to on-site wetlands. The buffer area may be altered to accommodate the marsh creation area however, such alteration shall not exceed 25% of the linear distance of the buffer. Storm water flows through the marsh system shall be regulated in a manner to maximize water quality improvement.

12. **Compatibility with Reedy Creek -** Detailed design of the project shall be compatible with the valuable wildlife corridor and habitat that the Reedy Creek system provides. Road impacts and development, in the vicinity of this system, shall minimize wetland destruction. Upland buffers shall be in proportion to the sensitive qualities of this major regional wildlife corridor.

13. **Conceptual Permit Application -** At the time of Conceptual Permit Application, the Applicant shall provide a detailed wetland delineation of Phase I wetlands, including identification of those to be impacted by the proposed project, for field staking and verification by District staff. The application shall also include a detailed mitigation and monitoring plan which is consistent with the final wetland delineations and District criteria.

14. **Golf Course Development -** Prior to development of any golf course, the Applicant shall develop an integrated Chemical Management Plan (CMP) as a component of the golf course design process. The CMP shall be submitted to the Water Management District, CFRPC, Polk County and Florida Fish and Wildlife Conservation Commission for review. Following review, the CMP shall be subject to approval by the SFWMD and CFRPC and Polk County. The CMP shall appropriately address the utilization of fertilizers, fungicides, herbicides, pesticides, insecticides, etc., including: application, storage and handling, cleaning procedures, quality control and assurance procedures, and golf course management methods and procedures. In addition, annual monitoring of the adjacent wetland areas specifically related to bottom sediment sampling to determine any potential buildup of such chemicals shall be performed. The protocol for the monitoring program shall be a part of the CMP.

15. **Sandhill Crane Nests -** Any sandhill crane nests shall be protected by a buffer with a 300 foot radius between it and any landscaping or buildings. The existing nest shall be checked at least once a week during the nesting season (January through April)., and if evidence of nesting is found, the buffer area will immediately be marked to warn people to remain out of the buffer zone until the nest area has been abandoned for that season. The checking of the nests shall be summarized in the Annual Report.

16. **Turkey Oak Scrub -** A minimum of 55 contiguous acres of turkey oak scrub shall be set aside as an upland wildlife preserve for scrub jays and gopher tortoises and their commensals. The configuration of this preserve is outlined on the July 13, 1990, Conceptual Environmental Management Plan and is designed to accommodate the reported locations of all

of the scrub jays on the site. The acreage to be considered in this upland preserve will not include any jurisdictional wetlands, nor will it include the "Wildlife Corridor" consisting of the golf course, out parcels, or wetlands east of the out parcel.

17. **Gopher Tortoises and Commensals -** Gopher tortoises and commensals from the pasture adjacent to the scrub will be relocated in a manner approved by the Florida Fish and Wildlife Conservation Commission or pursue any other approach available as permitted by state statute and/or federal law.

18. **Oak Hills Estates Wildlife Management Plan -** The applicant shall implement the Oak Hills Estates Wildlife Management Plan, dated October 1990 for the upland preserve in order to improve and maintain its value for the scrub jays and gopher tortoises. The Management Plan, as approved by Florida Fish and Wildlife Conservation Commission (or the Florida Game and Fresh Water Fish Commission at the time of the approval) and CFRPC, is attached hereto as **Exhibit "C"**, and by reference made a part hereof.

C. CONDITION THREE: TRANSPORTATION

1. **Phasing -** For the purpose of the transportation recommendations, the Project shall be divided into the following phases (p.m. peak hour trips):

Phase	Per Phase	Cumulative
I	1945 per PM peak hour trips	1945
II	2355 per PM peak hour trips	4300

No development can occur which would generate more than 1,945 total p.m. peak hour trips, or 1,010 peak hour trips into the site, or 935 peak hour trips out of the site, without additional monitoring and modeling study as described hereunder.

2. **Annual Monitoring for Phase I -** An annual traffic monitoring program will be prepared and performed in accordance with a methodology to be developed in conjunction with the Region, FDOT, Polk County TPO. The annual traffic monitoring program shall be submitted as part of the annual report and be continued until the buildout of the Oak Hills Estates DRI.

a. The following intersections in Table 2, for Phase I, shall be evaluated as a part of the annual monitoring report to ensure level of service standards are maintained. No other intersections or interchanges or roadway links will be evaluated for Phase I.

Table 2
OAK HILL ESTATES
Recommended Phase I Intersections Improvements

Intersection	Improvements
US 17-92 and CR 54	Signalize when warranted Auxiliary lanes: NB Lt NB Rt SB Lt EB Rt WB Lt WB Rt

Table 2 OAK HILL ESTATES Recommended Phase I Intersections Improvements	
CR 547 and CR 54	Signalize when warranted Auxiliary lanes: NB Rt EB Lt/WB Lt
CR 545 and CR 54	Signalize when warranted Auxiliary lanes: SB Lt EB Lt/WB Rt
I-4 and CR 532	Signalize when warranted

b. The annual traffic monitoring program shall be used to assist in determining the proper scheduling of signalization and improvements at the intersections listed above. If signalization or improvements are warranted to maintain acceptable levels of service, then no further Level 2 or Level 5 approvals for residential or non-residential development shall be issued until:

i. Improvements to the intersection have been programmed within the first three years of the Capital Improvement Plan of the jurisdiction having authority of the roadway or within the first three years of FDOT's Five-Year Work Program for non-FIHS facilities or within the first five years of the FDOT Five-Year Work Program for FIHS facilities; or

ii. Supplemental intersection or arterial/corridor level of service analyses can reasonably demonstrate that the intersection facility will operate at an acceptable LOS to the satisfaction of the jurisdiction having authority of the roadway; or

iii. Subject to a Development Agreement, the Developer may seek and obtain the implementation of alternative improvements or mechanisms, which shall maintain the adopted LOS at the intersection(s).

c. The Annual Monitoring for Phase I shall monitor the traffic impacts as listed in the Table 2 above. The applicant shall schedule an annual traffic monitoring methodology meeting, as determined necessary by Polk County, prior to November 1, each year. This meeting shall include Polk County Planning, Polk Transportation Planning Organization, Florida Department of Transportation, and the Central Florida Regional Planning Council for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

4. **Annual Monitoring for Phase II -** The Annual Monitoring for Phase II shall include traffic impacts of the project on the roadway links determined to be significantly impacted per the Traffic Monitoring and Modeling Study as required prior to Phase II. In addition, the Annual Monitoring for Phase II shall forecast traffic for the year following the report year. The applicant shall schedule an annual traffic monitoring methodology meeting, as determined necessary by Polk County, prior to November 1 each year. The annual traffic

monitoring meeting shall be attended by the Polk County Planning Division, Polk County Transportation Planning Organization (TPO), the Florida Department of Transportation (FDOT) Districts I and V, Central Florida Regional Planing Council (CFRPC), East Central Florida Regional Planning Council (ECFRPC), and Oceola County Planning Department for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

5. **Timing of Improvements -** If the issue(s) pertaining to the adversely impacted intersection(s) are not addressed through supplemental analysis, referred to above, or an alternative concurrency management strategy to the satisfaction of Polk County and the agency having jurisdiction of the facility, then the Developer shall have one year from acceptance of the Annual Report by the Polk County Board of Commissioners to either (i) construct the appropriate improvements, or (ii) enter into a Development Agreement with the Polk County Board of Commissioners per Chapter 163, F.S., that describes the improvement(s), the timing of the improvement(s), and the responsible funding party(s).

6. **Fair Share** - The Developer's fair share of required improvements to intersections shall be based on current traffic monitoring data. The apportionment of fair share costs shall be based upon the approved proportionate share methodology described hereinafter in this Restated Amended Development Order.

7. **Traffic Monitoring and Modeling for Phase II**

a. In addition to annual traffic monitoring, a Traffic Monitoring and Modeling Study shall be initiated not later than the development of 75% of Phase I as described above and shall be completed, and submitted as a NOPC, prior to the initiation of development of Phase 2. The Traffic Monitoring and Modeling Study shall commence with a Traffic Monitoring and Modeling Methodology Meeting. The Traffic Monitoring and Modeling Study shall ascertain the level of service on facilities where the Project is estimated to contribute a significant volume of traffic greater than or equal to 5% of the roadway adopted LOS service volume. The Polk County Planning Division, Polk County TPO, Florida Department of Transportation (FDOT) Districts I and V, Central Florida Regional Planning Council (CFRPC), East Central Florida Regional Planning Council (ECFRPC), Osceola County Planning Department, Florida Department of Community Affairs (DCA), and the Developer shall agree upon the methodology for the Traffic Monitoring and Modeling Study. The scope of each monitoring and modeling effort is expected to be similar to that required for an Application for Development Approval. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

b. As part of the Traffic Monitoring and Modeling Study, the Project's external trip generation shall be counted to determine if observed Project trips are consistent with Institute of Transportation Engineers (ITE) trip rates. If the observed trip rates are not found to be reasonably consistent with ITE trip rates, then adjustments to the trip rates used in the Traffic Monitoring and Modeling Study may be made, as agreed upon by the Developer and the reviewing agencies. At a minimum, the following intersections shall be evaluated as part of the monitoring report:

Signalized Intersections:
US 17/92 & CR 547
US 17/92 & Poinciana Boulevard
US 192 & CR 545
US 192 & Poinciana Boulevard
US 27 & CR 54

Unsignalized Intersections
US 17/92 & CR 532
US 17/92 & CR 54
CR 547 & CR 54
CR 545 & CR 54
I-4 EB Off Ramp & CR 532
I-4 WB Off Ramp & CR 542

At a minimum, the following roadways shall be evaluated as part of the monitoring report:

CR 54, US 27 to S 17/92
CR 532, I-4 to US 17/92 CR 54
CR 545, US 192 to I-4 and CR 532 to CR 54
Poinciana Boulevard, US 192 to US 17/92
US 17/92, Poinciana Boulevard to CR 54
US 17/92, Project Entrance to Hinson Avenue

c. The property shall not contribute 5% or more of the adopted LOS service volume of the roadway or intersection as determined by traffic monitoring in the preceding condition when service levels are below the adopted minimum LOS standard in the local government's jurisdiction during the PM peak hour, unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase (or subphase) in which the impacts occur, or if an alternate mechanism is implemented. For purposes of this Amended and Restated Development Order, adequate "secured and committed" mitigation measures shall include one or more of the following:

i. A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element), and/or a roadway improvement scheduled for construction within the first three (3) years of the Florida Department of Transportation's Five-Year Work Program for non-FIHS facilities or within the first five (5) years of the Five-Year Work Program for FIHS facilities; or

ii. A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition, and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow amount or other security in a form acceptable to the agency of jurisdiction) within the next three (3) years and incorporated by reference into this Development Order; or

iii. Any other mitigation option specifically provided for in this Amended Restated Development Order; or

iv. Subject to a Development Agreement, the Developer may seek and obtain the implementation of alternate improvements or mechanisms, which shall either maintain the adopted LOS at any impacted link, intersection, or interchange junction or implement a reduced LOS standard and/or achieve the adopted LOS standard over an established period of time; or

v. Any other mitigation option permitted by law, including a local government development agreement consistent with Florida Statutes and Polk County's Comprehensive Plan and Land Development Code which ameliorates the projected impact and is incorporated into this Development Order by amendment; or

vi. Detailed operational analyses of intersection and arterial/corridor level of service can be performed to the satisfaction of the agency with jurisdiction of the impacted facilities that reasonably demonstrates that projected traffic conditions will meet the adopted LOS; or

vii. The Developer shall provide adequate documentation to Polk County to demonstrate that one or more of the above mitigation measures have been met. Polk County may consult with other agencies, but the final decision as to what constitutes adequate documentation shall rest with Polk County. Notwithstanding the foregoing provisions of this section of the Restated Amended Development Order, if the Developer can demonstrate that a portion of a phase or subphase does not adversely affect the regional roadway network as determined by the Traffic Monitoring and Modeling Study, then the Developer may proceed with that portion of the phase (and only that portion).

d. In the event that roadway widening is identified which is not compatible with adopted policy of the FHWA, FDOT District I or District V, or local government, then the Developer, Polk County, the CFRPC, and the party having jurisdictional or maintenance responsibility for the subject facility shall jointly determine alternate mitigation solutions.

e. The Developer's fair share of required improvements to links, intersections, or interchanges shall be based on current traffic monitoring data. The apportionment of fair share costs shall be based upon the approved proportionate share methodology described below.

f. This Restated Amended Development Order shall be amended based upon the results of the Traffic Monitoring and Modeling Study and consistent with Section 380.06 Florida Statutes.

8. **Proportionate Share -** If the Traffic Monitoring and Modeling Study results indicate that improvements must be made, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to FAC 9J-2.045(7), then the Developer, Polk County, Osceola County, and/or FDOT Districts I and/or V shall enter into an agreement within

six (6) months of the determination that improvements are needed, which time frame can be extended based upon an agreement of the parties. Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. The application of fees shall be on a fair-share basis with respect to the improvements to be provided and not solely on the basis of impact fees. In the event Osceola County and/or FDOT District I and/or V fails to execute said agreement(s) within the specified time, then the Developer may proceed with the development based upon the Traffic Monitoring and Modeling schedule and all other conditions specified herein as it affects the non-participating party and the payment of proportionate share. In the event that an agreement is not executed between the applicant, Osceola County, and/or FDOT District I and/or V, the proportionate share, to the referenced parties, shall be paid within one year of the improvement being identified

Separate agreements may be entered into with one or more parties and the Developer. The said agreement between the Developer, Polk County, Osceola County, and/or FDOT Districts I and/or V shall ensure the following:

a. proportionate share payment is made by the Developer within a time frame specified in the agreement to the appropriate entity(ies) to mitigate project impacts;

b. said proportionate share payment shall be used by the appropriate entity(ies) only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the roadway segments, intersections, or interchange junctions for which the payment is made; and

c. said proportionate share payment by the Developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the Project through the phase for which the fair share was calculated, as required by Section 380.15(e)(2), F.S. All such proportionate fair share agreements shall be included in this Development Order by amendment pursuant to Section 380.06(19), F.S. The formula to be used to determine proportionate fair share contribution is as follows:

*Proportionate Share = (Improvement Cost) * (DRI Trips) / (SV Increase) where: DRI trips = the cumulative number of external trips from the development expected to reach the roadway during the PM peak hour from the phase under development. SV Increase = service volume increase, or the change in PM peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired level of service. Improvement Cost = the cost (at time of Developer payment) of constructing an improvement necessary to maintain the desired level of service, including all improvement associated costs (engineering, right-of-way acquisition, planning, inspection, and other associated physical development costs directly required and associated with the construction of the improvements) as determined by the governmental agency having maintenance obligations over the roadway.*

9. **Dispute Resolution** - If the parties cannot reach agreement regarding the proceeding condition, or if so desired by the parties at any time prior to that, then the issues in dispute shall be submitted to the CFRPC for voluntary mediation pursuant to the adopted dispute resolution process. The solutions recommended as a result of this process shall be implemented and this Development Order amended pursuant to Section 380.06(19), F.S., to include these

solutions. These solutions must also be acceptable to Polk County in its sole discretion (reasonably exercised) and these solutions shall not include any requirements that Polk County or Osceola County participate in or contribute to the funding of improvements to any state roads, unless the subject county agrees otherwise.

10. **Government Responsibility** - Notwithstanding any provision contained herein to the contrary, except as specifically agreed in writing, Polk County and Osceola County shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting, and/or construction of improvements to state roads. The monitoring and modeling shall be used to verify the impacts from previous phases and to more accurately estimate probable impacts in later phases. If necessary, the proportionate share amount will be adjusted to reflect the estimates for later phases. If it is verified that the improvements mentioned above are still needed, then the Project shall not proceed into later phases until the proportionate share payment is made or said improvements are scheduled for construction in the applicable entity's work program within the first three years when impacts are estimated to be significant and adverse, or within the first five years for FIHS facilities.

11. **Alternative Concurrency Management Strategy** - At any time during the Project, the Developer, Polk County, the Florida Department of Community Affairs, and the Florida Department of Transportation may proceed with developing an alternative concurrency management strategy that may be approved by either Polk County or FDOT District I. The alternative concurrency management strategy shall include specific objectives and timelines of completing its objectives.

D. CONDITION FOUR: IMPACT FEES

As a minium, the developer shall pay impact fees consistent with the impact-fee ordinance of Polk County.

E. CONDITION FIVE: ANNUAL REPORT

The Developer shall submit an Annual Report utilizing as a guide, the form provided by CFRPC. The Annual Report shall be submitted on or before the 15th of March of each year to Polk County, Osceola County, the CFRPC, CFRPC, the State Land Planning Agency and all affected permit agencies, including the Florida Department of Transportation, FDER, SWFWMD, SFWMD. The form may be modified by the CFRPC at its discretion.

F. CONDITION SIX: TERMINATION DATE/DOWNZONING

1. This Development Order shall terminate on ~~November~~ May 2~~1~~, 2024~~9~~.
2. Polk County shall not downzone/reduce the intensity of the property until this Development Order terminates.

G. CONDITION SEVEN: RECORDING NOTICE OF ADOPTION

Notice of the adoption of this Development Order shall be recorded by the developer in accordance with the provisions of Section 380.06(15) (f) F.S. and the Development Order shall be recorded in accordance with Section 113 of the Polk County's Land Development Code within ten (10) days after its adoption.

H. CONDITION EIGHT: SUBSTANTIAL DEVIATION

Failure to comply with "Conditions One through Seven" shall be determined to be a substantial deviation and thus initiate the DRI review process and potential shutdown of all development activities. Any proposed change to the Project or to this Development Order which, upon review by Polk County and the CFRPC, is determined to create a reasonable likelihood of additional regional impact, or any type of regional impact created by a proposed change not previously reviewed by Polk County and CFRPC shall constitute a Substantial Deviation and shall cause the development to be subject to further Development of Regional Impact review.

SECTION 4. LOCAL MONITORING

Polk County shall be responsible for monitoring development and enforcing the provisions of this Development Order.

SECTION 5. EFFECTIVE DATE

This resolution shall take effect immediately upon its passage.

Park Place Blvd. Apartments
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses

The site is currently NACX and CACX both allow multi-family development and a variety of commercial development. The proposed DRI change clarifies the Map H to align with the FLU and allow improvements consistent with the designation

2. Provide a site plan showing each type of existing and proposed land use

The attached Map H indicates proposed and existing development uses.

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses

The proposed change will resolve the incompatibilities of Map H and the FLU. Both will align and allow for similar development.

4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped

We are proposing to align the Map H with the FLU, this will not have an impact on future development.

5. Describe each of the uses proposed in a Planned Development and identify the following:

a. The density and types of residential dwelling units

No PD is proposed

b. The type of commercial and industrial uses

Retail type of commercial uses

c. The approximate customer service area for commercial uses

Five mile radius or more.

d. The total area proposed for each type of use, including open space and recreation

NO significant change in area, just aligning plans.

B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations

No increase in traffic proposed with this change to provide a tabulation.

2. Indicate what modifications to the present transportation system will be required as a result of the proposed development

No modifications needed, adding multi-family uses to the Map H that aligns with the FLU.

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development

The designs will be completed under a separate Level 2 application.

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads)

Site access will occur along US 17-92, Providence Boulevard and Kinny Harmon Road.

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes

Sidewalks proposed for pedestrians and bicycle use.

C. Sewage

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development

No increase proposed with utility generation estimates.

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed

This is not applicable as sewerage will be serviced by Polk County Public Utilities and treated by their public utility.

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems

On-site treatment is not applicable. The project will be serviced by Polk county Utilities. The system will be designed to Polk County Utilities Standards.

4. Identify the service provider

Polk County Utilities will be the sanitary sewer provider.

5. Indicate the current provider's capacity and anticipated date of connection

Polk County Utilities has sufficient capacity to service this project, which will be validated through the FDEP utility permitting process. Connection to Sanitary is expected in 2024.

D. Water Supply

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment

Polk County Utilities has water availability in the form of an 8" to 12" water mains along US 17-92, treatment is necessary beyond public supplied treatment.

2. Identify the service provider

The service provider will be Polk County Utilities.

3. Calculate the estimated volume of consumption in gallons per day (GPD)

No change in consumption with the proposed NOPC

4. Indicate the current provider's capacity and anticipated date of connection

Polk County Utilities has sufficient capacity to service this project, which will be validated through the FDEP utility permitting process. Connection to water is expected in 2024.

E. Surface Water Management and Drainage

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality

The project will conform with to the Southwest Florida Water Management District (SWFWMD) water quality requirements and as such will have minimal effect on water quality.

2. Describe the alteration to the site's natural drainage features, including wetland, that would be necessary to develop the project

Alteration of the site's drainage features will be minimal and proposed drainage areas will outfall to offsite in a similar fashion and at locations per the existing conditions. There are no wetlands or wetland buffers within the project area.

3. Describe the impact of such alterations on the fish and wildlife resources of the site

The site of the proposed development has historically been utilized for agriculture and industry. The proposed change to residential high development is not expected to have a negative impact on wildlife resources.

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site

Groundwater recharge will occur in green spaces and in stormwater management features. Changes may be locally less distributed and more concentrated due to increases in impervious areas, but such recharge requirements will be consistent with SWFWMD requirements and regulations.

F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses

No proposed change with population based on the NOPC.

2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift

Not Applicable.

3. Indicate the expected demographic composition of the additional population (age/socio-economic factors)

Based on Polk County's demographics and the most recent U.S. Census data for Polk County, the following demographic composition may be expected:

- Persons Under 5 Years (5.7%) x 933 Expected Residents = 53± Residents
- Persons Under 18 Years (22.0%) x 933 Expected Residents = 205± Residents
- Persons 18 Years to 65 Years (51.9%) x 933 Expected Residents = 484± Residents
- Persons 65 Years and Over (20.4%) x 933 Expected Residents = 190± Residents

4. Describe the proposed service area and the current population thereof

The proposed development's service area includes central Polk County and neighboring municipalities, including Haines City. Polk County's estimated 2021 population per the U.S. Census Bureau is 753,520.

G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs.

The proposed development could provide additional housing options and retail options in a growing and developing area of Polk County.

2. Discuss the demand on the provision for the following services:

a. Parks and Recreation

There are a few parks and recreational facilities near the proposed development. It is anticipated that residents of the proposed development can be adequately served by the existing parks and recreational system in the area. The Hilochee Wildlife management area is 12 miles from the site. Jamestown Park is 4.3 miles from the site

b. Educational Facilities (preschool/elementary/middle school/high school)

According to Polk County Public Schools GeoZone GIS application, the proposed development is zoned for Horizons Elementary School, Shelly S. Boone Middle School, and Ridge Community Senior High School. Anticipated demand on educational facilities created by the proposed development will be determined based on the final development program and the through the capacity determination process of the Polk County School Board.

c. Health Care (emergency/hospital)

The nearest health care facility, Advent Health ER, is adjacent to the proposed development and American Care Medical Center is 10 miles from the site. It is anticipated that residents of the proposed development can be adequately served by the existing health care system.

d. Fire Protection

Polk County Fire Rescue Station 20 is approximately 0.5 miles from the proposed development. It is anticipated that residents of the proposed development can be adequately served by the existing fire protection services.

e. Police Protection and Security

The nearest police protection and security service is the Davenport Police Department which is approximately 7 miles from the proposed development. It is anticipated that the proposed residents can be adequately served by the existing Davenport law enforcement services at this location.

f. Electrical Power Supply

For electrical power, the development will contract with “Duke Energy”. There will not be a significant demand on electrical power supply due to the scale of the proposed development.

H. Maps – See Attachments

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

a. Map 1: A location map showing the relationship of the development to cities, highways, and natural features;

b. Map 2: An aerial map showing the relationship of the development to cities, highways, and natural features;

c. Map 3: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries.

d. Map 4: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

e. Map 5: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density &

f. Map 6: FEMA Firmetta Map delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County.

Florida's Crossroads of Opportunity

Board of County Commissioners

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POLK COUNTY

LAND DEVELOPMENT DIVISION

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March 24, 2022

RE: Providence Buildout Date Extension due to Executive Orders 20-52, 20-114, 20-166, 20-213, 20-276, 20-316, 21-45, and 21-94

We received your Notice of Extension Letter dated September 17, 2021, requesting confirmation of the buildout date extensions for Phase I and II of the Providence Development of Regional Impact (DRI) and Development Order Termination of the Providence DRI, as listed in the Seventh Restated and Amended Development Order (DRI 90-04, Resolution 17-034). This letter is to acknowledge the date extensions for the Emergency Executive Orders listed below.

Phase I of the Providence DRI ("Phase I")

Emergency Order	Original Expiration Date	Extended/New Expiration Date
20-52	September 20, 2020	May 19, 2021
20-114	May 19, 2021	July 18, 2021
20-166	July 18, 2021	September 16, 2021
20-213	September 16, 2021	November 15, 2021
20-276	November 15, 2021	January 14, 2022
20-316	January 14, 2022	March 15, 2022
21-45	March 15, 2022	May 14, 2022
21-94	May 14, 2022	July 13, 2022

Phase II of the Providence DRI ("Phase II")

Emergency Order	Original Expiration Date	Extended/New Expiration Date
20-52	September 21, 2025	May 20, 2026
20-114	May 20, 2026	July 19, 2026
20-166	July 19, 2026	September 17, 2026
20-213	September 17, 2026	November 16, 2026
20-276	November 16, 2026	January 15, 2027
20-316	January 15, 2027	March 16, 2027
21-45	March 16, 2027	May 15, 2027
21-94	May 15, 2027	July 14, 2027

Development Order Termination of the Providence DRI ("Termination")

Emergency Order	Original Expiration Date	Extended/New Expiration Date
20-52	September 21, 2025	May 20, 2026
20-114	May 20, 2026	July 19, 2026
20-166	July 19, 2026	September 17, 2026
20-213	September 17, 2026	November 16, 2026
20-276	November 16, 2026	January 15, 2027
20-316	January 15, 2027	March 16, 2027
21-45	March 16, 2027	May 15, 2027
21-94	May 15, 2027	July 14, 2027

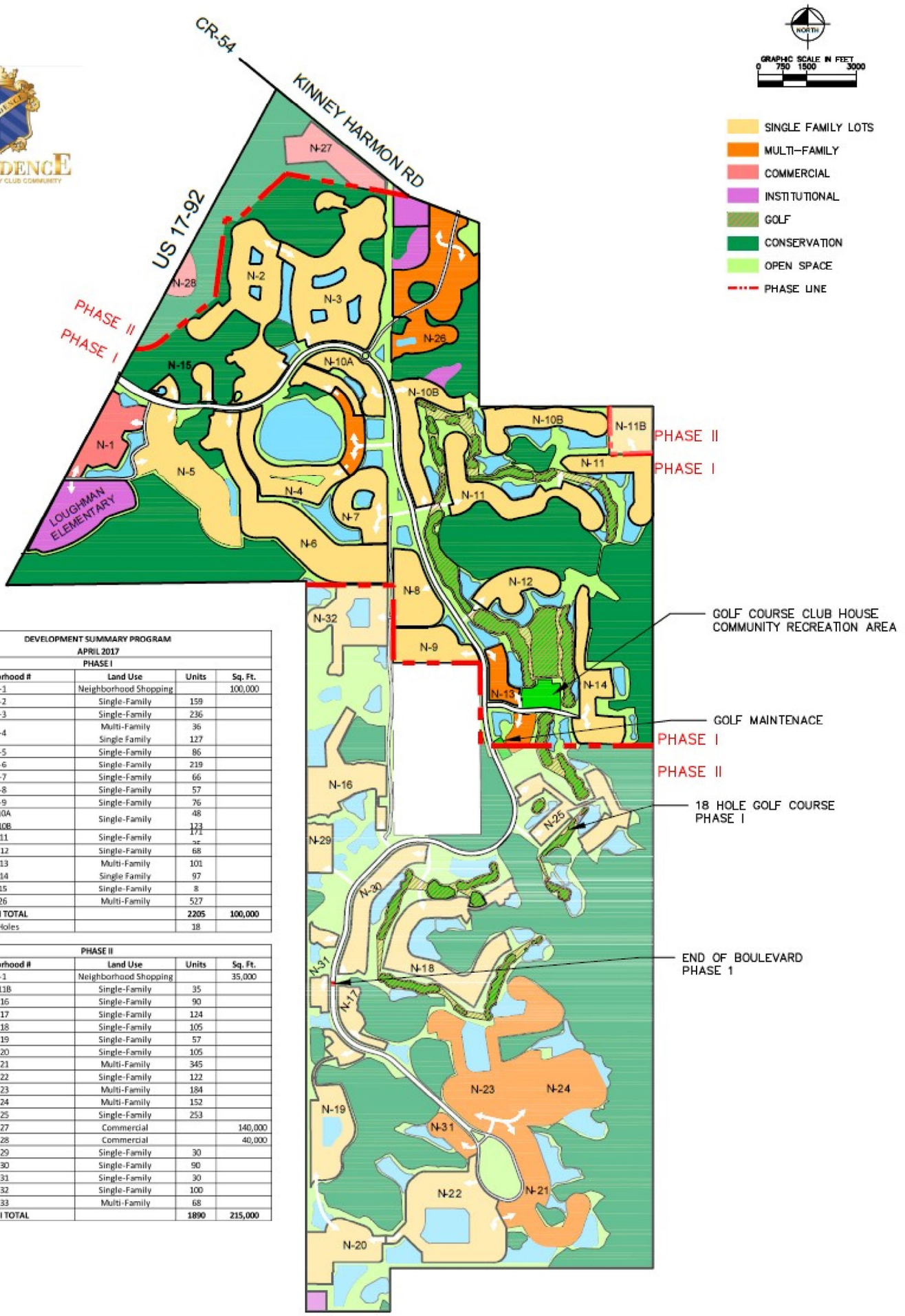
Construction of the multi-family on N-26 for Phase I is vested from the build out date of July 13, 2022, and for Phase II and the Termination from the build out date of July 14, 2027. The multi-family on N-26 was approved with LDRES-2021-34 and may continue through completion according to Chapter 9 of the Land Development Code regarding the process for Level 2 Reviews.

