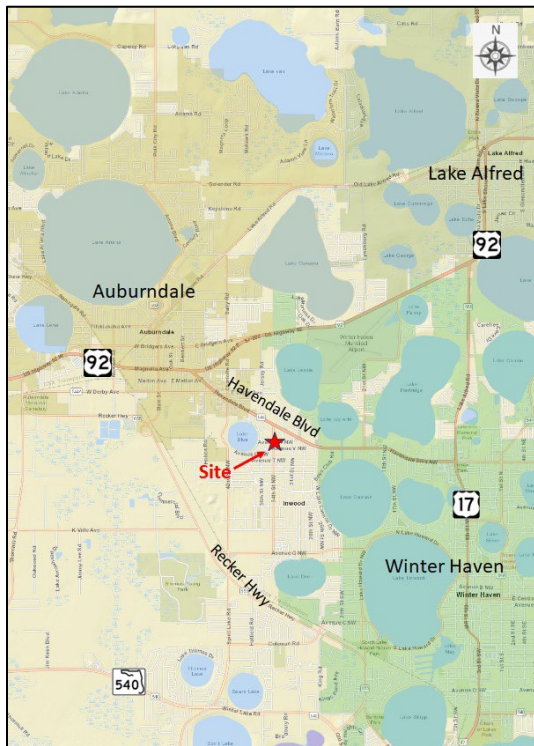


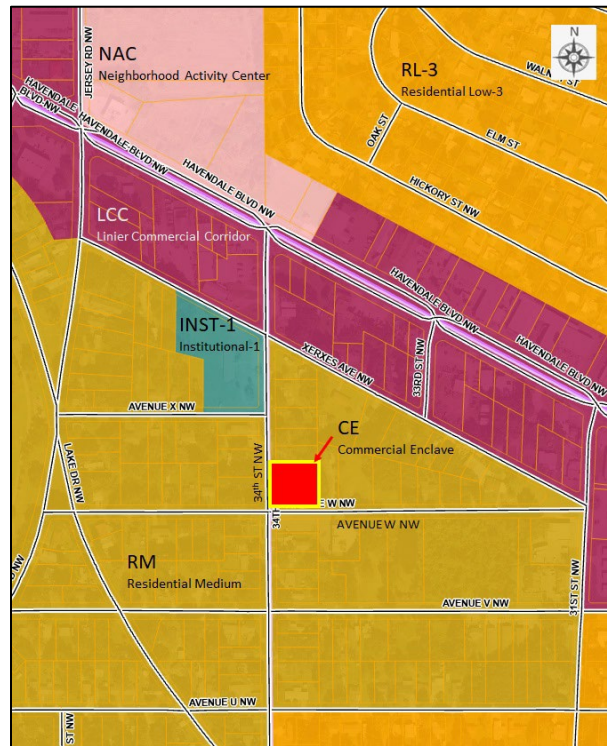
POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: July 27, 2023	Level of Review: 4
PC Date: October 4, 2023	Type: Comprehensive Plan Amendment
BoCC Date: November 21, 2023	Case Numbers: LDCPAS-2023-19
Applicant: RS Equity Service, Nathaniel Mandelbaum	Case Name: 34 th Street CE CPA
	Case Planner: Robert Bolton, Planner III

Request:	A Future Land Use designation change from Residential Medium (RM) to Commercial Enclave (CE)
Location:	The subject property is located on the east side of 34 th Steet NW, north side of Avenue W NW, west of 31st St NW, and south of Havendale Boulevard NW east of the Winter Haven city limits, in Section 13, Township 28 and Range 25.
Property Owner:	Brisbin Capital LLC
Parcel Size/number:	0.52 +/- acres (Parcel #(s) 252813342500007602 and 252813342500007603)
Development Area:	Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), Inwood Redevelopment
Nearest Municipality:	City of Auburndale and Winter Haven
DRC Recommendation:	Approval
Planning Commission Vote:	Approval (6:0)
Public Comment:	None
DEO	N/A



Location Map



Proposed Future Land Use

Summary of Analysis

The applicant, RS Equity Service, Nathaniel Mandelbaum, is requesting a Small Scale Comprehensive Plan Amendment on behalf of the property owner, Brisbin Capital LLC, to change the Future Land Use Designation from Residential Medium (RM) to Commercial Enclave (CE) on 0.52+/- acre property in the Urban Growth Area (UGA) located east of Winter Haven, city limits, on the east side of 34th Steet NW, north side of Avenue W NW, west of 31st St NW, and south of Havendale Boulevard NW east of thw Winter Haven city limits, in Section 13, Township 28 and Range 25.

The subject site was developed with three (3) commercial use buildings in the early 1970's, predating the LDC and Comprehensive Plan. Per Policy 2.11-A.3.a, in that the property was developed with the current use prior to April 19, 1991, and considered a legitimate mapping error.

Compatibility Summary

The proposed land use change is compatible with the growth that is occurring in this area. The Commercial Enclave (CE) districts are intended to accommodate concentrations of commercial/office uses which are located outside of Activity Centers and/or Linear Commercial Corridors and whose future development or redevelopment will not degrade the County's growth management program. The subject site has been developed with the current commercial buildings and use since the early 1970's and have been in use since that time. The site meets the requirements of Policy 2.11-A3 for a mapping error from Residential Medium (RM) to Commercial Enclave (CE). The site is 0.52+/- acres with a Knights of Columbus to the south and various residential uses to the east, north and west. These uses have a 50-plus year history of compatibility, any expansion of redevelopment of the site would most likely require a Level 2 review. The proposed Future Land Use change is compatible with surrounding uses.

