

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: January 25, 2024	Level of Review: 4
PC Date: May 1, 2024	Type: Comprehensive Plan Amendment
BoCC Date: May 21, 2024	Case Numbers: LDCPAS-2023-33
Applicant: Alejandro Bosch	Case Name: Mediterranean Drive CPA
	Case Planner: J.P. Sims, Planner II

Request:	A Future Land Use designation change from Development of Regional Impact (DRI) to Residential Low (RLX) on 8.5 +/- acres.
Location:	The subject property is located south of Cypress Parkway, east of Lake Marion Creek Drive, west of Caspian Road, and north of Marigold Avenue, east of the Haines City city limits, in Sections 33, Township 27, and Range 28.
Property Owner:	Singh Vikramjit
Parcel Size/number:	8.5 +/- acres (Parcel #282733-934460-508040)
Development Area:	Utility Enclave Area (UEA)
Nearest Municipality:	City of Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Public Comment:	Pending
Florida Commerce*	N/A

Location Map



Current Future Land Use Map



Summary

The applicant, Alejandro Bosch, is requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, Singh Vikramjit, to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Residential Low (RLX) on 8.5 +/- acres of property in the Utility Enclave Area (UEA). Site is located south of Cypress Parkway, east of Lake Marion Creek Drive, west of Caspian Road, and north of Marigold Avenue, east of the Haines City city limits, in Sections 33, Township 27, and Range 28, in the Poinciana Pre-Development of Regional Impact.

Compatibility Summary

This request will be compatible with the surrounding area as the density requested by the applicant is relatively similar to the approved projects in the Poinciana Development of Regional Impact. It has Development of Regional Impact (DRI) surrounding the site, but all of the lots are slated for low density residential. There is currently nothing developed on the site as it is an Open Space Tract per the Poinciana Master Plan.

Infrastructure Summary

The subject site is within the Toho Water Authority Service Area. The site will have access to water and wastewater lines as all of the surrounding sites being developed will also have access. This was confirmed by a representative of Toho Water Authority. The road with access, Mediterranean Drive, is a Rural Minor Collector owned by Polk County, but capacity information is not tracked by TPO. However, the surrounding road link in Lake Marion Creek Drive, an Urban Collector, has available capacity and is in Fair condition. Mass transit is not available nearby, and there is not a stop nearby to the site. Public safety response times are normal for this part of the County, but school capacity will be an issue in the future as two of the zoned schools are already over capacity. The request is compatible with the available infrastructure.

Environmental Summary

The nearest neighborhood park is the Lil Halibut Park 1.23 miles southeast of the site and the nearest regional Park is Poinciana Community Park 3.55 miles to the south of the subject site. The soil types for the site are Tavares fine sand, Smyrna and Myakka fine sands, and Basinger mucky fine sand. There are no wetlands, but there is Flood Zone A on site.

Comprehensive Plan

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

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.102-A10 Location Criteria
- Policy 2.107(A1-A5): Utility Enclave Area (UEA)
- Policy 2.120-C: Residential Low
- Policy 2.130-A: Poinciana Pre-DRI

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for the Future Land Use designation change from Pre-Development of Regional Impact (Pre-DRI) to Residential Low (RLX).
- The subject site is currently designated as an Open Space Tract in the Poinciana Master Plan.
- 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 Section 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.

Compatibility

- The existing uses surrounding the site are:
 - North – DRI; detached single family residential.
 - West – DRI; undeveloped, undefined structure per Property Appraiser.
 - East – DRI; undeveloped.
 - South – DRI; undeveloped.
- The general area to the west, east, north, and south of the subject site are designated for single family detached. The site is currently slated as an Open Space Tract, but since everything around it is planned to be used for low density single family residential, this change would be compatible with the surrounding area.

Infrastructure

- The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, and Haines City High School.
- Polk County Fire Rescue Station 46 will be the response unit for fire and EMS for this site. It is located at 9500 Marigold Avenue, Kissimmee, with an approximate travel distance of 4.1 miles.
- The subject site is within the Sheriff Department's Northeast District. The Northeast District Office is located at 100 Dunson Road in Davenport.
- The subject site will be serviced by Toho Water Authority's Service Area for potable water and wastewater. A representative of Toho Water Authority confirmed that this site will have access to water and wastewater.
- There are no sidewalks anywhere within the vicinity and there are no plans to put sidewalks in.

