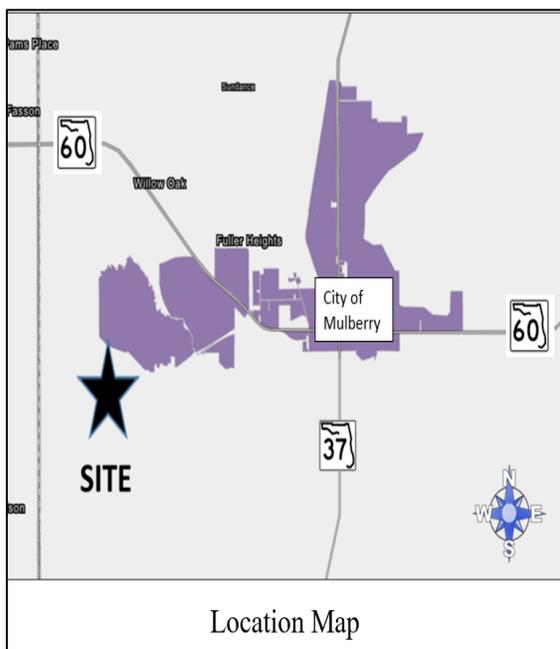
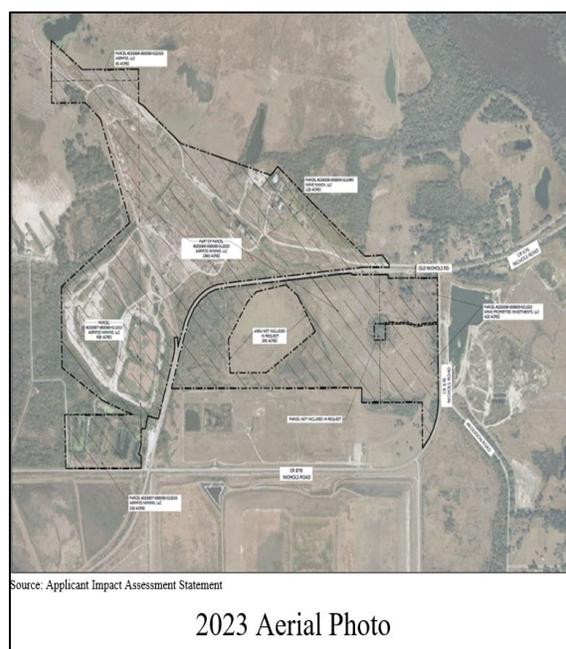


**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

|                                  |   |
|----------------------------------|---|
| <b>DRC Date:</b>                 | July 25, 2024   |
| <b>Planning Commission Date:</b> | November 6, 2024  |
| <b>BoCC Dates:</b>               | December 17, 2024 and February 18, 2025   |
| <b>Applicant:</b>                | David C. Carter, P.E.   |
| <b>Level of Review:</b>          | Level 4 Review, Large-Scale Comprehensive Plan Amendment  |
| <b>Case Number and Name:</b>     | LDCPAL-2024-12 (North Prong Industrial)   |
| <b>Request:</b>                  | Change 420 acres from Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR) to Industrial (IND) and change the text of Section 2.135 of the Comprehensive Plan to limit the intensity of the IND activity on certain areas of the site. |
| <b>Location:</b>                 | North and west sides of Nichols Road, south of State Road (SR) 60 , east of County Line Road, south of the City of Mulberry, in Sections 6, 7 & 8, Township 30, Range 23  |
| <b>Property Owner:</b>           | Diamondback Properties, LLC, Mims Ranch LLC, Mims Properties Investments, LLC, and Alafia Industrial, LLC.  |
| <b>Parcel Size:</b>              | 420 acres   |
| <b>Development Area:</b>         | Rural Development Area (RDA)  |
| <b>Future Land Use:</b>          | Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR)   |
| <b>Nearest Municipality</b>      | Mulberry  |
| <b>DRC Recommendation:</b>       | Approval  |
| <b>Planning Commission Vote:</b> | Pending   |
| <b>Case Planner:</b>             | Mark J. Bennett, AICP, FRA-RA, Senior Planner   |



Location Map



2023 Aerial Photo

## Summary:

This is an applicant-initiated Comprehensive Plan map amendment to change 420 acres from Phosphate Mining (PM) and Agricultural/Residential-Rural (A/RR) to Industrial (IND) on the Future Land Use Map. and to change the text of Section 2.135 of the Comprehensive Plan to limit the intensity of the IND activity on certain areas of the site. The subject site is adjacent to residentially zoned property in the City of Mulberry and a cluster of residential uses in Nichols, an unincorporated residential community. The subject site was previously used for phosphate mining and has vacant buildings related to the manufacturing of phosphate.

## Compatibility Summary

The proposed request is for an Industrial (IND) use. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the types of uses that are allowed. In reviewing this request, there were significant concerns about the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development next to the site in the City of Mulberry. To address these concerns, the corresponding text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-12) provide for additional restrictions on uses and buffering. These additional requirements should minimize any additional impacts to adjoining residential uses and will ensure a more compatible use.

## Infrastructure Summary

Because the site is in the Rural Development Area, connection to public water and wastewater services is not required. There is sufficient roadway capacity. Public safety facilities and services are available.

## Environmental Summary

There are wetlands and floodplains on the site, with past land alternation occurring as a result of phosphate mining and related activities.

## 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 2.108(A1-A6): Rural Development Areas
- Policy 2.113(A1-A5): Industrial
- Section 2.123B(B1-B5): Floodplain-Protection Areas
- Section 2.123C(C1–C6): Wetland-Protection Areas
- Section 2.124-B Airport-Impact Districts

## Findings of Fact

### Request and Legal Status

- LDCPAL-2024-12 is a applicant initiated request for a Comprehensive Plan Amendment (CPA) to designate approximately ± 420 acres within a Phosphate Mining (PM) and Agricultural Residential Rural (A/RR) land use district to Industrial (IND) in the County’s Rural Development Area (RDA). This request also includes a proposed change to the text of Section 2.135 of the Comprehensive Plan to limit the intensity of IND uses on certain areas of the site.
- This case has a companion Land Development Code text amendment (LDCT-2024-19), which will provide for additional restrictions on uses and buffering to minimize additional impacts to adjoining residential uses.
- According to POLICY 2.108-A1 of the Polk County Comprehensive Plan, the Rural Development Area (RDA) is an area “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.”
- POLICY 2.109-A4 states that “The purpose of the Agriculture/Residential-Rural (A/RR) land use district is to provide lands for the continuation of productive agricultural uses and for compatible residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, single-family dwelling units, farm labor housing, group living facilities, and community facilities.”
- POLICY 2.109-A18 describes the Phosphate Mining land use district as follows: “The purpose of the Phosphate Mining (PM) land use district is for phosphate mining operations, phosphate mining support facilities, and other uses that are compatible with and related to phosphate mining and its allied uses.”
- POLICY 2.109-A11 states that “The purpose of the Industrial (IND) land use district is to provide areas for general manufacturing, processing, and distribution of goods. General commercial uses necessary to support the industrial area are also permitted.”
- The property was previously used for phosphate mining.