If you have any further questions, please do not hesitate to email or call.

Sincerely,

Chanda E. Bennett

Chanda E. Bennett, AICP, CPM, Comprehensive Planning Administrator
Land Development Division



DEVELOPMENT SUMMARY PROGRAM APRIL 2017 PHASE I			
Neighborhood #	**Land Use**	**Units**	**Sq. Ft.**
N-1	Neighborhood Shopping		100,000
N-2	Single-Family	159	
N-3	Single-Family	236	
N-4	Multi-Family Single Family	36 127	
N-5	Single-Family	86	
N-6	Single-Family	219	
N-7	Single-Family	66	
N-8	Single-Family	57	
N-9	Single-Family	76	
N-10A N-10B	Single-Family	48 123	
N-11	Single-Family	171	
N-12	Single-Family	68	
N-13	Multi-Family	101	
N-14	Single Family	97	
N15	Single-Family	8	
N26	Multi-Family	527	
PHASE I TOTAL		**2205**	**100,000**
Golf Holes		18	

PHASE II			
Neighborhood #	**Land Use**	**Units**	**Sq. Ft.**
N-1	Neighborhood Shopping		35,000
N-11B	Single-Family	35	
N-16	Single-Family	90	
N-17	Single-Family	124	
N-18	Single-Family	105	
N-19	Single-Family	57	
N-20	Single-Family	105	
N-21	Multi-Family	345	
N-22	Single-Family	122	
N-23	Multi-Family	184	
N-24	Multi-Family	152	
N-25	Single-Family	253	
N-27	Commercial		140,000
N-28	Commercial		40,000
N-29	Single-Family	30	
N-30	Single-Family	90	
N-31	Single-Family	30	
N-32	Single-Family	100	
N-33	Multi-Family	68	
PHASE II TOTAL		**1890**	**215,000**

SHEET NUMBER 01

PROVIDENCE DRI

POLK COUNTY FLORIDA

MAP H

KHA PROJECT 049853001

DATE 4/10/17

SCALE AS SHOWN

DESIGNED BY MEW

DRAWN BY RAR

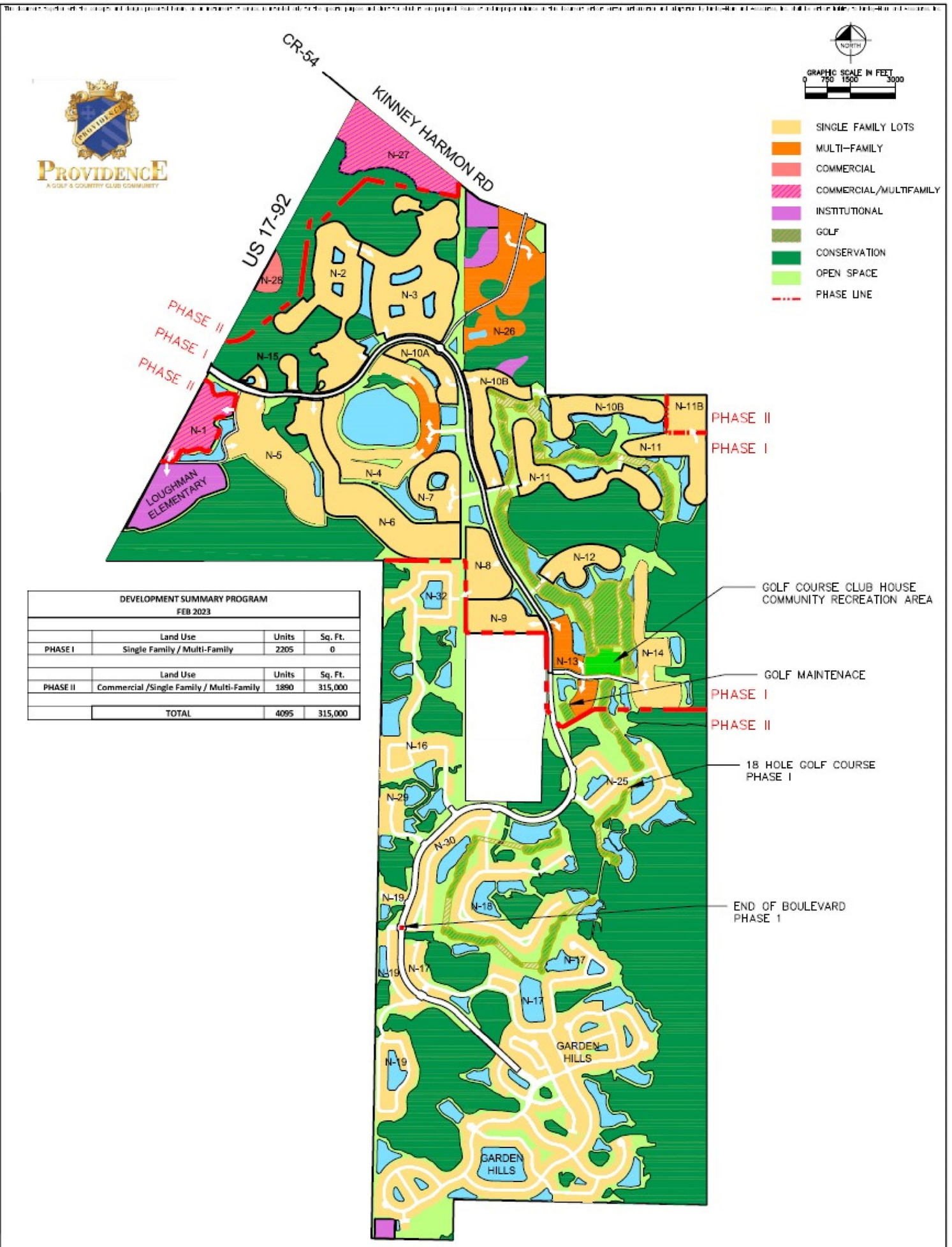
CHECKED BY MEW

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115 S. KENTUCKY AVENUE, LAKELAND, FL 33801
PHONE: 863-701-8702
WWW.KIMLEY-HORN.COM
CA 00000696

No.	REVISIONS	DATE	BY



DEVELOPMENT SUMMARY PROGRAM FEB 2023			
	Land Use	Units	Sq. Ft.
PHASE I	Single Family / Multi-Family	2205	0
	Land Use	Units	Sq. Ft.
PHASE II	Commercial /Single Family / Multi-Family	1890	315,000
	TOTAL	4095	315,000

SHEET NUMBER 01

PROVIDENCE DRI

POLK COUNTY FLORIDA

MAP H

KHA PROJECT 049853001

DATE FEB 2023

SCALE AS SHOWN

DESIGNED BY VEW

DRAWN BY RAR

CHECKED BY VEW

Kimley»Horn

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109 S. KENTUCKY AVENUE, LAKELAND, FL 33801

PHONE: 863-709-8700

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REGISTRY NO. 35106

No.	REVISIONS	DATE
1	MAP REVISIONS	FEB 2023

Agenda Item 13. 2/7/2024

SUBJECT

LDCPAS-2023-28 (Lake Marion ROS)

DESCRIPTION

Future Land Use Map change from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) on ±32 acres. The subject is located in Poinciana east of Lake Marion, west of Lake Marion Creek Drive, south of McMan Road, east of the City of Haines City in Section 29, Township 27, Range 28.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	November 30, 2023	**Level of Review:**	Level 4 Review
PC Date:	February 7, 2024	**Type:**	Small Scale CPA
BoCC Date:	March 19, 2024	**Case Numbers:**	LDCPAS-2023-28
		Case Name:	Lake Marion ROS
Applicant:	Polk County Parks & Recreation	**Case Planner:**	Aleya Inglima, Planner II

Request:	Future Land Use Map change from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS).
Location:	In Poinciana east of Lake Marion, west of Lake Marion Creek Drive, south of McMan Road, east of the City of Haines City in Section 29, Township 27, Range 28.
Property Owner:	Polk County
Parcel Size:	±32.02 acres of a ±321.94-acre parcel (282729-934280-000005)
Development Area/Overlays:	Rural Development Area (RDA)
Nearest Municipality:	City of Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Public Hearing
Public Comment:	None
Florida Commerce*	N/A *Florida Department of Commerce (DOC)

Location Map



Current Future Land Use Map



Summary of Analysis

This is a County initiated Small Scale Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation on ±32 acres from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) in the Rural Development Area (RDA). The subject site is located east of Lake Marion, west of Lake Marion Creek Drive, south of McMan Road, and east of the City of Haines City. The County purchased 600± acres, in a multi-parcel transaction, of land on the eastern coast of Lake Marion for preservation, education, and recreation. The proposed development would include 16,000 sf building, a boat ramp, and permeable paver parking lot for up to 40 vehicles. Parks and Recreation stated that the facility is dedicated to educating the public about Florida's natural environment and will provide public open space along with recreation. Staff has reviewed the request and finds it IS consistent with the Comprehensive Plan policies and IS compatible with the surrounding land uses and infrastructure.

Compatibility Summary

The purpose of RDA is to provide areas for rural activities such as agricultural uses, mining activities, and rural residential development. RDA include those areas of the County that are not located within a TSDA, UGA, SDA, or UEA. ROS district provides for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for County residents and visitors. The proposed 16,000 sf building and boat ramp will allow Polk County Residents to enjoy Lake Marion and the facilities on site. Lake Marion is located to the northwest to southwest of the subject site. To the north and south of the parcel is vacant land owned by the County. Single family residences are located northeast to southeast of the site. This is an appropriate and compatible use in all urban, suburban, and rural areas in the County.

Infrastructure Summary

The proposed CPA is not anticipated to degrade the Level-of-Service (LOS) standards for transportation, schools, utilities, and public safety facilities. The subject site will utilize the same public safety facilities as the existing FLU designation. School service will not be impacted. There is capacity at all of the zoned schools. The proposed Recreational Open Space (ROS) Future Land Use (FLU) designation will not generate more trips than a residential land use. The trips are not anticipated to degrade the level-of-service and final concurrency will be established during the later development stage. The property is in the Toho Water Authority Service Area for water and wastewater. Toho Water Authority does have capacity along with planned improvements contained in its Capital Improvement Plan to serve the referenced project. The site will utilize septic and well.

Environmental Summary

The proposed request is not anticipated to have a negative impact upon the environmental features present on the subject site. The site is undeveloped. There are wetlands and flood zone AE on site. The subject site is adjacent to Lake Marion. The closest wetlands are northwest of the subject site. There have been sightings of protected species such as the Bald Eagle near the subject site. There are historical or archaeological sites have been identified on the subject site. A thorough review of the environmentally sensitive areas will take place at the Level 2 Review.

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. 2.117 (A1-A4): Recreation and Open Space
POLICY 2. 108 (A1-A6): Rural Development Area
SECTION 2.130 (A) - Poinciana (PRE-DRI #1)
SECTION 2.309 (A1) – Ecological Communities

Findings of Fact

Request and Legal Status

- This is a County-initiated a Future Land Use designation change from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) on ±32 acres, in the Rural Development Area (RDA).

- The Land Development Code Future Land Use district is PRE-DRI #1 for the subject site.

- The subject site and the ±321.94-acre property was approved for purchase by the Polk County BoCC on September 5, 2023.

- The purpose of this land purchase was to provide for public use and environmental education that offers public enjoyment of the site without damaging the unique natural resources.

- The subject site is part of a larger ±321.94-acre site that is part of the Poinciana development all along the eastern shore of Lake Marion.

- The site is designated on the Poinciana Master Plan as commercial and multi-family medium density.

- Section 402.B of the LDC states, The Poinciana Master Plan serves as the Planned Development (PD) binding site plan and the basis to implement the Binding Letter of Interpretation of Vested Rights (BLIVR). The BLIVR does not include development standards such setbacks, building locations, parking and retention areas, Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR). Therefore, as development has occurred, the approved PD 71-10 has been modified or new PDs created to approve binding site plans consistent with the BLIVR or Binding Letters of Modifications to Vested Rights (BLIM). Not all parcels within Poinciana have binding site plans through a PD. Development in Poinciana will be permitted consistent with the BLIVRs or BLIMs and a PD approval. Any proposed development inconsistent with the BLIVR or BLIM may only be permitted with the approval of a land use change through a Comprehensive Plan Amendment, but development standards may be amended through a PD modification. PD modifications shall follow the same requirements as found in the appropriate sections of the LDC.

Compatibility

- The existing uses surrounding the site are Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to the north, south, and east.

- East of the subject site is single family residential. However, many of the lots are still vacant.

- The subject site will access Lake Marion Creek Drive which is an Urban Collector Road.

Infrastructure

- The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, Haines City Senior High

- Fire and Ambulance responses are from Polk County Fire Rescue Station 46, located at 9500 Marigold Ave in Kissimmee, which is approximately 4.3 miles away with an estimated 8-minute response.

- The subject site is within the Northeast District Command Area for the Sheriff's office which is located at 100 Dunson Rd, Davenport.

- The subject site is within the Toho Water Authority service area for water and wastewater.

- Lake Marion Creek Dr (Link 8214N and 4214S), which runs north to south, is an Urban Collector two-lane roadway with 20 feet of pavement width. Level of Service is listed as a "C" and there is available road capacity.

- The subject site is within the Southwest Poinciana (603) Citrus Connection service area.

- To the southeast of the subject site is Lil Halibut Park approximately 2.8 miles away. This facility offers services such as a playground.

Environmental

- The subject site abuts Lake Marion. The elevation on the property starts on the east at 89 feet and slopes downward to 66 feet towards Lake Marion on the west.

- There are wetlands and flood zone AE on the subject site.

- The soil type for the subject site is Samsula muck (3.1%), Immokalee sand (19.7%), and Tavares fine sand (77.2%)

- Per the Polk County Protected Species Map there are protected species with a one-mile radius of the subject site.

- There are known archeological or historical resources on the subject site per data from the Florida State Historical Commission.

- There is a well on site. The closest wellfield is 1.65 miles southwest of the subject site.

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 UGAs 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 2.117-A1: CHARACTERISTICS - Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, allow for the discharge of firearms, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands.

- POLICY 2.117-A2: DESIGNATION AND MAPPING - Recreation and open space areas shall be designated and mapped on the Future Land Use Map Series as "Recreation and Open Space" (ROS) and shall include all existing publicly accessible recreation and open space areas.

- POLICY 2.117-A3: LOCATION CRITERIA - Designation of new Recreation and Open Space areas on the Future Land Use Map Series shall occur. Consider the following factors when determining the appropriateness of designating new Recreation and Open Space areas:

    a. facilities meeting the recreation level-of-service standard (Policy 3.502-E2) and fulfilling the recreation and open space acquisition plan (Policies 3.502-E3, 3.502-E6, and 3.502-E9);

    b. satisfying resident and seasonal visitor/tourist recreation demand;

    c. impacts of the proposed uses on public facilities and services;

    d. vehicle access relative to the size and planned intensity of a proposed ROS district;

    e. distance to lake and river access, greenways, bicycle, pedestrian, and fixed route transit facilities, both existing and planned; and,

    f. the locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.

- POLICY 2.117-A4: DEVELOPMENT CRITERIA - Recreation and Open Space development shall conform to the following criteria:

    a. provide for adequate parking to meet the present and future demands of the use;

    b. provide buffering, screening or setbacks where the effects of lighting, noise, odors, and other such factors may adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of activities that may require special buffering, screening or setbacks provision; and

    c. incorporate water and energy conserving techniques.

    d. in the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following:

    1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation;

    2. Recreation activities that produce large crowds (more than 250 people); or,

    3. Facilities with lighting that accommodates nighttime use.

- POLICY 2.309-A1: ECOLOGICAL COMMUNITIES - Polk County's development regulations shall:

a. include design criteria and provide incentives to conserve native vegetative communities, as defined;

b. allow for an on-site density transfer to preserve native vegetative communities;

c. implement the policies of the Recreation and Open Space Element for protection of such communities; and,

d. require development to conserve or mitigate damage to endangered and threatened species through the development review process.

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 LDCPAS 2023-28.**

Planning Commission Recommendation: Pending Hearing

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 below lists the Future Land Use (FLU) designation and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest – Lake Marion	**North –** Vacant (PRE-DRI#1)	**Northeast –** Single-family Residences (PRE-DRI#1)
West – Lake Marion	**Subject Site – V**acant (PRE-DRI#1)	**East –** Single-family Residences (PRE-DRI#1)
Southwest – Lake Marion	**South –** Vacant (PRE-DRI#1)	**Southeast –**Single-family Residences (PRE-DRI#1)

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

There are residential developments to the east and vacant land to the north and south of the subject site.

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." ROS is compatible for the surrounding area as the subject site is along the eastern side of Lake Marion. This will contribute to ecological protection of wetlands, species, and Lake Marion. This allows for low intensity uses such as recreational camping and cultural facilities. The parent parcel owned by the County is located to the north and south of the subject site. There is single family residential to the east of the subject site across from Lake Marion Creek Drive. This is an appropriate and compatible use in all urban, suburban, and rural areas in the County.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property site are listed in the Table 2 below. The proposed request will not generate students. Student capacity is not an issue as all schools have available capacity. This land use change will facilitate the Lake Marion Interpretative Center, a facility that will support environmental education at all levels for schools.

Table 2 School Impacts

Name of School	% Capacity 2022-2023 School Year	Average driving distance from subject site
Laurel Elementary (Zoned)	83%	±3.0 mile driving distance
Lake Marion Creek Middle (Zoned)	86%	±1.8 miles driving distance
Haines City Senior High (Zoned)	96%	±7.9 miles driving distance

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays the nearest public safety facilities. Response time varies depending on where the nearest sheriff's deputy patrol car is located rather than the office. The facilities are within appropriate distances to the subject site for an urban area.

Table 3 Public Safety Information

	Name of Station	Distance
Sheriff	Polk County Sheriff's Office Northeast District 100 Dunson Rd, Davenport Estimated response time: Priority 1 – 12:29 Priority 2 – 26:00	23 +/- miles
Fire/EMS	Fire Rescue Station 46 9500 Marigold Ave, Kissimmee Estimated response time: 12 minutes	4.3 +/- miles

Source: Polk County Sheriff's Office and Polk County Fire Rescue.

Water and Wastewater

The subject site is located within the Toho Water Authority service area for water and wastewater.

A. Estimated Demand and Service Provider

Table 4 provides a scenario of the maximum buildout of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential using the current and proposed Future Land Use designation. The subject site has a total area of 32.02± acres, or 1,394,791 sf, of which 29.08± acres have a Current DRI indicated use of multi-family, and 2.94± acres, or 128,066 sf, has a Current DRI indicated use of Commercial, as referenced in the calculations in Table 4 below.

Table 4 Estimated Water and Sewer Impact Analysis

	Maximum Permitted in Existing Land Use		Maximum Permitted in Proposed Land Use
Permitted Intensity 32.02± acres (see above paragraph)	**Pre DRI #1 Multi-family (29.08± ac)**	**Pre DRI #1 Commercial (2.94± ac)**	**Proposed ROS County Park (32.02± ac)**
	29.08 ac X 10du/ac = 290du	128,066 sf X 0.25 FAR = 32,017 sf	1,394,791 sf X 0.01 FAR = 13,948 sf
Potable Water Consumption	290 units x 198 = **57,420 GPD**	32,017 x 0.33 GPD **4,603 GPD**	13,948 x 0.33 GPD **4,603 GPD**
Wastewater Generation	291 units x 180 **= 52,200 GPD**	10,566 x 80 percent = **3,682 GPD**	4,603 x 80 percent = **3,682 GPD**

Source: Polk County Maximum Feasible Buildout Methodology; Multi-family 198 per unit for water and 180 GPD for wastewater; Service Filling Station 0.25 FAR and 0.33 per square foot Water and 80% Wastewater; County Park 0.33 per square foot Water and 80% Wastewater

B. Available Capacity

Toho Water Authority services the area. Toho Water Authority has capacity to serve the referenced project. The current locations of water, sewer, and reuse mains are approximately:

Water infrastructure is located on the east of Lake Marion Creek Dr with a water stub-out crossing at St. Cloud Rd approximately 150' east of property. A water main extension would be required. Sewer infrastructure is located on the east side of Lake Marion Creek Dr between Homosassa Rd and Lake Marion Creek Middle School with an 8" gravity sanitary sewer main approximately 290' east of property on Homosassa Rd. A wastewater extension would be required. All stub out locations need to be field verified. Reuse infrastructure available and is approximately 6,000' south of property.

C. Planned Improvements

Toho Water Authority has planned improvements contained in its Capital Improvement Plan for this area.

Roadways/Transportation Network

The proposed land use change is not anticipated to generate more traffic than a residential land use.

A. Estimated Demand

The subject site has a total area of 32.02± acres, or 1,394,791 sf, of which 29.08± acres have a Current DRI indicated use of multi-family, and 2.94± acres, or 128,066 sf, has a Current DRI indicated use of Commercial, as referenced in the calculations in Table 4 below.

Table 5 Estimated Transportation Impact Analysis

	Maximum Permitted in Existing Land Use		Maximum Permitted in Proposed Land Use
Permitted Intensity 32.02± acres (see above paragraph)	**Pre DRI #1 Multi-family (29.08± ac)**	**Pre DRI #1 Commercial (2.94± ac)**	**Proposed ROS County Park (32.02± ac)**
	29.08 ac X 10du/ac = 290du	128,066 sf X 0.25 FAR = 32,017 / 1,000 X 76% = 24	32 ac
Average Annual Daily Trips (AADT)	290 du X 7.81 AADT= **2,265 Trips**	24 du X 35.87 AADT= **873 Trips**	32 x 0.78 AADT x 89%= **28 Trips**
PM Peak Hour Trip	291 du X 0.51 PM Peak= **149 Trips**	224 du X 0.51 PM Peak= **106 Trips**	32 x 0.11 PM Peak x 89%= **4 Trips**

Source: Polk County Maximum Feasible Buildout Methodology; Multi-family; Service Filling; County Park 1 per acre

B. Available Capacity

Table 6 below displays the available capacity on the surrounding roadway network.

Table 6 Roadway Link Concurrency

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
8214N	**Lake Marion Creek Dr**	**C**	**469**	**D**	**C**
8214S		**C**	**458**	**D**	**C**

Source: Polk County Transportation Planning Organization Roadway Network Database 2023

C. Roadway Conditions

Lake Marion Creek Dr (Link 8214N and 8214S), which runs north to south to the east along Lake Marion, is an Urban Collector two-lane roadway with 20 feet of pavement width. Level of Service is listed as a "C" and there is available road capacity.

D. Sidewalk Network

There are currently no sidewalks that runs along Lake Marion Creek Dr.

E. Mass Transit

The subject site is within the Southwest Poinciana (603) Citrus Connection service area. The nearest transit route is 16X – Haines City / Poinciana Express, and the nearest stop is located at the Walmart within Poinciana.

F. Planned Improvements

The subject site is located in the Rural Development Area. There is an unfunded transportation capacity project for Lake Marion Creek Dr to be widened.

Environmental Conditions

The Polk County Comprehensive Plan has a Conservation Element. Division 2.300 of the Comprehensive Plan mentions, "The goal, objectives, and policies of the Conservation Element are designed to protect the natural resources which make Polk County a special place while preventing degradation of the environment and allowing development and economic expansion to occur." There should be no serious environmental conditions that need to be addressed with this subject site. Lake Marion is located to the west of the site and wetlands are along the shore.

A. Surface Water

Lake Marion is located to the west of the subject site. The elevation on the property starts at 89 feet towards the east, then slopes down towards Lake Marion on the west to 66 feet.

B. Wetlands/Floodplains

The subject site does contain wetlands and AE flood zones. The closest wetland is to the northwest of the subject site.

C. Soils:

According to the soil survey by the United States Department of Agriculture the subject site includes the soils listed in Table 7 below. The subject site will utilize well water and septic. 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.

Table 7 Soils

Soil Name	**Septic Tank Absorption Field Limitations**	**Limitations to Dwellings w/o Basements**	**% of Site *(approximate)***
Samsula muck, frequently ponded, 0 to 1 percent slopes (13)	Severe: ponding	Severe: ponding, low strength	3.1%
Immokalee sand (21)	Severe: wetness	Severe: wetness	19.7%
Tavares fine sand, 0 to 5 percent slopes (15)	Moderate: wetness	Slight	77.2%

Source: USDA Natural Resources Conservation Service 2024

D. Protected Species

According to Polk County Protected Species Observation Maps, the subject site is located within a one-mile radius of endangered animals. There have been sightings of species such as the Bald Eagle near the subject site. The applicant is required to survey for endangered plants and animals prior to any development activity including clearing or grubbing.

E. Archeological Resources

There are known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Master Site File. A philip mound is located on the subject site. Human remains may be present. The applicant will be required to identify any resources prior to or during any construction and on the Level 2 Review.

F. Wells (Public/Private)

The applicant has stated in the Impact Assessment Statement that there is a well on site. The subject site is not within a Wellhead Protection district.

G. Airports

The subject site is not located within an airport district.

Consistency with the Comprehensive Plan and Land Development Code

The following policies in Table 8 have been included as being the most relevant policies to the proposed request. The policy is first stated and then an analysis of how the request may or may not be consistent with the County's Comprehensive Plan is provided. The policies reviewed are as follows:

- POLICY 2.102(A1-A15): Growth Management Policies
- POLICY 2.108(A1-A5): RDA Development Criteria
- POLICY 2.117-A (A1-A4): Recreation and Open Space

Table 8 Comprehensive Plan Policy

Comprehensive Plan Policy	Consistency Analysis
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	The area surrounding the subject site is mostly vacant or comprised of single family residential. The site will access an Urban Collector Road, will conserve land, minimize energy costs, and be distant from services.

Comprehensive Plan Policy	Consistency Analysis
tracts of land are by-passed in favor of development more distant from services and existing communities.	
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 Recreation Open Space to be designated in the RDA areas. Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for residents and long-term visitors of Polk County. This site will satisfy residents active lifestyle and visiting tourist demand. This site will allow access to Lake Marion and provide bicycle/pedestrian paths outdoors.
Policy 2.102-A3: Distribution - 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.	Toho services the Poinciana area. The subject site will utilize well and septic. Police and Fire are both available, and zoned schools have capacity.
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.	The subject site will access Lake Marion Creek Dr, an Urban Collector Road to the east. Toho Water Authority does have capacity along with planned improvements contained in its Capital Improvement Plan to serve the referenced project, the roads are sufficient for any increase to traffic, emergency services are available, and the schools have capacity. The subject site is within the Citrus Connection service area.
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: 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;	

Comprehensive Plan Policy	Consistency Analysis
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.	
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 UGAs 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:	Recreation and Open Space (ROS) is allowed in the RDA. This development will be characterized by large open areas with recreation. Services are limited but can be found nearby where clustered developments are.

Comprehensive Plan Policy	Consistency Analysis
ACTIVITY CENTERS: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria. RESIDENTIAL: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria. 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 2.117-A1: CHARACTERISTICS - Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, allow for the discharge of firearms, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands. POLICY 2.117-A2: DESIGNATION AND MAPPING - Recreation and open space areas shall be designated and mapped on the Future Land Use Map Series as "Recreation and Open Space" (ROS) and shall include all existing publicly accessible recreation and open space areas. POLICY 2.117-A3: LOCATION CRITERIA - Designation of new Recreation and Open Space areas on the Future Land Use Map Series shall occur. Consider the following factors when determining the appropriateness of designating new Recreation and Open Space areas: a. facilities meeting the recreation level-of-service standard (Policy 3.502-E2) and fulfilling the recreation and open space acquisition plan (Policies 3.502-E3, 3.502-E6, and 3.502-E9);	The County has purchased 600± acres of land on the eastern coast of Lake Marion for preservation, education, and recreation. Parks and Recreation is wanting to put a boat ramp and 16,000 sf building on the subject site. This will be located in the RDA and be oriented towards providing recreational activities and services for County residents and visitors

Comprehensive Plan Policy	Consistency Analysis
b. satisfying resident and seasonal visitor/tourist recreation demand; c. impacts of the proposed uses on public facilities and services; d. vehicle access relative to the size and planned intensity of a proposed ROS district; e. distance to lake and river access, greenways, bicycle, pedestrian, and fixed route transit facilities, both existing and planned; and, f. the locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10. POLICY 2.117-A4: DEVELOPMENT CRITERIA - Recreation and Open Space development shall conform to the following criteria: a. provide for adequate parking to meet the present and future demands of the use; b. provide buffering, screening or setbacks where the effects of lighting, noise, odors, and other such factors may adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of activities that may require special buffering, screening or setbacks provision; and c. incorporate water and energy conserving techniques.	

Comprehensive Plan Policy	Consistency Analysis
d. in the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following: 1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation; 2. Recreation activities that produce large crowds (more than 250 people); or, 3. Facilities with lighting that accommodates nighttime use.	

