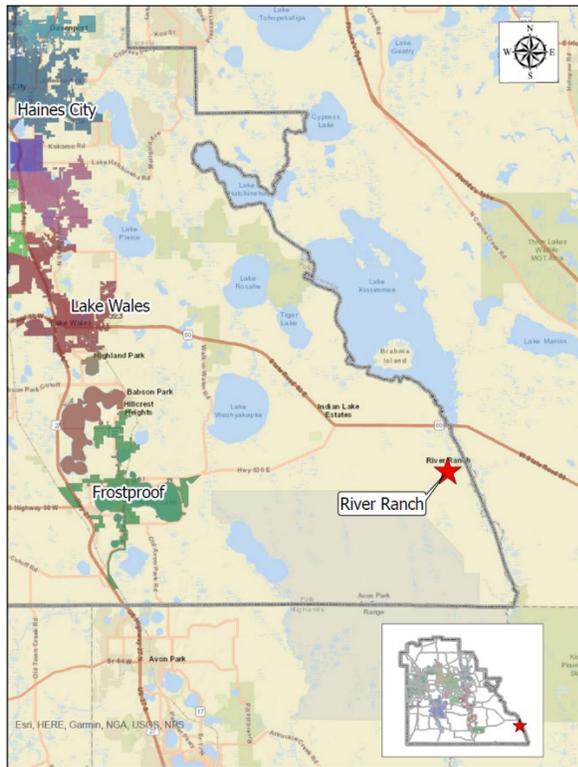


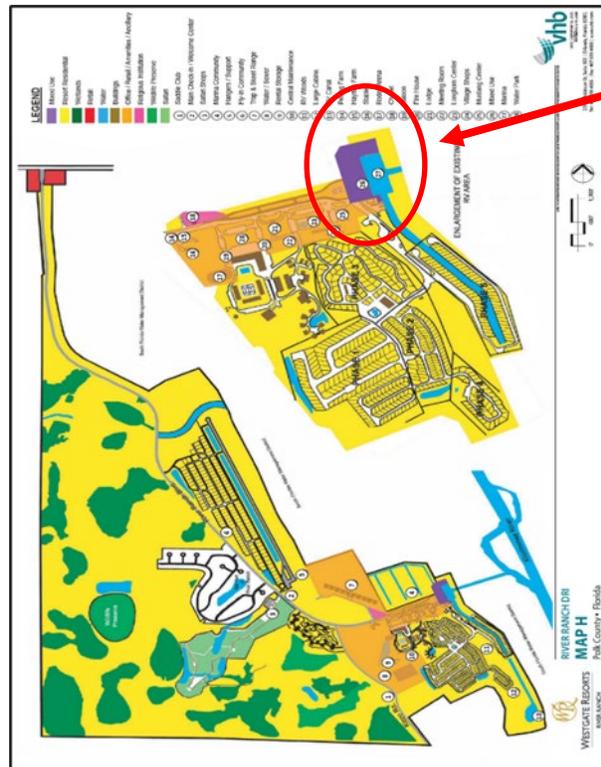
POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: August 31, 2023	Level of Review: Level 4
PC Date: March 6, 2024	Type: DRI Amendment
BoCC Date: April 16, 2024	Case Number: LDDRI-2023-3
Applicant: Andrew McCown, AICP, GAI Consultants	Case Name: River Ranch DRI Map H Amendment
	Case Planner: Mark J. Bennett, AICP, FRA-RA, Senior Planner

Request:	Amendment to the River Ranch Development of Regional Impact (DRI) Development Order to add a mixed-use category.
Location:	South of State Road 60, West of the Kissimmee River, East of River Ranch Boulevard, and east of the Cities of Lake Wales and Frostproof in Section 23, Township 31, Range 31.
Property Owner:	Westgate Resorts, LTD
Parcel Size:	187.04 +/- acres (313123-000000-012010) NOTE: The Project Area is 4.4 acres within this parcel.
Development Area/Overlays:	Rural Development Area (RDA)
Nearest County/Municipality:	Osceola County, Lake Wales, Frostproof
DRC Recommendation:	Approval
Planning Commission Vote:	6:0 Approval
Public Comment:	Pending Hearing



Location Map



Proposed DRI Map H

Summary

The applicant, Andrew McCown of GAI Consultants, is requesting a Development of Regional Impact (DRI) Amendment on behalf of the property owner, Westgate Resorts LTD. The request is to allow for a mixed-use land use On Map H (Land Use Master Plan). The reason for the request is to replace the existing restaurant and retail building next to the marina with two mixed-use buildings. This activity will occur on a 4.4-acre portion of the site known as the “project area” (see Exhibit 3). The first floor will contain retail/flex space, office space, and a food and beverage operation. The second to fourth floors will include one- and two-bedroom multifamily units (short term rentals).

