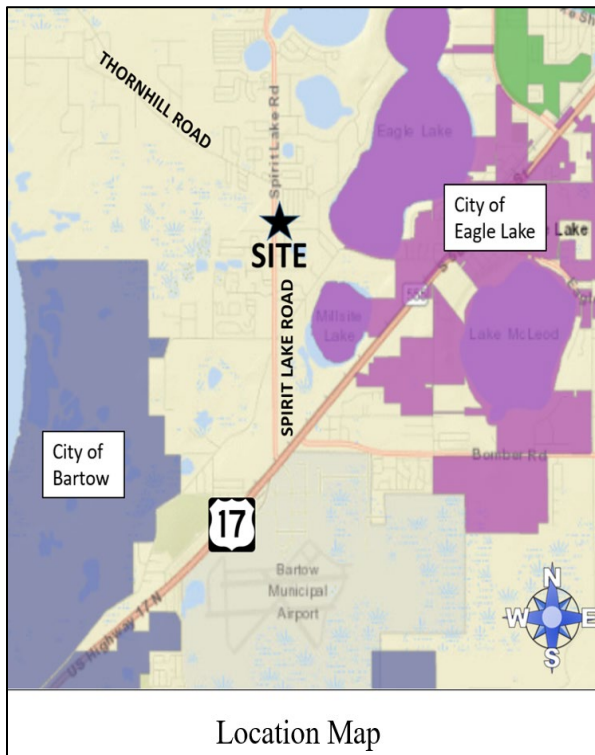


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	June 28, 2024
Planning Commission Date:	September 4, 2024
BoCC Date:	January 7, 2025
Applicant:	Mike Gurr, P.G.
Level of Review:	Level 4 Review, Small-Scale Comprehensive Plan Amendment
Case Number and Name:	LDCPAS-2024-3 (Spirit Lake Road OC)
Request:	Change the Future Land Use designation from Residential-Low (RL) to Office Center (OC).
Location:	East side of Spirit Lake Road, south of Grady Polk Road, west of the City of Eagle Lake in Section 11, Township 29, Range 25
Property Owner:	David Cruz
Parcel Size (Number):	.44 acre (252911000000014260)
Development Area:	Transit Supportive Suburban Development Area (TSDA)
Future Land Use:	Residential-Low (RL)
Nearest Municipality:	Eagle Lake, Bartow
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7-0
Case Planner:	Mark J. Bennett, AICP, FRA-RA, Senior Planner



Summary:

This is an applicant-initiated Comprehensive map amendment to change a .44-acre parcel from Residential-Low (RL) to Office Center (OC) on the Future Land Use Map.

Compatibility Summary

The proposed request is for an Office Center (OC) use. The proposed designation of this site for office uses will provide a transition between the more intensive commercial activity on the property to the north, and the lower-density single-family residential use on the south side of the subject parcel. For this reason, this request is compatible with the existing uses in the area.

Infrastructure Summary

Because the site is in the Transit Supportive Development Area, connection to Polk County's water and Polk County wastewater services will be required. There is sufficient roadway capacity. Public safety facilities and services are available.

Environmental Summary

There are no wetlands or floodplains on the site.

Comprehensive Plan

Listed below are the relevant sections of the Comprehensive Plan that are applicable to this request:

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.104(A1-A9): Transit Supportive Development Areas
- Policy 2.113(C1-C5): Office Centers
- Section 2.124-B: Airport-Impact Districts

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for a Small-Scale Map Amendment to change property from Residential-Low (RL) to Office Center (OC) on .44 acre.
- The subject site is within the Transit-Supportive Development Area (TSDA).
- The subject property has a Land Development Code district of RL-3.
- The purpose of the RL-3 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 10,000 square feet.
- The proposed request is for an Office Center (OC): The purpose of the OC district is to provide areas for small offices. The OC district permits professional offices and some retail uses.

- The proposed designation of this site for office uses will provide a transition between the more intensive commercial activity on the property to the north, and the lower-density single-family residential use on the south side of the subject parcel. For this reason, this request is compatible with the existing uses in the area.

Compatibility

- The existing uses surrounding the site are:
 - North – Auto Repair/Commercial Service Garage
 - West – Open Space/Wetlands Preservation Area
 - East – Single-family residence
 - South – Single-family residence
- The subject parcel has two mobile homes and has previously been used for residential purposes. However, site development has recently occurred that is in violation of certain provisions of the Land Development Code. Additionally, there are concerns about the use of the residential structures for non-residential uses. Notwithstanding these issues, which are not relevant to the Level 4 review, the site is still appropriate for an office use.

