

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

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| <b>DRC Date:</b> April 6, 2024                    | <b>Level of Review:</b> 4                           |
| <b>PC Date:</b> June 5, 2024                      | <b>Type:</b> Comprehensive Plan Amendment           |
| <b>BoCC Date:</b> July 16, 2024                   | <b>Case Numbers:</b> LDCPAS-2024-2                  |
|   | <b>Case Name:</b> Outdoor Sales Land Use Change CPA |
| <b>Applicant:</b> Matt Collins, Moody Engineering | <b>Case Planner:</b> J.P. Sims, Planner II          |

|                                  |   |
|----------------------------------|---|
| <b>Request:</b>                  | The applicant is requesting a Future Land Use designation change from Residential Suburban (RS) to Commercial Enclave (CE) on the northeastern two (2) of a total 3.99 +/- acres.                           |
| <b>Location:</b>                 | The subject property is located south of State Road 60, east of County Line Road, west of Bailey Road, north of Turner Road, west of the city limits of Mulberry, in Section 32, Township 29, and Range 23. |
| <b>Property Owner:</b>           | Alberto Negron  |
| <b>Parcel Size/number:</b>       | 3.99 +/- acres (Parcel #232932-000000-012350)   |
| <b>Development Area:</b>         | Suburban Development Area (SDA)   |
| <b>Nearest Municipality:</b>     | City of Mulberry  |
| <b>DRC Recommendation:</b>       | Approval  |
| <b>Planning Commission Vote:</b> | Pending   |
| <b>Public Comment:</b>           | Pending   |
| <b>Florida Commerce*</b>         | N/A   |

**Location Map**



**Current Future Land Use Map**



## **Summary**

The applicant, Matt Collins of Moody Engineering, is requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, Alberto Negron, to change the Future Land Use Designations from Residential Suburban (RS) to Commercial Enclave (CE) on the northeastern two (2) of 3.99 +/- acres of property in the Suburban Development Area (SDA). Site is located south of State Road 60, east of County Line Road, west of Bailey Road, and north of Turner Road, west of the Mulberry city limits, in Sections 32, Township 29, and Range 23.

## **Compatibility Summary**

This request will be compatible with the surrounding area as the land use requested by the applicant is relatively similar to the adjacent uses. The site accesses State Road 60 directly, so a commercial use would be an appropriate use. To the north, west, and east are commercial uses in a gas station, Dollar General, and Contractor's office. The site is currently developed with shed and used car sales in the front half of the lot, and what looks to be a salvage yard in the rear half. While the Land Use Change would allow the shed and car sales, this does NOT forgive any codes cases for the salvage yard to the rear as that is not changing, and Salvage Yard is not allowable in CE.

## **Infrastructure Summary**

The subject site is within the Southwest Polk County Service Area. The site will have access to water, but there are no wastewater lines in that area. The site directly accesses State Road 60, which has available capacity and condition is not tracked as it is maintained by the State. Mass transit is available nearby, with the closest stop 0.93 miles away to the southeast of the subject site at the State Road 60 and Bailey Road intersection. Public safety response times are normal for this part of the County, and while two of the schools zoned for the site are over capacity, commercial sites do not typically generate students, so this is not a concern. The request is compatible with the available infrastructure.

## **Environmental Summary**

The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site. The soil types for the site are Tavares fine sand and Sparr sand. There are no wetlands or flood zone 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 2.106(A1-A5): Suburban Development Area (SDA)
- Policy 2.112(A1-A5): Commercial Enclaves (CE)

## Findings of Fact

### Request and Legal Status

- This is an applicant-initiated request for the Future Land Use designation change from Residential Suburban (RS) to Commercial Enclave (CE). Zoning for the site was Commercial (C-3) before the Comprehensive Plan and Land Development Code were adopted.
- The C-3 zoning designation was approved by the Polk County BoCC with ZCR 88-75 on October 25, 1988.
- The site currently has a shed and used car sales lot on the front half of the site, with a salvage yard in the rear half. There is a current Codes case on this parcel pertaining to the unpermitted salvage yard and for expanding the commercial sales use without proper permitting. This request would allow for the shed and car sales, but it will NOT allow the salvage yard.

### Compatibility

- The existing uses surrounding the site are:
  - North – LCC; gas station
  - West – RS; single family residential.
  - East – RS; single family residential.
  - South – RS; single family residential.
- The general area to the west, east, and south of the subject site are designated for single family detached. However, with the site directly accessing State Road 60, commercial usage is appropriate for the site with proper buffering from the surrounding residential uses.

