

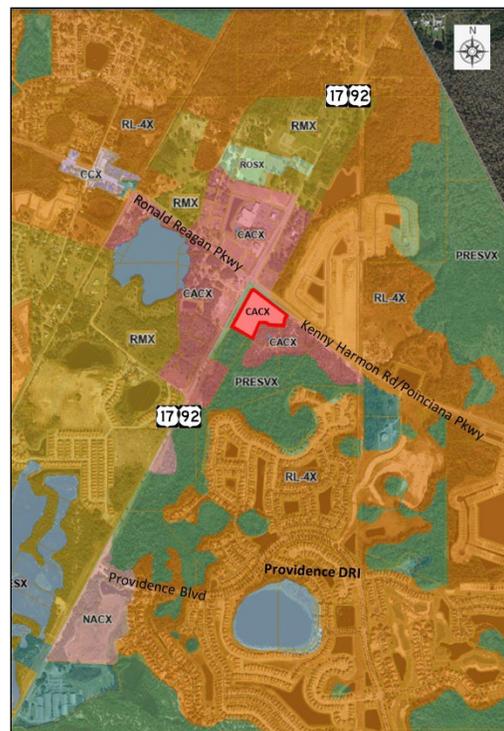
**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: March 30, 2023	Level of Review: 4
PC Date: February 7, 2024	Type: Small Scale CPA
BoCC Date: March 19, 2024	Case Numbers: LDCPAS-2023-11
Applicant: Applied Building Development Company, Mark Wilson	Case Name: Providence N-27 CAC
	Case Planner: Robert Bolton, Planner III

Request:	A Future Land Use designation change from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X), This request is related to LDDRI-2023-1.
Location:	The subject property is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.
Property Owners:	Applied Building Development Company - Oakhills, Inc.
Parcel Size/number:	7.48± acres of (Parcel #(s) 272612-702500-011010, 272612-702500-012000, 272612-702500-013000)
Development Area:	Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), Ronald Reagan SAP
Nearest Municipality:	City of Davenport
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Public Comment:	Pending
Florida Commerce	N/A



Location Map



Proposed Future Land Use Map

Summary:

The applicant, Applied Building Development Company - Oakhills, Inc., Mark Wilson, is requesting a Small Scale Comprehensive Plan Amendment on behalf of the property owner, Applied Building Development Company - Oakhills, Inc., to change the Future Land Use Designation from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X) on 7.48± acre property in the Ronald Reagan SAP, Urban Growth Area (UGA), Transit Corridors and Centers Overlay (TCCO), located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway, west of the Osceola County line, and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.

The subject site is an expansion of an existing Community Activity Center-X (CACX), Neighborhood-27 (N-27), of the Providence DRI. The expansion of the Land Use does not increase the entitlements of the site, the entitlements within the Providence DRI are contained within the Development Order for Providence, which was originally approved as Oak Hills Estates in 1990. The Land Use change will allow for the N-27 to be more efficiently designed and developed. The current N-27 location only has frontage along the southern side of Ronald Reagan/Kenny Harmon Road. The request will allow also allow the application to request an access form FDOT along the eastern side of US 17-19, allowing of a better and more efficient traffic routing internally as well as ingress/egress to the roadway network. The site is comprised of wetlands, the applicant has approvals from Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) for mitigation of these wetlands. The subject wetlands comprise less than one percent (1%) of the wetlands protected within the Providence DRI.

Compatibility Summary

The request is for a FLU designation change within the Providence DRI. The site's location is at the southern quadrant of US 17/92 and Ronald Reagan/Kenny Harmon Road. The northwest and northeast boundaries of the site are the right-of-way lines to each of these roads. To the north of the site is the Publix anchored Loughman Crossings. East of the site is an area fronting US 17/92 of vacant CACX, and Vistamar Villages, a residential development within a RL-4X Land Use district. To the south of the site is the Providence DRI. West of the subject site the Pointe Grand. The requested Land Use change does not increase entitlement; however allows the existing commercial neighborhood within Provident to provide a more efficient commercial site. As recently as 2007, both US 17/92, and Ronald Reagan were 2-lane undivided roads, with Kenny Harmon Road an unpaved road. By 2009 Kenny Harmon was a paved 2-lane road with Ronald Reagan Parkway widened with dedicated north and south turn lanes. US 17/19 was widened with turn lanes also, impacting the wetlands in the area. By 2017 US 17/92 was widened with 2 dedicated turn lanes to the west, one to the east, Kenny Harmon Road, 2-lanes east bound, 2-lanes west bound, one dedicated turn lane north bound, and two dedicated turn lanes south bound. These road improvements have impacted the wetlands (PRESVX) at this site. The four quadrants of the subject's intersection have been and continue to experience significant development.

Infrastructure Summary

There is available capacity for public water, sewer, and in the surrounding roadway network. Fire and Sheriff response times are appropriate for this area of the County.

Environmental Summary

The subject site is comprised of wetlands that the Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) have determined may be mitigated. The reports and analysis have been reviewed and analyses by Polk County's Floodplain Manager, Richard Benton. There are no wells or public Wellfields on site and the property is not within an airport restriction zone. The site is also located within a one (1) mile radius of an Eagle's Nest according to the Florida Fish and Wildlife Conservation Commission (2015).

Comprehensive Plan

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

- Section 2.102 – General Growth Management policies
- Policy 2.105-A3 Urban Development Area (UDA) Land Use Categories
- Policy 2.105-A5 Urban Development Area (UDA) Development Criteria
- Policy 2.110-E Community Activity Center (CAC)
- Policy 2.110-E-3, and E-4 Location Criteria, and Development Criteria
- Policy 2.113-B-4: Development within a Community Activity Center
- Policy 2.131-B.2.1 – A13 Preservation

Findings of Fact

Request and Legal Status

- The applicant is requesting a Future Land Use (FLU) designation change from Preservation-X (PRES-X) to Community Activity Center-X (CAC-X) in the Urban Development Area (UDA), and the Ronald Regan Selected Area Plan (SAP).
- The applicant submitted the request to change the FLU on portions of three (3) parcels which total 19.12± acres, the request is for 7.48± acres.
- The subject site is located within the Providence DRI (DRI #2), the requested Land Use change represents an expansion of the commercial neighborhood N-27, currently CACX. The expansion does not provide the DRI with any additional entitlements, the DRI's entitlements are contained within the DRI's Development Order. This request is related to LDDRI-2023-1 which allows for the expansion of N-27 as well as other amendments to the Providence DRI.
- The Providence DRI was originally approved as Oak Hills Estates DRI (DRI 90-04) on October 16, 1990, prior to the adoption of the Comprehensive Plan in 1991. Developments approved prior to the adoption of the Comprehensive Plan retain vesting rights from the original development agreement.
- The subject site is located on the east side of US Hwy 17/92 south of Ronald Reagan Parkway and north of Ernie Caldwell Boulevard northeast of Davenport city limits, in Section 12, Township 26 and Range 27; and Section 07, Township 26 and Range 28.

