

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	September 28, 2023	Level of Review:	Level 4 Review
PC Date:	January 3, 2024	Type:	LDC Text Amendment
BoCC Date:	February 6, 2024	Case Numbers:	LDCT-2023-15
	February 20, 2024	Case Name:	Mine and Mill LDC Text Amendment
Applicant:	Kriss Kaye, Carter and Kaye Engineering	Case Planner:	Amy Little

Request:	This is an applicant-initiated request for a LDC text amendment to Appendix E, Section E105.E CPA 16C-02, Subsection 3 to add additional defined area to the boundaries depicted for Construction Aggregate, Processing and Storage area.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	242827-000000-014022
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	4:2 Recommending Approval

Among the changes to Appendix E, Section E105.E CPA 16C-2, Subsection 3

Adding legal description to section to allow Construction Aggregate, Processing and Storage on the site.

Summary:

LDCT-2023-15 is an applicant-initiated request to add the legal description as provided (Exhibit 1) to Appendix E, Parcel Specific Comprehensive Plan Amendments with Conditions. The subject property was part of a Large Scale Comprehensive Plan Map Amendment in 2016 to change the Future Land Use from Business Park Center (BPC) to Industrial (IND). As part of the CPA, staff recommended conditions that the use Construction Aggregate, Processing and Storage be limited to the area south of Mine and Mill Road. The land use change was approved on September 6, 2016. Since this time, the owner sold the portion of the property where Construction Aggregate, Processing and Storage could be placed. The applicant is seeking to add approximately 2.23 acres to the IND area in Appendix E to allow for this use. This would leave approximately 19.81 acres of remaining IND land use that could not be developed with this use, providing a natural buffer between the use and the residential uses to the northeast.

This subject property located at the terminus of Mine and Mill Road, east of Combee Road, northeast of US 98 and north of Maine Avenue in Section 27, Township 28, and Range 24. Prior

to the adoption of the Comprehensive Plan in 1991, the subject property had a zoning classification of General Industrial (GI). In May 1981, a zoning action (ZCR 81-22) changed the property from Residential (R-3) to General Industrial (GI). According to Ordinance 83-2, General Industrial Districts were intended to provide areas for the orderly development of a wide range of industrial uses in locations where extensive industrial operations are conducted without creating adverse impacts on non-industrial districts or uses. 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.

Within IND land use districts, Construction Aggregate, Processing and Storage requires a Level 3 Conditional Use with a public hearing and approval by the Planning Commission. If this text amendment is approved, the applicant will still be required to apply for such Conditional Use approval. Staff is recommending approval. Staff finds that with the requirements for buffering and setbacks, and the use being located in the southwest corner of the site away from residential uses, it is compatible with the surrounding uses and meets the standards in the Comprehensive Plan and Land Development Code (LDC).

Finding of Facts

1. *This is an applicant-initiated request for a LDC text amendment to Appendix E, Section E105.E CPA 16C-02, Subsection 3 to add additional defined area to the boundaries depicted for Construction Aggregate, Processing and Storage area.*

2. *POLICY 2.104-A1 of the Comprehensive Plan states, “Transit Supportive Development Areas shall meet the following criteria:*
 - a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed-use development;*

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

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

 - d. include development criteria that:*

1. *promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;*
 2. *improve access to employment areas, schools, shopping and recreational opportunities.”*
3. *The property is located in an Industrial (IND) district. Comprehensive Plan POLICY 2.113-A1 says “Industrial lands are 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.”*
 4. *Chapter 10 of the Land Development Code (LDC) defines a construction aggregate as “Materials consisting of crushed stone, gravel, crushed gravel, pebbles, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, recycled or inorganic mineral material previously used in construction, and other resources providing the basic material for concrete, asphalt, road base.”*
 5. *Chapter 10 of the Land Development Code (LDC) defines an aggregate storage yard as “Any parcel of land and structures thereon, that are used or devoted to processing construction aggregate (see Construction Aggregate definition) through crushing, screening, rolling, vibrating, or other similar process, and includes the transportation of construction aggregate to and from the site.”*
 6. *Chapter 10 of the Land Development Code (LDC) defines an aggregate processing yard as “Any parcel of land and structures thereon, that are used or devoted to storing or stockpiling construction aggregate (see Construction Aggregate definition) and includes the transportation of construction aggregate to and from the site.”*
 7. *Chapter 3, Section 303 of the Land Development Code requires the following conditions for all construction aggregate storage yard approvals:*
 1. *All processing activities shall be setback a minimum of 100 feet from all property lines. This may be reduced to 50 feet if the adjacent property consists of the following:*
 - a. *The adjacent property consists of a similarly intense industrial use;*
 - b. *The site is adjacent to an active railroad line; or*
 - c. *The adjacent property consists of a majority of environmentally sensitive lands, which prevents the future development of the property.*

The Planning Commission may approve a request to vary from these setback requirements when considering the variance criteria as outlined in Section 931 of this Code.

