

Requests and Justifications

This document outlines the Applicant's requests, provides background on the Subject Property, and presents the justification for the requests.

Requests

A. Request to Exceed Thirty (30) Percent Threshold for Retail/Personal Services (C3)

Peterson & Myers, P.A. (the "Applicant") is requesting that personal services and retail uses be allowed to exceed the thirty (30) percent threshold on +/-3.18 acres of land with the Parcel ID Nos. 24-29-14-283000-030510 and 24-29-14-000000-011010 (the "Subject Property"). [See Location Map]. The Subject Property is located in the U.S. 98 Selected Area Plan and has a current Polk County Future Land Use designation of Employment Center-X. [See Polk County Future Land Use Map; see Polk County Selected Area Plan Map].

This request is pursuant to the recent Comprehensive Plan and Land Development Code text amendment that allows for personal service and retail uses to exceed the thirty (30) percent limit with a Conditional Use Level 3 Review when the ECX District is less than 10 acres.

B. Conditional Use Requests

The Applicant is requesting two (2) conditional uses on the Subject Property. The Applicant is requesting the following conditional uses:

1. Conditional Use Request 1 – Restaurant, Drive-Thru/Drive-in (C3)
2. Conditional Use Request 2 – Restaurant, Drive-Thru/Drive-in (C3)

(the "Conditional Uses"). The Conditional Uses are depicted on the Site Plan included as part of the application materials.

C. Variance Requests

Pursuant to Section 930 of the Polk County Land Development Code, the Applicant requests a variance from the dimensional requirements in Table 2.2 of the Land Development Code and to reduce the distance requirements for Alcohol Sales contained in Table 2.4 of the Land Development Code to allow for alcohol consumption on the premises of the Restaurant Drive-Thru/Drive-in Conditional Uses. Specifically, the Applicant is asking for the following variances.

1. Relief from Dimensional Requirements in Table 2.2
2. Relief from the Distance Requirements in Table 2.4

Justifications

A. Request to Exceed Thirty (30) Percent Threshold for Retail/Personal Services

The request to exceed the thirty (30) percent threshold for retail and personal services within the ECX District is necessary for the Subject Property to achieve its full development potential

and to develop in accordance with its Future Land Use designation. The Subject Property's location along U.S. 98 makes retail and personal service uses the most practical and appropriate uses for the site. Additionally, the limited size of the ECX District and the Subject Property's adjacency to residential districts constrain use for high-impact office and/or light industrial development.

B. Conditional Use Requests

As explained above, the Subject Property's location along U.S. 98 and its adjacency to an existing Culver's make the requested Conditional Uses appropriate. The requested Conditional Uses will provide vehicle-oriented services and food options for individuals traveling along U.S. 98 between Lakeland and Bartow. Additionally, the Subject Property's proximity to Polk State University and Travis Technical College creates employment opportunities for students while also providing nearby commercial services.

Moreover, the Site Plan makes efficient use of the Subject Property to promote site beautification and ensure maximum compatibility with the surrounding area. Specifically, the Site Plan provides an enhanced 20-foot landscape buffer along 3rd Street Southeast to enhance compatibility with nearby residential districts. In addition, the Site Plan incorporates three proposed ponds that further buffer the requested uses from surrounding residential areas. These design elements limit visibility of the proposed development from nearby residences while providing attractive landscaping and convenient access along 3rd Street Southeast.

C. Variance Requests

The limited size of the ECX District constrains the ability of the Subject Property to develop in strict compliance with the dimensional requirements set forth in Table 2.2 of the Land Development Code and the distance requirements set forth in Table 2.4 of the Land Development Code. Further, the Subject Property is bounded on all sides by public roadways – U.S. 98 to the west, 3rd Street East to the east, Central Avenue South to the south, and Clubhouse Road to the north. While this configuration enhances access, it restricts the site's ability to meet the applicable setback requirements. The variances requested represent the minimum relief necessary to allow reasonable development of the Subject Property in a way consistent with the uses and policies established in the Comprehensive Plan and the Land Development Code.