

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

ID #:	N/A
DRC Date:	September 26, 2024
Planning Commission Date:	January 8, 2025
BoCC Dates:	February 4, 2025, Transmittal, and April 1, 2025, Adoption
Applicant:	County Initiated
Level of Review:	Level 4 Review, Comprehensive Plan Map Amendment
Case Number and Name:	LDCPAL-2024-15 ILE Comp Plan Text CPA
Request:	Large Scale Comprehensive Plan text amendment to Policies 2.130-B3.3 and 2.130B3.4 regarding duplexes in Office Center-X (OCX) and sewer connection in Section 2.130-B Indian Lakes Estates (ILE). This case is related to LDC-2024-24, a companion Land Development Code Text Amendment.
Location:	Indian Lakes Estates is located east of Lake Walk in the Water, south of SR 60 and north of CR 630 between Lake Walk in the Water and the intersection of SR 60 and CR 630.
Property Owner:	Various property owners in Indian Lakes Estates
Parcel Size:	N/A
Development Area:	Neighborhood Utility Service Area (NUSA) and the Suburban Development Area (SDA)
Future Land Use:	Office Center-X (OCX), Community Activity Center-X (CAC-X), Neighborhood Activity Center-X (NAC-X), Recreation and Open Space-X (ROS-X), Residential Low-X (RL-X) and Residential Suburban-X (RS-X).
Nearest Municipality	Frostproof
DRC Recommendation:	Approval
Planning Commission Vote:	Denial 6:1
Florida Commerce	24-01ESR – No comment – but comment from FDEP
Case Planner:	Chanda Bennett, Comprehensive Planning Administrator

The Comprehensive Plan policy changes are to Section 2.130-B Indian Lakes Estates to:

- 1) Policy 2.130-B3.3: Office Center-X (OCX) – Allow duplex units in the OCX district on Deland Avenue which include the only developed duplex units in the OCX district.
- 2) POLICY 2.130-B3.4 – To remove the sewer connection requirement for residential development less than five (5) dwelling units to the acre and remove it for non-residential development.

Summary of Analysis

This is a County-initiated amendment revising Comprehensive Plan policies in Section 2.130-B Indian Lakes Estates related to two situations for area property owners. Staff was approached by two property owners within ILE. One owns property on Deland Avenue and the other owns a few parcels in the Residential Low (RL) Future Land Use designation with a Land Development Code district of RL-4. The current regulations prevent the property owner on Deland Avenue from developing a duplex adjacent to many others. The other property owner is unable to increase their density due to a sewer connection restriction. ILE does not have any public sewer.

Background – Indian Lake Estates (ILE) is a platted subdivision of residential & non-residential lots recorded in the official records of Polk County, Florida, consisting of 8,000 ± lots (approx. 5,000 acres). ILE is not a vested development from the DRI statute. Its current Future Land Use designation is Pre-Development of Regional Impact # 2 (PRE-DRI #2). Besides the PRE-DRI #2 designation, there was no approved land use map for ILE until 2004. On November 30, 2004, the Board of County Commissioners approved a Comprehensive Plan map and text amendment for ILE (CPA 04B-09) based on a request from area property owners because there were no officially recognized land use designations in the Polk County Comprehensive for ILE. Prior to this amendment the Future Land Use designation was Pre-Development of Regional Impact #2. Development approvals were based on the Pre-Planned Unit Development and the subdivision documentation in Building. ILE is also governed by restrictive covenants of which the County does not enforce.

Need for amendment – The need for the amendment is to allow duplex units on Deland Avenue and allow some development without the requirement of connection to public sewer. First, the duplex units on Deland Avenue show on Google maps by 1994. However, OCX was approved on Deland Avenue in 2004. No development has occurred on Deland Avenue to date since 1994. Currently OCX in ILE prohibits duplex units. There are 22 parcels in the OCX on Deland Avenue. The only development in the OCX on Deland Avenue includes duplex units which include eight (8) units for a total of 16 residential dwellings and therefore legal non-conforming uses. The other OCX areas in ILE are currently vacant. However, based on the County's infill and adjacency policies and practices, it is recommended by staff that the policies be amended to allow duplex units on Deland Avenue in OCX. The proposed changes part of LDCT-2024-24 will allow vacant parcels on Deland Avenue in the OCX to be developed with a duplex if adjacent to an existing Duplex unit and otherwise a Level 4 Conditional Use Review.

Second, the ILE policies prohibit development at five dwelling units to the acre and greater without connection to public sewer. Most of the parcels in the RL-4X are half acre lots and are all vested for one single family detached dwelling. The use table in Chapter 2 of the LDC does permit duplex units as in RL-2, RL-3 and RL-4 as a Level 3 Conditional Use Review. Therefore, the lots in ILE in the RL-4 are unable to apply for the Level 3 Conditional Use Review because connection to sewer is a requirement of Policy 2.130-B3.4. for densities above two dwelling units to the acre. Staff recommends the requirement be remove for densities at four (4) dwelling units per acre allowing duplex units in the RL-4 if approved by the Planning Commission as part of a Level 3 Conditional Use review.

