

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

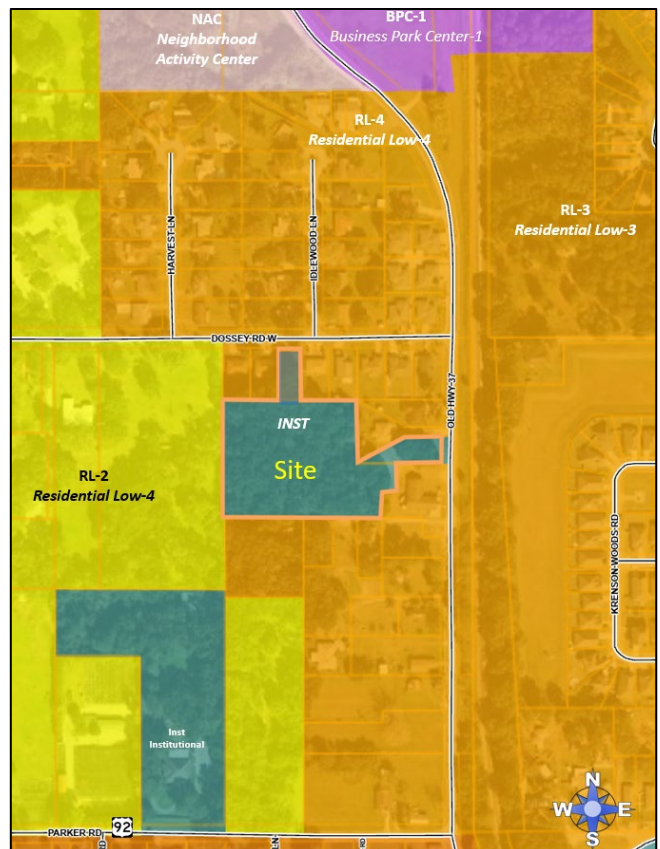
DRC Date:	November 19, 2022	Level of Review:	Level 4 Review
PC Date:	February 1, 2023	Type:	Small-Scale Comprehensive Plan Amendment
BoCC Date:	March 21, 2023	Case Numbers:	LDCPAS-2022-44
Applicant:	Michael Joachim	Case Name:	Old HWY 37 INST to RL
		Case Planner:	Chanda Bennett, AICP

Request:	Change the Future Land Use designation on 3.31 +/- acres from Institutional (INST) to Residential RL (related to LDCD-2022-10)
Location:	West of Old Highway 37 south of Dossey Road W, north of Parker Road, east of Charles Lane Estates, south of the City of Lakeland, Florida, in Section 11, Township 29, Range 23
Property Owners:	N/A
Parcel Number:	3.31 +/- acres 232911-000000-022010, 232911-139762-000090, 232911-139762-000110
Future Land Use:	Institutional (INST)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	Lakeland
DRC Recommendation:	Approval
Planning Commission Vote:	7:0 approval
Public Comment	Yes
DEO*	N/A

Location Map



Current Future Land Use Map



Summary

This is an applicant-initiated request for the following two requests:

- 1) LDCPAS-2022-44- a Small Scale Map Amendment to change 3.31 +/- acres from Institutional (INST) to Residential Low (RL).
- 2) LDCD-2022-10 – A sub-district change from Residential Low-1 (RL-1) to Residential Low-3 (RL-3)

The subject site was changed to INST with the approval of CPA 16S-04 in 2016 from RL-3. The applicant at the time intended to build a Montessori school. The sub-district for the subject site before the INST approval was Residential Low-3 (RL-3). The subject site is within the Transit Supportive Development Area (TSDA). The subject site's limited access to Dossey Road, a local residential road, make RL a more appropriate Future Land Use designation than INST.

Compatibility Summary

The surrounding land uses are residential including both single family detached and duplexes and a church to the east. Dossey Road is a local residential road and Old Highway 37 is a collector. The subject site is more compatible as residential than INST. In fact, the INST request on the parcel fronting Dossey Road was recommended for denial but approved by the Board of County Commissioners.

Infrastructure Summary

The subject site has access to public utilities. The site is within the City of Lakeland Utilities Service Area for centralized potable water and Polk County sanitary sewer service. Roadway and utility capacity is available, parks are nearby, and there is transit route within walking distance to the subject site.

Environmental Summary

The subject site is within a Airport Notification Zone, but there are not wetlands or floodplains and the soils are good for development.

Comprehensive Plan

The relevant sections of the Comprehensive Plan that are applicable to the project request:

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.104(A1-A9) Transit Supportive Development Area (TSDA)
- Policy 2.119-A2 Residential Land Uses Location Criteria
- Policy 2.120-C3 Location Criteria for RL
- Policy 2.120-C4 Development Criteria for RL

Findings of Fact

Request and Legal Status

- *This is an applicant-initiated request for:*
 - 1) *LDCPAS-2022-44, a Small-Scale Map Amendment to change 3.31 +/- acres from Institutional (INST) to Residential Low (RL).*
 - 2) *LDCD-2022-10, a sub-district change from Residential Low-1 (RL-1) to Residential Low-3 (RL-3)*
- *The subject site was changed to INST with the approval of CPA 16S-04 in 2016 from RL-3. The applicant at the time intended to build a Montessori school.*
- *The sub-district for the subject site before the INST approval was Residential Low-3 (RL-3).*
- *The subject site is within the Transit Supportive Development Area (TSDA).*

Compatibility

- The existing uses surrounding the site are
 - North – RL with duplexes and single family residential
 - West – 4.8 acre parcel in RL developed with one single family unit
 - East – RL with single family detached units and a religious institution
 - South – RL with a quarter acre to three (3) acre single family detached structures and some vacant
- The Future Land Use designation of the surrounding properties is RL with a large parcel to the southwest (community center) with a land Use designation of INST. Approximately ¼ mile to the north, at the intersection of Old Highway 37 and Pipkin Road, there is property designated with Business Park Center (BPC) and commercial (CC and NAC) land use designations.
- The subject site is enveloped by residential property with only two small areas for access to Dossey Road and Old Highway 37.
- The subject site is within the Medulla Redevelopment Area as listed in Policy 2.124-F of the Polk County Comprehensive Plan.

