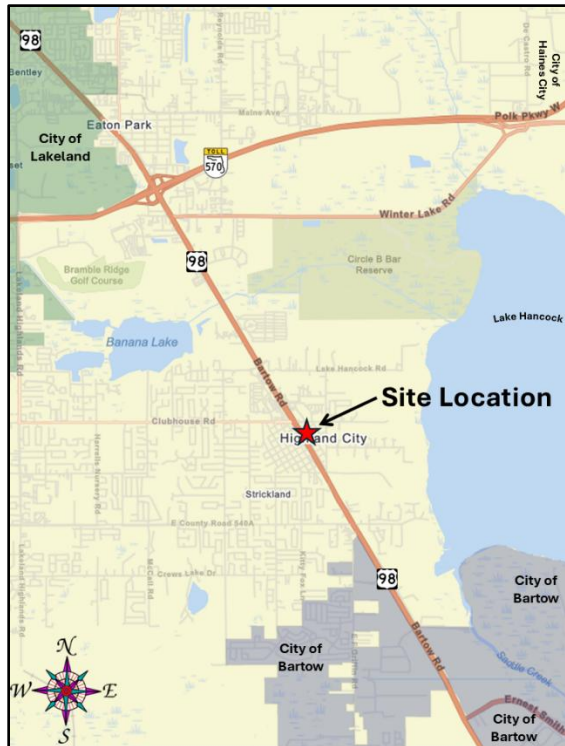


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

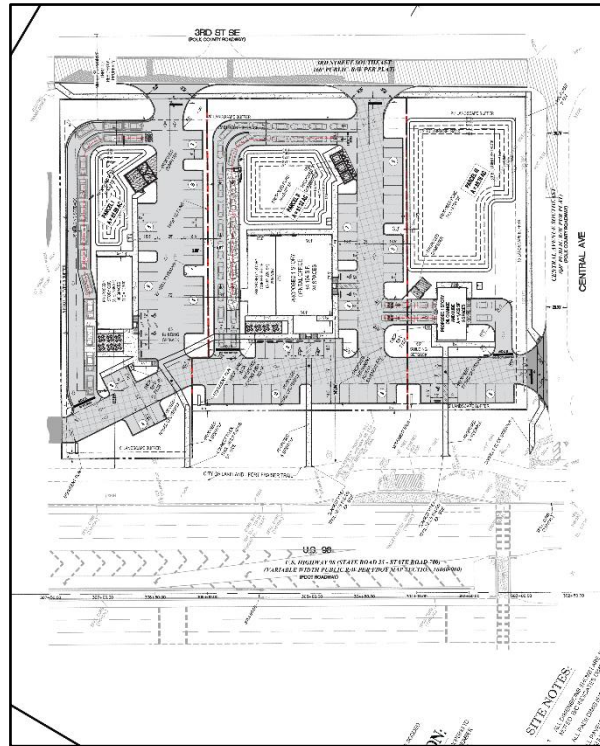
DRC Date: February 26, 2026	Level of Review: Level 3 Review
PC Date: May 6, 2026	Type: Conditional Use
BoCC Date: N/A	Case Numbers: LDCU-2026-4
Applicant: Ryan Behren, Peterson & Myers, P.A.	Case Name: Highland City ECX Cap
	Case Planner: Andrew Grohowski, Planner II

Request:	The applicant is requesting to increase the retail and commercial cap in excess of thirty (30) percent within an Employment Center-X (ECX) land use district in the US 98 Selected Area Plan (SAP) as well as landscape alternatives to Section 401.04.L of the Land Development Code (LDC).
Location:	The subject site is located at 5433 3 rd Street Southeast, on the east side of US Highway 98, south of Wallace Road and Clubhouse Road, west of Third Street Southeast, north of Central Avenue Southeast northwest of the City of Bartow in Section 14, Township 29, Range 24.
Property Owner:	ADM Florida Properties LLC
Parcel Size (Number):	±3.18 acres (242914-283000-030510)
Future Land Use:	Employment Center-X (ECX) US 98 Selected Area Plan (SAP)
Development Area:	Transit Supportive Development Area (TSDA); Transit Corridor in Center
Nearest Municipality:	City of Bartow
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



Site Plan



Summary:

The applicant is requesting Conditional Use (CU) approval to increase retail and commercial use in excess of 30% within an Employment Center-X (ECX) land use district in the US Highway 98 Selected Area Plan (SAP). The US Highway 98 SAP limits commercial and retail development within contiguous ECX districts up to 30% of the overall area of ECX. This promotes the land use to be utilized for larger employers such as office centers, medical facilities, universities, and colleges. However, the 30% cap can be exceeded with a Conditional Use approval with a Level 3 approval from the Planning Commission. The CU process allows staff the ability to review the proposed retail and commercial uses for compatibility with surrounding uses and to ensure the use is appropriate as a support service for nearby residents and tourists to the area.

The proposed request includes two (2) drive through restaurants, one (1) medical office, and one (1) vehicle service building with two (2) associated bays on approximately 3.18 acres. The subject site is the last remaining property within this 5.5-acre ECX district. Approval of this request will preserve the applicant's ability to develop the site with retail and commercial uses on the entire ECX district. Additionally the request includes flexibility of Type "B" internal landscaping buffering between each use. Given the shared parking areas and cross-access drive aisles, the applicant proposes to allocate these plantings throughout the site rather than along each side parcel boundary in accordance with Land Development Code (LDC) Section 401.04.K.1.a-h. This has been included as part of the conditions.

The proposed type of uses are not uncommon in the general vicinity of the Highland City area, with retail, restaurants, gas stations and drive-thrus within close walking distance nearby. A drive-through restaurant (Culvers), for example, is to the north and immediately adjacent to the subject site. The location is ideal for these uses as the businesses will have visibility off of Highway 98, a principal arterial roadway. The uses provide a natural transition in intensity between the principal arterial roadway and the residential homes to the east.

Another factor for consideration is the need for non-residential support uses. This project will provide for various uses for individuals traveling along U.S. 98 between Lakeland and Bartow. Additionally, the subject property's proximity to Polk State University and Travis Technical College creates employment opportunities for students while also providing nearby non-residential services.

No wetlands or flood zones are found onsite, and no other environmental constraints are present that would hinder development. According to the City of Lakeland Utilities, centralized potable water and wastewater are provided to the site and have available capacity. The site has frontage along US Highway 98, Central Avenue SE, and 3rd Street SE with three (3) commercial driveway aprons proposed for ingress/egress. Five-foot wide sidewalks will front 3rd Street SE and Central Avenue SE with raised pedestrian crossings to the Ft. Fraser Trail. According to the Transportation Planning Organization (TPO), all surrounding roadways have capacity to assimilate the amount of traffic that will be generated from this development with trips already vested for the project.

