

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	October 30, 2025
Planning Commission Date:	January 7, 2026
BoCC Dates:	N/A
Applicant:	Sloan Engineering
Level of Review:	Level 3 Review, Conditional Use
Case Number and Name:	LDCU-2025-28 Pine Street Retail
Request:	The applicant is requesting Conditional Use (CU) approval for a 10,640 sq. ft. commercial retail establishment.
Location:	East side of Lake Marion Creek Drive, south side of Pine Street, west of Hemlock Avenue, north of Marigold Avenue, east of the City of Haines City, in Section 03, Township 28, Range 28
Property Owner:	K&M Homes Investments Inc.
Parcel Size:	±1.58 acres (282803-934760-086010)
Development Area/Overlays:	Utility Enclave Area (UEA)
Future Land Use:	Convenience Center (CC)
Nearest Municipality	Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Pending

Location



2023 Aerial



Summary of Analysis:

LDCU-2025-28 is a Conditional Use (CU) request for a 10,640 sq. ft. commercial retail establishment that involves establishing a general mercantile on approximately 1.58 acres. The site is within the Utility Enclave Area (UEA) in Poinciana Village 7, Neighborhood 5. In the 1981 Poinciana Master Plan, this property was designated as “Church.” The original map, a 14± acre tract on the northwest corner of Lake Marion Creek Drive and Pine Street was designated as Commercial. This area was intended for residential support commercial uses. The site sits at the intersection of two Urban Collector roads and has access to available infrastructure with water and sewer.

To date, retail development within this area is extremely limited. LDCPAS-2025-25 was approved December 16, 2025, to change the Future Land Use Designations on the subject parcel from Pre-Development of Regional Impact (Pre-DRI) to Convenience Center (CC). According to Chapter 2, table 2.1 of the Land Development Code (LDC) “Retail Stores less than 10,000 sq. ft.” are “P” permitted in the CC land use. However, the request is over 10,000 sq. ft. which requires “C3” approval from the Planning Commission. The immediate area is primarily residential with a gas station and convenience store nearby. The nearest general mercantile retail store is approximately 2.6 miles away on Bayberry Street. Locating these services closer to existing neighborhoods will provide an opportunity to shorten vehicular trips and relieve congestion on the local roadways. Potable water and wastewater services will be provided by the Toho Water Authority. The proposed development will be minimum 50 feet away from nearest residential home and buffered. Staff recommends approval.

Findings of Fact

- *LDCU-2025-28 is a Conditional Use request for a 10,640 sq. ft. commercial retail establishment on Parcel No. 282803-934760-086010 (+/- 1.58 acres) within a Convenience Center (CC) land use district in the Utility Enclave Area (UEA).*
- *LDCPAS-2025-25 was approved December 16, 2025, to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Convenience Center (CC).*
- *According to SECTION 2.130-A: POINCIANA (PRE-DRI #1) of the Comprehensive Plan, “The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within 8 villages, 9 estate areas, and 6 office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71- 10).”*
- *Parcel #282803-934760-086010 is located within Poinciana Village 7, Neighborhood 5 and was designated for “Church” in the 1981 Poinciana Master Plan.*
- *The site is within a Utility Enclave Area (UEA). According to SECTION 2.107-A1 of the Comprehensive Plan, “UEAs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of*

400,000 GPD. UEs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.”

- *The purpose of the Convenience Center (CC) land use district is to provide for the convenience shopping needs of residents within an immediate surrounding area. The CC district permits nonresidential uses such as offices, convenience stores, gas stations, dry cleaners and community facilities.*
- *“Retail, Less than 10,000 sq. ft.” is a “P” permitted use, according to Table 2.1 of the LDC.*
- *The subject site is served by the Toho Water Authority for potable water and wastewater. The site will have access to water and wastewater lines.*
- *The subject property is not located within an Airport Impact Zone.*

The soil types for the site are Tavares fine sand and Astatula sand.