Project History

On July 16, 1991, the Board of County Commissioners approved the Development Order for the River Ranch DRI. The Applicant was approved for a mixed-use development consisting of 2,086 resort residential units, 300 wilderness camping spaces, 512 residential units, 7.57 acres of office/retail and other related ancillary recreational facilities. Buildout, at the time of the original approval, was proposed to take seven years. Subsequent amendments to the Development Order are as follows:

October 15, 1991 - Condition added requiring the Applicant to set aside a 24-acre wildlife preservation area.

August 4, 1998 - Buildout date of the River Ranch project was extended by two (2) years.

August 1, 2000 - Buildout date of project extended to August 5, 2005.

December 18, 2002 – Development Order amended to allow for the substitution of 75 site built cabins in lieu of 250 Recreation Vehicles. The Applicant overstated the conversion of cabins in lieu of Recreational Vehicles analyzed in the fourth amendment to the Development Order by one hundred and seventy-five (175) RVs.

March 3, 2004 - Amendment to the Development Order approved which provided for a Traffic Equivalency Table and revised Map H (River Ranch Master Plan).

July 26, 2006 - Buildout date extended to August 11, 2011, and provided certain terms and conditions applicable to lock-off units.

December 14, 2021 – Development Order amended to provide for certain terms and conditions relating to a proposed safari community use in the River Ranch DRI, (ii) update the Map H to reflect the proposed safari use among other minor changes, and (iii) extend the buildout date of the River Ranch DRI to January 16, 2027.

Currently, the project is approved for 1,836 recreational vehicle spaces, 300 wilderness camping spaces, 587 site-built residential units, 7.57 acres of office/retail space, and other related ancillary recreational and community facilities. The general location of these land units is depicted on the revised Map H prepared by VHB dated September 9, 2021.

Analysis:

Compatibility:

The 4.4-acre project area is currently developed with a one-story, 7,558 square foot marina building, which is used for retail and a restaurant. If approved, the mixed-use designation on the DRI Map H will allow for the existing structure to be replaced with two, four-story mixed-use buildings. As previously mentioned, the new mixed-use buildings retail/flex space, office space, and a food and beverage operation. The second to fourth floors will include one- and two-bedroom multifamily units (short term rentals).

If built, the request will result in a more intensive use on the 4.4 acre site. However, the project area is internally located within the River Ranch Resort complex and will not have an adverse impact upon surrounding properties. Therefore, the request is compatible with the surrounding area.

Floodplains (Section 630):

The 4.4-acre project area is located within a Zone “A” floodplain. An “A” Zone floodplain is an area where special flood hazards exist, but no base flood data has been provided. While development/redevelopment is allowed in these areas, the redevelopment of this site for two new buildings will be required to comply with the provisions of Section 630 (Flood Hazard Management and Floodplain Protection), specifically Section L. This section contains additional development standards (in addition to the Florida Building Code), that the applicant must demonstrate compliance with at the time of Level 2 review.

Airport Impact District (Section 641):

This property is within the Airport Impact District for the River Ranch Resort Airport, a public-use facility. Specifically, this property is within the following zones:

- Height Notification Subzone 1
- In-Flight Visual or Electronic Interference Zone, and
- Aircraft Bird Strike Hazard Zone - Piston Engine Powered Aircraft

Based on these designations, and the potential impact of this project on airport operations, staff identified this issue as part of the application’s sufficiency review. In response, the applicant obtained documentation from the Federal Aviation Administration (FAA) stating that the proposed structures do not exceed obstruction standards and would not be a hazard to air navigation, provided certain conditions related to providing a notice of Actual Construction were completed. The project area is not located within the Overflight Zone for this airport.

Because the new buildings will be located away from the Runway Approach Zone, and the FAA has issued a “Determination of No Hazard to Air Navigation”, staff’s concerns have been addressed. Therefore, the project is consistent with the provisions of this section of the Land Development Code.

Military Compatibility Zone (Section 642):

Section 642 of the Land Development Code provides for the establishment of the Military Compatibility Zones (MCZ) overlay. As stated in this section, “The Military Compatibility Zones

(MCZ) overlay is established to ensure that land uses and activities are compatible with the operations of the APAFR, in order to protect the health and safety of residents and to preserve the mission of the Range.”

This site is in MCZ-1. Within this zone, there is a requirement that structures comply with the maximum structure height of 50 feet, or otherwise obtain a variance. Because this project proposes to construct two 64-foot, 6-inch-tall buildings, the applicant is also seeking a variance under a separate application. That application is currently scheduled to be appear before the Land Use Hearing Officer on April 25, 2024. Other development requirements in MCZ-1 include prohibitions on landfills and land application of septage (due to these uses inducing bird strike hazards), and lighting restrictions.

