

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: April 11, 2024	Level of Review: 4
PC Date: August 7, 2024	Type: LDC Text Amendment
BoCC Date: September 3, 2024	Case Numbers: LDCT-2024-12
September 17, 2024	Case Name: SPD Changes
Applicant: Polk County	Case Planner: Ian Nance

Request:	This is a County-initiated LDC text amendment to conform Suburban Planned Development (SPD) standards in Section 303, Conditional Uses; Section 403.01, the Wahneta Neighborhood Plan; and Section 505, Polk City SPA in the Green Swamp ACSC, with the development criteria recently adopted for all Planned Developments.
DRC Recommendation:	Approval
Planning Commission Vote:	Approve 7-0

Proposed changes to the LDC:

- **Section 303, Conditional Uses** – Replace the existing SPD locational criteria (the “developable area map”) with the locational eligibility criteria for Planned Developments in the same section.
- **Section 403.01, Wahneta Neighborhood Plan** – Remove density bonus points and conform locational criteria for SPDs with locational eligibility criteria for Planned Developments in Section 303.
- **Section 505, Polk City/Urban Growth Special Protection Area** – Remove density bonus points and conform locational criteria for SPDs with locational eligibility criteria for Planned Developments in Section 303.

Summary of Analysis

The concept of the Suburban Planned Development was introduced in 1992 through a revision of the Comprehensive Plan that allowed for higher residential densities (up to 3 DU/AC) in rural areas located near urban-level services and development. At that time, the LDC had not been adopted, and SPD development standards were left to the guidance of the Comprehensive Plan. When the LDC was adopted, the existing development conditions were copied-and-pasted directly into Section 303.

Since then, the conditions governing the evaluation and approval of all residential Planned Developments have included higher development standards and improved methodology of locating where these subdivisions belong. In February 2024, the Board adopted a wholesale change to Planned Development criteria, eliminating the Bonus Points system used to weigh density requests and replacing it with location criteria that determines the maximum density that would be allowed on a piece of property. This

amendment conforms the SPD tool in Section 303, the Wahneta Neighborhood Plan, and Polk SPA with these new rules.

Staff recommends approval of LDCT-2024-12 finding this amendment is consistent with the Comprehensive Plan and LDC.

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

- Policy 2.102-A1: Development Location
- Policy 2.102-A2: Compatibility
- Policy 2.106-A1: SDA Description
- Policy 2.120-B3: Residential Suburban SPD Development Criteria
- Section 2.132-C: Polk City/Urban Growth Special Protection Area (PC-SPA)
- Section 2.135-A: Wahneta Neighborhood Plan

Findings of Fact

- *This is a County-initiated request for a LDC text amendment to modify development standards for SPDs in Section 303, Conditional Uses; Section 403.01, the Wahneta Neighborhood Plan; and Section 505, Polk City SPA in the Green Swamp ACSC, with the development criteria recently adopted for all Planned Developments.*
- *On February 6, 2024, the Board of County Commissioners voted 5:0 to adopt Ordinance 2024-007 which approved new standards for evaluating Planned Developments (LDCT-2023-7).*
- *Comprehensive Plan 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.*
- *Comprehensive Plan 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.*
- *Comprehensive Plan POLICY 2.106-A1: Suburban Development Areas Description - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned,*

municipal, or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses.

- *Comprehensive Plan POLICY 2.120-B3: Residential Suburban SPD Development Criteria* - SPDs may contain single-family and duplex units at a gross density (exclusive of water bodies and wetlands except as permitted in Policy 2.123-C3) of up to, and including, three dwelling units per acre (3 DU/AC).

- *Comprehensive Plan POLICY 2.120-B4: SPD Development Conditions* - All SPDs shall:
 1. *be adjoining (touching) the right of way of an arterial, paved collector, or paved County-maintained local road meeting or exceeding adopted level-of-service standards.*
 2. *restrict access from the development onto County and state roads to appropriate locations in order to address the maintenance of levels of service and public safety issues; and*
 3. *submit a binding site plan demonstrating compliance with LDC standards and undergo the County's development review and approval process.*

- *Comprehensive Plan POLICY 2.120-B5: Land may not be developed as an SPD in an incremental fashion in order to avoid a stricter requirement of this Plan.*

- *Comprehensive Plan POLICY 2.132-C8* - *Development within the PC-SPA shall conform to the following:*
 - a. *Golf courses shall be considered to recreational and commercial in nature and shall be permitted in the following land uses:*
 1. *Leisure/Recreation.*
 2. *Recreation and Open Space.*
 3. *Residential-Low.*
 4. *Residential-Suburban.*

 - b. *Residential densities shall be modified as follows:*
 1. *Densities within the PC-SPA shall not exceed a gross density per parcel of 3 dwelling units per acre.*
 2. *Within the PC SPA the use of septic tanks shall only be permitted within the SDA. If septic tanks are to be utilized, the maximum net density shall be 1 dwelling unit per 40,000 square feet.*

...

- *Comprehensive Plan POLICY 2.134-A2 - All Future Land Use districts and development shall be permitted that are permitted as specified by the applicable policies in the general land use and Future Land Use elements of the Comprehensive Plan, unless otherwise specified in the Wahneta Neighborhood Plan within the Comprehensive Plan.*

A. *MODIFIED LAND USE CATEGORIES AND SPECIAL USES - Land within "modified land use categories" and special uses shall be developed in accordance with the following criteria in addition to other applicable provisions:*

...

