

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	June 28, 2024
Planning Commission Date:	September 4, 2024
BoCC Dates:	November 5, 2024, January 7, 2025
Applicant:	Mike Gurr, P.G.
Level of Review:	Level 4 Review, Comprehensive Plan Text Amendment
Case Number and Name:	LDCPAL-2024-4 (Spirit Lake Text CPA)
Request:	N/A
Location:	N/A
Property Owner:	N/A
Parcel Size:	N/A
Development Area:	N/A
Future Land Use:	N/A
Nearest Municipality	N/A
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7:0
Public Comment:	Yes
Florida Commerce:	No.2409ESR – No Comment
Case Planner:	Mark J. Bennett, AICP, FRA-RA, Senior Planner

Summary:

The applicant seeks a text amendment to the Comprehensive Plan Future Land Use Element Policy 2.113-C3 in Objective 2.113-C Office Centers, to allow for the establishment of new Office Centers (OC) next to Commercial Enclaves (CE).

Summary of Analysis:

This is an applicant-initiated request to amend the text of the Comprehensive Plan Future Land Use Element. The specific request is to amend Policy 2.113-C3 in Objective 2.113-C Office Centers, to allow for the establishment of new Office Centers next to Commercial Enclaves.

The purpose of this change is to allow for non-residential development to occur next to Commercial Enclaves (CE). Allowing for Office Center uses, which are generally less intensive than uses allowed in CEs, to locate next to CEs will allow for a step-down or transition in uses and activities between more intensive non-residential uses and less intensive residential uses. This amendment will promote more compatible development by allowing for the transition in uses, thereby complying with the Comprehensive Plan’s policies for compatibility.

Data and Analysis Summary:

The applicant has prepared extensive data and analysis to support the request. Staff reviewed this information and finds it sufficient to support the proposed amendment.

Relevant Sections, Policies, and/or Regulations Considered:

- Comprehensive Plan **Policy 2.102-A2 – Compatibility**
- Comprehensive Plan **Objective 2.113-C – Office Centers**
- Comprehensive Plan **Section 2.125-C – Transitional Areas**

Findings of Fact:

- *This is an applicant-initiated request to the Comprehensive Plan Future Land Use Element Policy 2.113-C3, Location Criteria for Office Centers.*
- *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*
- *Objective 2.113-C contains policies for Office Centers. This Objective contains five policies that cover the Characteristics of Office Centers, Designation and Mapping, Location Criteria, Development Criteria, and Adjacent Development.*
- *Policy 2.113-C3 contains the location criteria for Office Centers.*
- *Policy 2.125-C1, Transitional Area Locational Controls, describes Transitional Areas as “nonmapped areas to provide for the lessening of impacts between dissimilar uses by providing for transitional or “step-down” uses between intensive-use activities and low-density residential uses.”*
- *The urban planning concept of providing for a transitional or “step-down” use as described in the Plan’s Transitional Areas Section is similar in concept to the effect of the proposed Plan Amendment.*
- *The applicant submitted adequate support documentation demonstrating the appropriateness of this proposed plan amendment.*
- *This amendment, if approved, would apply County-wide unless more specific requirements are contained in any Selected Area Plan or functionally similar document.*

Recommendation:

Development Review Committee Recommendation: Based on the information provided and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions the request **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAL-2024-4**.

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

Department of Florida Commerce: In a letter dated December 10, 2024, Florida Commerce indicated in their Objections, Recommendations and Comments Report (24-09ESR) that they have no comment. This report is attached under separate cover.

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.

Data and Analysis:

Rationale for the Amendment:

According to *Policy 2.102-A2* of Polk County's Comprehensive Plan, "land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; and c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development." The "development criteria" and the "density and dimensional regulations" of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

The proposed text amendment will promote compatibility by allowing for a transitional, or "step-down" use between more intensive commercial/non-residential uses that may be located in Commercial Enclaves and adjacent residential uses. This concept is also covered in the Future Land Use Element with the Transitional Areas provision in Section 2.125-C. While this amendment does not propose a change to the Transitional Area policies, it will effectively provide the same function by allowing for offices to be located next to CEs.