Infrastructure and Urban Services Summary

The proposed Comprehensive Plan Amendment (CPA) is not anticipated to degrade the Level-of-service (LOS) standard for transportation, the locally zoned schools, fire, EMS and sheriff public safety resources. The subject site will be connected to the City of Winter Haven's water and private septic system. There are no wells on the subject site.

Environmental Conditions Summary

The subject site is located within an airport height notification zone and height limits will apply, there are no historical or archeological resources, and there are no indicated protected species. The subject site does not indicate any wetlands or flood zones.

Comprehensive Plan Policies Considered

- Section 2.102 – General Growth Management policies
- Section 2.105 – Urban-Growth Areas (UGA) policies
- Section 2.112-A – Commercial Enclave (CE) policies

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request to change the Future Land Use (FLU) designation from Residential Medium (RM) to Commercial Enclave (CE) in the Urban Growth Area (UGA) and Transit Corridors and Centers Overlay (TCCO).
- The subject is located at the northeast corner of NW 34th Street and Avenue W NW, south of Havendale Boulevard, south of US Highway 92 between Winter Haven and Auburndale.
- The subject site is currently improved with three (3) steel frame metal warehouses, which according to Polk County Property Appraiser records were constructed between 1968 and 1970 and are verified in the Polk County Aerial photos from 1971, the development of the site predates the Land Development Code and Comprehensive Plan. The site has been utilized for commercial uses since their construction.
- The subject site's buildings were constructed prior to the County's initial Zoning which went into effect November 4, 1970, zoned the site was Residential (R). With the zoning update of 1971 the site became Residential-3 (R-3). The site under the County's Zoning Code was, a legal non-conforming use. With various Zoning updates and adoption of the Land Development Code and Comprehensive Plan the site is currently Residential Medium (RM) and still a legal non-conforming use.
- According to Policy 2.112-A3 Location Criteria, the subject may be considered a mapping error by the criteria established in Policy 2.11-A.3.a that includes several items. The property was developed with the current use prior to April 19, 1991.
- The characteristics of a Commercial Enclave per Policy 2.112-A1 of the Polk County Comprehensive Plan, states that they are concentrations of commercial/office uses which are located outside of Activity Centers.
- The Neighborhood Activity Center, approximately 0.15 mile to the north is a total of 11+/- acres.

Compatibility

- The subject's surrounding uses are as follows:
 - South of the subject site is a Residential Medium (RM) district with the Knights of Columbus Council 4726 and associated parking lot.
 - West of the subject site is a Residential Medium (RM) district which has been developed with single-family and multi-family development.
 - North of the subject site is a Residential Medium (RM) district with single-family development, and a Linear Commercial Corridor (LCC) 320+/- feet to the north.
 - East of the subject site is a Residential Medium (RM) district which has been developed with single-family and multi-family development.
- North of the subject along 34th Street NW between the site and the LCC to the north uses include single-family, duplexes, multiple family sites, and a church. Along 34th Street NW within the LCC is warehousing and commercial storage uses.

- The area is urban in nature with a high level of residential and commercial buildout.
- Policy 2.112-A4 which addresses development criteria states that any redevelopment of the site shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses.

Infrastructure

- The subject site is within the Central District Commend Area for the Sheriff’s office which is located at 3635 Avenue G NW, Winter Haven.
- First responder Fire response will be from the City of Winter Haven, and EMS from Polk County EMS.
- The Future Land Use designation change will not impact Polk County school concurrency and there are no schools adjacent to the site.
- Havendale Boulevard has a Level of Service “C” and a standard of “D” with available capacity. There is available capacity in the PM Peak Hour for maximum buildout if the site were all vacant.
- There are no sidewalks along 34th Street NW or Avenue W NW. Redevelopment of the site would require installation of sidewalks.
- Havendale Boulevard has public transit routes within approximately 800 feet.

Environmental

- There are no wetlands or flood zones indicated on the subject site with the site at 149 feet.
- The subject site is comprised of Myakka-Imomokolee-Urban land complex.
- According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an observation of a protected animal species (Source: Florida Department of Environmental Protection, 2015).
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- The subject site is not within a Wellfield Protection district. The nearest public wellfields are approximately 1.3 and 2.8 miles to the east and west of the site.
- The site is within an Airport Impact District.

Comprehensive Plan Policies

- POLICY 2.102-A1 Development Location states that Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.
- POLICY 2.102-A2 Compatibility - 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 2.105-A5: Development Criteria for Urban Growth Areas -- Development within the Urban Growth Areas shall conform to the following criteria
 - a. connect to centralized potable water unless this requirement is waived by the Board consistent with Policy 2.105-A6;
 - b. connect to centralized sanitary sewer systems if available. If not available, the developer can provide onsite facility(s) and dry-line in compliance with the requirements of the Polk County Health Department and the County's Utility Codes;
 - 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;
 - k. if development is within the “Corridor and Center Overlay” (Section 2.124-A) additional standards supporting the transit system, such as no driveway or parking between the street and the structures, will be required provide transit oriented design, including adequate connectivity, access and amenities to support mass-transit services as established in Policy 2.124-A3;
- POLICY 2.111-A3: LOCATION CRITERIA - Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS. The following factors shall be taken into consideration when evaluating whether an error was made during the original mapping process:
 - a. USES OF THE LAND AND DEVELOPMENT OF THE PARCEL, AND SURROUNDING LAND, EXISTING AS OF APRIL 19, 1991: The use of the land and existing development of the subject parcel and the surrounding area as of the adoption of the Plan would be taken into consideration when determining an error. Land that was vacant, or developed in some other manner than that of the claimed error, would be determined not to be an error.
 - b. ZONING OF THE PARCEL, AND SURROUNDING LAND, AS OF APRIL 19, 1991: The existing zoning of a parcel and surrounding area, as of the Plan's adoption date, would be considered in determining an error. However, the property's zoning would not be a factor, in and of itself, when the subject property is vacant.
 - c. EXISTING PROPERTY LINES AS OF APRIL 19, 1991: Parcels existing as of the adoption date of the Plan would be considered in determining an error. Lands added to a parcel, or parcels under one ownership, since the adoption would not be considered.
 - d. CONSISTENCY WITH THE PLAN: Was the subject property consistent with the Plan's criteria for the claimed land use category at the time of Plan adoption? Is the claimed designation consistent with the Plan's overall objective to control urban sprawl and to not degrade the County's overall growth management program? Isolated development and/or spot zonings would not be considered an error.
 - e. RECORDS OF THE COMPREHENSIVE PLAN CITIZENS' ADVISORY COMMITTEE (CAC) FUTURE LAND USE SUBCOMMITTEE AND THE BoCC PRIOR TO APRIL 19, 1991: Information contained in the minutes and other records indicating the intention of those bodies were different than what was actually adopted would be used in determining mapping errors.
 - f. REZONING ACTIONS APPROVED BY THE BoCC BETWEEN JANUARY 1, 1990, AND APRIL 19, 1991: Rezoning actions approved by the BoCC after the initial staff mapping effort and the adoption of the Plan, which were not included in the final Plan map, would be considered in determining an error, whether the land was vacant or not.