- The closest mass transit route is Line 426, the Poinciana Circulator route serviced by Lynx Transit Systems located within Osceola county. The closest stop is 3.37 miles away to the northeast of the subject site.
- The nearest neighborhood park is the Lil Halibut Park 1.23 miles southeast of the site and the nearest regional Park is Poinciana Community Park 3.55 miles to the south of the subject site.

Environmental

- The site's elevation is almost flat with an elevation of 82 feet, with only a few spots where the elevation dips to a low of 78 feet near the center of the site and along the drainage easement on the northeast side.
- There are no wetlands, but part of the site does sit within Flood Zone A.
- The soil types for the site are Tavares fine sand, Smyrna and Myakka fine sands, and Basinger mucky fine sand.
- 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.
- There are no wells on the subject site and it is not located in a wellfield.
- The site is not within an Airport Impact District.

Comprehensive Plan Policies

- POLICY 2.102-A1 Development Location states that Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.
- POLICY 2.102-A2 Compatibility states that land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.

- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
 - b. nearness to agriculture-production areas;
 - c. distance from populated areas;
 - d. economic issues, such as minimum population support and market-area radius (where applicable);
 - e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 2. sanitary sewer and potable water service;
 3. storm-water management;
 4. solid waste collection and disposal;
 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 6. emergency medical service (EMS) provisions; and
 7. other public safety features such as law enforcement;
 8. schools and other educational facilities
 9. parks, open spaces, civic areas and other community facilities
 - f. environmental factors, including, but not limited to:
 1. environmental sensitivity of the property and adjacent property;
 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 3. wetlands and primary aquifer recharge areas;
 4. soil characteristics;
 5. location of potable water supplies, private wells, public well fields; and
 6. climatic conditions, including prevailing winds, when applicable.
- POLICY 2.107-A1 DESCRIPTION - 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.

- POLICY 2.107-A2 DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:
 - a.it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s);
 - b.it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); and c.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed.
- POLICY 2.107-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within UEAs:
 - ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within UEA's in accordance with applicable criteria.
 - RESIDENTIAL: Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria.
 - OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.
- POLICY 2.107-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.
- POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:
- All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met.
 - Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.
 - Provide access to parks, green areas, and open space and other amenities.
 - Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section

- POLICY 2.120-C1: CHARACTERISTICS - Densities up to, and including, 5.00 DU/AC. The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units.
- POLICY 2.120-C2: DESIGNATION AND MAPPING - Residential-Low districts shall be located within TSDAs, UGAs, and UEAs as designated on the Future Land Use Map Series as "RL."
- POLICY 2.120-C3: LOCATION CRITERIA - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.
- POLICY 2.120-C4: DEVELOPMENT CRITERIA - Residential development may contain a variety of housing types as defined by the Land Development Code within the TSDA. Outside the TSDA, RL may contain single-family dwelling units, duplex units, small-scale multi-family units, and family-care homes, and shall be permitted, with County approval, at a density of up to, and including, 5 DU/AC. Additionally, community facilities may be allowed in accordance with policies of this Plan.
- POLICY 2.130-A: POINCIANA (PRE-DRI #1) - 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.

The approved master development plan for Poinciana and subsequent modifications to various portions of this development are on file in the offices of the Polk County Land Development Division. Approved land uses are also detailed in the Poinciana Binding Letter of Interpretation of Vested Rights Status, date May 17, 1983, and subsequent Binding Letters of Modification to a Development of Regional Impact with Vested Rights (BLIVR), issued by and on file with the Department of Economic Opportunity (DEO). Additional copies are also available through the Polk County Land Development Division. In 2018, the Florida legislature modified Section 380.06 that local governments may modify the BLIVRs instead of DEO. The Land Development Code includes processes and procedures to determine if property is within the boundaries of Poinciana and how development will be implemented. This also includes Future Land Use changes adjacent to proposed roadways.