2. If adjacent to residentially used or designated property, all processing activities shall be setback a minimum of 200 feet. This shall include residentially used or designated property across any roadway with less than 80 feet of right-of-way. The Planning Commission may approve a request to vary from this setback requirement when considering the variance criteria as outlined in Section 931 of this Code.

3. A minimum Type B Buffer shall be required along all property lines. In addition, a six foot high opaque fence shall be installed along all road rights-of-way and adjacent residentially used or designated property. This shall be installed along the interior of the required landscaping.

4. Construction aggregate processing uses are permitted to have accessory storage piles. These storage piles shall comply with the following:

a. Be setback a minimum of 50 feet from all property lines;

b. No pile shall exceed 75 feet in height. When adjacent to a residential use or residential land use district, the pile height shall be limited to 50 feet within the first 200 feet of the subject property line; and

c. The Planning Commission may approve a request to vary from these setback and height requirements when considering the variance criteria as outlined in Section 931 of this Code.

5. All processing activities and storage piles shall incorporate dust prevention measures (i.e., water spraying, etc.).

6. A construction aggregate processing use shall have direct access to a paved local commercial road, collector road or arterial road.

7. Only equipment related to the construction aggregate processing and storage shall be stored on-site.

8. Chapter 3, Section 303 of the Land Development Code requires the following conditions for all construction aggregate storage yard approvals:

1. Only storage shall be permitted. No processing shall take place on-site. Only loading and unloading of the construction aggregate to and from vehicles, rail cars, etc. is permitted.

2. All storage piles shall comply with the following:

a. Be setback a minimum of 50 feet from all property lines;

b. No pile shall exceed 75 feet in height. When adjacent to a residential use or residential land use district, the pile height shall be limited to 50 feet within the first 200 feet of the subject property line; and

c. The Planning Commission may approve a request to vary from these setback and height requirements when considering the variance criteria as outlined in Section 931 of this Code.

3. A minimum Type B Buffer shall be required along all property lines. In addition, an eight-foot-high opaque fence shall be installed along all road rights-of-way and adjacent residentially used or designated property. This shall be installed along the interior of the required landscaping.

4. All storage piles shall incorporate dust prevention measures (i.e. water spraying, etc.).

5. A construction aggregate storage use shall have direct access to a paved local commercial road, collector road or arterial road.

6. Only equipment related to the construction aggregate storage shall be stored onsite.

- 9. The property is zoned for Oscar J. Pope Elementary, Crystal Lake Middle, George W. Jenkins Senior High.*
- 10. County Fire response to this project is from Polk County Fire Rescue Station 8, located at 3325 E. Main St, Lakeland, approximately three (3.1) miles from the site. Ambulance response is from the same station.*
- 11. The site is served by the Polk County Sheriff's Office Southwest District Command Center at 4120 US Highway 98 S, Lakeland, approximately 2.7 miles driving distance from the site.*
- 12. The site is located within the City of Lakeland's Utility Service Area. No water or wastewater connections are proposed.*
- 13. The subject property has approximately 40 feet of road frontage on Mine and Mill Road (Road No. 842702), a County-maintained Local Commercial roadway measuring twenty feet in width.*
- 14. According to the Transportation Planning Organization, there is adequate capacity on State Road 659 (Combee Rd)(Link 7300 N/S) as well as other roads within the area transportation network to support the development currently.*
- 15. There are no wetlands on site. There are AE flood hazard zones on the northeast portion of the subject property, but the proposed use will be outside this area.*
- 16. The site is comprised of Arents-Water Complex according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.*

17. *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*

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 the proposed 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, and therefore, the DRC recommends **APPROVAL of LDCT-2023-15**.

In a public hearing held January 3, 2023, the Planning Commission voted 4:2 to recommend approval of the text amendment.