### Infrastructure

- The zoned schools for the site are Willow Oak Elementary, Mulberry Middle, and Mulberry High School.
- Polk County Fire Rescue Station 8 will be the response unit for fire and EMS for this site. It is located at 4210 Willis Rd, Mulberry, FL 33860, with an approximate travel distance of 0.7 miles.
- The subject site is within the Sheriff Department's Southwest District. The Southwest District Office is located at 4120 US 98 S, Lakeland, FL.
- The subject site will be serviced by Polk County's Southwest Service Area for potable water, but wastewater will be handled by septic.
- There are no sidewalks on the south side of State Road 60 where the subject site is, but it does run along the northern side.

- The closest mass transit route is part of the Citrus Connection on line 21X. The closest stop is 0.93 miles away to the southeast of the subject site at the State Road 60 and Bailey Road intersection. The stop is on the northeast corner of State Road 60 and Bailey Road behind the Family Dollar.
- The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site.

## **Environmental**

- The site's elevation is almost flat with an elevation of 105 feet on the northwest side, with the elevation dipping to a low of 104 feet on the other three sides.
- There are no wetlands or flood zone on the site.
- The soil types for the site are Sparr and Tavares 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 2.106-A1: DESCRIPTION - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer

facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.

- **POLICY 2.106-A2: DESIGNATION AND MAPPING** - The Future Land Use Map Series shall designate and map SDAs, for those areas of the County meeting the general characteristics of this Section 2.106.
- **POLICY 2.106-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within the Suburban Development Areas:
  - a. **ACTIVITY CENTERS:** Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.
  - b. **RESIDENTIAL:** Residential-Suburban.
  - c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.

Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.

- **POLICY 2.106-A4: OVERLAY DISTRICTS** - All Overlay Districts shall be permitted within the SDA in accordance with applicable criteria.
- **POLICY 2.106-A5: DEVELOPMENT CRITERIA** - Development within the Suburban Development Areas shall conform to the following criteria as further specified in the Land Development Code:
  - a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;
  - b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;
  - c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;
  - d. provide access to civic space, parks, green areas, and open space and other amenities;
  - e. be supported by public safety (i.e., fire, EMS and law enforcement);
  - f. have access to elementary schools;
  - g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and
  - h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the

Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.

- POLICY 2.106-A6: SEWER EXTENSIONS - Sanitary sewer shall not be extended into the SDA, except as allowed by Policy 2.132-C10 or the Board deems it necessary given one of the following circumstances:
  - a. It is in the interest of on site and/or nearby environmental features;
  - b. It is in the interest of public health; or
  - c. The area has been designated a redevelopment district under Policy 2.124-F. Provided the development density of land served by the sewer lines does not exceed the amount allowed under the current land use designation.
- POLICY 2.112-A1: CHARACTERISTICS - Commercial Enclaves are those concentrations of commercial/office uses and zoning districts which are located outside of Activity Centers and/or Linear Commercial Corridors and whose future development or redevelopment will not degrade the County's growth management program. These enclaves are the result of past actions by the County, which may or may not have been previously developed, but are recognized through their designation on the Future Land Use Map Series.
- POLICY 2.112-A2: DESIGNATION AND MAPPING - Existing commercial/office developments and zoning districts located outside of Activity Centers and/or Linear Commercial Corridors shall be designated and mapped on the Future Land Use Map Series as "Commercial Enclaves" (CE).
- POLICY 2.112-A3: LOCATION CRITERIA - The expansion or establishment of new commercial enclaves shall not be permitted, except to recognized legitimate errors made during the original mapping process, as determined using the error-evaluation criteria established in Policy 2.111-A3.
- POLICY 2.112-A4: DEVELOPMENT CRITERIA - Development within a Commercial Enclave shall conform to the following criteria:
  - a. Permitted uses include commercial, office, and institutional uses.
  - b. New development or redevelopment within a Commercial Enclave shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.
  - c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.
  - d. Commercial Enclave uses shall have frontage on, or direct access to, a roadway, or a frontage road or service drive which directly serves a roadway.

- e. New development within, or the redevelopment of, a Commercial Enclave shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
  - f. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.
  - g. Where the CE abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.
  - h. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.
  - i. The maximum floor area ratio shall not exceed 0.35.
- **POLICY 2.112-A5: ADJACENT DEVELOPMENT** - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a CE may include the following uses: Office, Medium-Density Residential, Institutional, or Open Space.

