

**POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT**

DRC Date	March 13, 2025	CASE #:	LDLVAR-2025-15
LUHO Date	April 24, 2025	LDC Section:	Bellagio County Line Road Section 208, Table 2.2

Request: The applicant is requesting a variance to the impervious surface ratio (ISR) on a property in the Rural Development Area (RDA) from 0.55 to 0.75.

Applicant: Mark Wilson, Kimley Horn and Associates Inc.

Property Owner: Bellagio Property Management LLC

Location: 4040 County Line Road, south of Drane Field Road, north of Spring Creek Drive, north of Medulla Road, west of Hamilton Road, west of the City of Lakeland, in Section 06, Township 29 and Range 23.

Parcel ID#: 232906-000000-034030 and 034040

Size: 14.54+/- acres

Land Use Designation: Business Park Center-1 (BPC-1)

Development Area: Rural Development Area (RDA)

Case Planner: Erik Peterson, AICP

Summary:

The applicant is requesting a variance in the impervious surface ratio (ISR) limit of the Rural Development Area (RDA) from 0.55 to 0.75 for a warehouse distribution facility. A lower impervious surface ratio is placed on development in the rural areas of the County to create more open space and present a less congested appearance. Additionally, the rural areas have less infrastructure and services to serve more intense development. Typically, there is no sanitary sewer service available or publicly maintained drainage system outfalls. Therefore, more open land is often needed for more internal stormwater treatment and storage and onsite sanitary wastewater treatment facilities. However, this area is no longer rural in nature. It has a significant amount of urban infrastructure and services. Development on both the Hillsborough and Polk County sides of County Line Road is of urban intensity.

The applicant intends to build a 201,586 square foot of distribution warehouse with ample area for parking and semi-truck movements throughout the site (see Exhibit 5). This type of development is similar and less intense than most of the nearby warehouse developments. The current plan shows 62.2% of impervious area, but this plan may be subject to change in the future. The applicant is requesting the same impervious surface area ratio as neighboring and nearby developments.

Staff find that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because Rural Development Areas (RDAs) are for preserving an existing undeveloped nature of an area, but this area is not rural any longer. This area should be identified for an Urban Growth Area in the Comprehensive Plan. In urban areas, there are significant amounts of public and private investment, and it is desired that as many residents and businesses locate there to maximize the benefits of those investments.
- Because **special conditions and circumstances exist which are peculiar to the land** that are not accurately accounted for in the County's planning documents. Changing such documents is complicated and difficult at this time.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because this is one of the most urban and industrializing areas of the County. The applicant's agents assumed when designing this site that the Development Area Map of the plan recognized the County and cities' investments into this area.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-15**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 208, Table 2.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable Impervious Surface Ratio within Business Park Center-1 (BPC-1) (Development area: RDA) Future Land Use Map designation from 0.55 to 0.75.
2. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

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: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with LDC Section 930D.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submission 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 commitments 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.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

It is intended in the policies of the plan that there be more open space in the rural areas and far less in the urban ones. Rural areas are for preserving the existing undeveloped nature of an area. In urban areas, there are significant amounts of public and private investment, and it is desired that as many residents and businesses locate there to maximize the benefits of those investments. Open space is not desired in higher quantities in urban areas.

This area has developed in an urban manner. There are significant amounts of urban services available and in the nearby municipalities of Plant City and Lakeland, where development intensity is preferred over open space. Additionally, the County's Urban Growth Area (UGA) is adjacent to the site on the eastern boundary. *It will not be injurious to the area involved or otherwise detrimental to the public welfare* if this property is allowed to develop at a slightly higher and more urban level than is currently afforded by the code. Staff concurs with the request for a complete adjustment to the impervious surface coverage from the 0.55 Rural Development Area (RDA) limit to the 0.75 Urban Growth Area (UGA) standard. This will allow for development contingencies and future growth.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

The impervious surface area for the BPC-1 district varies depending on the County's future plans for infrastructure and services investments. These plans are identified through the mapping of urban services boundaries that are referred to in the Comprehensive Plan as "Development Areas" that also form the basis for the distribution of Future Land Use Map categories (see Exhibit 9). In the Rural Development Area (RDA), there is no commitment to providing an increase in urban infrastructure and services in the future because either the demand for them is low or there is an intention to minimize development to protect resources such as sensitive environmental features or prime agriculture. Such planning is an integral part of managing the County's budget over the life of the plan. There is not enough tax revenue available to provide the same level of urban services countywide. The

County and its cities must allocate financial resources only where the citizens receive the most return on tax-backed investments.