Compatibility

- The description of the existing uses surrounding the subject site are as follows:
 - North of the subject, is the Publix anchored Loughman Crossings,
 - East of the subject, cemetery, vacant CACX, and Vistamar Villages, a residential development,
 - South of the subject, the Providence DRI, wetlands, and single-family detached,
 - West of the subject, the Pointe Grand Apartments are currently under construction.

Infrastructure

- The subject site is located within the Polk County Utilities Northeast Regional Service Area for water and wastewater. There is a water, wastewater and reclaimed water distribution lines along the Ronald Reagan Parkway/Kenny Harmon Road, adjacent to the site.
- It is anticipated at the highest use, the demand will not change as the DRI entitlements will not be increased by this request, However the potential for this site would be to need 57,346 Gallons Per Day (GPD) for potable water and generate 45,877 GPD for wastewater based on 7.48± acres of Community Activity Center-X (CAC-X). It is noted that the Land Use request does not provide for additional entitlements, The Providence DRI is vested with the entitlements.
- The zoned schools for the site are Loughman Oaks Elementary, Shelly Boone Middle, and Davenport Senior High School.
- The subject site is approximately 1.4 miles from the nearest Fire and Emergency Management Station (EMS), Fire Station #20, located at US Highway 17/92 N, Davenport.
- The nearest Sheriff's office is the Northeast District Office, 1100 Dunson Road, Davenport, approximately 6.9 miles from the subject site.
- Ronald Reagan Parkway is an urban collector, it runs east and west from US 27 to the Osceola County Line and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".
- US 17/92 is a principle arterial, it runs north and south and is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of "C".
- The nearest mass transit route is the Citrus Connection 19X – Posner Park / Poinciana Express which connects Posner Park and the Poinciana Sunrail station.
- The nearest park is Loughman Park on Old Kissimmee Road to the north of the subject site.

Environmental

- According to the soil survey by the United States Department of Agriculture, the subject site is made up of two (2) soil types; Hontoon muck, frequently ponded, 0 to 1 percent

slopes, and Pomona Fine Sand. The soils are considered wetlands. If the request is approved the site will be mitigated through Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD). Future development of the site will be subject to Section 2.303: "Soils" of the County's Comprehensive Plan (in conjunction with the Land Development Code) which requires all development too implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

- The subject's parent site, Providence DRI, encompasses over 2,300 acres with a total of 806± acres of wetlands. The requested Land Use change will impact 7.48± acre, or less that 1% of the total wetlands within the Providence DRI.
- The Oak Hills Estates DRI Application for Development Approval (ADA) in PART III, 16 Environmental and Natural Resources: Wetlands, the plan proposed and was approved for alteration or disturbance to wetlands. (section attached under separate cover),
- The subject site is located entirely within Flood Zone AE with a Base Flood Elevation of 90.4 feet.
- The subject site is not located within an Airport Notification Zone.
- The subject site is located within a one-mile radius of an eagle's nest, according to the Florida Fish and Wildlife Conservation Commission (2015).
- There are no known historical or archeological resources onsite, according to the Secretary of State's Department of Historical Resources Florida Master Site File.
- There are no known wells on the site. The nearest Wellfield-Protection District is 5+ miles to the southwest.

Comprehensive Plan Policies

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

- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
 - b. nearness to agriculture-production areas;
 - c. distance from populated areas;
 - d. economic issues, such as minimum population support and market-area radius (where applicable);
 - e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 2. sanitary sewer and potable water service;
 3. storm-water management;
 4. solid waste collection and disposal;
 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 6. emergency medical service (EMS) provisions; and
 7. other public safety features such as law enforcement;
 8. schools and other educational facilities
 9. parks, open spaces, civic areas and other community facilities
 - f. environmental factors, including, but not limited to:
 1. environmental sensitivity of the property and adjacent property;
 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 3. wetlands and primary aquifer recharge areas;
 4. soil characteristics;
 5. location of potable water supplies, private wells, public well fields; and
 6. climatic conditions, including prevailing winds, when applicable.
- POLICY 2.105-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Urban Growth Areas:
 - a. **ACTIVITY CENTERS:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.

- b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.
- c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.

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

- **POLICY 2.105-A5: DEVELOPMENT CRITERIA** - Development within UGAs shall conform to the following criteria as further specified in the Land Development Code:
 - a. connect to centralized potable water;
 - b. connect to centralized sanitary sewer systems if available.
 - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;
 - d. promote the implementation of "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;
 - e. promote the integration of pedestrian-oriented features, including sidewalks, trails, or walkways into every development including appropriate pedestrian shelters or awnings;
 - f. provide access to civic space, parks, green areas, and open space and other amenities;
 - g. be supported by public safety (i.e., fire, EMS and law enforcement);
 - h. have access to public schools;
 - i. be encouraged to provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas;
 - j. encourage the inclusion of a variety of housing choices and mixed uses; and
 - k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A);

- **POLICY 2.110-E-3: LOCATION CRITERIA** - Community Activity Centers shall be located at the intersections of arterial and/or collector roads, and preferably with the capability to accommodate a fixed route mass-transit line. There shall be the following traveling distance, on public roads, between the center of a Community Activity Center and the center of any other Community Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same community shopping needs:
 - a. Four (4) miles within the TSDA and UGA
 - b. Six (6) miles within the SDA and UEA
 This required separation may be reduced if:
 - a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or,
 - b. The proposed Community Activity Center market-area radius, minimum population support is over 50,000 people.

- **POLICY 2.113-B-4: DEVELOPMENT CRITERIA**- Development within a Community Activity Center shall conform to the following criteria:
 - a. Community Activity Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.

- b. Different uses within a Community Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.
- e. New residential shall be limited to Special Residential and shall not exceed 30 percent of the total area of the community activity center. Location of residential units above stores shall be encouraged by not considering such units against the maximum residential percentages.
- f. There shall be no limits on the mix of office and commercial uses within a Community Activity Center.
- g. The maximum floor area ratio shall not exceed 0.30 unless developed as a Planned Development.
- h. Planned Developments within the Community Activity Center may be permitted a maximum floor area ratio up to 1.0 and a maximum residential density of 25 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.

- **SECTION 620: WETLAND PROTECTION:**

- A. **Purpose and Intent (Rev. 06/04/13 Ord 13-020)**

It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations.

