

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	August 28, 2025
Planning Commission Date:	November 5, 2025
BoCC Dates:	December 16, 2025
Applicant:	Bart Allen, Peterson & Myers
Level of Review:	Level 4 Review, Comprehensive Plan Map Amendment
Case Number and Name:	LDCPAS-2025-25; Lk Marion Creek Dr & Pine St DRI to CCX CPA
Request:	Small Scale Comprehensive Plan Map and Text Amendment from Development of Regional Impact (DRI) to Convenience Center-X (CCX)
Location:	East side of Lake Marion Creek Drive, south side of Pine Street, west of Hemlock Avenue, north of Marigold Avenue, east of Haines City in Section 03, Township 28, Range 28.
Property Owner:	J Everett Allen & Sons Inc
Parcel Size:	1.58± acres (282803-934760-086010)
Development Area/Overlays:	Utility Enclave Area (UEA)
Future Land Use:	Development of Regional Impact (DRI)
Nearest Municipality	Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7/0
Public Comment	None
Case Planner:	Robert Bolton, Planner III



Location



Current Future Land Use

Summary

The applicant is requesting a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Convenience Center (CCX) on 1.58± acres in the Utility Enclave Area (UEA). Site is located on the east side of Lake Marion Creek Drive, south side of Pine Street, west of Hemlock Avenue, north of Marigold Avenue, east of Haines City in Section 03, Township 28, 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 built out or slated for low density residential. The site was designated as a Church site in the original Poinciana Pre-DRI map. In the original map a 14± acre tract, on the northwest corner of Lake Marion Creek Drive and Pine Street was designated as Commercial. This area was intended for residential support commercial use. The larger site to the northwest was acquired by Polk County and will not be built out with a commercial use. A changing the Future Land Use to Convenience Center, while everything around it is residential in nature, is a compatible usage, as the site sits at the intersection of two Urban Collector roads and has access to available infrastructure with water and sewer.

Infrastructure Summary

The subject site is within the Toho Water Authority Service Area. The site will have access to water and wastewater lines. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone. The road that access the site, Lake Marion Creek Drive and Pine Street, are both Urban Collectors, have available capacity and are in Fair condition. Mass transit is not available nearby, and there is not a stop nearby to the site. The closest mass transit is Citrus Connection Line 603, with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site. Public safety response times are normal for this part of the County. School capacity is not anticipated to be an issue with the cite to develop with commercial use. The request is compatible with the available infrastructure.

Environmental Summary

The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 4.0 miles to the south of the subject site. The soil types for the site are Tavares fine sand and Astatula sand. There are no indicated wetlands on the subject site, and is not in a flood zone.

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 2.110-C: Convenience Center (CC)
- 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 Convenience Center (NACX).
- The subject site was originally designated as Church 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.
- The CCX is required by the applicant because they wish to build a retail store on the undeveloped subject site.

Compatibility

- The existing uses surrounding the site are:
 - North – DRI; detached single family residential.
 - West – DRI; undeveloped, Polk County Parks & Recreation.
 - East – DRI; detached single family residential.
 - South – DRI; detached single family residential.
- The general area to the east, north, and south of the subject site are designated for single family detached. The site is currently slated for Church. However, the northwest corner of the intersection was originally Commercial and was purchased by Polk County in 2023 for Recreation. Commercial was originally intended for this intersection in the Poinciana Master Plan.

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 3.2 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 site will have access to water and wastewater lines. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone.
- There are sidewalks that run north to south along Lake Marion Creek Drive, fronting the subject site as well as along the north side of Pine Steet fronting the subject site.
- The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site.
- The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 4.0 miles to the south of the subject site.
- The environmental land that is closest to the subject site are the Kissimmee Chain of Lakes south of the subject site.

Environmental

- The site's elevation is relatively flat with an elevation of 84 feet, with only a few spots where the elevation dips to a low of 60 feet at the right-of-way boundary and 87 feet near the center of the site.
- The subject site is not located within a floodplain and has no wetlands indicated.
- The site is located within the Polk Green Potential Network Connections District. Adjacent to the west of the site Polk County has in excess of 280 acres of land under a conservation Easement as recorded in OR Book 12845, Page 0260.
- The soil types for the site are Tavares fine sand and Astatula 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 2.110-C1: CHARACTERISTICS** - Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area. General (approximate) characteristics of Convenience Centers are:
 - Usable Area: Up to 5 acres
 - Gross Leasable Area (GLA): 3,000 to 20,000 square feet
 - Minimum Population Support: 2,500 to 5,000 people
 - Market-Area Radius: 1 mile
 - Typical Leading Tenant: Convenience Store
 - Other Typical Leading Tenants: Laundry, Dry Cleaning, Barber, Restaurant, Gas Station, Office

- **POLICY 2.110-C2: DESIGNATION AND MAPPING** - Convenience Centers shall be located within TSDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "Convenience Center" (CC).

