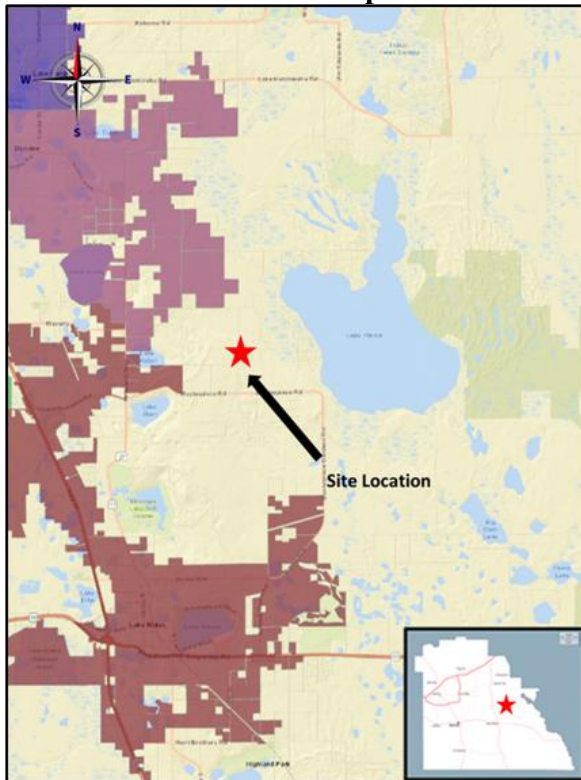


# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

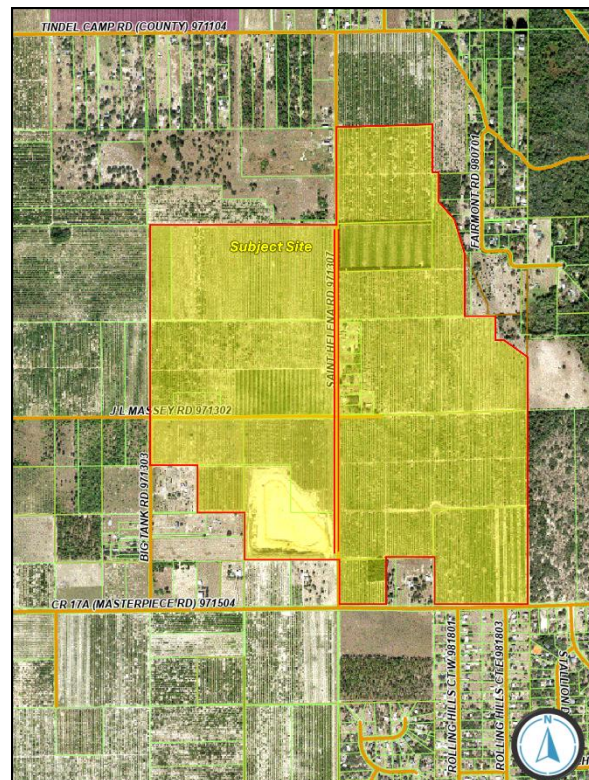
<b>DRC Date:</b> May 7, 2026	<b>Level of Review:</b> Level 3 Review
<b>PC Date:</b> July 8, 2026	<b>Type:</b> Conditional Use Approval
<b>BoCC Date:</b> N/A	<b>Case Numbers:</b> LDCU-2026-15
<b>Applicant:</b> Carlos Vergara	<b>Case Name:</b> Grove Sand Mine
	<b>Case Planner:</b> Kyle Rogus, Planner II

<b>Request:</b>	The applicant is requesting a Conditional Use (CU) approval to modify LDCU-2024-39 to reflect the abandonment and dedication of rights-of-way to the surrounding roadways.
<b>Location:</b>	Subject site is located south of Tindel Camp Road, north of Masterpiece Road, east of Lake Mabel Loop Road, west of Lake Pierce, east of the city of Lake Wales in Section 12, Township 29, Range 27.
<b>Property Owners:</b>	Blue Water Industries Florida LLC
<b>Parcel Size (Number):</b>	±554 acres, 13 Parcel IDs (See Exhibit #8)
<b>Future Land Use:</b>	Agriculture/Residential Rural (A/RR), Residential Suburban (RS)
<b>Development Area:</b>	Rural Development Area (RDA), Suburban Development Area (SDA)
<b>Nearest Municipality:</b>	N/A
<b>DRC Recommendation:</b>	Conditional Approval
<b>Planning Commission Vote:</b>	Pending Public Hearing

**Location Map**



**Site Plan**



## Summary of Analysis:

This is a request for major modification to LDCU-2024-39, a sand mine (“Mining, Non-Phosphate”) east of the city of Lake Wales. The request is to reflect the abandonment and dedication of rights-of-way to the surrounding roadways. The vacation of J L Massey Road from the intersection of Big Tank Road and Saint Helena Road will increase the total acreage of the mine from 551.2 acres to 554.2 acres. The dedication of right-of-way along the easternly portion of Saint Helena Road will reduce the previously approved 100-foot setback. The property is located in Agriculture/Residential Rural (A/RR) and Residential Suburban (RS) land use (Exhibit 2). Per Policy 2.125-A2 of the Comprehensive Plan, the specialized use of non-phosphate mining is authorized in all land use locations. “Mining, Non-Phosphate” is a “C3” conditional use within these land use districts.

Section 303 of the Land Development Code (LDC) sets forth the standards that shall be applied to non-phosphate mining uses. Section 303 states that, “*All mining activities shall comply with a 100-foot minimum setback from property lines and road right-of-way lines.*” LDCU-2024-39 was approved for 100-foot setbacks from property lines and road right-of-way lines in accordance with Section 303 of the LDC, however the proposed dedication requires a setback reduction from the previously approved setbacks.

The newly proposed right-of-way width will result in a reduction from the previously approved 100-foot setback, however varying right-of-way widths along Saint Helena Road results in different setback reductions. As a result, staff has added, as part of a condition of approval that the mining activity be setback 110 feet measured from the centerline of the roadway. This ensures mining activity will remain a consistent distance away from Saint Helena Road. In addition, the toe of the berm is not located any closer than 25 feet from a property line or right-of-way line as conditioned in the staff report and Section 303 of the LDC. This ensures that mining activity will result in greater than 75 feet setback reduction remaining consistent with the intent of the LDC. All conditions regarding setback reduction are contingent upon right-of-way dedication prior to Level 2 approval. This places the burden on the applicant providing the right-of-way up front, rather than when they mine.

The mine was originally permitted at 20 acres by the Board of County Commissioners on July 18, 1995. The mine has undergone the following modifications since approval;

- The mine received 7-0 approval with conditions to expand the existing sand mine operations for an additional 70± acres on June 12, 2007.
- The mine received 6-1 approval with conditions to the existing sand mine operation for an additional 446.4 acres on February 5, 2025
- The mine is requesting approval with conditions to expand the existing sand mine to reflect the abandonment and dedication of rights-of-way to the surrounding roadways.