- B. **Applicability (Rev. 06/04/13 Ord 13-020)**

1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following:
 - a. The U.S. Army Corps of Engineers (USACOE).
 - b. The Florida Department of Environmental Protection (FDEP).
 - c. The Southwest Florida Water Management District (SWFWMD).
 - d. The South Florida Water Management District (SFWMD).
2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County.
3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

- C. **Development Standards:** All development within areas covered by this Section shall comply with the following:
1. Wetland impacts shall be avoided to the maximum extent possible.
 2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for:
 - a. Access to the site;
 - b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
 - c. Utility transmission and collection lines;
 - d. Pre-treatment storm water management facilities;
 - e. Mining uses which meet State and Federal regulations; or
 - f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan.
- D. **Beneficial Use:** If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.
- E. **Density Transfers:** Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following:
1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres.
 2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the base land use density if the base density is less than one dwelling unit per acre, and when there has been no disturbance to wetlands. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within wetland areas.
 3. All such transfers of density shall:
 - a. Be contiguous property under the same ownership;
 - b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code;
 - c. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and
 - d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners.
- F. **Allowable Uses:** Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:
1. Scenic, historic, wildlife, or scientific preserves;
 2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;

3. Cultivating agricultural or horticultural products that occur naturally on the site;
 4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.).
- G. Onsite Sewage Disposal System (OSDS)
The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2023-21.**

Planning Commission Recommendation: On February 7, 2024, at an advertised public hearing, the Planning Commission recommend **??** to **APPROVE or DENY LDCPAS-2023-21.**

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

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

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest CACXX Convenience Store & Vacant	North CACX Loughman Crossing	Northeast CACX & RL-4X Vacant CACX & Vista Mar Villages
West CACX Pointe Grand Apartments	Subject Site A/RR Vacant / Pasture	East CACX & RL-4X Vacant CACX & Vista Mar Villages
Southwest CACX Vacant & Pointe Grand Apartments	South CACX & PRES-X Vacant	Southeast CACX & PRES-X Vacant

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

Compatibility with the Surrounding Uses

Compatibility is often regarded as a subjective term used to express ones' opinion or feeling about the appropriateness of locating differentiating uses rather than being based upon facts or evidence to support those opinions or feelings. According to *Policy 2.102-A2* of Polk County's Comprehensive Plan, "land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; and c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development." The "development criteria" and the "density and dimensional regulations" of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

The subject site is located within the Providence DRI, with existing entitlements. This request does not provide for an increase in entitlements, it allows for a more efficient design plan for the N-27 Commercial Neighborhood. The site's location for the requested change is located at the southern quadrant of US 17/92 and Ronald Reagan/Kenny Harmon Road. The northwest and northeast boundaries of the site are the right-of-way lines to each of these roads. The request allows for the existing Commercial Neighborhood to request an access from US 17/92 for FDOT, which would not be permissible as PRESX. The change also allows for the site to be utilized for stormwater retention and will allow for a more efficient commercial center located at the intersection of principle arterial and urban collector roads. To the north of the site is the Publix anchored Loughman Crossings. East of the site is an area fronting US 17/92 of vacant CACX, and Vistamar Villages, a residential development

within a RL-4X Land Use district. To the south of the site is the Providence DRI. West of the subject site the Pointe Grand Apartments are currently under construction. The site location is within an area that is experiencing rapid growth in the northeast Polk County market.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property, as shown in Table 2, include Loughman Oaks Elementary, Shelly Boone Middle and Davenport Senior High School. The applicant does not need to address capacity for the described project as it is not anticipated to generate a use impacting school concurrency. While CAC permits multi-family development the N-27 of the Providence DRI is designated for commercial development and not residential development.

Table 2: Schools

Name of School	Average driving distance from subject site
Loughman Oaks Elementary	1.4 ± miles driving distance
Shelly Boone Middle School	10.8 ± miles driving distance
Davenport Senior High	2.3 ± miles driving distance

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office is northeast of the site and the Fire and Emergency Management Station is located southeast of the site.

Table 3 Public Safety Information

	Name of Station	Distance Response Time
Sheriff*	Polk County Sheriff Office’s Northeast District Office, 1100 Dunson Road, Davenport	6.9 +/- miles W Priority 1: 12:29 Priority 2: 26:00
Fire/ EMS	Polk County Fire and Emergency Management Station #20, 4611 US Highway 17/92 N, Davenport	1.4 +/- miles SE

Source: Polk County Sheriff’s Office and Polk County Fire Rescue. *Response times are based on December 2023 data.

Sheriff response times are not as much a function of the distance to the nearest Sheriff’s substation, but more a function of the overall number of patrol officers within the County.

Water and Wastewater

A. Estimated Demand and Service Provider

The subject site is within Polk County Utilities Northeast Regional Service Area. The estimated demand for potable water at the highest capacity at maximum buildout is 57,346 Gallons per Day (GPD) and 45,877 GPD capacity for wastewater. The requested change does not provide for any increase in entitlements; therefore, this request will not generate any additional water, wastewater than currently permitted by the DRI.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use PRES-X	Maximum Permitted in Proposed CAC-X
7.48 +/- acres 325,829 sq. ft.	325,829 sq. ft x 0.00005 FAR= 16 sq ft	325,829 sq. ft x 0.80 FAR= 260,663 sq ft
Potable Water Consumption	16 x 0.24 GPD 4 GPD	260,663 x 0.22 GPD 57,346 GPD
Wastewater Generation	4 x 0.80 percent = 3 GPD	57,346 x 0.80 percent = 45,877 GPD

Source: Polk County Maximum Feasible Buildout Methodology; PRES 0.00005 FAR; Dance Hall 0.24 per square foot Water and 80% Wastewater; CAC 0.35 FAR; Supermarket and Grocery 0.22 per square foot Water and 80% Wastewater

B. Available Capacity

Table 4 provides a scenario of the maximum buildout of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential using the current and proposed Future Land Use designation. The proposed development represents an expansion of the existing CAC-X district and will allow for a more efficient utilization of the existing CAC-X and not increase the entitlements or intensity within the CAC-X to the extent indicated. Therefore, this request will not generate any additional water, wastewater than currently permitted by the DRI.

C. Planned Improvements

There are no known utility improvements near the subject site or for the Polk County Utilities Northeast Regional Service Area.

Roadways/Transportation Network

D. Estimated Demand

Table 5 see below, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The proposed request will generate more AADT and PM Peak Hour Trips than A/RR Future Land Use Trips.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use PRES-X	Maximum Permitted in Proposed CAC-X
7.48 +/- acres 325,829 sq. ft.	325,829 sq. ft x 0.00005 FAR= 16 sq ft 16 / 1,000 = 0.016	325,829 sq. ft x 0.80 FAR= 260, sq ft 236,270 / 1,000 = 236
Average Annual Daily Trips (AADT)	.016 x 17.14 AADT x 49%= 0 Trips	236 x 24.43 AADT x 76%= 4,382 Trips
PM Peak Hour Trip	.016 x 1.83 PM Peak x 49%= 0 Trips	236 x 3.40 PM Peak x 76%= 610 Trips

Source: Polk County Maximum Feasible Buildout Methodology; PRES 0.00005 FAR; Racquet Club; CAC 0.35 FAR; Discount Store

E. Available Capacity

Table 6 below displays the available capacity for US 17/92 and CR 54 (Roald Reagan Pkwy / Kenny Harmon Road). There is not available capacity in the PM Peak Hour for maximum buildout. It should be noted that the Land Use request does not increase entitlements, the entitlements for the Providence DRI are within the Development Order. Therefore, this request will not generate any additional trips than currently permitted by the DRI. However, all Level 2 requirements at the time of development will be required to be met.