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 2023-33.**

Planning Commission Recommendation: On May 1, 2024, in an advertised public hearing, the Planning Commission voted ?? to **recommend ?? of LDCPAS-2023-33.**

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

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

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest Pre-DRI; undeveloped.	North Pre-DRI; low density detached single family residential	Northeast Pre-DRI; undeveloped.
West Pre-DRI; undeveloped. Undefined structure on site.	Subject Site Pre-DRI; undeveloped. Open Space Tract	East Pre-DRI; low density detached single family residential
Southwest Pre-DRI; undeveloped.	South Pre-DRI; undeveloped.	Southeast Pre-DRI; undeveloped.

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

Compatibility with the Surrounding Uses

According to *Policy 2.102-A2* of Polk County’s Comprehensive Plan, “land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and

scale of the more intense use; and c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.” The “development criteria” and the “density and dimensional regulations” of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

A. Land Uses

Utility Enclave Areas (UEA) 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.

The request is a Future Land Use that is not out of context or compatibility with the surrounding uses. However, Open Space Tracts within the Poinciana Master Plan were designated as such to provide for green space areas within the development. However, with Polk County having recently purchased land on the east side of Lake Marion and changing the use to Recreation Open Space (ROS) with case LDCPAS-2023-28, losing this Open Space Tract does not seem detrimental to the green space in the area. Changing the land use to Residential Low, while everything around it is also residential in nature, is a compatible usage.

B. Infrastructure

The subject site will be serviced by Toho Water Authority for potable water and wastewater. This information was confirmed by acquiring the Toho Service Area Map and speaking with a service representative from Toho. The site accesses onto Mediterranean Drive, an Rural Minor Collector, while also having close access to Lake Marion Creek Drive, a Rural Major Collector. There is available transportation capacity on both roads. Public safety response times are normal for this part of the County. While there is capacity within one of the schools, the other two schools are over capacity and will need to coordinate with the Polk County School Board to discuss mitigation issues. The request is compatible with the available infrastructure.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below. Per the requirements in Chapter 7 of the Land Development Code, the applicant will have to work out capacity for any development request with the school board.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2022-2023 School Year	Average driving distance from subject site
Laurel Elementary School	9 students	121%	2.2 miles
Lake Marion Creek Middle School	4 students	88%	1.6 miles
Haines City High School	6 students	111%	8.6 miles

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

Two of the three schools zoned for this site are overcapacity, so mitigation efforts will need to be made when this site is developed.

Nearest Sheriff, Fire, and EMS Station

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

	Name of Station	Distance Response Time*
Sheriff	Northeast District Command Unit (100 Dunson Road, Davenport, FL)	23.2 +/- miles Priority 1 – 10:12 Priority 2 – 21:17
Fire/ EMS	Station #46 (9500 Marigold Avenue, Kissimmee, FL)	4.1 +/- miles

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

Water and Wastewater

A. Estimated Demand

The subject site is within the Toho Water Authority Service Area for potable water and wastewater as confirmed by a Toho Customer Service Representative. The current land use of being an Open Space Tract generates no demand on water or wastewater, so the Residential Low land use would be greater than what is currently used.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Open Space Tract in Poinciana DRI	Maximum Allowable in Proposed RL-1X in Poinciana DRI
8.5 +/-acres	8.5 +/- acres X 0 du/ac = 0 du	8.5 +/- acres X 5 du/ac = 42 du
Potable Water Consumption	0 du X 360 GPD = 0 GPD	8 du X 360 GPD = 15,120 GPD
Wastewater Generation	0 du X 270 GPD = 0 GPD	8 du X 270 GPD = 11,340 GPD

B. Service Provider

The subject site is within the Toho Water Authority Service Area for water and wastewater. This was confirmed by a representative with Toho. There are water and wastewater lines that run along Mediterranean Drive, and there supposedly is available capacity.

C. Available Capacity

Information is not available for capacity as the water and wastewater is handled by Toho Water Authority.

D. Planned Improvements

Toho has announced that they are developing a plan for utilizing new water sources and reclaimed water usage.