This is an area that has seen a significant amount of local government investment over the last 20 years. Those investments have paid off, shown by the success of the resulting land development in this area. A substantial amount of private investment and job creation has occurred in this area of the County because of it. One would think that it was part of the County's planning efforts. Unfortunately, that was not the case. These capital investments were implemented at odds with the colors indicated on the Development Areas Map of the Plan (see Exhibit 9). The County has not expanded the urban services boundary in this area, and it is holding back potential development. Therefore, it is the map that is the *special conditions and circumstances which are peculiar to the land, structure, or building involved in this case*. This requested variance can remedy that for this property.

This issue could be resolved with an amendment to the Comprehensive Plan on the property from RDA to UGA. However, there are semantical issues in the current language within the plan that preclude an isolated change. Also, the Comprehensive Plan is over 30 years old and is undergoing major changes that may change some objectives and policies regarding the Development Area designations. A Comprehensive Plan amendment at this time is more complicated.

3. *Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;*

Over 30 years ago, this area looked very rural, but a lot has changed (see Exhibit 8). Today, the common person is not likely to interpret this area as rural. It is one of the most urban and industrializing areas of the County. The applicant's agents assumed when designing this site that the Development Area Map of the plan recognized the County and cities' investments into this area because it no longer resembles a rural area. There are urban services and infrastructure available to accommodate this intensity. The maintaining of an accurate account of where there is significant investment in infrastructure and services should be the responsibility of the County and not the individual property owners. This lack of accountability on the part of the County should not arbitrarily limit the development potential for this property.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

This variance is needed for a more urban form of warehouse development in an area that is clearly urban. The Comprehensive Plan urban services boundary (Development Areas Map) has not been updated for all the investment that the County and cities have funded for improvements over this area in the past 20 years. The Urban Growth Area (UGA) boundary abuts the site on its east side (see Exhibit 9). Across the street in Plant City, the impervious surface area may reach 85% of the property. To the north, a warehouse was granted an administrative waiver to develop at a higher impervious surface ratio. This is a privilege of higher impervious surface coverage that is afforded by right to other properties nearby but not to the applicant's property.

5. *Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;*

This request is to increase the impervious surface area of a BPC-1 district from 55% of the site to 75% of the site. This constitutes a 36.4% increase in total coverage of the property. Although this is more than the site plan currently calls for, approval is recommended because it allows for contingencies during construction and also allows for future expansion if necessary. This recommendation is based on the nature of the area and the rate at which it is urbanizing.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. The needed Future Land use Map change has been granted. BPC-1 does not allow outdoor storage, and none is shown on the site plan (see Exhibit 5). This variance is needed to expand the useable area. POLICY 2.113-B-4.i states “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 septic and as required if within a Nutrient Restoration Plan Overlay.” This area has public water and wastewater serving it. Therefore, it is not a change in the land use and is consistent with the Comprehensive Plan to grant more impervious surface area.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property. It will expand the useable area of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

The Board of County Commissioners changed the Future Land Use Map designation of this property from A/RR to BPC on December 20, 2022. The Board did not place any special conditions on the property regarding the impervious surface ratio. There was no opposition from surrounding property owners and no mention in the staff report or the minutes of the hearing of the limited impervious surface ratio requirement in Table 2.1 of the LDC.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table to follow provides details of abutting structures and lot parameters.

Table 1

Northwest: Hillsborough County, Plant City Industrial FLU ±313,000 sq.ft. Warehouse ±750,000 sq.ft. impervious On a ±22 acres 0.79 = ISR	North: A/RR, BPC-2 Single-family residence on ±4.4 ac. Vacant residential on 5.5 ac. ±153,500 sq.ft. Warehouse ±410,000 sq.ft. impervious On a ±12.2 acres 0.77 = ISR	Northeast: A/RR Fancy Farm Market Active Agriculture (row crops) Farm to table Restaurant On a ±18.52 acres
West: Hillsborough County, Plant City Industrial FLU ±500,000 sq.ft. Warehouse ±1,100,500 sq.ft. impervious On a ±36.6 acres 0.69 = ISR	Subject Property: Business Park Center-1 (BPC-1) Proposed: ±201,586 sq.ft. Warehouse ±392,738 sq.ft. impervious On a ±14.5 acres ISR = 62.2	East: BPC-2 ±133,000 sq.ft. Warehouse ±331,000 sq.ft. impervious On a ±16.3 acres 0.47 = ISR
Southwest: Hillsborough County, Plant City Industrial FLU ±325,000 sq.ft. Warehouse ±623,000 sq.ft. impervious On a ±19 acres 0.75 = ISR	South: A/RR, BPC-2 Spring Creek Subdivision Single-Family residences, Vacant land	Southeast: BPC-2 ±173,700 sq.ft. Warehouse ±455,000 sq.ft. impervious On a ±21.65 acres 0.48 = ISR