- **POLICY 2.110-C3: LOCATION CRITERIA** - Convenience Centers shall be located at the intersections of arterial and/or collector roads, and of collector and local roads in Redevelopment Areas consistent with Section 2.124-F. There shall be the following traveling distance, on public roads, between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same convenience-shopping needs:
 - a. One (1) mile within the TSDA and UGA.
 - b. Two (2) miles within the SDA and UEA.
 This required separation may be reduced if:
 - a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or
 - b. The proposed Neighborhood Activity Center market-area radius, minimum population support is over 5,000 people.

- **POLICY 2.110-C4: DEVELOPMENT CRITERIA** - Development within a Convenience Center shall conform to the following criteria:
 - a. Convenience Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.
 - b. Different uses within a Convenience Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
 - c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
 - d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.
 - e. Residential uses shall not be permitted in Convenience Centers.
 - f. Offices uses shall not exceed 40 percent of the total area within the convenience center. Commercial uses may constitute 100 percent of the convenience center.
 - g. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.
 - h. Planned Developments within the Convenience Center may be permitted a maximum floor area ratio up to 0.50. Intensity increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. Such Planned Developments shall also be designed to be compact and require less land area than other alternatives. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.

- **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 2025-25**.

Planning Commission Recommendation: On November 5, 2025 in an advertised public hearing, the Planning Commission voted 7:0 to **recommend APPROVAL of LDCPAS-2025-25**.

***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. Commercial (Conservation Easement)	North Pre-DRI; low density detached single family residential	Northeast Pre-DRI; low density detached single family residential
West Pre-DRI; undeveloped. Multi-Family Med Density (Conservation Easement)	Subject Site Pre-DRI; undeveloped Church Designation	East Pre-DRI; low density detached single family residential
Southwest Pre-DRI; undeveloped. Multi-Family Med Density (Conservation Easement)	South Pre-DRI; low density detached single family residential	Southeast Pre-DRI; low density detached single family residential

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. Within the Binding Letter of Interpretation of Vested Rights Status (BLIVR-783-002) the State of Florida Department of Community Affairs provided a table of Land Use Distribution which indicates that the Poinciana development contains, in part, 300 acres of Church Land and 1,000 acres of General Commercial land. The request is for a Future Land Use change from Pre-Development of Regional Impact (Pre-DRI), with Map H indicating a use of Church, to Convenience Center-X (CCX). As seen in Exhibit 7, the Poinciana Master Plan indicates the site as Church. However, it should be noted that to the northwest of the subject site is a parcel designated a Commercial, approximately 14 acres. This Commercial site along with a majority of the property west of Lake Marion Creek Drive and east of Lake Marion was acquired by Polk County in September of 2023 and is planned for use by Parks and Recreation. Commercial use originally intended for this intersection. Changing the land use to Convenience Center, while everything around it is residential in nature, is a compatible usage, as the site sits at the intersection of two Urban Collector roads and has access to available infrastructure with water and sewer.

B. Infrastructure

The site will have access to water and wastewater lines. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone. The site accesses onto Lake Marion Creek Drive and Pine Street, both of which are Urban Collectors. 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, but this should not be an issue as site is expected to develop with commercial use. 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. However, site is expected to develop with commercial uses so no student generation is anticipated.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2024-2025 School Year	Average driving distance from subject site
Laurel Elementary School	0 students	78%	1.9 miles
Lake Marion Creek Middle School	0 students	85%	0.8 miles
Haines City High School	0 students	95%	9.0 miles

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office 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	Southeast District Command Unit (4011 Sgt. Mary Campbell Way, Lake Wales)	Priority 1 – 14:17 Priority 2 – 34:37
Fire/ EMS	Station #46 (9500 Marigold Avenue, Kissimmee, FL)	3.2 +/- miles / 7-9 min

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for October 2025. *Response times are based from when the station receives the call, not from when the call is made to 911..