Table 6 Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
7305E 7305W	CR 54 (Ronald Reagan Pkwy) Lake Wilson Rd to US 17/92	4D UC	C	600 552	D	C
5907E 5907W	Ronald Reagan Pkwy/Kenny Harmon Road US 17/92 to Osceola County Line	2U UC	C	305 285	D	C
5121N 5121S	US 17/92 CR 547 to Osceola County Line	2U PA	C	135 164	D	C

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

F. Roadway Conditions

CR 54 (Roald Reagan Pkwy / Kenny Harmon Road) is an urban collector that runs east and west, the western portion is 4-lane divided, the eastern portion is a 2-lane undivided road and is monitored by the Polk County TPO with a LOS of “C”. US 17/29 is a 2-lane undivided Principle Arterial road which runs north and south. It is monitored by the Polk County Transportation Planning Organization (TPO) with a Level of Service (LOS) of “C”.

G. Planned Improvements

There are no current improvements planned for this area. However it is noted that FDOT does have US 17/92 on an unfunded long-range plan for further widening in the area.

H. Mass Transit and Sidewalk Network

The nearest mass transit route is the Citrus Connection 19X – Posner Park / Poinciana Express which connects Posner Park and the Poinciana Sunrail station.

Park Facilities

The nearest park is Loughman Park on Old Kissimmee Road to the north of the subject site. There are no environmental lands abutting the site. The closest environmental site is the Reedy Creek Mitigation Bank.

A. Location:

Loughman Park is located at 6302 Old Kissimmee Road approximately 2.25 north of the subject site.

B. Services:

The current hours of operation are from 5 a.m. to 10 p.m. The complex offers baseball, soccer, and multi-purpose fields as well as a playground, pavilion, picnic table and sports leagues.

C. Multiuse Trails:

The closest free hiking trails are the Snell Creek Trails and Lake Marion Creek Management Area Trails.

D. Environmental Lands:

The Reedy Creek Mitigation Bank is east of the subject site. The Reedy Creek Mitigation Bank is a 3,520-acre mitigation bank that is located in Polk/Osceola County, Florida. The bank was permitted by both the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (USACOE) and can be utilized as mitigation for impacts within the service area.

E. Planned Improvements:

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

Environmental Conditions

There are severe environmental limitations with the development of this property. The subject site is a wetland, and the soils are predominantly Hontoon muck. The subject's parent site, Providence DRI, encompasses over 2,300 acres with a total of 806± acres of wetlands. The requested Land Use change on the subject site, will impact 7.48± acres. There are no wells or public Wellfields on site and the property is not within an airport restriction zone. There have been sightings of protected species in the area.

A. Surface Water:

The subject site, of the requested Land Use request, is comprised of wetlands and does appear to have standing water for parts of the year. The site is adjacent to an upland tract that it is proposed to be developed with.

The property is relatively flat with an elevation of 89 feet, the uplands to the southeast and south have an elevation of 92 feet +.

B. Wetlands/Floodplains:

The subject site, of the requested Land Use request, is located with wetlands and a flood zone. The site which is bordered by US Highway 17/92 to the northwest, Ronald Reagan Parkway to the northeast, upland Community Activity Center-X (CAC-X) to the southeast, and Preservation-X (PRES-X) to the southwest. Both Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) acknowledge and approve the impact, with the Environmental Resource Permit requiring mitigation be completed offsite. Based on the scale of the project and the fact that the impacted wetlands are less than 1% of the total wetlands within this project, it appears that the design professionals have made a considerable effort in reducing the impact to any areas of significant ecological value. The wetlands of higher ecological value have been prioritized and maintained. It is considered that the project meets the

intent of Chapter 6 of the Land Development Code and the Comprehensive Plan, with respect to wetlands. Richard Benton, Floodplain Manager, Land Development was consulted and reviewed the analysis from both FDEP and SWFWMD.

This intersection has experienced significant growth and impacts to this quadrant of the intersection. As recently as 2007, both US 17/92, and Ronald Reagan were 2-lane undivided roads, with Keny Harmon Road an unpaved road. By 2009 Kenny Harmon was a paved 2-lane road with Ronald Reagan Parkway widened with dedicated north and south turn lanes. US 17/19 was widened with turn lanes also, impacting the wetlands in the area. By 2017 US 17/92 was widened with 2 dedicated turn lanes to the west, one to the east, Kenny Harmon Road, 2-lanes east bound, 2-lanes west bound, one dedicated turn lane north bound, and two dedicated turn lanes south bound. These road improvements have impacted the wetlands (PRESVX) at this site. It is also noted that the Oak Hills Estates DRI Application for Development Approval (ADA) in PART III, 16 Environmental and Natural Resources: Wetlands, the plan proposed and was approved for alteration or disturbance to wetlands. (section attached under separate cover).

The Providence DRI was originally approved as Oak Hills Estates DRI (DRI 90-04) on October 16, 1990, prior to the adoption of the Comprehensive Plan in 1991. Developments approved prior to the adoption of the Comprehensive Plan retain vesting rights from the original development agreement.

The subject site is fully located within Flood Zone AE with a Base Flood Elevation of 90.4 feet.

C. Soils:

The soil types and limitations, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, are listed in Table 8. The soils are considered wetlands. If the request is approved the site will be mitigated through Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) and will need to meet minimum soil stabilization standards for any development that is located on the site.

Table 8 Soil Information

Soil Name	Septic Tank Absorption Field Limitations	Small Commercial Buildings	% of Site (approximate)
Hontoon muck, frequently ponded, 0 to 1 percent slopes (35)	Severe	Severe	75%
Pomona Fine Sand (30)	Severe	Severe	25%

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

D. Protected Species:

According to Polk County Endangered Habitat Maps, the subject site is located within a one-mile radius of an eagle’s nest sighting. (Source: Florida Department of Environmental Protection, 2015). The burden of identifying endangered species is on the developer.

E. Archeological Resources:

According to the Florida Department of State, Division of Historical Resources, Florida Master Site File, there is a historical burial site east of the site, not within the subject site area.

F. Wells (Public/Private):

There are no public wells on-site per the Applicant’s Impact Assessment Statement. The subject site is not within a Wellfield Protection District.

G. Airports:

The property is not within an Airport Impact District (AID) height notification zone.

Consistency with the Comprehensive Plan

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

- Section 2.102 – General Growth Management policies
- Policy 2.105-A3 Urban Development Area (UDA) Land Use Categories
- Policy 2.105-A5 Urban Development Area (UDA) Development Criteria
- Policy 2.110-E Community Activity Center (CAC)
- Policy 2.110-E-3, and E-4 Location Criteria, and Development Criteria