- *Direct ingress/egress to the development is proposed from Lake Marion Creek Dr (8214N/S). Lake Marion Creek Dr is listed as a 20-foot wide paved Urban Collector (UC) in Polk County’s Road Inventory.*
- *The maximum Impervious Surface Ratio (ISR) is 0.70 per Table 2.2 of the LDC by right in CC land use districts, and the maximum Floor Area Ratio (FAR) is 0.25. Side and rear setbacks are fifteen (15) feet, and the setback from the right-of-way of a Collector roadway is 35 feet*
- *There are sidewalks that run north to south along Lake Marion Creek Drive, fronting the subject site as well as along the north side of Pine Steet fronting the subject site.*
- *Fire and ambulance response is from Fire Station 46, located at 9500 Marigold Ave, Kissimmee, FL 34759.*
- *Sheriff’s response to the site is served by the Northeast District, located at 1100 Dunson Road, Davenport. The response times for December 2025 were: P1-10:30 minutes, P2-26:38 minutes.*
- *The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, and Haines City Senior High schools.*
- *The nearest neighborhood park is Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 4.0 miles to the south of the subject site.*
- *The environmental land that is closest to the subject site is Bellini Preserve.*
- *The site does not contain wetlands or flood zones.*
- *The site is not within a well-field protection district.*

- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*
- *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.*
- *The site is located within the Polk Green Potential Network Connections District. Adjacent to the west of the site, Polk County has in excess of 280 acres of land under a conservation Easement as recorded in OR Book 12845, Page 0260.*
- *The closest mass transit is Citrus Connection Line 603, the Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site.*
- *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 SECTION 2.102 GROWTH MANAGEMENT; SECTION 2.107 UTILITY ENCLAVE AREAS (UEA); and OBJECTIVE 2.110-C: CONVENIENCE CENTERS of the Comprehensive Plan.*
- *This request has been reviewed for consistency with Section 303 of the LDC.*

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2025-28 with the following Conditions:

1. LDCU-2025-28 is approved for 10,640 sq. ft. commercial retail establishment on Parcel # 282803-934760-086010 as indicated in the site plan and staff report. Any modifications to LDCU-2025-28, 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.
2. The proposed building shall be designed and constructed to contain additional/enhanced architectural design standards. Building facades directly facing arterial or collector roadways may not include a metal panel exterior finish & must incorporate at least three (3) of the following architectural elements:
 - Changes in texture/finish across the facade (i.e., stucco to block);
 - Changes in texture/finish across a minimum of 25% of the sides of the building (i.e. stucco to block)
 - Roof line changes or varying parapet height;
 - Pitched or sloped roof entry feature (may be accomplished via a parapet wall);
 - Facade landscaping, min. 5' & width;
 - Awnings;
 - Faux Windows w/ shutters;

- Columns or pilasters.

Items such as a pitched roof, exterior trim, and additional façade treatments are examples of additional/enhanced design standards. The building’s architectural design shall be reviewed by staff as part of the Level 2 process, and such approval shall not be unreasonably withheld.

3. In lieu of a Free-Standing Sign, only a Monument Sign shall be permitted for non-building related signs for this Conditional Use.
4. No development orders or development permits may be issued or commence until LDCPAS-2025-25 becomes effective.

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

Northwest: Polk County Bellini Preserve	North: Pre-DRI Vacant	Northeast: Pre-DRI Single family homes
West: Polk County Bellini Preserve	Subject Property: Convenience Center (CC) Vacant	East: Pre-DRI Single family homes
Southwest: Polk County Bellini Preserve	South: Pre-DRI Single family homes	Southeast: Pre-DRI Single family homes

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

The adjacent lots are within Pre-DRI land use districts and are occupied with site-built single-family homes. LDCPAS-2025-25 was approved December 16, 2025, to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Convenience Center (CC).

Compatibility with the Surrounding Land Uses and Infrastructure:

A. Land Uses:

Comprehensive Plan POLICY 2.102-A2 states, “Land shall be developed so that adjacent uses are compatible with each other.” In terms of compatibility between uses, the details of the site plan in relation to the existing conditions of surrounding development make this project a fit at this location and is consistent with the above policy. Convenience Centers are to be located in the UEA. They must also be located at the intersections of arterial and/or collector roads. Retail stores are complementary to residential neighborhoods as they provide services to the immediate area. This is a small variance from what is allowed by right. The proposed non-residential structure will be located along Pine Street and Lake Marion Creek Drive and will be well-buffered from the neighborhood to the south and east. Additionally, a Type “A” landscape buffer will be required along the road frontage of the subject site. Section 220 requires a 50-foot setback for buildings and dumpsters abutting residential properties. Enhanced landscaping and shielded lighting will be required.