**Development Review Committee 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 2024-2.**

**Planning Commission Recommendation:** On June 5, 2024, in an advertised public hearing, the Planning Commission voted ?? to **recommend ? of LDCPAS-2024-2.**

***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

|   |  |                                       |
|---|--|---------------------------------------|
| <b>Northwest</b><br>OC; Contractor Offices.     | <b>North</b><br>LCC; Dollar General                                | <b>Northeast</b><br>LCC; Gas Station. |
| <b>West</b><br>RS; Residential development      | <b>Subject Site</b><br>RS; shed and used car sale lot/salvage yard | <b>East</b><br>RS; Mobile Homes       |
| <b>Southwest</b><br>RS; Residential development | <b>South</b><br>RS; Mobile Homes                                   | <b>Southeast</b><br>RS; Mobile Homes  |

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

Suburban Development Areas (SDA) shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.

The request is a Future Land Use that is not out of context or compatibility with the surrounding uses. There is a gas station and Dollar General to the north of the site, and a contractor’s office to the northwest of the site, so commercial use on this site is not out of context. The uses to the west, south, and east are residential in nature, as they were developed before the Comprehensive Plan and Land Development Code were adopted.

The Linear Commercial Corridor (LCC) uses to the northwest and north of the subject site is built out as a Dollar General, a Sunoco gas station, a Contractor office, Dinaco LLC, Sizemore Sales, and Barber & Associates Roofing. This lends context that this site should be developed as commercial use.

**B. Infrastructure**

The subject site will be serviced by Polk County’s Southwest Service Area for potable water. There is no wastewater lines in this area so the site will continue to be on septic. The site accesses directly onto State Road 60, a Principal Arterial. There is available transportation capacity on this road. 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. However, Commercial Enclave (CE) does not permit residential development. 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

| <b>Name of School</b>               | <b>Annual Estimated Demand</b> | <b>% Capacity 2022-2023 School Year</b> | <b>Average driving distance from subject site</b> |
|-------------------------------------|--------------------------------|---|---|
| <b>Willow Oak Elementary School</b> | <b>0 students</b>              | <b>94%</b>                              | <b>1.8 miles</b>                                  |
| <b>Mulberry Middle School</b>       | <b>0 students</b>              | <b>115%</b>                             | <b>4.6 miles</b>                                  |
| <b>Mulberry High School</b>         | <b>0 students</b>              | <b>107%</b>                             | <b>5.0 miles</b>                                  |

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

Commercial developments do not typically generate students, so no demand is anticipated.

**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’s Table 3 Public Safety Information

|                  | <b>Name of Station</b>  | <b>Distance Response Time*</b>                            |
|------------------|---|---|
| <b>Sheriff</b>   | <b>Southwest District Command Unit</b> (4120 US 98 S, Lakeland, FL) | 15.4 +/- miles<br>Priority 1 – 9:49<br>Priority 2 – 19:06 |
| <b>Fire/ EMS</b> | <b>Station #8</b> (4210 Willis Rd, Mulberry, FL 33860)              | 0.7 +/- miles   |

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

## Water and Wastewater

### A. Estimated Demand

The subject site is within the Polk County Utilities Southwest Service Area for potable water, but the site will remain on septic as there are no wastewater lines nearby. The closest wastewater line is over one (1) mile away to the northeast.

Table 4 Estimated Water and Sewer Impact Analysis

| <b>Permitted Intensity</b>       | <b>Maximum Permitted in Existing Residential Suburban (RS)</b> | <b>Maximum Allowable in Proposed Commercial Enclave (CE)</b>                 |
|----------------------------------|--|--|
|                                  | <b>2 +/- acres</b><br><b>87,120 sq ft</b>                      | <b>2 +/- acres</b><br><b>X</b><br><b>1 du/5 ac =</b><br><b>1 du</b>          |
| <b>Potable Water Consumption</b> | <b>1 du</b><br><b>X</b><br><b>360 GPD =</b><br><b>360 GPD</b>  | <b>26 sq ft</b><br><b>X</b><br><b>3,920 GPD =</b><br><b>102,453 GPD</b>      |
| <b>Wastewater Generation</b>     | <b>1 du</b><br><b>X</b><br><b>270 GPD =</b><br><b>270 GPD</b>  | <b>102,453 GPD</b><br><b>X</b><br><b>80% =</b><br><b>81,963 GPD (Septic)</b> |

Source: Concurrency Manual – Residential Suburban (Single Family Detached Housing) at 360 GPD for water and 270 GPD for wastewater generation. For Commercial Enclave (Commercial/Retail in SDA) at 3,920 GPD for water and 80% of water usage for wastewater.