Infrastructure

- The zoned schools for the site are Medulla Elementary, Southwest Middle Elementary, George Jenkins Senior Highway

- Polk County Fire Rescue Station 2 (Medulla) will be the response unit for fire and EMS for this site. It is located at 2523 Ewell Road, Lakeland with an approximate travel distance of 2.8 miles.
- The subject site is within the Sheriff Department's Northwest District. The NE District Office is located at 1045 Wedgewood Estates Boulevard, Lakeland.
- The site is within the City of Lakeland Utilities Service Area for centralized potable water and Polk County sanitary sewer service. Development will be required to meet concurrency requirements at the time of development. There is a City of Lakeland 6" water line on West Dossey Road. No sanitary sewer service is available to the site at this time. The closest line is approximately three quarters of a mile from the subject property. There is available capacity in the potable water system for Polk County.
- The subject site accesses Dossey Road and Old Highway 37.
- The subject site's potential accesses are through a platted residential lot and through a platted undesignated tract. In compliance with the Land Development Code (LDC), access through these parcels will require the approval of a Level 4 waiver by the BOCC.
- The nearest monitored links are Pipkin Road West and Old Highway 37. These two collector roads have a standard Level of Service (LOS) of "D" and a current LOS of "C". There is available capacity.
- There is a transit route (32/33), a flex line, from the Lake Miriam Plaza Shopping Center to the Walmart at Carter Road, along Old Highway 37 with a transit stop south of the intersection of W Dossey Road and Old Highway 37, approximately 200 feet north of the subject site. Riders can connect to Route 1 (South Florida Corridor) to the Lakeland Terminal or to Flex Route 39, south to Bradley.
- There is a community center (Medulla Community Center), two community parks (Christina Park and Banana Lake Park) and one regional park (Lois Harper/Carter Road Park) within a five-mile radius from the subject site.

Environmental

- The highest elevation on the subject site is at 168 feet on the southeast corner of the site and flows out like a fan to the northwest and northeast. The elevation on the northwest corner is at 157 feet. The elevation of the property at Dossey Road is at 158 feet and between 159 feet to 161 feet at Old Highway 37.
- There are no wetlands or floodplains on the subject site.
- The soil type for the subject site include Candler Sand at 0 to 5% slopes and Tavares Fine Sand at 0 to 5% slope.

- According to the Protect Species Observations Data (Source: Florida FIs & Wildlife Conservation Commission), there have been observations of Rookeries and Animals within one mile of the subject site.
- According to the Florida Department of State, Division of Historical Resources, there are no archeological sites listed in the Florida Master Site File.
- The subject site is not located on a wellfield and does not have any wells on site.
- The site is in the Flight Visual and Electronic Interference Zone. The height at which development is an issue in this area is at 200 feet. RL only allows 50 feet which can be subject to a variance.

Comprehensive Plan Policies

- 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.
- 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.
- POLICY 2.102-A3 Distribution states that 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.
- POLICY 2.102-A4 Timing states that 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.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
 - b. nearness to agriculture-production areas;

- c. distance from populated areas;
- d. economic issues, such as minimum population support and market-area radius (where applicable);
- e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 - 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 - 2. sanitary sewer and potable water service;
 - 3. storm-water management;
 - 4. solid waste collection and disposal;
 - 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 - 6. emergency medical service (EMS) provisions; and
 - 7. other public safety features such as law enforcement;
 - 8. schools and other educational facilities
 - 9. parks, open spaces, civic areas and other community facilities
- f. environmental factors, including, but not limited to:
 - 1. environmental sensitivity of the property and adjacent property;
 - 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 - 3. wetlands and primary aquifer recharge areas;
 - 4. soil characteristics;
 - 5. location of potable water supplies, private wells, public well fields; and
 - 6. climatic conditions, including prevailing winds, when applicable.

- **POLICY 2.104-A1: DESCRIPTION** - Transit Supportive Development Areas shall meet the following criteria:
 - a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development;
 - b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon;
 - c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options;
 - d. include development criteria that:
 - 1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;
 - 2. improve access to employment areas, schools, shopping and recreational opportunities;
- **POLICY 2.104-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within TSDAs, in accordance with applicable criteria

a. **ACTIVITY CENTERS:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, Employment Centers and High-Impact Commercial Centers.

b. **RESIDENTIAL:** Residential-High, Residential-Medium, and **Residential-Low** Districts.

c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure Recreation, Mixed Use, Institutional, Professional Institutional, Recreation and Open Space, Preservation.

- **POLICY 2.119-A2: LOCATION CRITERIA** - Residential land use categories shall be established throughout the County with consideration being given to the following criteria: a. Access to county-maintained roads or roads constructed to County standards. b. Proximity to Activity Centers. c. Adequacy of water and sewage disposal systems (public and private). d. Adequacy and response time for public safety services - fire, police, and emergency medical service. e. Adequacy of recreation facilities. f. Proximity of incompatible land uses. g. Development limitations, and, h. Urban Sprawl Criteria set forth in POLICY 2.102-A10.
- **POLICY 2.120-C3: LOCATION CRITERIA** - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.
- **POLICY 2.120-C4: DEVELOPMENT CRITERIA** - Residential development may contain a variety of housing types as defined by the Land Development Code within the TSDA. Outside the TSDA, RL may contain single-family dwelling units, duplex units, small-scale multi-family units, and family-care homes, and shall be permitted, with County approval, at a density of up to, and including, 5 DU/AC. Additionally, community facilities may be allowed in accordance with policies of this Plan.
- Section 821 A. of the Land Development Code states that 1. access through a platted subdivision to adjoining property shall not be permitted through existing lots which have been platted for residential purposes; 2. access may be allowed through tracts which have been recorded as part of a plat for the expressed purpose of future road access; 3. all roads and road rights-of-way recorded as of 1992 for future road access shall be the minimum required for a road based on the potential functional classification of the road and the master development plan for the area; 4. any deviance from Section 821A. shall require a Level 4 Review.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2022-44 and LDCD-2022-10.**

Planning Commission Recommendation: On February 1, 2023, in an advertised public hearing, the Planning Commission voted 7:0 to **recommend APPROVAL of LDCPAS 2022-44 and voted 6:1 to recommend APPROAL of LDCD-2022-10.**

***NOTE:** This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.*

***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:** 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.*

Analysis

This section of the staff report includes data on the surrounding uses, infrastructure conditions, environmental conditions, and related Comprehensive Plan policies and Land Development Code regulations.

Surrounding Uses

Table 1 identifies the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest: Residential Low Undeveloped, Duplex, Single Family Residential	North: Residential Low Duplexes, Single Family Residential	Northeast: Residential Low, Duplexes, Single Family Residential
West: Residential Low MH, Undeveloped	Subject Property: Residential Low Undeveloped	East: Residential Low SFR, Church
Southwest: Residential Low, Community Center, Agriculture	South: Residential Low, Single Family Residential, Undeveloped	Southeast: Residential Low, Single Family Residential, Church
<i>Source: Polk County GIS Data Viewer and Staff Site Visit</i>		

Compatibility with the Surrounding Uses

According to *Policy 2.102-A2* of Polk County's Comprehensive Plan, "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; and 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." The "development criteria" and the "density and dimensional regulations" of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan 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."

A. Land Uses

The purpose of TSDA is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. TSDA's are areas within the County that, at a minimum, are currently served, or are programmed within the applicable Comprehensive Plan Capital Improvement Program to be served within the next ten years by County owned, municipal, or County franchised central sanitary sewage and potable water systems. TSDA's are also supported by, or programmed to be supported by, other services typically found to accompany urban development such as public safety services, an urban road network, and developed parks.