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

Policy 2.102-A1: Development Location

Policy 2.102-A2: Compatibility

ILE Goals

Findings of Fact

Request and Legal Status

- This is a County-initiated request to amend Policies 2.130-B3.3 and 2.130B3.4 regarding duplexes in Office Center-X (OCX) and sewer connection in Section 2.130-B Indian Lakes Estates (ILE). This case is related to LDCT-2024-24, a companion Land Development Code Text Amendment.
- ILE is a platted subdivision of residential & non-residential lots recorded in the official records of Polk County, Florida, consisting of 8,000 ± lots (approx. 5,000 acres).
- On November 30, 2004, the Board of County Commissioners approved a Comprehensive Plan map and text amendment for ILE (CPA 04B-09) based on a request from area property owners because there were no officially recognized land use designations in the Polk County Comprehensive for ILE. Prior to this amendment the Future Land Use designation was Pre-Development of Regional Impact #2.
- Development approvals were based on the Pre-Planned Unit Development and the subdivision documentation in Building.
- Policy 2.130-B3.3 in the Comprehensive Plan states that Office Center-X (OCX) is to provide areas for small offices. The OC district permits professional offices and some retail uses. Duplex units are not permitted in OCX.
- The table in Policy 2.130-B3.4 requires sewer connections for densities at five (5) dwelling units to the acre or more.
- The use of septic tanks is permitted for densities less than five (5) dwelling units to the acre in other areas of unincorporated Polk County.
- ILE is in the Military Compatibility Zone 1 and Zone 2 for the Avon Park Airforce Range.

Compatibility and Infrastructure

- Deland Avenue north of the Institutional-X (INST-X) Future Land Use designation is designated as an OCX. However, the only development includes duplexes which appear on Google Earth as early as 1994.
- The companion Land Development Code text amendment (LDCT-2024-24) implements these changes in Chapter 4 by adding a use table, allowance for duplexes on Deland

Avenue, and referencing the water and wastewater requirements as part of this amendment and within Chapter 7 of the LDC.

- ILE is for the most part an isolated community surrounded predominantly by Agriculture/Residential Rural (A/RR) land use. Also surrounding ILE to the north is the Sumica, a 4,031-acre County owned Environmental Lands property. To the west is Lake Walk-in-Water.
- Canopy Oaks, Recreational Vehicle Park community is to the south of ILE.
- Water is provided by ILE Utilities, a private, independent company. There is no current active sewer within ILE currently.
- Approximately 10 percent of ILE is wetland, and approximately 35 percent is shown to contain Federal Emergency Management Area (FEMA) Floodzones. The majority of the wetland areas lie on the shoreline of Lake Walk-in-Water. Some isolated wetlands appear in the interior of the development along the shoreline of the ponds. Almost all of the known wetlands are located within lands owned by the ILE Homeowners Association and not planned or approved for development.
- The nearest active airport facility is the airfield at River Ranch, a Development of Regional Impact (DRI) seven miles to the east. Airspace for the Avon Park Bombing Range is within closer proximity to the development. Neither of these facilities will be adversely impacted by the fulfillment of the ILE development plan.
- There have been protected plant and community sightings in the eastern part of ILE and there have been protected animal sightings in the eastern and western parts of ILE.
- ILE has a community golf course, several small community parks, an extensive system of greenway trails, community boat ramp, marina, beach and pier onto Lake Walk-In-Water. Additionally, there are several ponds located throughout ILE and to the north is the 4,031 acre Sumica County owned Natural Area.

Comprehensive Plan Policies and Land Development Code Regulations

- 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.

- The goals of the ILE development in the Comprehensive Plan include:
 - GOAL 2.130-B1: Remain a secure and sustainable suburban resort-oriented community.
 - GOAL 2.130-B2: Preserve the natural beauty, wildlife and solitude of ILE and the surrounding area.
 - GOAL 2.130-B3: Encourage sustainable growth by promoting a mixture of residential and non-residential uses outside the gate; and allowing only single-family residential and amenities with services inside the gate.
 - GOAL 2.130-B4: For Indian Lake Estate to continue to develop at the same quality as it has in the past.

Recommendation

Development Review Committee Recommendation: Based on the information provided and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions the request **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAL-2024-15**.

Planning Commission Recommendation: On December 4, 2024, at an advertised public hearing, the Planning Commission recommend 6:1, to **DENY LDCPAL-2024-15**.