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. 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	**Where sections referenced in this report**
a. Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.	Summary of analysis
b. Allows a significant amount of urban development to occur in rural areas.	Summary of analysis
c. Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.	Summary of analysis, surrounding Development, compatibility
d. Fails to adequately protect and conserve natural resources and other significant natural systems.	Summary of analysis, surrounding Development, compatibility

Table 9 Urban Sprawl Criteria	
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	**Where sections referenced in this report**
e. Fails to adequately protect adjacent agricultural areas.	Compatibility with Surrounding Land Uses
f. Fails to maximize existing public facilities and services.	Summary of Analysis, Infrastructure
g. Fails to minimize the need for future facilities and services.	Summary of Analysis, Infrastructure
h. Allows development patterns that will disproportionately increase the cost of providing public facilities and services.	Summary of Analysis, Infrastructure
i. Fails to provide a clear separation between urban and rural uses.	Summary of Analysis, Compatibility with Surrounding Land Uses
j. Discourages infill development or redevelopment of existing neighborhoods.	Summary of Analysis, Compatibility with Surrounding Land Uses
k. Fails to encourage an attractive and functional mixture of land uses.	Summary of Analysis, Compatibility with Surrounding Land Uses
l. Will result in poor accessibility among linked or related land uses.	Summary of Analysis, Compatibility with Surrounding Land Uses
m. Results in the loss of a significant amount of open space.	Summary of Analysis, Compatibility with Surrounding Land Uses

Comments from other agencies
None

Attachments: Exhibit 1: Location Map
Exhibit 2: Aerial Map 2020 (Context)
Exhibit 3: Aerial Map 2020 (Close Up)
Exhibit 4: Current Future Land Use Map
Exhibit 5: Proposed Future Land Use Map
Exhibit 6: List of Permitted and Conditional Uses for Residential Medium
Exhibit 7: Poinciana Neighborhood 3 North, Village 7 Plat
Exhibit 8: Poinciana Land Use Map



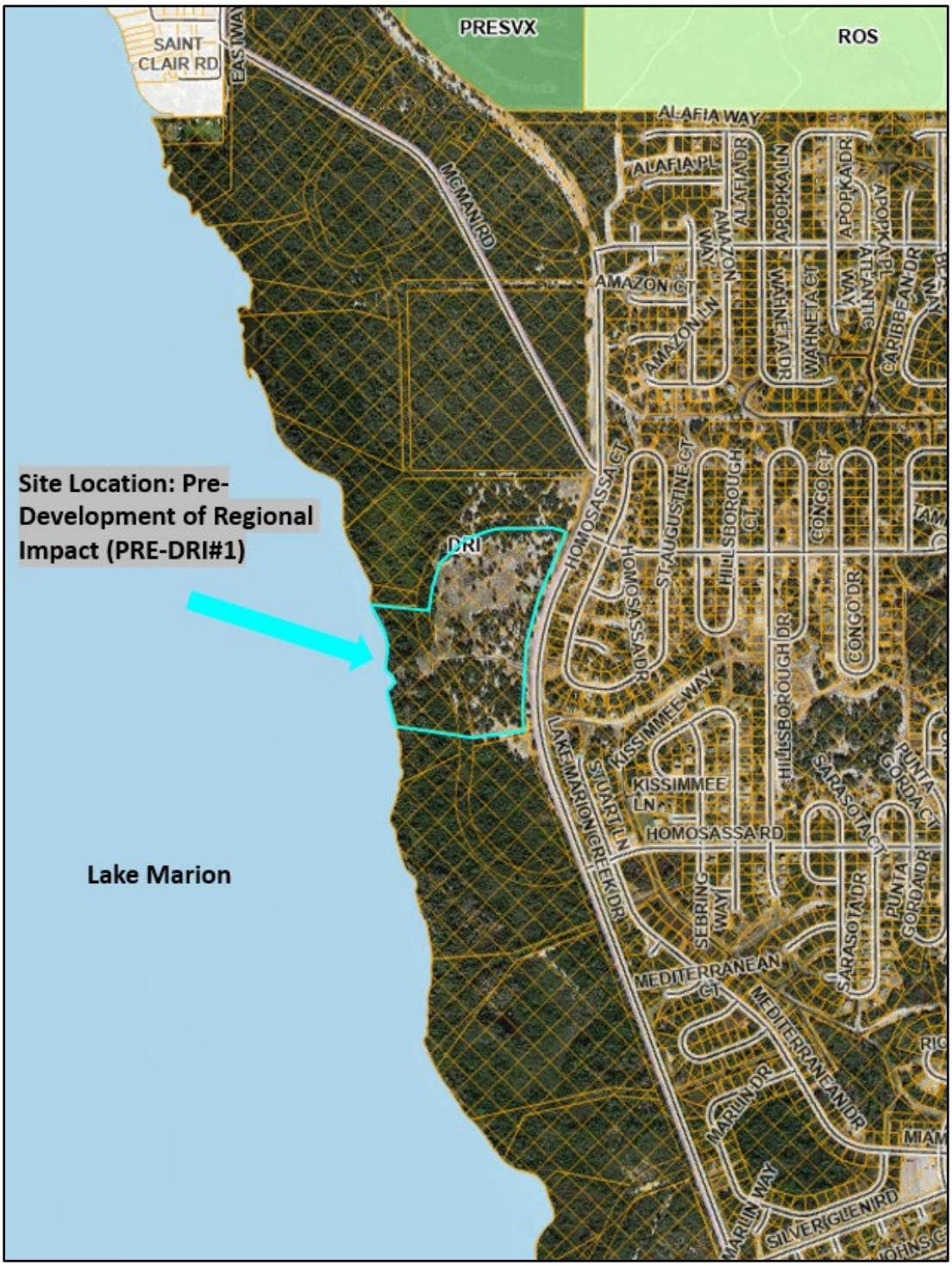
LOCATION MAP



AERIAL MAP (CONTEXT)



AERIAL MAP (CLOSE UP)



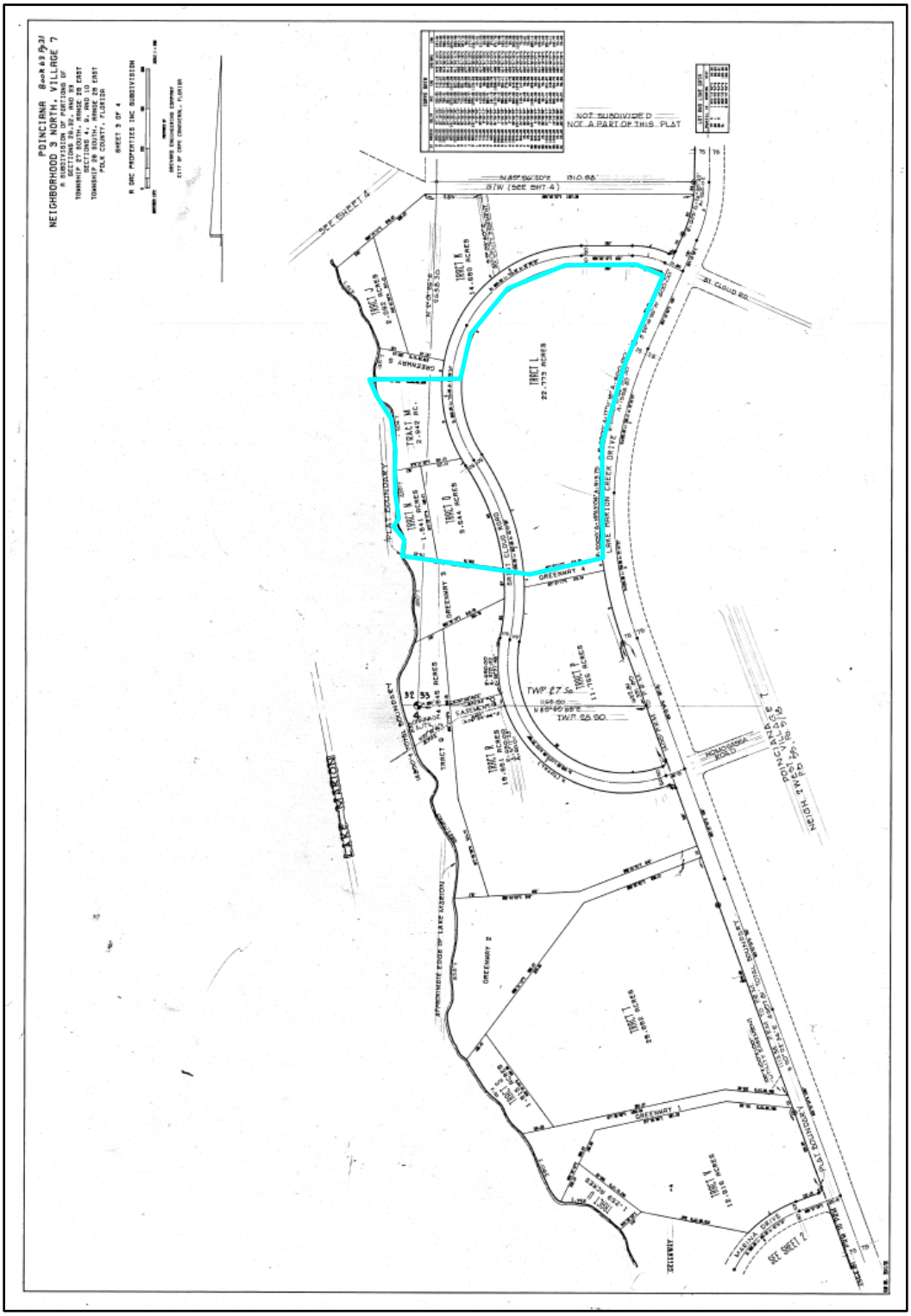
CURRENT FUTURE LAND USE
Pre-Development of Regional Impact (PRE-DRI#1)



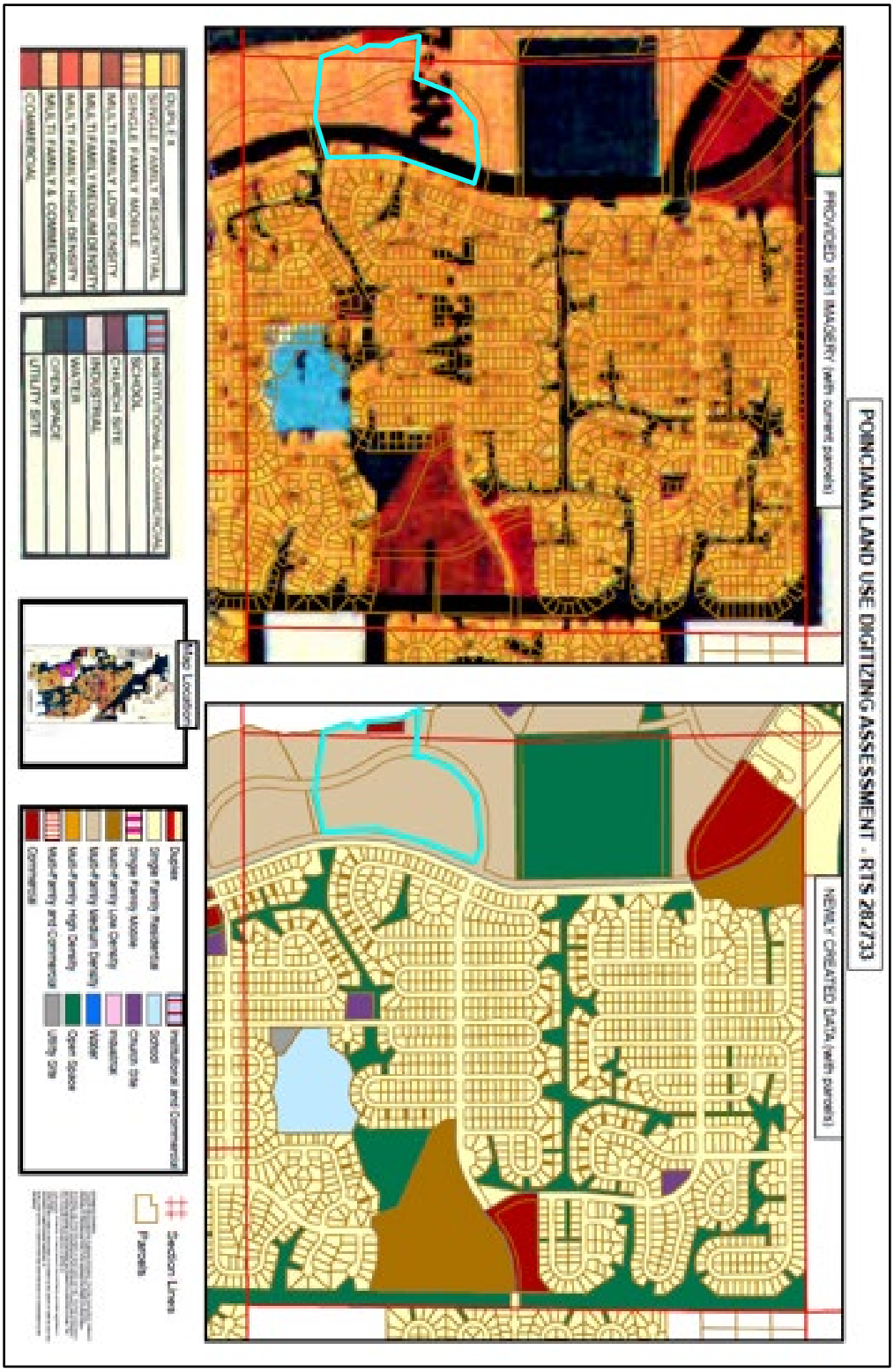
PROPOSED FUTURE LAND USE
Recreation Open Space (ROS)

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
ROS	Farming General, Lodges and Retreats, School (Leisure/Special Interest), Utilities (Class I), Utilities (Class II)	Recreational Camping, Community Center, Cultural Facility, Golf Course, Helistops, Recreation (Passive), Recreation (High Intensity), Recreation (Low Intensity), Recreation (Vehicle Oriented), Religious Institution, Riding Academies	Planned Development, Communication Towers (Guyed and Lattice), Communication Tower (Monopole), Government Facility, Mining (Non-phosphate), Outdoor Concert Venue, Utilities (Class III), Water Ski Schools

LIST OF PERMITTED AND CONDITIONAL USES IN RECREATION OPEN SPACE (ROS)



Poinciana Neighborhood 3 North, Village 7 Plat



Poinciana Land Use Map

ORDINANCE NO. 24-____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT LDCPAS 2023-28**;** AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP FROM POINCIANA PRE-DEVELOPMENT OF REGIONAL IMPACT (PRE-DRI#1) TO RECREATION OPEN SPACE (ROS) ON ±32 ACRES, LOCATED IN POINCIANA EAST OF LAKE MARION, WEST OF LAKE MARION CREEK DRIVE, SOUTH OF MCMAN ROAD, EAST OF THE CITY OF HAINES CITY IN SECTION 29, TOWNSHIP 27, RANGE 28; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on February 7th, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on March 19th, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the "Polk County Comprehensive Plan") is hereby amended to reflect a change in the Future Land Use designation on a 32 +/- acre site from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) in the Rural Development Area (RDA) on the parcel listed below and graphically depicted on the parcel map in Attachment "A".

Parcel 282729-934280-000005

POINCIANA NEIGHBORHOOD 3 NORTH VILLAGE 7 PB 63 PGS 19-22 TRACT L TRACT M TRACT N TRACT O & A PORTION OF SAINT CLOUD ROAD LYING NORTH OF GREENWAY 4 & SOUTH OF GREENWAY 5

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall be effective on April 19th, 2024 (31 days after adoption) unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the

Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

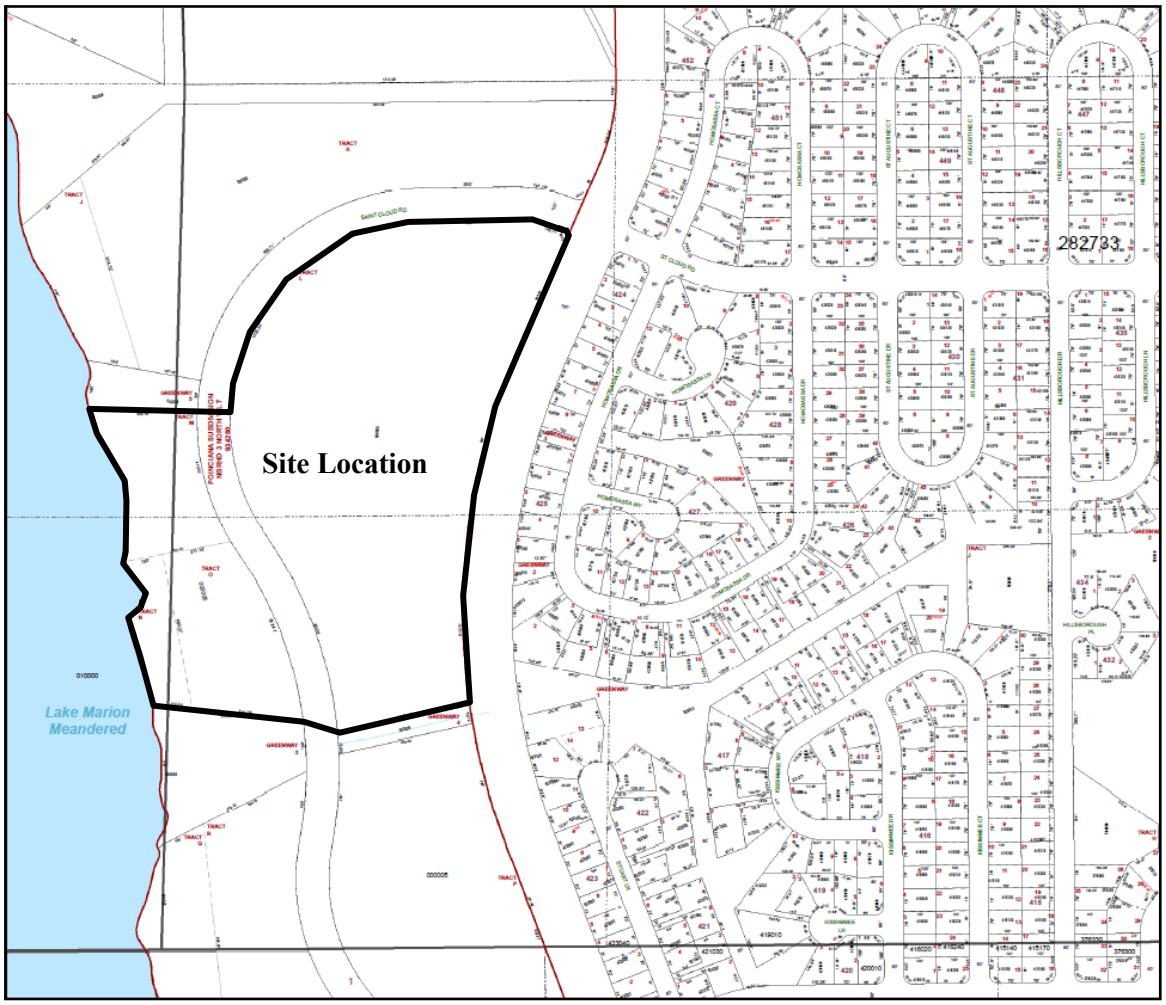
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 19th day of March 2024.

ATTACHMENT "A"

LDCPAS 2023-28
Development Area: Rural Development Area
Location: East of Lake Marion, West of Lake Marion Creek Drive, South of McMan Road
Section-29 Township-27 Range-28

PARCEL DETAIL

Note: Not to Scale



Comprehensive Plan Amendments

Level 4 Reviews Application Check List

Small Scale (50 acres or less and text amendment associated with specific sites)

Large Scale (more than 50 acres, anything in the Green Swamp any acreage, text amendments)

Map amendments and text amendments do not require the same items, so the list is divided by the two types.

Map Amendments (Small or Large Scale)

- Narrative of the request and why it is needed for the County.
- Narrative of how the request is consistent with Policies of the Land Use, Development Area, or other overlays requested and the policies in the Comprehensive Plan that support the request.
- Demonstration of Need Form (each item addressed – Policy 2.102-A11 Comprehensive Plan)
- Impact Assessment Statement (each item addressed -Section 910 Land Development Code).
- Deed for all parcels included.
- Meets and bounds legal description (Word Version) of the area of the land use change which may be different then boundary of the parcel(s).
- Letter of Authorization from the property owner for the applicant and their representatives to make the application. and
- Other items requested during the Pre-application conference.

Text Amendment (Small for Parcel Specific and Large Scale)

- Narrative of the request and why it is needed for the County.
- Narrative of how the request is consistent with Policies of the Land Use, Development Area, or other overlays requested and the policies in the Comprehensive Plan that support the request.
- Demonstration of Need Form (each item addressed – Policy 2.102-A11 Comprehensive Plan).
- Impact of the policy change to other properties that will be impacted by the change.
- Other items requested during the Pre-application conference.

Impact Assessment Statements (Section 910)

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A. Land and Neighborhood Characteristics

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses;
   The County has purchased 600 + acres of land on the eastern coast of Lake Marion for preservation, education, and recreation. 32 acres of land is proposed to be subdivided from the 600+ acres property to provide for Recreation and Open Space. The property currently has a road access driveway and an area of lake access. So that none of the area slated for preservation needs to be disturbed.

2. Provide a site plan showing each type of existing and proposed land use;
   A site plan is not required for a Comprehensive Plan amendment. The site has not been fully engineered yet. Therefore, a site plan is premature.

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;

   Lake Marion is to the west; the new Bellini Preserve will be to the north and south of the property and to the east are subdivided neighborhoods which are currently undeveloped.

4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and

Proximity to parks encourages and promotes healthy lifestyles and public health. Proximity to parks also improves property values. This may encourage contractors to build in the existing and approved subdivisions to the east of the site.

5. Describe each of the uses proposed in a Planned Development and identify the following:
Not applicable as the request is not for a planned development.

a. The density and types of residential dwelling units;
A single dwelling, housing site security personal

b. The type of commercial and industrial uses;
Not applicable

c. The approximate customer service area for commercial uses; and
Not applicable

d. The total area proposed for each type of use, including open space and recreation.
All 32 acres are for open space and recreation.

B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned, and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;

The Lake Marion Outdoor Education/ Interpretative Center is best described as a Public Park with an ITE Land Use Code of 411 in the ITE Trip Generation Manuel, 11th Edition.
The ITE Average 24 hour average rate, vehicle trip generation per acre is .78. The directional distribution is 50% entering and 50% exiting.
The calculation is 32 acres X .78 = 24.96 x 24 hours = 599.04 trip ends per day
The weekday peak hour of adjacent Street, one hour between 4 and 6 p.m. has a vehicle trip generation per acre average rate of 0.11. (32 acres x .11 trips = 3.52 peak hour trips)
The weekday peak hour of adjacent Street, one hour between 7 and 9 a.m. has a vehicle trip generation per acre average rate of 0.02. (32 Acres x .02 = .64 p.m.)

2. Indicate what modifications to the present transportation system will be required as a result of the proposed development;

The subject property will not generate enough traffic for roadway improvements other than the appropriate driveway. However, a paved driveway apron will be required at time of construction. A preliminary site plan is attached.

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;

In accordance with PCLDC table 7.10 minimum off street parking requirements for a facility that will not exceed 16,000 square feet Gross Floor Area the Lake Marion Interpretative Center which would be described in the table as a cultural facility would require 1 space per 500 sq ft Gross Floor Area which would be a maximum of 32 parking spots. This parking area would be permeable pavers or shell except for 4 ADA paved parking positions.

5. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and

The access will be a driveway off Lake Marion Creek Drive

6. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train, or air) and describe the modes.

At the access driveway, a walking trail will allow pedestrians and bicyclists a route, other than the driveway to access the Lake Marion Interpretative Center.

C. Sewage

To determine the impact caused by sewage generated from the proposed development, the applicant

shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development;

   According to Florida Administrative code 64E-6.008, Table 1 estimated sewage flows for parks, with toilets only, per person, is 4 gallons per person per day.
   Attendance is estimated at 50 schoolchildren per day @ 4 GPD for a total of 200 per day.
   Add 60 gallons of sewage for employees (4 employee per 8-hour shift @ 15 gallons.)
   Add one on site security mobile home @ 250 GPD

   Total of 510 gallons of sewage per day.

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on site treatment is proposed;

   On site treatment proposed would consist of a septic system.

   According to Toho Water Authority (request 6891) gravity main extension will be required. The closest sewer main to the 32 acres which is being requested for Recreation Open Space is an 8”gravity sanitary sewer main approximately 2200 feet south east at Homosassa Rd.

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems;

   As developer of the site, Polk County Parks and Natural Resources shall implement through the County's Health Department, a management program to ensure proper installation, use, and maintenance of on-site treatment and disposal systems (i.e. septic tanks.), in accordance with Section 163.3202(1), FS.

4. Identify the service provider; and
   Currently the plan is to have onsite septic system taken care of by Parks and Natural Resources until

5. Indicate the current provider's capacity and anticipated date of connection.
N/A onsite Treatment to be constructed as per State Health Departments specifications

D. Water Supply

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment;
There is currently a well on site which will be brought up to code to use as a potable water source for public use.

2. Identify the service provider;
Currently the site is served by a single residential well which will be upgraded for public use.

When Toho Water Authority has built out their water plant to meet the property, a connection could be made

4. Calculate the estimated volume of consumption in gallons per day (GPD); and

Potable water needs are calculated as 30% more potable water than anticipated sewage generated.

Calculation: Projected sewage 510 GPD (see calculation C-2) + 30% (153 GPD) = 663 Gallons Per Day of potable water required on site

5. Indicate the current provider's capacity and anticipated date of connection.

Currently Parks and Natural resources plans to improve the existing residential well for potable water.

Toho Water Utility potable water line is located on the east of Lake Marion Creek Drive with water stub-out 14-inch water main crossing at St Cloud Rd 150 feet from the property line. This stub out needs to be field verified, and a water main extension will be required. Parks and

Natural Resources has not reserved capacity. Toho Water Utility has no plan to connect with the property at this time, although it exists within their CIP.

E. Surface Water Management and Drainage

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality;

   The proposed development would include 16,000 sf of building, a boat ramp, and a permeable paver parking lot for up to 40 vehicles. The site will feature Low Impact Development and therefore have minimal impact to the site.

2. Describe the alteration to the site's natural drainage features, including wetland, that would be necessary to develop the project;
   The property has a gradual slope east to west from Lake Marion Road to Lake Marion. Any proposed construction is envisioned on the upland area. Except for the boat ramp which will be constructed on the shoreline of Lake Marion.

3. Describe the impact of such alterations on the fish and wildlife resources of the site; and

   The facility is dedicated to educating the public about Florida's natural environment.

6. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site.

   The site is being developed for Recreation and open space with a small, developed footprint, there will be minimal impacts to groundwater recharge.

F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and

the generated population in the case of commercial or industrial uses;

The population will be a single security residence.

2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift;

Proposed Interpretative center will have a small staff (4), who will work 8 hour shift, 5 to 7 day a week shift schedule

3. Indicate the expected demographic composition of the additional population (age/socio economic factors); and
Not applicable

4. Describe the proposed service area and the current population thereof.
Not applicable

G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and
This land use change to Recreation Open Space (ROS) preserves open space and natural lands and provides for public open space and recreation as a remedy for urban sprawl.