Analysis:

The need for this text amendment stems from a Large Scale Comprehensive Plan amendment completed in 2016 to change a portion of the overall parcel's Future Land Use Designation from BPC to IND. As part of staff's analysis, conditions were included that within the IND designation, Construction Aggregate, Processing and Storage could only be conducted within a specified area and Conditional Use approval would be required. This area was identified through a legal description and was located south of Mine and Mill Road. The owner sold this portion of the parcel in 2022. The applicant now seeks to gain Conditional Use approval for the use but is limited by the conditions found in Appendix E of the LDC. This request is to add approximately 2.23 acres to the legal description in Appendix E in order to proceed with the Conditional Use approval process.

Staff has completed their analysis of the proposed location for the Construction Aggregate, Processing and Storage use and finds the use is compatible with surrounding uses. Uses along Mine and Mill Road and Combee Road to the west are largely commercial and industrial in nature. IND land use has little need for urban services other than fire rescue and transportation access, although urban level services are available to the site. There are residential properties located to the north and west, but there is a large portion of the property that has a BPC future land use designation (Exhibit 2). This use is not an allowable use within BPC land use districts, and the BPC land use acts as a buffer to the properties to the north and east. The property is also densely vegetated, and it is the applicant's intention to maintain that vegetation as a natural buffer.

A construction aggregate processing and storage yard is a land use activity primarily dedicated to the outside storage and processing of aggregate materials. Aggregate will be delivered by truck, unloaded, processed, stockpiled, and hauled off site by truck. Construction aggregate processing and storage yards are typically land intensive uses that require very little urban services to support them. Even their potential retail functions have limited customer interaction. Rock hauling trucks impact roads with the weight of these trucks decreasing infrastructure. However, Mine and Mill Road is currently utilized by other industrial uses and surrounding commercial activities. Aggregate storage can also promote adverse negative effects upon neighboring property values if not properly designed and managed. It is best that they are located far from residential and retail commercial use districts, which this site achieves by placing the facility in the southwest corner of the property. All the required setbacks outlined in Section 303 are met. The site will maintain significant dense vegetation to the north and east where abutting residential properties. The

environmental impacts are possible with materials seeping into ground or surface waters, but this use at this site is compatible with one of its environmental limitations (poorly drained soils).

This site is surrounded by IND and BPC-2 Future Land Use Map districts to the south and west. Residential Suburban (RS) land use districts are found to the north and east, and the properties are primarily developed with mobile homes. The closest home to the proposed area the applicant has requested to add to Appendix E is over 200 feet from the designated use area. This location is not likely to cause any measurable decline in the property values in the immediate area. The project is subject to LDC Section 303, Construction Aggregate Processing and Storage Yards (see Findings of Fact for Standard Conditions). Staff is recommending approval of the text amendment.

Limits of the Proposed Ordinance

The scope of the amendment is limited adding the legal description for the proposed location of the Construction Aggregate, Processing and Storage use to Appendix E to allow the applicant to apply for a Conditional Use approval. Approval of this text amendment will still require the CU application, a public hearing, and approval by Planning Commission.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code as noted before. The proposed use is consistent with the standards of the Future Land Use District and the applicant has demonstrated compliance with Section 303 of the LDC including buffering from neighboring residential uses.

