

# POLK COUNTY

## DEVELOPMENT REVIEW COMMITTEE

### STAFF REPORT

|                                  |                                                                                                                                                                                                                                                                                                                                  |
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| <b>DRC Date:</b>                 | August 30, 2025                                                                                                                                                                                                                                                                                                                  |
| <b>Planning Commission Date:</b> | November 5, 2025                                                                                                                                                                                                                                                                                                                 |
| <b>BoCC Dates:</b>               | December 2, 2025 Transmittal, and January 20, 2026 Adoption                                                                                                                                                                                                                                                                      |
| <b>Applicant:</b>                | Bart Allen, Peterson and Myers Law Firm                                                                                                                                                                                                                                                                                          |
| <b>Level of Review:</b>          | Level 4 Review, Comprehensive Plan Text Amendment                                                                                                                                                                                                                                                                                |
| <b>Case Number and Name:</b>     | LDCPAL-2025-9 ECX Comprehensive Plan Text Amendment and LDCT-2025-20 ECX Land Development Code Text Amendment                                                                                                                                                                                                                    |
| <b>Request:</b>                  | Applicant-initiated request for a Large-Scale Comprehensive Plan text amendment to Policy 2.131-RA4. F. 3. (h) and Land Development Code Section 401.04.D.6(g) to amend the personal services and commercial limitation to exceed 30 percent of the Employment Center (ECX) when approved as a Conditional Use in the US 98 SAP. |
| <b>Location:</b>                 | All ECX in the US 98 Selected Area Plan                                                                                                                                                                                                                                                                                          |
| <b>Property Owner:</b>           | N/A                                                                                                                                                                                                                                                                                                                              |
| <b>Parcel Size:</b>              | N/A                                                                                                                                                                                                                                                                                                                              |
| <b>Development Area:</b>         | Transit Supportive Development Area (TSDA), Urban Growth Area (UGA), Suburban Development Area (SDA), and Rural Development Area (RDA)                                                                                                                                                                                           |
| <b>Future Land Use:</b>          | N/A                                                                                                                                                                                                                                                                                                                              |
| <b>Nearest Municipality</b>      | Lakeland, Bartow                                                                                                                                                                                                                                                                                                                 |
| <b>DRC Recommendation:</b>       | Approval                                                                                                                                                                                                                                                                                                                         |
| <b>Planning Commission Vote:</b> | Pending                                                                                                                                                                                                                                                                                                                          |
| <b>Florida Commerce</b>          | Pending                                                                                                                                                                                                                                                                                                                          |
| <b>Case Planner:</b>             | Johnathan (JP) Sims, Planner II                                                                                                                                                                                                                                                                                                  |

The Comprehensive Plan policy change is to Section 2.131-RA4.F.3(h) US 98 Selected Area Plan:

- 1) Section 2.131 RA4.F.3(h): Development Criteria - Development within a ECX shall conform to the following criteria:
  - (h) Commercial and personal services are limited to 30 percent of the ECX district. The 30 percent limit may be exceeded with the approval of a Conditional Use as required per the Land Development Code. The maximum floor area ratio for commercial uses shall be 0.60 but higher FARs may be allowed for a total of 75 percent with bonus points.

The Land Development Code policy change is to Section 401.04.D.6(g) US 98 Selected Area Plan:

- 1) Section 401.04.D.6(g): Development Criteria – Development within the ECX shall conform to the following criteria:
  - (g) Retail and personal services are limited to 30 percent of the ECX district. The 30 percent limitation may be exceeded with the approval of a Level 3 Conditional Use. The

maximum FAR for retail uses shall be 0.60. Higher FARs, up to 0.75 may be allowed with bonus points and a Planned Development