2. Discuss the demand on the provision for the following services:

a. Parks and Recreation;
This land use change increases the acreage of parklands in Polk County. This supports the Policy 3.502 E2 Polk County shall maintain a minimum recreation level-of-service standard of

6.95 acres per 1,000 persons, by adding 32 acres of recreation/open space.

b. Educational Facilities (preschool/elementary/middle school/high school);
This **land use change will facilitate the Lake Marion Interpretative Center, a facility that will supports environmental education at all levels of schooling. The nearest schools are Laurel Elementary and Lake Marion Middle School. Ridge Community is the nearest high School**

c. Health Care (emergency/hospital);
Nearest Hospital is the HCA Florida Poinciana Hospital, 325 Cyprus Parkway Kissimmee Fl. 34759. Approximately 9 miles away

d Fire Protection;
Nearest Fire Station is Sun/Air Fire EMS, 7800 Watkins, Haines City Fl. 33844. Approximately 7 miles away.

e. Police Protection and Security; and
Haines City Police Department 35400 U.S. Hwy 27, Haines City 33844 Approximately 9 Miles. Primary Law enforcement Polk County Sheriff's Department

f. Electrical Power Supply
Progress Energy Company

H. Maps

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

3. Map A: A location map showing the relationship of the development to cities, highways,

and natural features;

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;

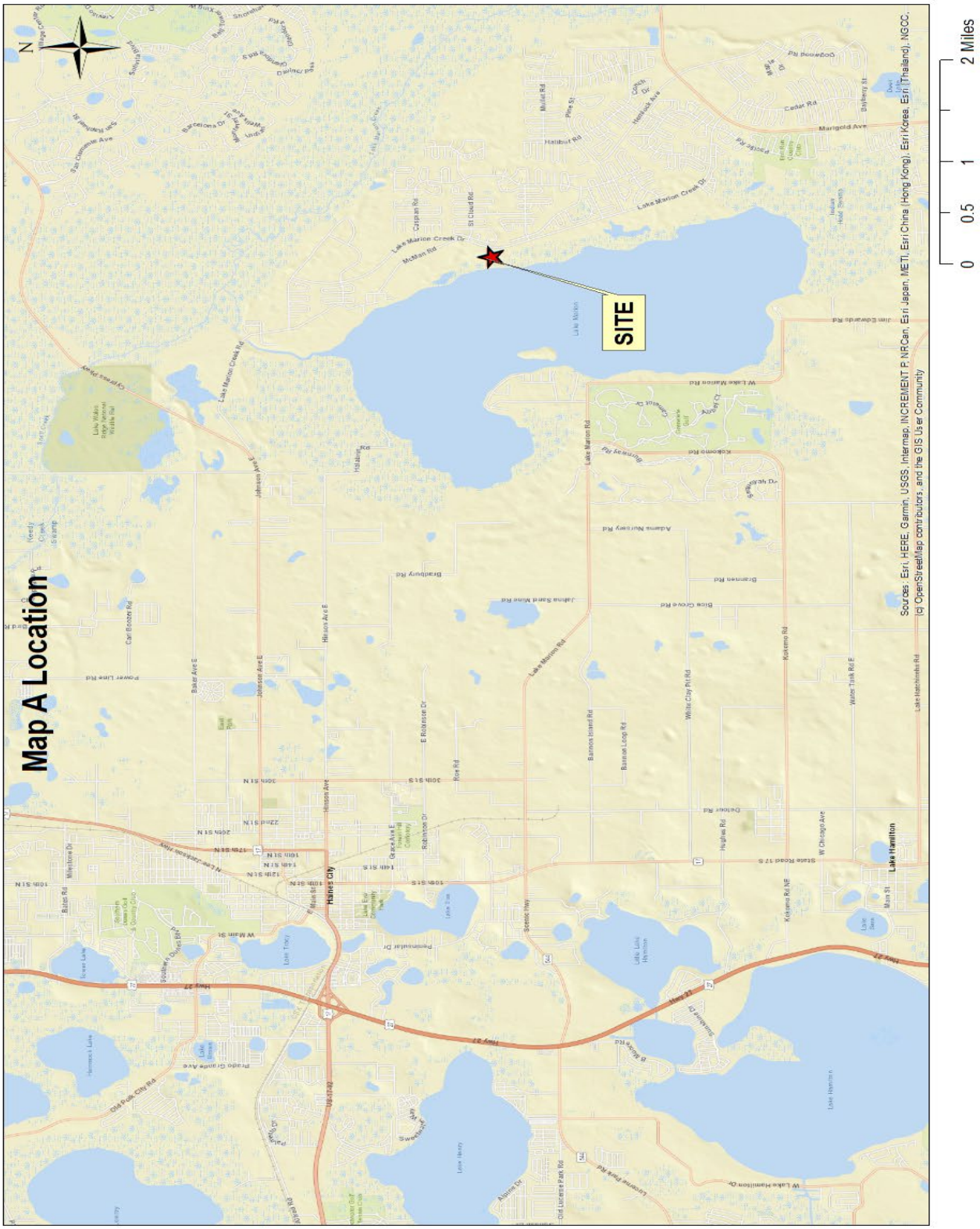
5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;

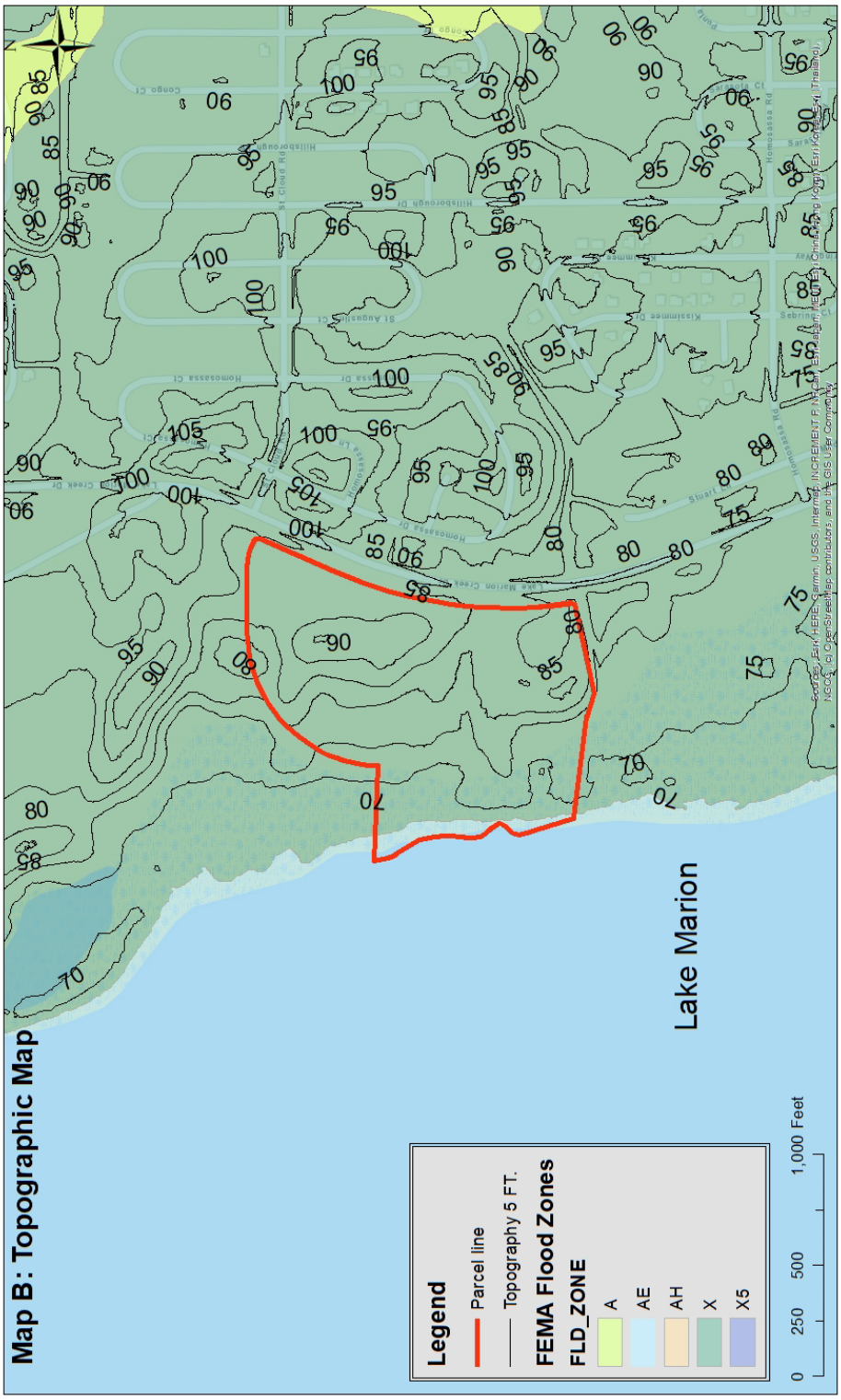
6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

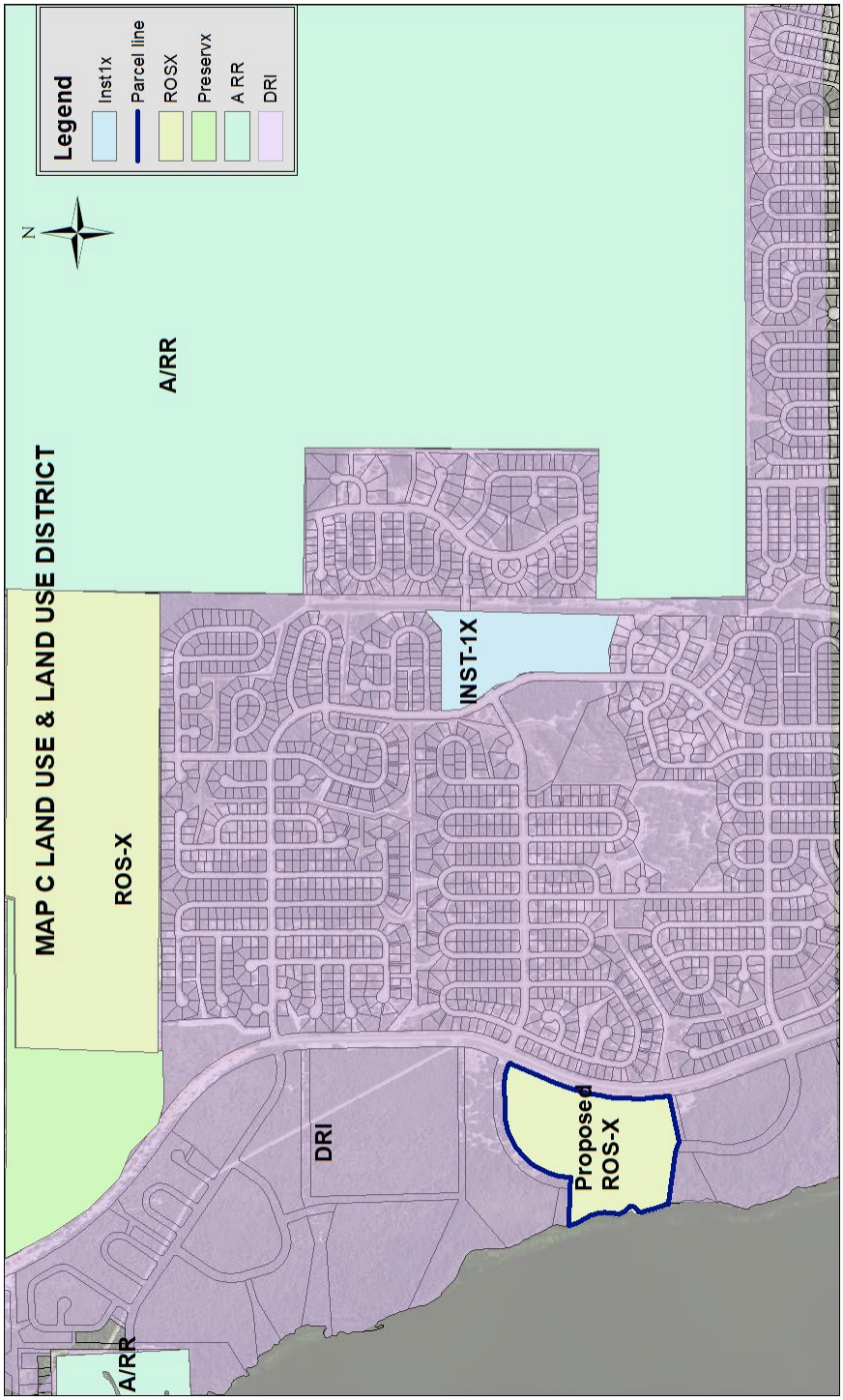
7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right of way widths.

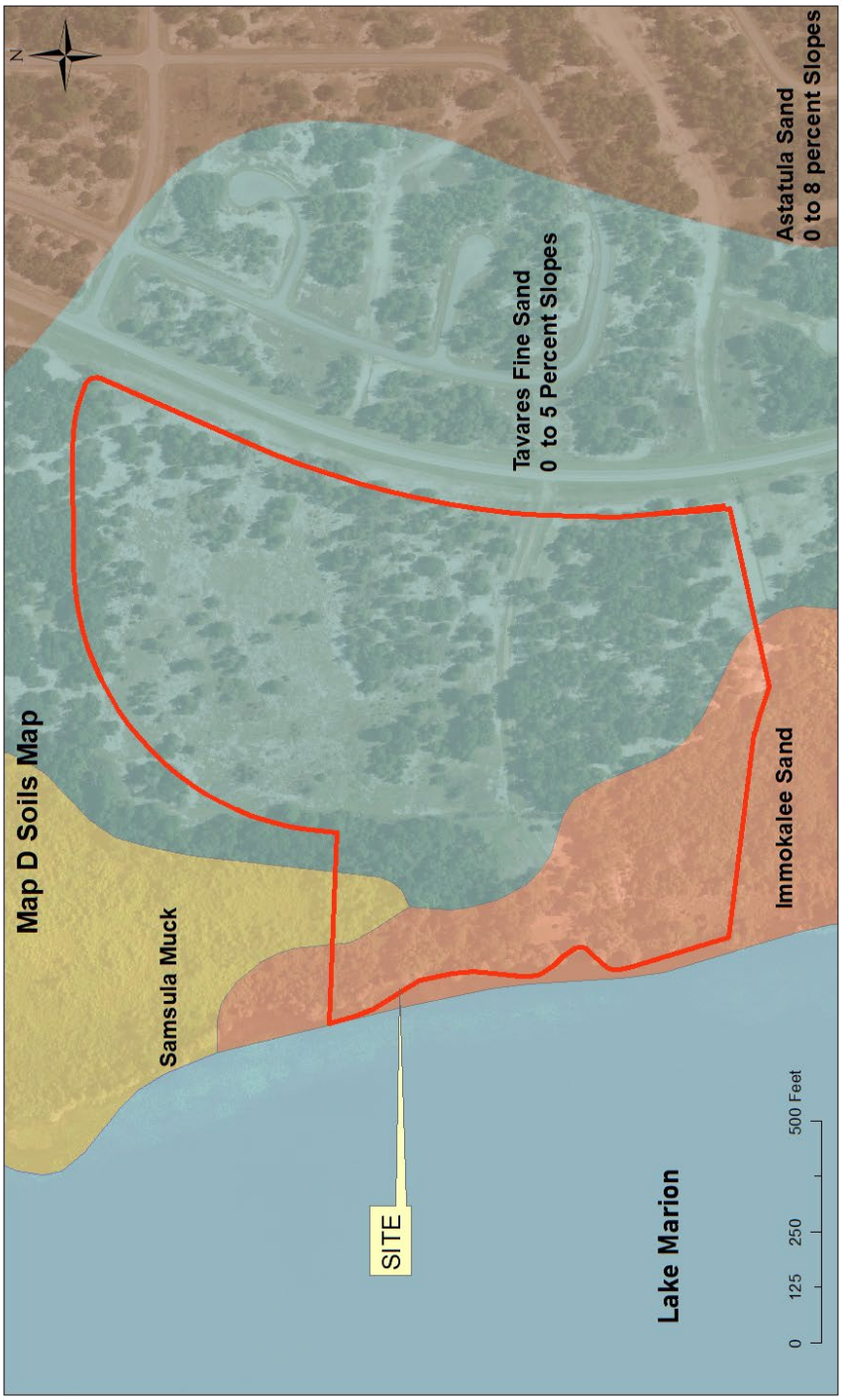
8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type, and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes; and

9. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features.

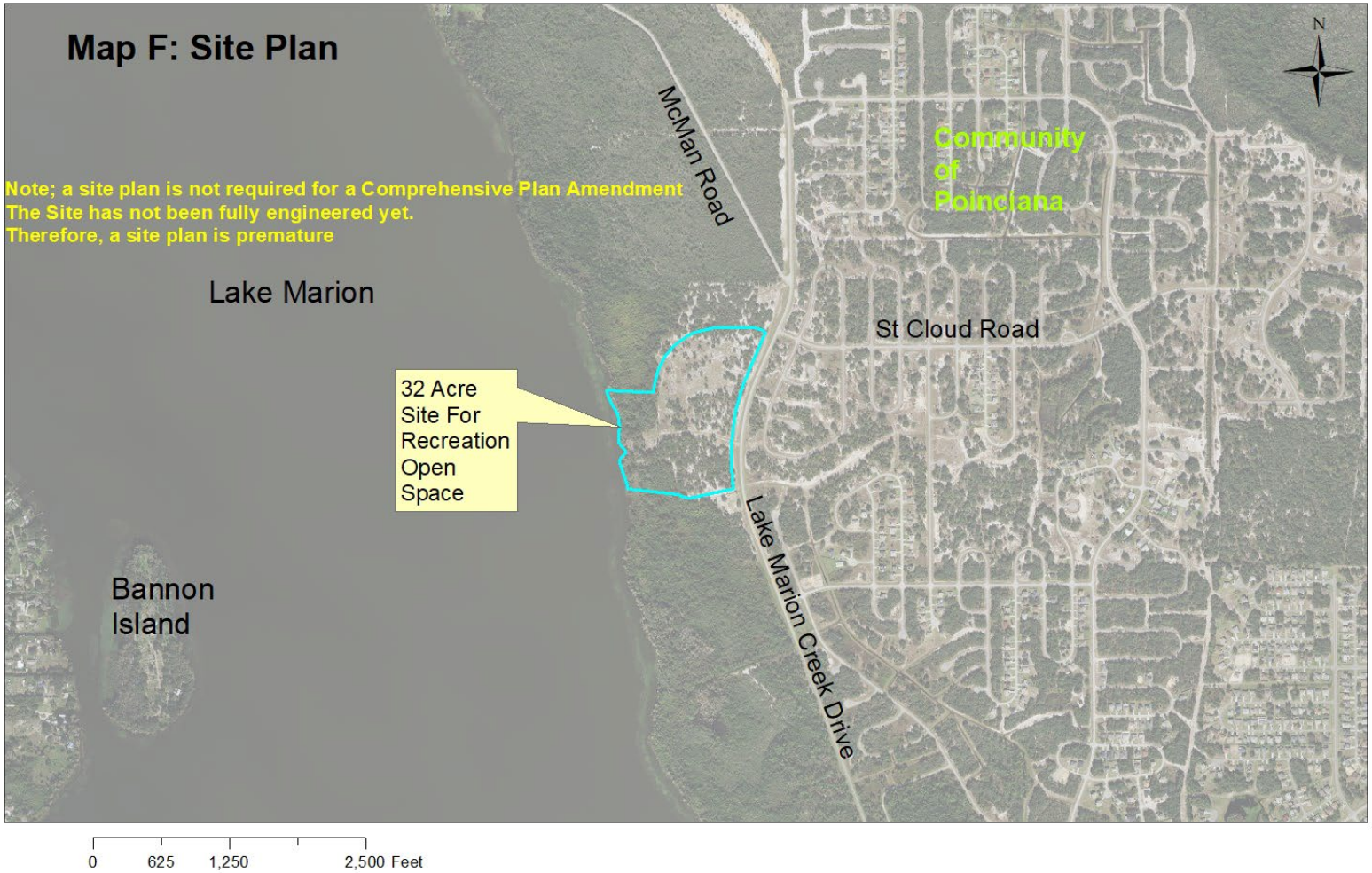

Map A Location
SITE
N
0
0.5
1
2 Miles
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

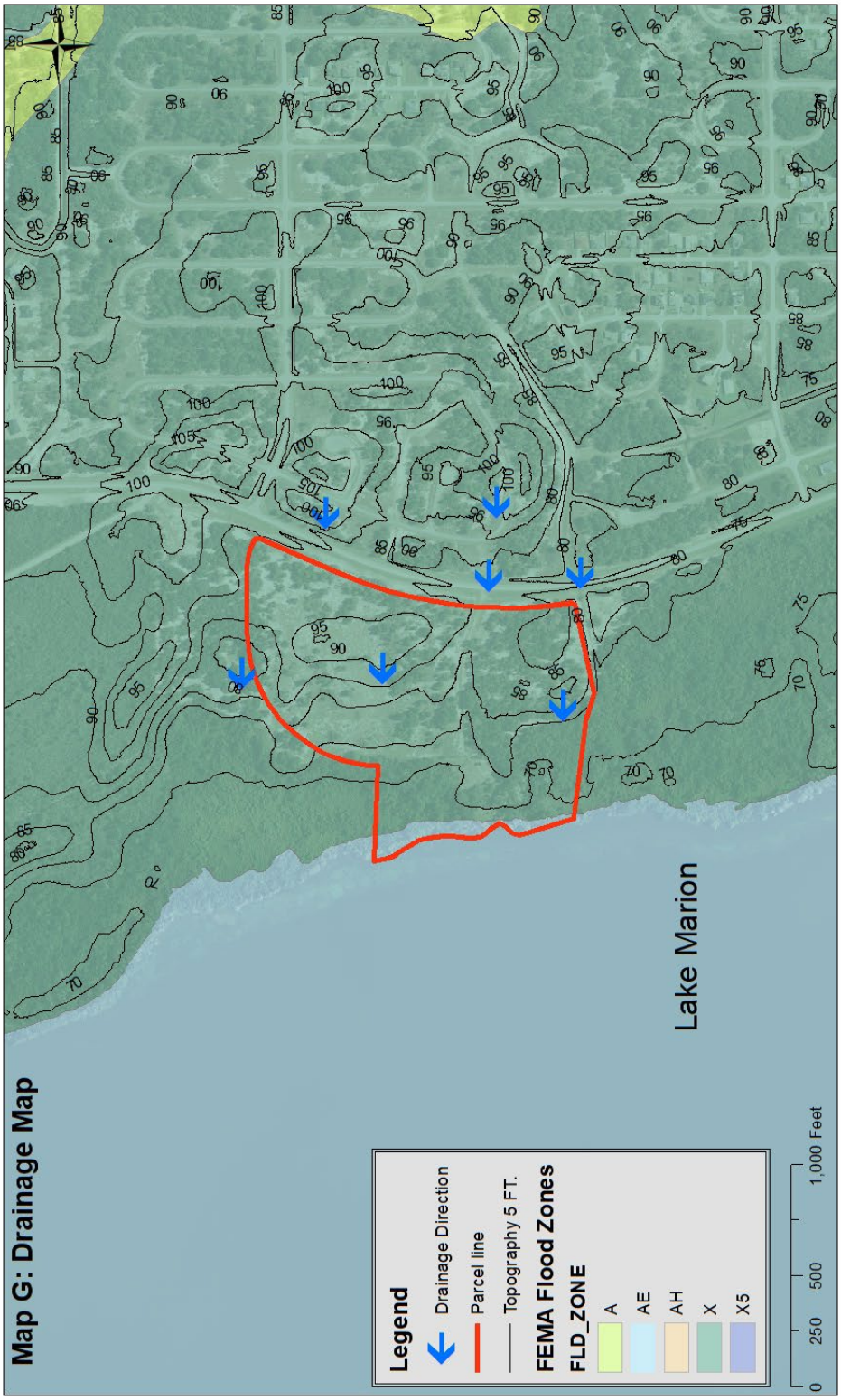

Map B: Topographic Map
Lake Marion
Legend
Parcel line
Topography 5 FT.
FEMA Flood Zones
FLD_ZONE
A
AE
AH
X
X5
0 250 500 1,000 Feet


MAP C LAND USE & LAND USE DISTRICT
Legend
Inst1x
Parcel line
ROSX
Preservx
A RR
DRI
N
A/RR
ROS-X
INST-1X
DRI
Proposed ROS-X
A/RR


N
Map D Soils Map
Samsula Muck
Tavares Fine Sand
0 to 5 Percent Slopes
Astatula Sand
0 to 8 percent Slopes
Immokalee Sand
SITE
Lake Marion
0
125
250
500 Feet


Map E Traffic Circulation Map
SITE
Lake Marion
0 250 500 1,000 Feet
Tallahassee Court
Saint Cloud Road
Hillsborough Lane
Hillsborough Drive
Kissammee Way
Kissammee Drive
Stuart Lane
Lake Marion Creek Drive
Eastway Road


Map F: Site Plan
Note; a site plan is not required for a Comprehensive Plan Amendment
The Site has not been fully engineered yet.
Therefore, a site plan is premature
Lake Marion
McMan Road
Community of Poinciana
St Cloud Road
32 Acre Site For Recreation Open Space
Lake Marion Creek Drive
Bannon Island
N
0
625
1,250
2,500 Feet


Map G: Drainage Map
Lake Marion
Legend
Drainage Direction
Parcel line
Topography 5 FT.
FEMA Flood Zones
FLD_ZONE
A
AE
AH
X
X5
0
250
500
1,000 Feet


PRESVX
ROS
SAINT CLAIR RD
EASTWAY
MCMAN RD
ALAFIA WAY
ALAFIA PL
ALAFIA DR
APOPKA LN
APOPKA DR
AMAZON CT
AMAZON LN
WAHNETA CT
WAHNETA DR
CARIBBEAN DR
Site Location: Pre-Development of Regional Impact (PRE-DRI#1)
DRI
HOMOSASSA CT
ST AUGUSTINE CT
HILLSBOROUGH CT
CONGO CT
CONGO DR
HOMOSASSA DR
KISSIMMEE WAY
KISSIMMEE LN
HILLSBOROUGH DR
SARASOTA CT
PUNTA GORDA CT
LAKE MARION CREEK DR
STUART LN
HOMOSASSA RD
SEBRING WAY
PUNTA GORDA DR
SARASOTA DR
MEDITERRANEAN CT
MEDITERRANEAN DR
MARLIN DR
MARLIN WAY
SILVER GLEN RD
Lake Marion


Change to ROS (Recreation Open Space)
Lake Marion
ROS
ROS
NST-1X
N
W
E
S
SAINT CLAIR RD
EASTWAY RD
MGMAN RD
ALAFIA WAY
BALTIC DR
HOMOSASSA RD
MIAMI WAY
PEACE DR
PEACE WAY
ST CLOUD RD
ASHBURY WAY
ORLANDO LN
KISSIMMEE LN
SEBRING WAY
MEDITERRANEAN CT
MEDITERRANEAN DR
SILVER GLEN RD
ST JOHNS CT
CARIBBEAN CT
CARIBBEAN DR
VERNON CT
TAMPA CIR
CARPIAN RD
LAKE MARION GREEK DR
MARLIN DR
MARLIN WAY
RIO GRANDE CT
RAINBOW CT
MULBERRY CT
NAPLES CT
PEACE CT
DANUBE DR

DEMONSTRATION OF NEED

POLICY 2.102-A11: URBAN SPRAWL CRITERIA - In accordance with Rule 9J-5.006(5) of the Florida Administrative Code, Polk County will discourage the proliferation of urban sprawl by use of the following criteria when determining the appropriateness of establishing or expanding any land use or development area. The analysis must ask whether or not the proposed plan amendment:

a. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.
Response: This development promotes land development to develop as a low-intensity, low density, by providing much needed recreation and open space adjacent to an area platted for intensive development as a Pre-DRI development.

a. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
Response: The parcel's use preserves some of the rural nature of the area as recreational trailhead for the adjacent preserves.

c. Promotes, allows, or designates urban development in radial, strip isolated or ribbon patterns generally emanating from existing urban developments.
Response: The change of land use to Recreation Open Space contains development from Poinciana reaching the shores of Lake Marion. The land use change alters the existing density standards in the Comprehensive Plan (appendix section 2.130-A Poinciana preDRI#1), by severing the parcel from the DRI.

d. As a result of premature or poorly planned conversion of rural land to other uses, fails to adequately protect and conserve natural resources, such as, wetlands, floodplains, native vegetation, environmentally sensitive areas, natural

shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Response: The project maintains and will mitigate the existing environmentally sensitive areas. The design of the project is centered on Lake Marion and other floodplain areas.

e. Fails to adequately protect adjacent agricultural areas and activities including silviculture and active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique, and prime farmlands and soils.

f. Fails to maximize use of existing public facilities and services.

Response: This project will maximize the use of existing public facilities and services, due to its location next to existing and proposed urban development that utilizes the Poinciana DRI water and sewer services, when they become available.

g. Fails to minimize the use of future public facilities and services.

Response: This request for a land use change to allow a public park.

h. Allows for land use patterns or timing which will disproportionately increase the cost in time, money, and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement education health care, fire and emergency response, and general government.

Response: The proposed project is not in a land use pattern that disproportionately increases the cost of public services, due to its proximity to existing and proposed development, demonstrating that the project is appropriately timed.

i. Fails to provide a clear separation between urban and rural uses.

Response: The project is boarded to the east by existing and proposed urban development . The project provides a clear separation between the urban uses of the Poinciana development and the rural uses of the lakeshore.

j. Discourages or inhibits in-fill development or redevelopment of existing neighborhoods and communities.
Response: The development of Recreation Open Space next to the platted Poinciana subdivisions to the east will encourage the development of sites that were platted for Single family residential development in 1983

k. Fails to encourage an attractive and functional mix of land uses.
Response: The development of Recreation Open Space next to the platted Poinciana subdivision, creates an attractive and walkable leisure/recreation amenity adjacent to residential neighborhoods.

l. Results in poor accessibility among linked or related land uses.
Response: The site is across Lake Marion Creek Drive from residential subdivision. There will be trails from the entrance to the on-site Outdoor Education/ Interpretative Center, which will have hiking trails that will link to more hiking trails to the preserves to the north and south of the parcel.

m. Results in the loss of a significant amount of functional open space.

Response: The whole parcel will be a functional recreation and open space for the public, and is connected to a significant amount of open space preserve along Lake Marion.

Level 4 – Land Use Narrative: Why the land use change it is needed for the County.

Land Use Amendment Request for Lake Marion Preserve

This request is to change the existing land use of Development of Regional Impact (DRI) to Recreation Open Space (ROS) for 32 acres of property along the shore of Lake Marion.

The Board of County Commissioners acquired 600+ acres of property from the Lake Marion Preserve L.L.C. in 2023 to protect water quality in the Upper Kissimmee watershed along with protecting imperiled habitats with federally and state listed species.

Of the 600+ acres it is the intent of Parks and Natural Resources Division to sever approximately 32 acres of this property and change the land use to Recreation Open Space (ROS).

This 32-acre parcel will provide for public use and environmental education that offers public enjoyment of the site without damaging the unique natural resources- Lake Marion is unique with its natural communities, it will provide educational opportunities to the public. An Education Center, educational signage and hiking trails make for an opportunity for nature study, and appreciation of water and natural resources. A boat ramp will provide access for fishing on Lake Marion.

Polk County needs additional recreational space to meet the recreational and educational needs of current and new residents of Polk County, which is one of the fastest growing Counties in the State of Florida and the United States of America.

LDCPAS-2023-28 - Lake Marion ROS

Menu Reports Help

Application Name: Lake Marion ROS

File Date: 10/10/2023

Application Type: BOCC-CPA Small

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Lake Marion Land Use Change for ROS - LDDRC-2023-269

Application Detail: Detail

Address: 9999 LAKE MARION CREEK DR, POINCIANA, FL 34759

Parcel No: 282729934280000001

Owner Name: LAKE MARION PRESERVE LLC

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Chanda Bennett		Applicant	Mailing, 330 W Church ...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $5,458.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type
Board of County Commissioners

Application Type
CPA Small Scale Or EAR

Brownfields Request
_

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
_

Will This Project Be Phased

Acreage
321.94

DRC Meeting
11/30/2023

DRC Meeting Time
9:15

Rescheduled DRC Meeting
_

Rescheduled DRC Meeting Time
_

Green Swamp
No

Number of Units
_

Case File Number
_

Is this Polk County Utilities

Is this Application a result of a Code Violation
No

One Year Extension
_

FS 119 Status
Non-Exempt

Code Violation Case Number
_

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date

BOCC2 Advertising Date

Advertising Board
Board of County Commissioners

MEETING DATES

Community Meeting

Planning Commission Date
02/07/2024

Land Use Hearing Officer 3

1st BOCC Date
03/19/2024

2nd BOCC Date

LUHO-Level 3

HEARING

PC Hearing Results

PC Vote Tally

BOCC 1st Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Results

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC23-00000-016H5

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes

RequiredDocumentTypesComplete
No

AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

SELECTED AREA PLANS

Selected Area Plans
N/A

LAND USE

Selected Area Plan	LU Code
Not in an SAP	DR-I Development Regional Impact

DEVELOPMENT AREA

Development Area
Rural

NOR

Neighborhood Organization Registry (NOR)

Association of Poinciana Village Inc.