Description of Changes:

The proposed change affects the following policy:

POLICY 2.113-C3: LOCATION CRITERIA - The establishment of a new Office Center designation shall be located according to the following:

a. at the intersection of a local and collector/arterial road, or at the intersection of two collector roads; or at the intersection of two arterial roads;

b. along a collector or arterial roadway adjacent to an existing Activity Center that contains 10% or less in land area developed with professional offices;

c. Policy 2.404-A1; and

d. the total acreage for Office Center Districts within a two mile radius shall not exceed ten (10) acres unless one of the following can be met:

1. the total land area of the existing Office Centers within the two mile radius are 60 percent (60%) developed and the total land area of the existing Activity Centers within the two miles radius are also at least 60 percent (60%) developed with less than 10 percent (10%) of the land area developed as professional office uses; or

2. the remaining undeveloped acreage of the Office Centers within the two mile radius are owned by a single interest or have final, valid engineered construction plans (with building-permit application) or have a valid CU/PD approval; or

3. when item b above is met.

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

As previously mentioned, the only proposed change to this policy is for item b of this policy. The proposed change will allow for Office Centers (OCs) to locate next to Commercial Enclaves (CEs). This will promote compatibility by allowing OCs to serve as a “step-down” use between more intensive activities within CEs and lower density residential uses.

As part of this request, the applicant submitted support documentation to justify the amendment. This documentation included an analysis of twelve (12) Commercial Enclaves (CEs). Six (6) of the CEs analyzed already contained office uses, thereby demonstrating the appropriateness of having office uses next to CEs. The applicant’s data and analysis provide a basis to further justify this request.

Limits of the Proposed Ordinance:

The scope of the amendment is to allow for the location of the Office Center land use to be located next to an existing Activity Center or Commercial Enclave, subject to a 10% limitation on the amount of land area developed in the respective Activity Center or Commercial Enclave for professional offices.

Consistency with the Comprehensive Plan & Land Development Code:

The request is consistent with the Comprehensive Plan and the Land Development Code. The request is consistent because it further promotes the concept of compatibility between dissimilar types of uses.

Comments from Other Agencies: None

Draft Ordinance: Under separate attachment

Exhibits:

Exhibit 1	Proposed Text Change
Exhibit 2	List of Permitted and Conditional Uses in Office Centers

POLICY 2.113-C3: LOCATION CRITERIA - The establishment of a new Office Center designation shall be located according to the following:

- b. Along a collector or arterial roadway adjacent to and existing Activity Center or Commercial Enclave that contains 10% or less in land area developed with professional offices.

Proposed Text Change

	Technical Staff Review – Level 1 & 2	Public Hearing (s) Required – Level 3 & 4
Mixed Uses		Planned Development, C3
All Other Uses	Multi-Family, C2; Clinics and Medical Offices, P; Community Center, C2; Cultural Facility, C2; Farming General, P; Financial Institution, C2; Office, P; Office Park, C2; Personal Service, C2; Printing and Publishing, C2; Recreation Passive, C1; Religious Institution, C2; School, Technical/Vocational/ Trade & Training, C2; Studio, Production, P; Utilities Class I, P; Utilities Class II, C1; Veterinary Service, C2	Agricultural Support, On-site C3; Childcare Center, C3; Financial Institution, Drive Through, C3; Government Facility, C3; Helistops, C3; Hospitals, C3; Non-phosphate Mining C3; Research and Development, C3; Retail, Less than 10,000 sq. ft., C3; 10,000 – 34, 999 sq. ft., C3; Schools, Leisure/Special Interest, C3; Transitional Area Development, C4; Utilities, Class III, C3

List of Permitted and Conditional Uses in Office Centers