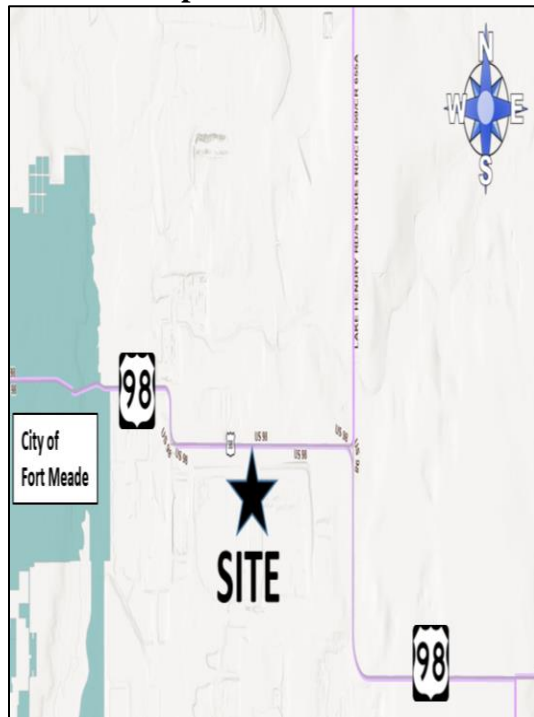


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

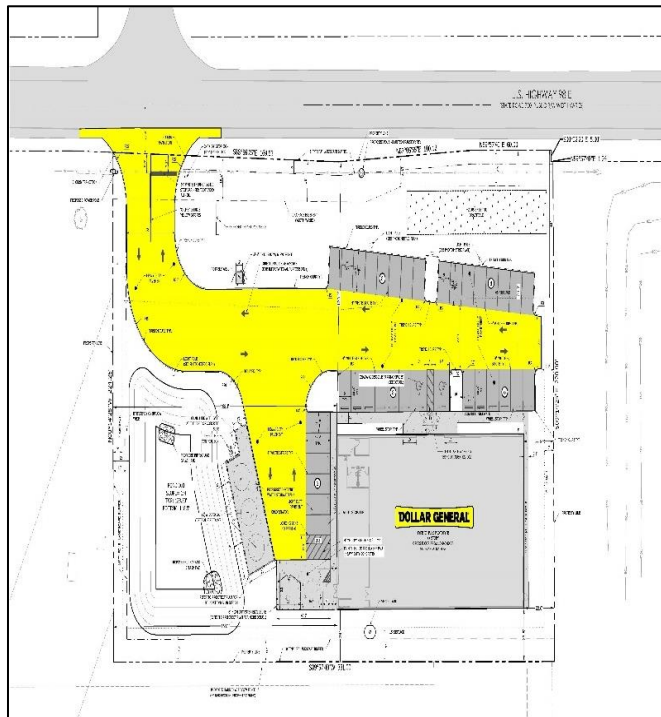
DRC Date: February 29, 2024	Level of Review: Level 3
PC Date: June 5, 2024	Type: Conditional Use
BoCC Date: N/A	Case Numbers: LDCU-2024-3
Applicant: Kendra Andrews	Case Name: US 98 & Brooke Road CU
	Case Planner: Mark J. Bennett, AICP, FRA-RA, Senior Planner

Request:	The applicant is requesting a Conditional Use approval of retail greater than 10,000 square feet (sf) to construct a 10,640 sf retail store.
Location:	South side of the US 98 and Brooke Road intersection, 2 miles east of the City of Fort Meade in Section 32, Township 31, Range 26
Property Owners:	Sun Grown Citrus LLC
Parcel Size (Number):	1.69 acres (portion of parcel 263132-000000-031030)
Future Land Use:	Rural Cluster Center (RCC)
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	Fort Meade
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Public Comment:	Pending

Location Map



Site Plan



Summary

The applicant is proposing to construct a 10,640-sf retail store. Per Table 2.1 of the Land Development Code, retail stores between 10,000 square feet and 34,999 square feet require a Level 3 Review with a public hearing and approval from the Planning Commission.

The case is based in part on a recent Comprehensive Plan Future Land Use Element policy text change to amend location criteria for RCCs (LDCPAL-2023-9) that the Planning Commission recommended approval of on January 3rd, 2024. On April 16th, 2024, the Board of County Commissioners approved this amendment. On May 1st, 2024, the Planning Commission recommended approval of a Comprehensive Plan Amendment to designate this site as an RCC and was approved by the County Commission on May 21st.

Compatibility Summary

Although this site is undeveloped, there are adjacent non-residential uses (convenience store with gas and a religious institution) on nearby parcels. Additionally, there is residential development along Brooke Road, with more residences further north as Brooke Road merges into Lake Hendry Road. These residences provide the adequate population support necessary to support the proposed use. Because of the surrounding adjacent uses, the approval of a Conditional Use for a retail store comprising 10,640 sf, which marginally exceeds the 10,000-sf threshold for a Level 3 review, should be compatible with the surrounding area.