Infrastructure

- Fire and Ambulance response is from Polk County Fire Rescue Station 17, located at 185 3rd Street, Eagle Lake. The estimated travel time is six (6) minutes.
- The subject site is within the Sheriff Department's Central District – 3635 Avenue G, Winter Haven.
- The zoned schools for this site are Eagle Lake Elementary, Westwood Middle, and Lake Region High.
- Centralized potable water and sanitary sewer service is available.
- The nearest monitored link for concurrency is Spirit Lake Road. This Urban Collector has a standard Level of Service (LOS) of "D" and a current LOS of "C". There is available capacity.
- No transit service is available along Spirit Lake Road.
- There are no sidewalks at this site.
- There are two parks (Gordonville Park and the Grassy Lake Boat Ramp) located within 2 +/- miles near the site.
- The nearest environmental land is the Lake Hancock Property, located one mile west of the site.

Environmental

- The property is flat, with an elevation of 137 feet.

- There are no wetlands or floodplains on the property.
- Immokalee Sand is the soil type for this site.
- According to the Protected Species Observations Data (Source: Florida Fish & Wildlife Conservation Commission), the site is within a one-mile buffer zone for observations of 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 in the Bartow Municipal Airport Impact District.

Comprehensive Plan Policies

- POLICY 2.102-A1 Development Location states that Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.
- POLICY 2.102-A2 Compatibility states that land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:
 - a. there have been provisions made which buffer incompatible uses from dissimilar uses;
 - b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;
 - c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.
- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:

- a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
- b. nearness to agriculture-production areas;
- c. distance from populated areas;
- d. economic issues, such as minimum population support and market-area radius (where applicable);
- e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:

- 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
- 2. sanitary sewer and potable water service;
- 3. storm-water management;
- 4. solid waste collection and disposal;
- 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
- 6. emergency medical service (EMS) provisions; and
- 7. other public safety features such as law enforcement;
- 8. schools and other educational facilities
- 9. parks, open spaces, civic areas and other community facilities

- f. environmental factors, including, but not limited to:

- 1. environmental sensitivity of the property and adjacent property;
- 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
- 3. wetlands and primary aquifer recharge areas;
- 4. soil characteristics;
- 5. location of potable water supplies, private wells, public well fields; and
- 6. climatic conditions, including prevailing winds, when applicable.

- **POLICY 2.104-A1: DESCRIPTION** - Transit Supportive Development Areas shall meet the following criteria:

- a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development;

b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon;

c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options;

d. Include development criteria that:

1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;

2. improve access to employment areas, schools, shopping and recreational opportunities;

- **POLICY 2.104-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within TSDAs, in accordance with applicable criteria

a. **ACTIVITY CENTERS:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, Employment Centers and High-Impact Commercial Centers.

b. **RESIDENTIAL:** Residential-High, Residential-Medium, and Residential-Low Districts.

c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure Recreation, Mixed Use, Institutional, Professional 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 the definitions in Section 2.109.

- **POLICY 2.113-C1: CHARACTERISTICS** - Office Centers are intended to accommodate the office needs of the community they serve. They generally contain lawyer, real estate, engineering, and other professional offices. Medical offices and support offices are also allowable in this category.

Usable Area: 10 acres or less

Gross Leasable Area (GLA): 1,000 to 30,000 square feet

Minimum Population Support: 2,500 people

Service-Area Radius: 2 miles or more

Typical Leading Tenant: Professional offices

Other Typical Tenants: Medical offices

If LDCPAL-2024-4 is approved, the following policy will be amended with the added bolded text:

- **POLICY 2.113-C3: LOCATION CRITERIA** - The establishment of a new Office Center designation shall be located according to the following:
 - a. at the intersection of a local and collector/arterial road, or at the intersection of two collector roads; or at the intersection of two arterial roads;
 - b. along a collector or arterial roadway adjacent to an existing Activity Center **and Commercial Enclave** that contains 10% or less in land area developed with professional offices;
 - c. Policy 2.404-A1; and
 - d. the total acreage for Office Center Districts within a two mile radius shall not exceed ten (10) acres unless one of the following can be met:
 - 1. the total land area of the existing Office Centers within the two mile radius are 60 percent (60%) developed and the total land area of the existing Activity Centers within the two miles radius are also at least 60 percent (60%) developed with less than 10 percent (10%) of the land area developed as professional office uses; or
 - 2. the remaining undeveloped acreage of the Office Centers within the two mile radius are owned by a single interest or have final, valid engineered construction plans (with building-permit application) or have a valid CU/PD approval; or
 - 3. when item b above is met.