Water and Wastewater

A. Estimated Demand

The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. There is a 12-inch potable water main stubbed out, approximately 975 feet north of Pine Street at the intersection of Lake Marion Road and Silver Glen Road. There is a 6-inch sewer force main along the southern boundary of the site.

Table 4: Estimated Water and Sewer Impact Analysis

Permitted Density / Intensity	Maximum Permitted in Existing Land Use DRI	Maximum Permitted in Proposed CC
1.58± acres RL	1.58± acres (68,825 sf) X 0.25 FAR = 17,206 sf	1.58± acres (68,825 sf) X 0.25 FAR = 17,206 sf
Potable Water Consumption	17,206 sf X 0.15 = 2,581 GPD	17,206 sf X 0.3 = 5,162 GPD
Wastewater Generation	2,581 GPD X 80% = 2,065 GPD	5,162 GPD X 80% = 4,130 GPD

B. Service Provider

The subject site is within the Toho Water Authority Service Area for water and wastewater. This was confirmed by the Toho Service Area Map on their site.

C. Available Capacity

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

D. Planned Improvements

No new planned improvements were noted.

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 increased trips.

Table 5: Estimated Transportation Impact Analysis

Permitted Density / Intensity	Maximum Permitted in Existing Land Use DRI	Maximum Permitted in Proposed CC
7.1± acres RL	1.58± acres (68,825 sf) X 0.25 FAR = 17,206 sf	1.58± acres (68,825 sf) X 0.25 FAR = 17,206 sf
Average Annual Daily Trips (AADT)	17 X 60.06 AADT = 1,021 Trips	17 X 92.87 AADT X 76% = 1,200 Trips
PM Peak Hour Trips	17 X 8.95 AADT X 76% = 116 Trips	17 X 15.85 AADT X 76% = 205 Trips

Source: Concurrency Manual (Polk TPO 10/21/20252): CC @ Convenience Market 92.87 AADT per 1,000 sf, 15.85 AADT per 1,000 sf PM Peak Hour,

B. Available Capacity

The roads surrounding the subject site have sufficient PM Peak capacity available for a commercial development. On the norther side of Pine Street is an area of residential use that is continuing the residential development for the area. 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 abutting residential development to the north, east and south. These developments will have a significant impact on the road links.

Table 6: Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current LOS	Available Peak Hour Capacity	Minimum LOS Standard	Project 5 Year LOS
8214N	Lake Marion Creek Dr	2U		464		
8214S	Poinciana Pkwy to Cypress Pkwy (CR580).	UC	C	454	D	C

*Source: Polk County Transportation Planning Organization, 2025 Roadway Network Database January 2025. *2U means two lane undivided, UC means Urban Collector*

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 sidewalks that run north to south along Lake Marion Creek Drive fronting the subject site. Pine Street has a sidewalk on the north side; however, on the south side fronting the site does not have a sidewalk.

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. Also, Cypress Parkway will be widened from Power Line Road to West Solivita Boulevard.

F. Mass Transit

The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site.

Park Facilities:

The following analysis is based on public recreation facilities.

A. Location:

The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 4.0 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 Poinciana Community Park 4.0 miles to the south of the subject site.

D. Environmental Lands:

This site contains no County owned environmental lands. The closest environmental lands to the site are the Kissimmee Chain of Lakes south 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 may dictate construction techniques.

A. Surface Water:

There is no surface water on the subject site. The site's elevation is relatively flat with an elevation of 84 feet at the right-of-way boundary and 87 feet near the center of the site. There are no surface waters on the site.

B. Wetlands/Floodplains:

The subject site is not located within a floodplain and has no wetlands indicated.

C. On-Site 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 have limitations for 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 to 5 percent slopes (15)	Moderate: wetness	Slight	70%
Astatula sand, 0 to 5 percent slopes (46)	Slight	Moderate: slope	30%

*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. 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 TOHO Utilities.

E. 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.

F. Polk Green Districts and Conservation Easements:

The site is located within the Potential Network Connections area of the Polk Green District Comprehensive Plan Map Series. The lands on the west side of Lake Marion Creek Drive, owned by Polk County, in excess of 280 acres is under a conservation easement as recorded in OR Book 12845, Page 0260.

G. 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.

H. 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 each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	The Comprehensive Plan permits a variety of different Future Land Use designations in 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 is compatible.
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.	Subject site is at the intersection of two Urban Collector Roads which is ideal for commercial use. Toho Water Authority lines are readily available in this area for water and wastewater. This request is consistent with this policy.