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC	3	217	01/18/2024	01/10/2024	Yes
BOCC 1	3			01/10/2024	Yes

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	10/10/2023	Angela Kaufman
School Board Review				
Surveying Review	Steve McQuaig	Approve	10/19/2023	Steve McQuaig
Roads and Drainage Review	Phil Irven	Approve	10/13/2023	Phil Irven
Engineering Review	Robert Joynes	Approve	10/10/2023	Robert Joynes
Fire Marshal Review	Kim Turner	Not Required	10/23/2023	Kim Turner
Planning Review	Aleya Inglima	Approve	11/06/2023	Aleya Inglima
Review Consolidation	Angela Kaufman	Approved for...	11/06/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Planning Commision	Angela Kaufman			
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

Polk County

Planning Commission

Agenda Item 14. 2/7/2024

SUBJECT

LDCT-2023-19 (Housing LDC Text Amendment)

DESCRIPTION

An ordinance amending the Polk Land Development Code (LDC) to include the following changes: to add “Duplex, Two-family Attached” as “C3” conditional uses in Residential Low-1 (RL-1) & Residential Low-2 (RL-2) land use districts; to reduce “Mobile Home Subdivisions” and “Mobile Home Parks” to “C3” conditional uses; to require a Level 1 Review for accessory dwelling units; to partially remove temporary mobile homes for medical hardship from review by the Land Use Hearing Officer; to allow accessory structures larger than the primary on residential properties exceeding two acres; to provide clarity to existing criteria for duplexes, mobile homes, multi-family developments, and residential infill developments; to reduce “Individual Mobile Homes to a “C1” conditional use in the Ronald Reagan SAP; to provide definitions for gross density; providing for severability; and providing for an effective date.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
9863) 534-7621
ivannance@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	November 30, 2023	**Level of Review:**	Level 4 Review
PC Date:	February 7, 2024	**Type:**	LDC Text Amendment
BoCC Date:	March 5, 2024 March 19, 2024	**Case Numbers:**	LDCT-2023-19
		Case Name:	Housing Amendment
Applicant:	Polk County	**Case Planner:**	Ian Nance

Request:	An ordinance amending the Polk Land Development Code (LDC) to include the following changes: to add "Duplex, Two-family Attached" as "C3" conditional uses in Residential Low-1 (RL-1) & Residential Low-2 (RL-2) land use districts; to reduce "Mobile Home Subdivisions" and "Mobile Home Parks" to "C3" conditional uses; to require a Level 1 Review for accessory dwelling units; to partially remove temporary mobile homes for medical hardship from review by the Land Use Hearing Officer; to allow accessory structures larger than the primary on residential properties exceeding two acres; to provide clarity to existing criteria for duplexes, mobile homes, multi-family developments, and residential infill developments; to reduce "Individual Mobile Homes to a "C1" conditional use in the Ronald Reagan SAP; to provide definitions for gross density; providing for severability; and providing for an effective date.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	Pending

Among the changes to Chapter 2:

- Adding "Duplex, Two-Family Attached" as a "C3" Conditional Use in RL-1 & RL-2 districts.
- Reducing "Mobile Home Park" and "Mobile Home Subdivision" from "C4" to "C3" conditional uses.
- Clarifying in the Table 2.2 Footnotes that densities for a duplex unit on a single lot can be increased through a Conditional Use approval. Clarifying that minimum lot areas are for single-family detached and duplex units.

- Modifying Section 206.B to rename "Security Residences" to "Secondary Residential Structures," to include other uses such as parsonages, and to lower the level of review to a Level 1.

- Modifying Section 207.J, Temporary Mobile Homes for Medical Hardships, to move requests for such mobile homes from review by the Land Use Hearing Officer (LUHO) to staff review on properties exceeding one acre.

- Modifying Section 209.G to allow all residential properties two acres and above further allowances for accessory structures larger than the primary up to 150% of the size of the primary structure.

Among the changes to Chapter 3:

- Modifying Conditional Use criteria for Duplexes to distinguish the types of review required for an individual duplex and larger duplex developments requiring a Planned Development.

- Modifying the Conditional Criteria for Individual Mobile Homes, Multi-family, and Residential Infill Development to provide clarity and correct grammatical errors.

Among the changes to Chapter 4:

- Reducing the Level of Review for Individual Mobile Homes from a "C4" to a "C1" in the Ronald Reagan Selected Area Plan.

Among the changes to Chapter 10:

- Adding definition for Gross Density.

Summary:

The purpose of this ordinance is broad but constitutes simple policy changes intended to alleviate the burdens of citizens to develop and use individual lots, reduce the levels of review for certain uses, and provide clarity for citizens and staff when applying existing conditional use standards. With input from the Development Review Committee, Customer Services, and LUHO cases, this amendment aims to reduce the number of inconsistencies in the LDC, such as allowing multi-family uses in Residential Low-1 land use districts but not allowing duplexes. It recognizes that the current levels of review for minor uses such as security residences and temporary mobile homes for medical hardship are unwarranted. This will provide more affordable housing opportunities and more allowances for homeowners wishing to build accessory structures that are larger than primary structures, especially in rural areas. Finally, this amendment will correct multiple errors and oversights in the LDC text that have led to confusion on how certain conditional standards are applied. Staff recommends approval of this amendment.

Relevant Sections, Policies, and/or Regulations to Consider:

Comprehensive Plan Policy 2.203-A2 Housing Element
Comprehensive Plan Section 2.102 Growth Management
Comprehensive Plan Section 2.120-C Residential Low
LDC Section 205 Use Table for Standard Land Use Districts

LDC Section 206 Accessory Uses
LDC Section 207 Temporary Uses
LDC Section 209 Accessory Uses
LDC Section 303: Criteria for Conditional Uses
LDC Table 4.3 Use Table for Ronald Reagan Selected Area Plan
LDC Section 904 Level 1 Review
LDC Section 905 Level 2 Review
LDC Section 906 Level 3 Review
LDC Section 907 Level 4 Review
LDC Chapter 10 Definitions

Findings of Fact

- *This is a request to amend the Polk Land Development Code (LDC) to include the following changes: to add "Duplex, Two-family Attached" as "C3" conditional uses in Residential Low-1 (RL-1) & Residential Low-2 (RL-2) land use districts; to reduce "Mobile Home Subdivisions" and "Mobile Home Parks" to "C3" conditional uses; to require a Level 1 Review for accessory dwelling units; to partially remove temporary mobile homes for medical hardship from review by the Land Use Hearing Officer; to allow accessory structures larger than the primary on residential properties exceeding two acres; to provide clarity to existing criteria for duplexes, mobile homes, multi-family developments, and residential infill developments; to reduce "Individual Mobile Homes to a "C1" conditional use in the Ronald Reagan SAP; to provide definitions for gross density; providing for severability; and providing for an effective date.*

- *Chapter 553 of the Florida Statutes states that "Mobile Home" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of the Florida Statutes.*

- *POLICY 2.102-A1 of the Comprehensive Plan states, "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 2.203-A2 of the Comprehensive Plan (Housing Element) states that "Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code."*

- *Comprehensive Plan Section 2.120-C Residential Low states, "The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units. 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."

- *According to LDC Chapter 10, an Accessory Structure is "A structure, which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. For floodplain management purposes, the term includes only accessory structures used for parking and storage."*

- *According to LDC Chapter 10, an Accessory Use is "A use which:*

  1. *Is clearly incidental to, customarily found in association with, and serves a principal use;*

  2. *Is subordinate in purpose, area, and extent to the principal use served;*

  3. *Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use; and*

  4. *Is not the principal use."*

- *According to LDC Chapter 10, a Duplex is, "A single structure containing two dwelling units connected by a common wall or other integral part of the principal building, such as a breeze way or carport, and situated either on a single lot or parcel (duplex) or two adjacent lots (single-family attached)."*

- *According to LDC Chapter 10, Infill Development is, "Development of vacant, "skipped-over" parcels of land in otherwise built areas. The reuse or change of use of a previously developed parcel or the intensification of use or change of use by remodeling or renovation of a structure."*

- *According to LDC Chapter 10, a Mobile Home is, "A structure, transportable in one or more sections, which is eight body feet or more in width, and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein."*

- *According to LDC Chapter 10, a Mobile Home Park is, "A single tract of land under a single ownership where lots are offered for lease or rent for placement of three or more mobile homes or where mobile homes are offered for lease or rent, and which is developed with all necessary facilities and services for park residents in accordance with an approved site development plan."*

- *According to LDC Chapter 10, a Mobile Home Subdivision is "A platted residential subdivision in which the dwelling units consist of mobile homes."*

- *According to LDC Chapter 10, Multi-family is defined as, "A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and other spaces. Each unit is an independent housekeeping unit (room or suite of rooms used exclusively for permanent or seasonal residential occupancy as a home or residence of one (1) individual, family, or household, and not including hotel rooms. Individual units may be owned as single-family attached dwellings (duplex), townhouses, condominiums, or offered for rent (apartment)."*

- *According to LDC Section 206, "Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter."*

- *According to LDC Section 207, "Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location and are conducted for only a short period of time."*

- *According to LDC Section 209.G, "Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site."*

- *According to LDC Section 904, "A Level 1 Review is a technical review of development plans and applications for development activities that do not require a multi-disciplinary review. The review is to ensure the development meets minimum standards as stated in this Code and other County regulations. A Level 1 Review is performed by various Polk County staff. A successful Level 1 Review will result in an issuance of an authorization to proceed with development, such as a building permit."*

- *According to LDC Section 905, a Level 2 Review is, "A technical review of an application and plans for a development which is:*

  1. *Expected to have multiple technical issues or changes in the use or site;*

  2. *To ensure conditions required by the Comprehensive Plan are compliant;*

  3. *To evaluate whether the application meets minimum development standards and conditions as stated in this Code and other County development regulations;*

  4. *Necessary to review by the Land Development Director for conditions as required by the Comprehensive Plan and in Chapter 3 of this Code.*

  A Level 2 Review is performed by the Development Review Committee (DRC). A successful Level 2 Review will result in approval of subdivision construction plans, permitted use site plans, or conditional use site plans."

- *According to LDC Section 906, "The Level 3 Review is a technical and compatibility review of development applications and plans which have limited issues to be reviewed by a citizen authority in a public hearing forum, in which affected parties can provide input and feedback to the applicant and the Planning Commission (PC). A Level 3 Review is performed by the Development Review Committee and Planning Commission (PC). The DRC and the Planning Commission may approve, deny, or approve with conditions. A successful Level 3 Review will result in an approval, or approval with conditions, or an affirmative recommendation of the plans presented."*

- *According to LDC Section 907, the Level 4 Review "is to evaluate whether the requested development meets minimum development standards as stated within this Code, other County development regulations, and to provide for compatibility review. The Planning Commission shall recommend and the BoCC may approve, approve with conditions, or deny the application. A Level 4 Review is performed by the Development Review Committee, the Planning Commission, and the Board of County Commissioners. A successful Level 4 Review will result in a recommendation of approval, or approval with conditions from the Planning Commission and approval or approval with conditions by the Board of County Commissioners."*

- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

- *Since 2018, there have been 15 requests for Temporary Mobile Home for Medical Hardship (TSE) requests. All have been approved by LUHO or the former Board of Adjustments. Of these 15, eleven have been requests for properties larger than one acre.*

- *Since 2020, Land Development staff has presented 41 cases to LUHO requesting accessory structures larger than the primary. All have been approved. Of these, 19 have been for storage structures – garage, pole barn, etc. – on properties where the primary structure is a mobile home without a garage or additional space for vehicles, lawn equipment, ATVs, and personal belongings.*

- *This application has been reviewed for consistency with LDC Section 907.*

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 proposed request **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, and therefore, the DRC recommends **APPROVAL of LDCT-2023-19.**

Analysis:

Duplexes

The current language in the LDC provides no distinction between building a single duplex structure on an individual, un-platted lot and a larger subdivision development comprised of duplexes. Furthermore, no duplex development is permitted in RL-1 or RL-2, which is inconsistent with other uses. Multi-family, for instance and which is far more intense, is allowed in both sub-districts, pending Planning Commission approval.

This amendment will add "Duplex, Two-Family Attached" to RL-1 and RL-2 as "C3" uses, consistent with the level of review required in RL-3 and RL-4. Furthermore, this will lower the burden of approval for applicants wishing to build a single duplex unit on an existing legal lot. Most individual duplex requests will exceed the density and lot size requirements in the underlying land use district. As the Code reads now, to do so would require each duplex request to meet the standards for a Planned Development (PD), which is excessive for the intensity of the request. Section 303 will be amended to allow duplexes on individual lots to be processed as Conditional Uses with the Planning Commission ultimately determining if the unit type is within character of the surrounding area. Larger duplex developments requiring increased density will continue to follow the PD process.

Mobile Homes

This amendment will lower the level of review for Mobile Home Parks and Mobile Home Subdivisions from requiring BoCC approval to requiring PC approval in Residential Low land use districts, consistent with requests in A/RR and RS. The current level of review is a holdover from previous zoning ordinances. Requests for new MHPs are relatively infrequent; staff has processed fewer than five requests since 2018. The most common request is a modification to existing parks to add a handful of units. These are minor but must currently still be heard by the Board, which can be a high barrier to entry. At any rate, sufficient public opposition can still appeal to the BoCC through the DeNovo Hearing process.

These changes will only take place in parts of Polk County outside of the Selected Area Plans and Green Swamp ACSC, where MHPs are already "C3" uses in RL land use districts. In the Ronald Reagan SAP, Individual Mobile Homes are categorized in the use table with Mobile Home Subdivisions as "C4" conditional uses requiring BoCC approval in RL-4X districts. Since 2018, there have been two requests for placing a single mobile home in the RR SAP. One was approved (LDCU-2022-40), while the other is pending the outcome of this amendment which will reduce the level of review for Individual Mobile Homes to a "C1" aligning it with this use throughout the rest of the County.

Finally, this amendment will modify the conditional use text in Section 303 of Individual Mobile Homes to clarify that mobile homes can be placed only on legal lots, no matter which provision is used to place one. This is policy now, as other elements of the LDC require minimum lot standards for single-family development, whether they are legally created today or determined to be a legal lot of record; however, confusion has occurred within staff and the public when applying the

current plain language standards. Similarly, this amendment will clarify that mobile homes shall not be placed through the Residential Infill policy in Section 303.

Residential Infill

In addition to the clarification regarding Mobile Homes, a past grammatical error has brought confusion when reviewing potential Residential Infill Developments. Current text states that "tracts considered for Residential Infill Development shall be limited to no greater than **80 gross net acres**."

This is a conflicting term, and this amendment will change the language to read "80 acres, less waterbodies and wetlands" to make it consistent with the County definition of Developable Area. In addition, a definition for Gross Density will be added to Chapter 10.

Secondary Residential Structures for Non-residential Uses

The above phrasing will replace "Security Residences" in Section 206.B. Through Pre-Application cases reviewed by DRC, staff has determined that the current language in 206.B is insufficient. For one, there are no provisions for parsonages or other homes used by clergy when sited on property owned by religious institutions. This amendment will provide for these homes. The language has been unclear as to whether a mobile home can be used for a security residence. This amendment will allow a mobile home for this purpose. Finally, the path for approval of these homes has been a Level 2 Review, which requires engineered site plans, excessive for limited scope of use. This amendment will lower this to a simple Level 1 approval by Land Development or the Building Department.

Temporary Mobile Homes for Medical Hardships

Mobile homes may be permitted as a Temporary Special Exception (TSE) in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Requests for these mobile homes must be approved by the Land Use Hearing Officer (LUHO) requiring an individual to attend a public hearing to discuss private medical matters.

Since 2018, there have been 15 TSE requests. All have been approved by LUHO or the former Board of Adjustments. Of these 15, eleven have been requests for properties larger than one acre. This amendment will remove the need for LUHO approval for such properties, under the assumption that an acre provides adequate space for two dwelling units while meeting setback standards and allowing privacy for the neighbors. Future applicants will submit for a Level 1 approval by staff.

Those requests on properties less than an acre will continue to be reviewed by LUHO. Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed by the Land Development Director, following notice provided by the Land Development Director within 30 days before expiration, when the medical hardship

warranting the original approval remains and is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the mobile home must be removed from the property within 60 days.

Accessory Structures Larger than the Primary

Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, current text allows larger accessory structures up to 150 % of the principal structure square footage or height with a minimum lot size of five acres in the A/RR district. Failing that limited scope, approval from LUHO is required.

Since 2020, staff has presented 41 cases to LUHO requesting accessory structures larger than the primary. All have been approved. Of these, 19 have been for storage structures – garage, pole barn, etc. – on properties where the primary structure is a mobile home without a garage or additional space for vehicles, lawn equipment, ATVs, and personal belongings. The average property size per request was 2.95 acres with 23 properties (56%) two acres or higher. Finally, of all requests, 23 of the proposed structures fell within the 150% allowance.

To provide more allowances for accessory structures larger than the primary, staff has proposed decreasing the minimum acreage for an administrative approval to two acres within all residential land use districts, not just A/RR. The threshold for the maximum size for an administrative approval will remain 150% but will provide up to 2,000 sq. ft. for the accessory structures to help smaller homes (< 1,300 sq. ft.). This amount of acreage will allow for space between neighbors when contemplating the compatibility of larger accessory structures. If applied, these new standards would have allowed 18 cases (44%) to move forward with building permits without LUHO approval.

Limits of the Proposed Ordinance

Elements of this amendment will affect the approval of accessory structures, temporary special exceptions, the described conditional uses, and secondary residential structures County-wide, including the Green Swamp ACSC.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. Essentially, this amendment is a policy change intended to alleviate the burdens of securing permits and permissions for uses for which current standards and levels of review are either too stringent for modern development or are routinely approved to the point an approval should be administrative.

Comments from Other Agencies: None

Draft Ordinance: Under separate attachment

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-19**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, TABLE 2.1, TO ADD "DUPLEX, TWO-FAMILY ATTACHED" AS "C3" CONDITIONAL USES IN RESIDENTIAL LOW-1 (RL-1) & RESIDENTIAL LOW-2 (RL-2) LAND USE DISTRICTS; AMENDING TABLE 2.1 TO REDUCE "MOBILE HOME SUBDIVISIONS" AND "MOBILE HOME PARKS" TO "C3" CONDITIONAL USES; AMENDING SECTION 206.B TO REQUIRE A LEVEL 1 REVIEW FOR ACCESSORY SECURITY RESIDENCES; AMENDING SECTION 207.J TO PARTIALLY REMOVE TEMPORARY MOBILE HOMES FOR MEDICAL HARDSHIP FROM REVIEW BY THE LAND USE HEARING OFFICER; AMENDING SECTION 209, TO ALLOW ACCESSORY STRUCTURES LARGER THAN THE PRIMARY ON RESIDENTIAL PROPERTIES EXCEEDING TWO ACRES; AMENDING CHAPTER 3, SECTION 303, DUPLEX, TO PROVIDE CLARITY TO EXISTING CONDITIONAL USE CRITERIA FOR DUPLEX, INDIVIDUAL MOBILE HOMES, MULTI-FAMILY, AND RESIDENTIAL INFILL DEVELOPMENTS; AMENDING CHAPTER 4, SECTION 401.02, TABLE 4.3, TO REDUCE INDIVIDUAL MOBILE HOMES TO A "C1" CONDITIONAL USE IN THE RONALD REAGAN SELECTED AREA PLAN; AMENDING CHAPTER 10, DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on February 7, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall decrease the level of review of particular uses and clarify current policy; and

WHEREAS, the Board of County Commissioners held two public hearings on March

5, 2024 and March 19, 2024 wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

> *NOTE:* The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.

b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on February 7, 2024, to consider the LDC text amendments contained within Application LDCT-2023-19 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2023-19.

c) The adoption of LDCT-2023-19 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 205, Table 2.1 Use Table for Standard Land Use Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Table 2.1 Use Table for Standard Land Use Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH
Duplex, Two-family Attached		C3	C3	C3	C3	C3	C3	P	P
Family Farm	C1		C1						
Fly-in Community	C3		C3						
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	C3	C3	C3					C1	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2
Farm Worker Dormitory, Apartment Style	C2	C2	C2						
Farm Worker Dormitory, Barrack Style	C3	C3	C3						
Mobile Home Park	C3	C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	C3	C3
Mobile Home Subdivision	C3	C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	~~C4~~ C3	C3	C3
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1	C1
Multi-family		C3		C3	C3	C3	C3	P	P
Residential Infill Development			C2	C2	C2	C2	C2		
Rural Residential Development (RRD)	C3		C3						
Short-Term Rental Unit				C3	C3	C3	C3	C3	C3
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P	P	C2
Suburban Planned Development			C3						

SECTION 3: Chapter 2, Footnotes for Table 2.2, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

…

2. Higher densities may be achieved through a Planned Development. For a duplex structure on an individual lot, increases in density may be granted through a Level 3 Conditional Use approval. See Section 303.

3. Lot areas are given on a per unit basis for single-family detached and duplex units. Smaller lot areas may be achieved through a Planned Development. For individual duplex units, see Section 303.

…

SECTION 4: Chapter 2, Section 206.B, Accessory Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

B. ~~***Security Residences***~~ ***Secondary Residential Structures for Non-residential Uses***

~~Security residences~~ Secondary Residential Structures may be permitted as an attached or detached accessory use in all non-residential districts for purposes of security, maintenance, monitoring, and protection of the principal non-residential use subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit or mobile home may be permitted ~~as a security residence~~ on the same lot or parcel as a non-residential use.

2. A ~~security residence~~ Secondary Residential Structure may be permitted as an accessory use pursuant to a ~~Level 2 Review~~ Level 1 Review.

3. A dwelling unit intended for the onsite habitation of clergy may be approved pursuant to the previous two conditions.

SECTION 5: Chapter 2, Section 207.J, Temporary Mobile Homes for Medical Hardships, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

J. ***Temporary Mobile Homes for Medical Hardships***

Mobile homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person~~,~~ or the residence of the person providing the supervision. Temporary mobile homes for medical hardships are subject to ~~the applicable district regulations and~~ the following requirements:

1. ~~The mobile home may not be approved on a lot or parcel less than 12,500 square feet or 50 feet in width.~~ For lots or parcels meeting or exceeding one acre, a mobile home for this purpose may be approved through a Level 1 Review, pursuant to the standards below. For lots or parcels below one acre, an application for a temporary mobile home for a medical hardship may only be approved by the Land Use Hearing Officer pursuant to procedures in Chapter 9.

2. The mobile home shall not be located in the front yard of the existing principal residence.

3. The mobile home shall meet all setbacks and building separation requirements pertaining to the principal residence.

4. The mobile home may be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.

5. Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed by the Land Development Director, following notice provided by the Land Development Director within 30 days before expiration, when the medical hardship warranting the original approval remains and

is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the mobile home must be removed from the property within 60 days.

6. Approval is not transferable to another person, and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the approval.

~~7. An application for a temporary mobile home for a medical hardship may only be heard before the Land Use Hearing Officer pursuant to procedures in Chapter 9.~~

SECTION 6: Chapter 2, Section 209, Accessory Structures, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

…

F. ***Attached/Connected Accessory Structures***

Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure unless exempted or superseded elsewhere in this Code.

G. ***Size***

Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, an accessory structure may be permitted to be larger in square footage or in height than the principal structure on-site pursuant to ~~on~~ one of the following:

~~1. Accessory structures may be permitted up to 150 % of the principal structure square footage or height with a minimum lot size of five acres in the A/RR district (no variance required);~~

1. Accessory structures may be permitted up to 150% of the height of the principal structure and up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater, with a minimum lot size of two acres (no variance required);

2. With approval of a variance from the Land Use Hearing Officer pursuant to Sections 930 and 931; or,

3. Accessory structures utilized in conjunction with bona fide agricultural uses.

H. ***Variance***

The Land Use Hearing Officer shall have the authority to grant variances from subsection G of this Section.

SECTION 7: Chapter 3, Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

…

Duplex ***(Revised 04-04-02 - Ord. 02-17)***

Applications for duplexes in the RCC-R, RCC, RS, and RL ~~RL-3, and RL-4~~ residential districts shall undergo a Level 3 Review, ~~refer~~ pursuant to Section 906. In addition to all applicable regulations, the following conditions shall apply:

1. All ~~duplexes~~ duplex subdivisions shall comply with Chapter 8 requirements.

2. ~~All duplexes~~ Proposed duplexes within a subdivision and multiple duplex structures on a single lot shall comply with the following development standards:

   a. All streets shall be publicly or privately maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapters 7 and 8, and Appendix A (Technical Standards Manual).

   b. ~~The maximum density shall not exceed the applicable district standard in Table 2.2.~~ Densities above the applicable district standard may be increased through a Planned Development to the maximum provided by the Comprehensive Plan.

3. A duplex on an individual lot may be approved pursuant to the standards of Residential Infill Development.

4. An application to increase the density for a single duplex structure on an individual legal lot ineligible for infill shall be granted through a Conditional Use approval. Measurements for density shall include the lot area and include one-half of the right-of-way area for perimeter local streets and one-fourth of the right-of-way area for perimeter local street intersections.

…

Mobile Homes, Individual ***(Revised 7/29/02 - Ord. 02-52; 4/4/02 - Ord. 02-17; 12/08/03 Ord. 03-69)***

Mobile homes shall be permitted in all of the following locations:

1. Within any registered mobile home park that has been approved by Polk County;

2. Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;

3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;

4. On any un-platted legal residential lot or parcel in the A/RR district;

5. On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;

6. On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;

7. On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;

8. On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,

9. On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.

Multi-Family Development ***(Revised 04/19/16 – Ord. 16-022; 01/24/12 – Ord. 12-003; 03/19/08 – Ord. 08-004; 10/23/02 - Ord. 02-69; 01/03/05 - Ord. 04-80)***

In addition to all applicable regulations the following standards shall apply:

…

4. Multi-family development within ~~activity centers~~ Activity Centers, INST, and BPC-1 shall:

a. Provide a minimum of two sidewalk/bicycle connections between the residential and non-residential uses within an activity center shall be required,

…

Residential Infill Development ***(Revised 03/25/03 - Ord. 03-23)***

A. General Applicability

…

2. Tracts considered for residential infill development shall be limited to no greater than 80 ~~gross net~~ acres, less waterbodies and wetlands. Developments shall not be phased and/or incrementally expanded with the intent to circumvent the acreage limit.

B. General Development Standards for Residential Infill Developments.

1. Roadways and Sidewalks

a. Roadways within the Residential Infill Subdivision shall be constructed to follow the existing roadway network found in the surrounding pattern of development. New roadways shall be required to connect to Astub outs@ that were originally constructed to connect new development with existing developments.

b. Sidewalks shall be installed along one side of collector and/or arterial roadways when existing sidewalk infrastructure is located within 100 feet of the site. This sidewalk required may be waived where there is insufficient right-of-way along the roadway.

2. Lot Size and Density

a. Density for a Residential Infill Development shall not exceed the maximum densities allowance for a Planned Development established in the Comprehensive Plan.

b. Minimum lot sizes may be determined by the average lot size of surrounding parcels or at least 6,000 square feet, ~~which ever~~ whichever is greater. The average lot size shall be calculated by the following:

i. The largest developable lot size and smallest developable lot size within 250 feet of the subject site shall be added together and subsequently divided by two. The subject site shall not be considered in the equation; OR

ii. The applicant shall designate two differing sides of the site to calculate the average lot size. The largest developable lot size and the smallest ~~development~~ developable lot size that are adjacent to the site on either two sides shall be added together and subsequently divided by two. Parcels that are separated from the site by greater than 80 feet of right-of-way shall not be considered to be adjacent; OR

iii. The applicant shall provide the lot size of the largest parcel that is adjacent to the site.

3. Dimensional Standards

a. Required building setbacks and height limits for a Residential Infill Development may be either determined by the dimensional requirements established for the land use district in which the site is located or determined by the average setback and height of existing structures on adjacent sites.

4. Building Type

a. Building types within a Residential Infill Development may include such types that exist on any abutting property.

b. Individual mobile homes shall not be included in this standard.

C. General Development Standards for Residential Infill of Individual Lots

Individual lots and parcels are eligible for residential infill provided the following:

1. Lot sizes may be established in accordance with subsection B.2 above or through a determination to be a legal lot of record.

2. For purposes of this section, density requirements are assumed to be established through previous zoning or land development approvals.

3. Infill for residential building types may include those that exist on any abutting property's interior side lot line. Individual mobile homes shall not be included in this standard.

4. Setbacks shall be determined by Section 208.E.

5. The minimum service standards in Table 3.4a shall not apply.

6. Individual lot infill shall be approved through a Level 1 Review.

…

SECTION 8: Chapter 4, Section 401.02, Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX
Duplex or Two-family Attached	C3	C2	P			C2				
Group Home, Small (6 or less residents)	C1	C1	C1							
Group Home, Large (7-14 residents)			C1							
Group living Facility (15 or more residents)	C3	C3								
Mobile Home Park			C3							
Mobile Homes, Individual ~~& Subdivision~~	C1	~~C4~~ C1								
Mobile Home Subdivision	C1	C3								
Multi-family	C3	C2	P	C2	C2	C2	C2	C2	C2	C2
Short-Term Rental Unit	C3	C2	C2				C2			
Single-family Detached Home & Subdivision	P	P	C2							

SECTION 9: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

CHAPTER TEN DEFINITIONS

…

DEGRADATION: Any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological or climatic characteristics supporting the species, or of plants and animals co-occurring with and significantly affecting the ecology of the species.

DENSITY CREDITS: A value equal to the maximum number or residential dwelling (family) units which may be constructed on a given amount of land under the existing land use classification of that land, usually expressed in dwelling units per acre.

DENSITY, GROSS: Gross density is the total number of dwelling units located on the developable area of a residential property.

~~**DENSITY, SIGNIFICANTLY DIFFERENT**: A density which is 50 percent or greater than the surrounding density.~~

DEP: Abbreviation for the Florida Department of Environmental Protection.

DEPARTMENT (Revised 5/20/09 – Ord. 09-023): The Department of Growth Management is a department of Polk County government. Divisions under the Department of Growth Management include Long Range Planning, Building and Codes, and Land Development.

DETENTION (or TO DETAIN): The collection and temporary storage of storm water in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the storm water.

DETENTION STORAGE: The physical location where storm runoff is collected, treated, and held for a period of time, and released. (See: DETENTION)

DEVELOPABLE AREA: For purposes of density, that portion of a parcel exclusive of water bodies and wetlands.

…

SECTION 10: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 11: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA this 19th day of March 2024.

Housing Amendment (*Target Dates: February PC & March BoCC)*

LDC Sections to Potentially Amend:

Table 2.1 Add "Duplex, Two-Family Attached" as "C3" uses in RL-1 & 2

- *Allowed as "C3" in RS, RCC-R, RL-3 & 4.*
- *Multi-Family Allowed in RL as "C3"*
- *Comes up periodically in DRC/Phone Calls.*
- *Remove PD criteria and stay with Conditional Use*

Table 2.1 Reduce Mobile Home Subdivisions & Mobile Home Parks to "C3" uses.