Comments from Other Agencies: None

Draft Ordinance: Under separate attachment

Exhibits

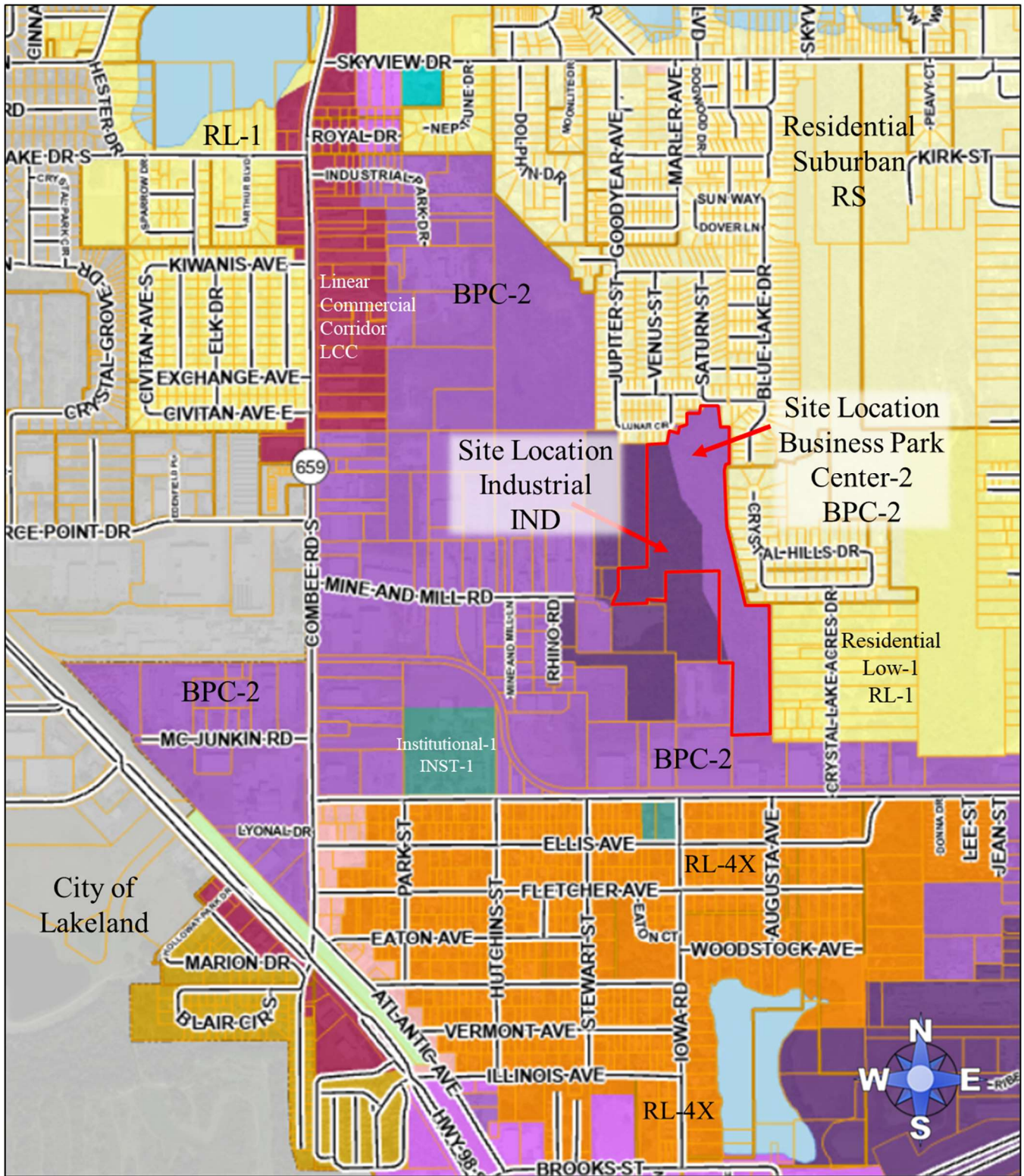
- Exhibit – 1 Legal Description
- Exhibit – 2 Future Land Use Map
- Exhibit – 3 Proposed Use Area

LEGAL DESCRIPTION:

A parcel of land being a portion of the Northeast 1/4 of the Southwest 1/4 of Section 27, Township 28 South, Range 24 East, Polk County, Florida, described as follows:

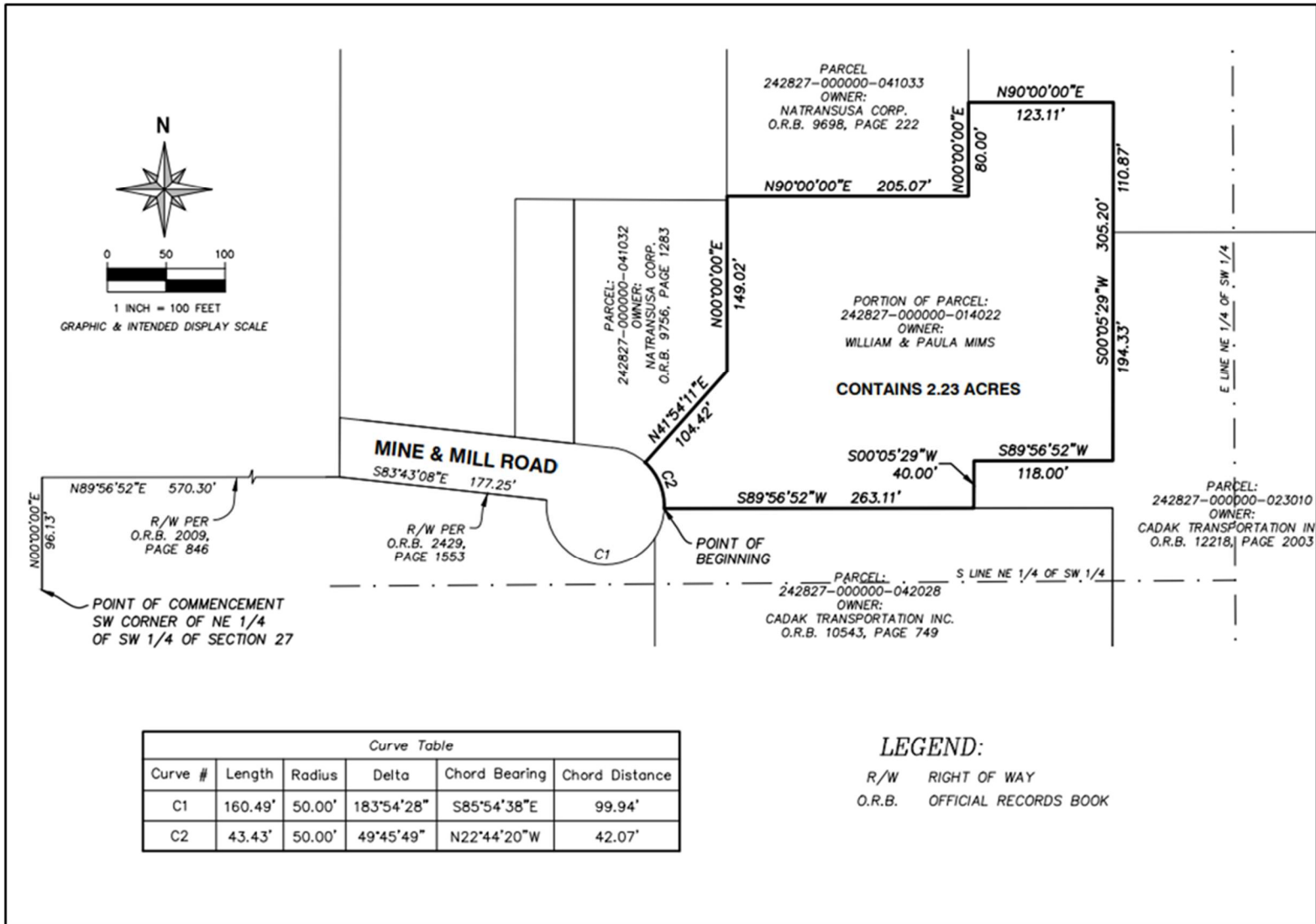
Commence at the SW corner of the NE 1/4 of the SW 1/4 of said Section 27; thence N00°00'00"E along the West line of said NE 1/4 of the SW 1/4 a distance of 96.13 feet to the South right of way line of Mine and Mill Road as recorded in Official Records Book 2009, Page 846, Public Records of Polk County, Florida; thence N89°56'52"E along said right of way line a distance of 570.30 feet; thence S83°43'08"E along said right of way line of Mine and Mill Road as recorded in Official Records Book 2429, Page 1553 a distance of 177.25 feet to a point on a non-tangent curve concave to the North having a radius of 50.00 feet; thence Southeasterly along said curve through a central angle of 183°54'28" an arc length of 160.49 feet (Chord Bearing = S85°54'38"E, Chord = 99.94 feet) to the Point of Beginning at the NW corner of the parcel recorded in Official Records Book 10543, Page 749 of the public records of Polk County, Florida; thence continue along said curve through a central angle of 49°45'49" an arc length of 129.88 feet (Chord Bearing = N22°44'20"W, Chord = 42.07 feet) to the southernmost corner of a parcel recorded in Official Records Book 9756, Page 1283 of the public records of Polk County, Florida; thence along the boundary of said parcel for the following two courses; (1) N41°54'11"E a distance of 104.42 feet; (2) N00°00'00"E a distance of 149.02 feet to a point on the South line of the parcel recorded in Official Records Book 9698, Page 222 of the public records of Polk County, Florida; thence along the boundary of said parcel for the following two courses; (1) N90°00'00"E a distance of 205.07 feet; (2) N00°00'00"E a distance of 80.00 feet; thence N90°00'00"E a distance of 123.11 feet; thence S00°05'29"W a distance of 110.87 feet to the Northwest corner of the parcel recorded in Official Records Book 12218, Page 2003 of the public records of Polk County, Florida; thence along the boundary of said parcel the following three calls; (1) S00°05'29"W a distance of 194.33 feet; (2) S89°56'52"W a distance of 118.00 feet; (3) S00°05'29"W a distance of 40.00 feet to a point on the North line of aforesaid parcel recorded in Official Records Book 10543, Page 749; thence S89°56'52"W along said North line a distance of 263.11 feet to the Point of Beginning.

Legal Description



Future Land Use Map

Exhibit 3



Proposed Use Area