### 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 proposed request is for an Industrial (IND) use. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that area allowed.

- There are significant concerns about the potential impact of industrial activities on the adjacent Nichols community,
- There are also significant concerns about the potential impact of industrial activities on the planned residential development north of the site in the City of Mulberry.
- The planned residential development north of the site is shown on the City of Mulberry Future Land Use Map as Residential Planned Unit Development and is zoned PD – Planned Development.
- The corresponding text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-19) will provide for additional restrictions on uses and buffering to ensure compatibility.

### **Infrastructure**

- The property is zoned for Purcell Elementary, Mulberry Middle, and Mulberry Senior High.
- Fire and ambulance response is from Polk County Fire Rescue Station 8, located at 4210 Willis Rd, Mulberry. The estimated response time is eight (8) minutes.
- Sheriff’s response to the site is served by the Southwest District, located at 4120 US Hwy 98 S in Lakeland. The response times for August 2024 were: Priority 1 – 10:02 minutes, Priority 2 – 25:29 minutes.
- The site is not located within the Polk County Utility Service Area.
- The subject property is adjacent to Nichols Road (CR 676) (Road No. 031804) and Old Nichols Road (Road No. 030804). CR 676 is a County-maintained Collector Roadway with a surface width of 24 feet and Old Nichols Road is classified as a Local Commercial (LC) Roadway with a paved surface width of 26 feet.

### **Environmental**

- There are Wetlands and Zone “A” Floodplains on the site.
- The site is comprised of approximately 23 percent Tavares fine sand (0 to 5 percent slopes), 18 percent Urban land (0 to 2 percent slopes), 1 percent Ona wet fine sand (0 to 2 percent slopes), 21 percent Zolfo fine sand (0 to 2 percent slopes), 1 percent Udorthents, excavated, 28 percent Arents (0 to 5 percent slopes), 2 percent Felda fine sand (0 to 2 percent slopes), frequently flooded, and 6 percent water according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.
- According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered animal species sighting.
- This property is within Height Notification Zone of South Lakeland Airpark Airport Impact District.
- The site is not within a Wellfield-Protection District.

- According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, the Seaboard Coast Line Railroad Grade is found within the parcel boundaries.

### **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 2.108-A1, Description, states that 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.
  - POLICY 2.108-A3: Land Use Categories, lists the following land use categories shall be permitted within Rural-Development Areas:
    - a. Activity Centers: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.
    - b. Residential: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDAs in accordance with applicable criteria.
    - c. Other: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.

- POLICY 2.113-A1: Characteristics, describes Industrial lands as characterized by facilities for the processing, fabrication, manufacturing, recycling, and distribution of goods, and may contain any use also found within a Business-Park Center. However, land use activities that operate externally to enclosed structures may be permitted within an Industrial Future Land Use designation. Industrial districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and off-site that do not produce a physical product.
  
- POLICY 2.113-A3: Location Criteria, states that Industrial development within the County shall occur within lands designated as Industrial on the Future Land Use Map Series. The following factors shall be taken into consideration when determining the appropriateness of establishing new Industrial areas:
  - a. Industrial development shall be located within an Transit Supportive Development Area Urban-Growth Area, Suburban-Development Area, Rural-Development Area, or Utility-Enclave Area.
  - b. Accessibility to major air and ground transportation, including but not limited to arterial roadways, rail lines, and cargo airport terminals.
  - c. The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.
  - d. Industrial facilities should group together in planned industrial districts on sites capable of being expanded and developed in stages.
  - e. Industrial districts shall be separated significant distances from schools and developed residential areas through a combination of physical separation and screening and/or buffering in accordance with standards in the County's Land Development Code.
  - f. The location criteria for Industrial Districts shall serve to maximize access to the arterial road system and minimize the routing of commercial traffic through residential areas by requiring access be limited to:
    1. arterial roads;
    2. collector roads, if the subject parcel is within 2 miles of an intersecting arterial road; or
    3. local commercial roads or private roads under the following conditions:
      - (a) the road has full median access onto to an arterial road;
      - (b) the road does not serve existing or expected future residential traffic from the surrounding area;
      - (c) the road has a structural integrity and design characteristics suitable for truck traffic.
  - g. Applications for establishment of an Industrial district shall include a plan consistent with Policy 2.110-L5.
  
- POLICY 2.113-A4: Development Criteria within an Industrial area shall conform to the following criteria:
  - a. Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, and distribution of goods, disposal yards, and limited retail commercial in accordance with Policy 2.113-A4.b. Other non-residential uses that produce significant amounts of noise, odor, vibration, dust, and lighting on and off-site may be permitted within an industrial district through conditional approval. Permitted uses also include any use found within a Business-Park Center.
  - b. Retail commercial uses within an industrial area shall be sized for the purpose of serving just the employees of, and visitors to, the industrial area, and shall be limited to a scale

appropriate for that purpose. The maximum floor area ratio for commercial uses within an industrial area shall not exceed 0.25.

- c. Industrial sites shall be designed to provide for:
    - 1. adequate parking to meet the demands of the use; and
    - 2. buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.
  - d. The maximum floor area ratio for non-commercial uses within an Industrial area shall not exceed 0.75 in the TSDA, 0.65 in the UGA, 0.50 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.
  - e. Retail sale of goods manufactured on the site of a business located within an Industrial area is allowed provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.
  - f. Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank systems.
  - g. Planned Developments within the Industrial district may be permitted a maximum floor area ratio up to 1.5 for innovative and attractive employment centers. Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for the County and its residents. Intensity increases shall only be granted to parcels within the TSDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the Industrial district.
  - h. Industrial districts shall be separated from existing schools and developed residential areas through physical separation, screening, buffering, or a combination thereof, consistent with the standards in the County's Land Development Code.
  - i. Workforce housing for unaccompanied workers in barrack, dormitory, or apartment units under specific design parameters listed in the Land Development Code not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser.
- POLICY 2.123-B2: Development Criteria within a "Floodplain-Protection Area" shall conform to the following criteria:
    - a. Development shall be encouraged to locate on the non-floodplain portions of a development site and density may be transferred from undeveloped floodplain areas to contiguous non-floodplain areas per the Land Development Code.
    - b. Development or redevelopment shall meet the requirements of the Polk County Land Development Code, and shall not:
      - 1. enlarge the off-site floodplain;
      - 2. alter the natural function of the floodplain; nor
      - 3. result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the applicable Water Management District pursuant to Titles 40D and 40E, F.A.C.