Staff has also coordinated with Avon Park Air Force Range staff regarding this request. Mr. Charles (Buck) MacLaughlin, The Range Operations Officer (and an alternate on the Planning Commission), has expressed concerns about the height of the proposed structures, but has not raised any objections to this request. He is recommending that applicant consider noise reduction/sound proofing building techniques, and that signage be provided to notice of military activities. To address the concerns about notice, a proposed condition of approval is included in the revised Development Order (DO) to requesting an agreement between the Applicant and the Avon Park Air Force Range for the provision of signage.

Because the height and lighting concerns will be addressed through the variance process, and the requested notice/signage requirement will be addressed with a condition of approval in the revised DO, this project will comply with the requirements of the Military Compatibility Zone Section.

Transportation:

The proposed addition of a mixed-use category for the River Ranch DRI has the potential to increase the number of vehicle trips at the subject site. However, because the DRI DO limits the number of resort residential units, there will not be an increase in the number vehicle trips accessing the property, above and beyond what is already allowed. The additional units at this specific location in the DRI are within the overall unit Resort Residential cap.

As outlined in the Conditions of Approval for the DO, the Applicant is required to monitor traffic volumes and turning movements at the intersection of State Road and River Ranch Boulevard annually. This data provides a “snapshot” of conditions at that time.

If the annual traffic monitoring shows the need for this intersection to be signalized prior to buildout of the project, then the developer is required to pay for the signalization (DO Condition B. 2., paragraph 2).

Table 1 following this paragraph shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. Only 784 units and the 7.57 acres within the DRI have been developed. retail. The proposed request’s traffic generation will be part of the overall rates for the DRI. The DRI has not reached full buildout and there is available capacity on SR 60. Therefore, the request will not generate enough traffic on SR 60 to be significant which is defined as five (5) percent (%) or more of roadway capacity.

Table 1 Estimated Transportation Impact Analysis

Permitted Intensity	Existing Land Use (DRI)
Average Annual Daily Trips (AADT)	2,598 x 4.6 = 11,951 AADT 300 x 4.3 = 1,290 AADT 7.40 x 302.96 = 2,241 AADT <u>21,498 SF Mixed Use = 1,455 AADT</u> Total: 16,791 AADT
PM Peak Hour Trip	2,598 x 0.58 = 1,507 PM Peak 300 x 0.37 = 111 PM Peak 7.40 x 13.125 = 99 PM Peak <u>21,498 SF Mixed Use = 65 PM Peak</u> Total: 1,787 PM Peak

Source: Hotel, limited service (Local data) and Campground RV Park rate of 4.6 and 4.3 AADT and 0.58 and 0.37 PM per space; Retail less than 50,000 sf rate of 86.56 AADT and 3.75 PM per 1,000 sf. (based upon the 2,000-sf gas station and a 1,500-sf fast food restaurant = 3.5 x 86.56 (302.96) and 3.5 x 3.75 (13.125). This data is from the Polk Transportation Planning Organization: Updated Trip Table for Polk County.

NOTE: The 1.0 acre of mixed use is calculated based off a total of 21,498 square feet of non-residential uses for the two new buildings, and assuming 75% retail and 25% office. RETAIL: 16,124 SF * 86.56 AADT per 1,000 SF (Daily) & 3.5 AADT/1,000 SF (Peak) = 1,396 AADT (Daily) & 57 AADT (Peak). OFFICE: 5,374 SF * 10.84 AADT per 1,000 SF (Daily) & 1.44 AADT /1,000SF (Peak) = 59 AADT (Daily) & 8 AADT (Peak).

B. Available Capacity

Table 2 below displays the available capacity for SR 60. The applicant has completed all the required transportation improvements at this time.

Table 2 Roadway Link Concurrency

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
5912E	State Road 60 (CR 630 to Osceola County Line)	B	467	C	C
5912W	State Road 60 (CR 630 to Osceola County Line)	B	487	C	C

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

Conclusion: The request for an amendment to the River Ranch DRI Map H (Land Use Master Plan) is not expected to cause any adverse impacts upon surrounding properties or public services and facilities, or the County’s transportation network. Possible impacts to civilian and military aviation activities are expected to be minimal, due to the location of the buildings and the relatively minimal increase in height above current requirements. Although the project area is in the 100-year, Zone A floodplain, redevelopment of the site in accordance with Section 630 of the County’s Land Development Code will address any potential impacts on this environmental resource.

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 LDDRI 2023-3**.

