

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b> January 29, 2026	<b>Level of Review:</b> Level 4 Review
<b>PC Date:</b> March 4, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 7, 2026	<b>Case Numbers:</b> LDCT-2025-28
April 21, 2026	<b>Case Name:</b> Flex Space & Retail Plazas
<b>Applicant:</b> Polk County	<b>Case Planner:</b> Ian Nance

<b>Request:</b>	A County-initiated LDC Text Amendment to Section 221, Principal Uses and Buildings, to add standards for Flex Space and Retail Plazas; to Chapter 10 to add definitions.
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approve 7-0

**Among the changes to Section 221, Principal Uses & Buildings:**

- Add standards for Flex Space Buildings and Retail Plazas.

**Among the Changes to Chapter 10, Definitions:**

- Adding definition for “Flex Space.”
- Adding definition for “Retail Plaza”

**Summary:**

This is a County-initiated amendment intended to improve customer service and staff direction when a structure is proposed that can accommodate several uses. These types of structures often have multiple suites that provide flexibility for users that include office, warehousing, and/or retail and commercial space, either in whole or part of a suite. Commonly known as “flex space” these structures are common throughout the County, notably in Business Park Center (BPC) districts. Their commercial counterpart is the retail plaza found in the County’s activity centers and other commercial districts.

Neither the Comprehensive Plan nor the Land Development Code (LDC) do well in guiding citizens and staff in the development and review of these structures. Too often, the structure is confused with the use. For instance, many flex space facilities have large, attached warehouses used for the storage of vehicles and materials in conjunction with an administrative office. These are common with construction and contractor offices. The building might be, by a building definition, a warehouse, but the use is not always warehousing, a defined activity in the LDC that implies warehousing and distribution.

When applicants apply to build flex space, it is often termed warehousing, whether that use is proposed onsite or not, based on the building type. This is not an issue in BPC where warehousing is permitted, but in other land use districts where it is not, the term “office” is generally applied to permit the construction of the facility.

Flex Space and Retail Plaza are not uses – what is allowed within them are uses, regulated by the Use Tables. This amendment definitively separates the structure type from the Use Tables, which are intended to guide the activity on the property, regardless of how it is housed.

Among the standards that will be added are limits to certain uses within these structures, as dictated by the Comprehensive Plan and LDC. For instance, no more than one suite or 10% of the total square-footage (whichever is greater) of a Flex Space Building can be retail or restaurant in Office Center districts. In land use districts with percentage caps for certain uses, those flex space buildings that meet these standards will not count towards the cap. This is an effort to be inclusive to smaller businesses; to recognize that these are ancillary to the other uses onsite; and to avoid complicated calculations when comparing one suite, or a part thereof, to the overall future land use district that could be many acres.

Staff recommends approval. This is a much-needed change to the LDC that will eliminate some of the “gray” in applying development standards, as related to such structures.

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

- LDC Table 2.1 Use Table
- LDC Section 221, Principal Uses & Buildings
- LDC Section 303 Conditional Use Criteria
- LDC Chapter 4 Special Districts Use Tables
- LDC Chapter 5 Green Swamp Area of Critical State Concern
- LDC Section 708 Parking Space Requirements
- LDC Section 720 Landscaping Standards
- LDC Chapter 10 Definitions

**Findings of Fact**

- *A County-initiated LDC Text Amendment to Section 221, Principal Uses and Buildings, to add standards for Flex Space and Retail Plazas; to Chapter 10 to add definitions.*
- *LDC Chapter 10 defines OFFICE as, “A place in which business, professional, or clerical business is conducted.”*
- *LDC Chapter 10 defines WAREHOUSING/DISTRIBUTION as, “A building or group of buildings used for the storage and distribution of goods belonging either to the owner of the facility or to one or more lessees of space in the facility or both including are enclosed wholesale but not including self-storage facilities. Outdoor storage or distribution of goods is only permitted in districts that allow for outdoor storage or outdoor activity.”*

- *LDC Section 912 allows any property owner, BoCC, or agency to apply to the Department to amend the text of this Code, the text of the Comprehensive Plan, or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.*
- *This application has been reviewed for consistency with applicable Comprehensive Plan and LDC policies.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2025-28**.