Just a little more than 25 years ago this area was very rural, and County Line Road was only two lanes wide. Since 2010, the entire length from I-4 to State Road 60 has been a four-lane divided roadway with a 55-mph posted speed. This induced the demand for locating warehousing and distribution facilities along the corridor due to the lucrative proximity to major state highways and encouraged developments on both sides of the County line. Many property owners requested changes in land use regulations to Future Land Use districts that allow warehousing and distribution. As water and wastewater services were extended from the two cities, the area quickly became more urbanized.

In the last 10 years, Plant City and the city of Lakeland have extended large water lines and wastewater force mains to County Line Road. Also, within this time, the Lakeland Airport has undergone significant business expansions to become a large airfreight hub serving all of central Florida. Lakeland will be extending the water lines farther to the south to loop with lines on Pipkin road. Transit lines have not been extended yet. Currently one line ends at the airport and the other ends at the Publix Plaza at Pipkin Road and County Line Road approximately a mile from the site. This rise in intensive development may soon result in an expansion of transit routes to this area. This area will soon have the complete array of infrastructure and services to be designated Transit Supportive Development Area (TSDA).

The subject property faces warehouse distribution facilities of greater size and impervious surface ratios on the opposite side of County Line Road, to the north, and to the east (see Table 1 and Exhibits 3&4). The site is Business Park Center-1 (BPC-1) where the impervious surface limit is 50% of the site area and there is no outdoor storage permitted. The abutting properties to the east were developed at a lower ISR because they had more wetlands and 100-year flood zones on them.

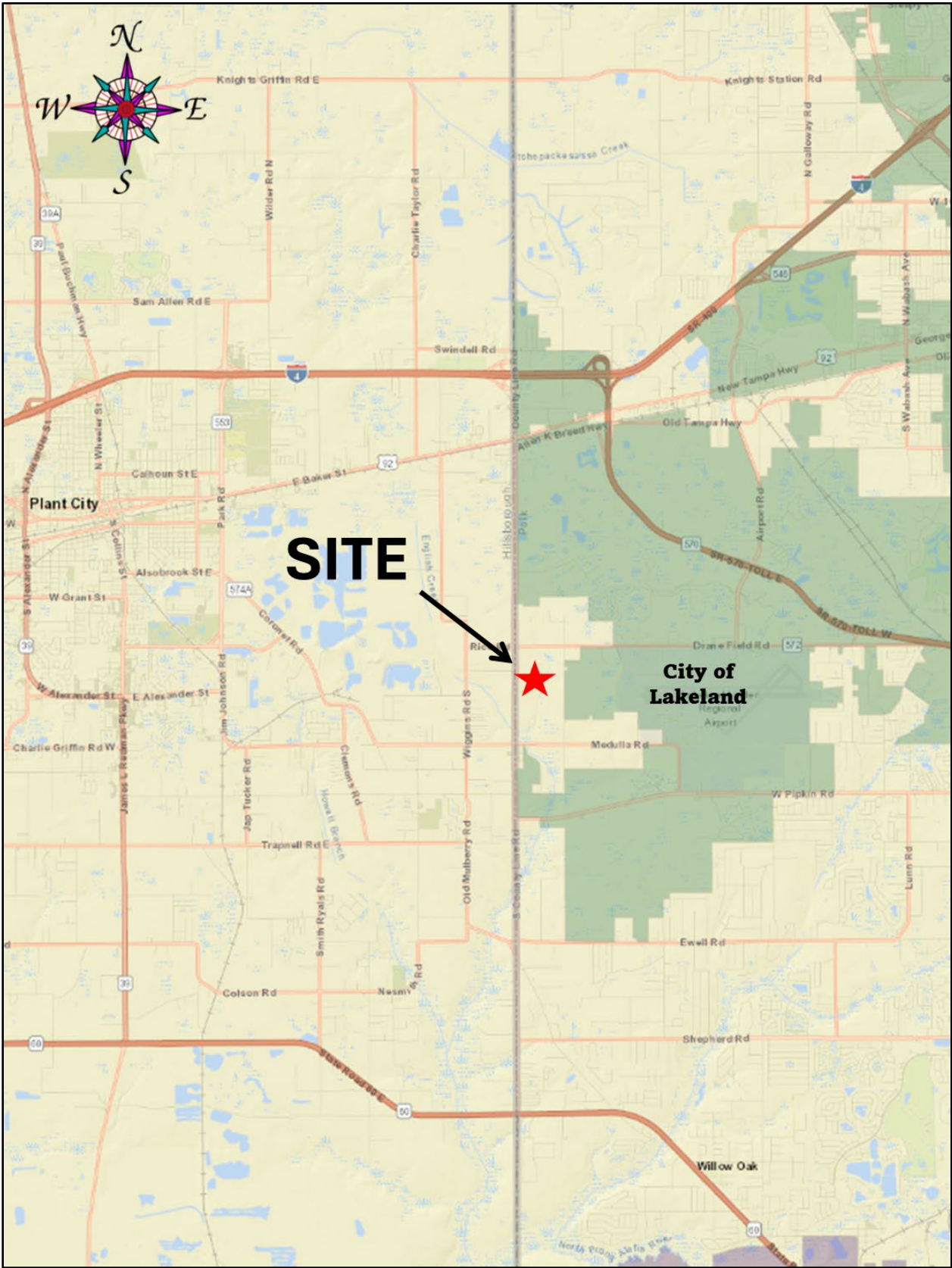
The underlying Development Area is Urban Growth on those properties. If they were all uplands like this one, they could cover 75% of the property with impervious surfaces.