When considering the establishment of a new Office Center designation or the expansion of an existing Office Center consideration shall be given to maximizing access to a collector or arterial road and to the guidelines outlined in Policy 2.404-A1. Polk County shall seek to minimize the routing of office traffic through residential areas.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2024-3**.

Planning Commission Recommendation: On September 4, 2024, the Planning Commission voted 7-0 to recommend approval of the request.

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

***NOTE:** All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not*

at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest: RL-4 Vacant, Woodlands	North: CE Auto Repair/ Commercial Service Garage	Northeast: RL-3 Single-family Residence
West: RL-4 Open Space/Wetlands Preservation Area (Magnolia Preserve)	Subject Property: RL-4 2 Mobile Homes	East: RL-3 Single-family Residence
Southwest: RL-4 Retention Pond (Magnolia Preserve)	South: RL-4 Single-family Residence	Southeast: RL-3 Single-family Residence
<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.”

The proposed designation of this site for office uses will provide a transition between the more intensive commercial activity on the property to the north, and the lower-density single-family residential use on the south side of the subject parcel. For this reason, this request is compatible with the existing uses in the area.

The subject property currently has code enforcement violations pending (Case # CMA-2024-159). This case is for ten violations related to Chapter 1 (General Provisions), Chapter 2 (Land Use Districts and Regulations), Chapter 3 (Conditional Uses), Chapter 7 (Site Development Standards), and Chapter 9 (Development Review Procedures) of the Land Development Code. The two existing mobile homes can stay in their current location as the location of the structure are not vested with a change of use. Any structures used for a non-residential use will have to be consistent

with all standards in the Land Development Code. While not relevant to this Level 4 Review, this information about site development building uses is provided to the Planning Commission for situational awareness.

A. Land Uses

The purpose of Transit-Supportive Development Areas (TSDAs) is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. TSDAs are areas where there exists the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services. The TSDA also promotes and supports the location of higher density and intensity that requires compact and mixed-use development.

The proposed request is for an Office Center (OC) use. This land use designation is intended to provide areas for small offices. This land use permits primarily professional offices and some retail uses.

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 a mixture of uses. Single-family residences are south and east of the site. Auto repair and commercial service garages are north of the site. An open space/wetlands preservation area is west of the site, across Spirit Lake Road. The site is in the TSDA, where connection to centralized potable water and wastewater is required. The property currently has direct ingress and egress onto Spirit Lake 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
Eagle Lake Elementary	0	1 mile to the east
Westwood Middle	0	3.85 miles to the north
Lake Region High	0	2.15 miles to the east

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 three (3) miles which ensures a reasonable response time. The Sheriff's office response time is just under 10 minutes for emergency calls.

Table 3 Public Safety Information

	Name of Station	Distance Response Time*
Sheriff	Central District – 3635 Avenue G NW, Winter Haven, FL 33880	Priority 1 – 9:35 Priority 2 – 19:44
Fire	Polk County Fire Rescue Station 17, located at 185 3rd Street, Eagle Lake, FL 33839	2.9 miles, 6 minutes
EMS	Polk County Fire Rescue Station 17, located at 185 3rd Street, Eagle Lake, FL 33839	2.9 miles, 6 minutes

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

Fire and Ambulance response is from Polk County Fire Rescue Station 17, located at 185 3rd Street, Eagle Lake. The estimated travel time is eight (6) minutes.

Water and Wastewater

The proposed Comprehensive Plan Amendment will not have an impact on potable water and sanitary sewer systems due to limited use and available capacity in the system.

A. Estimated Demand

It is anticipated that development on the property under the proposed land use designation will not negatively impact the minimum LOS for the existing facilities. The analysis is based on an estimate for 5,750 square feet (SF) of office use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .3 for OCs by .44 acre (19,166 SF).