The surrounding land uses are residential with a church to the east. Dossey Road is a local residential road and Old Highway 37 is a collector. The density for RL-3 is three units to the acre with a 15,000 square foot minimum lot size (0.34 acres). The surrounding lots in the Windewood

subdivision range between 0.34 of an acre to 0.24 of an acre but mostly 0.24. There are four parcels to the south of the subject site. These range from an acre on the west to 0.24 on the east parcels. There is a 4.88-acre parcel to the west of the subject site. The surrounding LDC sub-districts are RL-3 to the north, east, and south and RL-2 to the west. The subject sites were RL-3 prior to the INST land use change. The subject site is more compatible as residential than as INST. In fact, the INST request on the parcel fronting Dossey Road was recommended for denial but approved by the Board of County Commissioners.

The property's road frontage to Dossey Road is through an undesignated platted tract (W Dossey Road) and a platted residential lot (Old Highway 37). A Level 4 access waiver must be approved to allow these parcels to be used as an access point. This is required with the RL as well as the current INST.

The INST does require setbacks, buffering, compliance with Section 220 and other requirements intended to mitigate the most immediate effects, and those uses that could potentially create negative impacts on the surrounding properties are only allowed with a Level 3 or Level 4 approval, which require public hearing(s) before the Planning Commission or the BOCC. The location of institutional uses on the property could provide needed services in close proximity to the neighborhood. However, the RL request is much more compatible than the current INST and will generate less traffic.

B. Infrastructure

The site is located within the TSDA, a development area that has adequate levels of urban infrastructure and services with capacity to serve it. There is available capacity on all major roadways adjacent to the subject property. Public safety facilities are at urban levels. Schools are in close proximity to the site.

Mass transit is available to the site. Comprehensive Plan Policy 2.102-A1 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. This site meets those criteria with urban-level services readily available.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are Medulla Elementary, Southwest Middle Elementary, George Jenkins Senior Highway. Medulla Elementary and Southwest Middle are at 62 and 65 percent capacity. George Jenkins is at 86 percent capacity. The request is not expected to generate enough students to impact concurrency. The applicant will be required to request a binding concurrency at time of Level 2 Review.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2021-2022 School Year	Average driving distance from subject site
Medulla Elementary	5 students	62%	1 ± miles driving distance
Southwest Middle Elementary	2 students	65%	4.6 ± miles driving distance
George Jenkins Senior Highschool	4 students	86%	4.5 ± miles driving distance

Source: Polk County School Board, Polk County Impact Fee Ordinance, GIS

It is important to note that the estimated student generation rate in the table above is based on multifamily and is not expected in one school year but populate the zoned schools over the next ten (10) years. Not all the units to be constructed in ChampionsGate will be full time occupancy.

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office and Fire/EMS stations. Sheriff 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. The distance of the fire station less than three (3) miles which ensures a very reasonable response time. The Sheriff's office response time is less than 15 minutes for emergency calls.

Table 3 Public Safety Information

	Name of Station	Distance Response Time*
Sheriff	Southwest District -4120 US Highway 98 S. Lakeland, Florida 33801	Priority 1 – 13:26 Priority 2 – 30:56
Fire/ EMS	Polk County Fire Rescue Station 2 “Medulla” 2523 Ewell Road, Lakeland	2.8 +/- miles

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for October 2022.

Water and Wastewater

The proposed Comprehensive Plan Amendment will result in lower impacts to the potable water and sanitary sewer systems at the maximum density permitted within the TSDA with a Planned Development. The site is within the City of Lakeland Utilities Service Area for centralized potable water and Polk County sanitary sewer service. The project will be required to connect to public utility service as per the County's Land Development Code.

A. Estimated Demand

It is not anticipated that development on the property under the proposed land use designation will negatively impact the minimum LOS for the existing facilities. At the time of site plan approval, the project will be required to connect to public utility service as per the County's Land Development Code.

Table 4 Estimated Water and Sewer Impact Analysis

Proposed Site 3.31 ± acres (144,183 sq. ft.)	Estimated Impact Analysis (Residential / Commercial) <i>Development Area: TSDA</i>	
	Proposed Land Use designation INST	<i>Proposed Land Use Designation RL</i>
Permitted Density/Maximum Number of DU, Maximum Use	Min/Max FAR: 50% - 150% = 72,091 – 216,275 sqf. Office	3.31 ac @ 7 du per acre = 23
Potable Water Consumption	72,091 – 216,275 x 0.24 = 17,301 GPD – 51,906 GPD	23 du x 360 GPD = 8,280 GPD
Wastewater Generation	72,091 – 216,275 x 0.24 x 80% = 13,841 – 41,524 GPD	23 du x 270 GPD = 6,210 GPD
<i>RL generation rates of 360 GPD potable water and 270 GPD sanitary sewer for single family residential units @ 5 units/acres; INST generation rates 0.24 GPD/sf potable water and 80% of water for sewer (general offices). Densities of up to 7 units per acre could be achieved in the TSDA with a Planned Development (Policy 2.104-A7).</i>		

B. Service Provider

The site is within the City of Lakeland Utilities Service Area for centralized potable water and Polk County sanitary sewer service. Development will be required to meet concurrency requirements at the time of development. There is a City of Lakeland 6" water line on West Dossey

Road. No sanitary sewer service is available to the site at this time. The closest line is approximately three quarters of a mile from the subject property.

C. Available Capacity

The City's Williams/Combee Water Treatment Plants (interconnected) have 59 million gallon per day (MGD) of plant capacity. The Glendale Wastewater Treatment Plan has 13.7 MGD of plant capacity. Both systems have available capacity at the current time.

The County's wastewater line is part of the Southwest Regional Wastewater Service Area and serves the Ashwood subdivisions to the south of the subject site. According to the June 30, 2021, Polk County Utilities Capacity Report, the current working permit limit is 4 MGD with a current flow of 2.187 MGD. At the current rate of growth and demand on the system, it will be over 20 years before permitted flow capacity is exceeded.

C. Planned Improvements

No planned improvements are noted by Polk County Utilities near this site or with Southwest Regional Wastewater Service Area at this time.

Roadways/Transportation Network

The proposed Comprehensive Plan Amendment will not result in increased impacts on the surrounding roadway network, but the increase is not anticipated to affect the LOS below the minimum established for these roadways. This property has one access on Dossey Road and on Old 37 (Tract A of the Windewood Plat). Tract 9 of the same Windewood Plat is the access to Old Highway 37. See Exhibit 8 to see the subject site in comparison with the Windewood Plat.

A. Estimated Demand

Table 5, following this paragraph, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The INST has a maximum FAR in the TSDA up to 150%.