- *Does the BoCC need to review housing type?*
- *Is this even a barrier to entry or does market determine the need?*

Table 4.3 RR SAP Break-out "Individual Mobile Homes" from "Mobile Home Subdivisions" and lower from "C4" to "C1" in RL-4X

- *This is absurd.*

Section 206.B Security Residences change from Level 2 to Level 1

- *There is nothing to review as a Level 2 for one home as a security residence.*
- *Could create an easy Level 1 approval method (LDSR-2023-###) or go straight to Building.*
- *Perhaps add "parsonage" in here, too.*

Section 207.J Temporary Mobile Home for Medical Hardships out of LUHO

- *Why embarrass sick people?*
- *Nothing for LUHO to review.*

Section 303 Residential Infill

- *Clarify rules.*

Potential Additions:

- *Allowing more administrative leeway for open-air carports/pole barns larger than primary mobile home or homes w/o garages on A/RR properties of some size range. Intern Kayla is doing some research for me.*

LDCT-2023-19 - Housing Text Amendment

Menu Reports Help

Application Name: Housing Text Amendment

File Date: 11/01/2023

Application Type: BOCC-LDC Text Change

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Table 2.1, Table 4.3, Sections 206.B, Section 207.J, Section 303 with some additions.

Application Detail: Detail

Address: 330 W CHURCH ST, BARTOW, FL 33830

Parcel No: 253006393000000172

Owner Name: POLK COUNTY

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Ivan Nance		Applicant	Mailing, 330 W. Church...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $5,434.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: LD_PUBL_HEAR

PUBLIC HEARINGS

Development Type
Board of County Commissioners

Application Type
LDC Text Amendment

Variance Type
–

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
0

DRC Meeting
11/30/2023

DRC Meeting Time
8:30

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Number of Units
–

Green Swamp
No

Is this Polk County Utilities

Case File Number
–

FS 119 Status
Non-Exempt

One Year Extension
–

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Board of County Commissioners

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

BOA Hearing Date
–

1st BOCC Date
03/05/2024

2nd BOCC Date
03/19/2024

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_PUBL_HEAR_EDL

Opening DigEplan List...

DigEplan Document List
Open

PLAN REVIEW FIELDS

TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-REC23-00000-019L1	DIGITAL PROJECTS LD	–

RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
No	Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion	Yes

Activate FSA	DigitalSigCheck
Yes	Yes

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC					
BOCC 1					
BOCC 2					

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/01/2023	Angela Kaufman
Surveying Review				
Roads and Drainage Review				
Engineering Review				
Fire Marshal Review				
School Board Review				
Planning Review	Ivan Nance	Approve	11/03/2023	Ivan Nance
Review Consolidation	Angela Kaufman	Approved for...	11/03/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Planning Commision	Angela Kaufman			
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

Agenda Item 15. 2/7/2024

SUBJECT

LDCT-2023-20 (Mining Inspection Text Amendment)

DESCRIPTION

An LDC text amendment to Chapter 3, Section 303 - Criteria for Conditional Uses, to change the responsibility of inspecting non-phosphate mines from Codes Enforcement to the Land Development Division; providing for severability; providing an effective date, providing for a repeal date.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Johnathan Sims, Planner II

JohnathanSims@polk-county.net <mailto:JohnathanSims@polk-county.net>
863-534-7515

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	December 2, 2023	**Level of Review:**	4
PC Date:	February 7, 2024	**Type:**	LDC Text Amendment
BoCC Date:	March 5, 2024 March 19, 2024	**Case Numbers:**	LDCT-2023-20
		Case Name:	Mining Inspection Text Amendment
Applicant:	Polk County	**Case Planner:**	JP Sims, Planner II

Request:	An LDC text amendment to Chapter 3, Section 303 – Criteria for Conditional Uses, to change the responsibility of inspecting non-phosphate mines from Codes Enforcement to the Land Development Division; providing for severability; providing an effective date, providing for a repeal date.
Location:	Unincorporated Polk County Sand Mines
Property Owners:	Varied
Future Land Use:	N/A
Development Area:	N/A
Nearest Municipality	N/A
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing
Public Comment:	Pending
Florida Commerce:	N/A

Summary:

This proposed text amendment is to change the responsibility of performing annual inspections on non-phosphate mines from Codes Enforcement to the Land Development Division.

Data and Analysis Summary

This change will apply to all non-phosphate mines within unincorporated Polk County: a review of Ordinance 83-03 and some neighboring jurisdictions. Codes Compliance maintained sand mine records historically. However, the Engineering Inspectors have become more involved with sand mine inspections and review. Codes Compliance has not performed an official sand mine inspection for at least 15 years.

Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL of LDCT-2023-20**.

Findings of Fact:

- The first sand mining ordinance was Ordinance 83-3 titled as the "Polk County Sand Mining Ordinance". It was repealed by the Ordinance that adopted the Land Development Code.

- Ordinance 83-3 required sand mining applications to be submitted to the building official and reviewed by the Board of County Commissioners.

- Ordinance 88-19 was adopted to address Phosphate Mining and is still in effect.

- The Comprehensive Plan includes Section 2,124-C which is the Mineral Resource Protection Overlay and includes the mining of lime rock, sand, peat, and clay.

- Non-phosphate mining is either a Conditional Use Level 3 or Level 4 in the land use districts that allow this use. Chapter 3 of the Land Development Code lists conditions for the approval and operation of a non-phosphate mine including the requirement for an Annual Report and inspection.

- Historically, Code Compliance maintained non-phosphate mining records and conducted needed inspections.

- The Engineering Inspectors have increasingly been more involved with sand mine inspections and issues related to nearby roadways.

Comparisons to other Jurisdictions:

Staff reviewed the annual mining inspection requirements of the counties abutting Polk, along the I-4 Corridor, and ones similar such as Alachua. The cities of Lakeland and Winter Haven were also reviewed since they are the two largest jurisdictions within Polk. The focus of the review was on the process of who was responsible for performing the annual inspection for mining within those jurisdictions. A brief summary of the results is displayed in Table 1 to follow.

Table 1

Jurisdiction *(code citation)*	**Does this section define who is responsible for annual inspection?**	**Is there an Evaluation Criteria?**
Alachua County *Chapter 404, Article XXIV, Section 404.104*	Yes, Codes Enforcement	**Yes.** *"The owner of each excavation and fill operation shall be responsible for notifying the codes enforcement department prior to October 1 of each fiscal year if an excavation and fill operation is inactive."*
Hillsborough County *Article VIII, Part 8.01.03*	Yes, The Administrator	**Yes**. *The Administrator shall have the right to inspect the lands affected by this division. Permitted land excavations shall be inspected to ensure compliance with this division and all conditions of the permit. Inspections shall be performed at least quarterly. Advance notice of inspections shall not be required, however, upon arrival the inspector shall attempt to contact operating personnel*
Lake County *Chapter VI, Section 6.06.03*	Yes, Land Development Administrators	**Yes.** *Inspections of all new and existing Mining Activities Shall be conducted on a routine, periodic basis and as deemed appropriate by the County or as complaints arise concerning the mining activity. By seeking and obtaining a Mining Conditional Use Permit under the Land Development Regulations, the Operator and Owner Shall be deemed to have consented to inspections by the County and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.*
Orange County *Sec. 25-97*	No, there was nothing showing who performs annual inspections.	**No information was found regarding annual mining inspections**.
City of Lakeland *Article 2*	No, there was nothing showing who performs	**No information was found regarding annual mining inspections**.

Table 1

Jurisdiction *(code citation)*	**Does this section define who is responsible for annual inspection?**	**Is there an Evaluation Criteria?**
	annual inspections.	
City of Winter Haven *Sec. 21.255*	No, there was nothing showing who performs annual inspections.	**No information was found regarding annual mining inspections**.

Few of the jurisdictions reviewed addressed the process of inspecting mines at all, while half had some form of evaluation criteria to perform the annual inspections. They were mostly broad.

Consistency with the Comprehensive Plan

This change is consistent with the Comprehensive Plan, as Section 2.124-C provides location and compatibility guidelines and states and mining activities shall be consistent with the Land Development Code. County staff are required to complete the annual inspection of mining operations per Chapter 3, Section 303 for Mining, Non-Phosphate. This change simply modifies which portion of County Staff is to complete the inspections. Since the County Engineer Inspectors have become increasingly more involved in inspections for sand mines since the adaptation of the LDC, this is a logical text amendment to codify the reality of who conducts the inspections.

Consistency with the Florida Statutes

Mining Activity in the state of Florida is handled by the Florida Department of Environmental Protection's Mining and Mitigation Program. This program was created under Chapter 378 of Florida Statutes.

Comments from Other Agencies: None

Exhibits

Exhibit 1 – Section 2.124-C Mineral Resources Protection District
Exhibit 2 – Excerpt with changes from Land Development Code, Chapter, 3, Section 303.

SECTION 2.124-C - MINERAL-RESOURCE PROTECTION DISTRICT.
OBJECTIVE 2.124-C: The Polk County Plan shall protect and manage mineral resources for the purpose of insuring their continued availability of these resources by through:

a. **the establishment and mapping of a Mineral-Resource Protection District overlay; and**
b. **the establishment of development criteria for protecting known deposits from encroachment by land uses incompatible with excavation and associated mining operations.**

POLICY 2.124-C1: PURPOSE - The Mineral-Resource Protection District (MRPD) overlay is established for the purpose of protecting for future mining those known deposits of minerals and soils that are in appropriate locations so as not to have adverse impacts on existing development.

POLICY 2.124-C2: DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map as the "Mineral-Resource Protection District" the general location of known commercially viable mineral and soil deposits, including:

a. lime rock
b. sand
c. peat
d. clay

The decision as to whether to protect a mineral deposit by inclusion in an MRPD overlay shall include, but not be limited to, an evaluation of:

1.the deposit's compatibility with existing land uses within, and surrounding, the MRPD designation; and,
2.the ability to mitigate adverse impacts from the mining of the deposit, including: noise, visual, airborne and waterborne pollutants, and traffic impacts.

POLICY 2.124-C3: DEVELOPMENT CRITERIA - Development within the MRPD shall conform to the following criteria:

a. Land uses which are compatible with the extraction and processing of mineral resources shall be permitted as a use within Mineral Resource-Protection.
b. Land uses which may not be compatible, or which may cause future conflicts, with mineral excavation activities may be permitted within the MRPD through the issuance of a special limited-use permit such as a temporary-use permit.
c. Mineral extraction activities should be conducted in a manner which will minimize adverse effects to water quality, fish and wildlife, and adjacent land uses.
d. any mining activities shall comply with Section 2.124-C and the Land Development Code.

POLICY 2.124-C4: ADJACENT DEVELOPMENT - Development on property adjacent to a designated MRPD shall be required to provide proper buffering, if applicable.

POLICY 2.124-C5: RECLASSIFICATION - Owners of property located within a Mineral Resource-Protection District may apply to the Board of County Commissioners for removal of the overlay classification once proper reclamation of the property is completed. Removal of the property from the MRPD would allow the property to be developed in accordance to the land use policies applicable to the underlying land use district(s) designated for the property by the Future Land Use Map Series, or those policies applicable to any new land use district(s), or those policies applicable to any new land use classification established as a result of an approval of a Plan amendment that is processed at the request of the property owner in conjunction with the Mineral Resource-Protection District designation removal.

Section 303 ***Criteria for Conditional Uses (Revised 5/1/18 – Ord. 18-025; 03/21/17 – Ord. 17-013; 8/16/16 – Ord. 16-040; 04-19-16 – Ord. 16-022; 08/15/15 – Ord. 15-53; 03/18/14 – Ord. 14-015; 06/08/04 Ord. 03-95; 01/03/05 – Ord. 04-80)***

3. The Polk County ~~Codes Enforcement~~ Land Development Division shall be responsible for inspecting the mine site annually for consistency with the approved Mine Plan. Inspection of the mined area reclamation is the responsibility of the Department of Environmental Protection as per Chapters 62C-36 and 62C-39, F.A.C. Compliance with Polk County's minimum reclamation standards found in this Section shall be demonstrated through the annual mine reports. This Section shall not limit the authority of the BoCC or any County agency to enforce or monitor compliance with other applicable statutes, ordinances, resolutions, regulations, or permit conditions.

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2023-20 AMENDING ORDINANCE NO. 00-09, AS AMENDED (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE); PROVIDING FINDINGS; AMENDING CHAPTER 3, SECTION 303, CRITERIA FOR CONDITIONAL USES TO CHANGE THE RESPONSIBILITY OF INSPECTING NON-PHOSPHATE MINES FROM CODES ENFORCEMENT TO THE LAND DEVELOPMENT DIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the "Act") Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners (the "Board") adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the "LDC"); and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on February 7, 2024; and

WHEREAS, Application LDCT-2023-20 is an applicant/County-initiated application to amend the text of the LDC to allow for an option to the Board of County Commissioners to deny a Level 3 Review appeal but allow the applicant to return directly to the Board with a revised request within one year;

WHEREAS, the Board held two public hearings on March 5, 2024 and March 19, 2024 wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions, if any.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.

b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on February 7, 2024 to consider the LDC text amendments contained within Application LDCT-2023-20 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendments contained within Application LDCT-2023-20.

c) The adoption of LDCT-2023-20 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 3, Section 303 – Criteria for Conditional Uses

Section 303 ***Criteria for Conditional Uses (Revised 5/1/18 – Ord. 18-025; 03/21/17 – Ord. 17-013; 8/16/16 – Ord. 16-040; 04-19-16 – Ord. 16-022; 08/15/15 – Ord. 15-53; 03/18/14 – Ord. 14-015; 06/08/04 Ord. 03-95; 01/03/05 – Ord. 04-80)***

3. The Polk County ~~Codes Enforcement~~ Land Development Division shall be responsible for inspecting the mine site annually for consistency with the approved Mine Plan. Inspection of the mined area reclamation is the responsibility of the Department of Environmental Protection as per Chapters 62C-36 and 62C-39, F.A.C. Compliance with Polk County's minimum reclamation standards found in this Section shall be demonstrated through the annual mine reports. This Section shall not limit the authority of the BoCC or any County agency to enforce or monitor compliance with other applicable statutes, ordinances, resolutions, regulations, or permit conditions.

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective after the filing with the Department of State and apply to all De Novo Hearings beginning March 19, 2024 forward.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,

FLORIDA this 19th day of March, 2024.

LDCT-2023-20 - Mine Inspection Text Amendment

Menu Reports Help

Application Name: Mine Inspection Text Amendment

File Date: 11/02/2023

Application Type: BOCC-LDC Text Change

Application Status: Pending Hearing

Application Comments:

View ID	Comment	Date

Description of Work: Section 303 Mine Inspection Text Amendment

Application Detail: Detail

Address: 330 W CHURCH ST, BARTOW, FL 33830

Parcel No: 253006393000000172

Owner Name: POLK COUNTY

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
Johnathan Sims		Applicant	Mailing, 330 W. Church...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: $0.00

Total Fee Assessed: $5,434.00

Total Fee Invoiced: $0.00

Balance: $0.00

Custom Fields: LD_PUBL_HEAR

PUBLIC HEARINGS

Development Type
Board of County Commissioners

Application Type
LDC Text Amendment

Variance Type
–

Brownfields Request
–

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots
–

Will This Project Be Phased

Acreage
0

DRC Meeting
12/02/2023

DRC Meeting Time
–

Rescheduled DRC Meeting
–

Rescheduled DRC Meeting Time
–

Number of Units
–

Green Swamp
No

Is this Polk County Utilities

Case File Number
–

FS 119 Status
Non-Exempt

One Year Extension
–

ADVERTISING

Legal Advertising Date
01/22/2024

BOCC1 Advertising Date
–

BOCC2 Advertising Date
–

Advertising Board
Board of County Commissioners

MEETING DATES

Community Meeting
–

Planning Commission Date
02/07/2024

BOA Hearing Date
–

1st BOCC Date
03/05/2024

2nd BOCC Date
03/19/2024

HEARING

PC Hearing Results
–

PC Vote Tally
–

BOCC 1st Hearing Results
–

BOCC 1st Vote Tally
–

BOCC 2nd Hearing Results
–

BOCC 2nd Vote Tally
–

FINAL LETTER

Denovo Appeal
–

Denovo Results
–

Denovo Tally
–

LD_PUBL_HEAR_EDL

Opening DigEplan List...

DigEplan Document List
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PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC23-00000-019Q8

DocumentGroupforDPC
DIGITAL PROJECTS LD

RequiredDocumentTypes
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RequiredDocumentTypesComplete
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AdditionalDocumentTypes
Applications,AutoCad File,Binding Site Plans (PDs and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement,Inspections,Miscellaneous,Plats,Record Drawings,Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion

Activate DPC
Yes

Activate FSA
Yes

DigitalSigCheck
Yes

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
PC					
BOCC 1					
BOCC 2					

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Angela Kaufman	Application ...	11/02/2023	Angela Kaufman
Surveying Review				
Roads and Drainage Review				
Engineering Review				
Fire Marshal Review				
School Board Review				
Planning Review	Johnathan Sims	Approve	11/17/2023	Johnathan Sims
Review Consolidation	Angela Kaufman	Approved for...	11/17/2023	Angela Kaufman
Staff Report				
Public Notice	Angela Kaufman	Complete	01/22/2024	Angela Kaufman
Planning Commision	Angela Kaufman			
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments

Agenda Item 16. 2/7/2024

SUBJECT

LDCU-2023-67 (Babson Park Water Tank)

DESCRIPTION

Polk County Utilities requests Conditional Use approval of a ground storage water tank on an existing potable water well site in and INST-X district on +/- 1 acre. The site is located at 170 Libby Road, west of State Road 17, east of Cody Road, north of 3rd Avenue, south of Golfview Cutoff, in Babson Park, north of the town of Hillcrest Heights and south of the town of Highland Park, south of Lake Wales, north of Frostproof in Section 28, Township 30, Range 28.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

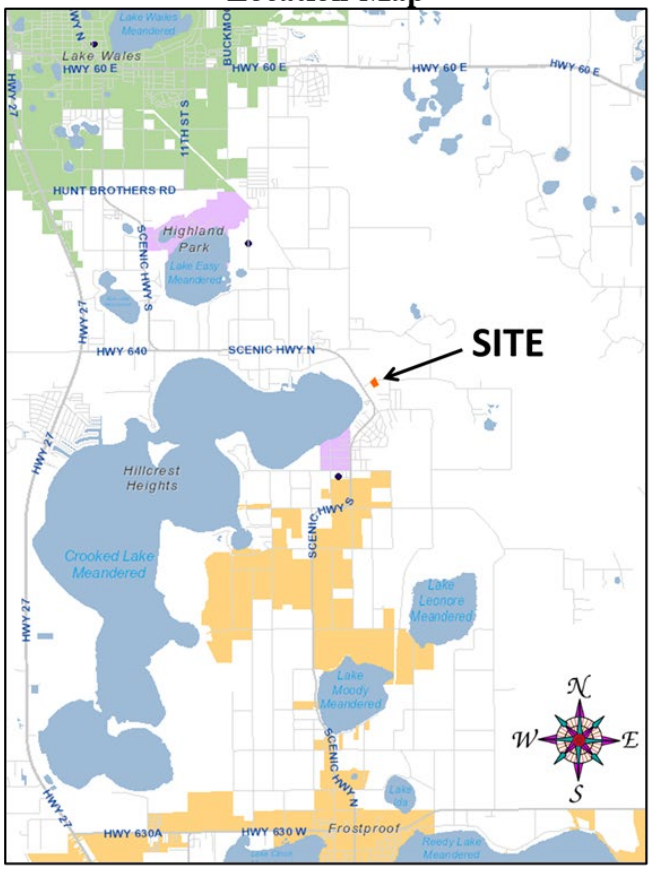
Erik Peterson, AICP
Planning Administrator
Land Development Division
(863) 534-6470
erikpeterson@polk-county.net

POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT

DRC Date:	December 7, 2023	**Level of Review:**	Level 3 Review
PC Date:	February 7, 2024	**Type:**	Conditional Use
BoCC Date:	n/a	**Case Numbers:**	**LDCU-2023-67**
		Case Name:	Babson Park Water Tank
Applicant:	Polk County	**Case Planner:**	Erik Peterson, AICP

	Conditional Use approval of a ground storage water tank on an existing potable water well site.
Location:	170 Libby Road, west of State Road 17, east of Cody Road, north of 3rd Avenue, south of Golfview Cutoff, in Babson Park, north of the town of Hillcrest Heights and south of the town of Highland Park, south of Lake Wales, north of Frostproof in Section 28, Township 30, Range 28.
Property Owners:	Polk County
Parcel Size (Number):	±1 acre (283028-000000-042050)
Future Land Use:	Institutional-2X (INST-X) Southeast Polk Selected Area Plan (SAP)
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	Hillcrest Heights 0.6 miles
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Public Hearing

Location Map



2020 Aerial Photo



Summary:

Polk County Utilities proposes an addition to the Babson Park #1 Water Treatment Plant located on Libby Road east of Scenic Highway in Babson Park. This project will add a 150,000-gallon ground storage reservoir to the property for the purpose of balancing system pressure in the area. This facility will be of great benefit to all customers on the Babson Park Water System. It will also lessen the power demands of the well pumps during peak consumption hours of the day.

The tank will be approximately 28 feet in height and be set on the highest portion of the property at approximately 160 feet above sea level. The tank will be approximately 40 feet wide in diameter. Landscape buffering will be required around the project perimeter. The tank will be set back a minimum of 50 feet from any property line.

A water treatment plant has been in operation on this site for over 50 years. The County purchased the water treatment plant from Florida Research and Water Company on December 29, 1972. The County constructed an elevated water tank on the site in the mid-70s. It was removed due to age and obsolescence in the late 1990s and replaced with high service pumps. The County has concluded that water systems do not function as well on just pumps alone. The ground storage is easier to maintain than elevated storage but still offers the same benefits to controlling pressure in the system.

Once constructed, the tank, well, and treatment facility will continue to operate the same as the current facility. The current facility is operated via the County Utility Division's supervisory control and data acquisition (SCADA) system from offsite. There will only be the occasional visits for system cleaning and maintenance. The addition of the tank will not increase the noise generated by the facility. The neighboring properties are vacant but designated RCC-R on the Future Land Use Map.

Findings of Fact

- *This is a request for a ground storage water tank on an existing potable water well site of approximately one acre.*
- *The site is approved for a 370,000 gallon per day (GPD) well and water treatment facility.*
- *The County purchased the water treatment plant from Florida Research and Water Company on December 29, 1972.*
- *The site was changed from Rural Cluster Center (RCC) to Institutional (INST) on the Future Land Use Map in 2012 and subsequently designated an INST-2 subdistrict. The "X" was added with the adoption of the Southeast Polk Selected Area Plan in 2013.*
- *The site is in a Rural Development Area (RDA), which 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" according to POLICY 2.108-A1 of the Comprehensive Plan. The site is in a Rural Development Area (RDA), which 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," according to POLICY 2.108-A1 of the Comprehensive Plan.*
- *Comprehensive Plan POLICY 2.125-D2.c says, "The development of utility facilities shall be permitted in the Rural-Development Area, as designated on the Future Land Use Map Series, only when such developments provide regional services, or is incompatible with urban uses, or services the existing needs of the immediate area in which it is located."*
- *Comprehensive Plan POLICY 2.125-D2.d says, "Polk County adopted the Land Development Code in accordance with Section 163.3202(1), FS, to further define appropriate development controls to govern the locational and site criteria for utilities."*
- *Chapter 10 of the Land Development Code (LDC) defines Class III Utilities as "Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non-accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities.*"
- *Section 401.08, Table 401.08.01, Use Table for Standard Land Use Districts for the Southeast Polk Selected Area Plan lists Class III Utilities as a Level 3 Conditional Use in the Institutional-2X (INST-2X) districts.*
- *Chapter 3, Section 303, Criteria for Conditional Uses, of the Land Development Code states "Class III utility facilities may be permitted within the Rural Development Area (RDA), as designated on the Future Land Use Map Series, only when such development:*

  a. Provides regional (multi-county) services;
  b. Is determined by the County to be incompatible with urban uses;
  c. Is necessary to service the existing needs of the immediate area in which it is proposed to locate."

- *The surrounding Future Land Use Map districts are A/RR-X to the north, RCC-RX to the east, and RCC-X to the west and south.*
- *The property is approximately ½ mile from the nearest school and a significant distance from current or potential school bus stops in the vicinity of the site.*

- *County Fire response to this project is from Polk County Fire Rescue Station 1, located at 714 N. Scenic Highway, under ½ mile from the site. The ambulance is from the County's fire rescue station at the Lake Wales airport.*
- *There is a fire hydrant opposite the entrance to the property.*
- *The site is served by the Polk County Sheriff's Office Southeast District Command Center at 4011 Sgt. Mary Campbell Way, Lake Wales approximately 10 miles driving distance from the site.*
- *The site is in the Southeast Regional Utility Service Area (SERUSA) but the Bason Park Water System is not connected to the rest of the network.*
- *The site access to the subject property is on a County maintained rural minor collector road. with 18 feet or more of pavement width and a 65-foot-wide right-of-way or better along this segment.*
- *According to the Transportation Planning Organization, there is adequate capacity on Scenic Highway (State Road 17) as well as other roads within the area transportation network. Libby Road is not tracked in the Roadway Network Database for concurrency due to low traffic volume.*
- *There are no wetlands and floodplains on the site.*
- *The site where the tanks are to be located is comprised of Astatula Sands, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.*
- *According to the 2011 Polk County Endangered Habitat Map, the property is located within a one-mile radius of an endangered species sighting according to the Florida Natural Areas Inventory, 2002, 2006, & 2011. The site has been developed since the mid-1950s according to aerial photos.*
- *The site is not within an airport flight path and height notification zone.*

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 with the proposed conditions the request **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 LDCU-2023-67.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2023-67 with the following conditions:

1. This approval shall be for a ground storage reservoir as part of the existing water production facility on ±1 acre. [PLG]

2. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDCU-2023-67, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]

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: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. Building permits will be required for improvements to structures in accordance with Chapter 553 of the Florida Statutes.

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.

Surrounding Land Use Designations and Current Land Use Activity

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

Table 1

Northwest: Agricultural/Residential Rural-X (A/RRX) Citrus Grove	**North:** Agricultural/Residential Rural-X (A/RRX) Vacant	**Northeast:** Agricultural/Residential Rural-X (A/RRX) Vacant
West: Rural Cluster Center-Residential-X (RCC-RX) Rural Cluster Center-Commercial-X (RCCX) Citrus Grove, Railroad, Dollar General, Webber University Classrooms, Offices	**Subject Property:** Institutional-2X (INST-2X)	**East:** Rural Cluster Center-Residential-X (RCC-RX) Mobile Home
Southwest: Rural Cluster Center-Residential-X (RCC-RX) Rural Cluster Center-Commercial-X (RCCX) Citrus Grove, Railroad, restaurant, Offices, Convenience Store	**South:** Rural Cluster Center-Residential-X (RCC-RX) Citrus Grove	**Southeast:** Rural Cluster Center-Residential-X (RCC-RX) Vacant

Surrounding development is sparse east of the railroad tracks. There is a vibrant commercial strip along Scenic Highway (State Road 17).

Compatibility with the Surrounding Land Uses and Infrastructure:

This facility is located on Libby Road on the eastern side of the rail road tracks that bifurcate Babson Park. There are currently no residences within 300 feet of the property. There has been elevated storage in the past. A ground storage facility will be less visually obtrusive.

A. Land Uses:

Ground storage reservoirs can be made comapatible almost anywhere and are assumed to be compatible in an Institutional-2 (INST-2X) district. Ground storage tanks occupy visiual space but cause few if any other externalities. The tank will be approximately 28 feet in height and be set on the highest portion of the property at approximately 160 feet above sea level. The tank will be approximately 40 feet wide in diameter. Landscape buffering will be required around the project perimeter. The tank will be set back a minimum of 50 feet from any property line.

The LDC defines compatibility 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 water treatment plant has been in operation on this site for over 50 years. The County purchased the water treatment plant from Florida Research and Water Company on December 29, 1972. The County constructed an elevated water storage tank on the site in the mid-70s. It was removed due to age and obsolescence in the late 90s and replaced with high service pumps. The County has concluded that water systems do not function as well on just pumps alone. The ground storage is easier to maintain than elevated storage but still offers the same benefits to controlling pressure in the system.

B. Infrastructure:

Staff finds there to be more than adequate infrastructure to support the placement of a 150,000-gallon water storage tank on this site. This tank will demand no greater infrastructure or services than currently exist because it is part of the infrastructure. This tank together with its new high service pumps for the potable water treatment facility will enhance the efficiency and create a more consistent flow through the water system. It will improve the service and delivery product throughout the Babson Park Water System.

Nearest and Zoned Elementary, Middle, and High School

School capacity is not a concern for non-residential uses. Proximity and traffic conflicts are a concern. Fortunately, the activity on this site is benign and will have no potential conflicts with any school's operation. Listed to follow are the three closest schools to the site.

Table 2

Name of School	Average driving distance from subject site
Zoned: Ben Hill Griffen Elementary in Frostproof	±5¼ miles, ±6¼ miles driving distance
Closest: Babson Park Elementary School	±¼ miles, ±½ miles driving distance
Zoned: McLaughlin Middle	±5 miles, ±6½ miles driving distance
Closest: Bok Academy Middle School	±4 miles, ±5½ miles driving distance
Frostproof Senior High School	±5¼ miles, ±6¼ miles driving distance

Source: Polk County School Board GIS

This water treatment and storage facility will pose no potential adverse impacts upon any nearby schools. It will help Babson Park Elementary School because it is currently served by the existing facility.