## Summary of Analysis

This is an applicant-initiated amendment to the text of the Comprehensive Plan and Land Development Code for Employment Center X (ECX) in the US 98 Selected Area Plan. The first request is for Comprehensive Plan policies in Section 2.131-RA4 of the US 98 Selected Area Plan related to the Employment Center (ECX) Future Land Use. The second request (LDCT-2025-20 US 98 SAP ECX LDC Text Amendment), is to amend LDC Chapter 4 Section 401.04.D US 98 Selected Area Plan. The Comprehensive Plan limits personal services and commercial uses to 30 percent of the ECX district. The Land Development Code limits personal services and commercial uses to 30 percent of the ECX district. This request and the related request (LDCT-2025-20) are intended to create consistency between the Comprehensive Plan and the Land Development Code on the limitation of personal services and commercial within the ECX district and allow more flexibility. An increase in the retail and commercial limit to exceed 30 percent when approved through a Conditional Use would create consistency along the US 98 SAP and with other SAPs that have had similar amendments like in the North Ridge SAP.

**Background** – The US 98 Selected Area plan was adopted on November 30<sup>th</sup>, 2004 by Ordinance 2004-074. This SAP's was adopted to provide guidance and order to the growth that was happening and anticipated in the future along the Highland City corridor. This SAP has experienced significant residential and commercial development, and continuing to experience continued growth demand. The Employment Center-X (ECX) district is an Activity Center designated only within an SAP that provide employment to the surrounding residential development and other professional facilities and support to businesses, while allowing for residential as well as retail and commercial components as allowed by the SAP's Land Use Table within the Land Development Code. The SAP was designed to promote a variety of uses that could facilitate many different needs within the area.

**Need for amendment** – The need for the amendment is to allow for more commercial uses in ECX. It will create consistency between the Comprehensive Plan and the Land Development Code on the ability to exceed the limitation of personal services, retail, and commercial within the ECX district as needed. The request to exceed the limit on personal services, retail and commercial beyond 30 percent with a Conditional Use will allow for the Employment Center-X (ECX) to build out as based on market trends, as a means to support the college, vocational school, and surrounding residential as the area population grows. This will not change what uses are allowed within the ECX, only the ability to exceed the 30 percent cap currently in place.

### **Relevant Sections, Policies, and/or Regulations to Consider:**

Policy 2.102-A1: Development Location

Policy 2.102-A2: Compatibility

Section 2.131-RA4 US 98 Selected Area Plan

LDC Chapter 4 Section 401.04.D US 98 Selected Area Plan

## **Findings of Fact**

### **Request and Legal Status**

- Applicant-initiated request for a Large-Scale Comprehensive Plan text amendment to Policy 2.131-RA4.F.3.(h) to amend the personal services, retail, and commercial limitation to exceed 30 percent of the Employment Center-X (ECX) district so long as it is approved with a Conditional Use.
- The Employment Center-X (ECX) districts within the US 98 Selected Area Plan (SAP) total six (6) separate areas and range in size from 0.59± acres to 109.02± acres.
- Section 2.131-R of the Comprehensive Plan and Section 401.04 of the Land Development Code both mention and address the Employment Center-X (ECX) in the US 98 SAP.
- Table 4.12 in the Land Development Code is a use table for the US 98 SAP.
- The Employment Center-X (ECX) in the North Ridge SAP has a 30 percent retail cap with a larger percentage permitted through a Conditional Use, so this use would be similar.

### **Compatibility and Infrastructure**

- The Employment Center-X (ECX) districts in the US 98 SAP are all located within the Transit Supportive Development Area (TSDA) and would require connection to water and sewer.
- This request is related to LDCT-2025-20 which is a Land Development Code Text Amendment to Section 401.04.D to amend requirements that retail and personal services are limited to 30 percent of the ECX district. This policy change will allow development to exceed the 30 percent cap if it is approved with Conditional Use.

### **Comprehensive Plan Policies and Land Development Code Regulations**

- 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.

- SECTION 2.131-RA4 US 98 Selected Area Plan:
  - F. Employment Center (ECX)
    - 3. Development Criteria
      - (h) Commercial and personal services are limited to 30 percent of the ECX district. The maximum floor area ratio for commercial uses shall be 0.60 but higher FARs may be allowed for a total of 75 percent with bonus points
- LDC SECTION 401.04 US 98 Selected Area Plan:
  - D. Modified Uses
    - 6. Employment Center (ECX)
      - g. Retail and personal services are limited to 30 percent of the ECX district. The maximum FAR for retail uses shall be 0.60. Higher FARs, up to 0.75 may be allowed with bonus points and a Planned Development

## **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-2025-9**.

**Planning Commission Recommendation:** On November 5, 2025, at an advertised public hearing, the Planning Commission recommend 0:0, to **APPROVE or DENY LDCPAL-2025-9**.