- POLICY 2.123-C2: Development Criteria within a wetland, as determined by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated shall conform to the following criteria:
  - a. Every reasonable effort shall be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. Mitigation will only be permitted in accordance with applicable state standards.
  - b. Wetland impacts where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for:
    1. Resource-Based Recreational Uses as defined by this Plan that are compatible with wetland functions;
    2. access to the site;
    3. necessary internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
    4. utility transmission and collection lines;
    5. pre-treated storm-water management;
    6. mining that meets state and federal regulations; or
    7. expansion of an existing use or a new use where upon consultation with the appropriate regulatory agency (prior to permitting) it is determined that the proposed mitigation implements all or part of an agency or jurisdiction's plan and provides greater long term ecological value than the impact.
  - c. Commercial and industrial development shall locate on the non-wetland portion of a development site.
  - d. If a site is such that all beneficial use of the property is precluded due to wetland restrictions, then the parcel shall be allowed to develop as follows:
    1. a maximum of one dwelling unit per Lot of Record; or
    2. at a gross density of one dwelling unit per ten acres (1 DU/10 AC). No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.
  - e. Development shall be required to locate on the non-wetland portions of a development site. The Land Development Code shall permit residential densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the provisions of Policy 2.123-C3.
  - f. In accordance with Section 163.3184(6)(c), F.S., the County shall defer the delineation of jurisdictional wetland limits and wetland mitigation amounts to the applicable federal, state or regional permitting agency.
  - g. All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the County issuing a final development order.
  - h. Polk County will coordinate with regulatory agencies to identify and implement procedures to support compliance with permit terms and conditions as part of the County's building inspection and code enforcement activities.
- OBJECTIVE 2.124-B (Airport Impact Districts): 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.

**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 (DRC) finds that with the proposed conditions the request **IS compatible** with the surrounding land uses and general character of the area and **IS consistent** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCPAL-2024-12.**

### **GENERAL NOTES**

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

## 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."

### A. Land Uses

The purpose of 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 site is within a Phosphate Mining (PM) land use district, with a small portion (8+/- acres) designated as Agricultural/Residential-Rural (A/RR). The immediate land use districts in the vicinity of the proposed request includes A/RR, PM and vacant residentially designated land located in the City of Mulberry. South of the site, a Comprehensive Plan map amendment (LDCPAL-2024-11) has received recommendation of approval by the Planning Commission to change property from A/RR to PM to recognize existing phosphate mining operations. The adoption hearing is scheduled for January 7, 2025.

Mining operations are to the east, south, and southeast. To the west and southwest is identified with light manufacturing according to the Polk Property Appraiser's website. To the north and northwest is the City of Mulberry Residential Planned Unit Development and PM land use. There is existing natural vegetation along portions of the northern boundary that will provide buffering for the site. Also north of the site is the Nichols community, comprising several residences and a post office to the north of Old Nichols Road. There is a CSX Rail spur on Polk County Road 676, less than one mile south of SR60. The CSX railroad borders the northern property line.

The primary concern with this request is the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development north of the site in the City of Mulberry. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that are allowed. To address these concerns, a text amendment to both the Comprehensive Plan and the Land Development Code are proposed.

These text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-19) will provide for additional restrictions on uses and buffering to ensure compatibility. A 25-foot-wide landscaping buffer is proposed where the site is adjacent to the Nichols community. For the portions of the site are next to the City of Mulberry's Residential Planned Unit Development that are not already buffered by wetlands, a 200-foot buffer zone is proposed. The

200-foot standard was selected because that the setback requirement for construction aggregate processing, an intensive, industrial use. Within this buffer zone, a 25-foot-wide landscape buffer will be required. Within 100 feet of the property line, there are significant restrictions on allowed uses, with primarily low-intensive uses, such as landscaping, stormwater management, and other similar types of uses. Between 100 to 200 feet, limitations of certain types of industrial uses are proposed, with the intent of minimizing impacts onto adjoining properties. The corresponding LDC text amendment (LDCT-2024-19) contains the details of the request. These provisions, if approved, will ensure that this site will be compatible with the existing and proposed residential uses nearby.

**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.”

The proposed parcels are located in the Rural Development Area (RDA) where the construction of sidewalks is not required. There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. There are existing buildings on site and if necessary, a well and private septic tank would be required for water and wastewater. There is adequate traffic capacity on surrounding roadways to support industrial uses at this location and emergency services are within a reasonable distance.

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

**Table 1**

|  |   |  |
|--|---|--|
| <p style="text-align: center;"><b>Northwest</b><br/>Phosphate Mining (PM)</p>                    | <p style="text-align: center;"><b>North</b><br/>Phosphate Mining (PM)<br/>Agricultural/Residential Rural (A/RR)<br/>Nichols Post Office<br/>City of Mulberry – Vacant<br/>Residentially designated Property</p> | <p style="text-align: center;"><b>Northeast</b><br/>Agricultural/Residential Rural (A/RR)<br/>Site-Built Homes<br/>City of Mulberry - Vacant<br/>Residentially designated Property</p> |
| <p style="text-align: center;"><b>West</b><br/>Phosphate Mining (PM)<br/>Light Manufacturing</p> | <p style="text-align: center;"><b>Subject Site</b><br/>Phosphate Mining (PM)<br/>Agricultural/Residential-Rural (A/RR)<br/>Industrial and Storage Buildings<br/>Debris Storage, Pasture</p>                     | <p style="text-align: center;"><b>East</b><br/>Phosphate Mining (PM)<br/>Sand Mine, Pasture</p>  |
| <p style="text-align: center;"><b>Southwest</b><br/>Phosphate Mining (PM)<br/>Phosphate Land</p> | <p style="text-align: center;"><b>South</b><br/>Agricultural/Residential Rural (A/RR)<br/>Future Phosphate Mining (PM)<br/>(LDCPAL-2024-11)<br/>Phosphate Land</p>  | <p style="text-align: center;"><b>Southeast</b><br/>Phosphate Mining (PM)<br/>Phosphate Land</p>   |

**Nearest and Zoned Elementary, Middle, and High School**

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

Table 2: School Information

| School             | Annual Estimated Demand | Average driving distance from subject site |
|--------------------|-------------------------|--|
| Purcell Elementary | 0                       | 3.6 miles                                  |
| Mulberry Middle    | 0                       | 4 miles                                    |
| Mulberry High      | 0                       | 4.5 miles                                  |

Source: Polk County School Board website

### Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Sherriff response times are not as much a function of the distance to the nearest sheriff’s substation rather more a function of the overall number of patrol officers within the County. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered.

Table 3 provides a breakdown of response times and travel distances for emergency services.

Table 3 Public Safety Information

|           | Name of Station  | Distance   | Response Time*                         |
|-----------|--|------------|--|
| Sheriff   | Southwest District, located at 4120 US Hwy 98 S, Lakeland              | ±15 miles  | P1: 10:02 minutes<br>P2: 25:29 minutes |
| Fire/ EMS | Polk County Fire Rescue Station 8, located at 4210 Willis Rd, Mulberry | ±4.3 miles | 8 minutes                              |

Source: Polk County Sheriff’s Office and Public Safety \*Response times are based on when the station receives the call and not from when the call is made to 911.

## Water and Wastewater

Because development in the Rural Development Area is not required to connect to public water and sewer facilities, nor are there any public utilities in the area, the proposed Comprehensive Plan Amendment will not have an impact on these systems.

### A. Estimated Demand

The development of 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 13,721,400 square feet (SF) of industrial use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .75 for IND by 420 acres (18,295,200 SF). For this analysis, the same ITE use code (140) was used for both the PM and IND properties, due to both land uses having the same maximum FAR of .75.