Table 4 Estimated Water and Sewer Impact Analysis

Maximum Allowable Use: 5,750 square feet of office	Estimated Impact Analysis <i>Development Area: TSDA</i>	
	Current Land Use designation RL-3	Proposed Land Use Designation OC
Current Use (Mobile Home)	2 Mobile Homes (MH)	5,750 SF Medical Office
Potable Water Consumption	2 DU * 215 GPD/MH = 430 GPD	5,750 SF * .24 GPD/SF = 1,380 GPD
Wastewater Generation	2 DU * 180 GPD/SF = 360 GPD	5,750 SF * .18 GPD/SF = 1,035 GPD
<i>GPD – Gallons Per Day; .24 GPD/SF rate for water/.18 GPD/SF rate for sewer is based on professional office use 215 GPD/MH rate for water/180 GPD/MH rate for sewer is based on Mobile home use Source: Polk County Concurrency Manual and Polk County Utilities</i>		

B. Available Capacity:

The site is in Polk County's Central Regional Utility Service Area. The water system is at 68% of the permit limit and has 543,000 gallons per day of uncommitted capacity. A 12-inch water line is located on the west side of Spirit Lake Road, across from this site. The wastewater system is at 84% of the permit limit and has 106,000 gallons per day of uncommitted capacity. A 24-inch sewer is located on the east side of Spirit Lake Road, next to the subject parcel.

C. Planned Improvements:

No information is known currently for planned improvements to the 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 located on the east side of Spirit Lake Road, a two-lane urban collector.

A. Estimated Demand

Table 5, following this paragraph, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The analysis is based on an estimate for 5,750 square feet (SF) of office use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .3 for OCs by .44 acre (19,166 SF).

Table 5 Estimated Transportation Impact Analysis

Maximum Allowable Use: 5,750 square feet of office	Estimated Impact Analysis Residential-Low-3 (RL-3) to Office Center (OC) <i>Development Area: TSDA</i>	
	Current Land Use designation RL-3	Maximum Permitted in Proposed OC
	2 single-family dwelling units (DU) (existing)	5,750 square feet (SF)
Average Annual Daily Trips (AADT)	2 DU * 7.81 trips/DU = 16 AADT	5,750 SF @ 10.84 AADT/1,000 SF = 62.33 = 63 AADT
PM Peak Hour Trips	2 DU * 1 peak hour trip/DU = 2 Peak Hour Trips	5,750 SF @ 1.44 AADT/1,000 sf = 8.28 = 9 Peak Hour Trips

Source: Table 1, For Minor Traffic Study, Polk County Minor Traffic Study Application ITE Code 210/Local Data – Daily Trip Rate of 7.81 trips and a peak hour trip rate of 1 trip; ITE 710 (General Office Building) – 10.84 trips and a peak hour trip rate of 1.44 trips.

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 next to Spirit Lake Road. This road is an Urban Collector, and is monitored for concurrency. The segment length is 3.6 miles, and extends from US 17 to SR 540. The road has an adopted Level of Service (LOS) standard of “D” and a current LOS of “C”. The table following this paragraph demonstrates that 249 vehicle trips are available in the northbound direction and 224 trips southbound.

Table 6 Road Capacity

Link # Direction		Road Name	Current LOS	Available Capacity	Minimum LOS Standard	5-Year Projected LOS
4149	North	Spirit Lake Road (from US 17 to SR 540)	C	249	D	C
4149	South		C	224	D	C
Source: 2023 Polk County Roadway Network Database						

C. Roadway Conditions

Spirit Lake Road is a County-maintained facility. This road is shown as “Good” on the Pavement Condition Index. Spirit Lake Road has a surface pavement width of 36 feet with drainage swales and no curbs.

D. Sidewalk Network

There is no sidewalks in front of the site.

E. Planned Improvements:

There are no planned improvements with the immediate area of the site.

F. Mass Transit

There are no mass transit lines along Spirit Lake Road. The closest line is Route 22XW, along US 17 between Winter Haven and Bartow.

Park Facilities and Environmental Lands

There are two park facilities (Gordonville Park and the Grassy Lake Boat Ramp) within two miles of this site. There are no environmental lands next to the subject property, with the Lake Hancock Property one mile west of the site.

A. Location:

The Gordonville Park is located on Richardson Road, 2.15 miles southwest of the site. The Grassy Lake Boat Ramp is .85 miles north (straight-line distance) from the subject property on Argentina Drive Southwest.

B. Services:

The Gordonville Park has a playground and a softball field. The amenities at the Grassy Lake Boat Ramp include bank/pier fishing in addition to a boat launching site.