**Department of Economic Opportunity:** Subject to Transmittal

## **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.

## **Analysis:**

The applicant wishes to exceed the personal services, retail, and commercial limitations within the Employment Center-X (ECX) district within the US 98 SAP if it is approved with a Conditional Use. The Land Development Code and Comprehensive Plan limits personal services, retail, and commercial development to 30% of the ECX district. The ECX districts within the North Ridge SAP limits Retail and commercial development to 30% of the district with an allowance for a higher percentage with a Conditional Use. The applicant requested a Text Amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2025-20).

Policy issue - The ECX district permits retail and commercial uses. However, Policy 2.131-RA4. F.3(h) has a limitation of 30 percent of the land within each ECX district. Within the Land Development Code, Chapter 4 Section 401.04.D.6(g). specifies a limitation of 30 percent of retail and commercial. The companion text amendment (LDCT-2025-20) also is reference to this issue.

Allowing more than 30% of the ECX district to consist of commercial, retail, and/or personal services aligns with the policies and objectives of the ECX district. The overarching goal of the ECX district is to “accommodate the employment and functional needs of the college and vocational school campuses and the residents living within the area between the Cities of Bartow and Lakeland

The request would make it so that personal services, retail, and commercial uses could exceed the 30 percent cap stated in both the Comprehensive Plan and Land Development Code, so long as it is done with an approved Conditional Use.

It is noted that neither this Text Amendment, nor the related LDCT-2025-20 Land Development Code Text Amendment alters any other development standard within the code.

**Infrastructure Impacts** - This does remove some barriers to development that can lead to more growth. However, the ECX has vested development rights and the increase for a portion of the possible uses within the district is considered minimal. These changes will encourage development in an area already planned for such. Any infrastructure impacts will be implemented and required per the concurrency standards listed in Chapter 7 of the LDC.

## **Comparisons to other Jurisdictions:**

Special policies and development code regulations are common in other jurisdictions throughout Florida; however the US 98 SAP is unique to Polk County. The North Ridge SAP within Polk County has a similar allowance with ECX where the 30 percent cap can be exceeded for commercial uses if approved with a Conditional Use.

## **Limits of the Proposed Ordinances**

The scope of the amendment will impact new development within Employment Center-X (ECX) Future Land Use Districts within the US 98 Selected Area Plan (SAP). The policy and related Land Development Code changes (LDCT-2025-20) are meant to allow for a consistency of development standards with the Employment Center-X (ECX) within the US 98 SAP.

## **Consistency with the Comprehensive Plan**

### **Consistency with the Comprehensive Plan and Land Development Code**

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 or inconsistent** with the Comprehensive Plan is listed below:

*Table 8 Consistency with the Comprehensive Plan*

| <b>Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Consistency</b>                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy 2.102-A1: Development Location</b> – 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 text amendments are a small change to allow for an increase within one of several FLU districts within the US 98 SAP. It may result in some increased development; however, the ECX districts are located where growth is planned to be. The request is consistent with this policy and with the existing development allowances elsewhere in Polk County. |
| <b>Policy 2.102-A2: Compatibility</b> - 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:<br>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. | The proposed policy text changes along with the other requirements in the Land Development Code such as Section 220 ensure compatibility with the new uses.                                                                                                                                                                                                             |

| Policy                                                                                                                                                                                                                                                                                                                                        | Consistency                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SECTION 2.131-RA4 US 98 Selected Area Plan, F. Employment Center (ECX), 3. Development Criteria, (h) Commercial and personal services are limited to 30 percent of the ECX district. The maximum floor area ratio for commercial uses shall be 0.60 but higher FARs may be allowed for a total of 75 percent with bonus points.</b></p> | <p>The proposed policy change will allow personal services, retail, and commercial uses to exceed the 30 percent cap currently in place within the US 98 SAP, so long as it is approved as part of a Conditional Use.</p> |