Department of Economic Opportunity: The Department of Economic Opportunity did not have any comments in their Objections, Recommendations and Comment Report (ORC 25-01ESR). However, the Florida Department of Environmental Protection did offer the following technical comment:

The area subject to the proposed amendment is within the Lake Okeechobee (OKEE) Basin Management Action Plan (BMAP), outlined by 403.067(7), F.S., and adopted by secretarial order, which identifies and frames actions to address and restore impaired state waters. The Clean Waterways Act (Chapter 2020-150, Laws of Florida) further refines actions taken by the BMAPs. Appropriate measures should be taken to minimize any potential additional nutrient loadings to the Lake Okeechobee watershed. These measures include the proper treatment and disposal of wastewater in accordance with BMAP requirements, implementation of current and future onsite sewage and disposal system (OSTDS) prohibitions, stormwater controls, and the implementation of adequate sediment and erosion control practices to mitigate any groundwater or surface water impacts. Any additional nitrogen and phosphorus loading to the basin will be evaluated and may require additional restoration actions by the County.

GENERAL NOTES

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

Analysis:

Staff was approached by two property owners within ILE. One owns property on Deland Avenue and the other owns a few parcels in the Residential Low (RL) Future Land Use designation with a Land Development Code district of RL-4. The current regulations prevent the property owner on Deland Avenue from developing a duplex adjacent to many others. The other property owner is unable to increase their density due to a sewer connection restriction. ILE does not have any public sewer.

The Deland Avenue property owner - Deland Avenue has three Future Land Use designations (See Exhibit 4) including Institutional-X (INSTX), Office Center-X (OCX), and Neighborhood Activity Center-X (NACX). One parcel is within the OCX and the other is in the NACX. The parcel in the OCX is one of the reasons for this amendment. There are 22 lots on Deland Avenue with an OCX designation. Duplexes are the only development on Deland Avenue on eight of those 22 lots. There are other areas designated OCX but those are undeveloped.

Policy issue - The OC district permits professional offices and some retail uses. Duplex units are not permitted in OCX. Moreover, Table 2.1 in Chapter 2 of the Land Development Code does not permit duplexes in OCX which is appropriate overall in the unincorporated Polk County. The proposed policy change to address this issue for Deland Avenue specifically to add the following sentence in the Comprehensive Plan section for ILE (Section 2.130-B Indian Lakes Estates (PRE-DRI #2, Policy 2.130-B3.3) under the OCX portion. The companion LDC text amendment (LDCT-2024-10) also includes reference for this issue.

Duplexes units are permitted on Block 325 lots 31 through 43 and Block 324 Lots 1 through 10 per the review requirements listed in the Land Development Code.

The RL-4 Property Owner - Exhibits 2, 3, and 4 displays the parcels owned by the second property owner in the RL-4 land use district in ILE. The property owner desires to develop duplexes on these lots. Duplexes are a Conditional Use Level 3 in Table 2.1 of the LDC. This is something the ILE board is aware of and wishes to keep this Level 3 Review intact. However, the table in Policy 2.130-B3.4 requires sewer connections as follows:

POLICY 2.130-B3.4: Uses outside the gate will have limited intensity if adequate infrastructure and services are not provided. The following densities and intensities shall apply related to utility provision:

a. If sewer is not available, the maximum density permitted is no more than four (4) units to the acre;

b. With regard to utilities, the following table lists the maximum intensities and densities allowed given the availability centralized water and sewer service:

FLU	Without Central Water or Sewer		With Central Water, but not Sewer		With Central Water & Sewer*	
	Maximum Density	Maximum FAR	Maximum Density	Maximum FAR	Maximum Density	Maximum FAR

RLX	1 du/ac	0.05	2 du/ac	0.1	5 du/ac	0.25
RMX	1 du/ac	0.05	4 du/ac	0.15	10 du/ac	0.25
OCX	1 du/ac	0.1	2 du/ac	0.2	5 du/ac	0.30
NACX*	1 du/ac	0.1	4 du/ac	0.2	10 du/ac	0.25
CACX*	1 du/ac	0.15	4 du/ac	0.2	10 du/ac	0.35
INSTX	n/a	0.1	n/a	0.2	n/a	0.25
* Residential only permitted in NACX and CACX in connection with retail as a mixed use or live-work unit.						

Most lots in the RL-4X in ILE are half acre which is a density of two (2) dwelling units to the acre. A density of four (4) dwelling units per acre is the result if any property owner wishes to divide their lot or put two units on it. However, the table in the Comprehensive Plan displayed above does not permit densities below 5 units to the acre on septic tanks. Other areas in RL-4 can develop at 3 and 4 dwelling units per acre with the right soils and septic systems. Therefore, allowing quarter acre lots or four (4) dwelling units to the acre on septic tanks provides for some flexibility, allows development consistent with RL-4X, and is consistent with other RL-4 areas of Polk County. It is important to note that there is no public sewer in ILE.

Completing this review, staff noticed the restrictions for non-residential development. Staff is recommending removing sewer connection requirements for non-residential development as the Floor Area Ratios in the last column in the table above are permitted in all non-residential districts in the rural areas where sewer is not found nor required.