C. Multi-use Trails:

There are no multi-use trails near this property.

D. Environmental Lands:

The Lake Hancock property located on the south and east side of the Lake. This property is one mile west of the site.

Environmental Conditions

The site has 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 is flat with an elevation of 137 feet, and one small area on the southern part of the site having an elevation of 138 feet.

B. Wetlands/Floodplains:

There are no wetlands or floodplains on the site.

C. Soils:

The subject site consists of Immokalee Sand as listed in Table 7 following this paragraph.

Table 7 Soils

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Immokalee Sand	Severe, wetness	Severe, wetness	100%

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

According to the Soil Survey of Polk County, Immokalee Sand has “severe” limitations for buildings and septic tanks usage due to wetness. 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 within a one-mile buffer radius zone for observations of 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 1.5 miles east of the site.

G. Airports:

The site is within the Bartow Municipal Airport, located 2.25 miles south of the site. The site is also within the Height Notification Zone for this airport. Due to the distance of the subject property away from the airport, no adverse impacts upon airport operations are expected.

Economic Factors

Construction of buildings in either land use creates temporary jobs. The OC designation has the potential to create permanent 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 8 Comprehensive Plan

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	Adjacent properties are developed with non-residential and residential uses.

Comprehensive Plan Policy	Consistency Analysis
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.	
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: 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.	Fire protection and EMS service is available approximately 3 miles to the southwest of the site. The non-residential use should not create demand on schools and parks.

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.104-A1: DESCRIPTION - Transit Supportive Development Areas shall meet the following criteria: a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development; b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon; c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options; d. include development criteria that: 1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities; 2. improve access to employment areas, schools, shopping and recreational opportunities;	The proposed request for an Office Center land use designation is within the TSDA.
OBJECTIVE 2.113-C: OFFICE CENTERS -The Polk County Plan shall provide for needs of residents through: a. the designation and mapping of Office Centers on the Future Land Use Map Series; and b. the establishment of criteria applicable to the location and development of land within Office Centers. POLICY 2.113-C1: CHARACTERISTICS - Office Centers are intended to accommodate the office needs of the community they serve. They generally contain lawyer, real estate, engineering, and other professional offices. Medical offices and support offices are also allowable in this category. Usable Area: 10 acres or less	This request will be consistent with this policy, pending the adoption of LDCPAL-2024-4 (which will amend Policy 2.113-C3 to allow OCs to locate next to Commercial Enclaves (CEs)).

Comprehensive Plan Policy	Consistency Analysis
Gross Leasable Area (GLA): 1,000 to 30,000 square feet Minimum Population Support: 2,500 people Service-Area Radius: 2 miles or more Typical Leading Tenant: Professional offices Other Typical Tenants: Medical offices POLICY 2.113-C2: DESIGNATION AND MAPPING - Office Centers shall be located throughout Polk County as designated on the Future Land Use Map Series as "Office Centers" (OC). POLICY 2.113-C3: LOCATION CRITERIA - The establishment of a new Office Center designation shall be located according to the following: a. at the intersection of a local and collector/arterial road, or at the intersection of two collector roads; or at the intersection of two arterial roads; b. along a collector or arterial roadway adjacent to an existing Activity Center that contains 10% or less in land area developed with professional offices; c. Policy 2.404-A1; and d. the total acreage for Office Center Districts within a two-mile radius shall not exceed ten (10) acres unless one of the following can be met: 1.the total land area of the existing Office Centers within the two-mile radius are 60 percent (60%) developed and the total land area of the existing Activity Centers within the two miles radius are also at least 60 percent (60%) developed with less than 10 percent (10%) of the land area developed as professional office uses; or 2.the remaining undeveloped acreage of the Office Centers within the two-mile radius are owned by a single interest or have final, valid engineered construction plans (with building-permit application) or have a valid CU/PD approval; or 3.when item b above is met. When considering the establishment of a new Office Center designation or the expansion of an existing Office Center consideration shall be given to maximizing access to a collector or arterial road and to	

Comprehensive Plan Policy	Consistency Analysis
the guidelines outlined in Policy 2.404-A1. Polk County shall seek to minimize the routing of office traffic through residential areas.	
SECTION 2.124-B - AIRPORT-IMPACT DISTRICTS. OBJECTIVE 2.124-B: The Polk County Plan shall provide for aviation-compatible land uses around airports licensed for public use, by limiting or restricting incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations of the Joint Airport Zoning Board (JAZB), consistent with the objectives and policies of the Transportation Element, Section 3.200.	The site is located in the Height Notification Zone for the Bartow Municipal Airport. Due to the distance of the subject property away from the airport, no adverse impacts upon airport operations are expected.