The decision to permit the mining activity shall be based on an evaluation of the compatibility of the use with surrounding land uses and the ability to mitigate adverse impacts, including noise, visual, airborne and waterborne pollutants, and traffic impacts. The applicant has demonstrated a plan to address these standards to satisfaction. Staff finds that the request is compatible and meets the criteria set forth in the code. Further environmental studies, access management, final engineering, landscaping and buffering will be reviewed during the Level 2 Review process. After reviewing all the relevant facts, staff recommends approval.

## Findings of Fact

- *This is a request for major modification to LDCU-2024-39, a sand mine (Mining, Non-Phosphate). The request is to reflect the abandonment and dedication of rights-of-way to the surrounding roadways. The vacation will provide an additional 3 acres for mining and the dedication will reduce the previously approved 100-foot setback.*
- *CU 07-12 was approved 7-0 with conditions on June 12, 2007, to expand the existing sand mine operations for an additional 70± acres in an Agriculture/Residential Rural (A/RR) land use district.*
- *The mine was originally permitted by the Board of County Commissioners on July 18, 1995 for 20 acres. The Codes Compliance Director found the mine was in compliance with the Polk County Sand Mining Ordinance (83-03) in October of that same year.*
- *The proposed site is located in Agriculture/Residential Rural (A/RR) and Residential Suburban (RS) land use district. According to Table 2.1 of the Land Development Code (LDC), "Mining, Non-Phosphate" is a "C3" conditional use in A/RR and RS land use districts which necessitates a Level 3 Review and public hearing before the Planning Commission.*
- *The site is located in the Rural Development Area (RDA) which, according to POLICY 2.108-A1 of the Polk County Comprehensive Plan, 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."*
- *Per the Polk County Comprehensive Plan POLICY 2.125-G1: NON-PHOSPHATE MINING PERMITTED USES Mining permitted uses:*

*"Mining of the following minerals shall be permitted throughout the County in all land use classifications, subject to County approval:*

- a. lime rock*
- b. sand*
- c. peat*
- d. clay*
- e. soil"*

- *Per the Polk County Comprehensive Plan POLICY 2.125-G2: NON-PHOSPHATE MINING ACTIVITY DEVELOPMENT CRITERIA:*

*"Non-phosphate mining shall be subject to the following criteria:*

- a. Mineral extraction activities shall be conducted in a manner which will minimize adverse effects to water quality, fish and wildlife, and adjacent land uses. Non-phosphate mining shall be permitted only where compatible with existing land uses and Future Land Use designation.*
- b. All mining activities shall require Board approval through the County's development review procedures. This review will require the approval of a "Mine Plan" which shall include, at a minimum:*

1. a "Mine-Area Map" to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features to include topography, watersheds, and any endangered wildlife habitats;
  2. a "Mine-Area Layout" to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;
  3. a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and
  4. An "Operations Plan" to include, at a minimum, any phasing plans, an Impact Mitigation Plan, and a Traffic Circulation Plan showing major access routes to the mine site.
- c. The decision to permit the mining activity shall be based on an evaluation of the compatibility of the use with surrounding land uses; and the ability to mitigate adverse impacts, including noise, visual, airborne and waterborne pollutants, and traffic impacts.
- d. Mineral extraction activities shall not be conducted so as to make the property impractical or impossible for other future uses. Once extraction activities are completed, the site shall be reclaimed in accordance with the approved Reclamation Plan."
- Section 303 of the LDC details the standards that need to be achieved in order for conditional approval of "Mining, Non-Phosphate" uses. These include the requirements for the Mine Plan, Reclamation Plan, and Post-Closure Plan.
  - Section 303 of the LDC states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission, upon the certification by a professional engineer that no structural degradation will occur to the right-of-way as a result of the mining activity and a 30-foot minimum setback from the edge of pavement or travel land, in the case of unpaved roads, is maintained. A reduction up to 75 feet of the setback from property lines may be granted by the Planning Commission where the affected parcel is located within the Rural Development Area (RDA), the affected parcel does not include a residence, and meets at least one of the following:
    - (1) The parcel is vacant,
    - (2) The parcel is 10 acres or larger in size, or
    - (3) The parcel is recognized by the Property Appraiser as agricultural with a "greenbelt" tax exemption.
  - This property previously has been citrus groves.
  - One access point onto Saint Helena Road has been identified on the Mine Plan.

- *Saint Helena Road (Road No. 971307) is a local roadway with a paved surface width of 20 feet.*
- *Fire Response is primarily from Polk County Fire Rescue Station 44, 2041 Thompson Nursery Rd, Lake Wales, FL 33859. The travel distance is 4.6 miles, and the travel time is estimated to be ten (10) minutes.*
- *Ambulance response is from Polk County Fire Rescue Station 44, 2041 Thompson Nursery Rd, Lake Wales, FL 33859. The travel distance is 4.6 miles, and the travel time is estimated to be ten (10) minutes.*
- *According to the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no archaeological sites at this location.*
- *The subject site is not located within any of the County's Wellhead Protection Districts.*
- *The closest schools are Sandhill Elementary ( $\pm$  7.7 miles) and McLaughlin Academy of Excellence for Middle/High School ( $\pm$ 9.2 miles).*
- *This property is served by Polk County Sheriff's Office's Southeast substation located at 4011 Sgt. Mary Campbell Way. The response times for the SE District for 2026 were: Priority 1 Calls – 13:34 minutes & Priority 2 Calls – 30:09.*
- *Part of the property is located within a Polk County's East Utility Service Area for potable water.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting.*
- *The proposed sand mine will have no impacts on flood hazard zones.*
- *Per Section 620.C of the LDC, wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for mining uses which meet State and Federal regulations.*
- *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."*
- *This request has been reviewed for consistency with Tables 2.1 & 2.2 and Section 303 of the LDC.*

**Development Review Committee Recommendation:** Based on the information provided by the applicant, the findings of fact, recent site visits, and the 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, **IS CONSISTENT** with the Polk County Comprehensive Plan; therefore, the DRC recommends **APPROVAL of LDCU-2026-15.**

## **CONDITIONS OF APPROVAL**

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2026-15 with the following Conditions:

1. This approval is for an expansion of an existing mine from 551.2 acres to 554.2 acres and right-of-way setback reduction from the 100-foot standard. All mining activity shall be setback 110 feet measured from the centerline of Saint Helena Road and the toe of the berm is not to be located any closer than 25 feet from property line or right-of-way line.
2. Condition #1 is contingent upon right-of-way dedication of 40 feet from centerline of all roadway frontage prior to Level 2 review. All previous conditions of approval for this sand mine, whether original or modifications, shall be eliminated and only the conditions stated herein shall apply. [PLG]
3. This Conditional Use approval is for “Mining, Non-Phosphate.” Mining activity shall be setback a minimum of 25 feet from all property lines fronting Saint Helena Road on the easternly portion, as shown on the site plan. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to LDCU-2026-15, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]
4. Prior to the commencement of mining activities, 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. [PLG]
5. This approval shall be valid until materials have been removed to the elevations specified in the General Mining Notes of the Site Plan. [PLG]
6. Traffic from this mine shall only access the property at the point of direct ingress/egress on Saint Helena Road, as shown on the site plan. [PLG]
7. The applicant shall be responsible to inspect adjacent roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation. [PLG]
8. Prior to Level 2 Review approval, the applicant shall provide a surety in an amount to guarantee the cost of repairing any damage to the driveway as a result of the mining operation. The surety shall include costs for milling, paving, and signing and marking at the mining driveway. This surety shall remain in place for the entire life of the mine as described in condition #4. [ENG]
9. The stacking of vehicles shall be permitted only within property boundaries on site and not within the public right-of-way. [PLG]
10. There is one processing facility identified on the binding site plan. No other processing facilities shall be located on site without approval by the Planning Commission through a major modification. [PLG]

11. Any institutional fencing (i.e. 6' chain-link security fencing) shall be removed once the mine reclamation is finished. However, this shall not preclude fencing typically associated with post closure uses (AG Exempt) to be installed. [PLG]
12. Stock piling of materials shall only be located in the areas shown on the Operations Plan, without approval through a major modification of the conditional use. [PLG]
13. Batch plants shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]
14. Commercial vehicles shall be limited between the hours of 4 am and 6 pm daily. Vehicles may stack within property boundaries but not within the right-of-way. [PLG]
15. The haul route for transporting sand deposits from this sand mine site shall be limited to that portion of Saint Helena Road which provides direct access in a southerly direction onto County Road 17A (Masterpiece Road). [PLG]

**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 request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

*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: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

*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.*

**Surrounding Land Use Designations and Current Land Use Activity**

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

**Table 1**

<b>Northwest:</b> A/RR Citrus	<b>North:</b> A/RR Citrus	<b>Northeast:</b> RS Citrus
<b>West:</b> A/RR Citrus	<b>Subject Property:</b> A/RR Citrus	<b>East:</b> RS Residential
<b>Southwest:</b> A/RR Mobile Home	<b>South:</b> A/RR Citrus	<b>Southeast:</b> RS Citrus

*Source: Polk County Geographical Information System and site visit by County staff*

This site has frontage along Saint Helena Road. To the north, south, and east is vacant pasture which is zoned Agriculture/Residential Rural (A/RR) or Residential Suburban (RS).

## Compatibility with the Surrounding Land Uses and Infrastructure:

The request is compatible with the surrounding area as the residential density in this area is very sparse. The mine has undergone numerous modifications since its original approval by the Board of County Commissioners on July 18, 1995.

- The mine received 7-0 approval with conditions to expand the existing sand mine operations for an additional 70± acres on June 12, 2007.
- The mine received 6-1 approval with conditions to expand the existing sand mine operations for an additional 466.4± acres on February 5, 2025.
- The mine is requesting approval with conditions to expand the existing sand mine to reflect the abandonment and dedication of rights-of-way to the surrounding roadways.

### A. Land Uses:

All of the immediate land use districts around this property are either RS or A/RR. This area has long been citrus groves. The life of the mine is anticipated to last approximately 80 years for the 554.2 acres. The site will have one location for processing. Mining Area 1 is expected 1 to 5 years; Mining Area 2 is 6 to 30 years; and Mining Area 3 is 31 to 80 years. Traffic is anticipated at around 167 loads per day by a commercial dump truck. The proposed operation will occur from 4 am to 6 pm Monday through Saturday. Mining, processing and maintenance will occur 24 hours a day, 365 days per year. The site has one point of direct ingress/egress onto Saint Helena Road. Traffic will then head south to Masterpiece Road when transporting material. According to the Post-Closure Plan, the result of the mining activity will include open space/habitat and residential property for the landowner.

**The LDC defines compatibility 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.”**

Section 303 of the LDC states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission, upon the certification by a professional engineer that no structural degradation will occur to the right-of-way as a result of the mining activity and a 30-foot minimum setback from the edge of pavement or travel lane, in the case of unpaved roads, is maintained. The newly proposed right-of-way width will result in a reduction from the previously approved 100-foot setback, however varying right-of-way widths along Saint Helena Road results in different setback reductions. As a result, staff has added, as part of a condition of approval that the mining activity be setback 110 feet measured from the centerline of the roadway. This ensures mining activity will remain a consistent distance away from Saint Helena Road. In addition, the toe of the berm is not located any closer than 25 feet from a property line or right-of-way line as conditioned in the staff report and Section 303 of the LDC. This ensures that mining activity will result in greater than 75 feet setback reduction remaining consistent with the intent of the LDC. All conditions regarding setback reduction are contingent upon right-of-way dedication prior to Level 2 approval. This places the burden on the applicant providing the right-of-way up front, rather than when they mine.

A few residential uses, seven homes, are near the mine, which requires mining activity to be 200 feet away. The vacation and dedication of right-of-way does not change or alter the 200-foot setback from residential uses in any way. The closest residential home will be approximately 420 feet away from the plant area. The berm is 50 feet wide, will be sodded, and act as a buffer to the residential homes nearby. The toe of the berm will be at least 25 feet from the property line.

**B. Infrastructure:**

The Rural Development (RDA) does not support dense residential or non-residential development. Part of the mine will be located in the Suburban Development Area (SDA). There is public water, but no wastewater services offered in the immediate area. The most impact will be on the roadways. Staff has added conditions for roadway maintenance. Prior to Level 2 Review approval, the applicant shall provide a surety in an amount to guarantee the cost of repairing any damage to the driveway as a result of the mining operation. The surety shall include costs for milling, paving, and signing and marking at the mining driveway. This surety shall remain in place for the entire life of the mine. The applicant shall be responsible to inspect adjacent roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation.

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

The closest schools are Sandhill Elementary ( $\pm$  7.7 miles) and McLaughlin Academy of Excellence for Middle/High School ( $\pm$ 9.2 miles). This is a non-residential use; the request will not have an impact on school capacity. The infrequent traffic created by this request will have limited impact on school buses and their routes.