### **Analysis:**

The Comprehensive Plan's Future Land Use Map and the Land Development Code are designed for land use activities and where they belong. They do not always function well with the structures in which these uses might take place. Mobile Homes are one example. These are single-family uses no different than a site-built home in both activity and impact on surrounding infrastructure. A stigma is attached to Mobile Homes, however, that has led to a set of criteria that requires extra review apart from a standard site-built home that can be placed on any legal lot.

Non-residential structures are often caught between use categories where there is an assembly of different companies in one building, or the building is designed to accommodate multiple functions. Many building types, especially those intended for construction companies and contractors, have a warehouse component in addition to an office to store materials and vehicles prior to leaving for the field for the day. That this is a warehousing space, by a building term or taxing code, does not make it *warehousing* by LDC definitions - not by the actual activity conducted onsite, its intensity, or its impacts on the general area.

What has happened in the past with Flex Space Buildings is to regard them as warehousing. This will get the building permitted in land use districts where warehousing is encouraged, such as BPC, but there can be issues when future higher-intensity users fill flex space suites and there is not ample parking. Staff often does not know which landscaping requirements. What also happens is sometimes a similar structure is proposed in a land use district that does not allow warehousing, such as the Neighborhood Activity Center or Commercial Enclave. Flex Space is then categorized as "Office." Again, this does not always accurately reflect the activity onsite and creates confusion among staff and applicants.

What this amendment accomplishes is eliminating this confusion by adding Flex Space Buildings to the LDC under Principal Uses and Structures. This will allow these buildings to be constructed through a Level 2 Review, without necessarily assigning a use beforehand. A Parking Assessment will be required based on existing LDC standards that will reflect potential users, including those with the most need for parking. A standardized Type "A" buffer will be required, and the tenants of the flex space suites will be permitted in accordance with the applicable Use Table. In most cases, a simple building permit to change the use will be all that is necessary.

Finally, the new standards will limit the number of suites or square-footage certain users may occupy within Flex Space Buildings based upon caps placed by the Comprehensive Plan. For instance, retail and commercial activities in BPC districts are limited to 15% of the district. So, if a stand-alone gas station is proposed within a 10-acre BPC district, it is restricted to 1.5 acres of the district. If one is developed on parcel up to that size, it essentially precludes other commercial development within the district.

In the spirit of preventing the BPC from becoming a commercial district, as required by the Plan, while still maintaining an inclusiveness for different users, flex space development as proposed here will allow up to one suite or 15% of the overall square-footage of the building to be used for commercial uses, whichever is greater. This complies not only with the threshold set by the Comprehensive Plan but meets the overall purpose of allowing limited commercial uses in BPC, which is to serve those other uses located within. Since this is a limited percentage and ancillary to the predominant businesses within the district, those commercial uses will not be counted against the overall district cap. Staff finds this to be inclusive to small businesses, prevents complicated calculations of area by applicants and staff, and meets the intent of the Comprehensive Plan.

The companion to Flex Space is the Retail Plaza. Essentially, Retail Plazas are flex space structures, capable of accommodating multiple users within one building. The main difference, though, is a primary need for visible storefront to attract customers that office and warehousing uses do not require. These include not only retail but also restaurants and personal services. Once more, the building can be constructed through Level 2 Review plans and uses ultimately approved administratively through what is permitted in the Use Tables.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

This amendment will aid staff and applicants in knowing which standards apply when proposing a Flex Space Building or Retail Plaza. There is currently too much confusion between the structure and the use and what should be allowed in future land use districts, which are tailored to the latter.

#### *Who does it hurt?*

No harm is anticipated with this amendment. The Code now is more restrictive than what is proposed. It could be construed by staff that a proposed flex space building in BPC would not be permitted a small restaurant within one suite because the commercial cap in BPC was already exceeded. This amendment will be more inclusive, allowing commercial uses – to a limited degree – within flex space buildings in such a scenario.