Infrastructure Impacts - This does remove some barriers to development that can lead to more growth. However, ILE is vested development. These changes will encourage development in an area already planned for such. Any infrastructure impacts will be implemented and required per the concurrency standards listed in Chapter 7 of the LDC.

Avon Park Airforce Range Military Compatibility Zone (Range)

ILE is in both Compatibility Zones for the Range. There is a Military Compatibility Zone 1 and Zone 2 (See Exhibit 5). Section 2.124-I of the Comprehensive Plan has policies for the Range.

https://library.municode.com/fl/polk_county/codes/comprehensive_plan?nodeId=CH2DEPO_DIV2.100FULAUSEL_S2.124-IAVPAAIRAMICOZO

These policies address coordination and implementation of the Joint Land Use Study prepared by the Central Florida Regional Planning Council (CFRPC). Chapter 6 of the Land Development Code includes standards for the Range.

https://library.municode.com/fl/polk_county/codes/land_development_code?nodeId=CH6REPR_S642MICOZORE251RD19-008092112OR12-028

The proposed changes will make development in ILE easier which is of a concern for the Range. However, All the lots in ILE are vested lots that are eligible for some type of development.

Comparisons to other Jurisdictions:

Special policies and development code regulations are common in other jurisdictions throughout Florida. The current section for ILE is equivalent to the County's section of the Comprehensive Plan and Land Development Code regarding Selected Area Plans. Section 2.130 of the Comprehensive Plan was created for Developments of Regional Impact (DRI). It seems appropriate to make these changes to the policy related to ILE allow infill development and the potential for more residential development to accommodate the growing population of Polk County rather than creating new residential communities.

Limits of the Proposed Ordinances

The scope of the amendment will impact new development within ILE. The policy and related Land Development Code changes (LDCT-2024-10) are meant to allow for duplex development adjacent to existing duplexes and remove unattainable requirements for sewer connections.

Consistency with the Comprehensive Plan

Consistency with the Comprehensive Plan and Land Development Code

Many policies within the Comprehensive Plan are reviewed for consistency with an application. The most relevant policies for the proposed request are included in this section. The policy is first stated and then an analysis of how the request is provided to state that it may or may not be consistent with the Comprehensive Plan. How the request is **consistent or inconsistent** with the Comprehensive Plan is listed below:

Table 8 Consistency with the Comprehensive Plan

Policy	Consistency
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.	The proposed text amendments are a small change to allow for duplex units in areas developed with existing duplexes and allow some growth without sewer. The request is consistent with this policy and with the existing development allowances elsewhere in Polk County.
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 proposed policy text changes along with the other requirements in the Land Development Code such as Section 220 ensure compatibility with the new uses.

Policy	Consistency
<p>GOAL 2.130-B1: Remain a secure and sustainable suburban resort-oriented community.</p> <p>GOAL 2.130-B2: Preserve the natural beauty, wildlife and solitude of ILE and the surrounding area.</p> <p>GOAL 2.130-B3: Encourage sustainable growth by promoting a mixture of residential and non-residential uses outside the gate; and allowing only single-family residential and amenities with services inside the gate.</p> <p>GOAL 2.130-B4: For Indian Lake Estate to continue to develop at the same quality as it has in the past.</p>	<p>The proposed policy changes will allow the development of duplex units within an existing OCs designating that currently has duplex unit and therefore, continuing the current development pattern on Deland Avenue.</p> <p>The proposed amendment related to sewer exemption will allow some additional residential development at no more than four (4) units per acre and commercial development where otherwise the lack of sewer will be very limiting for the community and not consistent with the goals for ILE.</p>
<p><u>POLICY 2.124-I2:</u> In compliance with section 163.3175(5), F.S., Polk County shall continue to coordinate with range representatives and the Central Florida Regional Planning Council (CFRPC) to adopt and implement development standards and guidelines that minimize impacts of development on the operations of the military installation. The Land Development Code shall address land use, lighting, height, noise, and communication frequency spectrums in defining the criteria for compatibility within the MCZ.</p>	<p>Polk County has reached out to the Central Florida Regional Planning Council and the Avon Park Airforce Range base representative. Please see letter from the Range under separate cover.</p>