Staff has found this request consistent with the Comprehensive Plan and LDC. The site will meet all other standards including setbacks, FAR, ISR, lighting, and landscaping. The applicant has demonstrated compliance with unique standards set forth in the US 98 SAP, such as raised pedestrian crossings with the Ft. Fraser Trail and tree preservation. Staff finds this request is compatible with the surrounding area and adjacent uses and recommends approval.

Findings of Fact

- *The applicant is requesting a Conditional Use to increase the retail and commercial use in excess of thirty (30) percent within an Employment Center-X (ECX) land use district in the US 98 Selected Area Plan (SAP).*
- *POLICY 2.131-Q4 of the Comprehensive Plan states, “The Employment Center is an Activity Center designated only within the County’s Selected Area Plans (SAP). It is designed to allow office parks, light assembly, commercial, and other business uses to serve the needs of the growing population in the northeast area of the County.”*
- *On July 9, 2025, in an advertised public hearing, the Planning Commission voted 7:0 to recommend APPROVAL of LDCPAS-2025-9. This was a small-scale Future Land Use amendment from Town Center (TCX) to Employment Center (ECX) on approximately 5.45 acres which included the subject site and property to the north.*
- *On August 19, 2025, the Board of County Commissioners voted 5-0 to adopt LDCPAS-2025-9, effective on September 20, 2025 (Ord. 2025-46).*
- *POLICY 2.131-Q4: DEVELOPMENT CRITERIA - Development within an ECX shall conform to the following criteria:*
 - (a) Access to parcels shall be by an internal road system, frontage roads, cross-access easements, shared ingress/egress access easements, or some combination of these. No new individual driveways shall be permitted to access US 27.*
 - (b) Different uses shall incorporate the use of shared ingress/egress facilities wherever practical.*
 - (c) Parking shall be provided to meet the needs of the uses in an efficient manner that best suits the community collectively through optional methods such shared parking and permeable surface parking design.*
 - (d) Interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.*
 - (e) Buffering that meets the County development standards as set forth in the adopted code shall be provided where effects of lighting, noise, odors, and other such factors would adversely impact adjacent land uses.*
 - (f) Residential development, as primary will be permitted in up to 15% of the ECX designation at Medium and High Densities. Location of residential units above non-residential shall be encouraged by not considering such units against the maximum residential densities.*
 - (g) Industrial uses which include at least fifty percent (50%) office space, assemble products, and conduct research and development, but do not manufacture any products.*
 - (h) The FAR shall be 0.70. Higher FARs will be allowed through bonus points per the Land Development Code for a total of 2.0.*

(i) Retail and commercial uses are limited to 30 percent of the ECX district. A higher percentage of the limited 30 percent of retail and commercial uses shall be permitted through a Planned Development. The maximum floor area ratio for commercial uses shall be 1.0.

(j) All development, when it is feasible, shall take advantage of any mass-transit facilities.

- *The proposed request includes two (2) drive through restaurants, one (1) medical office, and one (1) vehicle service building with two (2) associated bays on approximately 3.18 acres.*
- *Table 4.12 of the LDC notes “Clinics & Medical Offices” and Vehicle Service, Mechanical” uses are a “C2” Conditional Use. “Restaurant, Drive-Thru/Drive-in” uses are a “C3” Conditional Use.*
- *Section 303 of the LDC requires the following standards for Drive-thru Facilities:*
 1. *Stacking lanes shall comply with the following standards:*
 - a. *Stacking lanes shall be a minimum of 12 feet in width.*
 - b. *At least one bypass lane, a minimum of ten feet in width, shall be provided at a drive-thru facility.*
 - c. *The minimum distance for stacking lanes as measured from the curb cut to the service window shall be 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane.*
 - d. *Stacking lanes shall be designed so that they do not interfere with parking, pedestrian movements, on-site vehicle circulation, or off-site traffic flow.*
 - e. *All stacking lanes shall be clearly identified through the use of striping, landscaping, signs, or other means.*
 2. *The minimum distance from a drive-thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer. All speaker boxes shall be oriented away from adjoining residential property.*
 3. *Drive-thru facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.*
- *Section 303 of the LDC requires the following standards for Drive-thru/Drive-in Restaurants:*
 - a. *All facilities shall be at a minimum of 15 feet from any side lot line, and a minimum of ten feet from the rear lot line.*
 - b. *The minimum distance from a drive-thru restaurant facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer.*

- c. *All speaker boxes shall be oriented away from adjoining residential property.*
 - d. *Restaurant facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.*
 - e. *All facilities shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned development with access to an Urban collector or Rural Major collector road or better.*
 - f. *All on-site garbage collection facilities shall be screened from any adjacent property.*
- *According to LDC Section 401.04.D.6, setbacks for the ECX district shall meet the Community Activity Center (CAC) requirements of LDC Table 2.2. Principal Arterial rights-of-way are 65 feet. Setbacks from Local Road rights-of-way are 30 feet. Side and rear setbacks are 15 feet. The maximum height is 75 feet.*
 - *The subject site has about frontage on US Highway 98 (Links 5405 N/S & 5406 N/S), 3rd Street SE (Road No. 941433) and Central Avenue SE (Road No. 941420). US 27 is a state-maintained, six-lane divided roadway classified as a Principal Arterial roadway. 3rd Street SE and Central Avenue SE are both 20' wide paved Local Residential Roadways with 60' of right-of-way.*
 - *On March 31, 2026, the Technical Advisory Committee (TAC) Committee approved reclassification of 3rd Street SE and Central Avenue SE. The Board is anticipated to give final approval on May 5, 2026.*
 - *The site abuts Ft. Fraser Trail to the west. Development standards for uses along this trail are found in Section 401.04.I of the LDC.*
 - *The subject site is served by City of Lakeland Utilities for potable water and wastewater services. These services are available, and the development will be required to connect to each. A 6-inch potable water main is located in the southern right-of-way off Central Avenue SE 27. An 8- 16-inch pressurized force wastewater main is located in the eastern property boundary off 3rd Street SE. No reclaimed water lines are nearby.*
 - *The site is zoned for Highland City Elementary, Bartow Middle School, and Bartow Senior High School.*
 - *Highland City Park and Highland City Senior Field are located to the west. Environmental lands and multi-use trails are located at Circle B Bar Reserve and Marshal Hampton Reserve to the east.*
 - *Fire and EMS response to this project is from Polk County Fire Rescue Station #28, approximately 0.4 miles away located at 4101 Clubhouse Road in Highland City. Estimated response time of five (5) to seven (7) minutes. Fire Station #28 is scheduled to*

be relocated into a joint station with the City of Bartow, and will be constructed in the vicinity of EF Griffin Road and Smith Lane.