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <ul style="list-style-type: none"> 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. 	<p>The timing is consistent with the growth in the area as the surrounding sites are already designated for low density residential. There is available connectivity to water, wastewater, and electricity. Fire and Sheriff are available for this area. The schools that are zoned for the site have capacity, but site is expected to develop commercially, so this should not be an issue. The request effectively swaps a small portion of the Commercial use, under the Pre-DRI map, from the northwest of the site to the site replacing the non-residential use of Church with Convenience Center.</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>Convenience Center 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.</p>

Comprehensive Plan Policy	Consistency Analysis
<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); andc.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. o OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation. <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 	

Comprehensive Plan Policy	Consistency Analysis
<p>development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.</p> <ul style="list-style-type: none"> 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). <p>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>	
<p>POLICY 2.110-C1: CHARACTERISTICS - Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area. General (approximate) characteristics of Convenience Centers are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Usable Area: Up to 5 acres <input type="checkbox"/> Gross Leasable Area (GLA): 3,000 to 20,000 square feet <input type="checkbox"/> Minimum Population Support: 2,500 to 5,000 people <input type="checkbox"/> Market-Area Radius: 1 mile <input type="checkbox"/> Typical Leading Tenant: Convenience Store <input type="checkbox"/> Other Typical Leading Tenants: Laundry, Dry Cleaning, Barber, Restaurant, Gas Station, Office <p>POLICY 2.110-C2: DESIGNATION AND MAPPING - Convenience Centers shall be located within UDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as " Convenience Center" (CC).</p> <p>POLICY 2.110-C3: LOCATION CRITERIA - Convenience Centers shall be located at the intersections of arterial and/or collector roads, and of collector and local roads in Redevelopment Areas consistent with Section 2.124-F. There shall be the following traveling distance, on public roads, between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same convenience-shopping needs:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. One (1) mile within the TSDA and UGA. <input type="checkbox"/> b. Two (2) miles within the SDA and UEA. <p>This required separation may be reduced if:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within 	<p>The subject's 1.58± acre site meets the Characteristics for a Convenience Center and is located within the UEA. The site has a population support within a 1-mile radius of 5,899. Within the Pre-DRI Map the nearest commercial sites may be seen in Exhibit 7. The Commercial locations on the west side of Lake Marion Creek Drive are currently owned by Polk County and are administered by the Parks and Recreation Division, the largest of which would be in excess of 13 acres. The next nearest Commercial area is located approximately ½ mile northeast of the site and is currently under construction with a multi-unit retail/office strip center. Approximately ¾ mile north of the subject on Lake Marion Creek Drive is a developed Gas Station. The request effectively swaps a small portion of the Commercial use, under the Pre-DRI map, from the northwest of the site to the site replacing the non-residential use of Church with Convenience Center.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>the required distance separation is over 80% developed; or</p> <p><input type="checkbox"/> b. The proposed Convenience Center market-area radius, minimum population support is over 5,000 people.</p> <p>POLICY 2.110-D4: DEVELOPMENT CRITERIA - Development within a Convenience Center shall conform to the following criteria:</p> <p><input type="checkbox"/> a. Convenience Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.</p> <p><input type="checkbox"/> b. Different uses within a Convenience Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.</p> <p><input type="checkbox"/> c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.</p> <p><input type="checkbox"/> d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.</p> <p><input type="checkbox"/> e. Residential uses shall not be permitted in Convenience Centers.</p> <p><input type="checkbox"/> f. Offices uses shall not exceed 40 percent of the total area within the convenience center. Commercial uses may constitute 100 percent of the convenience center.</p> <p><input type="checkbox"/> g. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.</p> <p><input type="checkbox"/> h. Planned Developments within the Convenience Center may be permitted a maximum floor area ratio up to 0.50. Intensity increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. Such Planned Developments shall also be designed to be compact and require less land area than other alternatives. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.</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