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.”

B. Infrastructure:

The subject site is within the Toho Water Authority Service Area. The site will have access to water and wastewater lines. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone. The roads that access the site, Lake Marion Creek Drive and Pine Street, are both Urban Collectors, have available capacity and are in Fair condition. Mass transit is not available nearby, and there is not a stop nearby to the site. The closest mass transit is Orlando Metro Lynx, with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site. Public safety response times are normal for this part of the County. School capacity is not anticipated to be an issue with the cite to develop with commercial use. The request is compatible with the available infrastructure.

Nearest and Zoned Elementary, Middle, and High School

The property is zoned for Laurel Elementary, Lake Marion Creek Middle, and Haines City Senior High. However, the applicant does not need to address School Board capacity for the anticipated project. The proposed retail is not expected to have any impact on school concurrency as the use will not generate the need for children to attend school. Therefore, the proposed use is not likely to have any adverse impacts upon school operations.

Table 2

Name of School	Distance from subject site
Laurel Elementary School	±1.9 miles driving distance
Lake Marion Creek Middle School	±0.8 miles driving distance
Haines City High School	±9.0 miles driving distance

Source: Polk County GIS

Nearest Sheriff, Fire, and EMS Station

Fire and EMS response to this project is from Polk County Fire Rescue Station 46, located at 9500 Marigold Avenue, Kissimmee, FL. The travel distance is approximately 3.2 miles from the site with an average response time of 7-9 minutes. This is a plus because fire rescue and emergency medical services are the most utilized services of event facilities. A fire hydrant may be required during Level 2 review based upon site improvement factors.

Sheriff's response to the site is served by the Southeast District, located at 4011 Sgt. Mary Campbell Way, Lake Wales. Response times for SE in December 2025 were: Priority 1 Calls – 14:17 and Priority 2 Calls – 34:37. Priority 1 Calls are considered 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. Sheriff's response times are not as much a function of the distance to the nearest Sheriff's substation but more a function of the overall number of patrol officers within the County.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Marigold Sheriff Command Center (9500 Marigold Avenue, Poinciana)	±3.9 miles	Priority 1 – 14:17 Priority 2 – 34:37
Fire EMS	Station #46 (9500 Marigold Avenue, Kissimmee, FL)	±3.2 miles	7-9 minutes

*Source: Polk County Sheriff's Office and Public Safety *Response times are based on when the station receives the call, not from when the call is made to 911.*

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. There is a 12-inch potable water main stubbed out, approximately 975 feet north of Pine Street at the intersection of Lake Marion Road and Silver Glen Road. There is a 6-inch sewer force main along the southern boundary of the site. Retail creates 0.15 GPD per square foot for potable water and 80% for wastewater.

Table 4

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted CC	Maximum Permitted in the District CC	Proposed Plan
1.58± acres CC			
Permitted Intensity	Retail, Less than 10,000 sq. ft.	Retail, 17,206 sq ft	Retail, 10,640 sq ft
Potable Water Consumption (GPD)	1,500 GPD	2,581 GPD	1,596 GPD
Wastewater Generation (GPD)	1,200 GPD	2,065 GPD	1,277 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

B. Available Capacity:

Information is not available for capacity as the water and wastewater are handled by Toho Water Authority.

C. Planned Improvements:

Staff is unaware of any improvements that will provide or alter services to this 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). This project is not expected to have a significant influence on the capacity of the nearest relevant road links.

A. Estimated Demand:

Table 5, to follow, provides the current demands for the parcel with permitted uses and the demand for the proposed use. Discount Store ITE code has 44.72 AADT per 1,000 sq. ft and 4.86 PM Peak.