Table 5 Estimated Transportation Impact Analysis

Proposed Site 3.31 ± acres (144,183 sq. ft.)	Estimated Impact Analysis (Residential / Commercial)	
	<i>Development Area: TSDA</i>	
	Current Land Use designation INST	Maximum Permitted in Proposed RL
	Min/Max FAR: 50% - 150% = 72,091 – 216,275 sqf. Office	3.31 ac @ 7 du per acre = 23
Average Annual Daily Trips (AADT)	72,091 – 216,275 sqf x 11.07/1,000 sf = 799 – 23,981 AADT	23 du x 7.81 = 179 AADT
PM Peak Hour Trip	72,091 – 216,275 qf x 1.07/1,000x 92%= 75 – 213 PM Peak Hour Trips	23 du x 1.01 x 100% = 24 PM Peak Hour Trips

Source: Concurrency Manual and Table for Minor Traffic Study – Rates are based on the ITE Code for each identified land use category. The single-family rate is 7.81 AADT per unit and 1.01 PM trips per single family unit and 100% new trips; and general offices are 11.07 AADT per 1,000 SqFt and 1.07 PM Peak Hour per 1,000 SqFt with 92% new trips. Densities of up to 7 units per acre could be achieved in the TSDA with a Planned Development (Policy 2.104-A7).

B. Available Capacity

The roads surrounding the subject site all have sufficient capacity available for full build out of the subject site. The Polk Transportation Planning Organization (TPO) monitors certain roadways based on maximum approved traffic in comparison to current vehicle trips to determine what capacity is available. Of the nearby roadways, only Old 37 is tracked for concurrency. Old 37 has an adopted Level of Service (LOS) of “C” and a current LOS of “C”. The table following this paragraph demonstrates 322 vehicle trips available in the northbound direction and 340 trips in the southbound direction.

Table 6

Link # Direction		Road Name	Current LOS	Available Capacity	Minimum LOS Standard	5-Year Projected LOS
8338	North	Pipkin Road - (from Pipkin Rd South to Harden BLVD)	C	978	D	C
8338	South		C	1,011	D	C
8339	East	Pipkin Road - (from Harden Boulevard to SR 37)	C	339	D	C
8339	West		C	376	D	C
4127	East	Old HWY 37 (Shepherd Road to Pipkin Road West)	C	322	D	C
4127	West		C	340	D	C
Source: 2014 Polk County Roadway Network Database						

C. Roadway Conditions

Dossey Road, Parker Road, and Old 37 all have a Pavement Condition Index (PCI) rating of “Good”. Old 37 does not have a paved shoulder. North of Dossey Road, Old 37 has curbs on each side of the road making it difficult for any cars to pull over onto the grass to address any vehicle troubles. Dossey Road does not have paved shoulders.

The unique aspect of the subject site is how it is tucked behind a row of homes on Dossey Road and behind two homes and a church on Old 37. These homes on Dossey Road and Old Highway 37 are part of the Windewood Plat. The subject site is not part of this plat. It is an unplatted parcel. Normally, property to be divided has frontage on the accessing roadway for an entire block of what will be homes on any proposed subdivision. However, there are times when interior properties are not developed despite housing development on its borders. This property has one access on Dossey Road and on Old 37 (Tract A of the Windewood Plat). Tract 9 of the same Windewood Plat is the access to Old Highway 37.

The developer of the subject site will be required to obtain a Level 4 Review Conditional Use approval from the Planning Commission and the Board of County Commissioners due to the requirements of Section 821 A. of the LDC. It states the following: 1. access through a platted

subdivision to adjoining property shall not be permitted through existing lots which have been platted for residential purposes; 2. access may be allowed through tracts which have been recorded as part of a plat for the expressed purpose of future road access; 3. all roads and road rights-of-way recorded as of 1992 for future road access shall be the minimum required for a road based on the potential functional classification of the road and the master development plan for the area; 4. any deviance from Section 821A. shall require a Level 4 Review.

D. Sidewalk Network

Old 37 has a sidewalk on the west side from Pipkin Road West to south of Dossey Road to St. John's Church adjacent to the subject site. Dossey Road does not have any sidewalks.

E. Planned Improvements:

W. Pipkin Road will soon begin a \$51,228,770 project to widen the road from two-lanes to four-lanes from Medulla Road to South Dossey Road and widen remainder to three-lanes from South Dossey Road to SR 37/S. Fla. Ave. (total length is around 4.2 miles). Improvement is needed based on growing traffic volume. Construction tentatively scheduled for June 2023, according to the County's CIP DataViewer. New signals, sidewalks, street lighting, and utility improvements will also be constructed as part of the road widening. The power line shift has begun.

F. Mass Transit

The closest mass transit route is the Lime Green Flex Route which starts at the Walmart on South Florida Avenue north of the Polk Parkway, loops in the Lake Miriam Shopping Center and travels west on West Pipkin Road, south on Old Highway 37 back west on Schoolhouse Road, and down to the Walmart in Mulberry on South Florida Avenue. Flex routes allow for home pick up within three-quarters of a mile of the route.

Park Facilities:

The site is within the five-mile radius of the Medulla Community Center, Christina and Banana Lake Community Parks and the Lois Harper/Carter Road Regional Park.

A. Location:

The Christina Park is located at 625 County Road 540A, Lakeland, FL 33813. Loyce E. Harpe Park is located at 300 W Carter Rd, Mulberry, FL 33860.

B. Services:

According to Central Florida's Polk County Sports Marketing, Christina Park includes five softball fields with lighting and irrigation, dugouts and bleacher shelters complete with a concession building and restrooms. There is a Grand Pavilion with restrooms which can be reserved for special events, numerous picnic areas including those with shelters and a covered outdoor grill. A pedestrian trail is located around the perimeter of the park and with a state-of-the-art playground area. A favorite among youth teams and mountain bikers, Loyce E. Harpe Park features multiuse fields, Little League baseball fields, softball fields and more in an area where phosphate was once mined.

C. Multi-use Trails:

Multi-use trails are located within Christina and Loyce E. Harpe parks.

D. Environmental Lands:

The Se7en Wetlands is located at the southern end of Loyce E. Harpe Park. The City of Lakeland owns and operates Se7en Wetlands, a constructed wetland treatment system, which provides tertiary treatment, or final polishing, for all of the City's wastewater. It is comprised of over 1,600 acres of marshes, swamps, uplands, and lakes and connects to the North Prong of the Alafia River, which flows directly to Tampa Bay. Se7en Wetlands also provides water for Tampa Electric Company's Polk Power Station. Se7en Wetlands is home to a diverse community of plant and animal species.

E. Planned Improvements:

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

Environmental Conditions

The site has good soils, no wetlands or floodplains, no archeological or historical artifacts or structures.

A. Surface Water:

The highest elevation on the subject site is at 168 feet on the southeast corner of the site and flows out like a fan to the northwest and northeast. The elevation on the northwest corner is at 157 feet. The elevation of the property at Dossey Road is at 158 feet and between 159 feet to 161 feet at Old Highway 37.

B. Wetlands/Floodplains:

The subject site is not within a floodplain (FEMA) or wetlands (National Wetlands Inventory).