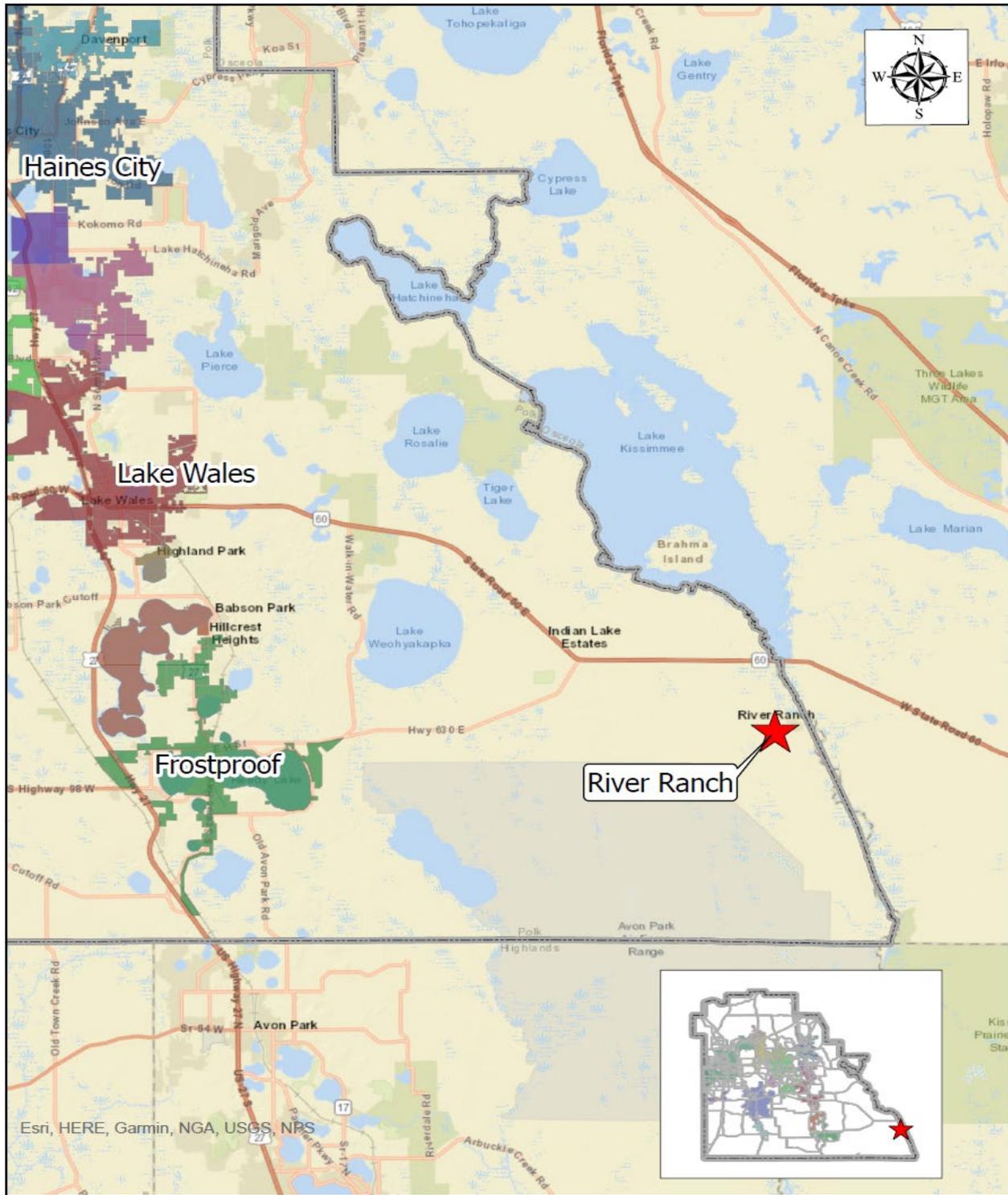
NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.

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.