g. OTHER FACTORS: Environmental constraints, availability of infrastructure at acceptable levels of service, and the Plan's Capital Improvement Program (CIP) at the time of adoption would be considered.

- POLICY 2.112-A1: Characteristics - Commercial Enclaves are those concentrations of commercial/office uses and zoning districts which are located outside of Activity Centers and/or Linear Commercial Corridors and whose future development or redevelopment will not degrade the County's growth management program. These enclaves are the result of past actions by the County, which may or may not have been previously developed, but are recognized through their designation on the Future Land Use Map Series.
- POLICY 2.112-A2: Designation and Mapping – Existing commercial/office developments and zoning districts located outside of Activity Centers and/or Linear Commercial Corridors shall be designated and mapped on the Future Land Use Map Series as "Commercial Enclaves" (CE).
- POLICY 2.112-A3: Location Criteria - The expansion or establishment of new commercial enclaves shall not be permitted, except to recognized legitimate errors made during the original mapping process, as determined using the error-evaluation criteria established in Policy 2.111-A3.
- POLICY 2.112-A5: Adjacent Development - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a CE may include the following uses: Office, Medium-Density Residential, Institutional, or Open Space.

Development Review Committee (DRC) Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the DRC 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 DRC recommends **APPROVAL of LDCPAS-2023-19**

Planning Commission Decision: On October 4, 2023, in an advertised public hearing, the Planning Commission voted 6:0 to **recommend APPROVAL of LDCPAS-2023-19.**

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: 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.

NOTE: Approval of this request is only for Level 4 Review and only for those development decisions within the Board of County Commissioners purview. A Level 2 Review (engineered plans) will be required for all site development and shall implement 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.

Surrounding Land Use Designations and Current Land Use Activity

Table 1: Surrounding Uses

NW RM Multiple Residences	N RM Single-family Residence	NE RM Multiple Residences
W RM Multiple Residences	Subject Property RM Storage Facility	E RM Multiple Residences
SW RM Single-family Residence	S RM Knights of Columbus	SE RM Knights of Columbus

Source: Site Visit and Polk County GIS Data Viewer

The land use of the subject site and surrounding area is Residential Medium (RM), with the Linear Commercial Corridor along Havendale Boulevard 320+/- feet north of the subject site. The uses to the west, north and east of the site are a mixture of single family and multiple family development. To the south of the subject is the Knights of Columbus Council 4726 and associated parking lot. The overall area was developed in the 1960's and 1970's. Original Zoning for this area was R-3. Approximately 320 feet north of the subject location begins the Linier Commercial Corridor (LCC) associated with Havendale Boulevard. The nearest transit stop is approximately 800 feet north of the site on Havendale Boulevard.

Compatibility with the Surrounding Land Use:

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 adopted definition for compatibility states it is "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 was developed and has been in use for 50-plus years, this long-term continued use within the immediate surrounding area is evidence of definitions clause, "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 0.52+/- acres and was developed between 1968 and 1970, with the surrounding neighborhood being primarily developed in the 1960's and 1970's. The characteristics of a Commercial Enclave per *Policy 2.112-A1* of the Polk County Comprehensive Plan, states that they are concentrations of commercial/office uses which are located outside of Activity Centers. According to *Policy 2.112-A3 Location Criteria*, the subject may be considered a mapping error

by the criteria established in Policy 2.11-A.3.a, in that the property was developed with the current use prior to April 19, 1991.

The adoption of the CE is considered to recognize a legitimate error made during the original mapping process, as determined using the error-evaluation criteria established in Policy 2.111-A3. The proposed Future Land Use change is compatible with surrounding uses.

Nearest Elementary, Middle, and High School

The requested Future Land Use designation change is from a residential land use to a commercial land use designation and would not negatively impact Polk County School usage. The subject site is zoned for the following schools:

Table 2: Schools

SCHOOL	Distance
Auburndale Central Elementary	1.7+/- miles
Westwood Middle School	1.1+/- miles
Auburndale Senior High	2.5+/- miles

Source: Polk County School Board

Nearest Sheriff, Fire, and EMS Station

The nearest Sheriff District office is located approximately 1.5 miles from the subject site. Response times vary depending on where the nearest sheriff’s deputy patrol car is located rather than the district office. Fire and EMS is proved by the City of Winter Haven with the closest station being Station 1 located at 551 3rd Street NW, Winter Haven approximately 3.8 miles east of the subject.