Comments from other Governmental Agencies:

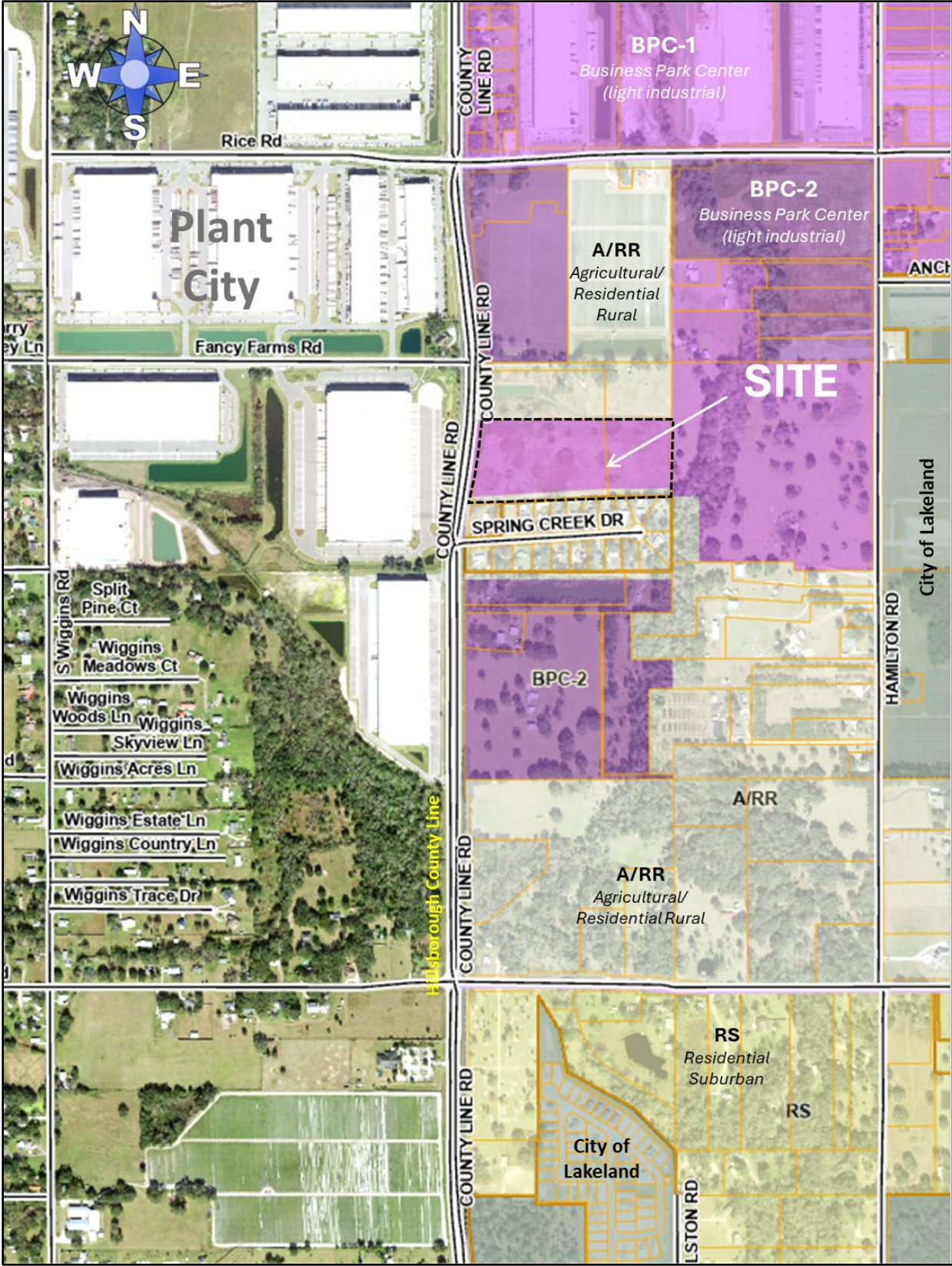
None.