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
<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: 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 request is to expand the CACX land use district within the Providence DRI commercial neighborhood known as N-27. The expansion does not increase the entitlements within the DRI. The site is located at the southern quadrant of the Ronald Reagan Parkway/Kenny Harmon Road and US 17/92 with existing NACX located on the remaining three corners of the intersection.</p>
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The request for the Future Land Use designation is consistent with the Development Location policy. The area has public water and sewer, public transit, and part of an expansion of the existing CACX, with no additional entitlements.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</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>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: <ul style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> 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 request for the Future Land Use designation is consistent with the Location Criteria. The area has public water and sewer, public transit, and part of an expanding warehouse employment and distribution center.</p>
<p>POLICY 2.105-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Urban Growth Areas:</p> <ul style="list-style-type: none"> a. ACTIVITY CENTERS: Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, 	<p>The requested Future Land Use designation is listed in this policy. Therefore, the request is consistent with this policy to permit CACX.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.</p> <p>b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.</p> <p>c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.</p> <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>POLICY 2.105-A5: DEVELOPMENT CRITERIA - Development within UGAs shall conform to the following criteria as further specified in the Land Development Code:</p> <p>a. connect to centralized potable water;</p> <p>b. connect to centralized sanitary sewer systems if available.</p> <p>c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;</p> <p>d. promote the implementation of "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;</p> <p>e. promote the integration of pedestrian-oriented features, including sidewalks, trails, or walkways into every development including appropriate pedestrian shelters or awnings;</p> <p>f. provide access to civic space, parks, green areas, and open space and other amenities;</p> <p>g. be supported by public safety (i.e., fire, EMS and law enforcement);</p> <p>h. have access to public schools;</p> <p>i. be encouraged to provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas;</p> <p>j. encourage the inclusion of a variety of housing choices and mixed uses; and</p> <p>k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A)</p>	<p>The request is consistent with this policy as the subject site has adequate access to public safety services.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.110-E-3: LOCATION CRITERIA - Community Activity Centers shall be located at the intersections of arterial and/or collector roads, and preferably with the capability to accommodate a fixed route mass-transit line. There shall be the following traveling distance, on public roads, between the center of a Community Activity Center and the center of any other Community Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same community shopping needs:</p> <ul style="list-style-type: none"> a. Four (4) miles within the TSDA and UGA b. Six (6) miles within the SDA and UEA <p>This required separation may be reduced if:</p> <ul style="list-style-type: none"> a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or, b. The proposed Community Activity Center market-area radius, minimum population support is over 50,000 people. 	<p>The request is an expansion of the CACX, within the Providence DRI, to the northwest. The subject site is located at the intersection of US 17/92, a Principle Arterial, and Ronald Reagan Parkway/Kenny Harmon Road an Urban Collector. This area is one of the fastest growing areas located in northeast Polk County.</p>
<p>POLICY 2.110-E-4: DEVELOPMENT CRITERIA- Development within a Community Activity Center shall conform to the following criteria:</p> <ul style="list-style-type: none"> a. Community Activity Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway. b. Different uses within a Community Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical. c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic. d. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions. e. New residential shall be limited to Special Residential and shall not exceed 30 percent of the total area of the community activity center. Location of residential units above stores shall be encouraged by not considering such units against the maximum residential percentages. f. There shall be no limits on the mix of office and commercial uses within a Community Activity Center. 	<p>The subject site fronts both US 17/92, a Principle Arterial and Ronald Reagan Parkway, an Urban Collector as stated in “A” of the policy.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>g. The maximum floor area ratio shall not exceed 0.30 unless developed as a Planned Development.</p> <p>h. Planned Developments within the Community Activity Center may be permitted a maximum floor area ratio up to 1.0 and a maximum residential density of 25 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.</p>	
<p>POLICY 620: WETLAND PROTECTION-</p> <p>A. Purpose and Intent (Rev. 06/04/13 Ord 13-020) It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations.</p> <p>B. Applicability (Rev. 06/04/13 Ord 13-020)</p> <ol style="list-style-type: none"> 1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following: <ol style="list-style-type: none"> a. The U.S. Army Corps of Engineers (USACOE). b. The Florida Department of Environmental Protection (FDEP). c. The Southwest Florida Water Management District (SWFWMD). d. The South Florida Water Management District (SFWMD). 2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County. 3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater. <p>C. Development Standards: All development within areas covered by this Section shall comply with the following:</p>	<p>The subject site has been reviewed by both The South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) with determinations from both agencies that, with consideration of the location of the subject site at the heavily traveled and expanded intersection of US 17/92 and Ronald Reagan Parkway/Kenny Harmon Road, along with analysis from the applicant that mitigation of the site is appropriate. The site represents less than 1% of the total protected wetlands within the Providence DRI. The anticipated impacts within the mitigated wetlands, per the SFWMD and FDEP applications indicate the primary use within the area will be stormwater retention and access.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>1. Wetland impacts shall be avoided to the maximum extent possible.</p> <p>2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for:</p> <ul style="list-style-type: none"> a. Access to the site; b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety; c. Utility transmission and collection lines; d. Pre-treatment storm water management facilities; e. Mining uses which meet State and Federal regulations; or f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan. <p>D. Beneficial Use: If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.</p> <p>E. Density Transfers: Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following:</p> <ul style="list-style-type: none"> 1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres. 2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the base land use density if the base density is less than one dwelling unit per acre, and when there has been no disturbance to wetlands. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within wetland areas. 3. All such transfers of density shall: <ul style="list-style-type: none"> a. Be contiguous property under the same ownership; b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code; c. Not result 	

Comprehensive Plan Policy	Consistency Analysis
<p>in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners.</p> <p>F. Allowable Uses: Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:</p> <ol style="list-style-type: none"> 1. Scenic, historic, wildlife, or scientific preserves; 2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds; 3. Cultivating agricultural or horticultural products that occur naturally on the site; 4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.). <p>G. Onsite Sewage Disposal System (OSDS): The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.</p>	
<p>POLICY 2.131-B.2.1.A13: PRESERVATION (PRESVX) - The characteristics of the Preservation future land use district shall be in conformance with Section 2.118 of the Comprehensive Plan.</p> <p>(a) DESIGNATION AND MAPPING - All wetland areas deemed under the jurisdiction of the Army Corps of Engineers, Florida Department of Environmental Protection or the Water Management District (South or Southwest Florida) shall be designated PRESVX regardless of their appearance on the generalized Future Land Use Map.</p> <p>(b) PURPOSE - The purpose of the preservation district is to offset and mitigate the impact upon the regional environmental system that is anticipated to result from the urbanization of the area.</p> <p>(c) DEVELOPMENT STANDARDS -</p> <ol style="list-style-type: none"> i. PERMITTED USES - The following uses shall be allowed: <ol style="list-style-type: none"> 1. access to the site where other alternatives do not exist; 2. internal traffic or pedestrian circulation, where other alternatives do not exist, or for purposes of public safety; 3. utility transmission and collection lines; 4. passive recreation facilities; and, 5. pre-treated storm-water management. ii. PROHIBITED USES - All uses not listed as permitted. 	<p>Per the South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) applications indicate the primary use within the area will be stormwater retention and access.</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. Table 9 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl.