- *The site is served by the Polk County Sheriff's Southwest (SW) District located at 4120 US Highway 98 in Lakeland. The response times for SW in April 2026 were: Priority 1 Calls – 10:04 and Priority 2 Calls – 30:54.*
- *According to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, the subject site contains Candler-Urban land complex. The soil has slight limitations for septic tank absorption fields and for small commercial buildings.*
- *There are no wetlands or flood hazard areas on the property. The property is not located in a Wellfield Protection District.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within an identified one-mile radius for endangered species sightings.*
- *The site is not within any Airport Height Notification Zone.*
- *This request has been reviewed for consistency with Section 401.04, Section 303, and Table 4.12 of the LDC.*
- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT; SECTION 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA); and SECTION 2.131-R US HIGHWAY 98 SELECTED AREA PLAN of the Comprehensive Plan.*
- *Comprehensive Plan POLICY 2.102-A2 states, "Land shall be developed so that adjacent uses are compatible with each other." To achieve this, three options are provided:*
 - *Provisions made which buffer incompatible uses from dissimilar uses;*
 - *Incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; and/or*
 - *Uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques.*

Development Review Committee Recommendation:

Based upon the information provided by the applicant and a recent site visit, the Development Review Committee finds that with the recommended conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Comprehensive Plan, and is consistent with the Land Development Code. Based upon the findings of fact the Development Review Committee recommends **APPROVAL** of **LDCU-2026-4**.

CONDITIONS OF APPROVAL

1. This Conditional Use approval shall allow the proposal to exceed the 30% cap of retail and commercial up to 100% in the entirety of this ECX district. The proposed commercial and retail uses are considered non-binding. [PLG]
2. The applicant shall be required to select one option from the table below in order to meet the tree preservation requirements under LDC Section 401.04.J.6. Plantings shall not be counted toward any buffer requirements. [PLG]

Option	Number of Trees	Diameter at Breast Height (DBH)
1	2	6 inch
2	4	4 inch
3	6	3 inch

3. The applicant shall be required to install raised crosswalks with markings between the Ft. Fraser Trail and each building entrance. [PLG]
4. The applicant shall provide the equivalent of half of the requirement plantings and width of the Type “B” buffer, in accordance with LDC Section 720, along the northern property boundary. [PLG]
5. At Level 2 approval, the Type “B” landscape buffer between internal parcels with shared parking areas may be modified as provided in LDC Section 401.04.K.1.a-h. The plans shall call out where the Type “B” planting and species counts between each use will be allocated. [PLG]
6. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to LDCU-2026-4, 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]

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 LDC Section 930 D.

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 Commission’s 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

Table 1

<p>Northwest: TCX (PD 02-13) US 98/Ft. Fraser Trail Publix/Restaurants/Personal Services/Financial Institution</p>	<p>North: ECX Culvers (LDNON-2021-135) ±1.94 acres</p>	<p>Northeast: RMX Single-family & mobile homes</p>
<p>West: TCX US 98/Ft. Fraser Trail Single-family homes</p>	<p>Subject Property: ECX Vacant ± 3.18 acres</p>	<p>East: RMX Single-family & mobile homes</p>
<p>Southwest: TCX US 98/Ft. Fraser Trail Single-family homes</p>	<p>South: TCX Daycare Facility (LDNON-2024-148) ±1.49 acres</p>	<p>Southeast: RL-4X Single-family & mobile homes</p>

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

The 3.18 acre subject site is the only vacant property within this particular 5.5-acre ECX district. The district is the result of a Future Land Use Map amendment from Town-Center (TCX) in August 2025. The Culvers directly to the north was developed within the TCX designation prior to the adoption of the land use change to ECX in August 2025. Therefore the current land use district is only applicable to the subject site. The district when compared to other ECX districts within the US 98 SAP, is smaller than anticipated due to the amendment from TCX. Drive-thru restaurants are considered a “C3” in TCX, so Level 3 process would still be required for this request regardless. The only discrepancy, however is “Vehicle Service, Mechanical” was not permitted in TCX.

The subject site is located at the northwest intersection of Central Avenue SE and 3rd Street SE, both roadways with 60 feet of right-of-way. It also has about 935 feet of frontage along US Highway 98 and the Fort Fraser Trail to the west. The west side of the highway has been developed with the Highlands City Town Center (PD 02-13) and platted single-family lots non-conforming to TCX standards. A Daycare Facility is to the south, across Central Avenue SE, is currently under construction (LDNON-2024-138). There are a number of detached single-family homes and mobile homes within this radius as well, prior to the adoption of any County zoning ordinances.

Compatibility with the Surrounding Uses and Infrastructure:

The request is considered compatible with the surrounding area. Retail and commercial uses are found in this general area and main intersection of Clubhouse Road and US Highway 98. The subject property and given request provide a relevant transition in intensity between US Highway 98, a principal arterial roadway, and the residential homes to the east. US Highway 98 SAP development standards, such as raised pedestrian crossings and tree preservation provisions, are shown on the plans and will be demonstrated at Level 2 Review.

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

A. Land Uses:

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.”

The applicant is requesting CU approval to build four (4) non-residential uses on approximately 3.18 acres: a 2,225 square foot drive-thru coffee shop; a 2,385 square foot drive-thru restaurant; a 4,194 square-foot dental office; and 1,426 vehicle service building with two bays. The proposed type of uses are not uncommon in the general vicinity, with retail, restaurants, gas stations and drive-thrus within close walking distance nearby. The location is ideal for these uses as the businesses will have visibility off of Highway 98, a principal arterial roadway and provide a natural transition in intensity between the principal arterial roadway and the residential homes to the east. The use is similar in intensity to the retail/commercial uses to the north of the site along US Highway 98, which include three (3) drive-thru restaurants; one (1) sit-down restaurant; one (1) gas station with a convenience store; and a retail plaza. Had any of these uses been proposed at the subject property, a CU would still be required.

The proposed site plan meets all relevant conditions in LDC Section 303 for drive-thru facilities and drive-through restaurants. Given 3rd Street is a local roadway, the residential properties across the street are considered abutting or adjacent. Drive-thru facilities must provide a landscaped buffer equal to a Type “C” between all service windows/stacking lanes when adjacent residential areas. As shown on the plans, a 20’ wide Type “C” landscape buffer will be installed along the entire frontage of 3rd Street SE. Additionally, half the plantings of a Type “B” buffer will be provided to the north in accordance with LDC Section 401. Culvers has already installed half of these plantings and provided an internal drive aisle connection for cross-access. The internal properties boundaries are required to provide a Type “B” buffer between each proposed use. However, as part of the conditions, the applicant will have the flexibility to modify and relocate the required Type “B” landscape buffer width and associated plantings between the uses to allow for shared parking areas and drive-aisles.