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 Future Land Use change may result in higher trips.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Open Space Tract in Poinciana DRI	Maximum Allowable in Proposed RL-1X in Poinciana DRI
8.5 +/- acres	8.5 +/- acres X 0 du/ac = 0 du	8.5 +/- acres X 5 du/ac = 42 du
Average Annual	0 du X 7.81 AADT = 0 Trips (100% New Trips)	42 du X 7.81 AADT = 328 Trips (100% New Trips)
PM Peak	0 du X 1 AADT = 0 Trips	42 du X 1 AADT = 42 Trips

Source: Concurrency Manual and Table for Minor Traffic Study –Residential Low (Single Family Detached Housing) at 7.81 AADT and 1 PM Peak Hours (100% new trips).

B. Available Capacity

The roads surrounding the subject site have sufficient PM Peak capacity available for a residential development. There is currently nothing developed on the site. The road directly accessing the site, Mediterranean Drive, is not tracked on the Roadway Network Database so capacity information is not available. Lake Marion Creek Drive is an Urban Collector with available capacity in both directions. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road links. It is also relevant to consider that the subject site is completely surrounded by ongoing residential development. These developments will have a significant impact on the road links.

Link #	Road Name	Current LOS	Available Capacity	Minimum LOS Standard	Projected Five Year LOS
8214N	LAKE MARION CREEK DRIVE	C	469	D	C
8214S		C	458	D	C

Source: Polk Transportation Planning Organization, Roadway network Database 2023

C. Roadway Conditions

The condition of Lake Marion Creek Drive is currently Fair. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network

There are no sidewalks in the vicinity of the subject site. Once this area is developed, there could be sidewalks along these roads, but that will be determined at the Level 2 Review.

E. Planned Improvements:

There are plans to widen and improve Lake Marion Creek Drive, and a plan in place to widen Marigold Avenue from Cypress Parkway to Palmetto Street to the south of the subject site. Also, Cypress Parkway will be widened from Power Line Road to West Solivita Boulevard.

F. Mass Transit

The closest mass transit route is part of the Lynx Transit System that comes out of Osceola County into Poinciana. Line 426, the Poinciana Circulator, runs along the southeast corner of the service area. The closest stop is 3.37 miles away to the northeast of the subject site.

Park Facilities:

The following analysis is based on public recreation facilities. The nearest neighborhood park is the Lil Halibut Park 1.23 miles southeast of the site and the nearest regional park is Poinciana Community Park 3.55 miles to the south of the subject site.

A. Location:

The nearest neighborhood park is the Lil Halibut Park 1.23 miles southeast of the site and the nearest regional Park is Poinciana Community Park 3.55 miles to the south of the subject site.

B. Services:

Lil Halibut Park has a tot lot and playground. Poinciana Community Park has a walking path, a playground, baseball fields, a cricket pitch and basketball parks. There are also multipurpose fields,

a pavilion that can be rented and league play. Additionally, a dog park features separate areas for large and small dogs, agility equipment, water fountains and shaded areas for humans.

C. Multi-use Trails:

The closest free hiking trail is in the Lake Marion Trailhead which is 3.16 +/- miles to the northwest of the subject site.

D. Environmental Lands:

This site contains no County owned environmental lands. The closest environmental lands to the site are the Upper Lakes Basin Watershed 1.35 miles to the north of the subject site.

E. Planned Improvements:

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

Environmental Conditions

The subject site is comprised of a mix of soil types, which is suitable for building, but could present some issues with flooding in the future as the southwest to the central part of the subject site sits in Flood Zone A.

A. Surface Water:

There is no surface water on the subject site. The site's elevation is almost flat with an elevation of 82 feet, with only a few spots where the elevation dips to a low of 78 feet.

B. Wetlands/Floodplains:

Part of the site sits within Flood Zone A, but there are not wetlands on site.

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. According to the soil survey of Polk County, the subject site might have some issues with flooding as a good portion of it sits within Flood Zone A, and the soils do not have the greatest septic tank absorption. However, the site will be able to connect to Toho wastewater lines, so this should not be an issue.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares fine sand, 0-5% slopes (15)	Moderate; wetness	Slight	19.1%
Smyrna and Myakka fine sands (17)	Severe; wetness, poor filter	Severe; wetness	57.3%
Basinger mucky fine sand (36)	Severe; ponding, poor filter	Severe; ponding	23.6%

*Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service *Because of poor filtration, ground water contamination is a hazard in many areas that have a concentration of homes with septic tanks.*

D. Protected Species

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

E. Archeological Resources:

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

F. Wells (Public/Private)

The subject site is not located in a Wellfield Protection District and does not have any wells on site. The site will be connecting to water from City of Lake Wales Utilities.