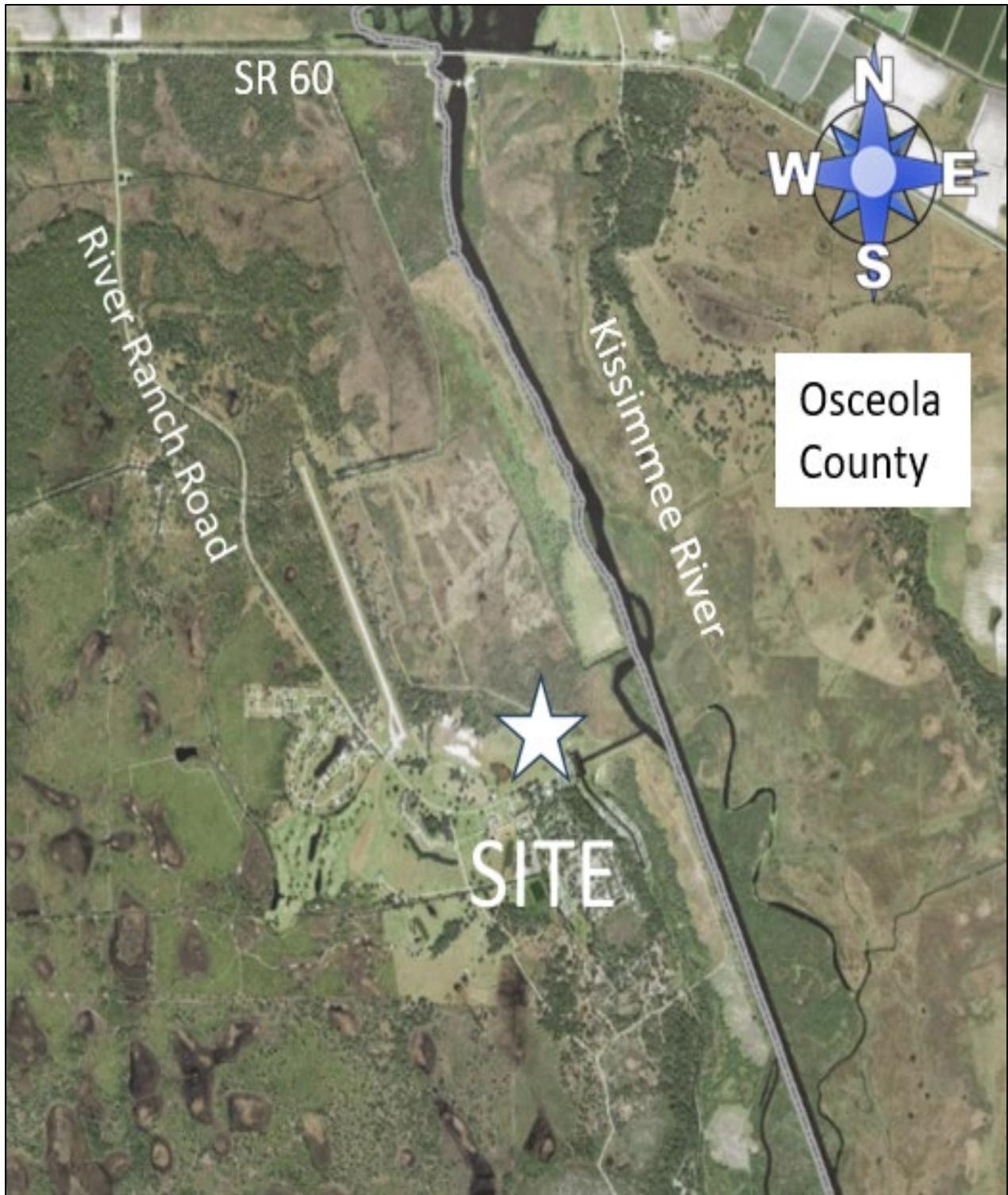
NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals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

Exhibits

Exhibit 1	Location Map
Exhibit 2	Aerial Map – Context
Exhibit 3	Aerial Map – Close-up
Exhibit 4	Future Land Use Map
Exhibit 5	Current DRI Map H
Exhibit 6	Proposed DRI Map H
Exhibit 7	Correspondence from the Avon Park Air Force Range
Exhibit 8	FAA Determination of No Hazard to Air Navigation