Both drive-thru facilities also meet the minimum setback distance of fifty (50) feet. This is measured from the drive through lanes to the residential property lines to the east. The plans illustrate at least eighty-three (83) feet of setback away from the existing and designated residential properties across 3rd Street SE.

The plans also demonstrate compliance with the requirements outlined in US 98 SAP. Building setbacks for development in the ECX district will be met, if not exceeded, and the bay doors for the vehicle service station will not face the Ft. Fraser Trail. SAP development standards, such as raised pedestrian crossings and tree preservation provisions, are shown on the binding site plans (Exhibit 5) and incorporated into the conditions of approval. Pursuant to LDC Section 401.04.J.6, the applicant is required to install additional canopy trees because one (1) 14’ DBH oak tree will be removed. The applicant has stated under the site notes they will select “Option 2” which

includes four (4) additional 4” DBH canopy trees. These plantings shall not count toward any buffer requirements and have been incorporated as part of the conditions.

Comprehensive Plan POLICY 2.102-A2 states, “Land shall be developed so that adjacent uses are compatible with each other” and provides three options to ameliorate incompatibilities. The tools for accomplishing higher standards of compatibility, as outlined in the Comprehensive Plan, are as follows:

- Buffering
- Limiting Scale & Intensity
- Transition through the use of innovative techniques

Because this project is being processed as a Conditional Use, this allows for provisions such as buffering and the scaling of different land use activities on the site to occur. Therefore, this project is consistent with the provisions of Policy 2.102-A2. Landscaping, lighting, and setbacks have already been addressed above, as has the limited impacts of commercial development relative to adjacent uses. In short, staff finds no practical incompatibilities with the plan as presented.

B. Infrastructure:

The subject site lies within the Transit Supportive Development Area (TSDA). As such, this parcel is located within an area that has a significant amount of urban infrastructure and services. Fire Sheriff, and EMS services are available and within close proximity. Potable water and wastewater are available to the site and have capacity according to the City of Lakeland Utilities. The affected roadways have available trips, according to the Transportation Planning Organization’s (TPO) Roadway Network Database.

Nearest and Elementary, Middle, and High School:

The zoned schools for the proposed project are Highlands City Elementary, Bartow Middle, and Bartow Senior High School. This is a non-residential use and will not have an impact on school capacity.

Nearest Sheriff, Fire, and EMS Station:

Fire and EMS responses to this project are from Polk County Fire Station #28, located at 4101 Clubhouse Road in Highland City. The travel distance is approximately 0.40 miles with a response time of 5-7 minutes. Fire Station 28 is scheduled to be relocated into a joint station with the City of Bartow to be constructed in the vicinity of E.F. Griffin Road and Smith Lane. Once completed and operational, travel distances will increase to 2.3 miles and response times will increase to approximately 7-9 minutes. The site is served by the Polk County Sheriff’s Southwest (SW) District located at 4120 US Highway 98 in Lakeland, approximately twenty-one miles from the site. The response times for SW in April 2026 were: Priority 1 Calls – 10:04 and Priority 2 Calls – 30:54. Table 2, to follow, lists the locations, distances, and response times for emergency services that would respond to this site.

Table 2

	Name of Station	Distance	Response Time*
Sheriff	Southeast District Command (4011 Sgt Mary Campbell Way)	±2.1 miles	Priority 1 – 10:04 minutes Priority 2 – 30:54 minutes
Fire	Station #28 (4101 Clubhouse Road)	±0.4 miles	5-7 minutes

EMS	Station #28 (4101 Clubhouse Road)	±0.4 miles	5-7 minutes
-----	-----------------------------------	------------	-------------

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for April 2026

**Response times are based from when the station receives the call, not from when the call is made to 911.*

Water and Wastewater Demand and Capacity:

The site is located within the Transit Supportive Development Area (TSDA) and centralized water and sewer services are provided in this by the City of Lakeland Utilities. As a result, the development is required to connect to both of these services.

A. Estimated Demand and Service Provider:

In terms of existing infrastructure, a 6-inch potable water main is located in the southern right-of-way off Central Avenue Southeast. The water line also runs north and south in the eastern right-of-way of 3rd Street SE. An 8-inch wastewater force main runs along 3rd Street SE within the eastern property boundary. This line connects to the Daycare Facility to the south (LDNON-2024-148) where construction is currently underway.

With the typical use assumed to be “General Office” in ECX, the highest potable water use for the subject site at a maximum 1.5 Floor Area Ratio (FAR) is 207,780 SF and would be estimated at 98,149 Gallons Per Day (GPD). The highest wastewater generated would be 78,519 GPD. This assumes water generation of 0.24 per square feet and 80% of water usage for wastewater generation, according to Polk County Concurrency Manual.

Per Polk County’s Concurrency Manual, restaurants and fast-food restaurants are anticipated to generate approximately 60 and 100 gallons per day (GPD) of potable water demand per seat. In terms of potable water, a dental office and vehicle service are anticipated to generate approximately 200 GPD per wet chair and 0.30 GPD per square feet respectively. About 80% of the anticipated water usage will be for wastewater according to the Concurrency Manual.

In order to calculate estimated demand, the seating count for the coffee shop (fast-food restaurant) and dental office were based on prior building permits within the past five years for similar uses. The Chipotle has already submitted preliminary building plans which illustrate thirty-four (34) seats (BC-2026-290). Wet chair seats were based on building plans for “RRR Dentistry” off Florida Avenue in Lakeland (BC-2022-1334). The permit called for five (5) wet seats in 1,607 SF of building space. Based on this ratio, about thirteen (13) wet seats are estimated at the proposed 4,194 SF dental office. Seats for Starbucks were based on building plans for another Starbucks off Posner Boulevard in Davenport (BC-2022-1334). They had forty-six (46) seats in 2,472 SF of building space (BC-2024-533). Based on this ratio, about forty-two (42) seats are estimated at the proposed 2,225 SF coffee shop.

Table 3, to follow, provides a scenario of the maximum buildout project of the subject site, as well as the impacts it may have on water and wastewater services based upon the proposed project usage and the maximum development potential in the current ECX land use designation.