**B. Service Provider**

The subject site is within the Southwest Polk Utilities Service Area for water. There is no sewer connection for the site, as sewer extensions are not permissible in the Suburban Development Area (SDA).

**C. Available Capacity**

The Southwest Water Treatment Facility does have available capacity for this site. The following graph indicates capacity information for the SW Public Water System.

| System Status |                                    |                    |   |                                     |                        |                            |                               |                                       |
|---------------|------------------------------------|--------------------|---|-------------------------------------|------------------------|----------------------------|-------------------------------|---------------------------------------|
|               | Current Working Permit Limit (MGD) | Current Flow (MGD) | Percent of Current Limit Used Today (%) | Available Flow-Capacity Today (MGD) | Firm Commitments (MGD) | Uncommitted Capacity (MGD) | System Growth Rate (MGD/year) | Time Until Flow Exceeds Limit (Years) |
| Southwest PWS | 6.780                              | 3.781              | 56%                                     | 2.999                               | 0.183                  | 2.816                      | 0.063                         | > 20                                  |

**D. Planned Improvements**

There are no planned improvements for the infrastructure in this area.

**Roadways/Transportation Network**

**A. Estimated Demand**

Table 5, following this paragraph, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The Future Land Use change may result in higher trips.

Table 5 Estimated Transportation Impact Analysis

| Permitted Intensity         | Maximum Permitted in Existing Residential Suburban (RS) | Maximum Allowable in Proposed Commercial Enclave (CE)           |
|-----------------------------|---|---|
| 2 +/- acres<br>87,120 sq ft | 2 +/- acres<br>X<br>1 du/5 ac =<br>2 du                 | 2 +/- acres<br>X<br>0.3 FAR =<br>26,136 sq ft / 1000 = 26 sq ft |

|                       |   |  |
|-----------------------|---|--|
| <b>Average Annual</b> | <b>2 du</b><br><b>X</b><br><b>7.81 AADT =</b><br><b>16 Trips (100% New Trips)</b> | <b>26 sq ft</b><br><b>X</b><br><b>27.06 AADT =</b><br><b>535 Trips (76% New Trips)</b> |
| <b>PM Peak</b>        | <b>2 sq ft</b><br><b>X</b><br><b>1 AADT =</b><br><b>2 Trips</b>                   | <b>26 sq ft</b><br><b>X</b><br><b>3.75 AADT =</b><br><b>75 Trips (76% New Trips)</b>   |

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), Automobile Sales for CE at 27.06 AADT and 3.75 AADT Peak Hours.

**B. Available Capacity**

The road accessing the subject site has sufficient PM Peak capacity available for commercial development. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road link.

| <b>Link #</b> | <b>Road Name</b>   | <b>Current LOS</b> | <b>Available Capacity</b> | <b>Minimum LOS Standard</b> | <b>Projected Five Year LOS</b> |
|---------------|--|--------------------|---------------------------|-----------------------------|--------------------------------|
| 5900E         | STATE ROAD 60 (HILLSBOROUGH COUNTY LINE to NICHOLS ROAD) | C                  | 972                       | D                           | C                              |
| 5900W         |  | C                  | 931                       | D                           | C                              |

Source: Polk Transportation Planning Organization, Roadway network Database 2023

**C. Roadway Conditions**

The condition of State Road 60 is not maintained by Polk County, so road conditions information is not available. It is a four lane Principal Arterial Road.

**D. Sidewalk Network**

There are no sidewalks on the south side of State Road 60 abutting the subject site, but there are sidewalks on the north side of State Road 60.

**E. Planned Improvements:**

There are no plans currently in place for this area of the county.

## F. Mass Transit

The closest mass transit route is part of the Citrus Connection on line 21X. The closest stop is 0.93 miles away to the southeast of the subject site at the northeast corner of State Road 60 and Bailey Road intersection.

## Park Facilities:

The following analysis is based on public recreation facilities.

### A. Location:

The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site.