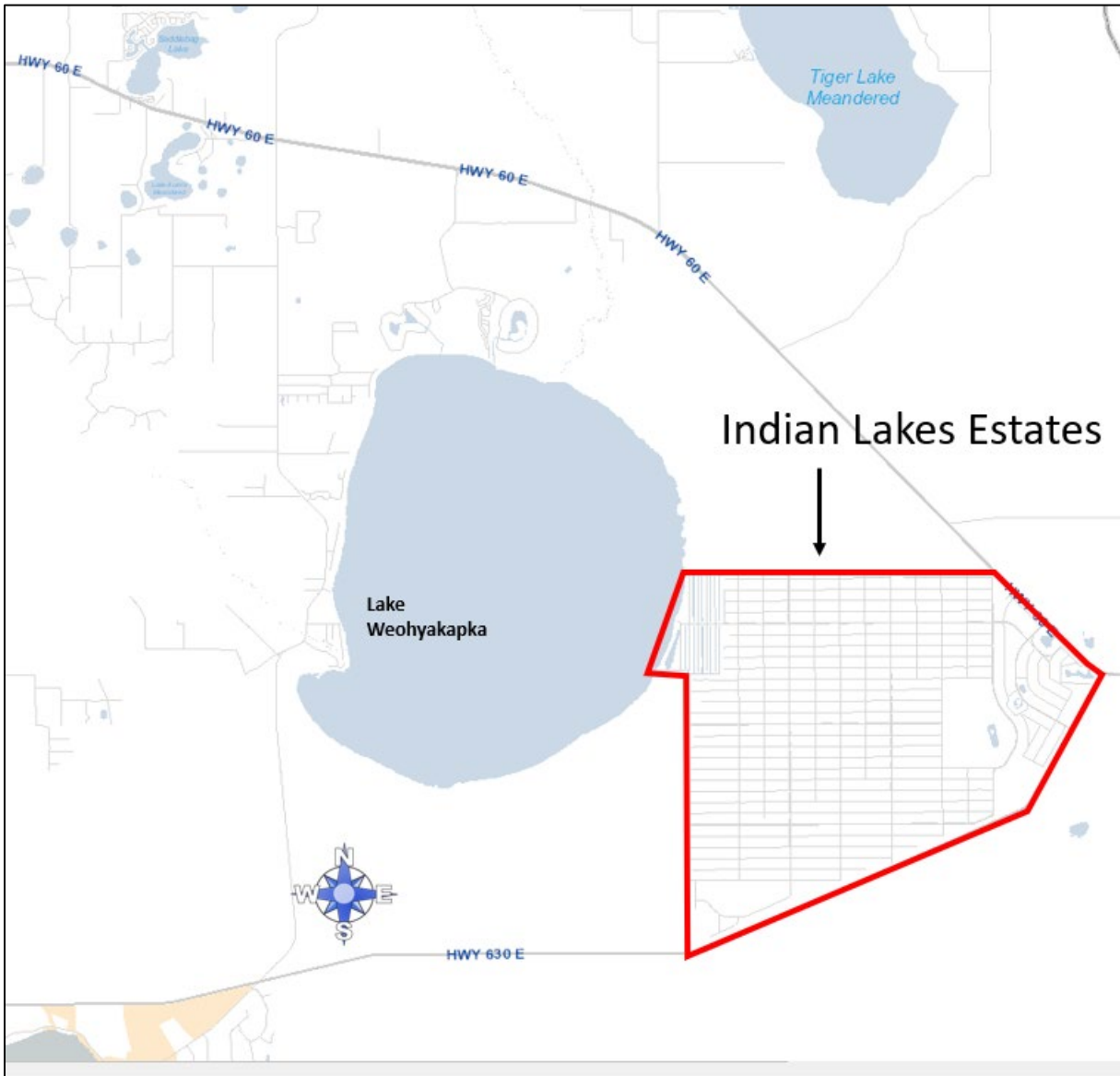
Comments from Other Agencies: None

Exhibits:

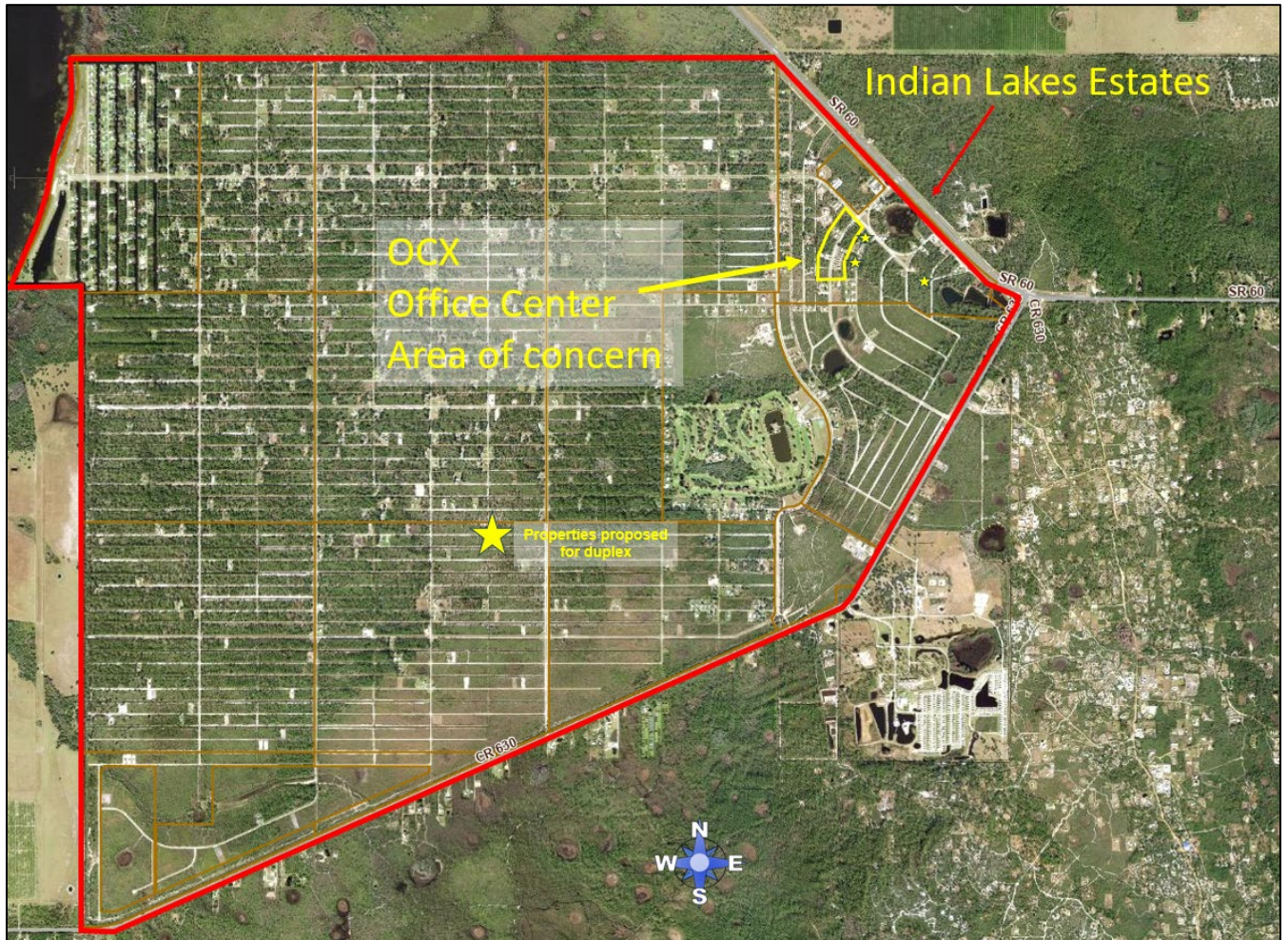
Exhibit 1 Location of the Grenelefe UEA
Exhibit 2 Context Aerial
Exhibit 3 Close Up Aerial
Exhibit 4 Current Future Land Use Map