G. Airports:

The site is not within an Airport Impact District.

Economic Factors:

There are no known economic factors that would impact the development of this site.

Consistency with the Comprehensive Plan

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

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with	The Comprehensive Plan permits a variety of different Future Land Use designations in

Comprehensive Plan Policy	Consistency Analysis
<p>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> <p>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>	<p>urban areas and contribute to a combination of mixed uses. Everything around the subject site is slated for low density residential use, meaning this land use change would be compatible.</p>
<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 lands surrounding the subject site are already scheduled for detached single family homes, and the future development sites of many more low-density houses. Toho Water Authority lines are readily available in this area for water and wastewater. This request is consistent with this policy.</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The timing is consistent with the growth in the area as the surrounding sites are already designated for low density residential construction through the City of Poinciana. There is available connectivity to water, wastewater, and electricity. Fire and Sheriff are available for this area. Two of the schools that are zoned for the site are at capacity, so that will be an issue in the future. The overall parcel does not contain wetlands or floodplains, but does partially sit in Flood Zone A. The site is undeveloped and entirely surrounded by future residential development sites, with existing single-family homes directly to the north of the subject site.</p>
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <p>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:</p> <ol style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, <p>f. environmental factors, including, but not limited to:</p> <ol style="list-style-type: none"> 1. environmental 	

Comprehensive Plan Policy	Consistency Analysis
<p>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.</p>	
<p>POLICY 2.107-A1 DESCRIPTION - 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.</p> <p>POLICY 2.107-A2 DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:</p> <ul style="list-style-type: none"> o a.it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s); o b.it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); and c.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed. <p>POLICY 2.107-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within UEAs:</p> <ul style="list-style-type: none"> o ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within UEA's in accordance with applicable criteria. o RESIDENTIAL: Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria. 	<p>Residential Low is allowed within the Utility Enclave Area. Water and sewer lines have already been constructed in this area by Toho Water Authority and will service the subject site if developed. The timing of trying to get this site developed is consistent with what has already been approved surrounding the site. All of the parcels around our subject site have been approved by Polk County in the Poinciana Development of Regional Impact for low density single family residential development.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>o OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.</p> <p>POLICY 2.107-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.</p> <p>POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:</p> <ul style="list-style-type: none"> o All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met. o Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element. o Provide access to parks, green areas, and open space and other amenities. o Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section 	
<p>POLICY 2.120-C1: CHARACTERISTICS - Densities up to, and including, 5.00 DU/AC. The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units.</p> <p>POLICY 2.120-C2: DESIGNATION AND MAPPING - Residential-Low districts shall be located within TSDAs, UGAs, and UEAs as designated on the Future Land Use Map Series as "RL."</p> <p>POLICY 2.120-C3: LOCATION CRITERIA - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located</p>	<p>The current site is designated as an Open Space Tract within the Poinciana DRI. Converting the site to Residential Low 1 would allow for a maximum density of 1 du/ac, so on 8.5 acres, would allow for 8 units to develop. This would not be out of context for the surrounding development as everything is slated for single family detached housing.</p>

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<p>within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.</p> <p>POLICY 2.120-C4: DEVELOPMENT CRITERIA - Residential development may contain a variety of housing types as defined by the Land Development Code within the TSDA. Outside the TSDA, RL may contain single-family dwelling units, duplex units, small-scale multi-family units, and family-care homes, and shall be permitted, with County approval, at a density of up to, and including, 5 DU/AC. Additionally, community facilities may be allowed in accordance with policies of this Plan.</p>	

Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

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

Comments from other agencies

No comments

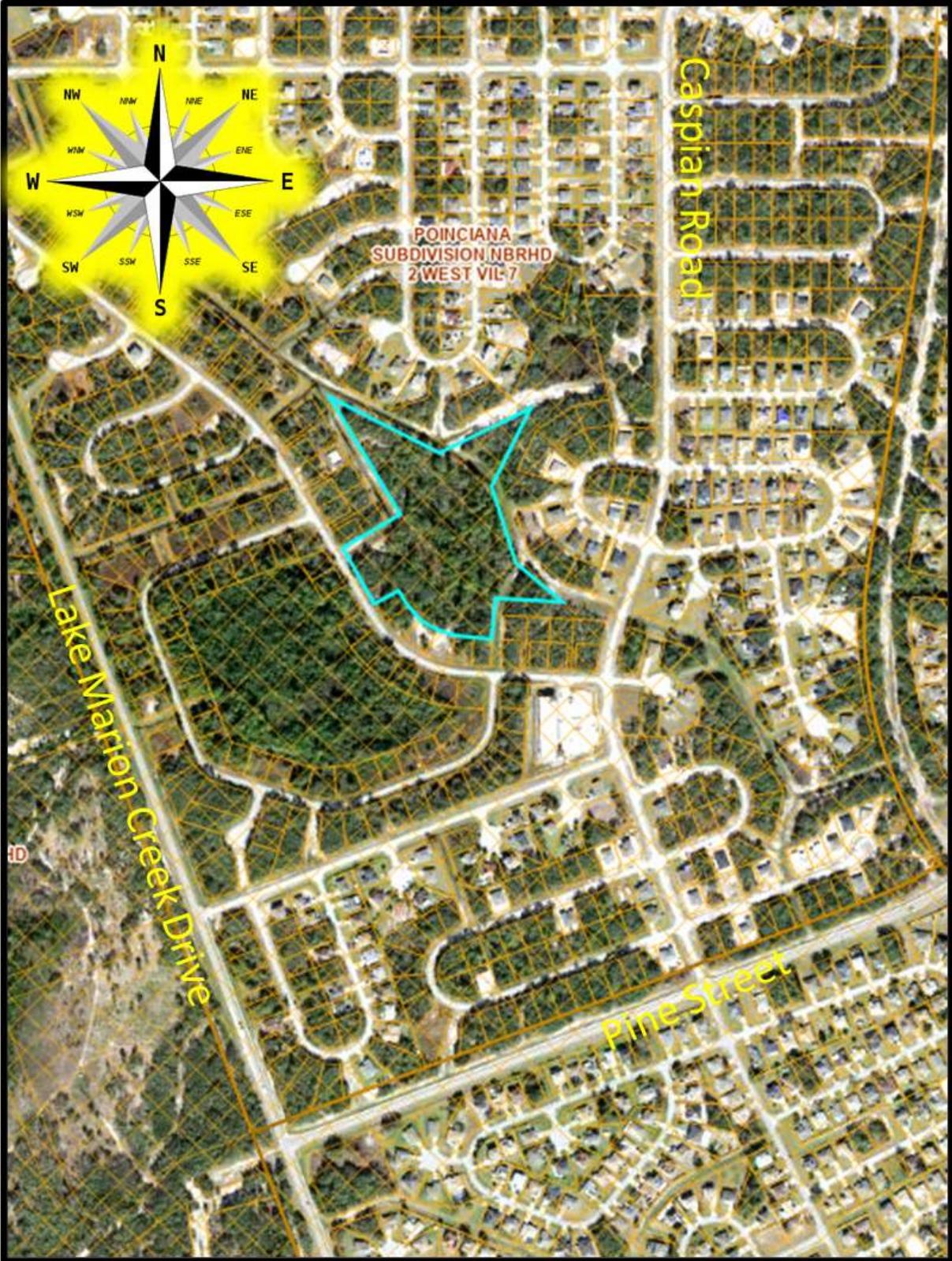
Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 2023 Aerial Context Map
- Exhibit 3 2023 Aerial Close Up
- Exhibit 4 Current Future Land Use Map
- Exhibit 5 Proposed Future Land Use Map
- Exhibit 6 Poinciana Master Plan Land Use Map
- Exhibit 7 RL-1X Permitted and Conditional Uses