#### *What is the cost?*

Staff finds there should be no fiscal impacts with this amendment.

## Comparisons to other Jurisdictions:

For regulatory comparisons, staff commonly surveys counties along the I-4 corridor; those with a comparable mix of rural, suburban, and urban development like Polk; and the largest cities within Polk. This method of selection creates a survey of 18 total local jurisdictions. Polk County has a rare form of land use regulation with its direct connection between the Comprehensive Plan Future Land Use Map and the zoning of use and structure types.

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Flex Space Defined</b>	<b>Retail Plaza Defined</b>	<b>Notable Standards</b>
<b>Alachua County</b>	No	No	N/A
<b>Brevard County</b>	No	No	N/A
<b>Duval County</b>	No	No	N/A
<b>Hardee County</b>	No	No	N/A
<b>Highlands County</b> <i>Section 12.02.104</i>	Within the Lake Placid Regional Plan.  Land which may be used for a variety of light assemblage, fabrication, storage, light industrial, office space, and support commercial uses	No	All development within the Lake Placid Regional Plan Area shall be accomplished using a PD.
<b>Hillsborough County</b> <i>Sec. 3.12.04</i>	No	Retail/Office Development Block in Brandon Main Street	For non-residential, mixed use, civic and multi-family development, block length shall be a maximum of 900 feet including alleys that may bisect the block, and block width shall be a maximum of 500 feet including alleys that may bisect the block.
<b>Lake County</b>	No	No	N/A
<b>Manatee County</b>	No	No	No
<b>Orange County</b> <i>Sec. 38-1</i>	Flex Warehousing shall mean warehousing space designed to be subdivided into smaller tenant spaces...with the capability to add office, assembly, showroom or other business activities besides principal distribution.	No	None Noted
<b>Osceola County</b>	No	No	N/A
<b>Seminole County</b>	No	No	N/A
<b>Volusia County</b> <i>Sec. 72-2</i>	Flex office/warehouse: Flex-type or incubator tenant space that lends itself to a variety of uses. The building may be designed for single or multiple tenants, divided in spaces running front to rear. Office space is typically located at the front of the building with warehouse space toward the rear and accessed by roll-up delivery doors. The space may include such uses as offices; retail and wholesale stores; warehousing, manufacturing, or scientific research functions.	No	Flex Space Allowed in Light Industrial, Southwest Activity Center Commerce Classification.  One Parking Space per 1,000 sq. ft. of GFA, plus 1 loading space per 2,000 GFA for designated truck parking area, plus 2 per 1,000 GFA of retail display/sales area
<b>Auburndale</b>	No	No	N/A
<b>Bartow</b>	No	No	N/A

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Flex Space Defined</b>	<b>Retail Plaza Defined</b>	<b>Notable Standards</b>
<b>Haines City</b>	No	No	N/A
<b>Lakeland</b>	No	No	N/A
<b>Lake Wales</b>	No	No	N/A
<b>Winter Haven</b>	No	No	N/A

Of the 18 jurisdictions surveyed, only three directly reference flex space within their definitions. Two more or less lumped flex space with warehousing. In Orange and Volusia counties, the definition is close to what is being proposed in Polk - either a building or a singular unit within can be modified for various uses.

No districts directly define Retail Plazas, though this may be a function of their zoning ordinances where structure type is not a consideration, so long as it meets development standards in their zoning district.

### **Limits of the Proposed Ordinance**

This amendment applies to all commercial, industrial, and Business Park Future Land Use districts within the unincorporated areas of the County, including the Green Swamp Area of Critical State Concern.

The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the DEO Community Planning Department Areas of Critical State Concern Program prior to becoming effective. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code.

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

The request is consistent with the Comprehensive Plan and the Land Development Code. This is reconfiguring standards already applicable in the Code.

**Comments from Other Agencies:** This text amendment was reviewed by members of the Development Review Committee without further comment.

**Draft Ordinance:** Under separate attachment.