As part of the approval for this project, proposed conditions of approval are recommended. These conditions, which are related to architectural/building design and project signage, are suggested to promote a quality living environment, as described in the Goal of the Future Land Use Element. The project will also be required to comply with other development criteria, such as shielded lighting, landscaping standards, and setback requirements.

Infrastructure Summary

The subject site will use a private well and septic tank. There is sufficient roadway capacity. Public safety facilities and services are available.

Environmental Summary

There are no wetlands or floodplains on the site and the soils are adequate for development.

Findings of Fact

Request and Legal Status

- LDCU-2024-03 is a request for a Conditional Use approval of a 10,640 sf retail store.
- The subject parcel is located at the US 98 and Brooke Road intersection on approximately 1.69 acres, which is a portion of parcel 263132-000000-031030.
- The subject site is within the Rural Development Area (RDA).

- A Rural-Cluster Center (RCC), as described in Policy 2.110-B1, Characteristics, serves as a focus for the rural community and generally contains public services, such as fire stations and schools, and retail-commercial uses at a level to serve the surrounding population.
- According to Table 2.1, Retail, greater than 10,000 sf is a “C3” use in the RCC land use district.
- On April 16th, 2024, The Board of County Commissioners approved a Comprehensive Plan text amendment (LDCPAL-2023-9) that includes changes to the RCC policies to add locational criteria.
- On May 1st, 2024, the Planning Commission recommended approval of LDCPAS-2023-24, a Plan Amendment Map change to redesignate the subject property from Agricultural/Residential-Rural (A/RR) and Phosphate Mining (PM) to Rural Cluster Center (RCC).
- On May 21st, 2024, the County Commission approved LDCPAS-2023-24.
- The Brooke Road/US 98 intersection already contains non-residential uses, such as a convenience store/gas station and a religious institution. Establishing a retail store at this location is consistent with the surrounding uses and development trends in the immediate area.

Compatibility

- The Comprehensive Plan defines Compatibility in Section 4.400 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 existing uses surrounding the site are:
 - North – Vacant (Open Pasture)
 - West – A mixture of woodlands and open pasture with an accessory structure, storage of agricultural equipment
 - East – Religious Institution
 - South – Open Pasture
- Brooke Road extends north from the subject site and merges into Lake Hendry Road, which then curves to the west and intersects with US 17 in Homeland. Within 3.83 miles of the site there are approximately 100 homes fronting along Brooke Road/Lake Hendry Road.

Infrastructure

- The zoned schools for the site are Lewis Anna Woodbury Elementary and Fort Meade Middle/High School High.
- Fire response to the subject property is from Polk County Fire Rescue Station 10, located at 1235 9th St NE N, Fort Meade, 33841. The estimated travel time is seven (7) minutes.

- Ambulance response is from Polk County Fire Rescue Station 10, located at 1235 9th St NE N, Fort Meade, 33841. The estimated travel time is seven (7) minutes.
- The subject site is within the Sheriff Department’s Southeast District. The Southeast District Office is located at 4120 US 98 South, Lakeland.
- Centralized potable water and sanitary sewer service is not available.
- The site is at the US 98/Brooke Road intersection. Brooke Road (Road No. 126903) is a paved rural minor collector with a 24-foot surface width.
- The nearest monitored link for concurrency is US 98. This Principal Arterial has a standard Level of Service (LOS) of “C” and a current LOS of “B”. There is available capacity.
- There is no transit service available to this site.
- No sidewalks are located at or near this site.
- There are limited parks near the site, due to its location in a rural area. There is an outdoor recreation area owned by the City of Fort Meade, and the County-operated Lake Buffum boat ramp is within 3 to 5 miles of the site.

Environmental

- The property has a slight variation in topography, with elevations between 122 to 126 feet.
- There are no wetlands and floodplains on the site. However, there is a Zone “A” floodplain (undetermined elevation) south of the site.
- The soil types for this site are Fort Meade sand and Hydraquents soil.
- According to the Protected Species Observations Data (Source: Florida Fish & Wildlife Conservation Commission), the site is not within a one-mile buffer zone for observations of Animals and Eagle Nests.
- According to the Florida Department of State, Division of Historical Resources, there are no archeological sites listed in the Florida Master Site File.
- The subject site is not located on or near a Wellfield-Protection District. There is not a well on the site.
- The site is not in an Airport Impact District.
- This request has been reviewed for consistency with Tables 2.1 & 2.2 and Section 303 of the LDC.

- This request has been reviewed for consistency with SECTION 2.101 A GENERAL, 2.102 GROWTH MANAGEMENT and SECTION 2.108 RURAL DEVELOPMENT AREA (RDA) of the Comprehensive Plan.

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 LDCU 2024-3**.