Table 3: Public Safety

	Name of Station	Distance/Response Time*
Sheriff	Central District Command (3635 Ave G NW)	Priority 1 – 10:04 min Priority 2 – 23:36 min
Fire	Fire-Winter Haven FD Station #1 (551 3 rd Street NW)	3.8 ± miles
EMS	EMS-Station 16, 310 3 rd Street, Auburndale	1.7 ± miles

*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 Sewer Capacity and Service Provider:

Table 4 below details the estimated impact to potable water and wastewater services based upon the buildout for the proposed FLU on the subject site. The subject property is not anticipated to create a deficiency in the existing Level of Service standard (LOS) for either potable water or wastewater services. The subject site is in the Transit Corridors and Centers Overlay, specifically in the Corridor. This provides a maximum intensity of 33,714 square feet. The site is currently developed with 10,107 square feet with a FAR of 0.49. Any future redevelopment or expansion of

the site will be subject to at least a Level 2 Review where a review of wastewater needs will be addressed.

A. Available Capacity:

Table 4: Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use RM	Maximum Permitted in Proposed CE
0.52 Acres 22,651 Square Feet	0.52 ac X 12 du/ac = 6 du	0.52 ac X 1.50 FAR = 33,977 sf 22,651 sf
Potable Water Consumption	6 du X 198 = 1,188 GPD	33,977 sf X 0.30 = 10,193 GPD
Wastewater Generation	6 du X 180 = 1,080 GPD	10,193 sf X 0.80 = 8,154 GPD

B. Service Provider:

The subject site is within the City of Winter Haven Service Area for potable water service. The nearest potable water line is on NW 34th Stret. Wastewater is serviced by an on-site private septic system, per the applicant. Any additions or alterations to the number of existing connections to the septic system would require permitting through the Polk County Health Department Septic Tank Division and many alter the subject sites useable area. Lack of sewer availability may limit any redevelopment or expansion of the site.

C. Planned Improvements:

The City of Winter Haven did not indicate any new improvements within this area.

Roadways/Transportation Network:

A. Estimated Demand:

Table 5 following this paragraph shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The proposed Land Use designation change to CE, at maximum density, will generate more than the current RM land use. The subject site is in the Transit Corridors and Centers Overlay, specifically in the corridor. This provides a maximum density of 33,714 square feet. The sit is currently developed with 10,107 square feet. The current level of development indicates an AADT of 99 trips and PM Peak Hour trips of 13.

Table 5: Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use RM	Maximum Permitted in Proposed CE
0.52 Acres 22,651 Square Feet	0.52 ac X 12 du/per ac = 6 du	22,651 sf X 1.50 FAR = 33,977 sf 33,714 / 1,000 = 33.7
Average Annual Daily Trips (AADT)	6 du X 6.74 AADT = 40 Trips	34 X 10.84 AADT = 369 369 X 92% = 339 Trips
PM Peak Hour Trips	6 du X 0.51 AADT = 3 Trips	34 X 1.44 AADT = 49 49 X 92% = 45 Trips

B. Available Capacity:

Table 6, following this paragraph, displays the available capacity for SR 544 (Havendale Blvd NW). NW 34th Street and Avenue W NW are not monitored by Polk Transportation Planning Organization (PTO). SR 544 has a Level of Service of “C” and a standard of “D” with available

capacity. There is available capacity in the PM Peak Hour for maximum buildout. SR 544 is monitored by the Florida Department of Transportation (FDOT).

Table 6: Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current LOS	Available Peak Hour Capacity	Minimum LOS Standard	Project 5 Year LOS
6500E	SR 544 (Havendale Blvd NW)	6D		1,948		
6500W	Twenty Sixth St NW to US 17 (Lake Alfred Road)	UC*	C	1,990	D	C

*UC – Urban Collector

C. Roadway Conditions:

NW 34th Street is a two-lane urban collector with 24 feet of pavement width and intersects with Havendale Boulevard, to the north. Havendale Boulevard is a six-lane divided urban collector road with available peak hour capacity. Avenue W NW is a Local Residential with 20 feet of pavement width. Access to the subject site along Avenue W NW is permitted, it would not pass any residential uses or dwellings along Avenue W NW.

D. Sidewalk Network:

There are no sidewalks along 34th Street NW or Avenue W NW. Redevelopment of the site would require installation of sidewalks.

E. Planned Improvements:

There are no active planned improvements to 34th Street NW or Avenue W NW at the current time.

Environmental Conditions:

The subject site, per the Polk County data viewers, does not indicate any wetlands or flood zones. Any impact to surface water, wetlands, and storm water management will be in accordance with the requirements of the Comprehensive Plan and Land Development Code.

A. Surface Water:

There are wetlands on the subject site. The area is relatively flat with an elevation of 149 feet above mean sea level.

B. Wetlands/Floodplains:

According to the Polk County Data Viewer the subject site does not indicate any flood zones or wetlands.

C. On-Site Soils:

The subject site is comprised of Myakka-Immokolee-Urban land complex. 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. The reported soils are based on the United States Department of Agriculture (USDA) Soils Survey. It is recommended that a current soils survey be conducted in order to determine the type of soils, and nature of soils for drainage and site development.

Table 7

SOIL NAME	SMALL COMMERCIAL BUILDINGS	SEPTIC TANK ABSORPTION FIELDS	PERCENTAGE OF SITE
Myakka-Immokolee-Urban land complex	Severe	Sever	100%
Source: Soil Survey of Polk County Florida 1990			

C. Wells (Public/Private):

The applicant did not indicate any wells are located on the property. The subject property is not within a Wellfield Protection District. The closest Wellfield Protection District is approximately 1.6 miles northeast of the site.

D. Archeological Resources

There are no known historical or archeological resources onsite according to the Secretary of the State’s Department of Historical Resources Florida Master File.