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. According to the soil survey of Polk County, the soil types range in good permeable soils as well as soils associated with wetlands.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Candler Sands 0 – 5% Slopes soils	Slight: droughty, sandy	Slight: droughty, sandy	98%
Tavares Fine Sand 0 – 5% Slopes	Moderately well drain: Poor Filtration	Moderately well drain: Poor Filtration	2%
<i>Source: 1985 Soil Survey of Polk County, Florida</i>			

According to the Soil Survey of Polk County, the subject property has mostly Candler Sands 0 – 5% Slopes soils (98% of the site). The remaining 2% of the subject site has Tavares Fine Sand 0 – 5% Slopes soil. Candler soils have “slight” limitations for buildings and for septic tank drains because of poor filtration (excessively drained) while the Tavares is moderately well drained, but also presents poor filtration. The addition of suitable topsoil or some form of surfacing can reduce or overcome this limitation. Both soil types are well-drained soils and typically support urban development.

D. Protected Species

According to the Protect Species Observations Data (Source: Florida FIs & Wildlife Conservation Commission), there have been observations of Rookeries and Animals within one mile of the subject site. The site has Tavares and Candler sands which are known to be in scrub habitat and other habitat conducive for endangered and threatened species. The applicant will have to address any impacts to the Gopher Tortoises or any other endangered species according to state and federal regulations.

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)

The subject site is not located on a wellfield and does not have any wells on site. The nearest Wellhead Protection Zone is on Shepherd Road on the west and east side of ImperiaLakes.

G. Airports:

The site is in the Flight Visual and Electronic Interference Zone. The height at which development is an issue in this area is at 200 feet. RL only allows 50 feet which can be subject to a variance. It is not likely that any homes developed on the subject site will achieve such a height.

Economic Factors:

Construction of buildings in either land use creates temporary jobs. The INST has the potential to create permanent jobs. However, the parcel is tucked in the middle of residential uses. The development of residential homes on this property will be more harmonious with the surrounding uses and provide a more consistent quality of life.

Consistency with the Comprehensive Plan

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** with the Comprehensive Plan is listed below:

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
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.	The parcel is tucked in the middle of residential uses. The development of residential homes on this property will be more harmonious with the surrounding uses
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.	
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.	The surrounding uses are residential except for one religious institution. RL and RL-3 on the subject is consistent with these policies. The density for RL-3 is three units to the acre with a 15,000 square foot minimum lot size (0.34 acres). The surrounding lots in the Windewood subdivision range between 0.34 of an acre to 0.24 of an acre but mostly 0.24. There are four parcels to the south of the subject site. These range from an acre on the west to 0.24 on the east parcels There is a 4.88-acre parcel to the west of the subject site. The surrounding LDC sub-district are RL-3 to the north, east, and south and RL-2 to the west. The subject sites were RL-3 prior to the INST land use change. Therefore, the RL and the RL-3 are consistent with these policies.
POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area: a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable); e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to: 1. transportation facilities, including but not limited to,	
	There is ample connectivity to water, wastewater, reclaimed water, and electricity.

Comprehensive Plan Policy	Consistency Analysis
mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, f. environmental factors, including, but not limited to: 1. environmental sensitivity of the property and adjacent property; 2. surface water features, including drainage patterns, basin characteristics, and flood hazards; 3. wetlands and primary aquifer recharge areas; 4. soil characteristics; 5. location of potable water supplies, private wells, public well fields; and 6. climatic conditions, including prevailing winds, when applicable.	Fire and Sheriff are close by with low response times. Schools that are zoned for the site are not at capacity. The subject site does not contain wetlands or floodplains. The subject site has two access points; one to Dossey Road W and one to Old Hwy 37. Both will require a Level 4 Review for access through a platted residential lot.
POLICY 2.104-A1: DESCRIPTION - Transit Supportive Development Areas shall meet the following criteria: a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development; b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon; c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options; d. include development criteria that: 1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities; 2. improve access to employment areas, schools, shopping and recreational opportunities;	TSDA is where we want all high-density and intensity growth to occur since facilities and services are already available in those areas. The subject site is in an area with water and sewer connections and built out area of south Lakeland even though there are large residential lots to the west and southwest. The requests for RL and RL-3 are consistent with these policies.

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.104-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within TSDAs, in accordance with applicable criteria a. ACTIVITY CENTERS: Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, Employment Centers and High-Impact Commercial Centers. b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts. c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure Recreation, Mixed Use, Institutional, Professional Institutional, Recreation and Open Space, Preservation.	
POLICY 2.104-A5: DEVELOPMENT CRITERIA - Development within the Transit Supportive Development Areas shall conform to the following criteria as further specified by the Land Development Code: a. provide access to transit facilities; b. connect to centralized potable water and sanitary sewer systems; c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element; d. implement "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element; e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings; f. provide access to civic space, parks, green areas, and open space and other amenities; g. be supported by public safety (i.e., fire, EMS and law enforcement); h. have access to public schools; i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas. j. encourage the inclusion of a variety of housing choices, other than single family detached homes, townhomes, condominiums, and residential units in mixed use	The proposed RL Future Land Use designation is permitted in the TSDA. Therefore, this request is consistent with the TSDA policies. The applicant will have to show consistency with the Development Criteria at time of the Level 4 Review for the access. However, if the applicant proposed the density consistent with the RL-3 which is a Minor Subdivision, than many of the policies will not be applicable if no roadways are constructed.

Comprehensive Plan Policy	Consistency Analysis
buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.	
POLICY 2.120-C3: LOCATION CRITERIA - Residential-Low areas shall be located only within the TSDAs, UGAs, SDAs, and UEAs and new Residential-Low development shall not be located within Activity Centers. The placement of Residential-Low shall be evaluated based on the general criteria listed in Policy 2.119-A2.	The subject site is in the TSDA.
POLICY 2.119-A2: LOCATION CRITERIA - Residential land use categories shall be established throughout the County with consideration being given to the following criteria: a. Access to county-maintained roads or roads constructed to County standards. b. Proximity to Activity Centers. c. Adequacy of water and sewage disposal systems (public and private). d. Adequacy and response time for public safety services - fire, police, and emergency medical service. e. Adequacy of recreation facilities. f. Proximity of incompatible land uses. g. Development limitations, and, h. Urban Sprawl Criteria set forth in POLICY 2.102-A10	The subject site has access to two county roads and can allow one home without the Level 4 Review for Access through a Platted Residential Lot. There are no infrastructure changes from when the property was RL-3 in 2016 to present.

Urban Sprawl Analysis

After analyzing the primary indicators of Urban Sprawl per *Policy 2.109-A10* of the Polk County Comprehensive Plan, it is apparent that the proposed request is not considered urban sprawl based on these criteria and it is permitted in the designated area. Table 9 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl.