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2024-3 with the following Conditions:

1. This Conditional Use approval shall be for a 10,640-sf retail store. Any modifications to LDCU-2024-3, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission.
2. The proposed building shall be designed and constructed to contain additional/enhanced architectural design standards. Building facades directly facing arterial or collector roadways may not include a metal panel exterior finish & must incorporate at least three (3) of the following architectural elements:
 - Changes in texture/finish across the facade (i.e., stucco to block);
 - Roof line changes or varying parapet height;
 - Pitched or sloped roof entry feature (may be accomplished via a parapet wall);
 - Facade landscaping, min. 5' & width;
 - Awnings;
 - Faux Windows w/ shutters;
 - Columns or pilasters.

Items such as a pitched roof, exterior trim, and additional façade treatments are examples of additional/enhanced design standards. The building's architectural design shall be reviewed by staff as part of the Level 2 process, and such approval shall not be unreasonably withheld.

3. In lieu of a Free-Standing Sign, only a Monument Sign shall be permitted for non-building related signs for this Conditional Use.
4. No development orders or development permits may be issued or commence until Ordinance 2024-29 becomes effective. This ordinance shall be effective on June 21, 2024 unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes.

GENERAL NOTES

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: *Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

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: *Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest: CE Convenience store with gas	North: A/RR Vacant (Open Pasture)	Northeast: A/RR Vacant
West: PM Woodlands and open pasture with and an accessory structure agricultural equipment storage	Subject Property: PM, A/RR Vacant	East: A/RR Religious Institution
Southwest: PM Pasture (formerly mined land)	South: PM Pasture (formerly mined land)	Southeast: PM Pasture (formerly mined land)
<i>Source: Polk County Property Appraiser, GIS Data Viewer and Staff Site Visit</i>		

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.”

For this site, the request is compatible because there are existing non-residential uses (convenience store with gas and a religious institution) in close proximity. The designation of this site as an RCC, combined with the other non-residential uses in the immediate area, effectively functions as an activity center to serve the needs of residents in the area. The site’s location at the Brooke Road and US 98 intersection supports the Comprehensive Plan’s activity-center framework, and the request’s compatibility with the area. Lastly, there are numerous residential uses along and adjacent to Brooke Road, and Lake Hendry Road northward from the site. These residential uses provide adequate population support for the proposed use. For these reasons, this request is compatible with the existing uses in the area.

A. Land Uses

Rural Development Areas (RDAs) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.

The proposed request is in a Rural Cluster Center (RCC). This land use designation is intended to provide locations within the Rural-Development Area for the placement of retail and service establishments to accommodate the daily-shopping needs of rural residents.

The applicant is proposing to construct a 10,640-sf retail store. Per Table 2.1 of the Land Development Code, retail stores between 10,000 square feet and 34,999 square feet require a Level 3 Review with a public hearing and approval from the Planning Commission.

Although this site is undeveloped, there are adjacent non-residential uses (convenience store with gas and a religious institution) on nearby parcels. Additionally, there is residential development along Brooke Road, with more residences further north as Brooke Road merges into Lake Hendry Road. These residences provide the adequate population support necessary to support the proposed use. Because of the surrounding adjacent uses, the approval of a Conditional Use for a retail store comprising 10,640 sf, which marginally exceeds the 10,000-sf threshold for a Level 3 review, should be compatible with the surrounding area.

The Goal of the Polk County Comprehensive Plan Future Land Use Element, as listed in Section 2.101A-General, includes (in part) the statement “To achieve an economically viable, efficient, safe, and quality-living environment.” One of the factors that can be considered in determining a “quality-living environment” is the architectural design of buildings. The design of a building can influence the appearance of a community and have a corresponding impact of the quality of the living environment.

To address concerns about the architectural/building design of this project, staff and the applicant worked together to create a specific condition of approval. This condition requires that the proposed building be designed and constructed to contain additional/enhanced architectural design standards. These standards specifically include a requirement that facades directly facing roads may not include a metal panel exterior finish, and that the structure must incorporate at least three (3) architectural elements as listed in the condition of approval.

Another concern related to a quality-living environment, compatibility, and aesthetics is signage. Section 760, Signs, of the LDC contains the following purpose and intent statement (760.A.2.):

Section 760 - Signs

The Purpose of these Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County's overall

public welfare as an aesthetic nuisance (emphasis added). Therefore, the intent of these Sign Regulations is to:

- a. Preserve the right of free speech and expression in the display of signs;
- b. Further the objectives of Polk County's comprehensive plan;
- c. Protect the public health, safety and welfare of County citizens;
- d. Reduce traffic and pedestrian hazards;
- e. Protect property values by minimizing signs' possible adverse effects;
- f. Promote economic development; and
- g. Ensure the fair and consistent enforcement thereof.

The proposed site plan shows a proposed pylon sign, which is similar to a free-standing sign. The County's Land Development Code defines a free-standing sign as "A ground sign mounted on poles or other supports such that the bottom edge of the sign face is eight feet or more above grade or a uniform width from the ground up."

However, there are no other free-standing signs in the immediate vicinity of this site. Because of the greater height of a free-standing sign (minimum eight-foot high), it has the potential to serve as an aesthetic nuisance. Additionally, the religious institution directly east of the site has a monument sign (defined as any sign, other than a free-standing sign, which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building). To ensure that the project signage is consistent with the signage on the adjoining property, prevent the creation of an "aesthetic nuisance," provide for a quality-living environment, and promote compatibility, a condition of approval is suggested to only allow a monument sign.