E. Protected Species

According to Polk County Protected Species Observation Map and the Florida Fish & Wildlife Conservation Commission (2015), there no known protected species on or near the subject site.

F. Airports:

The site is located within the Airport Impact District (AID) Height Notification and In-flight Visual Interference Zone.

Park Facilities:

The nearest park is Lake Blue Park and Boat Ramp on N. Lake Blue Road approximately 0.15 miles west of the subject site. There are no environmental lands abutting the site. The closest environmental site is the Circle B Bar Reserve.

A. Location:

Lake Blue Park and Boat Ramp is located at N. Lake Blue Road approximately 0.15 south of the subject site.

B. Services:

The current hours of operation are from 5 a.m. to 10 p.m. The complex offers boat ramp, bank/pier fishing, open play area, picnic tables and walking paths/trails.

C. Environmental Lands:

The Circle B Bar Reserve is located west of Lakeland and is comprised of 1,267 acres of natural Florida lands and wetland with walking trails, cycling, nature center, picnic areas, restrooms and wildlife viewing.

D. Planned Improvements:

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

Economic Factors:

The subject site is located on the southern side of Havendale Boulevard between Winter Haven and Auburndale within a historically proven commercial, business and residential support developments. This area includes uses that include Publix anchored shopping center, various restaurants, banking locations, pharmacy’s convenience stores and a variety of other uses. Adjacent to the south of the subject site is a Knight of Columbus council building.

The site has been developed with the existing small warehouse buildings which have operated as various businesses since their construction in the early 1970’s. In recent history the buildings have been utilized for automotive title sales, with no storage of vehicles are on site. The request is to allow an previously existing use, from the 1970’s, to come into conformity with the County’ LDC and Comprehensive Plan.

Consistency with the Comprehensive

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.

Table 8 Comprehensive Plan Policy

Comprehensive Plan Policy	Consistency Analysis
<p>Policy 2.102-A1: Development Location – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.</p>	<p>The subject site was developed with commercial use buildings in the early 1970’s, predating the LDC and Comprehensive Plan. Per Policy 2.11-A.3.a, in that the property was developed with the current use prior to April 19, 1991 and considered a legitimate mapping error.</p>
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>The site was developed with commercial use buildings prior to the original Zoning Ordinance of November 4, 1970. With the adoption of the Zoning Code and subsequent updates and adoption of the LDC and Comprehensive Plan, the site has been a legally non-conforming use. Per Policy 2.111-A3.a, in that the property was developed with the current use prior to April 19, 1991 and considered a legitimate mapping error.</p>
<p>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.</p>	<p>The site is located within the UGA, with access to municipal water with Fire/EMS and public services available and is consistent with the distribution criteria of this policy</p>

Comprehensive Plan Policy	Consistency Analysis
<p>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.</p>	<p>The request is for EC where the existing commercial development predates Apr19, 1991 and is considered a mapping error. Therefore, the timing of development of the subject site is consistent with the Comprehensive Plan's growth management strategy.</p>
<p>Policy 2.105-A5: Development Criteria for Urban Growth Areas -- Development within the Urban Growth Areas shall conform to the following criteria</p> <ol style="list-style-type: none"> a. connect to centralized potable water unless this requirement is waived by the Board consistent with Policy 2.105-A6; b. connect to centralized sanitary sewer systems if available. If not available, the developer can provide onsite facility(s) and dry-line in compliance with the requirements of the Polk County Health Department and the County's Utility Codes; 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; k. if development is within the "Corridor and Center Overlay" (Section 2.124-A) additional standards supporting the transit system, such as no driveway or parking between the street and the structures, will be required provide transit oriented design, including adequate connectivity, access and amenities to support mass-transit services as established in Policy 2.124-A3; 	<p>Public water available to the subject site, with sewer provided by an existing private septic system. Development Criteria for the UGA will need to be met for any alterations or expansion of the site at the time of development on a Level 2 review. The site has been in the UGA since the adoption of the Comprehensive Plan.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>Policy 2.112-A1: Characteristics - Commercial Enclaves are those concentrations of commercial/office uses and zoning districts which are located outside of Activity Centers and/or Linear Commercial Corridors and whose future development or redevelopment will not degrade the County's growth management program. These enclaves are the result of past actions by the County, which may or may not have been previously developed, but are recognized through their designation on the Future Land Use Map Series.</p>	<p>The site represents a concentration of commercial/office uses which are located outside of Activity Centers.</p>
<p>Policy 2.112-A2: Designation and Mapping - Existing commercial/office developments and zoning districts located outside of Activity Centers and/or Linear Commercial Corridors shall be designated and mapped on the Future Land Use Map Series as "Commercial Enclaves" (CE).</p>	<p>The subject property is within the UGA.</p>
<p>Policy 2.112-A3: Location Criteria - The expansion or establishment of new commercial enclaves shall not be permitted, except to recognized legitimate errors made during the original mapping process, as determined using the error-evaluation criteria established in Policy 2.111-A3.</p>	<p>The subject site is considered a mapping error by the criteria established in Policy 2.11-A.3.a, in that the property was developed with the current use prior to April 19, 1991.</p>
<p>Policy 2.112-A4: Development Criteria - Development within a Commercial Enclave shall conform to the following criteria:</p> <ol style="list-style-type: none"> a. Permitted uses include commercial, office, and institutional uses. b. New development or redevelopment within a Commercial Enclave shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development. c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary. d. Commercial Enclaves uses shall have frontage on, or direct access to, a roadway, or a frontage road or service drive which directly serves a roadway. e. New development within, or the redevelopment of, a Commercial Enclave shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical. f. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement. 	<p>The site is currently developed and represents a legally non-conforming use. Any redevelopment of the site shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. Redevelopment would also be required to meet the standards of the LDC and Comprehensive Plan in effect at the time of application.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>g. Where the CE abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.</p> <p>h. 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.</p> <p>i. The maximum floor area ratio shall not exceed 0.35.</p>	
<p>Policy 2.112-A5: Adjacent Development - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a CE may include the following uses: Office, Medium-Density Residential, Institutional, or Open Space.</p>	<p>The subject site and surrounding parcels are located within a Residential Medium (RM) Land Use district. The CE district is intended to accommodate for mapping errors identified after April 19, 1991.</p>

Urban Sprawl Analysis

Polk County’s Comprehensive Plan *Policy 2.102-A10* establishes review criteria intended to discourage the proliferation of urban sprawl. Specific characteristics of urban sprawl have been examined throughout this staff report and are summarized in Table 7 (below). Based on the findings of fact and analysis conducted, the proposed request does not meet the criteria to be considered as urban sprawl.