Table 4 Estimated Water and Sewer Impact Analysis

| <b>Maximum Allowable Use:</b><br><b>420± acres of industrial</b><br><b>18,295,200 sq ft</b><br><b>@0.75 FAR = 13,721,400</b>  | Estimated Impact Analysis<br><i>Development Area: RDA</i>   |  |
|---|---|--|
|   | <b>Current Land Use designation</b><br><b>A/RR, PM</b>  | <b>Maximum Permitted Use in</b><br><b>Proposed IND</b> |
| Current Maximum Allowable Use   | A/RR - 8 acres (1 single-family dwelling unit (DU))<br>PM – 412 acres                                     | 13,721,400 square feet (SF)                            |
| Potable Water Consumption   | A/RR - 1 DU * 360 GPD/DU =<br><b>360 GPD</b><br>PM – 13,460,040 SF * .24 GPD/SF =<br><b>3,230,409 GPD</b> | 13,721,400 SF * .24 GPD/SF =<br><b>3,293,136 GPD</b>   |
| Wastewater Generation   | A/RR - 1 DU * 270 GPD/DU =<br><b>270 GPD</b><br>PM – 3,230 GPD * .80<br><b>2,584,327 GPD</b>              | 3,293 GPD * .8 =<br><b>2,634,508 GPD</b>               |
| <i>GPD – Gallons Per Day;</i><br><i>Source: Polk County Concurrency Manual and Polk County Utilities: PM@ IND rates @ 0.24 per sq ft and 80% for wastewater, single family @ 360 GPD Potable water and 270 Wastewater</i> |   |  |

### B. Available Capacity:

There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. If necessary, a well and septic system will be required to support any future redevelopment of the site.

### C. Planned Improvements:

No information is known currently for any planned improvements to utilities in this area.

## Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The data identifies both daily and peak hour traffic volumes. The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

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

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 13,721,400 square feet (SF) of industrial use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .75 for IND by 420 acres (18,295,200 SF). For this analysis, the same ITE use code (140) was used for both the PM and IND properties, due to both land uses having the same maximum FAR of .75.

Table 5 Estimated Transportation Impact Analysis

| Maximum Allowable Use:<br>420± acres of industrial<br>18,295,200 sq ft<br>@0.75 FAR =<br>13,721,400 | Estimated Impact Analysis Agricultural/Residential-Rural (A/RR) & Phosphate Mining (PM) to Industrial (IND) Development Area: RDA   |  |
|---|---|--|
|   | Current Land Use designation<br>A/RR, PM  | Maximum Permitted Use in Proposed IND  |
|   | A/RR - 8 acres (1 single-family dwelling unit (DU))<br>PM – 412 acres   | 13,721,400 square feet (SF)  |
| Average Annual Daily Trips (AADT)   | A/RR - 1 DU * 7.81 trips/DU =<br><b>8 AADT</b><br>PM – 13,460,040 SF/1,000<br>13,460 * 3.93 * .92 (new trips)<br><b>48,666 AADT</b> | 13,721,400/1,000 SF – 13,721<br>13,721 SF * 3.93 * 92% new trips =<br><b>49,610 AADT</b> |
| PM Peak Hour Trips  | A/RR - 1 DU * 1 trip/DU =<br><b>1 AADT</b><br>PM – 13,460,040 SF/1,000<br>13,460 * .67 * .92 (new trips)<br><b>8,296 AADT</b>       | 13,721,400/1,000 SF – 13,721<br>13,721 SF * .67 * 92% new trips =<br><b>8,458 AADT</b>   |

Source: Concurrency Manual and Table for Minor Traffic Study – PM @ IND rates ITE Code 140 @ 3.93 AADT per 1,000 square feet and 0.67 PM Peak Hour Trip per 1,000 square feet and 92% new trips, single family @ one house per five acres – 7.81 AADT per unit and 1 PM Peak Hour per unit 100% new trips

B. Available Capacity:

The roads surrounding the subject site should have sufficient capacity available, depending on the eventual use and full build out of the 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.

Table 6, below, charts the generalized available capacity of the most-affected links.

**Table 6**

| Link # | Road Name   | Current Level of Service (LOS) | Available PM Peak Hour Capacity | Minimum LOS Standard | 5-Year Peak Hour Projected LOS |
|--------|---|--------------------------------|---------------------------------|----------------------|--------------------------------|
| 4075E  | CR 676 (Nichols Road)<br>From: Hillsborough County to SR 60 | C                              | 635                             | C                    | C                              |
| 4075W  | CR 676 (Nichols Road)<br>From: Hillsborough County to SR 60 | C                              | 631                             | C                    | C                              |

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023*

As identified above, Nichols Road (CR 676) has sufficient PM peak hour capacity to support future development activity.

**C. Roadway Conditions**

CR 676 is a County-maintained Collector Roadway with a surface width of 24 feet and Old Nichols Road is classified as a Local Commercial (LC) Roadway with a paved surface width of 26 feet. Due to the potential stacking of vehicles in the right-of-way and the proposed use can have adverse impacts on the conditions of the roadway, conditions are included within the staff report for preventative measures.

**D. Planned Improvements:**

There are no roadway improvements planned in the next five years for this area of the County.

**E. Mass Transit**

There is no transit within a reasonable distance of the site; however, the nature of this request does not demand the need for mass transit.

**F. Sidewalks**

There are no sidewalks along the parcel. Since this project is in the Rural Development Area (RDA), the construction of sidewalks is not required.

**Park Facilities and Environmental Lands:**

Rolling Hills Park is ±9.4 miles to the southeast, and Fuller Heights Park is ±2.8 miles to the northeast. Alafia River Reserve is ±5 miles also to the northwest. The proposed use is not expected to impact these facilities.

**A. Location:**

Alafia River Reserve is located at 4872 Indian Oak Dr., Mulberry. Rolling Hills Park is located at 120 Duboe Street, Bartow. Fuller Heights Park is located at 2205 4th Street, Mulberry.

B. Services:

Alafia River Reserve amenities include walking trails and a pavilion. Rolling Hills Park has a picnic area and an open field that can be used for various activities. Fuller Heights Park is a community park featuring a playground and a basketball court.

C. Multi-use Trails:

Multi-use trails can be found at Alafia River Reserve.

**Environmental Lands:**

The subject site is south of the Alafia River's North Prong, which are the closest environmental lands to the site. The Alafia flows generally west of the subject site before emptying into the Hillsborough Bay east of MacDill Air Force Base.

**Environmental Conditions**

The site is in an area that has seen significant phosphate mining operations. The Mosaic Nichols mine (and part of the LDCPAL-2024-11), is south of the site. Large portions of the proposed project area were partially mined in the past. According to the applicant's Impact Assessment Statement (IAS) Wetlands and flood zones may be impacted. The site is comprised of severely limited soils for typical forms of development.

A. Surface Water:

There are surface water features onsite which consist of a pond system remnant of the previous phosphate mining on the southwest mining area. According to the applicant's IAS large portions of the site have previously been mined for phosphate, with sand tailings present. The southwestern portion of the site drains westerly to Thirtymile Creek, and the northeastern portion of the site drains to the North Prong of the Alafia River. The elevation of the site is generally level, with elevations ranging from 112 to 123 feet.