The proposed signage condition, along with the building/architectural design condition, are suggested to promote a quality living environment, as described in the Goal of the Future Land Use Element. In addition to the recommended conditions of approval, this project will also be required to comply with other development standards, such as shielded lighting, landscaping/buffering, and setback requirements.

B. Infrastructure

According to Comprehensive Plan 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."

This property is surrounded by primarily by vacant, undeveloped, or agricultural land. A convenience store with gas service (Fowler's Grocery) is northwest of the site. The New Beginning Church of God, a religious institution, is east of the site. The site is in the RDA, where connection to centralized potable water and wastewater is not required. The proposed development will have direct ingress and egress onto US 98 and Brooke Road.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below. Because the request is for a non-residential use, the request is not expected to negatively impact school concurrency.

Table 2: School Information

School	Annual Estimated Demand	Average driving distance from subject site
Lewis Anna Woodbury Elementary	0	4.3 miles to the west
Fort Meade Middle/High School High	0	3.5 miles to the northwest

Source: Polk County School Board website

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. The distance of the fire station is under four (4) miles which ensures a reasonable response time. The Sheriff's office response time is just over 11 minutes for emergency calls.

Table 3 Public Safety Information

	Name of Station	Distance Response Time*
Sheriff	Southwest District - 4120 US 98 South, Lakeland	Priority 1 – 11:15 Priority 2 – 23:01
Fire	Polk County Fire Rescue Station 10 (Fort Meade), located at 1235 9th St NE N, Fort Meade, FL 33841	3.5 miles, 7 minutes
EMS	Polk County Fire Rescue Station 10 (Fort Meade), located at 1235 9th St NE N, Fort Meade, FL 33841	3.5 miles, 7 minutes

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for September 2023.

Fire response to the subject property is provided by the County. The nearest fire station is the Fort Meade Station, located at 1235 9th Street North, Fort Meade. The estimated travel time is seven (7) minutes.

Ambulance response is from Polk County Fire Rescue Station 10, located at located at 1235 9th Street North, Fort Meade. The estimated travel time is seven (7) minutes.

Water and Wastewater

The proposed project will not have an impact on public potable water and sanitary sewer systems due to the proposed use of a private well and septic tank on the site.

Estimated Demand

Development on the property under the proposed land use designation will not impact the minimum LOS for the existing facilities. The project application indicates that and that

approximately 360 gallons per day (GPD) of water usage and 270 GPD of sewage will be generated by this proposed 10,640-sf commercial retail store.

B. Available Capacity:

The subject site will use a proposed private well and septic tank, so it will not affect the capacity of any public water and wastewater services.

C. Planned Improvements:

No information is known at this time for planned improvements to local utilities.

Roadways/Transportation Network

The proposed Comprehensive Plan Amendment is not anticipated to affect surrounding roadways or transportation network. The Amendment will not change the LOS below the minimum established standards.

The site is at the US 98/Brooke Road intersection. Brooke Road (Road No. 126903) is a paved rural minor collector with a 24-foot surface width.

A. Estimated Demand

The project application indicates that a 10,640 sf retail store will be placed on the site, and that approximately 389 daily trips and 53 peak-hour trips will be generated by this project.

B. Available Capacity

The roads surrounding the subject site all have sufficient capacity available for full build out of the subject site. The Polk Transportation Planning Organization (TPO) monitors certain roadways based on maximum approved traffic in comparison to current vehicle trips to determine what capacity is available.

The property is accessed via US 98. This road is a Principal Arterial, and is monitored for concurrency. The segment length is 6.5 miles, and extends from Edgewood Drive North (in Fort Meade) to Avon Park Cutoff Road. The road has an adopted Level of Service (LOS) standard of “C” and a current LOS of “B”. The table following this paragraph demonstrates that 586 peak-hour vehicle trips are available in the westbound direction and 577 peak-hour trips in the eastbound direction.

Table 4 Road Capacity

Link # Direction		Road Name	Current LOS	Available Capacity	Minimum LOS Standard	5-Year Projected LOS
5401	North	US 98 (from Avon Park Cutoff Road to Edgewood Drive North)	B	586	C	B
5401	South		B	577	C	B
<i>Source: 2023 Polk County Roadway Network Database</i>						

C. Roadway Conditions

Brooke Road has a Pavement Condition Index (PCI) rating of “Fair”. This road has drainage swales, with no curbs.

D. Sidewalk Network

There are no sidewalks on the site nor in the immediate vicinity.

E. Planned Improvements:

There are no planned improvements with the immediate area of the site. The US 98 John Singletary Bridge, which crosses the Peace River, is currently under construction.

F. Mass Transit

There are no transit routes that serve this site. The closest route (Route 25) is along US 98 between Fort Meade and Bartow.