Exhibit 5 Military Compatibility Zones Avon Park Airforce Range

Under separate attachment

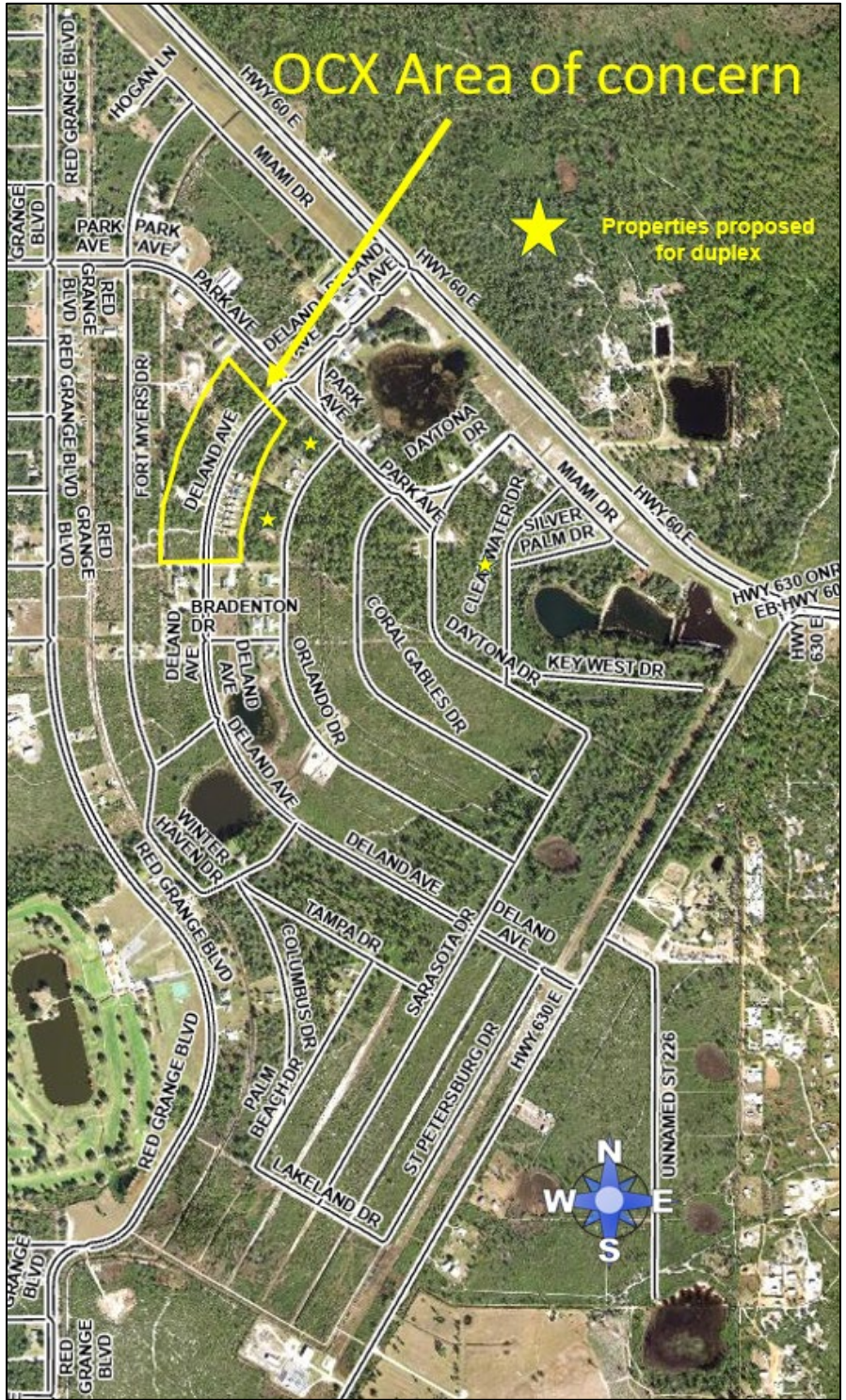
- Draft Ordinances with proposed text
- Application information