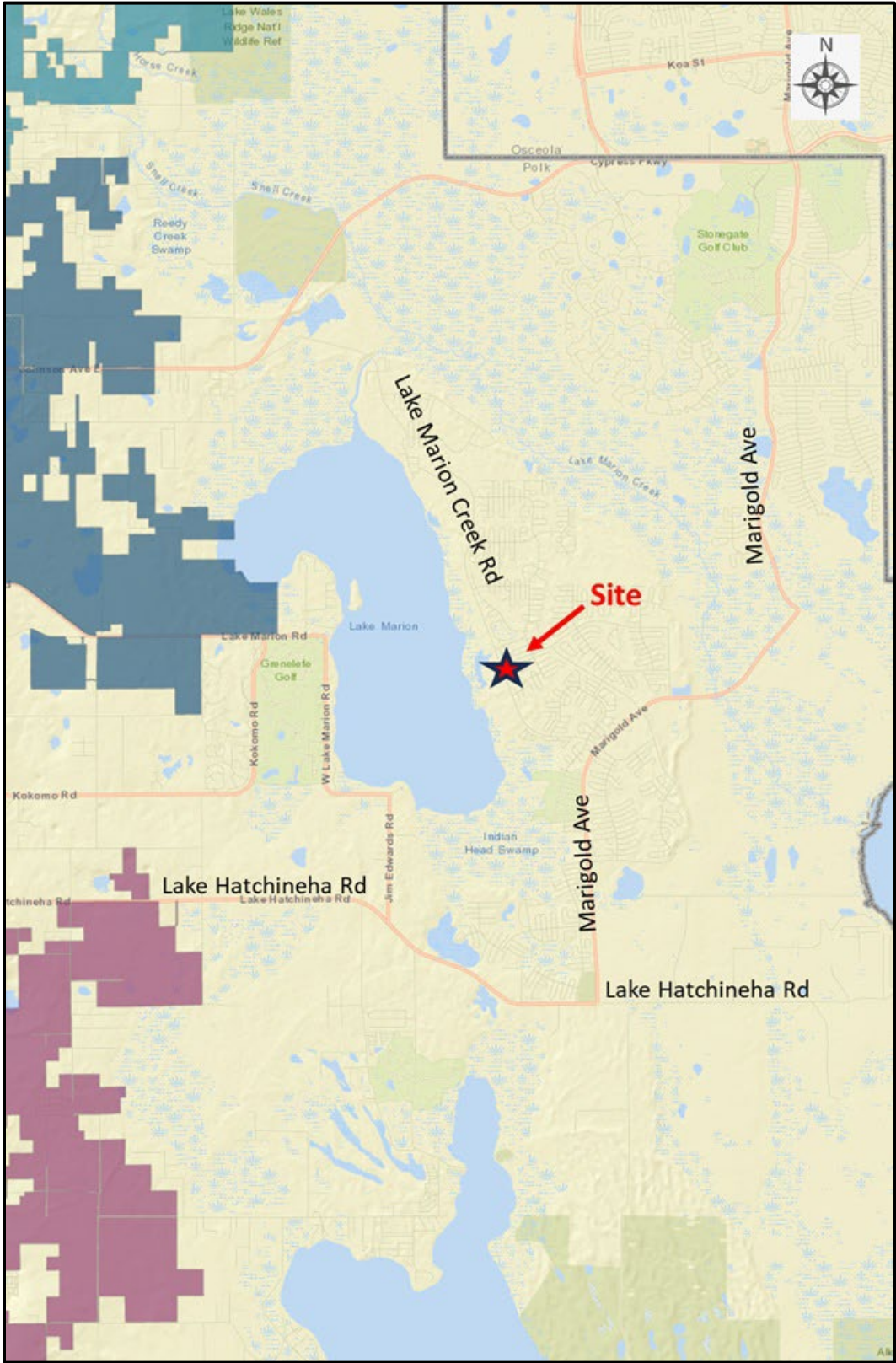
Comments from other agencies

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	NACX Permitted and Conditional Uses
Exhibit 7	Poinciana Master Plan

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)