Table 9 Urban Sprawl Criteria

Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Sections were referenced in this report
a. <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

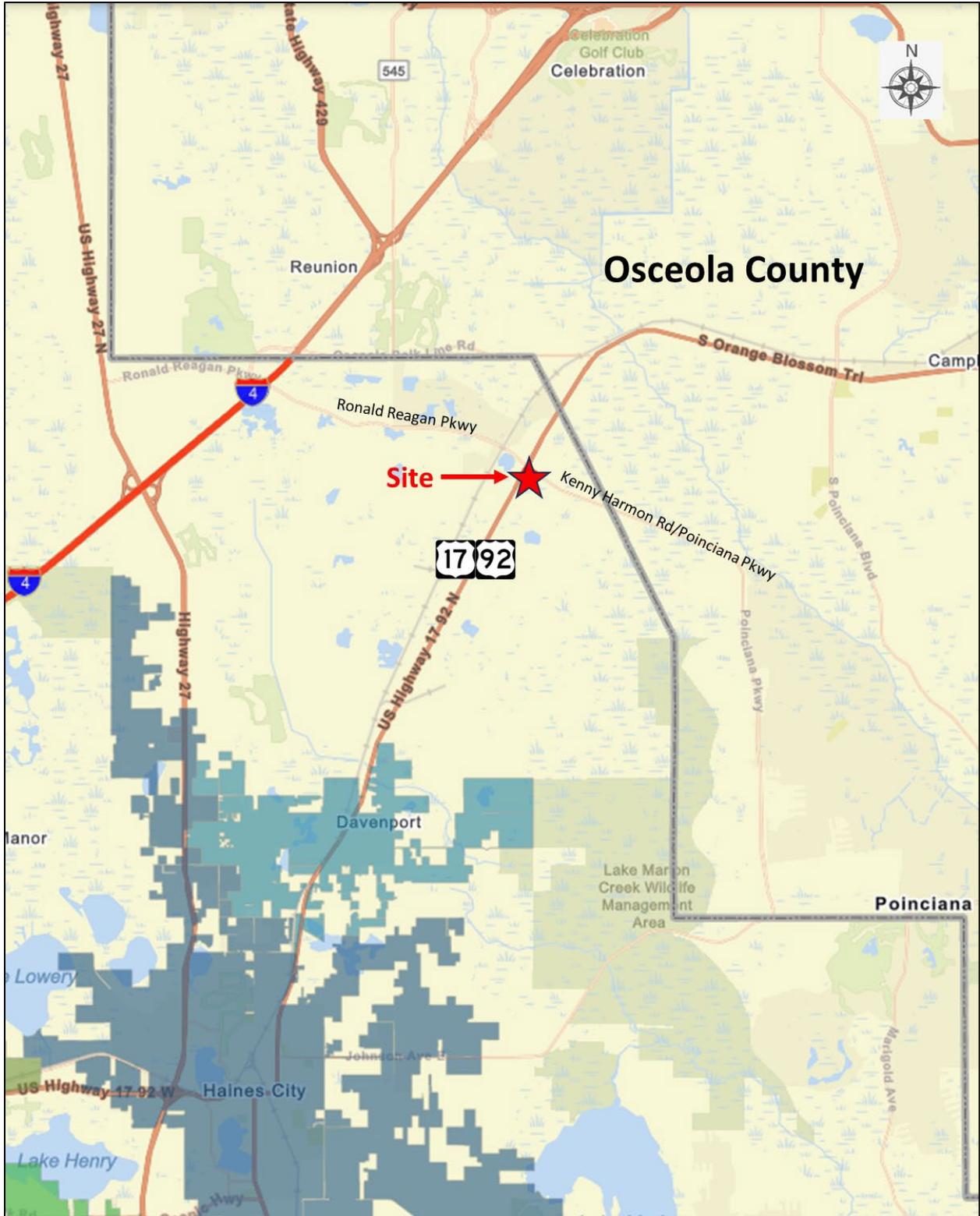
Comments from other agencies:
Florida Department of Environmental Protection – Separate Attachment

Southwest Florida Water Management District – Separate Attachment

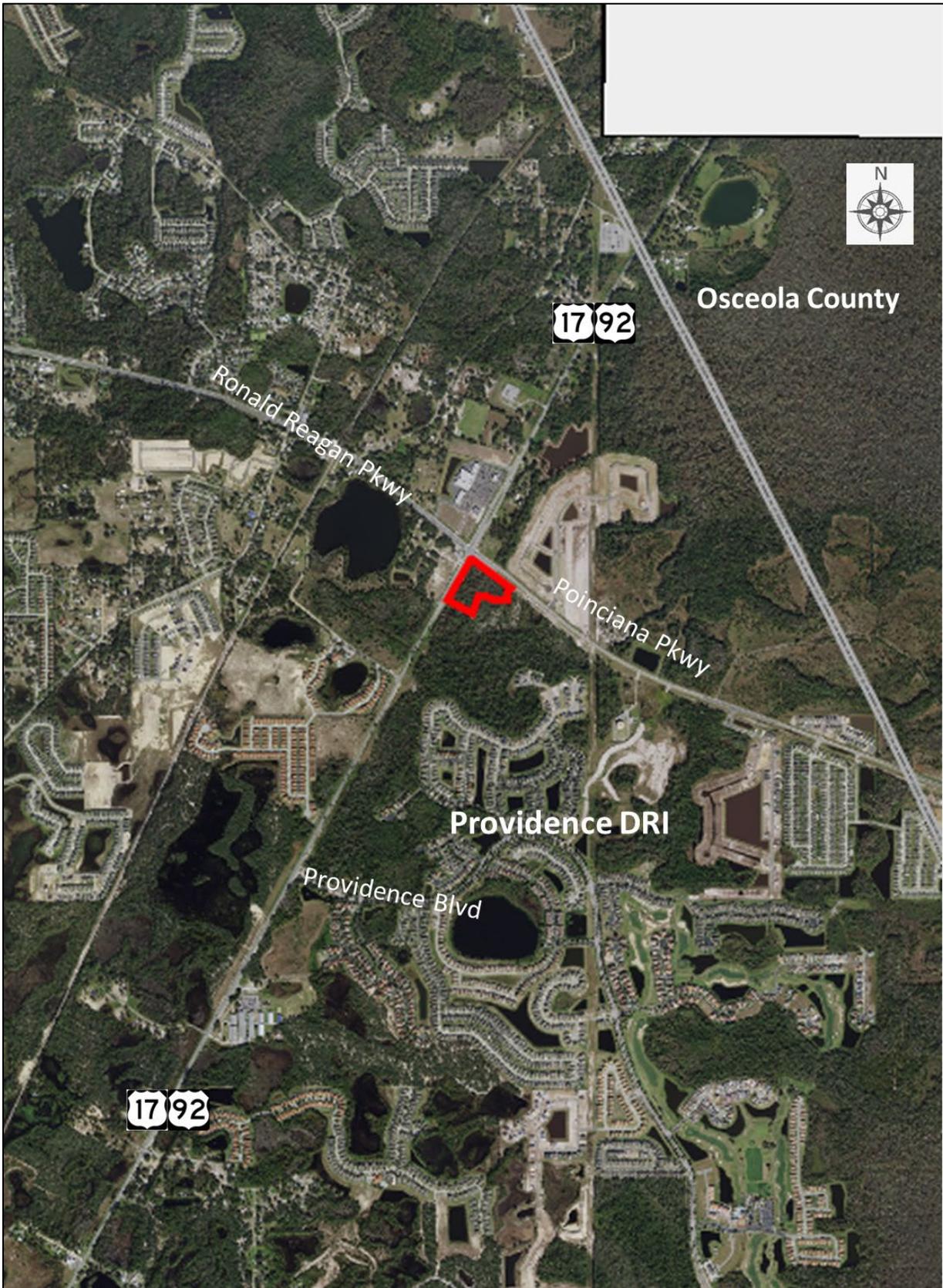
Attachments:

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

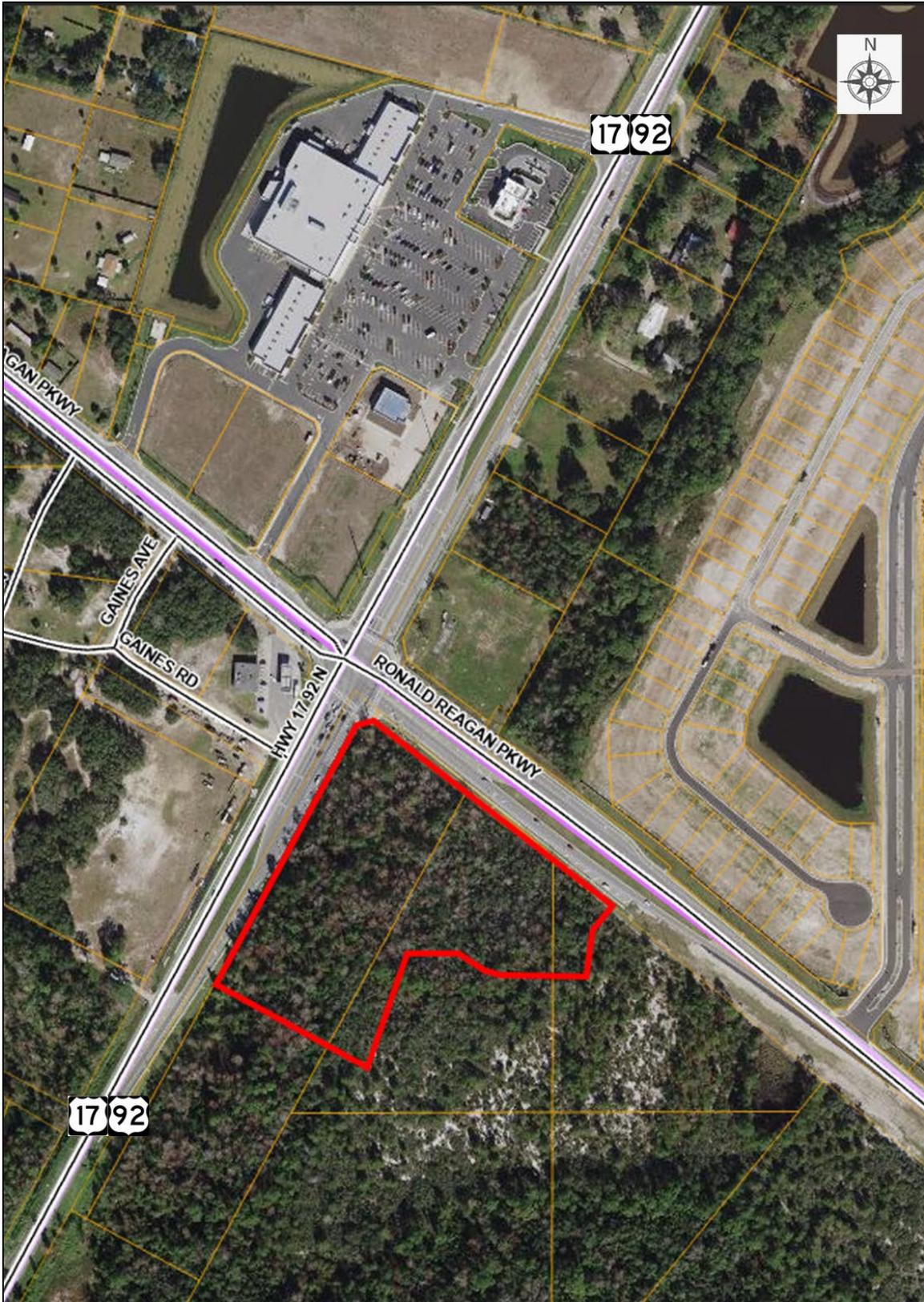
Applicant's submitted documents and ordinance as separate files