Table 5

Permitted Intensity	Demand as Currently Permitted	Proposed Plan
1.58± acres CC	Retail, less than 10,000 sq ft	Retail, 10,640 sq. ft.
Average Annual Daily Trips (AADT)	447	476
PM Peak Hour Trips	49	52

As Table 5 demonstrates, the traffic generated from this project is anticipated to be more than 50 AADT. 52 trips will take place during the peak hours and will be dispersed between Lake Marion Creek and Pine Street. A Minor Traffic Study will be required during the Level 2 Review process.

B. Available Capacity:

The roads surrounding the subject site have sufficient PM Peak capacity available for a commercial development. On the norther side of Pine Street is an area of residential use that is continuing the residential development for the area. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road links. It is also relevant to consider that the subject site is abutting residential development to the north, east and south. These developments will have a significant impact on the road links.

Table 6: Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current LOS	Available Peak Hour Capacity	Minimum LOS Standard	Project 5 Year LOS
8214N	Lake Marion Creek Dr	2U		464		
8214S	Poinciana Pkwy to Cypress Pkwy (CR580).	UC	C	454	D	C
<i>Source: Polk County Transportation Planning Organization, 2025 Roadway Network Database January 2025. *2U means two lane undivided, UC means Urban Collector</i>						

C. Roadway Conditions:

The condition of Lake Marion Creek Drive is currently Fair. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network:

There are sidewalks that run north to south along Lake Marion Creek Drive fronting the subject site. Pine Street has a sidewalk on the north side; however, on the south side fronting the site does not have a sidewalk. Sidewalks will be required per LDC Section 707. Pedestrian lighting will be required at vehicular entrances.

E. Planned Improvements:

There are plans to widen and improve Lake Marion Creek Drive, and a plan in place to widen Marigold Avenue from Cypress Parkway to Palmetto Street. Also, Cypress Parkway will be widened from Power Line Road to West Solivita Boulevard.

F. Mass Transit

The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 5.9 miles northeast of the site.

Park Facilities and Environmental Lands:

The following analysis is based on public recreation facilities.

A. Location

The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site, and the nearest regional park is Poinciana Community Park, 4.0 miles to the south of the subject site

B. Services

Lil Halibut Park has a tot lot and playground. Poinciana Community Park has a walking path, a playground, baseball fields, a cricket pitch and basketball parks. There are also multipurpose fields, a pavilion that can be rented, and league play. Additionally, a dog park features separate areas for large and small dogs, agility equipment, water fountains and shaded areas for humans.

C. Multi-use Trails

The closest hiking trail is in the Bellini Reserve which is 200 feet to the west of the subject site.

D. Environmental Lands

This site contains no County-owned environmental lands. The closest environmental land to the site is the Bellini Reserve just west of the subject site.

E. Planned Improvements:

There are no further recreation improvements scheduled for this area of the County at this time.

Environmental Conditions

The following environmental conditions apply to the subject site.

A. Surface Water:

There is no surface water on the subject site. The site's elevation is relatively flat with an elevation of 84 feet at the right-of-way boundary and 87 feet near the center of the site. There are no surface waters on the site.

B. Wetlands/Floodplains:

The subject site is not located within a floodplain and has no wetlands indicated.

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 7 following this paragraph. According to the soil survey of Polk County, the site soils have limitations for septic tank absorption. However, the site will be able to connect to Toho wastewater lines, so this should not be an issue

Table 7

Soil Name	Small Commercial Buildings	% of Site (approximate)
Tavares fine sand, 0-5% slopes (15)	Slight	70%
Astatula sand, 0 to 5 percent slopes	Slight	30%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service, 1985

D. Protected Species

According to the Florida Biodiversity Matrix GIS application, 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 Florida Department of State, Division of Historical Resources, there are no archeological sites listed in the Florida Master Site File.

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 Impact Zones.

Economic Factors:

The existing conditions of surrounding development make this project a fit at this location. Convenience Centers are to be located at the intersections of arterial and/or collector roads. Retail stores are complementary to residential neighborhoods. The value of retail close to residential reduces traffic, promotes walkability, and provides grocery and general mercantile to the general area.