**Nearest Sheriff, Fire, and EMS Station**

Fire Response is primarily from Polk County Fire Rescue Station 44, 2041 Thompson Nursery Rd, Lake Wales, FL 33859. The travel distance is 4.6 miles, and the travel time is estimated to be ten (10) minutes. Ambulance response is from Polk County Fire Rescue Station 44, 2041 Thompson Nursery Rd, Lake Wales, FL 33859. The travel distance is 4.6 miles, and the travel time is estimated to be ten (10) minutes. This property is served by Polk County Sheriff’s Office’s Southeast substation located at 4011 Sgt. Mary Campbell Way. The response times for the SE District for 2026 were:

- Priority 1 Calls – 13:34 Minutes
- Priority 2 Calls – 30:09 Minutes

Priority 1 Calls are considered to be 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. At any rate, response times are not as much a function of the distance to the nearest substation but more a function of the overall number of patrol officers within the County. Table 2, to follow, provides a breakdown of response times and travel distances for emergency services.

**Table 2**

	<b>Name of Station</b>	<b>Distance</b>	<b>Response Time*</b>
Sheriff	Southeast District Substation 4011 Sgt. Mary Campbell Way	$\pm$ 4.4 miles	P1: 13:34 P2: 30:09
Fire	Polk County Fire Rescue Station 44 2041 Thompson Nursery Rd, Lake Wales, FL 33859	$\pm$ 4.6 miles	10 minutes
EMS	Polk County Fire Rescue Station 44 2041 Thompson Nursery Rd, Lake Wales, FL 33859	$\pm$ 4.6 miles	10 minutes

## **Water and Wastewater Demand and Capacity:**

### **A. Estimated Demand and Service Provider:**

This site is located in a Rural Development Area and Suburban Development Area. The Suburban Development Area is within the County East Regional utility area. As there are no structures associated with this request, there is no need to provide potable water or wastewater services.

### **B. Available Capacity:**

This site is located in a Rural Development Area and Suburban Development Area.

### **C. Planned Improvements:**

Improvements for a new roundabout is proposed at the intersection of Masterpiece Road and Timberlane Road approximately 0.94 miles to the east of the subject site.

## **Roadways/ Transportation Network**

The surrounding roadway network has adequately served this mining facility and will continue to do so without causing a failure in service. According to previous approvals, truck traffic is anticipated at 167 loads per day depending on construction demand. The material will be transported off site to various local area contractors by a commercial dump truck. The proposed operation will occur from 4 am to 6 pm Monday through Saturday. Mining, processing, and maintenance will occur 24 hours a day, 365 days per year. The site has one point of direct ingress/egress onto Saint Helena Road. Traffic will then head south to Masterpiece Road when transporting material.

### **A. Estimated Demand:**

Due to the nature of the market in which non-phosphate mining takes place, there are no accurate means to estimate the trip counts that may occur as their specialized industry is driven completely by a customer demand bias.

The applicant submitted a Traffic Study with the previous modification request in February 2025. The site operations and maximum operating capacity will produce 350 Annual Average Daily Trips (AADT), 42 AM Peak hour, and ten (10) Peak PM Hour Trips.

### **B. Available Capacity:**

This project is not expected to have a significant influence on the capacity of the nearest relevant road links, CR 17A (Link 4030N/S). Roadways have the capacity to assimilate the project's traffic at this peak as described in the section above. Table 3 shows the available capacity of the most-affected links.

<b>Table 3</b>				
<b>Link #</b>	<b>Road Name</b>	<b>Current Level of Service (LOS)</b>	<b>Available PM Peak Hour Capacity</b>	<b>Minimum LOS Standard</b>
4030N	CR 17A (Masterpiece Road) From Mammoth Grove Road to SR 17	C	468	D
4030S	CR 17A (Masterpiece Road) From Mammoth Grove Road to SR 17	C	477	D

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database 2026*

C. Roadway Conditions:

**Saint Helena Road**

Saint Helena Road (Road No. 971307) is a local roadway with a paved surface width of 20 feet, according to Polk County’s Roadway Inventory. While Saint Helena Road is classified as a local roadway, the future use is anticipated to be a collector roadway resulting in a substandard right-of-way width. As a result, the I-4 Sand Company is proposing to dedicate sufficient right-of-way along the entirety of Saint Helena Road to meet Land Development Code (LDC) requirements.

LDCU-2024-39 was approved for 100-foot setbacks from property lines and road right-of-way lines in accordance with Section 303 of the LDC. The proposed dedication requires a setback reduction from the previously approved setbacks. Pursuant to Section 303 of the LDC, “A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission.”

**J L Massey Road**

J L Massey Road (Road No. 971302) is a County-maintained Rural Minor Collector (RNC) roadway with an unpaved surface width of 20 feet according to Polk County’s Roadway Inventory. J L Massey Road extending from Big Tank Road to Saint Helena Road is to be vacated. The vacation of J L Massey Road provides an additional ±3 acres for mining purposes.

**Masterpiece Road**

CR 17A (Masterpiece Road) is a Rural Major Collector (RMC) roadway with a paved surface width of 20 feet. Tindel Camp Road (Road No. 971104) is a paved RNC roadway.

D. Sidewalk Network

There are no sidewalks along the parcel. Mining activity does not require sidewalks.

E. Planned Improvements

There are no planned improvements in the immediate area of the mining site.

F. Mass Transit

The population concentration is relatively low in the area and will likely remain so with the lack of services present. This is not an area of the County that is planned for transit services. The nature of this request does not demand the need for mass transit, either.

**Park Facilities and Environmental Lands:**

This is an area where the County has been acquiring land for the Polk Environmental Lands Program. The project will create little-to-no impact on the parks, though.

A. Location:

Kiwanis Park is south of the subject site on N Lakeshore Blvd in Lake Wales.

B. Services:

Kiwanis Park has a playground, sports facilities, and a skate area.

C. Multi-use Trails:

Barbara B. Pedersen Wildlife Preserve is located northwest of the subject site. The property is located on Lake Annie off Scenic Highway (State Road 17) inside the south city limits of Dundee. This nature preserve has a 1.3-mile loop trail.

D. Environmental Lands:

Polk's Environmental Lands Program acquires, preserves, protects, manages and restores endangered and environmentally sensitive lands, water resources and important wildlife habitats. Once the mine is finished, the reclamation will provide habitat and resources for endangered species traveling through the area. Florida black bears and panthers have been seen nearby.

### **Environmental Conditions**

Phosphate mining is far more intense than sand mining. No wetlands or flood zones will be impacted.

A. Surface Water:

Over the decades, phosphate mining activities have created numerous pits in the area. The proposed mine will have no impact on local aquifer recharge and groundwater conditions. This will be reviewed in greater detail during the Level 2 Review. According to the Post-Closure Plan, the mined area will eventually become a water body.

B. Wetlands/Floodplains:

No wetlands or floodplains are shown on site. The impacts of mining on this site will be reviewed in greater detail during the Level 2 Review.

C. Soils:

The entirety of the planned mining area is comprised of Candler sand, Tavares fine sand, and Narcoossee sand. The site slopes gradually from the southwest to the northeast from approximately 189 to 107 feet above sea level.