Park Facilities and Environmental Lands

There are limited park facilities near this site, due to the rural character of the area. The closest County-operated facility is the Lake Buffum Boat Ramp. The Fort Meade Outdoor Recreation Area is west of the site, within the City of Fort Meade.

A. Location:

The Lake Buffum Boat Ramp is on Doc Lindsey Road, 4.75 miles northeast of the site. The Fort Meade Outdoor Recreation Park, located 2.35 miles directly west of the site, is in the City of Fort Meade.

B. Services:

The Lake Buffum Boat Ramp site contains just the ramp. No information was available on the City’s website about the services provided at the Fort Meade Outdoor Recreation Park.

C. Multi-use Trails:

There are no multi-use trails near this property.

D. Environmental Lands:

There are two environmental land tracts in the immediate area near this site. The Bowlegs Creek property, owned by the State, is 2.3 miles south of the site. The Lake Buffum Wildlife Refuge, owned by the Green Horizons Land Trust, is 4.25 miles northeast of the site.

Environmental Conditions

The site has adequate soils, and no known archeological or historical artifacts or structures. There are no wetlands or floodplains on the site.

A. Surface Water:

There are no surface waters on or near the site.

The property has a slight variation in topography, with elevations between 122 to 126 feet. Generally, the site slope downward to the north, with is slight depression in the middle of the site, along the western property line, which drops to 122 feet.

B. Wetlands/Floodplains:

There are no wetlands and floodplains on the site, although there is a Floodplain “A” south of the site.

C. Soils:

The subject site consists of the Fort Meade sand and Hydraquents soils Sands as listed in Table 5 following this paragraph.

Table 5 Soils

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Fort Meade sand	Slight	Severe, wetness	79%
Hydraquents	Severe; ponding, perc slowly	Severe, ponding, shrink-swell	21%

Source: 1985 Soil Survey of Polk County, Florida, Applicant's Impact Assessment Statement

According to the Soil Survey of Polk County, Fort Meade sand has “severe” limitations for dwellings due to wetness, and “slight” limitations for septic tank absorption fields. Hydraquents soil has “severe” limitations for buildings due to ponding and shrink-swell effects, and “severe” limitations for septic tanks usage due to ponding and slow percolation rates. The addition of suitable topsoil or some form of surfacing can reduce or overcome these limitations.

D. Protected Species

According to the Protected Species Observations Data (Source: Florida Fish & Wildlife Conservation Commission), this site is not within a one-mile buffer radius zone for observations of Animals and Eagle Nests. No protected species or habitats were observed during the site visit.

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 on a wellfield. The nearest Wellhead Protection Zone for a public well is 3.6 miles west of the site.

G. Airports:

The site is not within an Airport-Impact District. The closest aviation related facility based on the Airport-Impact District Map, is the Waters Heliport. It is a private heliport, and is located south of Lake Buffum, about 8 miles northeast of the site. According to Google Maps, the Villa Char Mar private airport is also located south of Lake Buffum, 6 miles northeast of the site. Because of the distance from the site to these facilities, this request should not have an adverse impact upon aviation activities.

Economic Factors

Construction of the site will create temporary jobs. New business activity will need more goods and services, thereby generating more economic activity.

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 6 Comprehensive Plan

Comprehensive Plan Policy	Consistency Analysis
SECTION 2.101A - GENERAL. GOAL: To achieve an economically viable, efficient, safe, and quality-living environment through balanced and compact growth, while encouraging the efficient use of land, community infrastructure and protecting and managing the community's natural resources by showing the proposed distribution, location, and extent of future land uses by type, density, and intensity; while providing essential services in a cost effective manner.	Proposed conditions of approval regarding architectural/building design and signage have been proposed to ensure that this project promotes the goal of creating a quality-living environment.
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	Some adjacent properties are developed with non-residential uses.

Comprehensive Plan Policy	Consistency Analysis
development techniques such as a Planned Unit Development.	
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.	
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>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> <ol 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: <ol style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, f. environmental factors, including, but not limited to: <ol 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 	<p>The Brooke Road/ US 98 intersection already contains non-residential uses, such as a convenience store/gas station and a religious institution.</p> <p>The applicant has provided support documentation for population support and market-area radius.</p> <p>The site is located at a “t” intersection, which is an appropriate location for a non-residential use.</p> <p>Fire protection and EMS service is available approximately 3 miles to the west of the site.</p> <p>The non-residential use should not create demand on schools and parks.</p> <p>There are no known environmental factors that would be impacted due to development of this site.</p>