### B. Services:

Fuller Heights Park has a basketball court and playground. Loyce E. Harpe Park has a dog park (DiOGi Park), baseball, softball, and soccer fields. There is a skate park, playground, paved walking trails, a boat launching site, picnic tables and a screened-in pavilion that is available to rent.

### C. Multi-use Trails:

The closest free hiking trail is in the Alafia River Reserve which is 0.44 +/- miles to the west of the subject site.

### D. Environmental Lands:

This site contains no County owned environmental lands. The closest environmental land to the site is the Alafia Reserve 0.44 miles to the west 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 following environmental conditions apply to the subject site;

### A. Surface Water:

There is no surface water on the subject site. The site's elevation is almost flat with an elevation of 105 feet on the northwest side, with the elevation dipping to a low of 104 feet on the other three sides.

### B. Wetlands/Floodplains:

The site does not sit within a Flood Zone or Wetlands.

C. Soils:

The subject site is comprised of a couple of different types of soil as listed in Table 8 following this paragraph.

**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                                 | 15.8%                   |
| Sparr sand, 0 to 5% slopes          | Severe: wetness, poor filter             | Moderate: wetness                      | 84.2%                   |

*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.

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  |
|--|---|
| <p>POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:</p> <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>The Comprehensive Plan permits a variety of different Future Land Use designations. The site has a gas station, Dollar General, and a contractor’s office near to the site. There is residential to the immediate north, west, south and east of the site, but it directly accesses State Road 60, so commercial usage makes sense.</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>This is more a mapping error correction to be consistent with what is currently being used. 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>This request is a mapping error correction, as the site was originally designated as Commercial (C-3) before the Comp Plan and LDC were passed. Separate approval letter is attached as an exhibit at the end of this staff report. There is available connectivity to water and electricity, but there is no sewer connection available. Fire and Sheriff are available for this area. Two of the schools that are zoned for the site are at capacity, but commercial development typically does not generate students so this should not be an issue. The overall parcel does not contain wetlands or floodplains and does not site in a flood zone. The site is developed and is currently being used as a shed and used car sales lot, both are allowed within CE. There also is a salvage yard, which is not allowed in CE or RS.</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"> <li>1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;</li> <li>2. sanitary sewer and potable water service;</li> <li>3. storm-water management;</li> <li>4. solid waste collection and disposal;</li> <li>5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;</li> <li>6. emergency medical service (EMS) provisions; and</li> <li>7. other public safety features such as law enforcement;</li> <li>8. schools and other educational</li> </ol> | <p>This request is a mapping error correction, as the site was originally designated as Commercial (C-3) before the Comp Plan and LDC were passed. Separate approval letter is attached as an exhibit at the end of this staff report. There is available connectivity to water and electricity, but there is no sewer connection available. Fire and Sheriff are available for this area. Two of the schools that are zoned for the site are at capacity, but commercial development typically does not generate students so this should not be an issue. The overall parcel does not contain wetlands or floodplains and does not site in a flood zone. The site is developed and is currently being used as a shed and used car sales lot, both are allowed within CE. There also is a salvage yard, which is not allowed in CE or RS.</p> |



| Comprehensive Plan Policy   | Consistency Analysis   |
|---|--|
| <p>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>   |  |
| <p>POLICY 2.106-A1: DESCRIPTION - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.</p> <p>POLICY 2.106-A2: DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map SDAs, for those areas of the County meeting the general characteristics of this Section 2.106.</p> <p>POLICY 2.106-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within the Suburban Development Areas:</p> <p>a. <b>ACTIVITY CENTERS:</b> Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.</p> <p>b. <b>RESIDENTIAL:</b> Residential-Suburban.</p> <p>c. <b>OTHER:</b> Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.</p> | <p>Commercial Enclaves are permitted within the Suburban Development Areas. There is water connection available to the subject site, but sewer is not to be extended into the SDA, so the site would remain on septic.</p> |

| Comprehensive Plan Policy   | Consistency Analysis |
|---|----------------------|
| <p>Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.</p> <p><b>POLICY 2.106-A4: OVERLAY DISTRICTS</b> - All Overlay Districts shall be permitted within the SDA in accordance with applicable criteria.</p> <p><b>POLICY 2.106-A5: DEVELOPMENT CRITERIA</b> - Development within the Suburban Development Areas shall conform to the following criteria as further specified in the Land Development Code:</p> <ul style="list-style-type: none"> <li>a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;</li> <li>b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;</li> <li>c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;</li> <li>d. provide access to civic space, parks, green areas, and open space and other amenities;</li> <li>e. be supported by public safety (i.e., fire, EMS and law enforcement);</li> <li>f. have access to elementary schools;</li> <li>g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and</li> <li>h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.</li> </ul> <p><b>POLICY 2.106-A6: SEWER EXTENSIONS</b> - Sanitary sewer shall not be extended into the SDA, except as allowed by Policy 2.132-C10 or the Board deems it necessary given one of the following circumstances:</p> |                      |