D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting. Prior to the start of mining activities, 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 the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no archaeological sites.

F. Wells (Public/Private)

This site is not within any of the County's Wellhead Protection Districts.

G. Airports:

The site is not within any Airport Buffer Zones.

**Economic Factors:**

This region of Polk County is rural. Sand mines are not nearly as intense as phosphate mining and critical in growth areas like Central Florida. Raw material to help construct new developments must be excavated from elsewhere. Sand mines operate in a few different manners. One is a facility that excavates the sand and processes it into concrete and other construction materials. These typically maintain processing facilities or batch plants onsite. These tend to be more land intensive and require ample water supply. Another type of sand mine is termed a borrow pit. The sand is extracted and then shipped elsewhere to be processed or utilized as fill for home or road construction, in addition to other uses. Hours of operation are typically dictated by demand.

High-density residential projects are unlikely over the proposed lifespan of this mine as utilities are unavailable. The demand for fill and construction material in other regions of Polk County is high, though.

**Consistency with the Comprehensive Plan:**

Non-phosphate mining is listed as one of the limited uses allowed in A/RR and RS land use districts. The key to evaluating the proper location of a mine is the criteria listed in POLICY 2.125-G3 of the Comprehensive Plan. These require the Planning Commission to consider the following:

- a. Does the mining activity minimize adverse impact on environmentally sensitive lands;

*Prior to the start of mining activities, 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.*

- b. Does the mine plan maximize the ability to restore or mitigate environmentally sensitive lands;

*According to the reclamation plan, the site will reshape mining features and revegetate disturbed areas to minimize aesthetic and biological impacts; and restore property to original pasture condition.*

- c. Does the operation plan minimize the adverse impacts of truck and heavy machinery traffic on residential streets; and

*Truck traffic is anticipated at a rate of 167 loads per day depending on construction demand. The truck traffic will be mostly using Masterpiece Road, a RMC roadway.*

- d. Does the operation plan minimize the extent of adverse external impacts, such as noise, dust, and visual impacts on non-industrial areas?

*According to the operations plan, Fine-graded disturbed areas will be stabilized by sodding with Bahia grass to prevent erosion and damage from sediment and runoff by stabilizing the soil surface, to reduce the production of dust and mud associated with bare soil surfaces, and to stabilize drainage ways where concentrated overland flow will occur.*

Staff finds this proposed mine plan to accomplish all of these requirements, as detailed in this staff report.

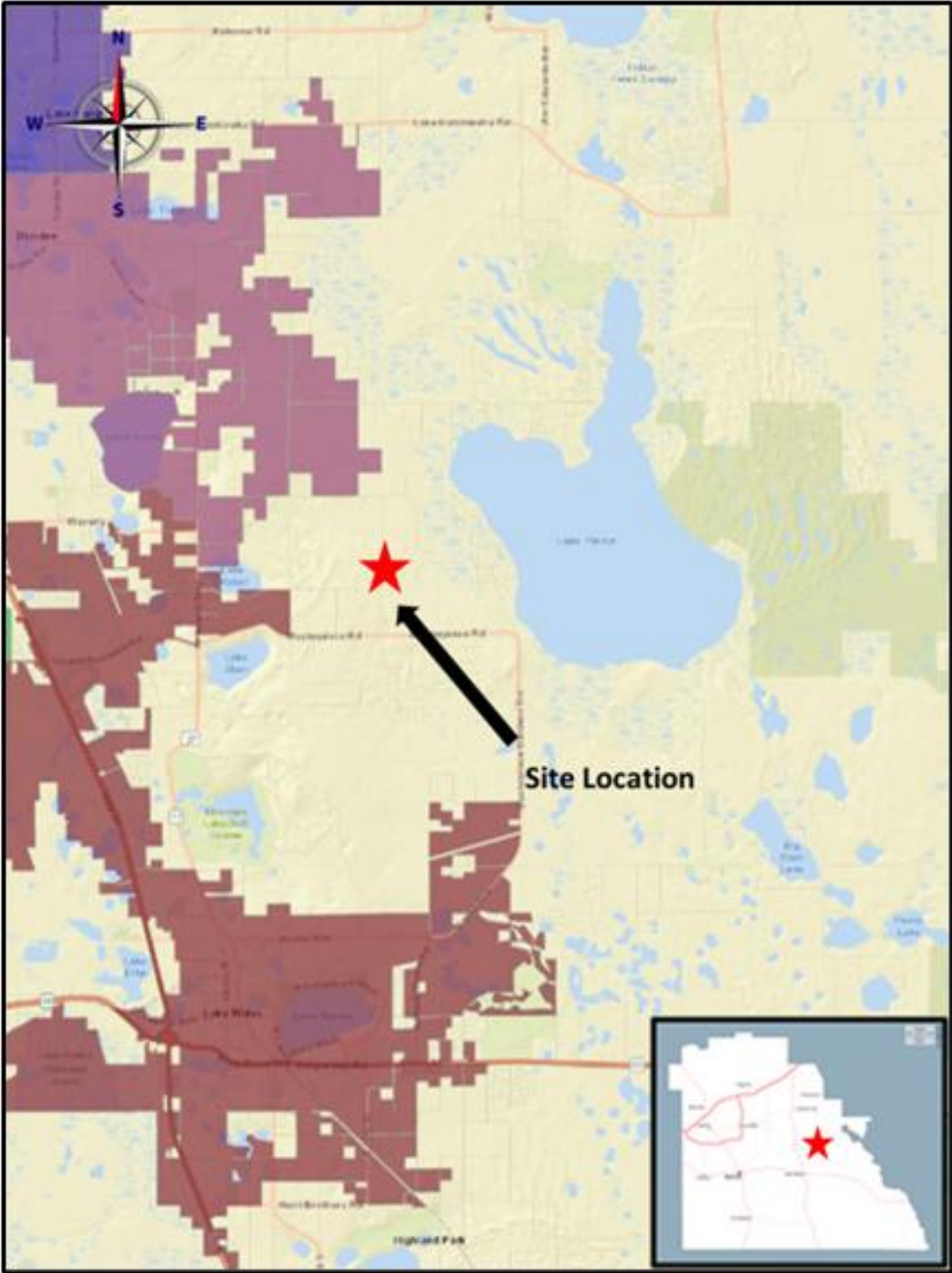
The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 4 in accordance with Section 906.D.7 of the LDC.