Table 3

Subject Property	Estimated Impact Analysis	
3.18 ± acres ECX	Maximum Permitted in the District ECX	Proposed Plan
Permitted Intensity	207,780 SF (Max 1.5 FAR)	2,385 SF Restaurant w Drive-Thru 2,225 SF Coffee Shop w/ Drive Thru 4,194 SF Medical Office 1,426 SF Vehicle Service w 2 bays
Potable Water Consumption (GPD)	49,868 GPD	Total: 9,182 GPD 2,040 GPD (Restaurant); 4,200 GPD (Coffee Shop); 2,600 GPD (Medical Office); 342 GPD (Vehicle Service)
Wastewater Generation (GPD)	39,894 GPD	Total: 7,346 GPD 1,632 GPD (Restaurant); 3,360 GPD (Coffee Shop); 2,080 GPD (Medical Office); 274 GPD (Vehicle Service)

*Source: Polk County Concurrency Manual & Polk County Utilities
Proposed Uses: Water: Restaurant – 60/seat; Restaurant, Fast Food – 100/seat; Dental Office 200/wet chair; Service, Filling, or Gas Station 0.30/sf for water. Wastewater: 80% of water usage for wastewater generation.
ECX Typical Use - General Office 0.24/sf for water and 80% of water usage for wastewater generation.*

Based on the following variables and circumstances, the proposed site plan anticipates about 9,182 GPD for potable water and 7,346 GPD for wastewater.

B. Available Capacity:

Correspondence with the applicant and the City of Lakeland Utilities has confirmed that capacity has been reserved/approved for both water and wastewater in the amount of 13,341 GPD. The nearest fire hydrant is approximately 61 feet away to the east.

C. Planned Improvements:

The Polk County Community Investment Program (CIP) database does not identify any utility improvements within the vicinity of the site.

Roadways/ Transportation Network:

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of ‘A’ to ‘F’ with LOS ‘A’ being the best (free-flow traffic) and LOS ‘F’ being the worst (severe traffic congestion).

A. Estimated Demand:

The project will have direct ingress/egress onto 3rd Street SE and Central Avenue SE. Cross access

is also planned from the existing drive-thru restaurant to the north of the site. Based on the ITE Trip Generation Manual, the four uses fall under the following categories: Coffee/Donut Shop with Drive Through Window (ITE Code **937**); Fast Food Restaurant with Drive Through Window (ITE Code **934**); Medical-Dental Office Building (ITE Code **720**); and Quick Lubrication Vehicle Shop (ITE Code **941**). Per 1,000 square feet of space, the proposed coffee shop, restaurant, and dentist are estimated to generate 300.25 Annual Average Daily Trips (AADT) and 39 PM peak trips; 228.55 AADT and 31.60 PM peak trips; and 34.03 AADT and 3.42 PM peak trips respectively.

Given these rates, this turns out to be 508 AADT and 66 PM peak trips for the coffee shop, 415 AADT and 57 PM peak trips for the drive-thru restaurant, 131 AADT and 13 PM peak trips for the medical-dental office building.

Trip generation for the proposed vehicle service area is based on the daily (40.00 AADT/servicing positions) and PM peak hour (4.85 trips) calculations. The proposed facility is projected to generate 80 total daily trips and 7 PM peak hour trips. Alone, this will trigger a Minor Traffic Study at the Level 2 Review stage.

Table 4

Subject Property	Estimated Impact Analysis	
	Maximum Permitted in the District ECX	Proposed Plan
3.18 ± acres ECX		
Permitted Intensity	207,780 SF (Max 1.5 FAR)	2,225 SF Coffee Shop w/ Drive Thru 2,385 SF Restaurant w Drive Thru 4,194 SF Medical Office 1,426 SF Vehicle Service w 2 bays
Average Annual Daily Trips (AADT)	2,116	Total: 1,134 508 (Coffee Shop); 415 (Restaurant); 131 (Medical Office); 80 (Vehicle Service)
PM Peak Hour Trips	231	Total: 143 66 (Coffee Shop) 57 (Restaurant); 13 (Medical Office) 7 (Vehicle Service)

*Source: Polk County Concurrency Manual
ITE 750 Office Park: 11.07 AADT, 1.21 PM Peak Hour, 0.92 New Trips*

To further analyze the traffic that could be created from this site, staff has compared the demand on the roadways that would be generated if the entire site was to be developed as an office park with maximum permitted FAR, which is a typical Employment Center use. Based on US 98 Development Agreements and the First Amendment to Development Agreement for MLM Properties of Polk, the subject site as well as the existing Culvers to the north have 479 PM peak hour trips vested for future development in this area. This was confirmed through correspondence with TPO.

B. Capacity:

This project will have a significant influence on the capacity of the nearest relevant road links, however, Level of Service (LOS) will not fall below minimum standard. US 98 (Links 5405 N/S & 5406 N/S) is tracked for concurrency by TPO. This is classified as a Principal Arterial roadway and is funded by the Federal Highway Administration. Approximately 57,500 vehicles travel that portion of the highway annually on average, with on average approximately 2,536 northbound and 2,639 southbound vehicles passing through the segment during PM peak hours each day. Clubhouse Road (CR 540A) is an Urban Collector roadway with a paved surface width of 20 feet, according to Polk County’s Road Inventory. Transit services, sidewalks, and bike lanes are available to the site.

Table 5

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5406N	US 98 From: CR 540A To: SR 540 (Winter Lake Road)	C	484	D
5406S	US 98 From: SR 540 (Winter Lake Road) To: CR 540A	C	381	D
5405N	US 98 From: Lyle Parkway To: CR 540A (Clubhouse Road)	C	564	D
5405S	US 98 From: CR 540A (Clubhouse Road) To: Lyle Parkway	C	661	D
4040E	CR 540A (Clubhouse Road) From: Lakeland Highlands Road To: US 98	C	249	D
4040W	CR 540A (Clubhouse Road) From: US 98 To: Lakeland Highlands Road	C	271	D

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

Surrounding roadway links tracked through TPO are currently operating at a “C” Level of Service (LOS), above the minimum County standard. Each link has over 200 Peak PM trips available before falling below the minimum LOS standard.

C. Roadway Conditions:

The subject site has frontage on US Highway 98, a state-maintained, six-lane divided principal arterial roadway, 3rd Street SE (Road No. 941433) and Central Avenue SE (Road No. 941420), both of which are paved 20’ wide Local Residential roadways. On March 31, 2026, the Technical Advisory Committee (TAC), which includes representatives from all of the TPO’s member jurisdictions, approved reclassification on both Central Avenue and 3rd Street SE from Local Residential to Local Commercial. Final Board approval on reclassification is scheduled for May 5. Should the roadways remain under residential classification, the applicant will be required to submit a waiver during Level 2 review. The site plans to have direct ingress/egress with three (3) new driveway connections, two (2) along 3rd Street SE and one (1) on Central Avenue SE.