| Comprehensive Plan Policy   | Consistency Analysis   |
|---|--|
| <p>a. It is in the interest of on site and/or nearby environmental features;</p> <p>b. It is in the interest of public health; or</p> <p>c. The area has been designated a redevelopment district under Policy 2.124-F. Provided the development density of land served by the sewer lines does not exceed the amount allowed under the current land use designation.</p>   |  |
| <p><b>POLICY 2.112-A1: CHARACTERISTICS</b> - Commercial Enclaves are those concentrations of commercial/office uses and zoning districts which are located outside of Activity Centers and/or Linear Commercial Corridors and whose future development or redevelopment will not degrade the County's growth management program. These enclaves are the result of past actions by the County, which may or may not have been previously developed, but are recognized through their designation on the Future Land Use Map Series.</p> <p><b>POLICY 2.112-A2: DESIGNATION AND MAPPING</b> - Existing commercial/office developments and zoning districts located outside of Activity Centers and/or Linear Commercial Corridors shall be designated and mapped on the Future Land Use Map Series as "Commercial Enclaves" (CE).</p> <p><b>POLICY 2.112-A3: LOCATION CRITERIA</b> - The expansion or establishment of new commercial enclaves shall not be permitted, except to recognized legitimate errors made during the original mapping process, as determined using the error-evaluation criteria established in Policy 2.111-A3.</p> <p><b>POLICY 2.112-A4: DEVELOPMENT CRITERIA</b> - Development within a Commercial Enclave shall conform to the following criteria:</p> <p>a. Permitted uses include commercial, office, and institutional uses.</p> <p>b. New development or redevelopment within a Commercial Enclave shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.</p> <p>c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive land use, and shall not be separated from that use by an arterial</p> | <p>The current site is designated as Residential Suburban, but directly accesses State Road 60 and was zoned Commercial (C-3) before the Comp Plan and LDC were passed. Converting the site to Commercial Enclave would correct a mapping error and allow for the site to be used for commercial purposes. This would not be out of context for the surrounding development as there is a gas station, Dollar General, and Contractor's office surrounding the site. Site currently has a shed and used car sales lot in the front, and a salvage yard in the rear. This change would allow for the shed and car sales but does NOT allow for the salvage yard. Any Codes cases against the site regarding the salvage yard would not be absolved.</p> |

| Comprehensive Plan Policy  | Consistency Analysis |
|--|----------------------|
| <p>or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.</p> <p>d. Commercial Enclave uses shall have frontage on, or direct access to, a roadway, or a frontage road or service drive which directly serves a roadway.</p> <p>e. New development within, or the redevelopment of, a Commercial Enclave shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.</p> <p>f. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.</p> <p>g. Where the CE abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.</p> <p>h. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.</p> <p>i. The maximum floor area ratio shall not exceed 0.35.</p> <p><b>POLICY 2.112-A5: ADJACENT DEVELOPMENT -</b> Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a CE may include the following uses: Office, Medium-Density Residential, Institutional, or Open Space.</p> |                      |