Table 9 Urban Sprawl Criteria

Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Sections where referenced in this report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>	Summary of analysis
b. <i>Allows a significant amount of urban development to occur in rural areas.</i>	Summary of analysis
c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i>	Summary of analysis, surrounding Development, compatibility
d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i>	Summary of analysis, surrounding Development, compatibility
e. <i>Fails to adequately protect adjacent agricultural areas.</i>	Compatibility with Surrounding Land Uses
f. <i>Fails to maximize existing public facilities and services.</i>	Summary of Analysis, Infrastructure
g. <i>Fails to minimize the need for future facilities and services.</i>	Summary of Analysis, Infrastructure
h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i>	Summary of Analysis, Infrastructure
i. <i>Fails to provide a clear separation between urban and rural uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
k. <i>Fails to encourage an attractive and functional mixture of land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
l. <i>Will result in poor accessibility among linked or related land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
m. <i>Results in the loss of a significant amount of open space.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses

Comments from other agencies

No comments

Exhibits:

Exhibit 1	Location Map
Exhibit 2	2020 Aerial Context Map
Exhibit 3	2020 Aerial Close Up
Exhibit 4	Current Future Land Use Map
Exhibit 5	Proposed Future Land Use Map and Default District Map
Exhibit 6	Proposed District Map
Exhibit 7a-c	INST, RL-1, and RL-3 Permitted and Conditional Uses