D. Sidewalk Network:

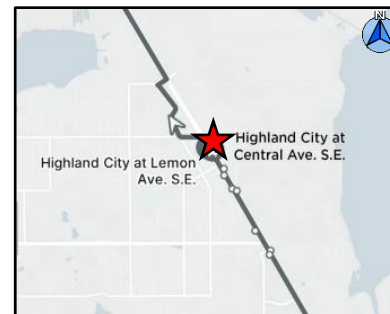
The Ft. Fraser Trail serves as the pedestrian network along the east side of US 98. Clubhouse Road, 3rd Street SE, and Central Avenue have a partial sidewalk system with sidewalks found along across Central Avenue SE with the recently built Daycare Facility. The northern portion of 3rd Street SE has sidewalks from construction of the Culvers. The applicant will be required to construct sidewalks along the frontages of both Central Avenue SE and 3rd Street SE. Additionally, three (3) pedestrian connections and associated raised crosswalks will be made to the Ft. Fraser Trail. This has been included as part of the conditions.

E. Planned Improvements:

Central Avenue SE and 3rd Street SE were recommended to be reclassified from Local Residential roadways to Local Commercial Roadways. This was recently adopted by the Board on April 21. There are no improvements within the County’s CIP plans.

F. Mass Transit:

The nearest mass transit route is the Citrus Connection Transit Route stop (Route 22XL “Silver Express”) with the closest stop being “Highland City at Central Ave SE” directly in front of the subject site. The stop runs along the Ft. Fraser trail and is north of the Ft. Fraser main trailhead. The proposed sidewalk connections to the trail will allow pedestrian traffic direct access to the Citrus Connection transit network.



Park Facilities and Environmental Lands:

Numerous public parks, environmental lands, boat ramps, and multi-use trails are located within a short distance of the subject site. The Ft. Fraser Trail borders the western property line of the site.

A. Location:

Highlands City Park is located approximately a half mile to the west at 3930 Ball Park Road. Highland City Senior Field is located 1.3 to the southwest at 5901 Strickland Avenue. Banana Lake Park is approximately two miles to the west at 5002 Tillery Road.

B. Services:

Highland City Senior Field consists of a lighted baseball and softball fields and a concession stand. There are also picnic tables. The park is well-known for its baseball field referred to as “The Pit” due to its elevation relative to the surrounding road and homes. Highlands City Park has two little league fields. There is also a playground with a covered area, a pavilion and basketball courts. Banana Lake Park has a multi-use trail, pier fishing, a boat ramp, picnic tables, and a playground.

C. Multi-use Trails:

The Fort Fraser Trail is 12-foot-wide, 7.75-mile long and runs parallel to U.S. Highway 98 from State Highway 60 (Van Fleet Drive) in Bartow to County Road 540 (Winter Lake Road) just beyond the Polk State College campus in Lakeland. Hundreds of walkers, joggers, in-line skaters, bicyclists, and others enjoy the trail each day. The trail is off-limits to motorized vehicles. The trail is named after Fort Fraser, which was constructed in early November of 1837 by U.S. Army troops under the command of Lt. Col. William S. Foster. In total there are five picnic shelters, six rest shelters, and three trestle bridges (Banana Creek, South, and Bear Creek) that many are using as turn-around landmarks to shorten exercise routes to one or two-mile walks.

Circle B Bar Reserve is located to the east. It is situated on the northwest shore of Lake Hancock and hosts several distinct ecosystems in this 1,267-acre reserve. It has over five miles of trails for hiking and wildlife observation. Polk County and the Southwest Florida Water Management District acquired Circle B Bar Reserve in December 2000 to protect the valuable water and wildlife resources and to restore the Banana Creek marsh system.

Marshall Hampton Reserve is a blend of oak hammock areas canopying over mesic flatwoods, hardwood forest wetlands, and a 60-acre pond found on its 1,100 acres. The two loop trails provide different views of the property. The site is open for horseback riding with a special use permit. Polk County entered into an agreement with the Southwest Florida Water Management District in 2010 to oversee the management of the property. The acquisition of this property also protected a

significant amount of shoreline and floodplain swamp on the edge of Lake Hancock, the headwaters of the Peace River.

D. Environmental Lands:

Environmental lands surrounding the eastern shore of Lake Hancock are located to the east. The Southwest Florida Water Management District oversees two initiatives that are critical to the District's recovery strategy for "meeting the minimum flows in the upper Peace River, improving water quality in the Peace River, and protecting Charlotte Harbor."

Lakeland Highlands Scrub is a 551-acre conservation area located to the southwest. It is home to one of the largest undeveloped scrub properties on the Lakeland Ridge, one of a series of elevated sandy ridges along the backbone of an area known as "peninsular Florida." This area used to be surrounded by water, but now, the Lakeland Highlands Scrub rises more than 230 feet above sea level. The Polk County Environmental Lands Program and the Florida Communities Trust Preservation 2000 Program jointly provided funding to acquire the Lakeland Highlands Scrub.

E. Planned Improvements:

There are no further recreational improvements scheduled for this area by the County at this time.

Environmental Conditions:

There are no significant environmental limitations on this property that will likely preclude the development as requested. The site has already been cleared and was previously developed with a non-residential use. No flood zones or wetlands are noted in Polk County's DataViewer. No surface water is present. No endangered animal species have been documented. The primary soil type is suitable for non-residential development.

A. Surface Water:

There are no surface water bodies within the project area. The site is elevated in the southeastern corner of the property at 118' and gradually slopes down to the west to 115'. The applicant proposes to divert stormwater runoff to three (3) onsite detention pond located on the eastern portions of the site. A Southwest Florida Water Management (SWFWMD) permit has been filed (application #930656).

B. Wetlands/Floodplains:

According to Polk County's DataViewer, there are no flood zones or jurisdictional wetlands on the subject site. The nearest flood zones and wetlands are approximately 0.23 miles to the north of the subject site.

C. Soils:

According to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, the subject site is comprised of Candler-Urban land complex soils. The sand consists of well-drained soils found in upland areas. It presents few limitations to building construction and slight limitation on septic tanks. This limitation is in regard to a potential ground water contamination hazard in areas that have a concentration of homes with septic tanks due to poor filtration. However, this project will connect to centralized wastewater.

Table 6

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site (approximate)
Candler-Urban land complex	Slight	Slight	100

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

All future development is required by the LDC to implement best management practices for erosion-control, and the soils are not of such that would limit compliance with applicable LDC regulations for the proposed use.

D. Protected Species:

According to the Florida Natural Resources Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting. The site was formerly developed and cleared of native vegetation.

E. Archeological Resources:

According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.

F. Wells (Public/Private)

The subject site is not located within a wellhead protection area. No public or private wells are known to exist on site.

G. Airports:

According to the Polk County Airport Impact Districts Map, the subject property is not located within any Airport Buffer Zones for flight path and height restriction.

Economic Factors:

The County has made significant investments to support urban development along US Highway 98. Facilities such as water, wastewater, fire protection, EMS and recreational facilities provide some capacity for growth. Such development growth as may occur by this request is now needed to contribute to the funding of these facilities.