## Urban Sprawl Analysis

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

**Table 9 Urban Sprawl Criteria**

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

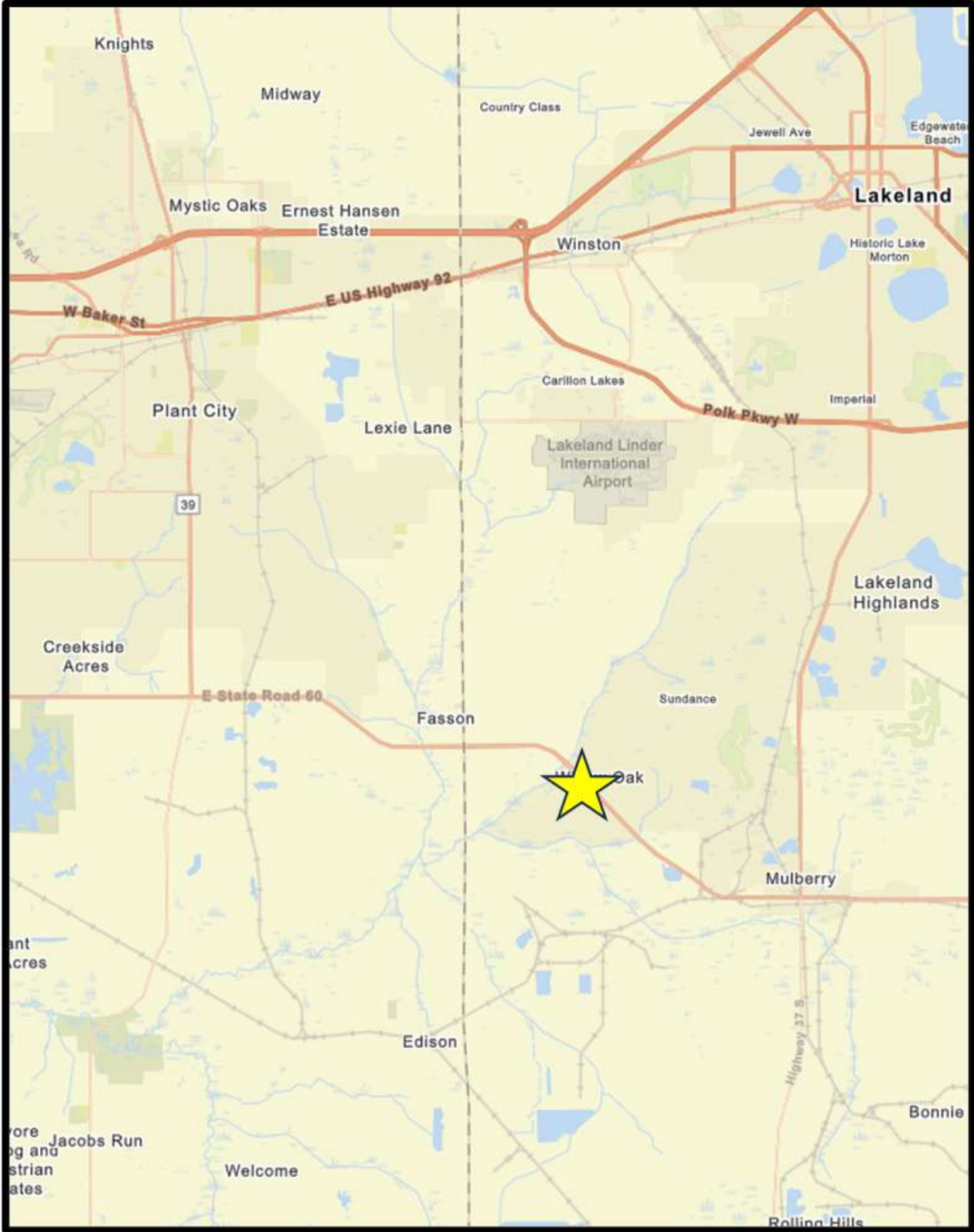
## Comments from other agencies

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      CE Permitted and Conditional Uses
- Exhibit 7      Letter from Former BoCC Approving Commercial