LOCATION MAP

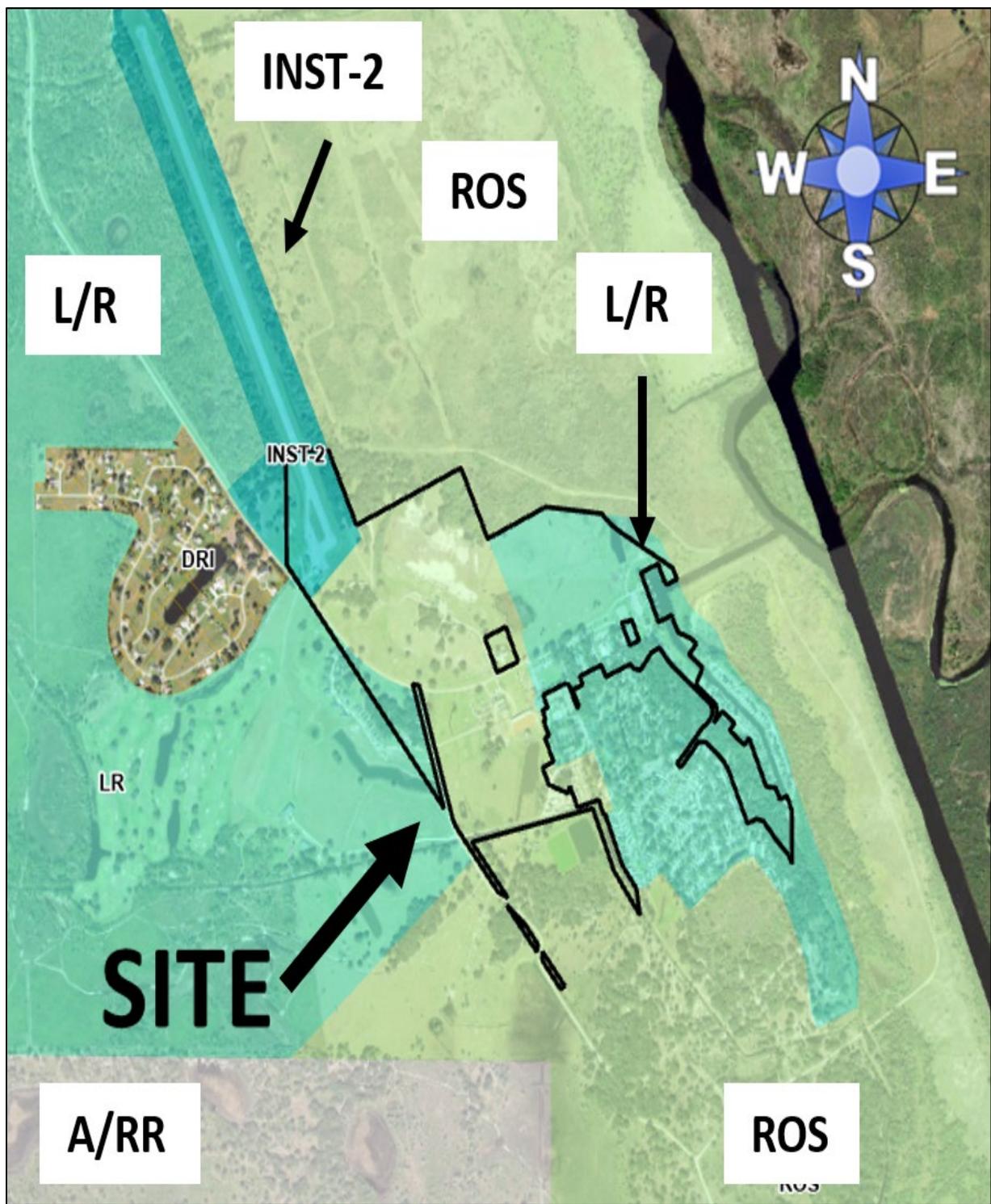


AERIAL MAP CONTEXT

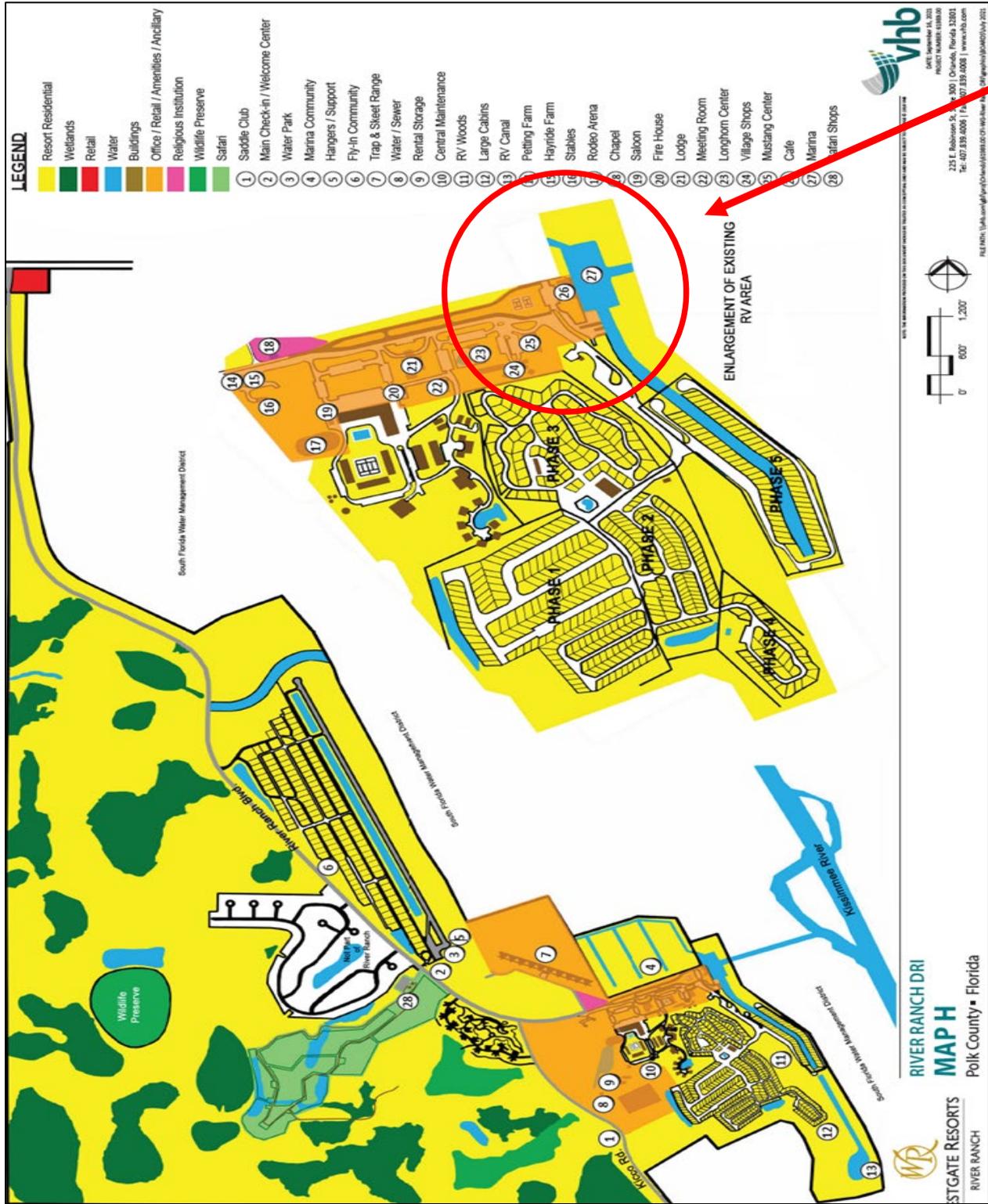


Source: NOPC Application Support Documentation

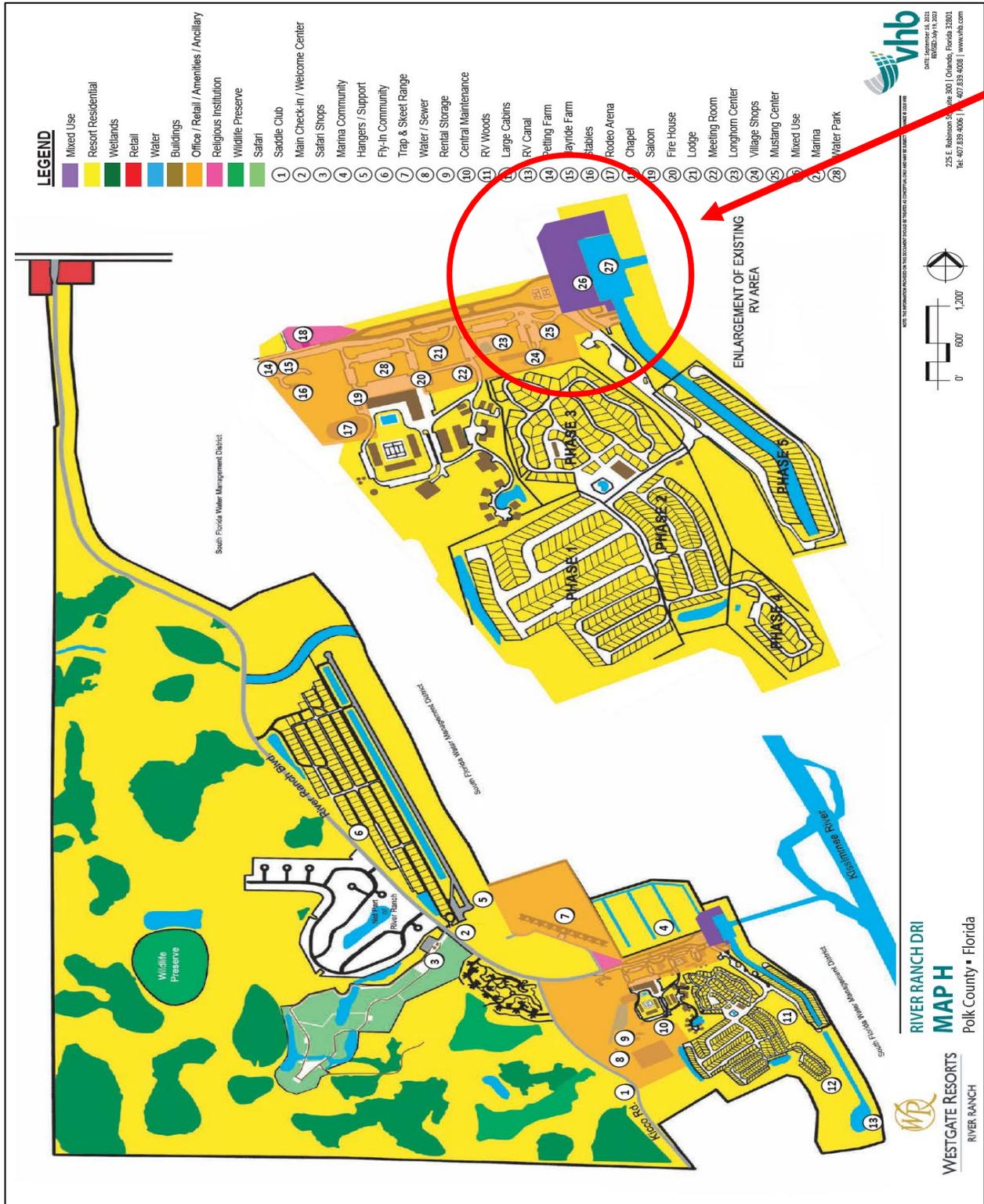
AERIAL MAP – CLOSE UP



FUTURE LAND USE MAP



CURRENT DRI MAP H



PROPOSED DRI MAP H

RE: River Ranch Variance Request



Bennett, Mark

To Bennett, Chanda; MACLAUGHLIN, CHARLES E CIV USAF ACC 598 RANS/RMD
Cc Jennifer Codo-Salisbury; Little, Amy

Retention Policy Polk 5 Year Mailbox (5 years)

Expires 2/5/2029



Wed 2/7/2024 8:28 AM

From: MACLAUGHLIN, CHARLES E CIV USAF ACC 598 RANS/RMD <charles.maclaughlin.1@us.af.mil>
Sent: Friday, January 26, 2024 10:16 AM
To: Bennett, Mark <markbennett@polk-county.net>
Cc: Bennett, Chanda <ChandaBennett@polk-county.net>; Jennifer Codo-Salisbury <jcodosalisbury@cfrpc.org>; Little, Amy <AmyLittle@polk-county.net>
Subject: [EXTERNAL]: RE: River Ranch Variance Request

You don't often get email from charles.maclaughlin.1@us.af.mil. [Learn why this is important](#)

Thanks Mark!

You did but I really appreciate the follow-up. Apologize if I did not confirm receipt!

I have a couple recommendations below but overall, do not have serious concerns with approval and would suggest this is an opportunity to showcase/celebrate this process as an effective method of ensuring military compatibility.