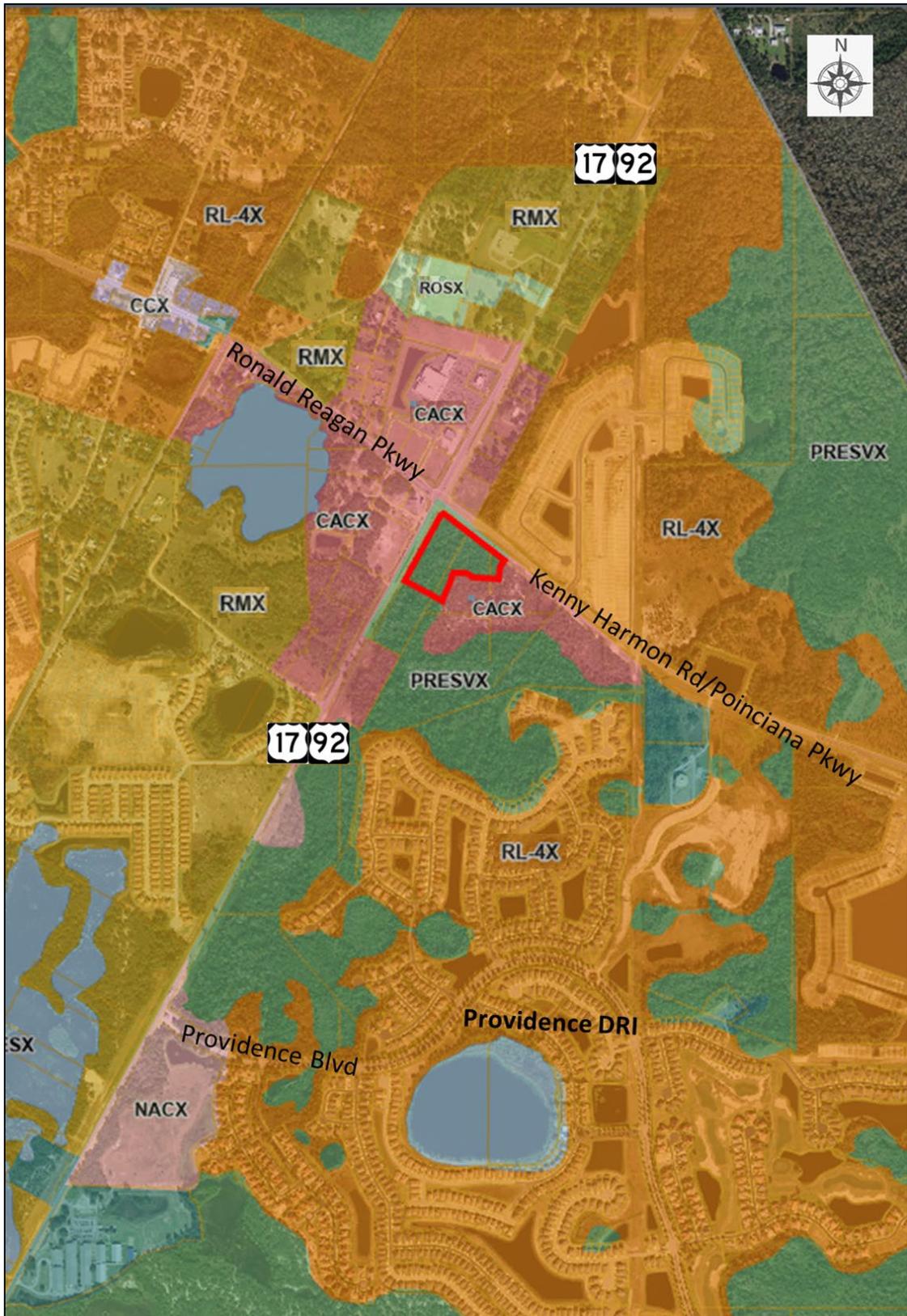
LOCATION MAP



AERIAL MAP CONTEXT

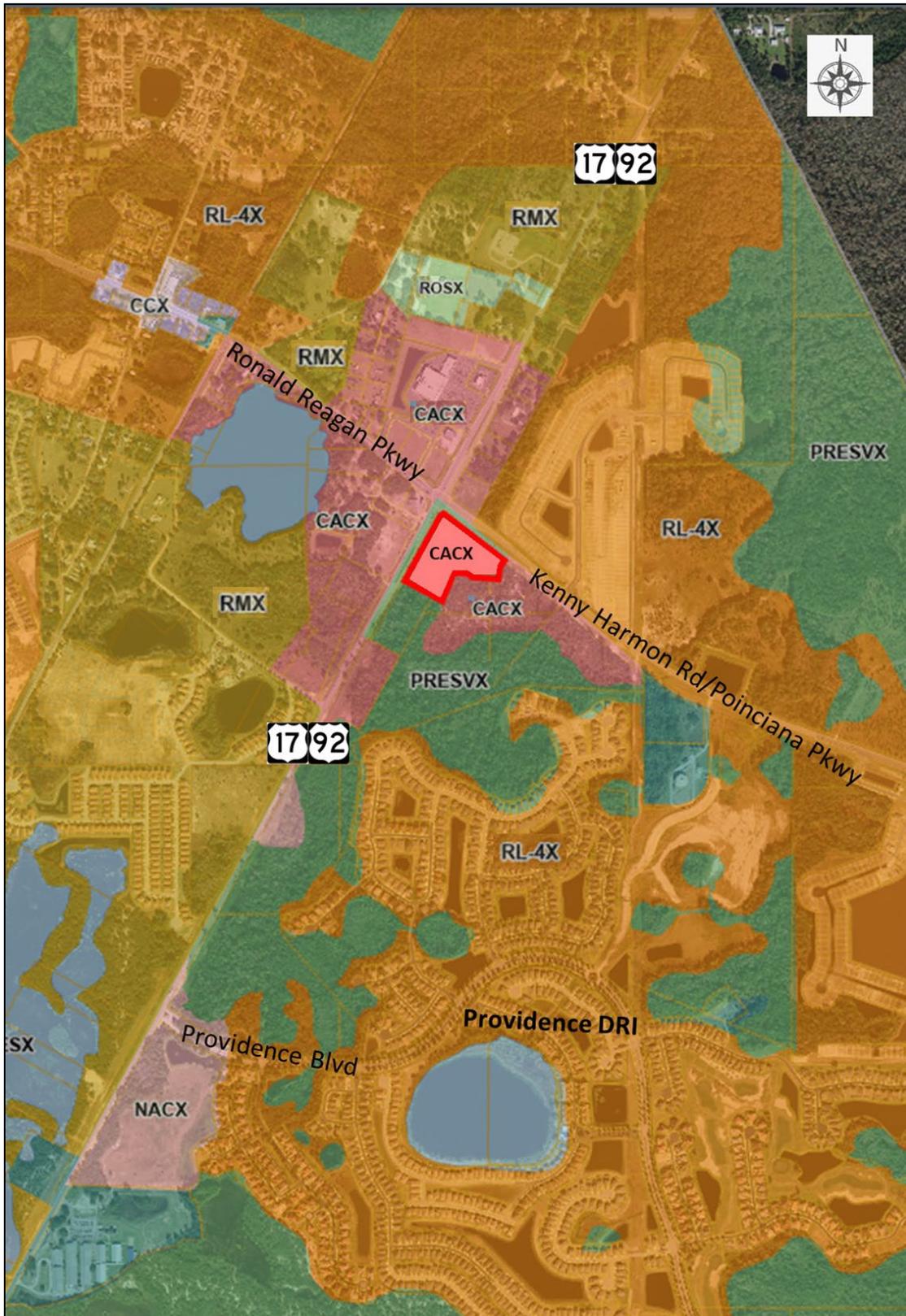


AERIAL MAP CLOSE UP



CURRENT FUTURE LAND USE MAP

Preservation



PROPOSED FUTURE LAND USE MAP

Community Activity Center

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
PRESV	Utilities- Class I	Recreation- Passive	Planned Development, Communication Tower- Monopole, Communication Towers- Guyed and Lattice

CURRENT PERMITTED AND CONDITIONAL USES Preservation

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
CAC	Car Wash- Full Service, Car Wash- Incidental, Car Wash- Self Service, Childcare Center, Clinics & Medical Offices, Farming General, Financial Institution, Gas Station, Government Facility, Hospitals, Hotels and Motels, Nurseries and Greenhouses, Nurseries- Retail, Office, Personal Service, Restaurant- Sit-down/Take-out, Retail- 10-000 – 34-999 sq. ft., Retail- 35-000 - 64-999 sq. ft., Retail- Less than 10-000 sq. ft., Retail- More than 65-000 sq. ft., School- Leisure/Special Interest, Transit-Facility, Utilities- Class I, Utilities- Class II, Vehicle Service- Mechanical, Veterinary Service	Adult Use, Alcohol Package Sales, Bars- Lounges- and Taverns, Flea Market/Enclosed, Kennels- Boarding and Breeding, Marinas and Related Facilities, Recreation- Passive, Multi-family, Cemetery, Commercial Vehicle Parking, Communication Tower- Monopole, Community Center, Cultural Facility, Financial Institution- Drive Through, Funeral Home & Related Facilities, Heliports, Medical Marijuana Dispensaries, Nursing Home, Recreation & Amusement General, Religious Institution, Restaurant- Drive-thru/Drive-in, School- Technical/Vocational/Trade & Training, Self-storage Facility, Vehicle Sales- Leasing	Planned Development, Transitional Area Development, Communication Towers- Guyed and Lattice, Helistops, Mining- Non-phosphate, Nightclubs and Dance Halls, Retail- Outdoor Sales/Display, School- University/College, Utilities- Class III, Water Ski Schools, Flea Market/Open, Residential Treatment Facility

PROPOSED PERMITTED AND CONDITIONAL USES Community Activity Center