**Table 4**

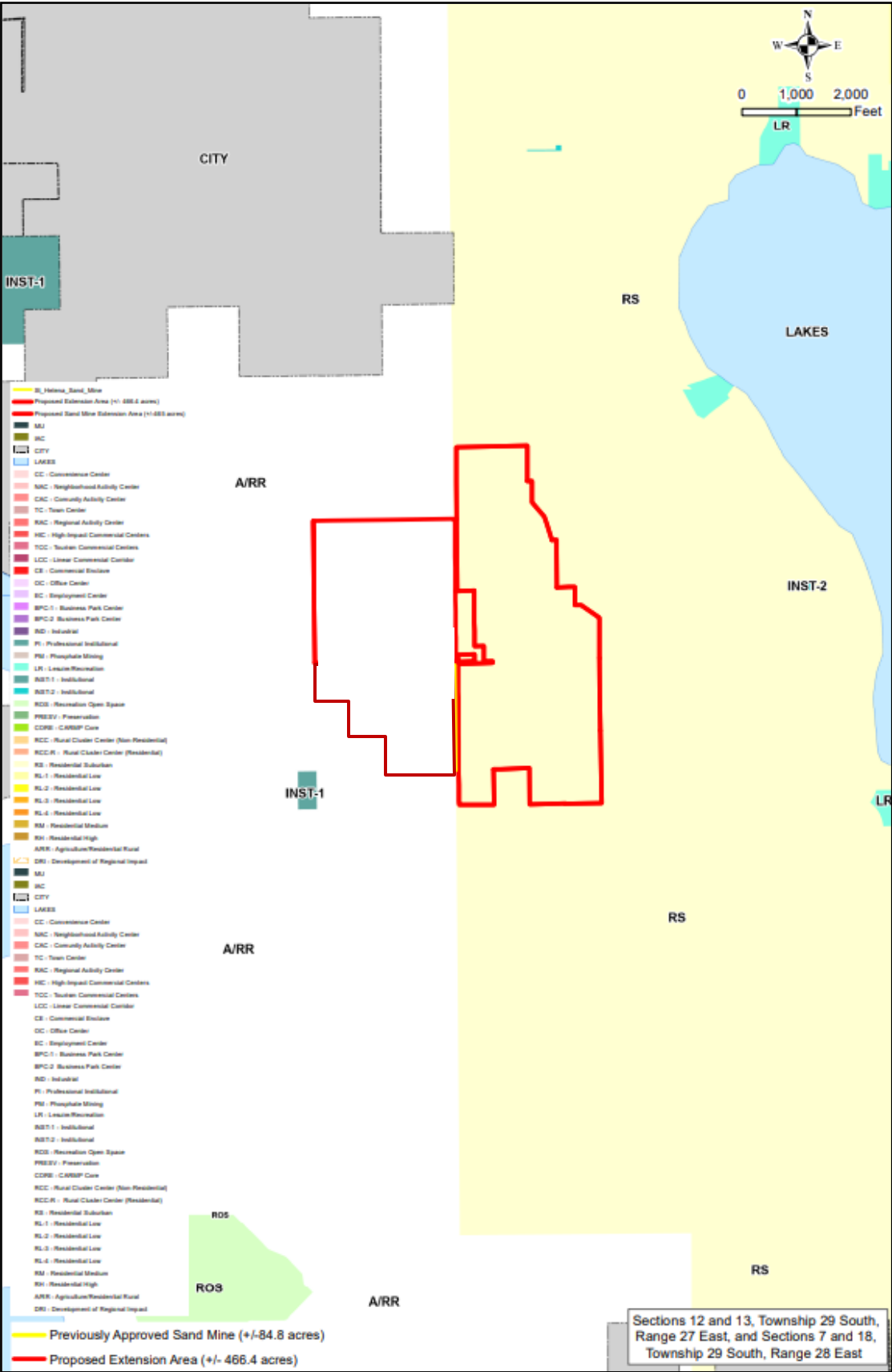
<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. Many of the conditions required in Section 303 will be enforced after a Level 3 Review. These can be found in the Findings of Fact on Pages 3 -5 of the staff report.</i>
<b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>
<b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b>	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 8 &amp; 9 of this staff report for data and analysis on surrounding uses and compatibility.</i>
<b>How the concurrency requirements will be met if the development were built.</b>	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 9-11 of the staff report.</i>

**Comments from other Agencies: None**  
**Exhibits:**

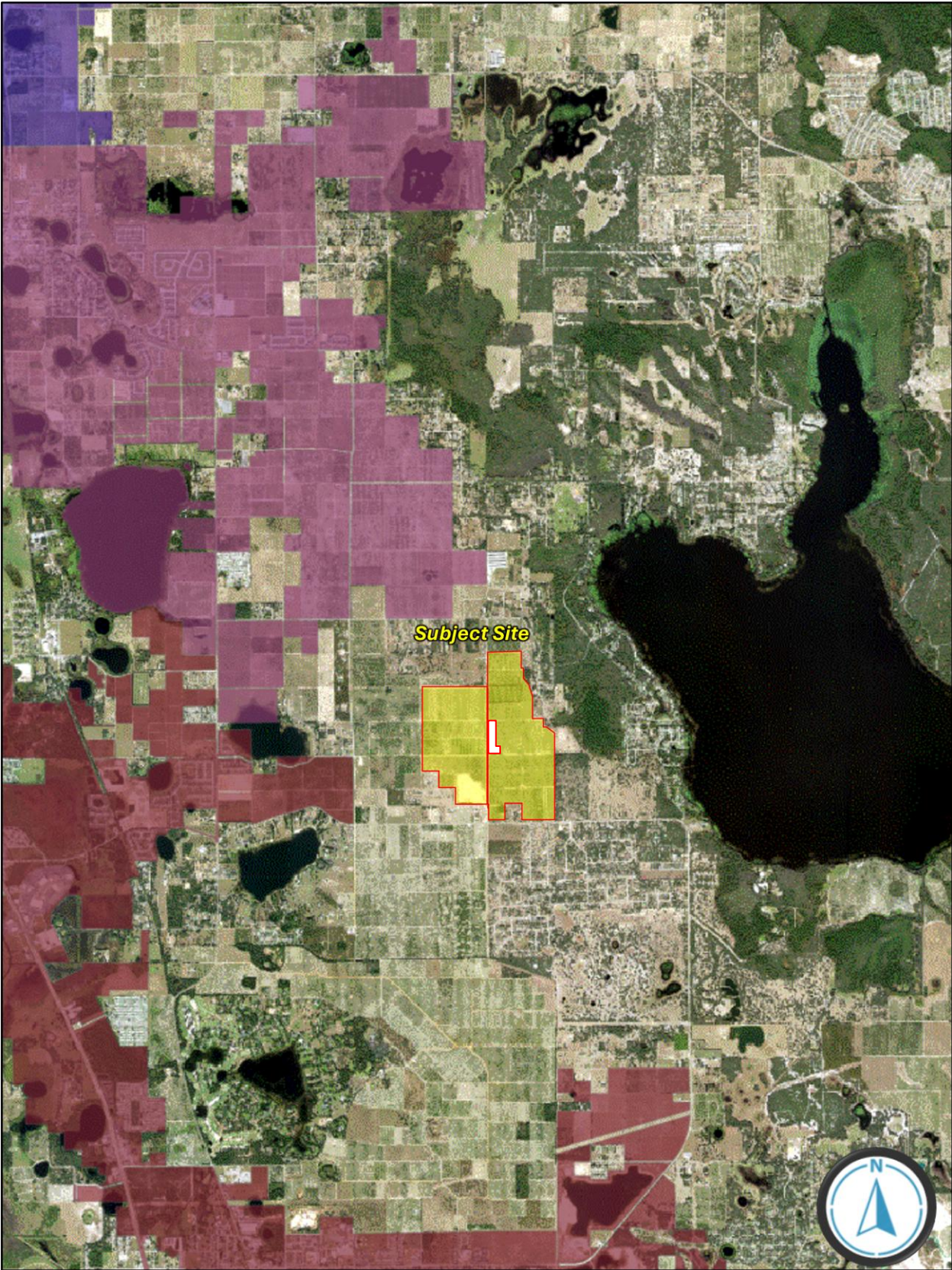
Exhibit 1	Location Map	Exhibit 5	Site Plan
Exhibit 2	Future Land Use Map	Exhibit 6	Reclamation Plan
Exhibit 3	Aerial Photograph (context)	Exhibit 7	Operation Plan
Exhibit 4	Aerial Photograph (close)	Exhibit 8	Parcel ID List