Through your efforts, I have been in contact with Mr. Eric Bain for several months and have discussed the proposed development with him.

We do not have any serious concerns with the proposed development and again, see this as an outstanding example of how the variance process can be applied.

To tack on to the FAA approvals, the attached screen shot illustrates how River Ranch sits in the "elbow" if you will, of APAFR's Special Use Airspace. As such, we do not have any concerns with applying a building height variance and for what it's worth, recommend doing so.

The concerns that I did discuss with Mr. Bain were lighting and noise. In my opinion, Polk County's MCZ lighting standards addresses the lighting concern very well so I think that is covered. For noise, I suggested they consider noise reduction/sound proofing building techniques and asked if they would consider posting signs and putting information in the registration paperwork informing guests of the military activity nearby. He indicated he would discuss those suggestions with the owners.

My request, if the County and applicant are agreeable, is for the approval paperwork to somehow document the recommendation for sound reduction building techniques and to add the signage as a condition for approval. The Range would be responsible for the cost of purchasing/maintaining the sign/signs and possibly the installation. Wording would be pre-coordinated and agreed to by the owner.

That said, I don't view my recommendations as show-stoppers. If the County or applicant do not concur, I do not have any concerns with a recommendation for approval.

V/r,

Buck

CORRESPONDENCE FROM THE AVON PARK AIR FORCE RANGE



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2023-ASO-30635-OE

Issued Date: 01/16/2024

Bryon Smith
 Westgate Resorts LTD
 5601 Windhover Dr
 Orlando, FL 32819

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Multi-purpose Building River Ranch Marina Mixed Use Building
Location:	River Ranch, FL
Latitude:	27-46-16.27N NAD 83
Longitude:	81-11-24.49W
Heights:	60 feet site elevation (SE) 62 feet above ground level (AGL) 122 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 07/16/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**FAA DETERMINATION OF NO HAZARD TO AIR NAVIGATION
 (Page 1 of 3)**

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6504, or dale.kimmel@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ASO-30635-OE.

Signature Control No: 604156864-609628386
Dale Kimmel
Specialist

(DNE)

Attachment(s)
Map(s)

FAA DETERMINATION OF NO HAZARD TO AIR NAVIGATION (PAGE 2 OF 3)

Sectional Map for ASN 2023-ASO-30635-OE



FAA DETERMINATION OF NO HAZARD TO AIR NAVIGATION (PAGE 3 OF 3)