In addition to the policies currently in the Comprehensive Plan, this application has been reviewed for consistency with proposed change to Policy 2.113-C3, regarding the location of Office Centers next to Commercial Enclaves (LDCPAL-2024-4). Listed in the table below is the proposed policy change, and how the proposed request complies with this policy change.

PROPOSED CHANGE: (shown in underline)

POLICY 2.113-C3: LOCATION CRITERIA - The establishment of a new Office Center designation shall be located according to the following: b. Along a collector or arterial roadway adjacent to and existing Activity Center <u>or Commercial Enclave</u> that contains 10% or less in land area developed with professional offices.	This request is consistent with the revised policy in that it will be an Office Center (OC) next to an existing Commercial Enclave (CE).
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Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

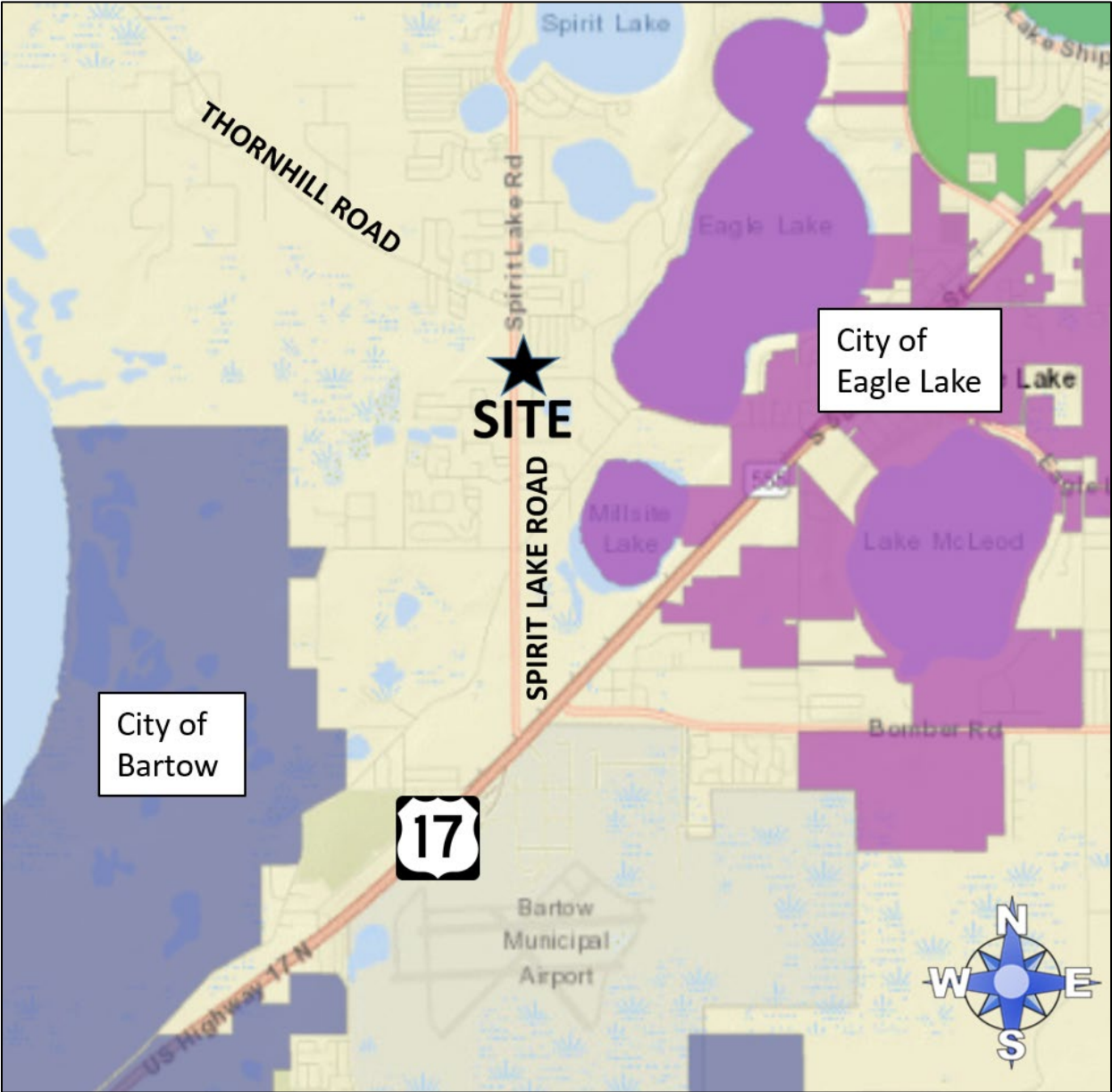
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Sections where referenced in this report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>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