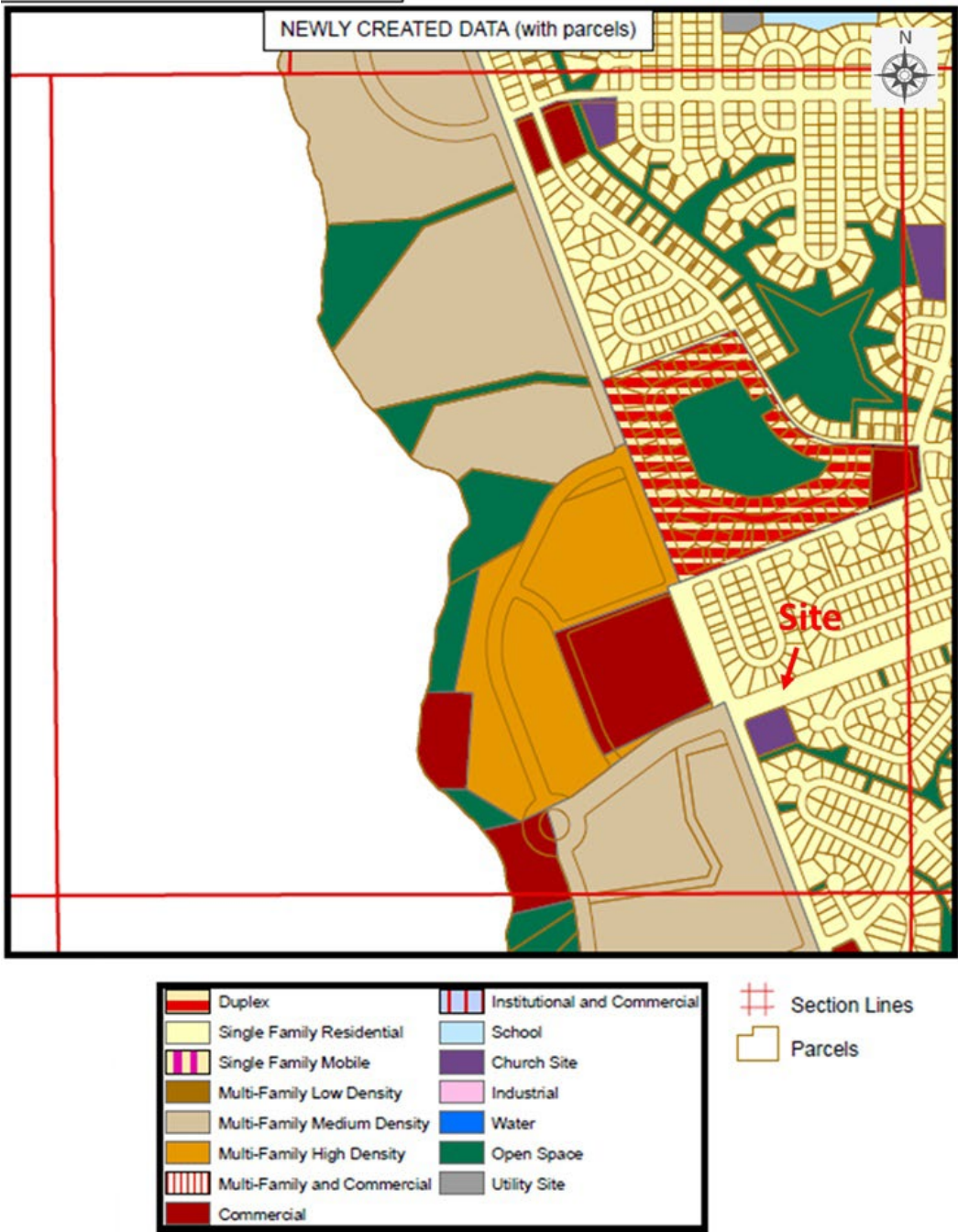


PROPOSED FLUM Neighborhood Activity Center (NACX)

Convenience Center (CC)			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
All Other Uses:	Alcohol Package Sales, C1 Car Wash, Incidental, C2 Childcare Center, P Clinics & Medical Offices, C2 Community Center, C2 Farming General, P Financial Institution, P Financial Institution, Drive Through, C2 Funeral Home & Related Facilities, C2 Gas Station, C2 Government Facility, P Medical Marijuana Dispensaries, C2 Nurseries, Retail, P Nurseries and Greenhouses, P Office, C2 Personal Service, C2 Recreation Passive, C1 Recreation & Amusement General, C2 Religious Institution, C2 Restaurant, drive-thru/Drive-in, C2 Restaurant, sit-down/Take-out, C2 Retail. Less than 10,000 sq. ft., P Utilities Class I, P Utilities Class II, P Veterinary Service, C1		Mixed Uses: Planned Development, C3 Transitional Area Development, C3
			All Other Uses: Cemetery, C3 Helistops, C3 Mining, Non-phosphate, C3 Retail, 10,000-34,999 sq. ft., C3 Schools, Leisure/Special Interest, C3 School, Technical/Vocational/ Trade & Training, C3 Utilities Class III, C3 Water Ski Schools, C3

Convenience Center (CC)

PERMITTED AND CONDITIONAL USES



Poinciana Master Plan (Church)