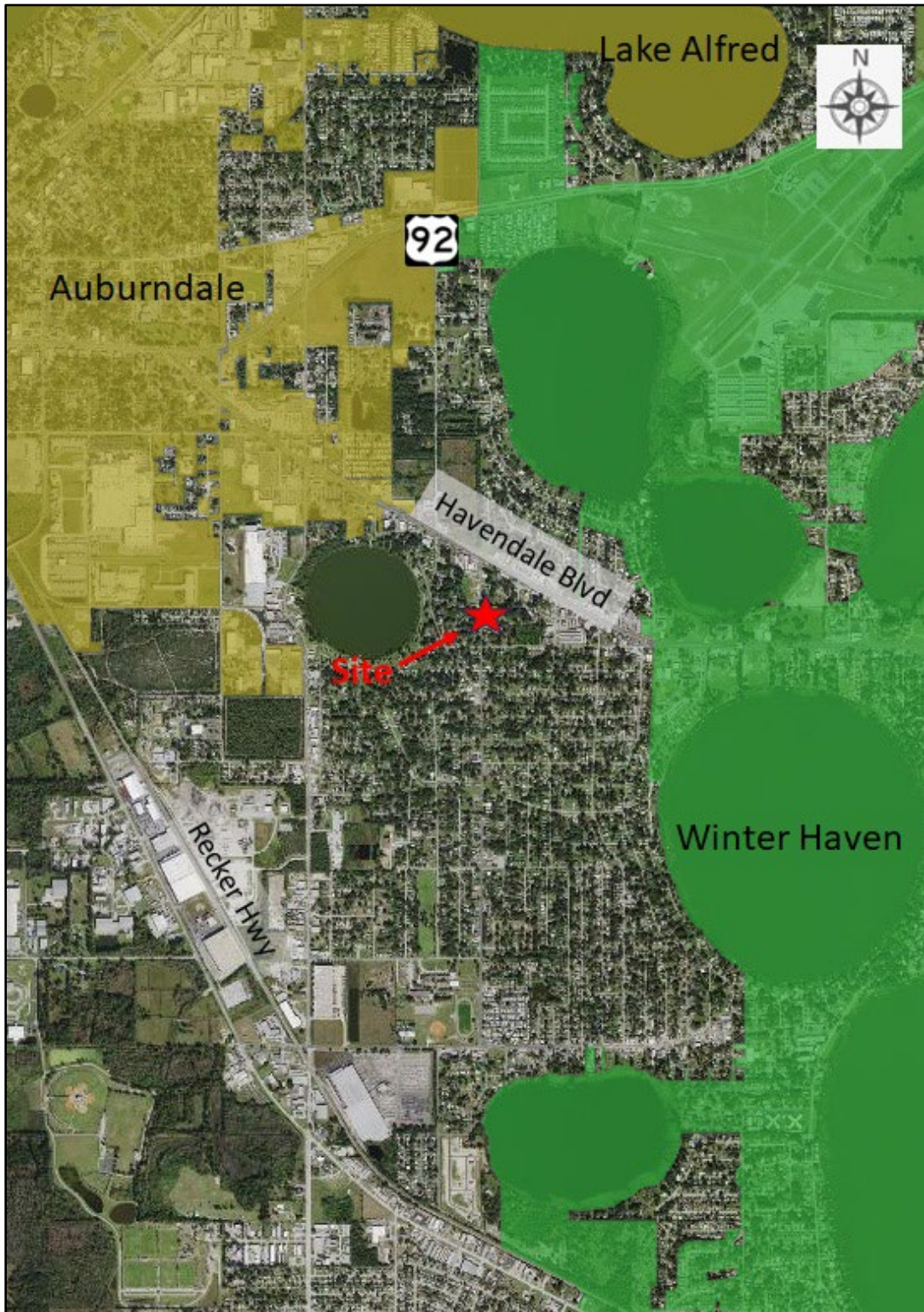
Table 7: Urban Sprawl Criteria (This table stays static)

Rule 9J-5 Urban Sprawl Criteria	Page(s) within report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>	Surrounding Land Uses Section
b. <i>Allows a significant amount of urban development to occur in rural areas.</i>	Surrounding Land Uses Section
c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i>	Surrounding Land Uses Section
d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i>	Environmental Conditions
e. <i>Fails to adequately protect adjacent agricultural areas.</i>	Surrounding Land Uses Section
f. <i>Fails to maximize existing public facilities and services.</i>	Schools, Public Facilities and Water/Sewer Sections
g. <i>Fails to minimize the need for future facilities and services.</i>	Schools, Public Facilities and Water/Sewer Sections
h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i>	Surrounding Land Uses Section
i. <i>Fails to provide a clear separation between urban and rural uses.</i>	Surrounding Land Uses Section
j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i>	Surrounding Land Uses Section
k. <i>Fails to encourage an attractive and functional mixture of land uses.</i>	Surrounding Land Uses Section
l. <i>Will result in poor accessibility among linked or related land uses.</i>	Surrounding Land Uses Section
m. <i>Results in the loss of a significant amount of open space.</i>	Surrounding Land Uses and Environmental Conditions Sections
Source: The following criteria are the primary indicators of urban sprawl per Rule 9J-5 of the Florida Administrative Code.	