Applicant's submitted documents and ordinance as separate files



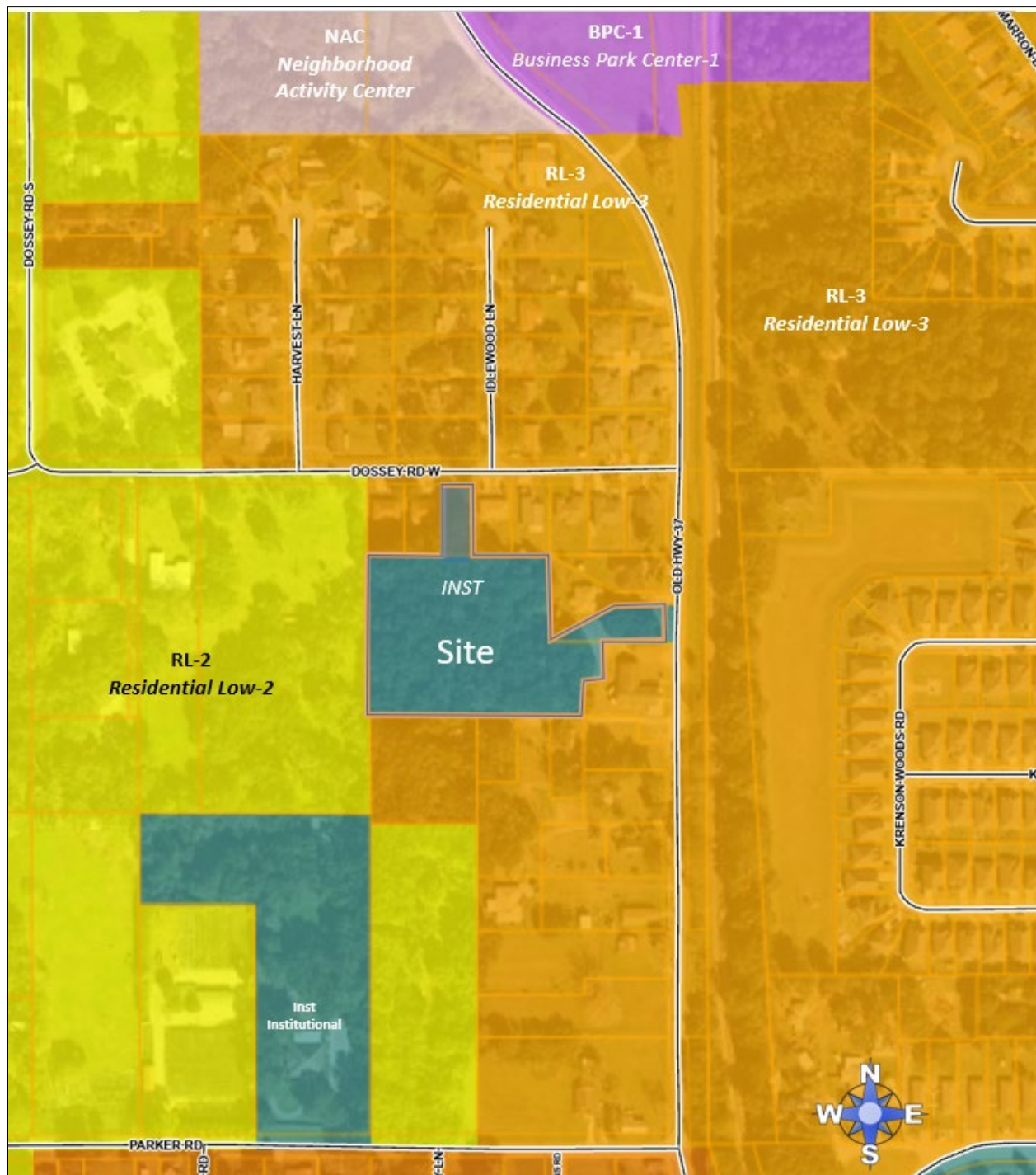
LOCATION MAP



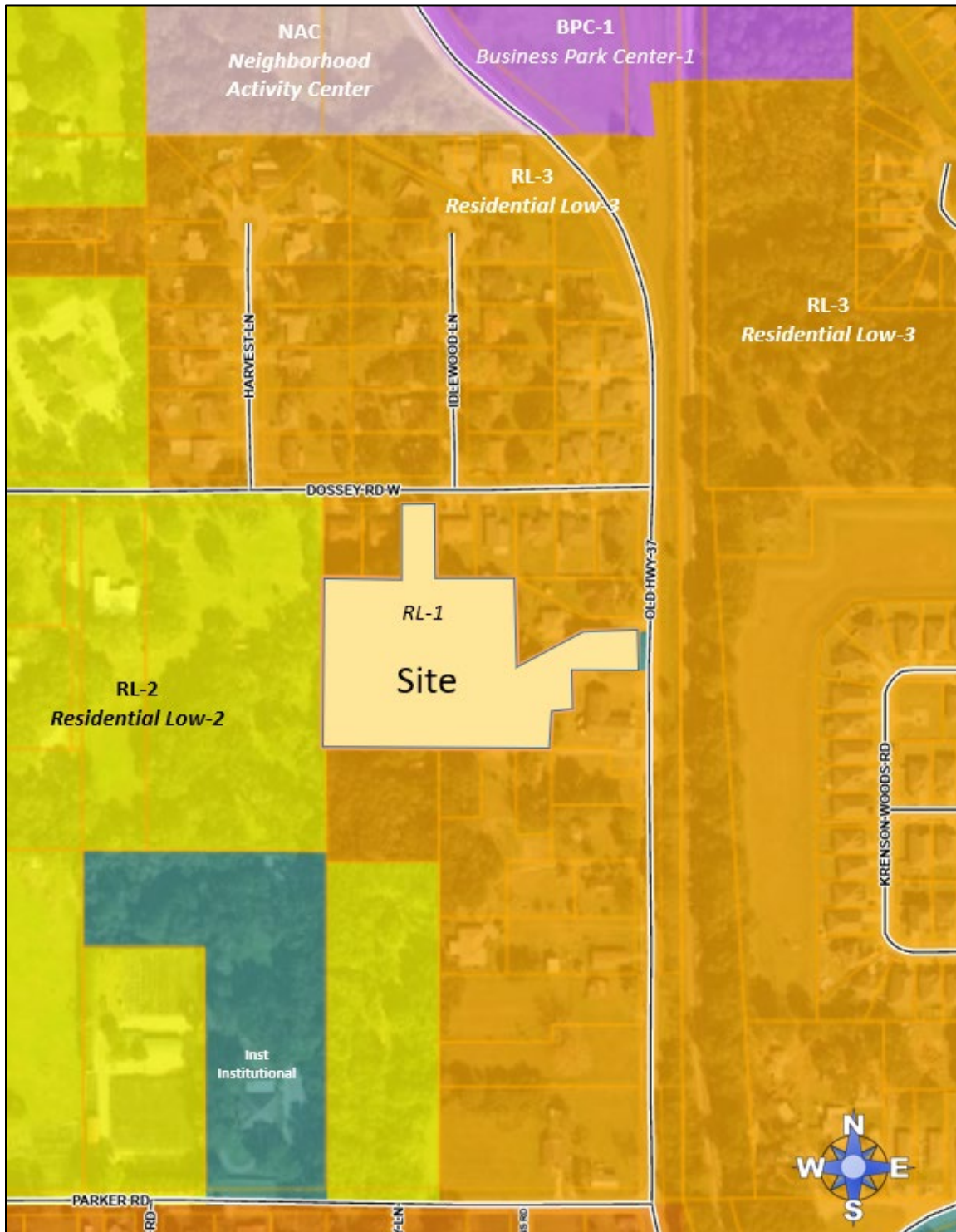
2020 AERIAL PHOTO CONTEXT



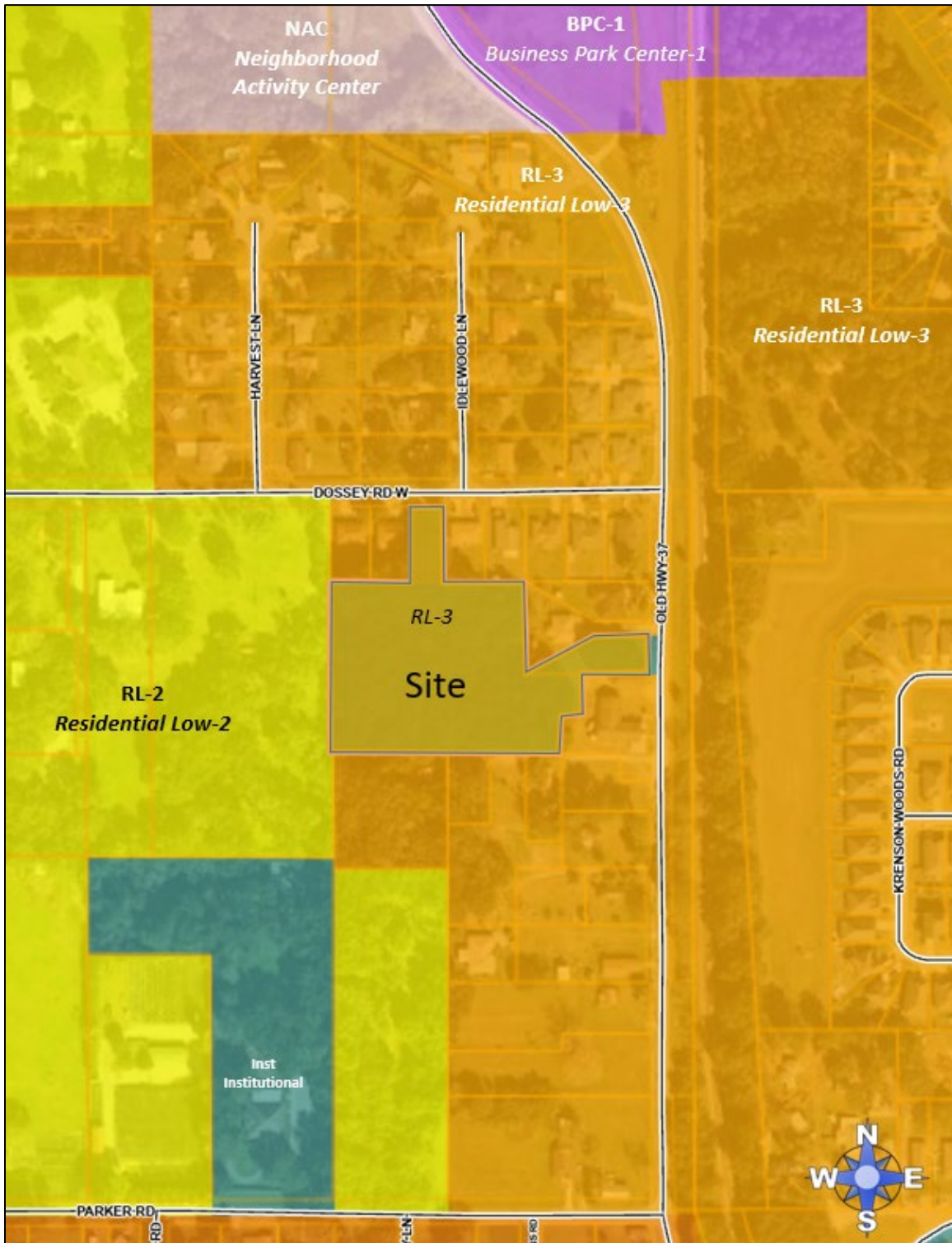
2020 AERIAL PHOTO CLOSE UP



CURRENT FLUM Institutional (INST)



PROPOSED FLUM - Residential Low (RL) Default District – Residential Low-1 (RL-1)



PROPOSED DISTRICT Residential Low-3 (RL-3)

Land Use District	Technical Staff Review	Public Hearing(s) Required
Institutional Proposed Future Land Use Designation	Group Home, Large (7-14 residents); Group Living Facility (15 or more residents); Adult Day Care Center (7 or more clients); Cemetery; Childcare Center; Clinics & Medical Offices; Communication Towers, Guyed & Lattice; Communication Towers, Monopole; Community Center; Cultural Facility; Emergency Shelter, Medium (7-14 residents); Emergency Shelter, Large (15 or more residents); Farming General; Golf Course; Government Facilities; Heliports; Helistops; Institutional Campground; Nursing Homes; Office; Office Park; Recreation, Passive; Recreation, High Intensity; Recreation, Low Intensity; Recreation, Passive; Recreation, Vehicle Oriented; Religious Institutions; Research & Development; Schools, Elementary; Schools, Middle; School, Leisure/special Interest; Solar Electric-Power Generation Facility; Studio Production; Utilities, Class I; Utilities, Class II	Multi-Family; Planned Development; Financial Institution; Gas Station; Hospitals; Lime Stabilization Facility; Mining, Non-phosphate; School, High; School, Technical/Vocational/Trade & Training; School, University/College; Utilities, Class III;