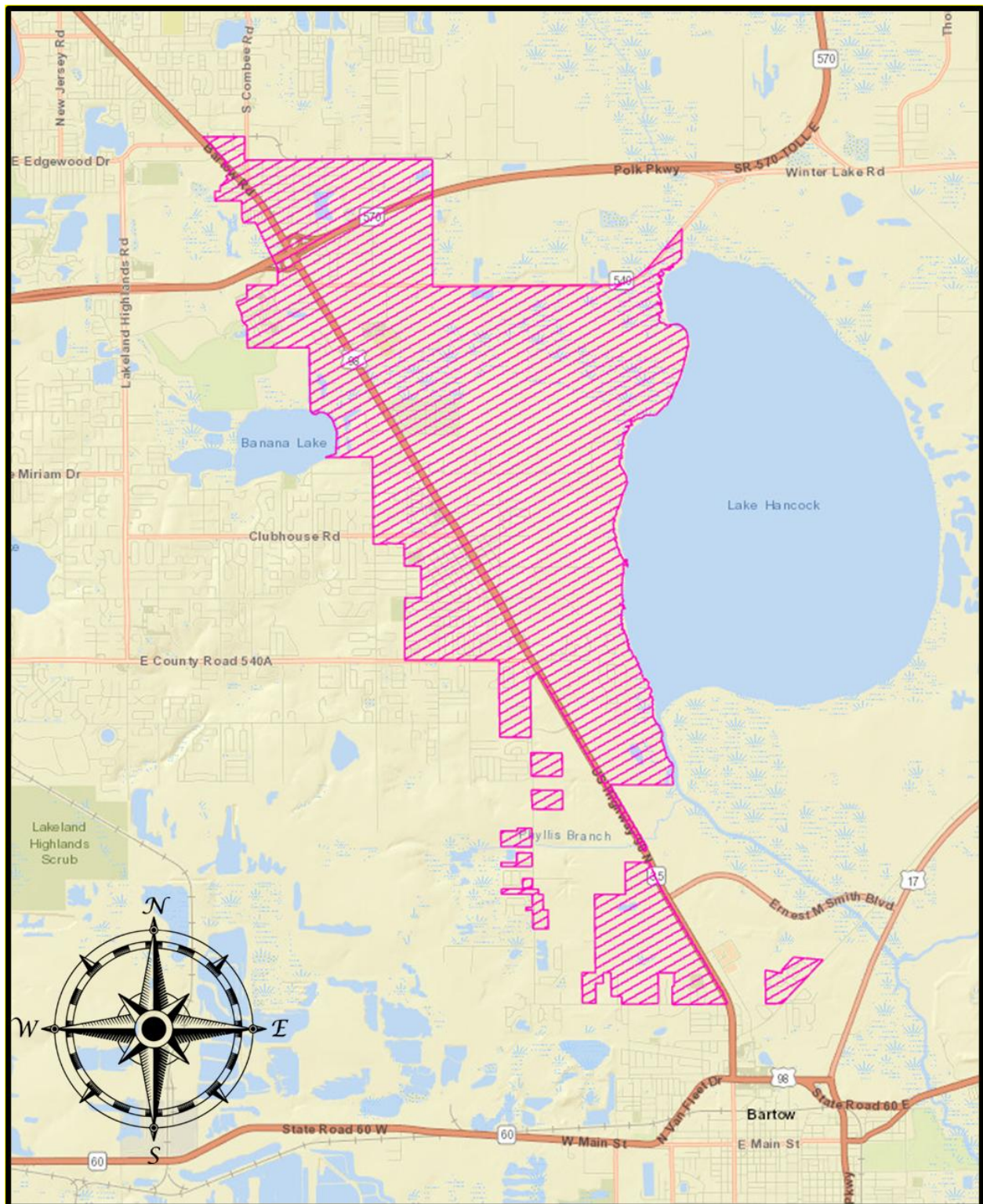
**Comments from Other Agencies:** None

**Exhibits:**

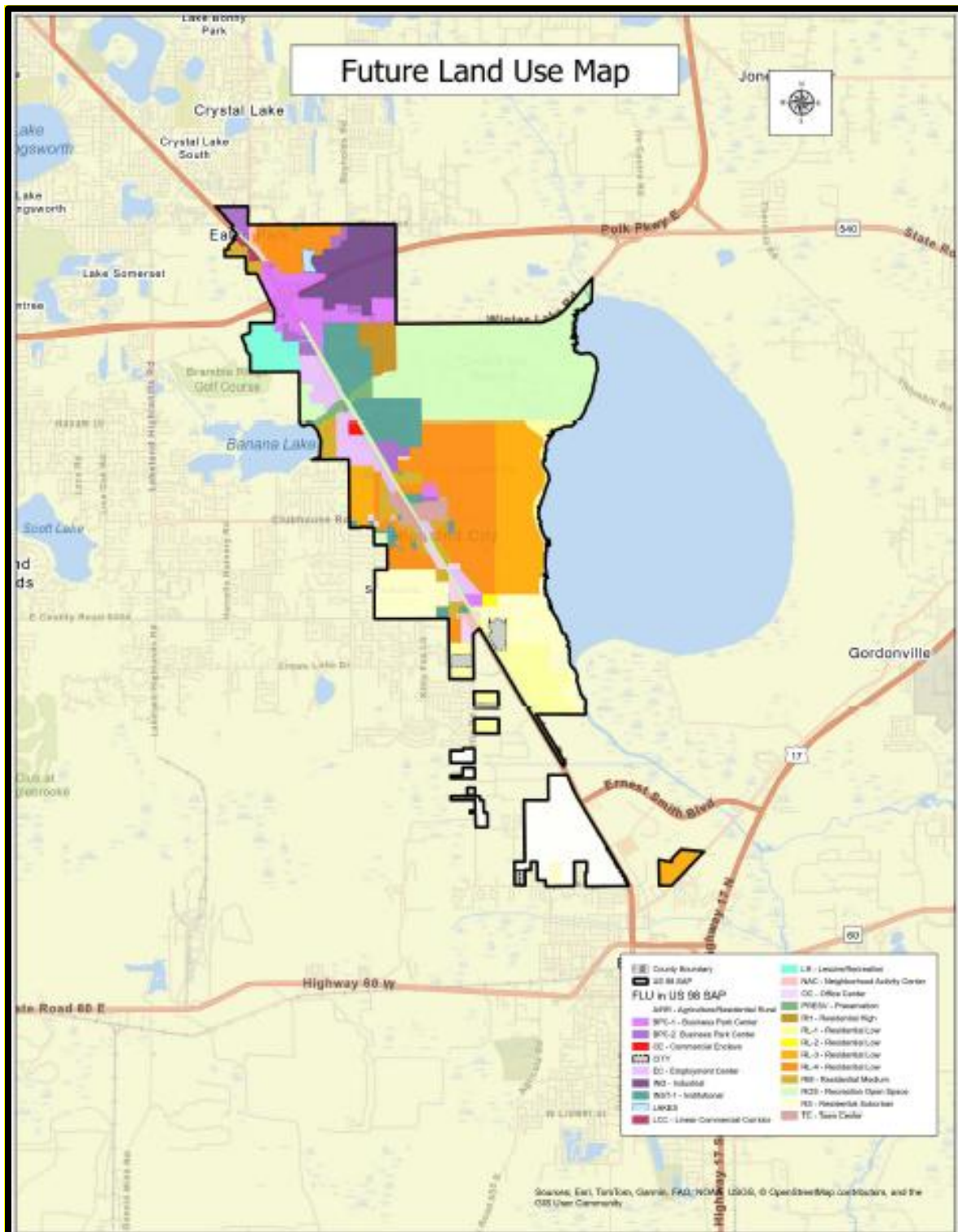
|           |                                                  |
|-----------|--------------------------------------------------|
| Exhibit 1 | Location Map                                     |
| Exhibit 2 | Current Future Land Use Map Within the US 98 SAP |
| Exhibit 3 | ECX Uses Locations within the US 98 SAP          |