Comments from other agencies

None

Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 Location Map (Detailed)
- Exhibit – 3 2023 Aerial Photo
- Exhibit – 4 Current Future Land Use Map
- Exhibit – 5 Proposed Future Land Use Map

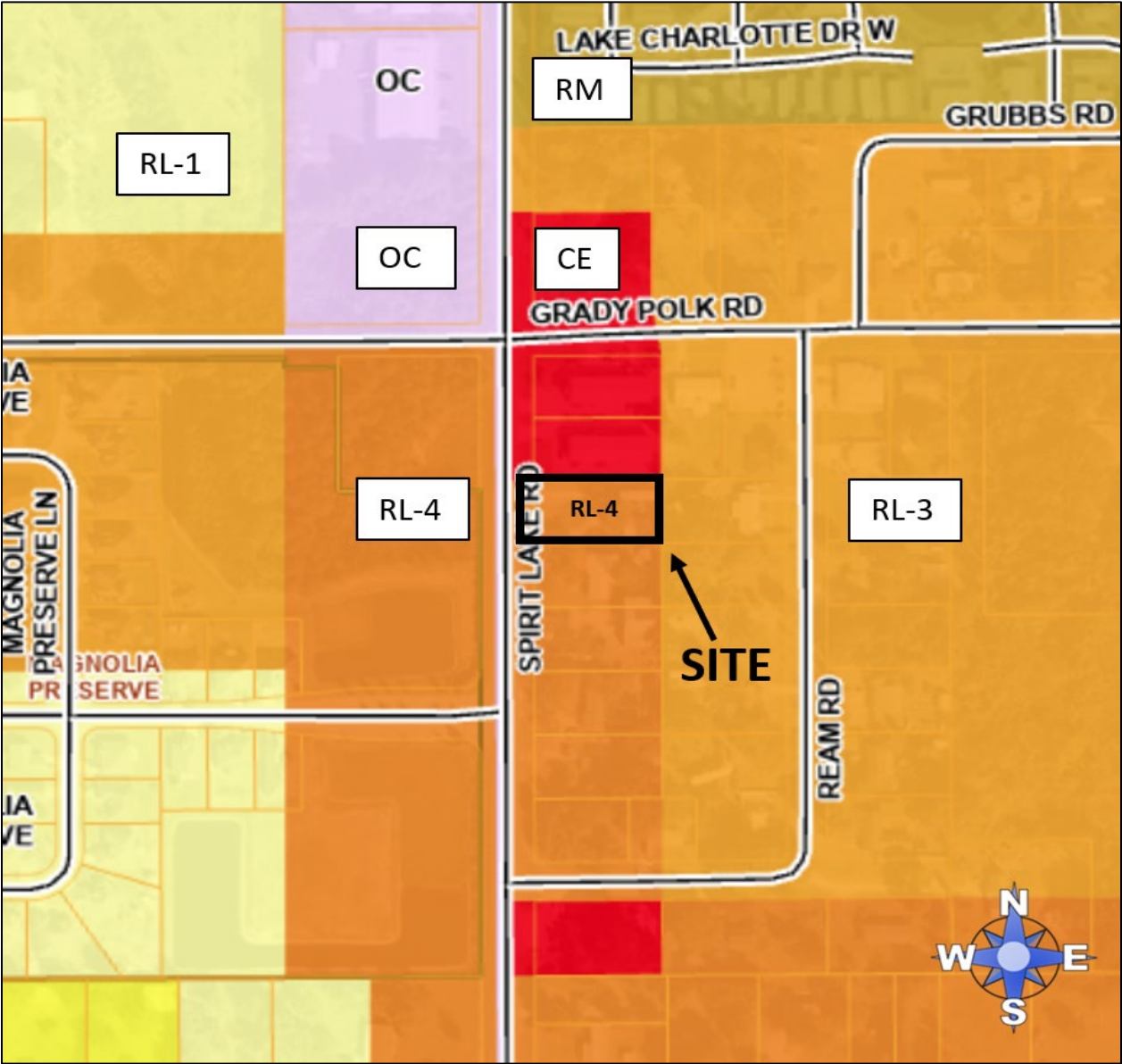


Location Map

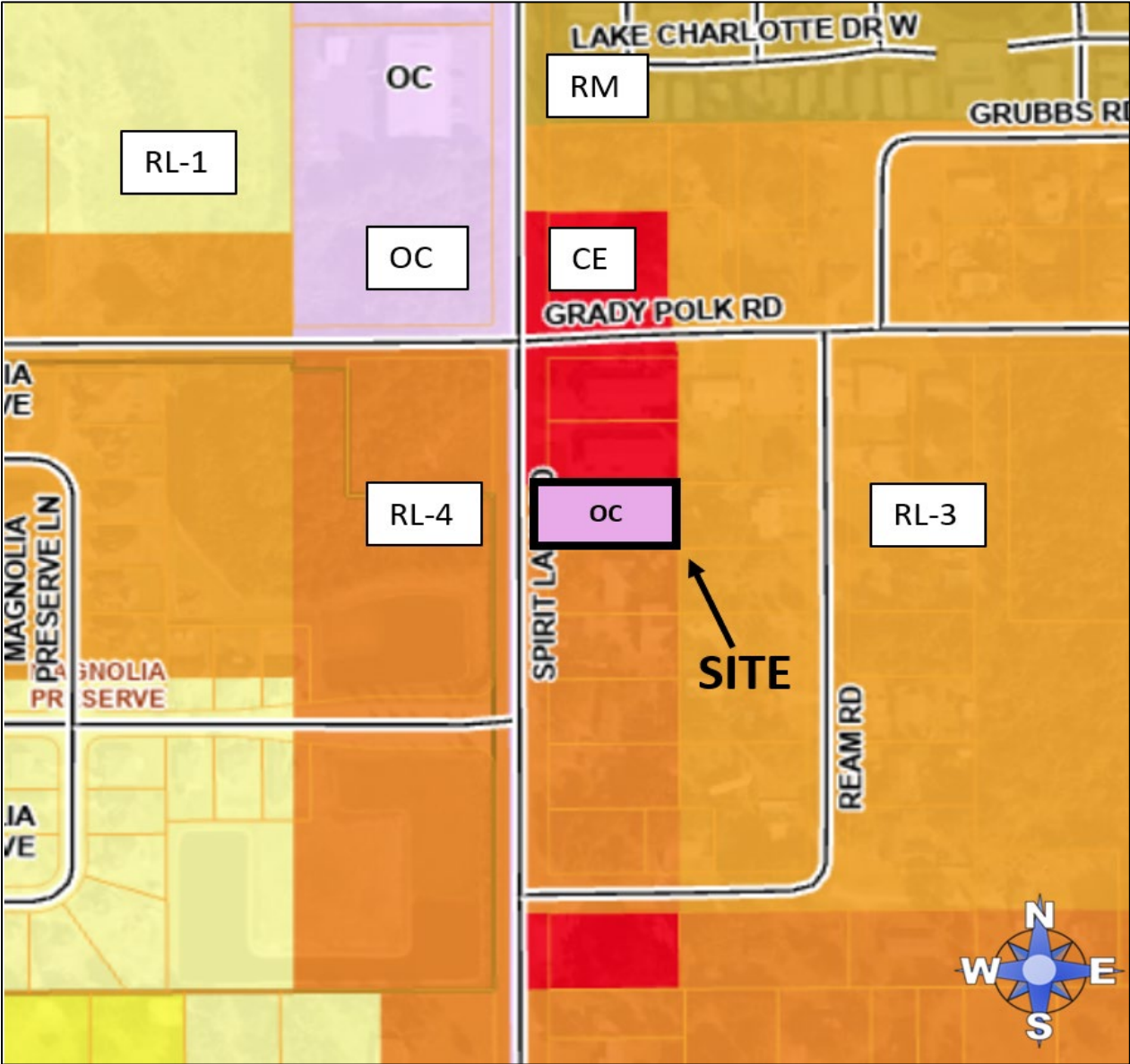


Location Map (Detailed)

BoCC Staff Report
Level 4/MJB



Current Future Land Use Map



Proposed Future Land Use Map