B. Wetlands/Floodplains:

Wetlands and "A" Flood Zones are present on the subject site because of the previous phosphate mining operation. The submitted site plans recognizes the wetland and flood zone areas identifying them as Block A, B, C, and E (Exhibit 5). The applicant will be required to demonstrate compliance with LDC Chapter 6 (*Resource Protection*) during the Level 2 review process for any site development.

C. Soils:

The site is comprised of severely limited soils for typical forms of development, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.

Table 7, below, lists the soils associated with the subject site.

**Table 7**

| Soil Name  | Septic Tank Absorption Field Limitations | Limitations to Small Commercial Buildings | % of Site (approximate) |
|--|--|---|-------------------------|
| Tavares fine sand, 0 to 5 percent slopes                   | Moderate: wetness                        | Slight                                    | 23%                     |
| Urban land, 0 to 2 percent slopes                          | None                                     | None                                      | 18%                     |
| Ona wet fine sand, 0 to 2 percent slopes                   | Severe: wetness, poor filter             | Severe: wetness                           | 1%                      |
| Zolfo fine sand, 0 to 2 percent slopes                     | Severe: wetness, poor filter             | Moderate: wetness                         | 21%                     |
| Udorthents, excavated                                      | None                                     | None                                      | 1%                      |
| Arents, 0 to 5 percent slopes                              | None                                     | None                                      | 28%                     |
| Felda fine sand, 0 to 2 percent slopes, frequently flooded | Severe: flooding, wetness                | Severe: wetness                           | 2%                      |
| Water  | N/A                                      | N/A                                       | 6%                      |

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

According to the submitted documents, the applicant is proposing a Future Land Use designation of Industrial (IND). They intend to be strategic in the mining the project area to achieve mass grading in preparation for the ultimate use of the site. Any future development of the site will be subject to Section 2.303: “Soils” of the County’s Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection’s (DEP) Florida Development Manual.

**D. Protected Species**

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered animal species sighting. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state, and local law.

**E. Archeological Resources:**

According to a preliminary report from the Secretary of State’s Department of Historical Resources Florida Master Site File, the Seaboard Coast Line Railroad Grade is found within the parcel boundaries. The result of this report has no bearings on the proposed use as the site was previously used for mining.

**F. Wells (Public/Private)**

The site is not within a Wellfield Protection District.

**G. Airports:**

This property is within Height Notification Zone of South Lakeland Airpark Airport Impact District.

**Economic Factors:**

Construction of buildings and site development activities create temporary jobs. Any new business activity that occurs at this site will need more goods and services, thereby generating more economic activity.

The redevelopment of this site as a result of the proposed IND designation has the potential to create permanent jobs. A unique feature of this property is the location of existing rail, which will provide additional opportunities for economic development.

The close proximity of this site next to Nichols also represents a potential opportunity to facilitate the revitalization of this community thru the provision of jobs from this site.

**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  |
|--|---|
| <p>POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses;<br/>                     b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;<br/>                     c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.</p> | <p>Some of the adjacent properties are either planned or developed with residential uses. The proposed Text change to the Comprehensive Plan and corresponding Land Development Code Text change will include provisions to ensure compatibility by including use restrictions and additional buffering requirements.</p> |
| <p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>   |   |
| <p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>   | <p>Fire protection and EMS service is available approximately 3 miles to the southwest of the site.<br/><br/>                     The non-residential use should not create demand on schools and parks.</p>  |

| Comprehensive Plan Policy   | Consistency Analysis  |
|---|---|
| <p><b>POLICY 2.102-A10: LOCATION CRITERIA</b> - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <ul style="list-style-type: none"> <li>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided,</li> <li>b. nearness to agriculture-production areas;</li> <li>c. distance from populated areas;</li> <li>d. economic issues, such as minimum population support and market-area radius (where applicable);</li> <li>e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to: <ul style="list-style-type: none"> <li>1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;</li> <li>2. sanitary sewer and potable water service;</li> <li>3. storm-water management;</li> <li>4. solid waste collection and disposal;</li> <li>5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;</li> <li>6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities</li> <li>9. parks, open spaces, civic areas and other community facilities,</li> </ul> </li> <li>f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> <li>1. environmental sensitivity of the property and adjacent property;</li> <li>2. surface water features, including drainage patterns, basin characteristics, and flood hazards;</li> <li>3. wetlands and primary aquifer recharge areas;</li> <li>4. soil characteristics;</li> <li>5. location of potable water supplies, private wells, public well fields; and</li> <li>6. climatic conditions, including prevailing winds, when applicable.</li> </ul> </li> </ul> |   |
| <p><b>POLICY 2.108-A1: DESCRIPTION</b> - Rural-Development Areas (RDA) 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.</p> <p><b>POLICY 2.108-A3: LAND USE CATEGORIES</b> - The following land use categories shall be permitted within Rural-Development Areas:</p> <ul style="list-style-type: none"> <li>a. <b>ACTIVITY CENTERS:</b> Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.</li> <li>b. <b>RESIDENTIAL:</b> Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria.</li> </ul>  | <p>The proposed request for an Industrial land use designation is allowed in the RDA.</p> |

| Comprehensive Plan Policy   | Consistency Analysis   |
|---|--|
| <p>c.OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.</p>   |  |
| <p>SECTION 2.124-B - AIRPORT-IMPACT DISTRICTS.</p> <p>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.</p> | <p>The site is located in the Height Notification Zone for the South Lakeland Airpark. Due to the distance of the subject property away from the airport, no adverse impacts upon airport operations are expected.</p> |

## Urban Sprawl Analysis

After analyzing the primary indicators of Urban Sprawl per *Policy 2.109-A10* of the Polk County Comprehensive Plan, it is apparent that the proposed request is not considered urban sprawl based on these criteria 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