Under separate attachment

- Draft Ordinances with proposed text
- Application information

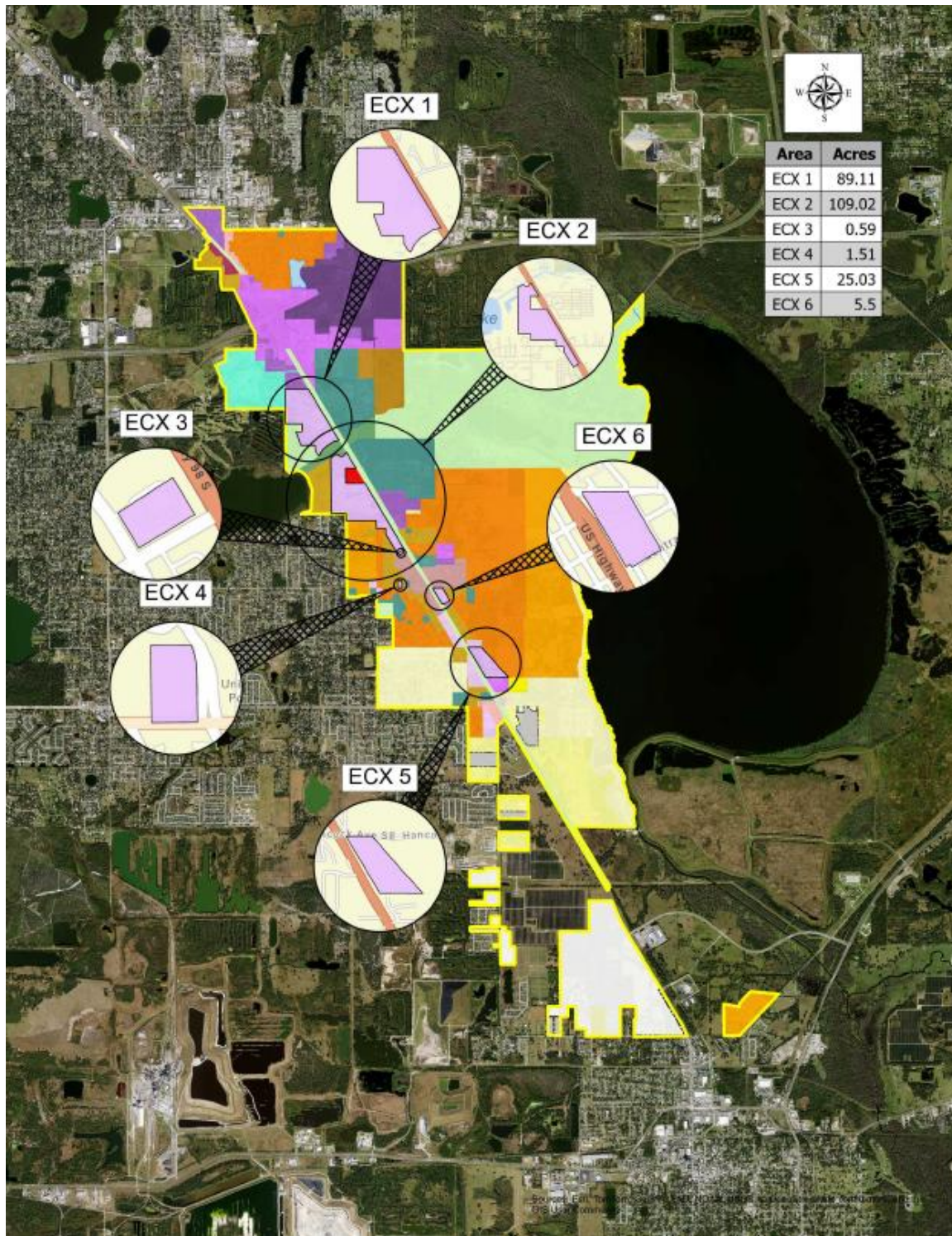


## LOCATION MAP



# CURRENT FUTURE LAND USE MAP US 98 SAP





## ECX LOCATIONS WITHIN US 98 SAP