Comprehensive Plan Policy	Consistency Analysis
6. climatic conditions, including prevailing winds, when applicable.	
<p><u>POLICY 2.110-B3: LOCATION CRITERIA</u>- The establishment of new RCCs intended for both residential and commercial uses shall be located at the intersections of arterial and/or collector roads and shall be guided by the criteria established within Section 2.110-K Activity Center Establishment. The establishment of new RCCs, subject to Section 2.110-K, intended for rural commercial-support activity, shall be located at:</p> <ol style="list-style-type: none"> 1. the intersections of arterial and/or collector roads whereby the intersection is central to seasonal, tourist, migratory population, or permanent residential population vehicle trips, this may include “t” intersections with safe access creating the appearance of a full intersection; or 2. on an intersection of arterials and collector roads that serve as part of the main vehicle trip route for clusters of neighborhoods and in areas with 2,500 people in a three (3) mile radius. 3. Not within 3 miles of another Activity Center or other RCC; 4. Can be at the same intersection with a developed CE; 5. The expansion of these isolated commercial nodes, in situations when the 80% developed standard cannot be met may be permitted according to the following: <ol style="list-style-type: none"> a. Up to the size of a Neighborhood Activity Center (NAC) with an Activity Center Plan (ACP) to be incorporated into Appendix E of the Land Development Code. b. To ensure the increase of the node on as many corners as possible, and to ensure consistency with Policy 2.110-A5. 	<p>The applicant has submitted demographic data and information about surrounding stores showing that there 3,615 persons within 3 miles of this site, and that the nearest convenience-level shopping is located 3.5 miles west and 10.5 miles east of the site.</p>
<p><u>POLICY 2.110-B4: DEVELOPMENT CRITERIA</u> - Development within Rural-Cluster Centers shall conform to the following standards:</p> <ol style="list-style-type: none"> a. Residential development within the Rural-Cluster Center shall be permitted at a density of up to two dwelling units per acre (2 DU/AC). 	<p>The applicant has submitted demographic data and information about surrounding stores showing that there 3,615 persons within 3 miles of this site, and that the nearest convenience-level shopping is located 3.5 miles west and 10.5 miles east of the site.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>b. Non-residential development in the RCCs within the communities listed in Policy 2.110-B1, shall be permitted within a Rural Cluster as follows:</p> <ol style="list-style-type: none"> 1. Commercial uses shall be limited to an intensity and scale necessary to provide the immediate rural population with retail and personal services. Such determination should be based on the market-area radius and minimum population support criteria established for Convenience, Neighborhood, or Community Activity Centers. The maximum floor area ratio shall not exceed 0.30. 2. Non-residential uses should be concentrated at the center of the cluster, with direct access to a collector or arterial intersection. 3. Typical non-residential uses are grocery, pharmacy, medical offices, and personal services. 4. The amount of non-residential uses for any cluster shall be based on the location and minimum population support criteria established for the applicable Activity Center. <p>c. Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acre.</p>	

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 7 in accordance with Section 906.D.7 of the Land Development Code.

Table 7 Land Development Code

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. Many of the conditions required in Section 303 will be enforced after a Level 3 Review. These can be found in the Findings of Fact on Pages 2 - 5 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed in Table 6.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 7-8 of this staff report for data and analysis on surrounding uses and compatibility.</i>

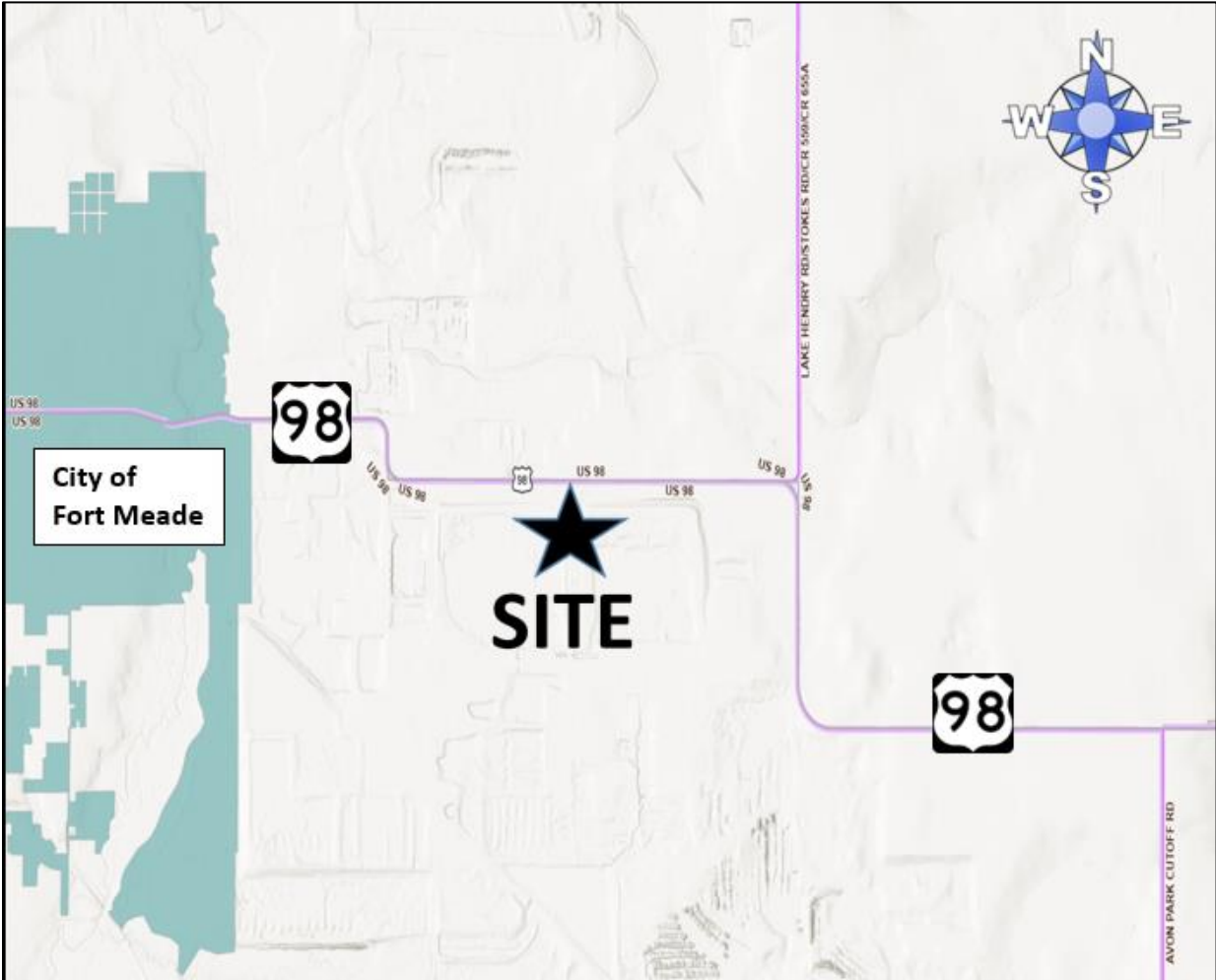
How the concurrency requirements will be met if the development were built.