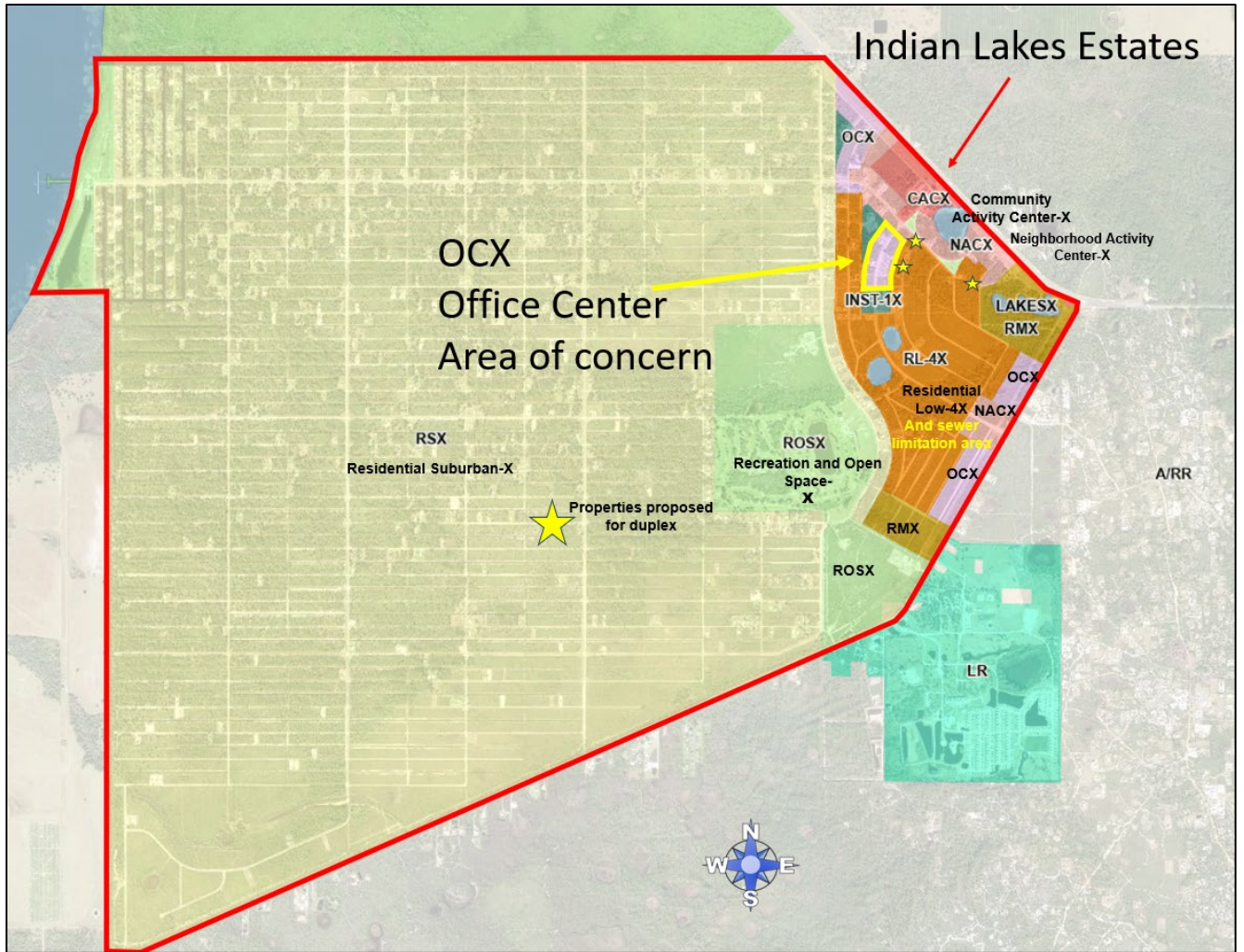
LOCATION MAP



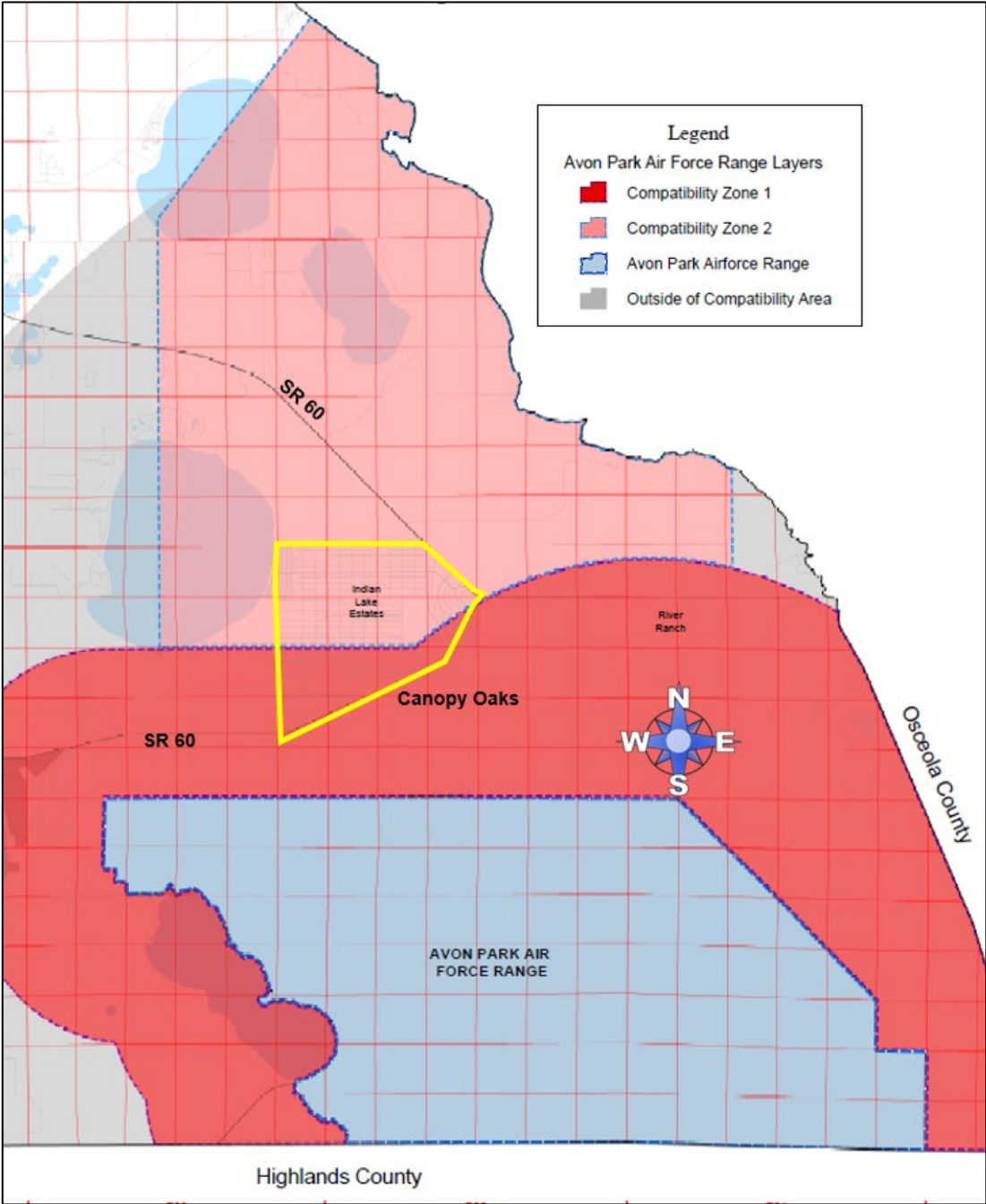
AERIAL (2023 CONTEXT)



AERIAL (2023 CLOSE UP)



CURRENT FUTURE LAND USE MAP



Military Compatibility Zones Avon Park Airforce Range