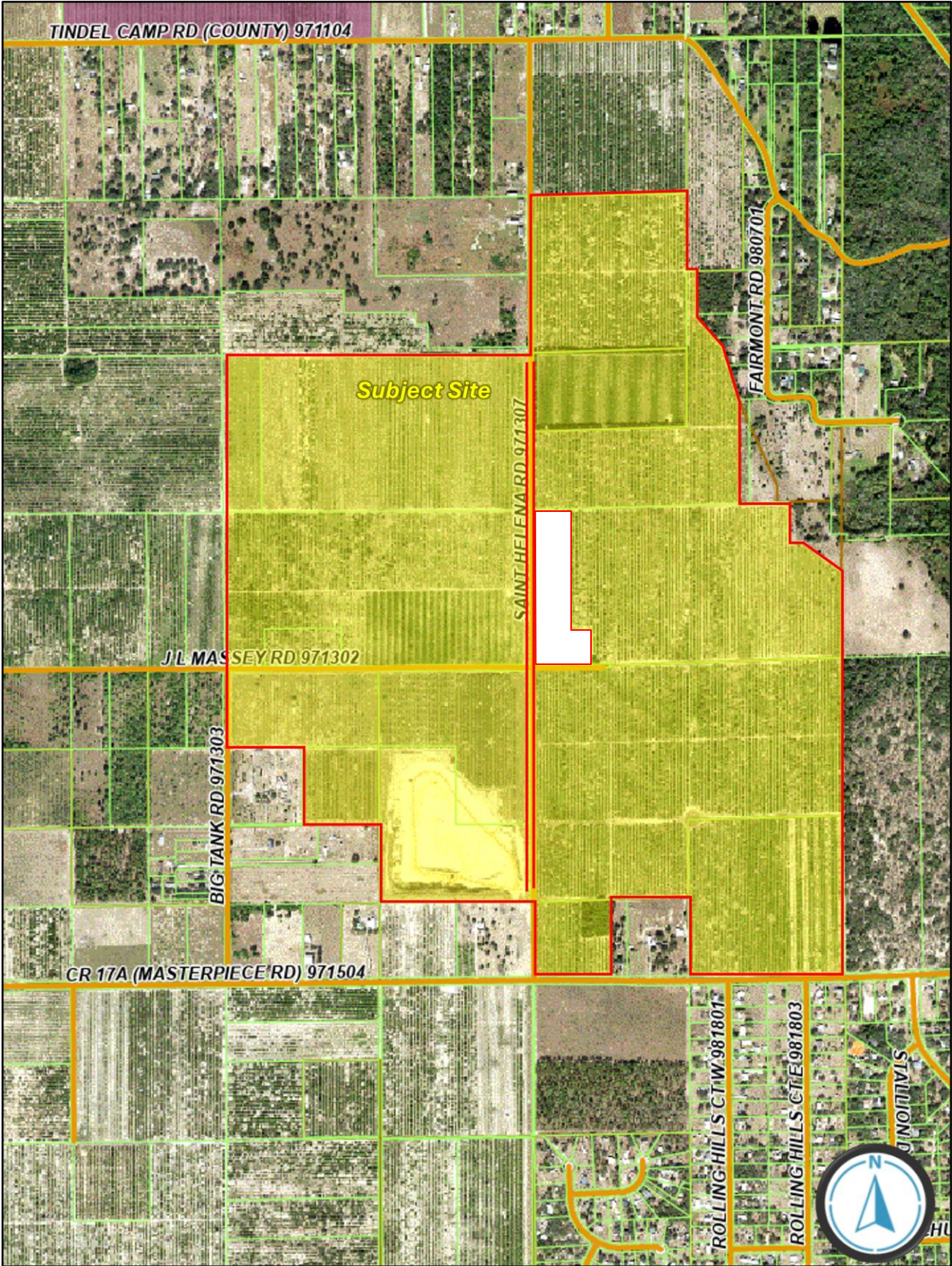
Location Map



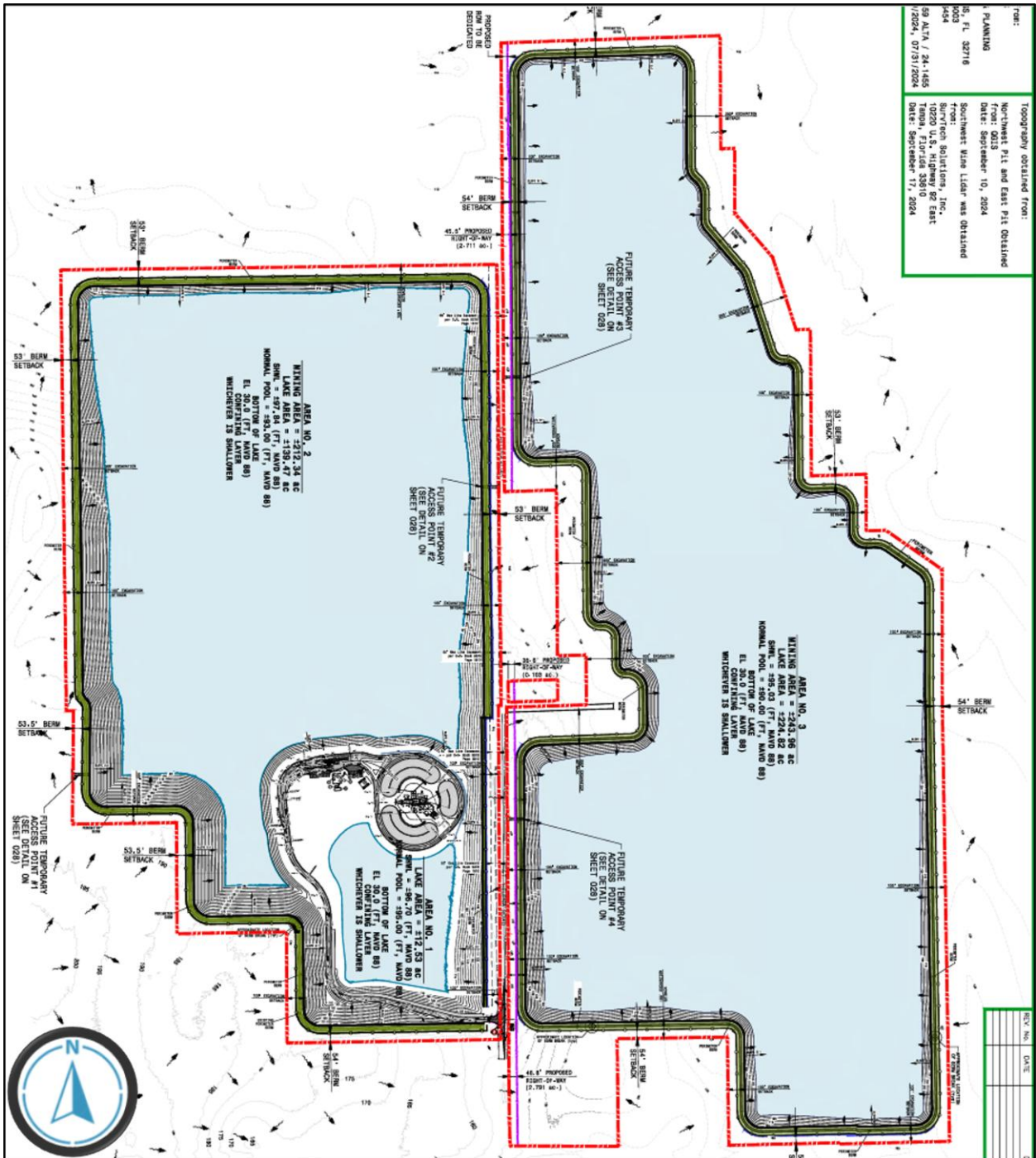
# Future Land Use Map



Aerial Image – Context

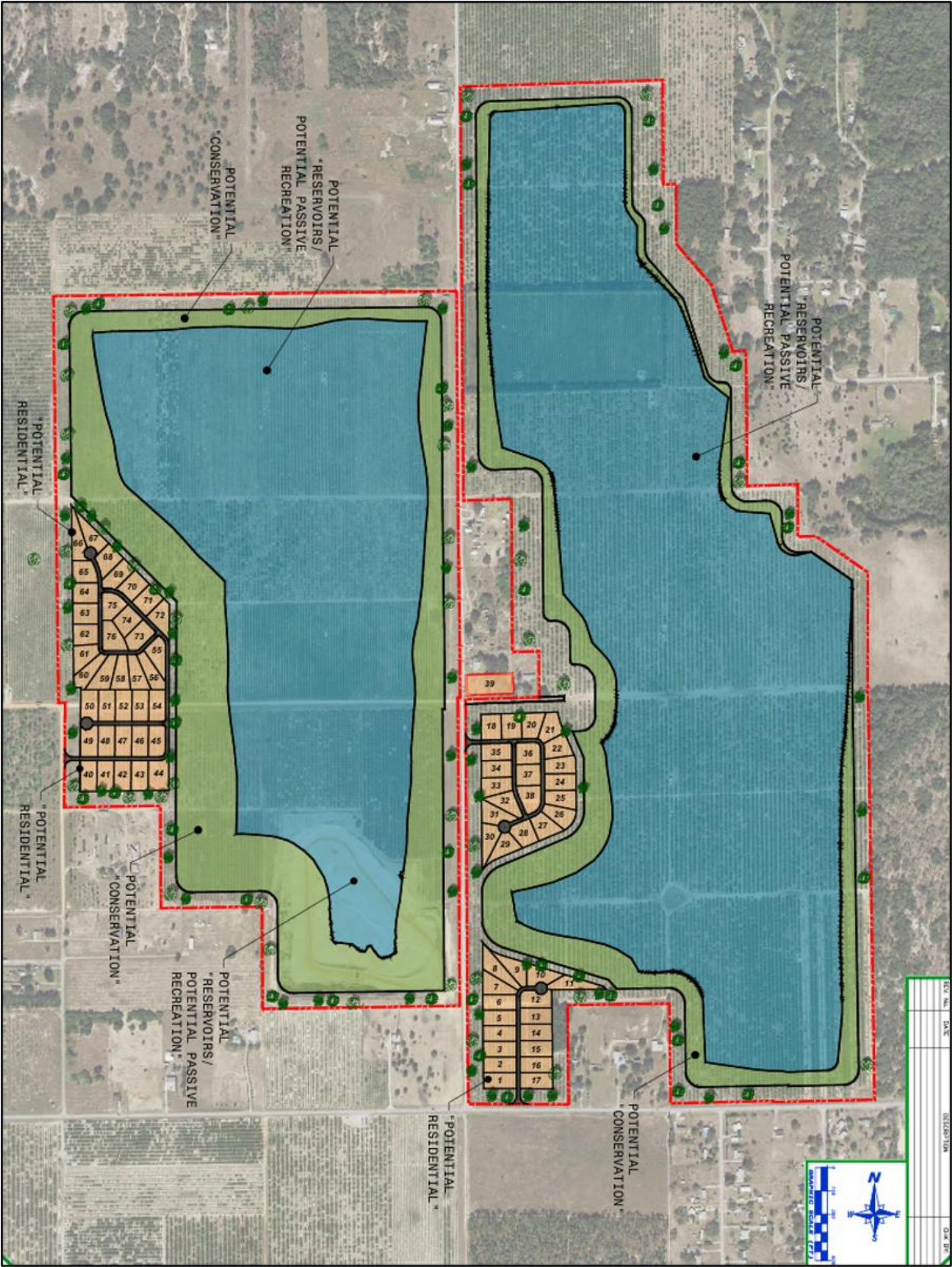


Aerial Image - Close



Site Plan





# Operation Plan

**Parcel List**

272912000000022000

272912000000024010

272912000000021000,

272912000000023010

282918000000032000

282918000000034020,

282918937100000330

282907936650000321

282907936650000316

282907936650000300

282907000000043010

282907936650000280

282907936650000482

And

+/-3 acres of right of way (JL Massey Road)

**Post Closure Plan**