8. *Residential Suburban (RSX) modified development standards:*

- a. *Small scale multifamily (duplexes, triplexes, and quads) may be developed as conditional uses.*
- b. *Residential uses shall be permitted at a density of two dwelling units per acre (2 du/ac) as a conditional use without a Suburban Planned Development (SPD) for parcels five acres or less.*
- c. *Development shall comply with Section 2.120-A and Section 2.120-B, except that the degree of existing development surrounding the proposed Suburban Planned Development's (SPD's) boundary shall be reduced as follows:*
 1. *Forty percent (40%) developed [8]* (of developable area**) within one-half mile radius for parcels containing from 0.00 to 20.00 acres;*
 2. *Forty percent (40%) developed* (of developable area**) within three-quarters mile radius for parcels containing from 20.01 to 60.00 acres;*
 3. *Forty percent (40%) developed* (of developable area**) within one mile radius for parcels containing from 60.01 to 99.99 acres;*
 4. *Sixty percent (60%) developed* (of developable area**) within one mile radius for parcels containing from 100.00 or more acres.*

- *The use tables in the Land Development Code in Chapters 2, 4, and 5 allow for SPDs in Residential Suburban (RS) land use districts. The base density is 1 DU/5 AC.*
- *LDC Section 303 provides conditional use standards for Planned Developments and SPDs.*
- *LDC Chapter 10 defines Planned Developments as, "a land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource*

protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.”

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 LDCT-2024-12**.

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 SPD tool allows for densities of up to 3 DU/AC, if the proposed development can meet the standards found in LDC Section 303. Otherwise, the residential density is 1 DU/5 AC. It is a type of development that is limited to the RS and SDA, areas of the County where centralized potable water is available, but wastewater services are not planned with the development area. In most cases, lot sizes in SPDs must be large enough to accommodate the use of septic systems (10,890 sq. ft.). However, in certain RS districts in the County, notably in the Kathleen area northwest of Lakeland, centralized wastewater is available. Given this availability and present environmental constraints that force clustering designs, applicants propose smaller lot sizes up to the maximum 3 DU/AC.

Prior to this amendment, the methodology for determining if an SPD was appropriate to an area was through a ratio of developed acreage within a certain radius of the subject, depending on the acreage of the subject site. If a property met this standard (e.g. 40% developed within 1 mile for sites under 100 acres), it was deemed that the proposed development was not premature to the area. Density was then determined by a table of Bonus Points derived from features ranging from enhanced open space to connectivity to utilities.

The trouble with this method was that accounting for each property within a given radius was a tedious task, relying on studies of each parcel for a determination of whether it was developed or not. How to measure the radius was problematic, as some exhibits chose from the center of the project site while others measured from property lines. Furthermore, undevelopable property was omitted from the equation. This included ponds, wetlands, and flood zones, the latter being the most difficult to proof as not all the land under review had an accurate flood study completed to determine the extent of the flood zone. At any rate, the LDC allows development in flood zones.

Over the last three years, the Board has directed staff to strengthen standards for single-family developments. From this direction has come text amendments to improve lighting; require internal sidewalks; require more open and recreation space; require one tree per lot; require 25-foot setbacks for garages; and improve parking. These new standards were once the basis of the Bonus Point system, rendering it now ineffective for determining density.

On February 6, 2024, the Board voted 5:0 to adopt Ordinance 2024-007 which approved new standards for evaluating the density and timing of Planned Developments (LDCT-2023-7). The Bonus Point system was scrapped in favor of a chart that allows an increase in density based on several factors relating to the site’s proximity to infrastructure, utilities, activity centers, and other urban features than can be easily measured and quantified. When this ordinance was adopted, it did so with the RS and SPDs accounted for, with a set number of location points that will allow a prescribed density up to 3 DU/AC. In the end, this amendment cleans up the SPD review and approval process and conforms the standards with those of other PDs.

Limits of the Proposed Ordinances

LDCT-2024-12 is limited to single-family residential development in the Suburban Development Area (SDA) and the SPD criteria in Section 303, the Polk City SPA, and the Wahneta Neighborhood plan. The SPD tool is allowed in other Selected Area Plans in Polk County, but the Polk City SPA and Wahneta Plan are the only two special districts where the standards deviate from the rest of the County.

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 1: Consistency with the Comprehensive Plan

Policy	Consistency
<p>Policy 2.102-A1: Development Location – 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.</p>	<p>This amendment is consistent with this policy and intended to strengthen this very policy, steering SPDs towards areas where the infrastructure is available.</p>
<p>Policy 2.102-A2: Compatibility - 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;</p>	<p>This amendment conforms SPD criteria with other PDs. These criteria are based on locational criteria to determine density as well as increased standards for compatibility measures, including more open space and recreation areas. This amendment is consistent with this policy.</p>

Policy	Consistency
<p>b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;</p> <p>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.</p>	
<p>Policy 2.106-A1: Suburban Development Areas Description - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers.</p>	<p>These amendments will not have an effect on the uses that reside within an SDA or what utilities must be provided. These amendments are consistent with this policy.</p>

Comments from other agencies: None

Under separate attachment

- Draft Ordinances with Proposed Text