Nearest Sheriff, Fire, and EMS Station

Fire response to the water treatment and storage facility is from the Babson Park County Fire Rescue Station 1, located on Scenic Highway (SR 17), just ½ mile away. This facility does not have ambulance vehicles. The ambulance (EMS) response is from the County's fire rescue station at the Lake Wales airport. Response times can vary significantly based on many factors but are within the urban levels on average.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Southeast District Headquarters (4011 Sgt. Mary Campbell Way, Lake Wales)	±10 miles	7 minutes
Fire	Polk County Fire Rescue Station 1 Babson Park (714 N. Scenic Highway)	±½ mile	4 minutes
EMS	Polk County Fire Rescue Station 11 (2029 State Road 60, Lake Wales)	±7 miles	11 minutes

Source: Polk County Sheriff's Office and Public Safety

**Response times are based on when the station receives the call, not from when the call is made to 911.*

This water treatment plant will be an unmanned facility. Aside from construction, there should be little demand for fire rescue. There are not many combustible features to a water treatment facility of this size.

The site is in the Polk County Sheriff's Office Southeast District which is headquartered at 4011 Sgt. Mary Campbell Way in Lake Wales. 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. There is even less of a need for law enforcement services than there is for fire rescue at the site of a water treatment facility.

Water and Wastewater Demand and Capacity:

This water production and proposed storage facility will not require any water or wastewater. It will continue to provide water services. The current capacity is 370,100 gallons per day (GPD) which is capable of serving the equivalent of approximately 1,030 single family homes. It has 770 current customers.

A. Estimated Demand and Service Provider:

The site has been a water production facility since the late 1950s. It was recognized on the Future Land Use Map in 2012 and subsequently designated an INST-2 subdistrict. The "X" was added with the adoption of the Southeast Polk Selected Area Plan in 2013. If this site were to be utilized for something else under the INST-2X category, it would likely be more utility intensive than a water treatment plant and ground storage tank. There is such a wide variety of potential INST-2X uses that it is difficult to compare the request to alternatives. For standard analysis protocol, the table to follow assumes government facilities.

Table 4

Subject Property	Estimated Impact Analysis		
±1 acre INST-2X	**Demand as Currently Permitted INST-2X**	**Maximum Permitted in the District INST-2X**	**Proposed Plan**
Permitted Intensity	Class III Utility	10,890 sq.ft. Government Offices	Class III Utility
Potable Water Consumption (GPD)	0 GPD	2,614 GPD	0 GPD
Wastewater Generation (GPD)	0 GPD	2,090 GPD	0 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

As a water storage facility, there will be no demands on the system. There is no office or restroom on site.

B. Available Capacity:

The Babson Park Public Water System is part of Polk County Utilities Southeast Utility Service Area, but it stands alone and is not connected to the overall Southeast Public Water System that includes the South County Jail, Lakeview and Sunray interconnected system. The Babson Park System has two water treatment plants Babson Park #1 on Libby Road and Babson Park #2 on Catherine Road south of the town of Hilcrest Heights.

The Babson Park System has a permitted capacity of 370,100 GPD. There are approximately 770 customers, and it is running at around 54% capacity. As of June 2022, the average system growth rate was three (3) gallons per day. There is approximately 154,000 GPD of uncommitted capacity in the system. That is enough to supply potable water to an additional ±430 single-family homes.

There is no public sanitary service in the area. There is a private system provided by Webber International University. The treatment facility is located on campus and some service lines extend outside to some local businesses but not extensively. The system primarily serves the campus.

C. Planned Improvements:

In addition to the 150,000-gallon ground storage reservoir, this project includes a new high service pump that will reduce disinfection byproduct formation potential. This is the only improvement planned in the Babson Park System.

Roadways/ Transportation Network

Class III Utilities do not often generate significant amounts of traffic on roadways. They are typically more of a "land intensive" use. This means they can use a lot of land but don't have as much activity to go with it. This one will have even less impact on roadways than it does now. The site will be developed with a commercial grade driveway access from Libby Road. There is more than ample capacity on the directly affected roadways, even for a use with higher transportation demands.

A. Estimated Demand:

There will not likely be any increase in transportation demand as a result of this approval. This is an existing facility. After construction of the ground storage tank and the water treatment plant upgrades, the site usage will go back to as it was or even less. The facility will be operated through

the County's supervisory control and data acquisition (SCADA) system. There are no offices or habitable structures planned onsite that will draw personnel beyond the occasional visits for testing and maintenance.

Table 5

Subject Property	Estimated Impact Analysis		
±1 acre INST-2X	**Demand as Currently Permitted INST-2X**	**Maximum Permitted in the District INST-2X**	**Proposed Plan**
Permitted Intensity	Class III Utility	10,890 sq.ft. Government Offices	Class III Utility
Average Annual Daily Trips (AADT)	<1	198	<1
PM Peak Hour Trips	<1	27	<1

Source: Polk County Concurrency Manual

This request will not require either a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. The access will be improved from its current undeveloped driveway. A commercial driveway will be installed. This will lessen the damage experienced to Libby Road as maintenance vehicles and the periodical chlorine truck visits the site.

B. Available Capacity:

Although the request will have limited impact on the transportation system, it is still pertinent to be aware of available capacity when making land use decisions. However, there is very little information available in this area because traffic volumes are so low that there are few roads tracked for concurrency. Table 6, to follow, provides a brief snapshot of the capacity on the surrounding road network. State Road 17 has plenty of excess capacity and Libby Road is not tracked. It has less than 500 vehicle trips per day according to FDOT estimates.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5203N	SR 17 (Scenic Highway) From: Seminole Avenue To: Passion Play Road	B	965	D
5203S	SR 17 (Scenic Highway) From: Passion Play Road To: Seminole Avenue	B	955	D
5101N	U.S. Highway 27 From: County Road 630 (Fort Meade Road) To: County Road 640 (Alturas Babson Park Cut-off Road)	C	1,151	D
5101N	U.S. Highway 27 From: County Road 640 (Alturas Babson Park Cut-off Road) To: County Road 630 (Fort Meade Road)	C	1,184	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database April 2022

C. Roadway Conditions

Libby Road is in "Fair" condition according to Roads and Drainage staff. A commercial driveway will be added to the entrance as part of this ground storage tank and water treatment facility improvements. There will be very little traffic to and from the site after construction is complete. The facility will be operated through the County's Supervisory Control and Data Acquisition (SCADA) system.

D. Planned Improvements:

There are no roadway improvements planned in the next five years for this area of the County.

E. Sidewalks

There are sidewalks on both sides of State Road 17 (Scenic Highway) but none on Libby Road. The funding of sidewalks on Libby Road is not practical at this time due to the limited space available through the railroad underpass.

F. Mass Transit

There are no mass transit services provided to the Babson Park area. It is not likely that any will be provided in the near future. The water treatment plant is not permanently staffed. It is operated remotely through Polk County's System Control and Data Acquisition (SCADA) system. When staff are needed at the site, they need equipment and have services vehicles.

Park Facilities:

The closest County recreation facility is Babson Park Playground approximately a ½ mile away to the south. The request will not adversely affect the park or its operations. The park has no irrigation system, water fountains, or restroom facilities.

A. Location:

Babson Park Playground is located on 5th Avenue approximately ½ mile from the site ¾ mile walking or driving distance.

B. Services:

A basketball court and a playground.

C. Environmental Lands:

The closest Environmental Lands holding is Scrub Plumb Preserve ½ mile to the southwest. This water storage facility poses no adverse impacts to it.

D. Planned Improvements

The playground was recently renovated. There are no planned improvements to park facilities in this area in the County's 5-year capital improvements plan.

Environmental Conditions

There are no significant environmental limitations to development of this property. The site has good soils, is far from nearby surface waters, no wetlands or flood hazard areas, no archeological resources, and has been developed with an elevated water storage facility in the past.

A. Surface Water:

The site is located in the Crooked Lake basin. Although the tank will create an additional ±4,000 square feet of impervious surface, it is a small amount relative to the size of the property (±10%). Combined with the surrounding well drained soils, there will be no significant impacts to nearby surface waters.

B. Wetlands/Floodplains:

There are no wetlands or 100-year flood hazard areas within the vicinity onsite. The nearest flood hazard and wetland areas are along the shore of Crooked Lake over 1,100 feet to the west of the site.

C. Soils:

The site is comprised of favorable soils for development, according to the U.S. Department of Agriculture, Soil Conservation Service (USDA, SCS) Polk County Survey. There are no limitations to a ground storage facility onsite. There was once an elevated storage tank onsite between 1970 and the late 1990s.

Table 8

Soil Name	**Septic Tank Absorption Field Limitations**	**Limitations to Small Commercial Buildings**	**% of Site** *(approximate)*
Astatula sand (46)	Slight	Slight, but poor filtration	100%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

D. Protected Species

There have been several endangered species sightings within one mile of the water treatment plant and proposed ground storage tanks according to the Florida Natural Areas Inventory surveys in 2002, 2006, and 2011. However, this site has been a water treatment plant since the before the early 1960s and there was once an elevated tank on the property between the 1970s and 1990s. As with all projects using federal funds, there will be a required protected species study before construction commences.

E. Archeological Resources:

There are no protected archeological resources in Section 28, Township 30, and Range 28, that the site of these proposed ground storage tanks would adversely impact, according to the Florida Department of State, Division of Historical Resources.

F. Wells (Public/Private)

There are two public wells that provide water to the Bason Park system: this one (#1) and Babson Park #2 site 1½ miles to the southwest. This water storage facility is essential to preventing over pumping of the well.

G. Airports:

The site is over 6½ miles from the edge of the runway for the Lake Wales Municipal Airport. This is not an elevated tank; it is only 28 feet tall. It will pose no threat to aircraft.

Economic Factors:

Growth in the Babson Park water service area had been stagnant until 2022. Recently, three small residential subdivisions have been approved on the west side of the Webber campus. One 36-unit subdivision has come online, and 102 more units are under construction. The system was at 705 connections in 2022. It is anticipated to reach 872 connections by the end of 2024. This equates to an approximately 20% expansion in customer base over the last two years. Although the system has ample permitted capacity to serve the new customers, this new ground storage tank is needed to maintain the quality of service in the system.

Water storage systems provide financial benefits to the utility provider. These tanks act as capacitors to mitigate surge demand which provides more balanced water pressure. There is also less strain on other parts of the system when storage is available. In the long run, maintenance costs are lower, there are fewer pipe bursts, and water outages are less likely.

Consistency with the Comprehensive Plan, LDC, and Other County Ordinances:

The property is located in the Rural Development Area (RDA), which "*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.*" according to POLICY 2.108-A1 of the Comprehensive Plan. Babson Park is a Rural Center. This water treatment facility primarily serves the Rural Cluster Center district.

POLICY 2.125-D1: UTILITIES PERMITTED USES states that "*utility facilities shall be permitted throughout the County in all land use classifications, subject to County approval, to support existing and proposed development.*" The Babson Park water service area has a lot of existing development, and more is likely to come. There are two new residential subdivisions in the service area and Webber International University is likely to expand enrollment in the future. To better serve existing development and additional development in the future, there is a need for more water storage so that efficient flows can be maintained to distribute this water to existing and new customers.

Table 9, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 9

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 water tank will not be overly large or place nearby properties in the shade like an elevated tank would do. While it will be located at the top of a hill, it will stand no taller than 28 feet above grade which is the height of a typical residential dwelling. The tank will not make significant noise and will be setback 50 feet or more from the nearest property line.
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.	This potable water storage tanks are needed to enable more “contiguous and compact growth patterns.”
POLICY 2.102-A3: DISTRIBUTION - 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.	This request is in the heart of the County’s Babson Park water service area. This is a greatly needed component of the overall distribution of potable water throughout the network. This will improve the operation of the system and contribute to more consistent water pressure.
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.	This site has been used for a water treatment plant since the early 1960s or sooner. The County came into ownership of it in December of 1972. There once was an elevated water storage facility onsite between late 1970 and late 1990. This ground storage facility is needed to serve current development as well as potential future development.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff’s Department, and Emergency Management Service (EMS).	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report. Ground storage reservoirs are essential to maintaining adequate water pressures in a water system so that fire hydrants have adequate flow for their emergency use.

Land Development Code (LDC) Section 401.08, Table 401.08.01, Use Table for Standard Land Use Districts for the Southeast Polk Selected Area Plan lists Class III Utilities as a Level 3 Conditional Use in the Institutional-2X (INST-2X) districts. A Level 3 Review is approved by the Planning Commission under the criteria listed in Section 906.D.7 of the LDC

Table 10

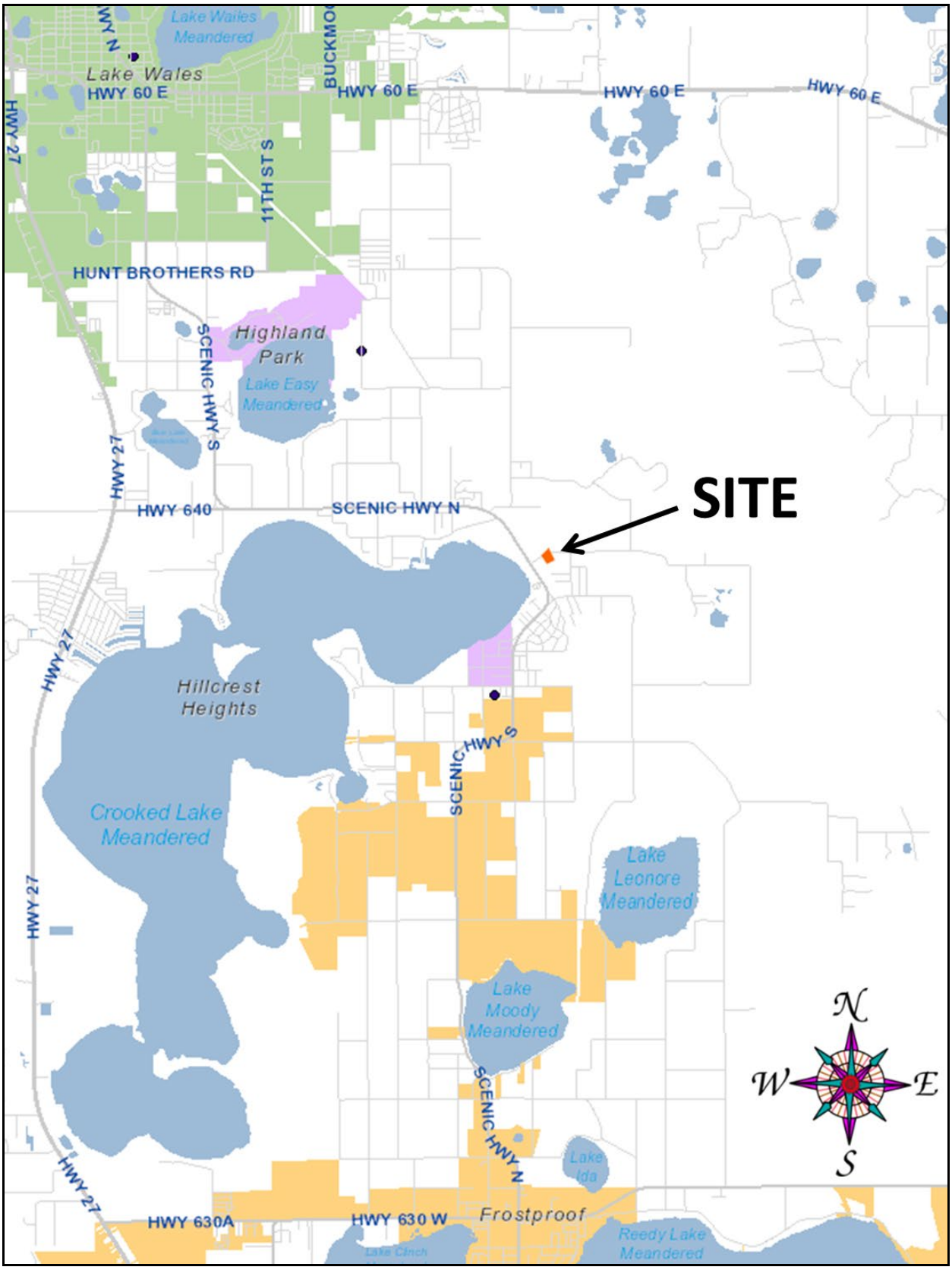
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	*Yes, this request is consistent with the LDC, specifically Sections 401.08 (Southeast Polk SAP), 303, Class III Utilities and 906.D Level 3 Review Procedures.*
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	*Yes, this development is consistent with the Comprehensive Plan because POLICY 2.125-D1 states "utility facilities shall be permitted throughout the County in all land use classifications"*
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	*The surrounding properties are currently vacant or under agricultural use. The proposed height of the water storage tank is 28 feet which is the same as a standard residential dwelling. The tank will also be setback more than 50 feet from the nearest property line.*
How the concurrency requirements will be met if the development were built.	*Ground storage water tanks generate an insignificant amount of vehicle travel, require no school or park capacity, must be designed to meet drainage requirements, and are a concurrency facility on their own.*

The request meets all conditions in Section 303 of the LDC for Class III Utilities in an INST-2X land use district. These conditions are listed in the Findings of Fact on page 3 of this report.

Comments from other Agencies: The Polk County Utilities, Land Development Engineering, County Surveyor, Polk County School Board, and the Polk County Public Safety Division contributed to the drafting of this report.

Exhibits:

Exhibit – 1 Location Map
Exhibit – 2 Future Land Use Map
Exhibit – 3 2021 Satellite Photo (Context)
Exhibit – 4 2021 Satellite Photo (Close-up)
Exhibit – 5 Site Plan



Location Map



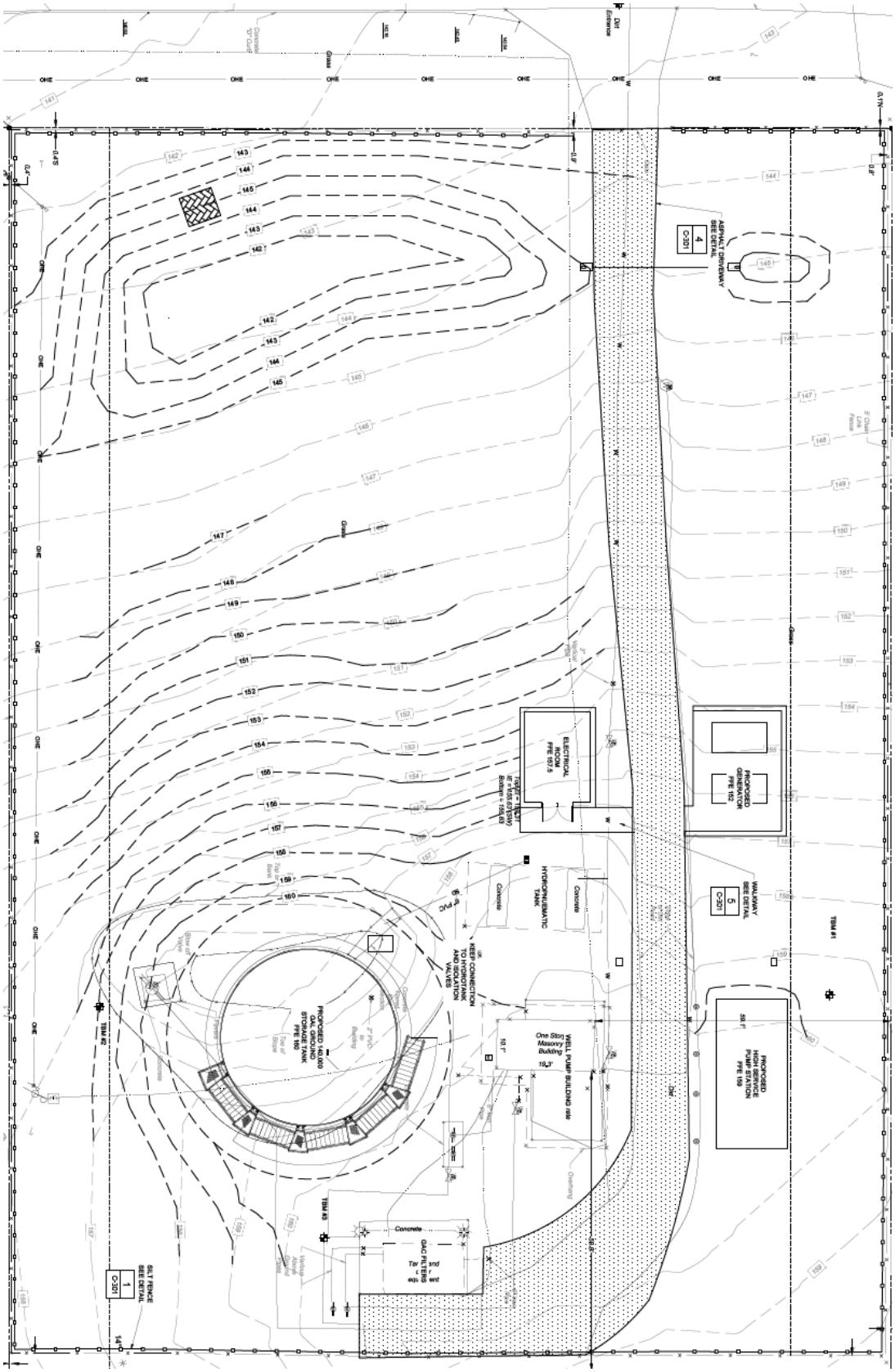
Future Land Use Map



2020 Satellite Photo (Context)



2020 Aerial (Close Up)


ELECTRICAL ROOM PFE 157.5
PROPOSED GENERATOR PFE 152
HYDROPNEUMATIC TANK
PROPOSED 1,000,000 GAL GROUND STORAGE TANK PFE 163
PROPOSED HYDROSTRATIC PUMP STATION PFE 159
ASPHALT DRIVEWAY SEE DETAIL
SILT FENCE SEE DETAIL
WALKWAY SEE DETAIL
KEEP CONNECTION TO HYDROTANK AND ISOLATION VALVES
TBM #1
TBM #2
TBM #3

Site Plan

PROPOSED HIGH SERVICE PUMP STATION FFE 159

PROPOSED GENERATOR FFE 152

WALKWAY SEE DETAIL 5 / C-301

ASPHALT DRIVEWAY SEE DETAIL 4 / C-301

ELECTRICAL ROOM FFE 157.5

HYDROPNUEMATIC TANK

WELL PUMP BUILDING

KEEP CONNECTION TO HYDROTANK AND ISOLATION VALVES

PROPOSED 140,000 GAL GROUND STORAGE TANK FFE 160

GAC FILTERS

SILT FENCE SEE DETAIL 1 / C-301

TBM #1

TBM #2

TBM #3

TBM #4

Libby Road (Asphalt Pavement)

Edge of Asphalt

Dirt Entrance

Grass

Concrete "D" Curb

5' Chain Link Fence

OHE

SCALE: 1" = 10'

Hazen
HAZEN AND SAWYER
1000 NORTH ASHLEY DRIVE AVE,
SUITE 1000
TAMPA, FLORIDA 33602

POLK COUNTY
Florida's Crossroads of Opportunity

POLK COUNTY
UTILITIES DIVISION

BABSON PARK
WPF #1 GSR AND HSP

CIVIL
PAVING, GRADING, AND
STORMWATER DRAINAGE PLAN

REV	ISSUED FOR	DATE	BY
1	90% SUBMITTAL	10/2023	HS

PROJECT ENGINEER:	S. LEMASTER
DESIGNED BY:	A. MCCABE
DRAWN BY:	C. SCOTT
CHECKED BY:	D. SCHMIDT

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE (0, 1/2", 1")

PRELIMINARY DRAWING
DO NOT USE FOR
CONSTRUCTION

DATE:	OCTOBER 2023
HAZEN NO.:	44221-017
CONTRACT NO.:	1
DRAWING NUMBER:	C-101

File: H:\44221-017_BABSON PARK WPF NO.1\IMPROVEMENT\CIVIL\44221-017 C101 Saved by CSCOTT Save date: 10/19/2023 12:06 PM
PLOT DATE: 11/29/2023 10:20 AM BY: CSCOTT

Babson Park Potable Water Ground Storage Reservoir

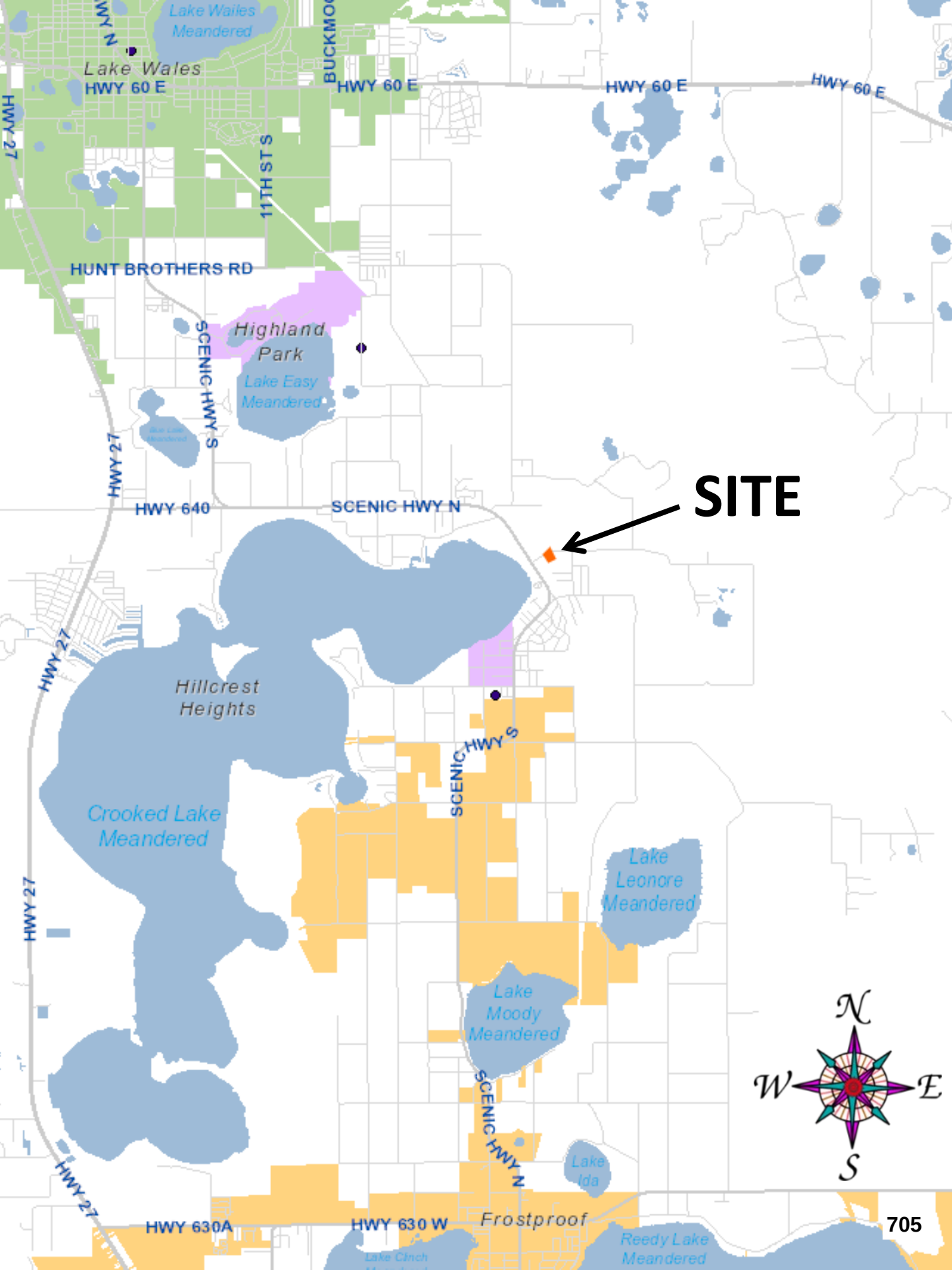
Project Narrative

Polk County Utilities proposes an addition to the Bason Park Number 1 Water Treatment Plant located on Libby Road east of Scenic Highway in Babson Park. This project will add a 140,000-gallon ground storage reservoir to the property for the purposes of balancing system pressure in the area. This facility will be of great benefit to all customers on the Babson Park Water System. It will also lessen power demands of the well pumps during peak consumption hours of the day.

The tank will be approximately 28 feet in height and be set on the highest portion of the property at approximately 160 feet above sea level. The tank will be approximately 40 feet wide in diameter.

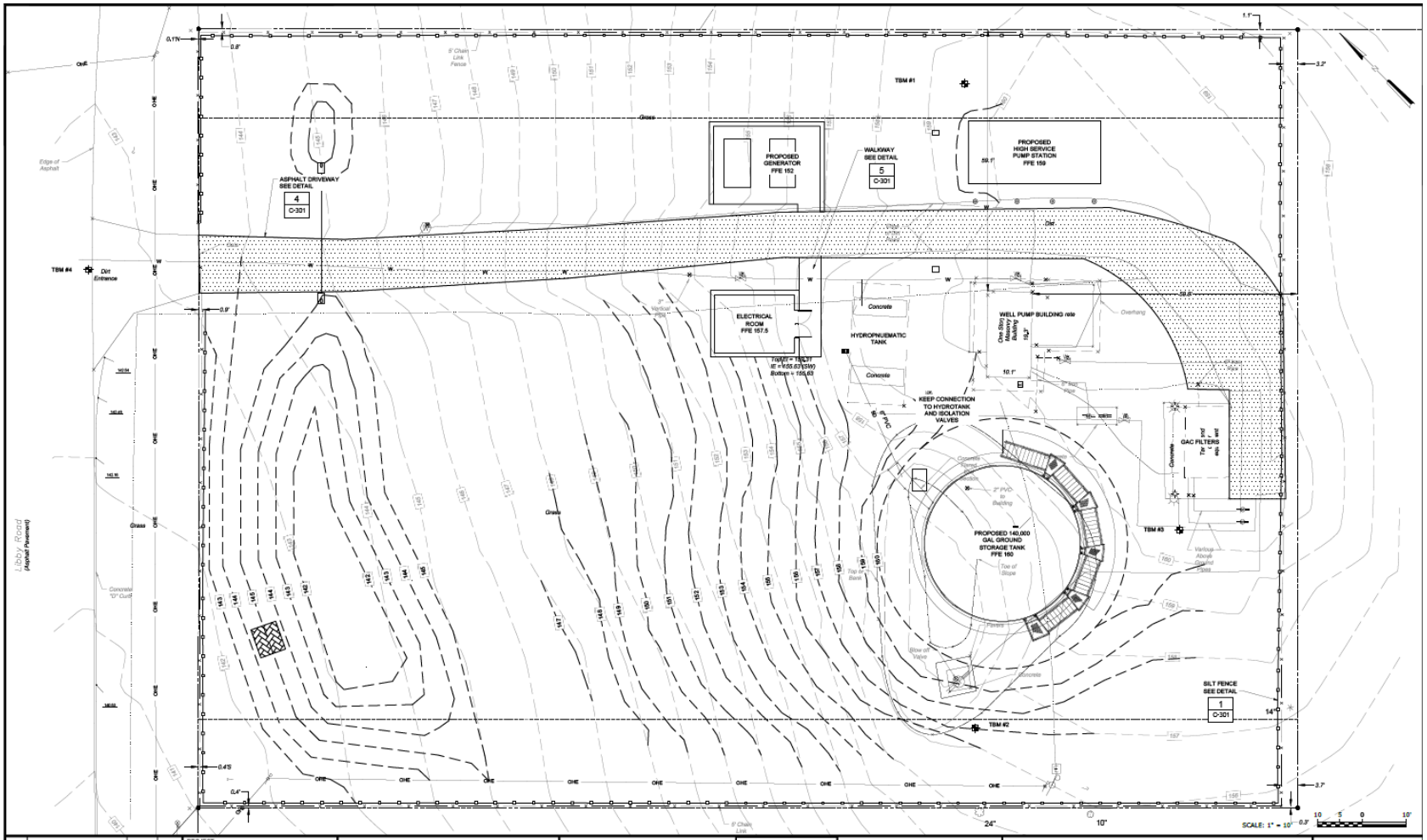
LDCU-2023-?