Because this request is for non-residential uses, approval of this project should not adversely impact schools or recreational facilities. The additional ad valorem revenue generated from this project could assist in the funding of these public services and facilities.

The Highland City area at the intersection of US 98 and Clubhouse Road continues to see gradual non-residential development over the past decade and a half. This includes a Culvers, iHOP, Gators Dockside plaza, and Daycare directly to the north and south constructed in the past four years alone. This non-residential development is largely the impetus for this application, as the Comprehensive Plan limits retail and commercial uses within ECX land use districts to 30% of the ECX district. Commercial establishments offer a support service to surrounding residents and tourist visiting the area, and the location is ideal for such a use.

Consistency with the Comprehensive Plan and Land Development Code:

Table 7 and 8, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 7

Comprehensive Plan Policy	Consistency Analysis
<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; 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.</p>	<p>As proposed and conditioned, the request is compatible with the surrounding land uses. The applicant has worked to soften any impacts presented by the proposed development from the adjacent uses through buffering strategies and structural design. The proposed development will create interconnectivity with existing uses, the Ft. Fraser Trail, and future development.</p>
<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>The site is located in an area planned for urban development. There has been a significant amount of development in this area, and other non-residential projects have been contemplated on properties nearby.</p>
<p>POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</p>	<p>This development will take place in an area that has seen an investment by public and private sectors to improve roadways and have adequate utilities available. This property is located in the TSDA where these services are expected. Public transit is also available.</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>Capacity is available for utilities and transportation. This approval will have no bearing on school capacity. The site is one of the last vacant non-residential properties in this particular ECX district.</p>
<p>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost-effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).</p>	<p>This site will have access to adequate public facilities. Capacity is available for all services. Emergency services are functioning at an acceptable level.</p>

Table 8

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	Yes, this request is consistent with the LDC, specifically Table 4.16, which shows the allowable uses for an ECX designated property. LDC Section 401.04 provides specific standards for the US 98 SAP but allows deviations given the property hardship. Consistency with Section 303 of the LDC have been met. 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 306
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	Yes - POLICY 2.109-A1 of the Comprehensive Plan states, "For properties within the Transit Supportive Development Areas (TSDA), higher densities and intensities can be achieved in accordance with the criteria established in Policy 2.104-A7." Yes, Comprehensive Plan POLICY 2.102-A2 states, "Land shall be developed so that adjacent uses are compatible with each other." As detailed in the staff report, the applicant will adhere to buffering strategies to minimize the impact of this development on surrounding uses.
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	Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 8-9 of this staff report for data and analysis on surrounding uses and compatibility.
How the concurrency requirements will be met, if the development were built.	The request is capable of meeting concurrency requirements in the timeframe in which it will be constructed. See pages 10-15 of this staff report for data and analysis.

Comments from other Agencies:

City of Lakeland Utilities:

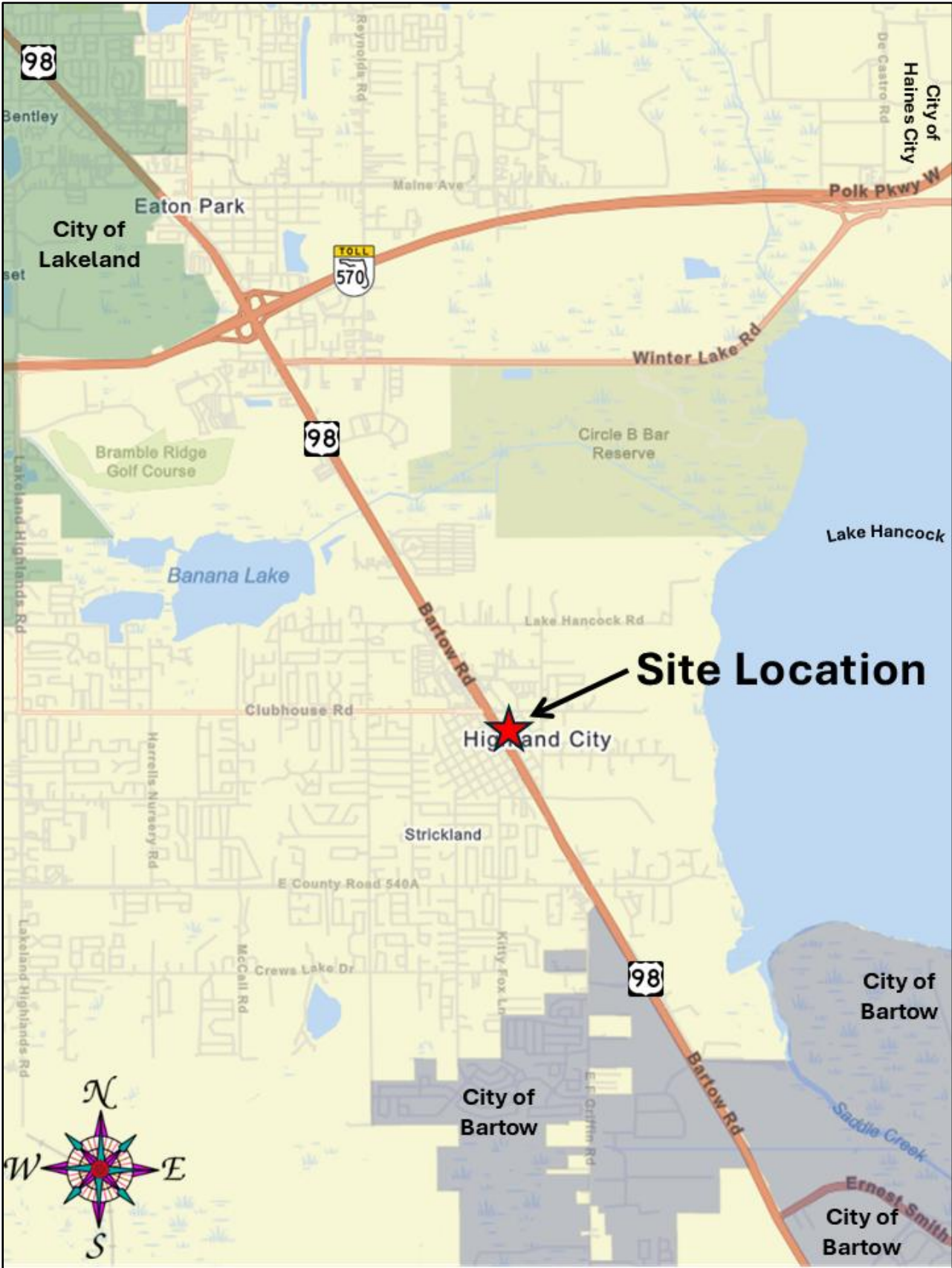
Water and wastewater capacity has been reserved and approved for the proposed request. (Project # 2025-06-027D)

Transportation Planning Organization (TPO):

On March 31, 2026, the Technical Advisory Committee (TAC) approved reclassification of 3rd Street SE and Central Avenue SE. The Board is anticipated to vote for final approval on May 5, 2026.