Exhibits:

- Exhibit 1 - Location Map
- Exhibit 2 - Future Land Use Map
- Exhibit 3 - 2024 Satellite Photo (context)
- Exhibit 4 - 2023 Aerial Close-up w/ Site Plan
- Exhibit 5 - Applicant's Site Plan
- Exhibit 6 - Site Plan Data
- Exhibit 7 - Applicant's Justification
- Exhibit 8 - Aerial Photo Comparison 1994-2024
- Exhibit 9 - Development Areas Map



Location Map



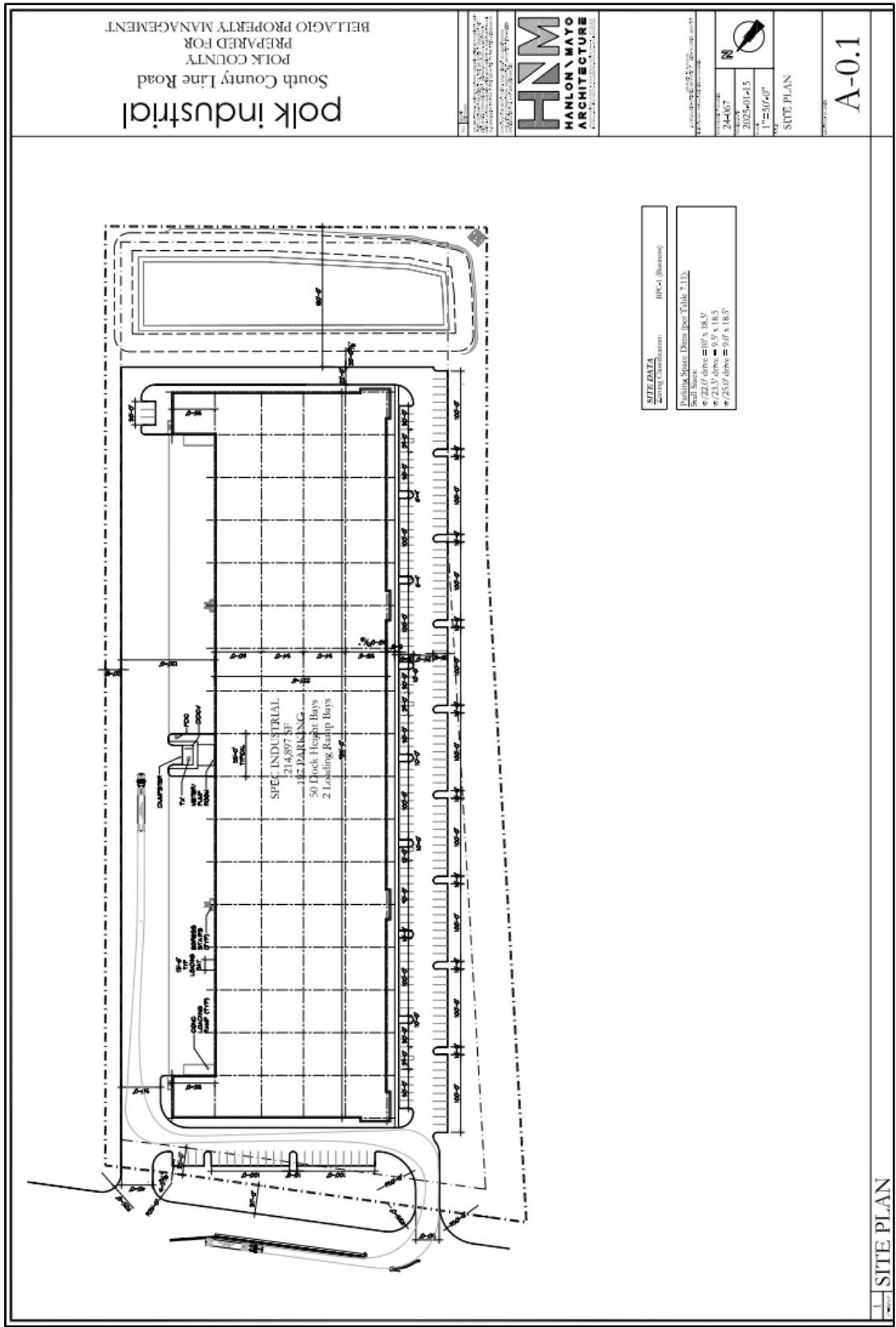
Future Land Use Map



2024 Satellite Photo (context)



2023 Aerial Close-up w/site plan



Applicants' Site Plan

SITE DATA		
LOCATION:	SECTION 06, TOWNSHIP 29 S, RANGE 23 E	
ADDRESS:	4040 COUNTY LINE ROAD LAKELAND, FLORIDA 33811	
FOLIO NUMBERS	23-29-06-000000-034040, 23-29-06-000000-034030	
TOTAL SITE AREA	631,022 SF	14.5± AC
MAX. BUILDING HEIGHT	75 FT	
MAX. F.A.R.	0.35	
PROPOSED F.A.R.	0.319	
<u>LOT COVERAGE</u>	631,022 SF	100%
IMPERVIOUS AREA	392,738 SF	62.2%
BUILDING AREA	201,586 SF	31.9%
ASPHALT PAVEMENT AREA	137,765 SF	21.8%
CONCRETE PAVEMENT AREA	53,387 SF	8.5%
PERVIOUS AREA (OPEN SPACE)	238,284 SF	37.8%
WET POND AREA (@ SHWL)	44,000 SF	1.0± AC
<u>PARKING SUMMARY</u>		
REQUIRED PARKING	1 SPACE PER EMPLOYEE (142 EMPLOYEES = 142 SPACES)+ 1 SPACE PER COMPANY VEHICLE (2 COMPANY VEHICLES =2 SPACES)	
TRUCK DOCK PARKING	54 SPACES	
TOTAL AUTO PARKING	144 SPACES	
STANDARD (10'x20') - 129		
ACCESSIBLE - 5		
PARALLEL - 10		