PERMITTED AND CONDITIONAL USES

Institutional-1 (INST-1)

Residential Low (RL-1)			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
Residential Uses:	Group Home, Small (6 or less residents), C1	Residential Uses:	Group Living Facility (15 or more residents), C3
	Group Home, Small (6 or less residents), C1		Mobile Home Park, C4
	Mobile Homes, Individual, C1		Mobile Home Subdivision, C4
All Other Uses:	Residential Infill Development, C2	Mixed Uses:	Multi-family, C3
	Single-family Detached Home & Subdivision, P		Short-Term Rental unit, C3
		All Other Uses:	Planned Development, C3
	Animal Farm, Intensive, C1		Residentially Based Mixed Development (RBMD), C3
	Emergency Shelter, Small (6 or less residents), C1		Transitional Area Development, C3
	Farming General, P		Adult Day Care Center (7 or more clients), C3
	Golf Course, C1		Agricultural Support, Off-Site, C3
	Livestock Sale, Auction, C1		Bed and Breakfast, C3
	Nurseries and Greenhouses, C1		Childcare Center, C3
	Recreation, Passive, C1		Community Center, C3
	Recreation, Low Intensity, C2		Emergency Shelter, Large (15 or more residents), C3
	School, Elementary, C2		Government Facility, C3
	Utilities, Class I, P		Helistops, C3
	Utilities, Class II, C1		Mining, Non-phosphate, C3
	Veterinary Service, C2		Recreation, High Intensity, C3
			Recreation, Vehicle Oriented, C3
			Religious Institution, C3
			Riding Academies, C3
			School, High, C3
			School, Leisure/special Interest, C3
			Utilities, Class III, C3

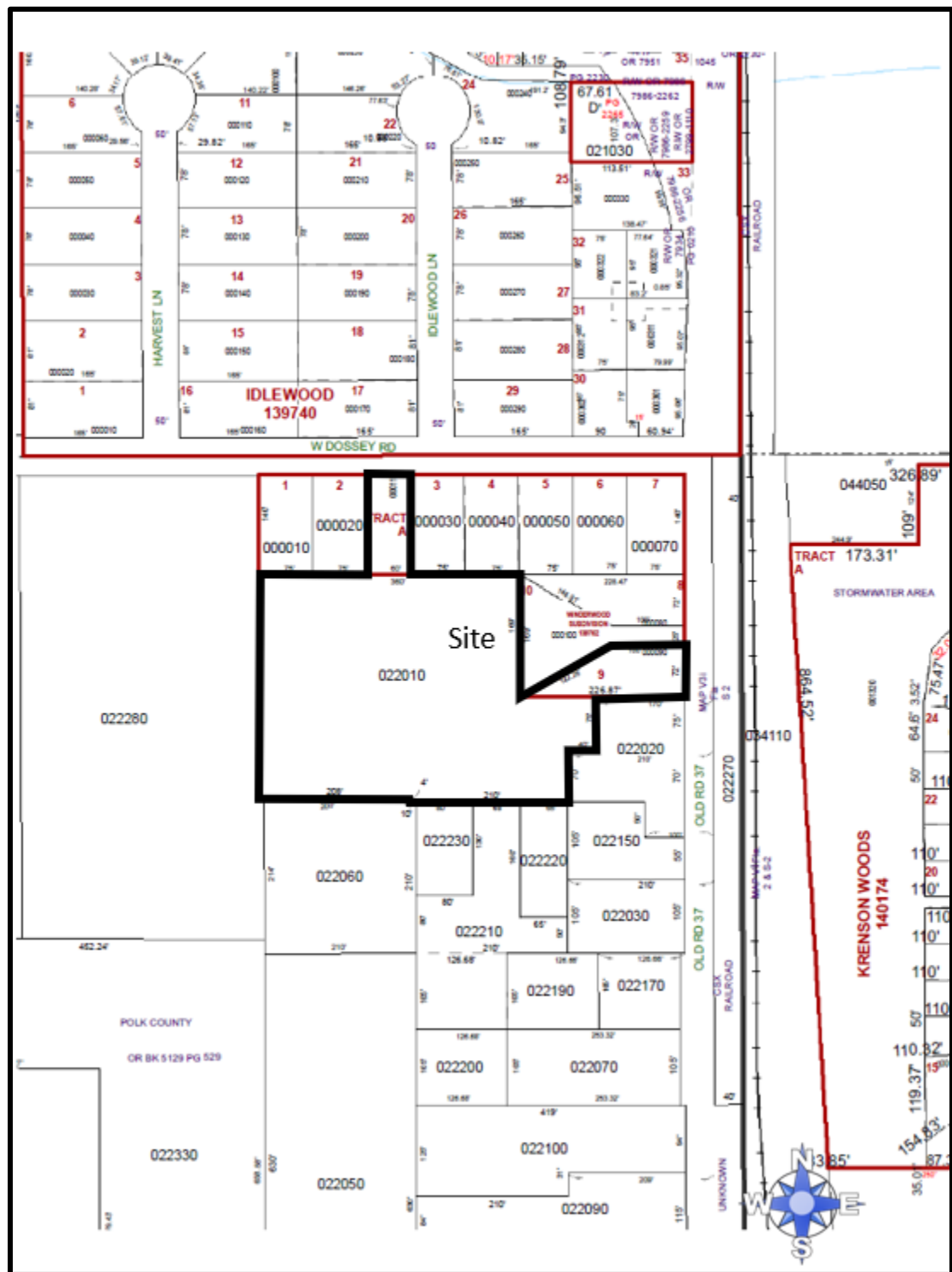
PERMITTED AND CONDITIONAL USES

Residential Low-1 (RL-1)

Land Use District	Technical Staff Review	Public Hearing(s) Required
Residential Low-3 (RL-3) Future Land Use	Group Home, Small (6 or less residents); Mobile Homes, Individual; Residential Infill Development; Single-family Detached Home & Subdivision; Emergency Shelter, Small (6 or less residents); Farming General; Golf Course; Recreation, Passive; Recreation, Low Intensity; School, Elementary; School, Middle; Utilities, Class I; Utilities, Class II	Duplex, Two-family Attached; Group Living Facility (15 or more residents); Mobile Home Park & Subdivision; Multi-family; Short-Term Rental Unit; Planned Development; Residentially Based Mixed Development (RBMD); Transitional Area Development; Adult Day Care Center (7 or more clients); Bed and Breakfast; Childcare Center; Community Center; Cultural Facility; Emergency Shelter, Large (15 or more residents); Government Facility; Helistops; Mining, Non-phosphate; Recreation, High Intensity; Recreation, Vehicle Oriented; Religious Institution; School, High; School, Leisure/Special Interest; Utilities, Class III

PERMITTED AND CONDITIONAL USES

Residential Low-3 (RL-3)



WINDERWOOD PLAT