Applicant's submitted documents and ordinance as separate files



LOCATION MAP



2023 AERIAL PHOTO CONTEXT



2023 AERIAL PHOTO CLOSE UP

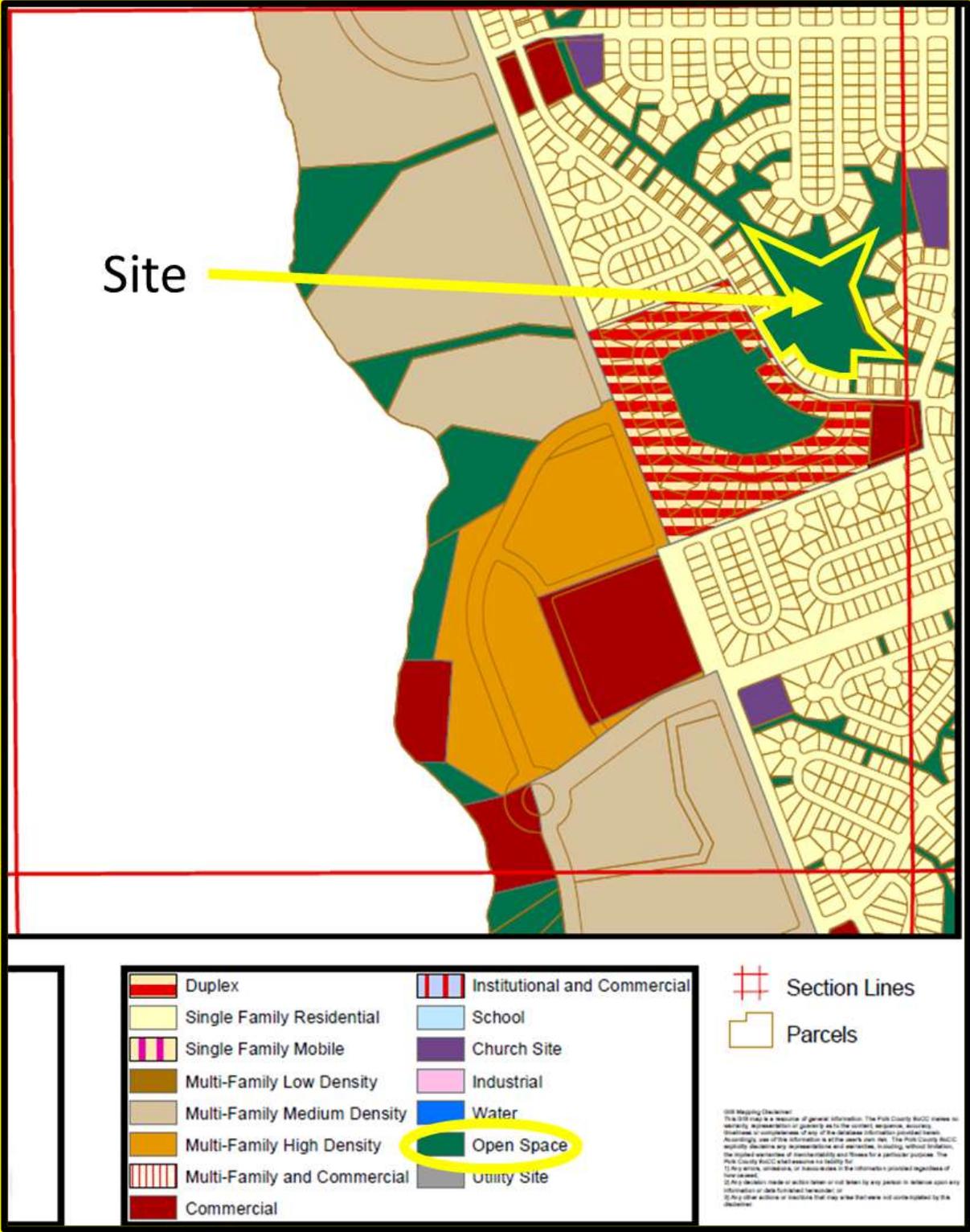


CURRENT FLUM

Pre-Development of Regional Impact (Pre-DRI)



PROPOSED FLUM Residential Low (RL-1X)



POINCIANA MASTER LAND USE Pre-Development of Regional Impact

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

Residential Low (RL-1X)

PERMITTED AND CONDITIONAL USES