Consistency with the Comprehensive Plan and Land Development Code:

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

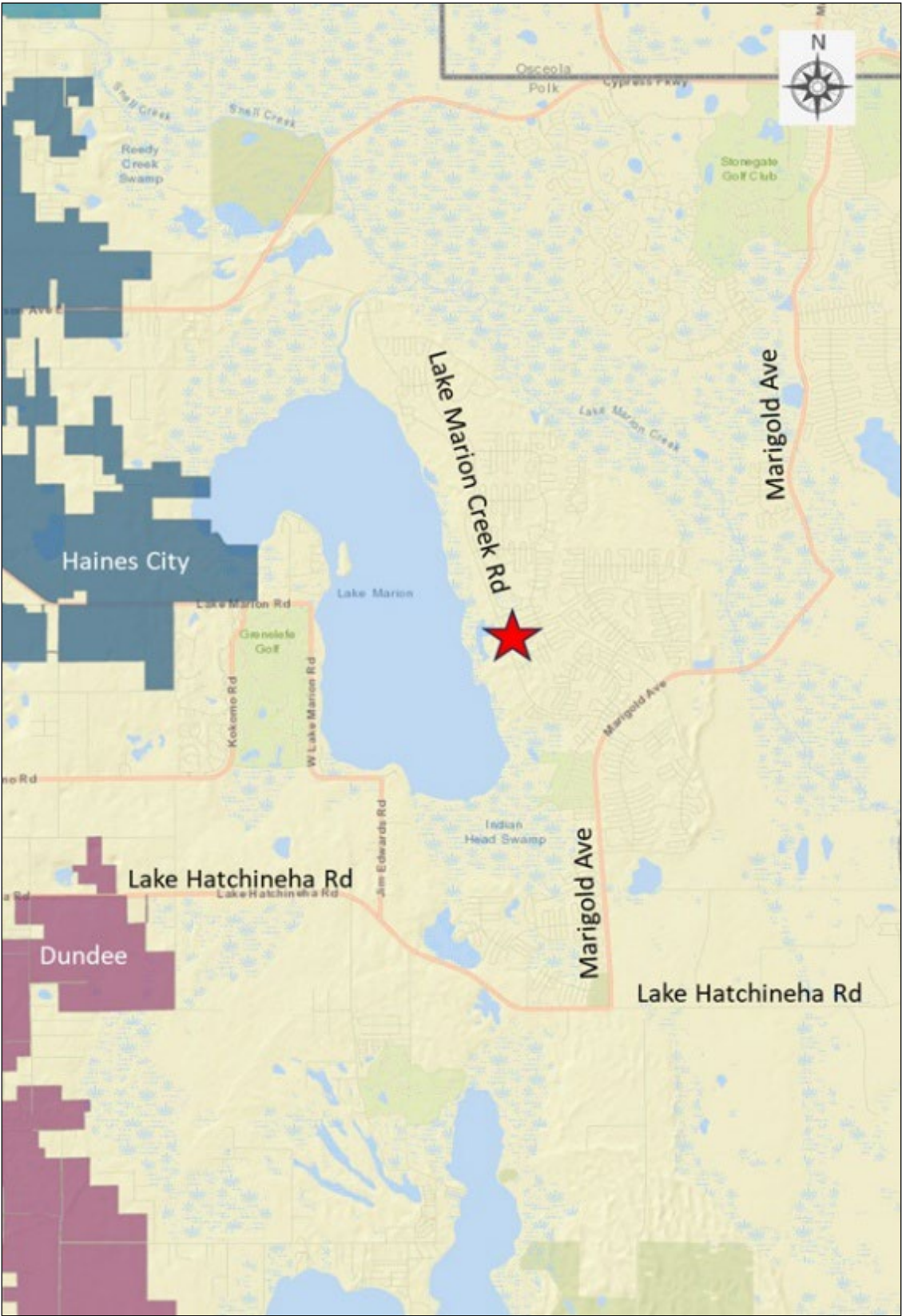
Table 8

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;	<i>Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan.</i>
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	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 6 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<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 6-7 of the staff report and waiver requirements in the Conditions of Approval.</i>

Comments from other Agencies: None

Exhibits:

Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Image (Context)
Exhibit 4	Aerial Image (Close)
Exhibit 5	Site Plan



LOCATION MAP



FUTURE LAND USE



2023 AERIAL PHOTO (Context)



2023 AERIAL PHOTO (Close-Up)