<u>LANDSCAPE BUFFER</u>		
NORTH	20' TYPE C WITHOUT FENCE	
SOUTH	20' TYPE C WITHOUT FENCE	
WEST	6' TYPE A WITHOUT FENCE	
EAST	10' TYPE B WITHOUT FENCE	
CPA ORDINANCE NO.	2022-086	
<u>BUILDING SETBACKS</u>		
FRONT	35 FT / 65 FT (RIGHT OF WAY / CENTERLINE)	
SIDE	20 FT	
REAR	20 FT	

Site Plan Data

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?

The variance will not be injurious to the area involved or detrimental to the public welfare. The RDA area in which the subject property exists is an enclave surrounded by SDA and UGA development areas which

have higher ISR allowances. The property is BPC-1 and the general surrounding area is consistent with the proposed industrial/warehouse use.

What special conditions exist that are peculiar to the land, structure, or building involved?

The proposed development consists of 1 warehouse building that require specific dimensions and impervious circulation areas. In order to achieve the required industry/market standard building and site requirements the higher ISR (0.75) afforded to those properties/uses surrounding this site are required/requested.

When did you buy the property and when was the structure built? Permit Number?

Bellagio Property Management, LLC bought the property in December 2024. No buildings on site yet, but a Level 2 Application is open with the county under LNDON-2024-98.