Babson Park GSR


Lake Wailes Meandered
Lake Wales
HWY 60 E
HWY 60 E
HWY 60 E
HWY 60 E
HWY 27
11TH ST S
HUNT BROTHERS RD
Highland Park
Lake Easy Meandered
SCENIC HWY S
HWY 27
HWY 640
SCENIC HWY N
SITE
HWY 27
Hillcrest Heights
SCENIC HWY S
Crooked Lake Meandered
HWY 27
Lake Leonore Meandered
Lake Moody Meandered
SCENIC HWY N
Lake Ida
HWY 27
HWY 630A
HWY 630 W
Frostproof
Reedy Lake Meandered
N
W
E
S


N
W
E
S
SITE
Libby Road
SR 17 009011
Webber University
Crooked Lake
SECOND A
THIRD AVE 083322
4TH AVE 083320
CODY RD 083319
INDUS RD 083321
5TH AVE 083316
RAINBOW BLVD 083315


042030
LIBBY RD
042060
042050
042070
175.64'
113.12'
178.78'
149.85'
10'
100.55'
248'
175.65'



REV	ISSUED FOR	DATE	BY
1	90% SUBMITTAL	10/2023	HS

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE (0, 1/2", 1")

PROJECT ENGINEER:	S. LEMASTER
DESIGNED BY:	A. MCCABE
DRAWN BY:	C. SCOTT
CHECKED BY:	D. SCHMIDT

PRELIMINARY DRAWING
DO NOT USE FOR CONSTRUCTION

Hazen

HAZEN AND SAWYER
1000 NORTH ASHLEY DRIVE AVE,
SUITE 1000
TAMPA, FLORIDA 33602

POLK COUNTY
Florida's Crossroads of Opportunity

POLK COUNTY
UTILITIES DIVISION

BABSON PARK
WPF #1 GSR AND HSP

CIVIL
PAVING, GRADING, AND
STORMWATER DRAINAGE PLAN

DATE:	OCTOBER 2023
HAZEN NO.:	44221-017
CONTRACT NO.:	1
DRAWING NUMBER:	C-101

POLK COUNTY
www.polk-county.net

IMPACT ASSESSMENT STATEMENT FORM

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

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following ***(Note: N/A is an insufficient comment, if N/A an explanation must be included)***:

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?

2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

3. How will the request influence future development of the area?

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed[1] methodology and calculations.

2. What modifications to the present transportation system will be required as a result of the proposed development?

NA

[1]A minor traffic study will suffice for a detailed methodology and calculations for most applications.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land

Development Code? NA: Utilities specific determi

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)? Access to the unmanned facility (<1 ADDT tra

will occur through public ROW of Libby Road

NOTE: *Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for* ***"Infrastructure Impacts"*** *items 3 through 9 above.*

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*)
   NA. No sewer onsite.
2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?
   NA. No sewer onsite.
3. If offsite treatment, who is the service provider?
   NA. No sewer onsite.
4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of- way under certain conditions listed in Section 702E.3 of the Land Development Code*)
   Not available in Babson Park service area.
5. What is the provider's general capacity at the time of application?
   NA
6. What is the anticipated date of connection?
   NA
7. What improvements to the providers system are necessary to support the proposed request *(e.g., lift stations, line extensions/expansions, interconnects, etc.)*?
   NA

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?
   Potable Water. PCU.
2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC*)
   NA

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?
WM: 60 feet from property line. RW: at the site.
4. Who is the service provider?
PCU
5. What is the anticipated date of connection?

6. What is the provider's general capacity at the time of application?

7. Is there an existing well on the property(ies)?

Yes ☑ What type? Potable Water

Permit Capacity Average: 370,100 gpd

No ☐

Location: 170 Libby Road

Water Use Permit #: 20 012800.008

Constructed prior to Water Management District Permitting: Yes ☑ No ☐

Type of Use: ☐ Ag ☑ Public ☐ Industrial or

Commercial ☐ Recreation or Aesthetic ☐ Mining

Permitted Daily Capacity: 370,100 gpd

Average Peak Monthly Withdrawal Rate: 200,000

Location: 170 Libby Road, Babson Park, FL 33827

Casing Diameter: 10 inch

Mainline Diameter: 8 inch

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

See attached for response.

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

Addition of stormwater pond as depicted on the plans. Also allowing for a positive drainage that allows water to flow in the direction designed by the Engineer.

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.
   See Ecological Assessment report attached.
2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.
   See Ecological Assessment report attached.
3. Discuss location of potable water supplies, private wells, public well fields *(discuss the location, address potential impacts)*, and;
   See survey for location of existing public raw water well and potable water mains.
4. Discuss the location of Airport Buffer Zones (if any) *(discuss the location and address, potential impacts).*
   NA
5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.
   See Ecological Assessment report attached.

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;
   Loughman Park: 0.75 miles, 3 minutes
2. Educational Facilities (e.g., preschool, elementary, middle school, high school);
   Babson Park Elementary School: 0.35 miles, 2 minutes
3. Health Care (e.g., emergency, hospital);
   Lake Wales Hospital ER: 6 miles, 12 minutes
4. Fire Protection;
   Babson Park Fire Station 1: 0.35 miles, 2 minutes
5. Police Protection and Security;
   Polk County Sheriff: 12.4 miles, 7 minutes
6. Emergency Medical Services (EMS);
   Babson Park Fire Station #1: 0.35 miles, 2 minutes
7. Solid Waste (collection and waste generation); and

8. How may this request contribute to neighborhood needs?

Polk Co Utilities (PCU) recognizes Babson Park is growing and water capacity and storage is needed to provide a more consistent flow through the system.

Maps

Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scale shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following **maps shall 8 1/2" x 11"** and accompany Impact Assessment Statements:

Map A: A location map (center the site on the map) showing the relationship of the development to cities, highways, and natural features;

Map B: Map depicting the site boundary (properties included in the request)

Map C: A site plan consistent with ***Site Plan Standards*** [2] (multiple sheets may be used). In addition to the required number of copies please **include an 8½" x 11" copy.** Applications for district changes alone are not required but are encouraged to submit a Development Plan; and

NOTE: *Applications for text amendments are not required to submit a complete Impact Assessment Statement, however, all relevant information requested must be addressed. Use this form and the "Demonstration of Need" form as a guide for assessing the impact of a text amendment.*

[2] See *Site Plan Standards* checklist form (GM LDD 11).

Print Clear

$50000.00

619493

This Instrument prepared by
IRVIN S. COWIE
Office, Polk County Attorney
P. O. Box 60
Bartow, Florida 33830

WARRANTY DEED

OFF REC 1512 PAGE 1666

THIS INDENTURE, Made this 29th day of December, A.D., 1972, between WALTER E. ZILAHY, single; FLORIDA RESEARCH AND WATER COMPANY, a Florida Corporation; and ZILAHY GROVES, INC., a Florida Corporation, of the County of Polk, State of Florida, grantors, and POLK COUNTY, a political subdivision of the State of Florida, P.O. Box 60, Bartow, Florida, grantee, 33830

84.00
30.80

WITNESSETH, That said grantors, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable considerations to said grantors in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, its heirs and assigns forever, the following described land, situate, lying and being in Polk County, Florida, to-wit:

'73 JAN 15 AM 11:52

Assuming the South boundary of the SW¼ of Section 28, Township 30 South, Range 28 East to be a due East-West line, and commencing at the SE corner of said SW¼; run thence North 0°06' East a distance of 664.5 feet along the East boundary of said SW¼; run thence North 89°55' West, 981.85 feet; thence run South 57°35' West, 120.4 feet; thence run South 32°25' East, 33 feet for a Point of Beginning; thence continue South 32°25' East, 248 feet to a point; run thence South 57°35' West, 175.65 feet to a point; run thence North 32°25' West 248 feet to a point; run thence North 57°35' East to the Point of Beginning, all in Section 28, Township 30 South, Range 28 East.

and

The South 200 feet of the North 1493.93 feet of the West 100 feet of the East 125 feet of the West half of the NE¼ of Section 5, Township 31 South, Range 28 East.

R-7 MONTE T. ILLIS
115 N. Broadway
Bartow, Fla. 33830

and said grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the individual grantor has hereunto set his hand and seal the day and year first above written and the Corporate grantors have caused these presents to be signed in

A
8.00

OFF. REC. 1512 PAGE 1667

their names by their proper officers and their corporate seals to be affixed, the day and year above written.

Signed, sealed and delivered in our presence:

Johnny F. Newberry

Lillian P. Anderson

Walter E. Zilahy (SEAL)
WALTER E. ZILAHY

(Corporate Seal)

FLORIDA RESEARCH AND WATER COMPANY, a Florida Corporation

By Walter E. Zilahy
Walter E. Zilahy, President

(Corporate Seal)

ZILAHY GROVES, INC., a Florida corporation

By Walter E. Zilahy
Walter E. Zilahy, President

POLK COUNTY 026857 FLORIDA DEPT. OF REVENUE JAN 15 '73 P.B. 11019 DOCUMENTARY SURTAX 30.80

STATE OF FLORIDA)

COUNTY OF POLK)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared, WALTER E. ZILAHY, single, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 29th day of December, A.D., 1972.

LILLIAN P. ANDERSON NOTARY PUBLIC STATE OF FLORIDA AT LARGE

Lillian P. Anderson
Notary Public

My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Jan. 4, 1976

POLK COUNTY 020474 STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JAN 15 '73 P.B. 11074 84.00

STATE OF FLORIDA)

COUNTY OF POLK)

I HEREBY CERTIFY that on this 29th day of December, A.D., 1972, before me personally appeared WALTER E. ZILAHY, President of Florida Research and Water Company, a corporation under the laws of the State of Florida, to me known to be the person who signed the foregoing instrument as such officer and acknowledged the execution thereof to be his free act and deed as such officer for the uses and purposes therein mentioned and that he affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Bartow, said County and State, this 29th day of December, A.D., 1972.

Lillian P. Anderson
Notary Public

My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Jan. 4, 1976

STATE OF FLORIDA)

COUNTY OF POLK)

I HEREBY CERTIFY that on this 29th day of December, A.D., 1972, before me personally appeared WALTER E. ZILAHY, President of Zilahy Groves, Inc., a corporation under the laws of the State of Florida, to me known to be the person who signed the foregoing instrument as such officer and acknowledged the execution thereof to be his free act and deed as such officer for the uses and purposes therein mentioned and that he affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal at Bartow, said County and State, this 29th day of December, A.D., 1972.

Lillian P. Anderson
Notary Public

My Commission expires:

Notary Public, State of Florida at Large
My Commission Expires Jan. 4, 1976

FILED, RECORDED AND
RECORD VERIFIED
E. D. "Bud" DIXON, Clk. Cir. Ct.
POLK COUNTY, FLA.
BY: C S D.C.

619493

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2023-67 (Babson Park Water Tank)

Applicant: Polk County

Property Owner: Polk County

Hearing Date: February 7, 2024

I. Request:

This is a request for a Conditional Use approval of a ground storage water tank on an existing potable water well site in an INST-2X district.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony and exhibits presented during the hearing:

1. Pursuant to Section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 Review application, consider the following factors:
    a. Whether the proposed development is consistent with all relevant requirements of this Code;
    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
    c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
    d. How the concurrency requirements will be met, if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 906, and 303.

3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Planning Commission's Decision:

Based upon the evidence and testimony presented to the Planning Commission and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

IV. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application with the Land Development Division within 7 calendar days after the Planning Commission hearing.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 7th day of February 2024, by the Polk County Planning Commission.

Polk County Planning Commission **ATTEST:**

By:_____ By: _____
Rennie Heath, Chairman Angela Kaufman, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

DAVID C. CARTER LICENSE NO. 31915 STATE OF FLORIDA PROFESSIONAL ENGINEER

This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
2023.11.02 10:54:59 -04'00'

WARNER UNIVERSITY WWTF
REQUEST FOR CU APPROVAL
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1) How and why is the location suitable for the proposed uses?

The property has a FLU of INST-2X and is in the Southeast Village Center SAP. The area for the proposed facility site is generally on the west side of #27 and lies south of Lake Wales and north of Frostproof. The site is bounded by the existing university facilities on the east, with a largely rural and undeveloped area to the north, west, and south.

The existing plant has been in use for about 50 years and is in need of upgrading and enlarging. Unfortunately it is impractical to simply modify the existing plant, so a new plant is being proposed, with the old plant ultimately being properly abandoned. The existing plant is undersized for even the current uses, so obviously cannot handle future growth planned for the university facilities.

2) What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

The rural nature of the surrounding properties minimizes incompatibility. However, the following illustrates the efforts to minimize any possible incompatibility:

a. Order Control: Odors associated with wastewater treatment facilities typically originate from sewage that is kept in anaerobic conditions for an extended period of time. This facility is not expected to generate any significant odors due to the relatively small size of the collection system, (which translates to a short travel time), and the nature of the proposed aerobic treatment process. Also, the flow equalization tank will be equipped with coarse bubble diffusers to mix and aerate its contents and minimize any potential odors.

The large separation from the new WWTF to the property boundary will allow for the dissipation of any odors. Accordingly, an odor control system is not proposed as no odor complaints are anticipated because of this project.

b. <u>Noise Control:</u> Noise complaints from wastewater treatment facilities are generally associated with positive displacement blowers, which provide air for the various processes. This facility will have several blowers; however, they will be equipped with noise attenuation enclosures to protect them from the elements and provide a significant level of noise reduction.

The distance between the facility and the property boundary will help reduce the noise level to nearby residents. Accordingly, noise generated by the facility is not expected to generate any complaints.

c. <u>Lighting Effects:</u> New lighting will be installed only where required for plant access and safety reasons. Most lights will be controlled manually on an as-needed basis and will not be on during the entire night. Therefore, no detrimental effects from nighttime lighting is anticipated.

3) How will the requested district (if the request is a district change) influence future development patterns if the proposed change occurs?

Not a district change.

B. <u>Access to Roads and Highways</u>

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response.

1) What are the number of vehicle trips to be generated daily and at PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

The new WWTP will not generate any measurable new trips. Normal traffic anticipated for this facility would include a daily operator visit, bi-monthly liquid chlorine deliveries, and a monthly sludge hauler. This is similar to the existing plant.

2) What modifications to the present transportation system will be required because of the proposed development?

No modifications to the transportation system are needed or planned. Access to the new facility will be through existing roads within the University's campus.

3) What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

The LDC lists 1 space for 260 SF of GFA for government facilities. However, no office space or administrative building is being proposed. No dedicated parking is needed or proposed.

4) What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, frontage roads)?

Access to the new facility will be through existing roads within the University's campus.

C. Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1) What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (Response may be based on Section 703 of the LDC or the Impact Fee Ordinance)

No new site development which would generate additional flows is being proposed with this CU. However, the existing plant is rated at 86,000 gpd, but in recent years has exceed that amount regularly.

2) What is the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed?

The new facility will provide Advanced Level Treatment with alternating aerobic and anoxic zones, followed by solids separation and basic disinfection. The proposed treatment process will meet the following effluent water quality limits: BOD 20 mg/L, TSS 20 mg/L, Total Nitrogen 6

mg/L, and Total Phosphorous 3 mg/L. Effluent disposal will be by rapid rate land application consisting of a Rapid Infiltration System with a capacity equivalent to the treatment plant capacity.

3) What is the relationship of the proposed sewage system to the service provider's plans and policies for sewage treatment systems (e.g., will it be integrated into a larger system)?

Both the existing and proposal systems are to be owned and operated by the university. Both the capital costs and ongoing maintenance will be paid by the university.

4) Where is the nearest sewer line (in feet) to the proposed development *(Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code)*.

The nearest sewer is the county owned treatment facility at the College Park development, which is about one mile to the north.

5) Who is the service provider?

Polk County

6) What is the current provider's capacity?

We undwerstand that the plant at College Park is over capacity

7) What is the anticipated date of connection?

No connection to the county system is anticipated.

D. Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1) What is the proposed source of water supply?

No additional water consumption is anticipated.

2) What is the estimated volume of consumption in gallons per day (GPD)? *(Provide Methodology)*.

No additional.

3) Where is the nearest potable water connection and gray water connection, including the distance and size of the line?

N/A

4) Who is the service provider?

N/A

5) What is the current provider's capacity?

N/A

6) What is the anticipated date of connection?

No connection anticipated.

7) Is there an existing well on the property(ies)?

NA

E. Surface Water Management and Drainage

Determine the impact of drainage on the ground water and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1) Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

The site slopes gradually from the northeast to the southwest. The elevations range from 138 to 130. The site design will provide customary

stormwater treatment meeting county and FDEP standards. (The FDEP will be the agency providing drainage review, rather than SWFWMD).

There is no floodplain located on the proposed facility site.

2) What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

None is needed or proposed.

F. Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1) Discuss the environmental sensitivity of the property and adjacent property by identifying any significant features of the site and the surrounding properties.

The site is part of the Lake Wales Ridge, and can be habitat for a number of threatened or endangered species. Further environmental studies to be conducted at level 2 approval.

2) What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

N/A. No wetlands or floodplain onsite.

3) Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts) and;

N/A. No wells onsite.

4) Discuss the location of Airport Buffer Zones (if any) discuss the location, address potential impacts).

Project is not located in an Airport Buffer Zone.

G. Population (Response is only required for district changes and uses generating more than 750 AADT based on the methodology of Appendix C of the Land Development Code)

N/A

H. General Information

Determine if any special needs or problems will be created by the proposed development. At a minimum, address the following specific questions in your response:

1) What are the special features of the proposed development that contribute to neighborhood needs?

N/A

2) What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

A. Parks and Recreation;

No impact to these facilities.

B. Educational Facilities (e.g., preschool, elementary, middle school, high school);

No impact to these facilities.

C. Health Care (e.g., emergency, hospital);

Minimal.

D. Fire Protection;

Minimal.

E. Police Protection and Security;

Minimal.

F. Electrical Power Supply;

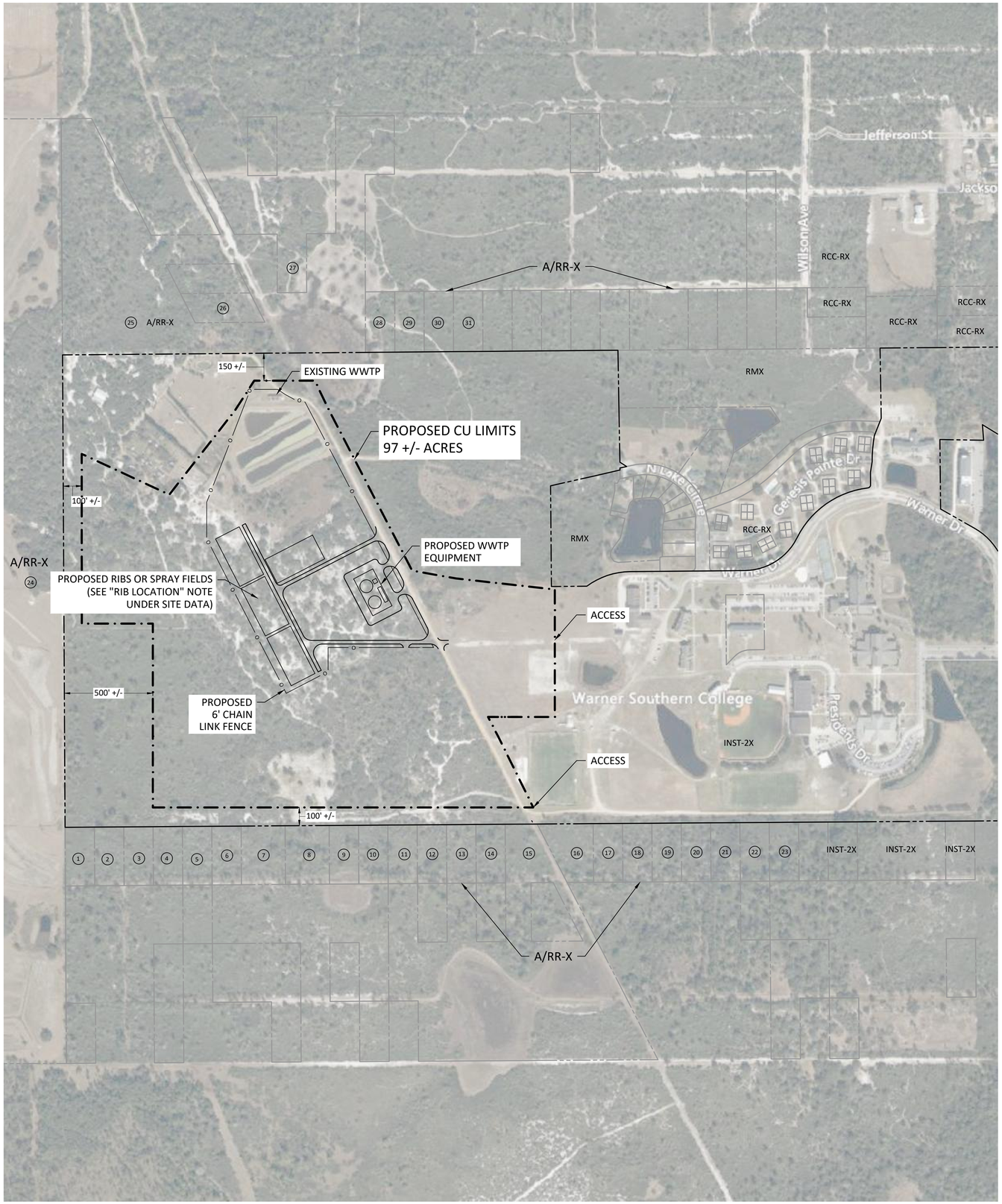
Power for the facility will be provided by Duke Energy.

G. Emergency Medical Services (EMS); and

Emergency Medical Services are provided by Polk County. No excessive demands on EMS are expected due to the proposed development.

H. Solid Waste.

No impact to these facilities.



SITE DATA

OWNERSHIP	WARNER UNIVERSITY, INC.
PARCEL ID:	PART OF PARCEL: 273034-000000-012020
LAND AREA:	97 +/- ACRES (CU LIMITS)
EXISTING FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
PROPOSED FLU:	INST-2X(INSTITUTIONAL) SE VILLAGE SAP WITHIN RDA
DEVELOPED USE:	EXISTING WASTEWATER TREATMENT FACILITY
ACTIVITY SETBACKS:	NORTH - 150' PROPOSED / 100' REQUIRED SOUTH - 500' PROPOSED / 100' REQUIRED EAST - N/A WEST - 500' PROPOSED / 100' REQUIRED
FLOOD ZONE:	THIS SITE LIES IN FLOOD ZONE "X" PER NFIP FIRM PANEL #12105C0730G DATED 12/22/2016
LANDSCAPE BUFFERS:	SEPARATION DISTANCES COMPLY WITH THE LAND DEVELOPMENT CODE SECTION 303 UTILITIES PART 7C AND SECTION 720. NO BUFFERING IS PROPOSED.
CAPACITY	290,000 GPD WASTEWATER TREATMENT PLANT
RIB LOCATIONS	LOCATION OF THE PROPOSED RIBS OR SPRAY FIELDS ARE APPROXIMATE AND SUBJECT TO CHANGE WITHIN THE CU BOUNDARY LIMITS ONCE DETAILED DESIGN IS COMPLETED.

PERMITTED NOISE LEVELS

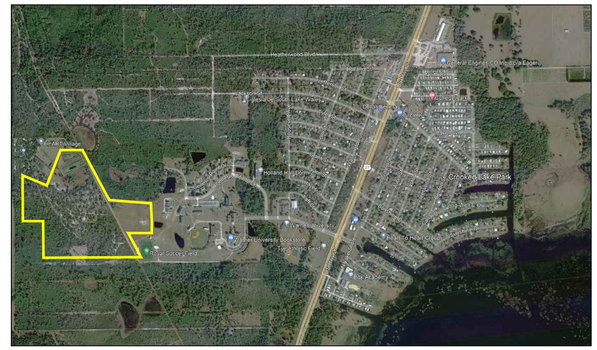
1. THE FOLLOWING ARE MAXIMUM AVERAGE NOISE LEVELS WHICH SHALL BE PERMITTED AT THE UTILITY SITE'S PERIMETER ON ANY GIVEN DAY, WHEN A PROPOSED UTILITY LOCATES AS INDICATED:

   A. NEXT TO A RESIDENTIAL USE OR RESIDENTIAL DISTRICT: 65dB

   B. NEXT TO A COMMERCIAL, NON-RESIDENTIAL USE OR DISTRICT: 70dB

   C. NEXT TO AN INDUSTRIAL, NON-RESIDENTIAL DISTRICT OR USE: 80dB

LOCATION MAP



ADJACENT PROPERTY OWNERS

	PARCEL DATA	OWNER INFORMATION
1	273034-0000000-44160	Fowler Gay and Joyce
2	273034-0000000-44170	Madd Assets, LLC.
3	273034-0000000-44040	Polk County
4	273034-0000000-44100	Dahlberg Sandra C and Craig
5	273034-0000000-44180	Dean Johnie L Jr.
6	273034-0000000-44050	Polk County
7	273034-0000000-44140	Lakshminarayanan Prakash
8	273034-0000000-42030	Morris Janie P
9	273034-0000000-42020	Polk County
10	273034-0000000-42040	Macalik Donald E
11	273034-0000000-42160	Polk County
12	273034-0000000-42050	Klein Kathy and Frank
13	273034-0000000-42060	Lachhman Jaiprakash and Kowsillia
14	273034-0000000-42010	Polk County
15	273034-0000000-22010	Polk County Board of County Commissioners
16	273034-0000000-24120	Ballard Melvin and Eileen R
17	273034-0000000-24030	Fitzgerald H Stuart and Stephanie M
18	273034-0000000-24190	Fitzgerald H Stuart and Stephanie M
19	273034-0000000-24040	Fitzgerald H Stuart and Stephanie M
20	273034-0000000-24080	Fitzgerald H Stuart and Stephanie M
21	273034-0000000-24150	Fitzgerald H Stuart and Stephanie M
22	273034-0000000-24010	Fitzgerald H Stuart and Stephanie M
23	273034-0000000-22150	Fitzgerald H Stuart and Stephanie M
24	273033-0000000-11000	JMC Ranch, LLC.
25	273034-0000000-11010	Polk County Board of County Commissioners
26	273034-0000000-33090	Fors Russell A Trust
27	273034-0000000-31020	TMR Fam, LLC.
28	273034-0000000-31010	Albert Ray
29	273034-0000000-31120	Lakshminarayanan Prakash
30	273034-0000000-31110	Polk County
31	273034-0000000-31160	Lempeck Theodore J

0 300' 600'

DATUM = NAVD88
(ALL UNITS IN FEET)

LEGEND

- EXISTING PROPERTY BOUNDARY
- EXISTING CONDITIONS TEXT
- EXISTING SPOT ELEVATIONS
- EXISTING CONTOURS
- EXISTING POTABLE WATER
- EXISTING STORM SEWER
- EXISTING SANITARY LINE
- EXISTING OVERHEAD WIRES
- EXISTING BURIED TELEPHONE LINE
- EXISTING BURIED FORCE MAIN
- PROPOSED RIGHT-OF-WAY
- PROPOSED CONDITIONS TEXT
- PROPOSED FENCE LINE
- PROPOSED CU AREA
- JURISDICTIONAL WETLAND LINE
- 25' WETLAND BUFFER
- 100-YR FIRM

This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
2023.11.02 10:54:59 -04'00'

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DAVID C. CARTER LICENSE No. 31915 STATE OF FLORIDA PROFESSIONAL ENGINEER

DAVID C. CARTER, P.E.
FL. P.E. LIC. No. 31915

Sunshine811

NO.	DATE	REVISIONS	BY
P-0	10.20.23	ISSUE FOR REVIEW	AJO

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WARNER UNIVERSITY WWTP EXPANSION

WARNER UNIVERSITY INC.

CONDITIONAL USE PLAN

PROJECT NO:	ACLUS23002
DRAWN BY:	AJO
APPROVED BY:	KM

THESE PLANS ARE PRELIMINARY PRIOR TO PERMIT ISSUANCE

SHEET NO:

1.0

Dwg: K:\Clients\ACLUS - ACLUS Engineering LLC\ACLUS23002 - Warner WWTF Expansion\ACAD_SHEETS\230116 CUPlanExhibit\V2 KM AJO.dwg, Layout: CU Plan Nov 28, 2023-14:56