Comments from Other Agencies: None.

Attachments:

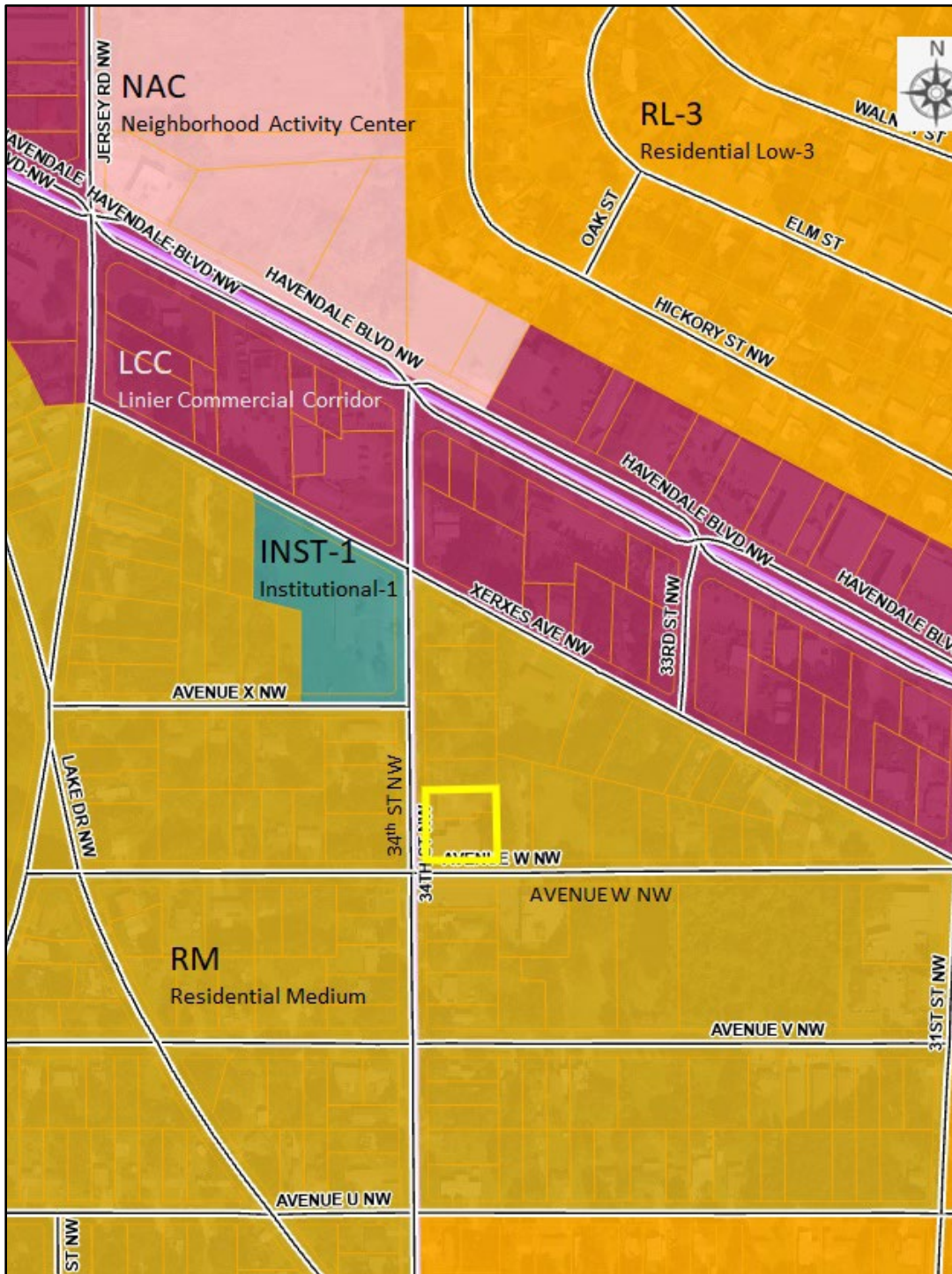
- Exhibit 1 – Location Map
- Exhibit 2 – Aerial Context Map
- Exhibit 3 – Aerial Map
- Exhibit 4 – Current Future Land Use Map
- Exhibit 5 – Proposed Future Land Use Map
- Exhibit 6 – Current and Proposed Permitted and Conditional Uses