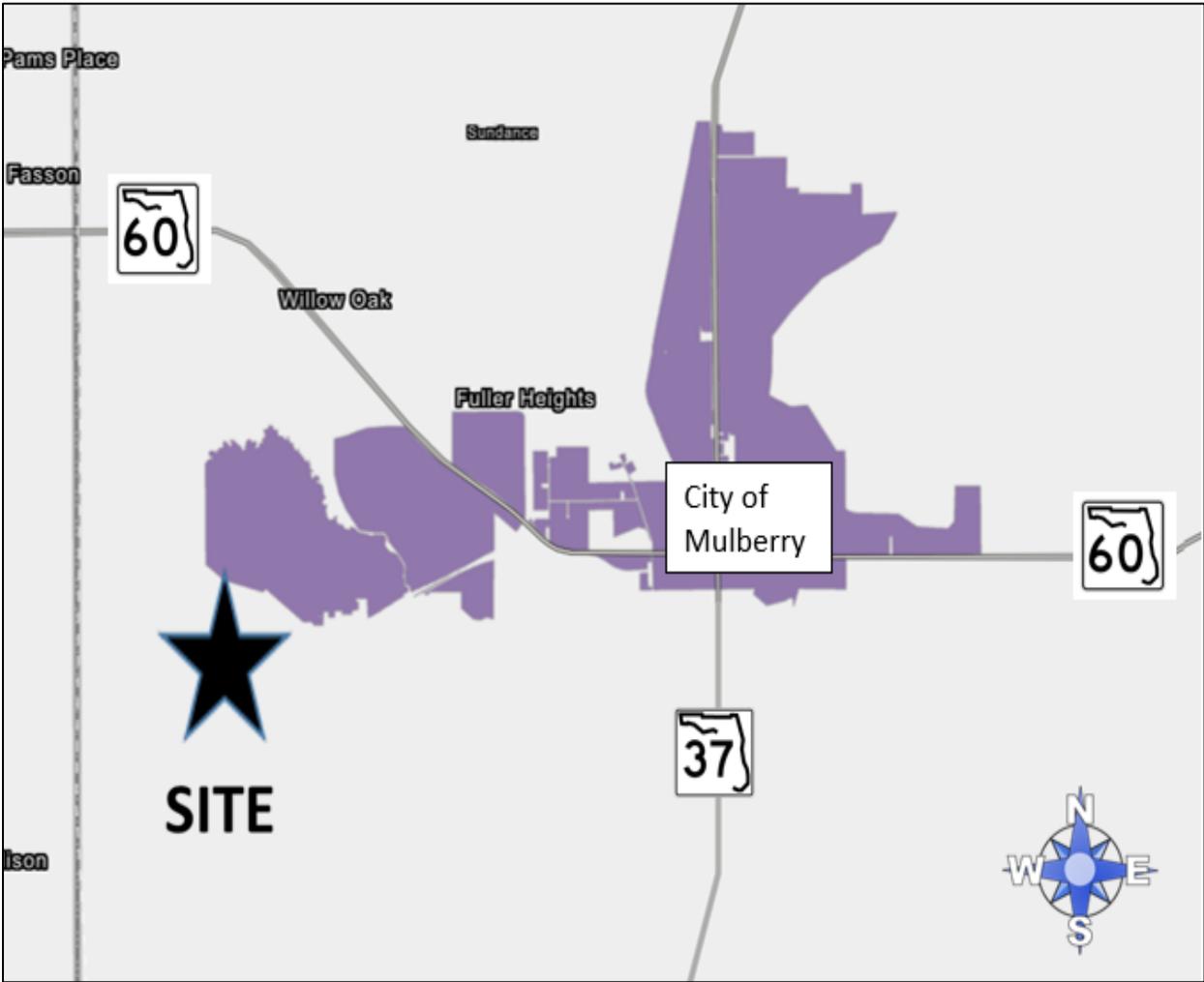
| <b>Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes</b>                |   |
|---|---|
| <b>Urban Sprawl Criteria</b>  | <b>Sections where referenced in this report</b>               |
| a. <i>Promotes substantial amounts of low-density, 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

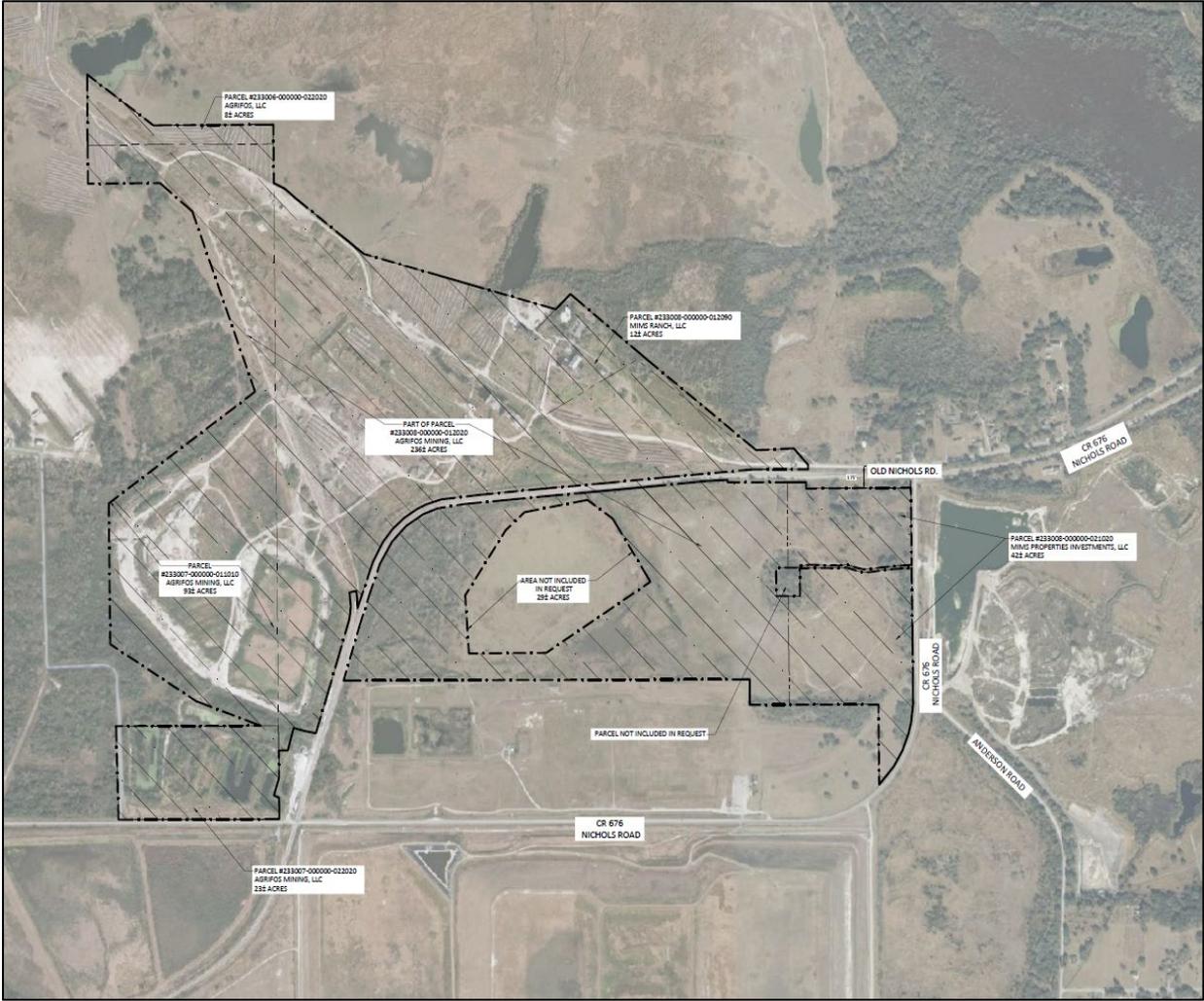
None

## Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 2023 Aerial Photo
- Exhibit – 3 Current Future Land Use Map
- Exhibit – 4 Proposed Future Land Use Map
- Exhibit – 5 Proposed Text Change