What is the hardship if the variance is not approved?

The required industry/market standard building and site requirements cannot be achieved without the higher ISR (0.75) afforded to those properties/uses surrounding this site.

Is this the minimum variance required for the reasonable use of the land?

Yes

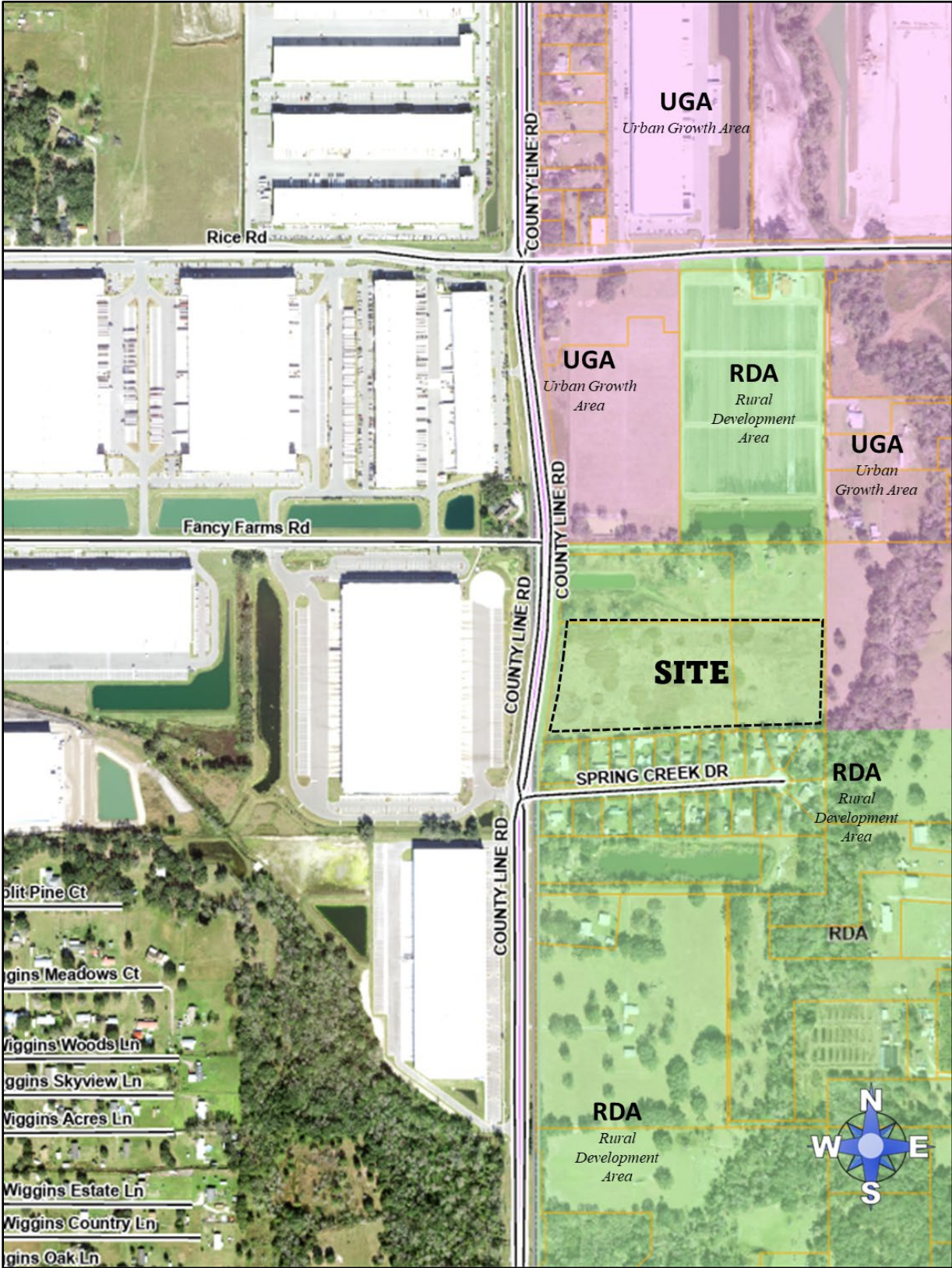
Do you have Homeowners Association approval for this request?

N/A

Applicant's Justification



Aerial Photo Comparison 1994-2024



Development Areas Map