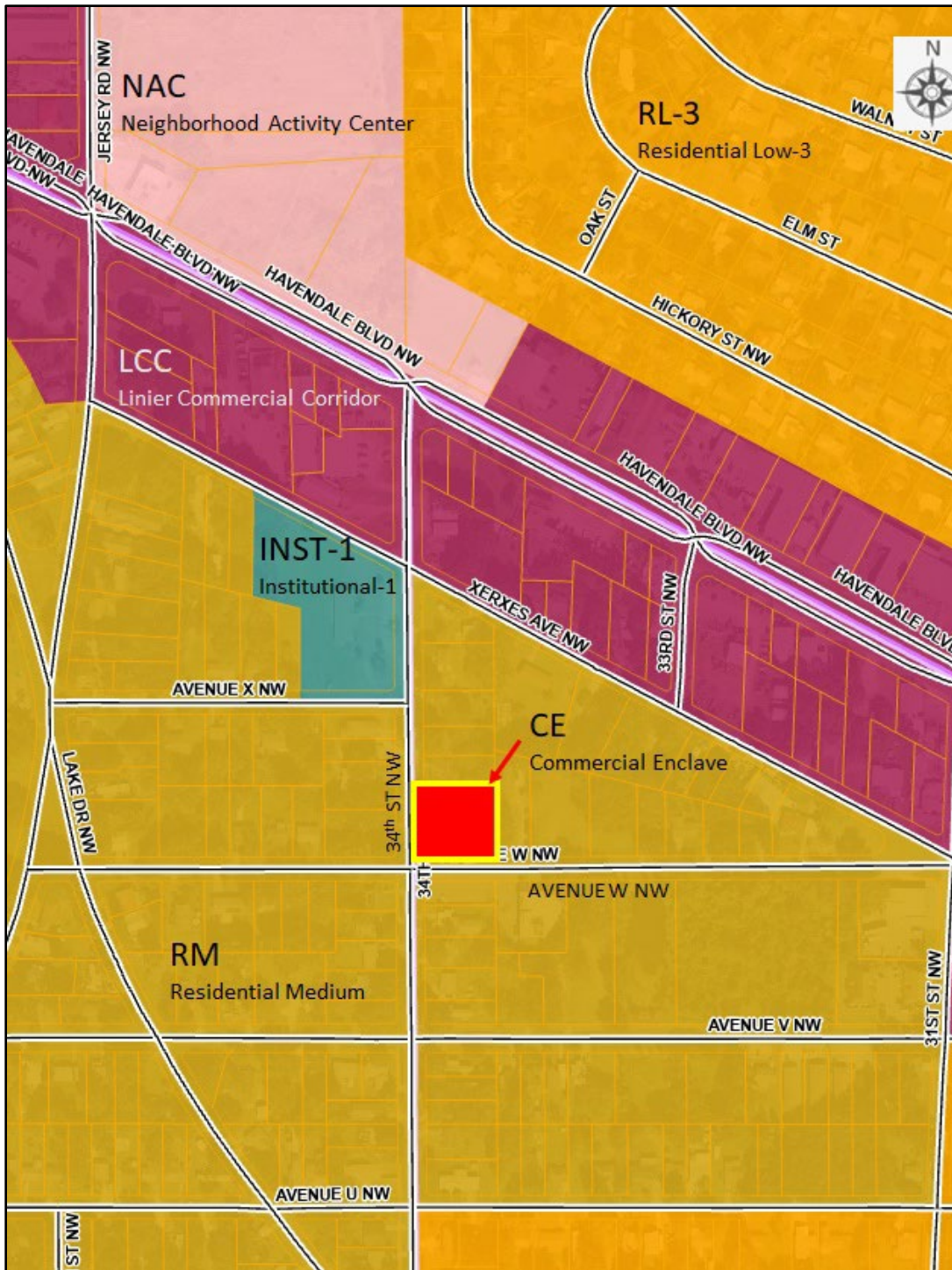
AERIAL CONTEXT MAP (2020)



2020 AERIAL MAP (CLOSEUP)



CURRENT FUTURE LAND USE



PROPOSED FUTURE LAND USE

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
RM	Duplex- Two-family Attached, Multi-family, Single-family Detached Home & Subdivision, Farming General, Utilities- Class I	Group Home- Large (7-14 residents), Group Home- Small (6 or less residents), Mobile Homes- Individual, Emergency Shelter- Medium (7-14 residents), Emergency Shelter- Small (6 or less residents), Recreation- Passive, Utilities- Class II, Bed and Breakfast, Nursing Home, Recreation- Low Intensity, School- Elementary, School- High, School- Middle	Group Living Facility (15 or more residents), Mobile Home Park, Mobile Home Subdivision, Short-Term Rental Unit, Planned Development, Residentially Based Mixed Development (RBMD), Transitional Area Development, Adult Day Care Center (7 or more clients), Childcare Center, Communication Tower- Monopole, Communication Towers- Guyed and Lattice, Community Center, Cultural Facility, Emergency Shelter- Large (15 or more residents), Golf Course, Government Facility, Helistops, Mining- Non-phosphate, Recreation- High Intensity, Recreation- Vehicle Oriented, Religious Institution, School- Leisure/Special Interest, School- University/College, Utilities- Class III

CURRENT PERMITTED AND CONDITIONAL USES

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
CE	Agricultural Support- Off-Site, Farming General, Government Facility, Kennels- Boarding and Breeding, Retail- Less than 10-000 sq. ft., Studio- Production, Transit- Facility, Utilities- Class I, Utilities- Class II, Veterinary Service	Alcohol Package Sales, Marinas and Related Facilities, Personal Service, Recreation- Passive, Car Wash- Incidental, Childcare Center, Clinics & Medical Offices, Commercial Vehicle Parking, Community Center, Cultural Facility, Financial Institution, Financial Institution- Drive Through, Gas Station, Helistops, Lodges and Retreats, Medical Marijuana Dispensaries, Nurseries and Greenhouses, Nurseries- Retail, Nursing Home, Office, Recreation & Amusement General, Religious Institution, Restaurant- Sit-down/Take-out, Retail- 10-000 – 34-999 sq. ft., School- Leisure/Special Interest, Self-storage Facility, Vehicle Recovery Service/Agency	Planned Development, Transitional Area Development, Bars- Lounges- and Taverns, Cemetery, Funeral Home & Related Facilities, Hotels and Motels, Lime Stabilization Facility, Mining- Non-phosphate, Motor Freight Terminal, Nightclubs and Dance Halls, Restaurant- Drive-thru/Drive-in, Retail- Home Sales Offsite, Retail- Outdoor Sales/Display, School- Technical/Vocational/Trade & Training, Utilities- Class III, Vehicle Repair- Auto Body, Vehicle Sales- Leasing, Vehicle Service- Mechanical, Water Ski Schools, Residential Treatment Facility

PROPOSED PERMITTED AND CONDITIONAL USES