This request will not require concurrency determinations from the School Board. The request will require concurrency determination from TPO at the time of Level 2 Review. The property will be serviced by an onsite water well and an onsite septic system for wastewater. The impact on public services can be found in the analysis found on Pages 8-10 of the staff report.

Comments from other Agencies: None

Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 Location Map (Detailed)
- Exhibit – 3 2023 Aerial Photo
- Exhibit – 4 2023 Aerial Photo (Detailed)
- Exhibit – 5 Future Land Use Map
- Exhibit – 6 Site Plan



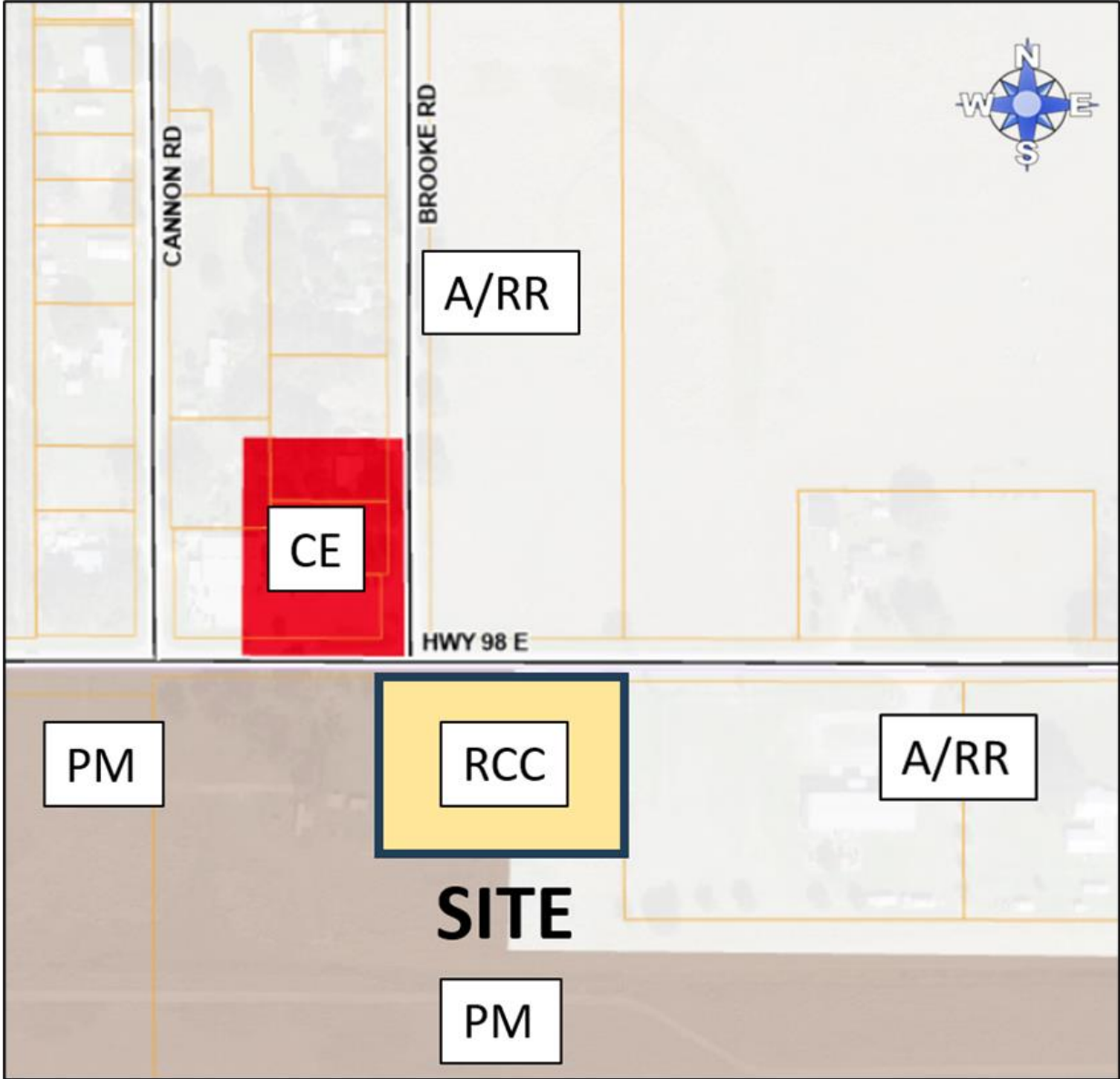
Location Map



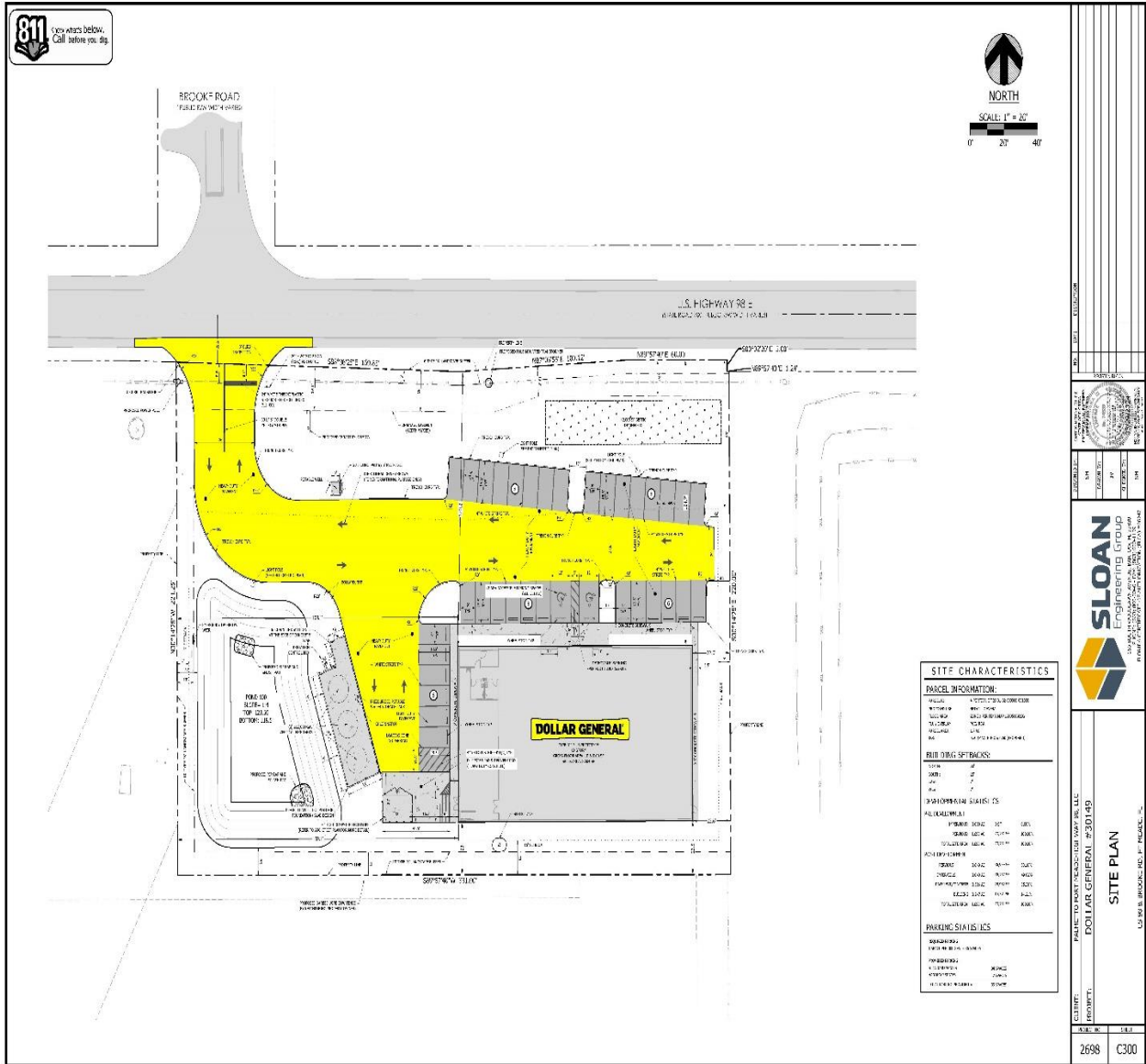
2023 Aerial



2023 Aerial (Detailed)



Future Land Use Map



Proposed Site Plan