Applicant's submitted documents and ordinance as separate files



# LOCATION MAP

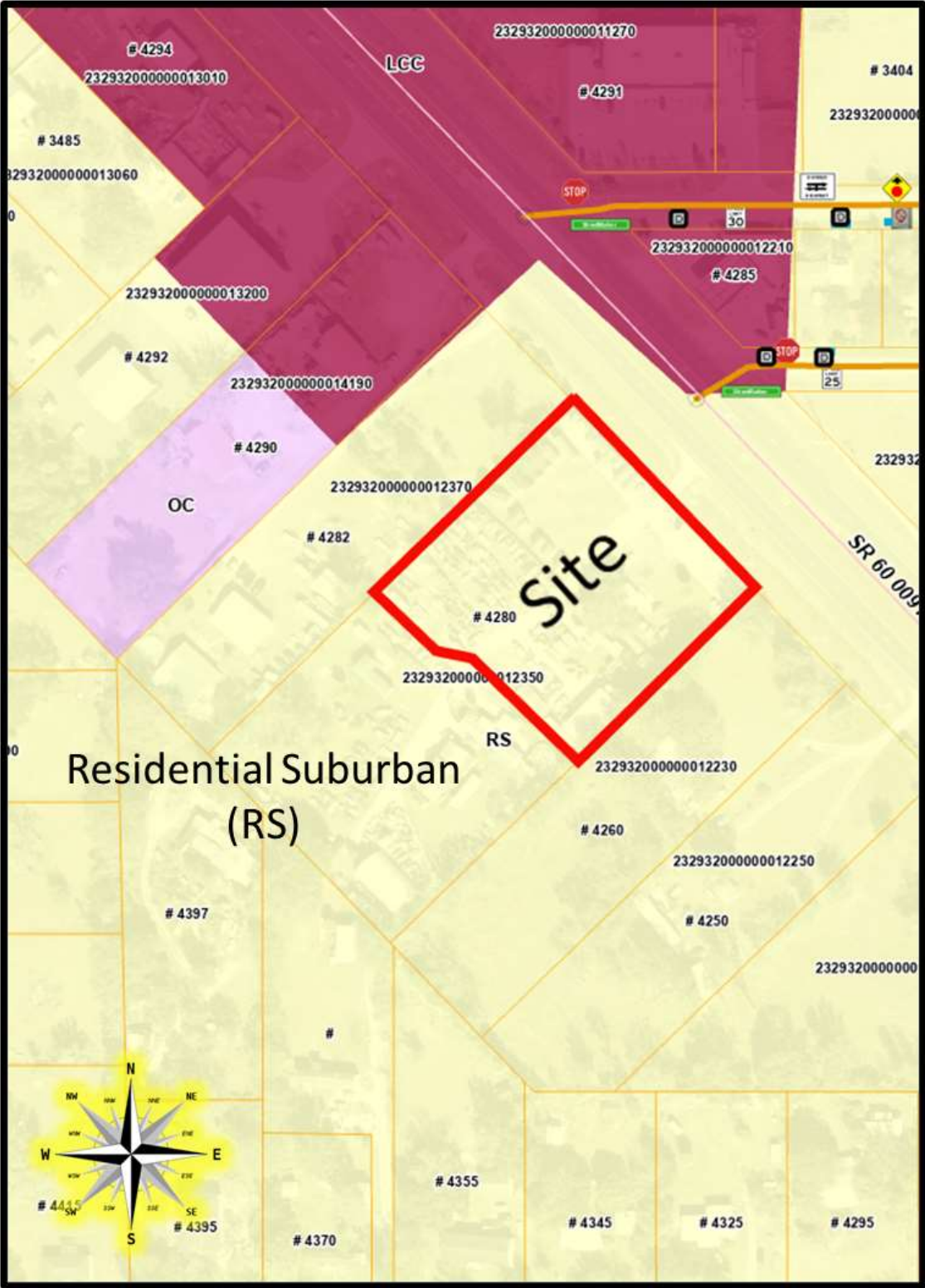


# 2023 AERIAL PHOTO CONTEXT





2023 AERIAL PHOTO CLOSE UP



**CURRENT FLUM**  
**Residential Suburban (RS)**



# PROPOSED FLUM Commercial Enclave (CE)

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

**Commercial Enclave (CE)**

**PERMITTED AND CONDITIONAL USES**



IMPERIAL  
POLK COUNTY  
DEPARTMENT OF DEVELOPMENT COORDINATION

ZONING DIVISION

GERALD C. MARTIN  
Zoning Administrator

MERLE H. BISHOP  
Director

October 26, 1988

Mr. Francisco Figueroa  
2755 Idylridge NW  
Winter Haven, Florida 33881

RE: Case File #ZCR-88-75  
Property located on the southside of SR Hwy 60 about 4 miles  
west of Mulberry

Dear Mr. Figueroa:

This is to officially notify you of the action taken by the Board of County Commissioners on Tuesday, October 25, 1988, regarding the above captioned zone change request from Rural Conservation (RC) to Commercial (C-3).

The Board, after due consideration, voted 5/0 to accept the recommendation of the Zoning Advisory Board and approve the request to a depth of 300 feet, as amended.

Your property will therefore be designated as Commercial (C-3) to a depth of 300 feet on the Zoning Maps of Polk County.

Sincerely,

*Gerald C. Martin*  
Gerald C. Martin  
Zoning Administrator

GCM/mkf

xc: Norma J. Smith  
Clerk's Office  
Planning Division  
Building Division  
Codes Section

POST OFFICE BOX 550 • BARTOW, FLORIDA 33830 • PHONE (813) 533-1161

Letter from Former BoCC Approving Commercial