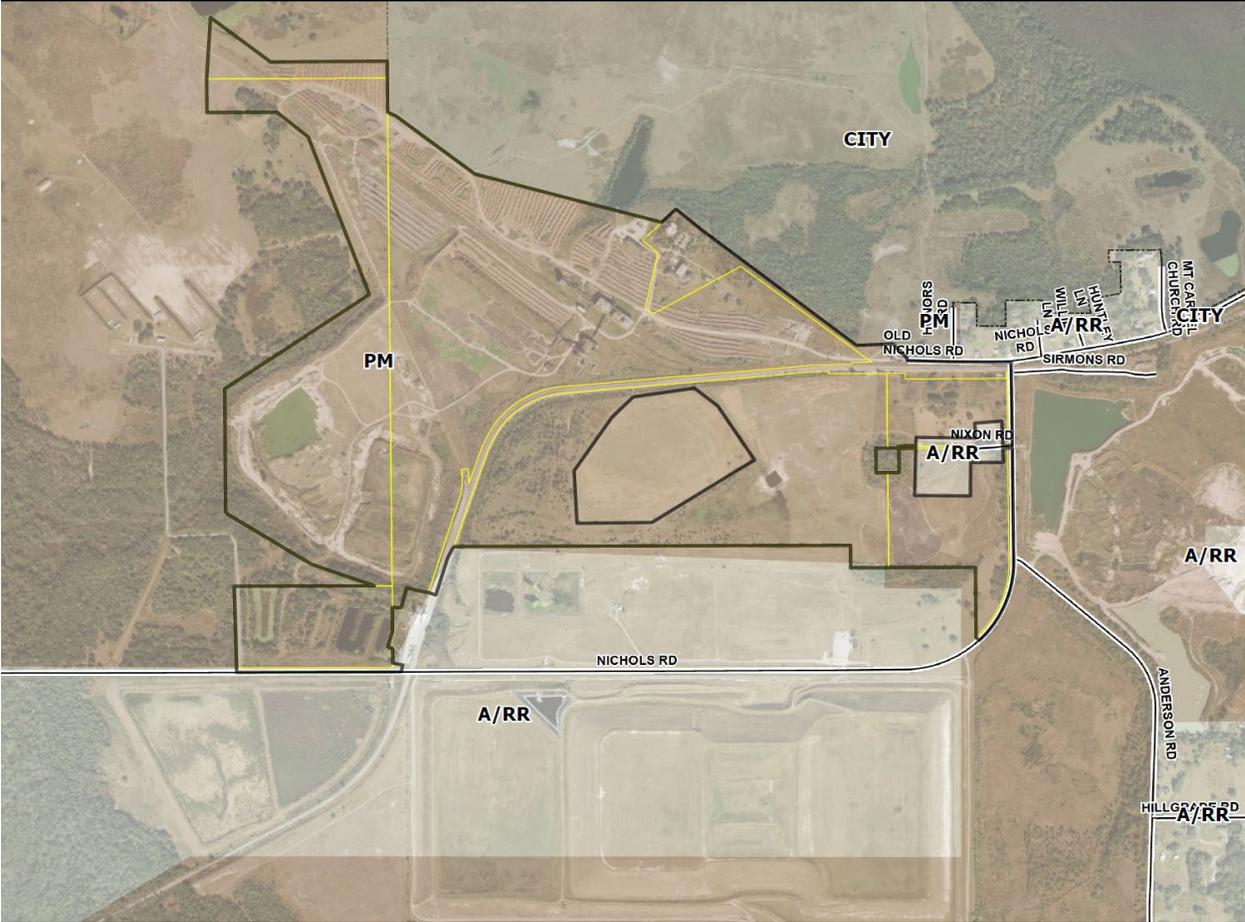


Location Map

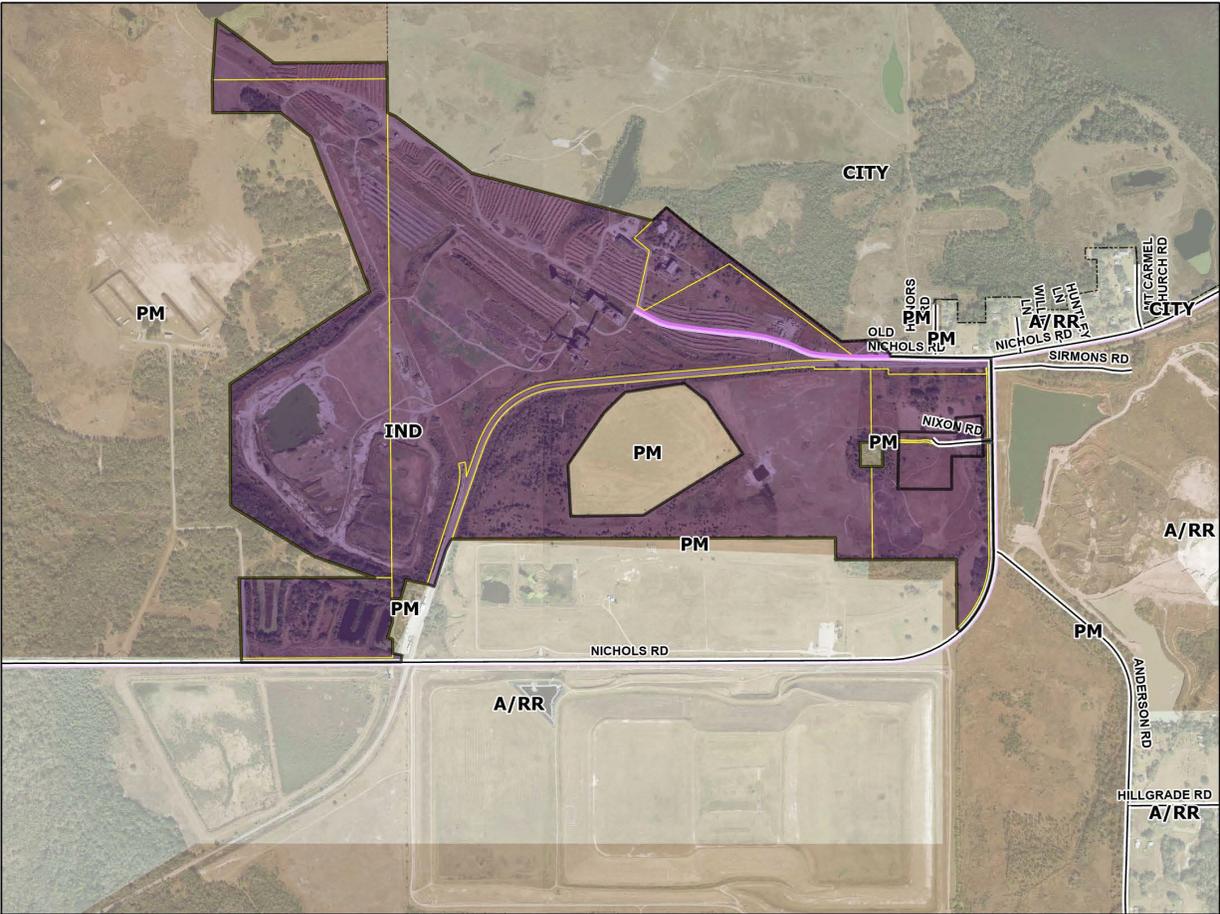


Source: Applicant Impact Assessment Statement

# 2023 Aerial Photo



Current Future Land Use Map



# Proposed Future Land Use Map

SECTION 2.135-S - Development Guidelines for Parcel numbers 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120.