Exhibits

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-Up)
- Exhibit 5 – Binding Site Plan



Location Map



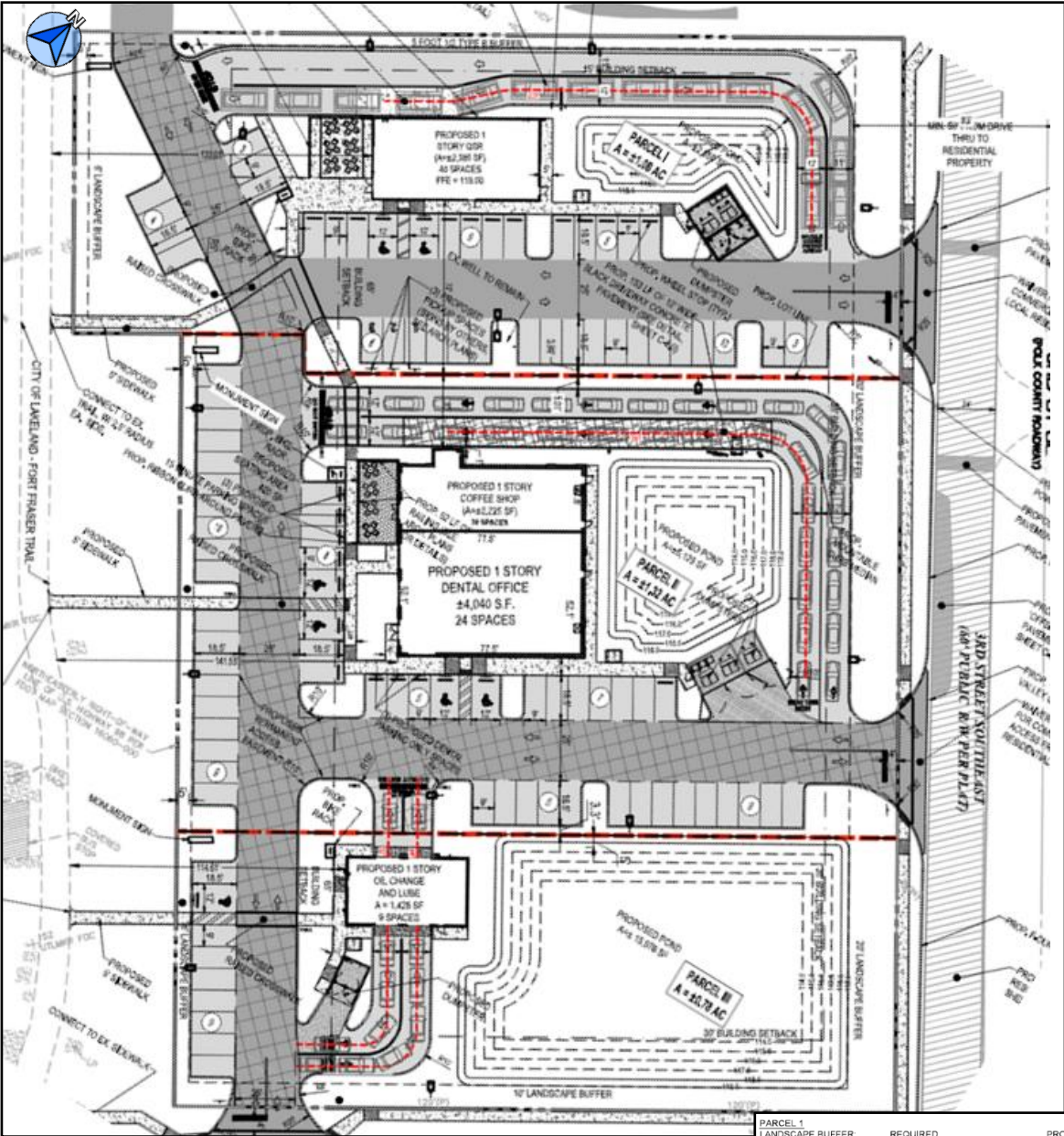
Future Land Use Map



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



PARCEL 1	REQUIRED	PROPOSED
LANDSCAPE BUFFER:		
FRONT W	6'	6'
** SIDE N	10'	5'
* SIDE S	0'	3.99'
REAR E	20'	20'
SETBACKS:		
FRONT W	125' FROM CLINE 65' FROM ROW	253.26' FROM CLINE 123.88' FROM ROW 133.01' FROM FT. FRASIER TRAIL
SIDE N	15'	34.39'
SIDE S	0'	72.09'
REAR E	30/60°	150.44'
PARCEL 2		
LANDSCAPE BUFFER:		
FRONT W	6'	6'
* SIDE N	0'	5.01'
* SIDE S	0'	3.3'
REAR E	20'	20'
SETBACKS:		
FRONT W	125' FROM CLINE 65' FROM ROW	255.79' FROM CLINE 90.89' FROM ROW 141.53' FROM FT. FRASIER TRAIL
SIDE N	0'	30.68'
SIDE S	0'	73.41'
REAR E	30/60°	150.44'
PARCEL 3		
LANDSCAPE BUFFER:		
FRONT W	6'	6'
* SIDE N	0'	5'
SIDE S	10'	10'
REAR E	20'	20'
SETBACKS:		
FRONT W	125' FROM CLINE 65' FROM ROW	245.52' FROM CLINE 70.58' FROM ROW 114.61' FROM FT. FRASIER TRAIL
SIDE N	0'	9.83'
SIDE S	0'	75.62'
REAR E	30/60°	178.18'

- LEVEL III LANDSCAPE REQUIREMENT NOTES**
- AT LEVEL 2 APPROVAL, PLANTINGS BETWEEN INTERNAL PARCELS WITH SHARED PARKING AREAS MAY BE MODIFIED AS PROVIDED IN SECTION 401.04(K)(1)(A)-(H).
 - SELECTED OPTION 2 UNDER SECTION 401.04(J)(6) WILL BE IMPLEMENTED AT LEVEL 2 APPROVAL TO MEET THE POLK COUNTY LAND DEVELOPMENT CODE TREE PRESERVATION REQUIREMENTS.

* CONDITION OF LEVEL III SITE PLAN CONDITIONAL USE
 ** 5 FOOT 1/2 TYPE B BUFFER

Binding Site Plan