OBJECTIVE 2.135-S: Through the adoption of LDCPAL-2024-12, this section of the plan enables this specific property to be developed with Industrial - (IND) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDCT-2024-19.

POLICY 2.135-S1: DESIGNATION AND MAPPING – Land use for this parcel shall be designated and mapped on the Future Land Use Map Series as Industrial - (IND).

POLICY 2.135-S2: LOCATION CRITERIA – This section applies to the property legally described as:

A parcel of land lying in Sections 6, 7 & 8 Township 30 South, Range 23 East, Polk County, Florida, described as follows;

Commence at the southwest corner of said Section 8; thence N 00°31'21" W along the west line of said Section 8 a distance of 40.80 feet to a point on the north right of way line of Highway 676 (Nichols Road) as shown on State Road Department Right of Way Map Section 16570-2603; thence S 89°47'53" W along said right of way line a distance of 1341.19 feet; thence N 01°36'26" W along the west boundary of a parcel of land described in Official Records Book 8109, page 1092 of the public records of Polk County, Florida for a distance of 731.25 feet to a point on the north boundary of the South 770 feet of said Section 7 also being on the boundary of parcel of land described in Official Records Book 6599, page 1374 of the public records of Polk County, Florida; thence N 89°52'34" E along said line a distance of 1205.05 feet; thence along the boundary of said parcel per Official Records Book 6599, page 1374 for the following two courses; (1) N 70°25'03" W a distance of 571.56 feet; (2) N 58°07'50" W a distance of 841.52 feet to a point on the boundary of a parcel of land described in Official Records Book 4365, page 708 of the public records of Polk County, Florida; thence along said parcel for the following eight courses; (1) N 00°29'56" W a distance of 1100.00 feet; (2) N 54°26'52" E a distance of 1500.00 feet; (3) N 20°31'38" W a distance of 1499.96 feet; (4) N 50°30'08" W a distance of 350.03 feet; (5) S 89°39'34" W a distance of 600.31 feet; (6) N 00°25'24" W a distance of 850.00 feet; (7) S 54°20'01" E a distance of 680.34 feet; (8) N 89°38'35" E a distance of 1000.00 feet to the east line of said Section 6; thence S 00°20'32" E a distance of 149.88 feet to the northwest corner of said Section 8; thence S 00°31'21" E along the west boundary of said Section 8 a distance of 306.94 feet to a point on the boundary of a parcel of land described in Official Records Book 7424, page 1395 of the public records of Polk County, Florida; thence along said parcel for the following three courses; (1) S 64°44'45" E a distance of 80.71 feet; (2) S 52°34'43" E a distance of 851.75 feet; (3) S 74°52'26" E a distance of 1657.71 feet to a point on the boundary of a parcel of land described in Official Records Book 5373, page 511 of the public records of Polk County, Florida; thence along said

boundary for the following seven courses; (1) N 45°44'25" E a distance of 169.92 feet; (2) S 49°50'22" E a distance of 282.89 feet; (3) S 52°10'14" E a distance of 1688.35 feet; (4) N 87°15'28" E a distance of 312.79 feet; ( 5) S 43°10'16" E a distance of 177.06 feet to the maintained right of way of Old Nichols Road as shown on Maintained Right of Way Map Book 10, pages 134-135 of the public records of Polk County, Florida; (6) S 00°14'20" E along said right of way a distance of 34.14 feet; (7) S 89°35'59" W a distance of 303.75 feet; thence S 52°51'26" E a distance of 165.08 feet to the northeast corner of the West 298 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 8; thence S 00°33'22" E along the East line of said West 298 feet a distance of 668.87 feet to the north line of a parcel being the East 198 feet of the West 396 feet of the North 220 feet of the South 660 feet of said Northeast 1/4 of the Southeast 1/4; thence along said parcel for the following 3 courses; (1) S 89°46'18" W a distance of 100.29 feet; (2) S 00°33'21" E a distance of 219.70 feet; (3) N 89°46'18" E a distance of 100.29 feet to a point on said East line of the West 298 feet; thence S 00°33'21" E along said East line and the East line of the West 298 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 8 a distance of 848.74 feet to a point on the boundary of a parcel of land described in Official Records Book 3404, page 1719 of the public records of Polk County, Florida; thence along said boundary for the following three courses: (1) S 89°51'44" W a distance of 328.29 feet; (2) N 00°32'37" W a distance of 199.55 feet; (3) S 89°49'41" W a distance of 3461.83 feet to a point on the east boundary of a parcel of land described in Official Records Book 8284, page 273 of the public records of Polk County, Florida; thence along said boundary for the following three courses; (1) S 17°50'46" W a distance of 600.80 feet; (2) N 72°09'14" W a distance of 90.00 feet; (3) S 89°50'46" W a distance of 131.56 feet; thence continue S 89°50'46" W a distance of 65.85 feet to the west line of said Section 8; thence S 00°31'21" E along said west line a distance of 215.80 feet to the boundary of a parcel of land described in Official Records Book 8284, page 273 of the public records of Polk County, Florida; thence along said parcel for the following two courses: (1) S 17°13'28" W a distance of 141.27 feet; (2) S 67°07'48" E a distance of 46.92 feet to the west line of said Section 8; thence S 00°31'21" E along said west line a distance of 166.64 feet to the Point of Beginning.

LESS AND EXCEPT lands described in Official Records Book 8284, page 273 of the public records of Polk County, Florida.

AND LESS AND EXCEPT: Commence at the Southwest corner of said Section 8; thence N89°49'36"E along the South line of said Section 8 a distance of 1585.08 feet; thence N00°10'24"W a distance of 1328.09 feet to the Point of Beginning; thence N03°49'08"W a distance of 455.34 feet; thence N33°36'33"E a distance of 609.37 feet; thence N48°16'13"E a distance of 212.04 feet; thence N79°38'45"E a distance of 532.36 feet; thence S55°21'54"E a distance of 256.35 feet; thence S32°32'18"E a distance of 584.83 feet; thence S57°26'47"W a distance of 1030.09 feet; thence S89°29'58"W a distance of 646.16 feet to the Point of Beginning.

AND LESS AND EXCEPT lands within the CSX Railroad Right of Way.

AND

That part of Section 8, Township 30 South, Range 23 East, Polk County, Florida, described as follows:

That part of the Southeast 1/4 of the Southeast 1/4 lying East of the West 298 feet and lying north and west of the right of way of County Road 676 (Nichols Road),

LESS that part of the South 920 feet lying West of the East 280 feet,

AND

The Northeast 1/4 of the Southeast 1/4 lying East of the West 298 feet,

LESS the North 50 feet of the East 867 feet,

AND LESS the East 198 feet of the West 396 feet of the North 220 feet of the South 660 feet,

AND LESS the Maintained Right of Way of Nixon Road as recorded in Maintained Right of Way Map Book 3, page 210 of the public records of Polk County, Florida.

AND

That part of the Southwest 1/4 of Section 9, Township 30 South, Range 23 East, Polk County, Florida, lying West of County Road 676 (Nichols Road) and lying South of the CSX Railroad Right of Way.

POLICY 2.135-S3: Development within this IND area shall conform to the criteria adopted for this parcel in the Polk County Land Development Code.

## Proposed Text Change