

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	November 30, 2023	Level of Review:	Level 4 Review
PC Date:	February 7, 2024	Type:	Small Scale CPA
BoCC Date:	March 19, 2024	Case Numbers:	LDCPAS-2023-28
Applicant:	Polk County Parks & Recreation	Case Name:	Lake Marion ROS
		Case Planner:	Aleya Inglima, Planner II

Request:	Future Land Use Map change from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS).
Location:	In Poinciana east of Lake Marion, west of Lake Marion Creek Drive, south of McMan Road, east of the City of Haines City in Section 29, Township 27, Range 28.
Property Owner:	Polk County
Parcel Size:	±32.02 acres of a ±321.94-acre parcel (282729-934280-000005)
Development Area/Overlays:	Rural Development Area (RDA)
Nearest Municipality:	City of Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	6-0 Approval
Public Comment:	Yes
Florida Commerce*	N/A *Florida Department of Commerce (DOC)

Location Map



Current Future Land Use Map



Summary of Analysis

This is a County initiated Small Scale Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation on ±32 acres from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) in the Rural Development Area (RDA). The subject site is located east of Lake Marion, west of Lake Marion Creek Drive, south of McMan Road, and east of the City of Haines City. The County purchased 600± acres, in a multi-parcel transaction, of land on the eastern coast of Lake Marion for preservation, education, and recreation. The proposed development would include 16,000 sf building, a boat ramp, and permeable paver parking lot for up to 40 vehicles. Parks and Recreation stated that the facility is dedicated to educating the public about Florida's natural environment and will provide public open space along with recreation. Staff has reviewed the request and finds it IS consistent with the Comprehensive Plan policies and IS compatible with the surrounding land uses and infrastructure.

Compatibility Summary

The purpose of RDA is to provide areas for rural activities such as agricultural uses, mining activities, and rural residential development. RDA include those areas of the County that are not located within a TSDA, UGA, SDA, or UEA. ROS district provides for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for County residents and visitors. The proposed 16,000 sf building and boat ramp will allow Polk County Residents to enjoy Lake Marion and the facilities on site. Lake Marion is located to the northwest to southwest of the subject site. To the north and south of the parcel is vacant land owned by the County. Single family residences are located northeast to southeast of the site. This is an appropriate and compatible use in all urban, suburban, and rural areas in the County.

Infrastructure Summary

The proposed CPA is not anticipated to degrade the Level-of-Service (LOS) standards for transportation, schools, utilities, and public safety facilities. The subject site will utilize the same public safety facilities as the existing FLU designation. School service will not be impacted. There is capacity at all of the zoned schools. The proposed Recreational Open Space (ROS) Future Land Use (FLU) designation will not generate more trips than a residential land use. The trips are not anticipated to degrade the level-of-service and final concurrency will be established during the later development stage. The property is in the Toho Water Authority Service Area for water and wastewater. Toho Water Authority does have capacity along with planned improvements contained in its Capital Improvement Plan to serve the referenced project. The site will utilize septic and well.

Environmental Summary

The proposed request is not anticipated to have a negative impact upon the environmental features present on the subject site. The site is undeveloped. There are wetlands and flood zone AE on site. The subject site is adjacent to Lake Marion. The closest wetlands are northwest of the subject site. There have been sightings of protected species such as the Bald Eagle near the subject site. There are historical or archaeological sites have been identified on the subject site. A thorough review of the environmentally sensitive areas will take place at the Level 2 Review.

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. 2.117 (A1-A4): Recreation and Open Space
POLICY 2. 108 (A1-A6): Rural Development Area
SECTION 2.130 (A) - Poinciana (PRE-DRI #1)
SECTION 2.309 (A1) – Ecological Communities

Findings of Fact

Request and Legal Status

- This is a County-initiated a Future Land Use designation change from Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to Recreation Open Space (ROS) on ±32 acres, in the Rural Development Area (RDA).
- The Land Development Code Future Land Use district is PRE-DRI #1 for the subject site.
- The subject site and the ±321.94-acre property was approved for purchase by the Polk County BoCC on September 5, 2023.
- The purpose of this land purchase was to provide for public use and environmental education that offers public enjoyment of the site without damaging the unique natural resources.
- The subject site is part of a larger ±321.94-acre site that is part of the Poinciana development all along the eastern shore of Lake Marion.
- The site is designated on the Poinciana Master Plan as commercial and multi-family medium density.

- Section 402.B of the LDC states, The Poinciana Master Plan serves as the Planned Development (PD) binding site plan and the basis to implement the Binding Letter of Interpretation of Vested Rights (BLIVR). The BLIVR does not include development standards such setbacks, building locations, parking and retention areas, Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR). Therefore, as development has occurred, the approved PD 71-10 has been modified or new PDs created to approve binding site plans consistent with the BLIVR or Binding Letters of Modifications to Vested Rights (BLIM). Not all parcels within Poinciana have binding site plans through a PD. Development in Poinciana will be permitted consistent with the BLIVRs or BLIMs and a PD approval. Any proposed development inconsistent with the BLIVR or BLIM may only be permitted with the approval of a land use change through a Comprehensive Plan Amendment, but development standards may be amended through a PD modification. PD modifications shall follow the same requirements as found in the appropriate sections of the LDC.

Compatibility

- The existing uses surrounding the site are Poinciana Pre-Development of Regional Impact (PRE-DRI#1) to the north, south, and east.
- East of the subject site is single family residential. However, many of the lots are still vacant.
- The subject site will access Lake Marion Creek Drive which is an Urban Collector Road.

Infrastructure

- The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, Haines City Senior High
- Fire and Ambulance responses are from Polk County Fire Rescue Station 46, located at 9500 Marigold Ave in Kissimmee, which is approximately 4.3 miles away with an estimated 8-minute response.
- The subject site is within the Northeast District Command Area for the Sheriff's office which is located at 100 Dunson Rd, Davenport.
- The subject site is within the Toho Water Authority service area for water and wastewater.
- Lake Marion Creek Dr (Link 8214N and 4214S), which runs north to south, is an Urban Collector two-lane roadway with 20 feet of pavement width. Level of Service is listed as a "C" and there is available road capacity.

- The subject site is within the Southwest Poinciana (603) Citrus Connection service area.
- To the southeast of the subject site is Lil Halibut Park approximately 2.8 miles away. This facility offers services such as a playground.

Environmental

- The subject site abuts Lake Marion. The elevation on the property starts on the east at 89 feet and slopes downward to 66 feet towards Lake Marion on the west.
- There are wetlands and flood zone AE on the subject site.
- The soil type for the subject site is Samsula muck (3.1%), Immokalee sand (19.7%), and Tavares fine sand (77.2%)
- Per the Polk County Protected Species Map there are protected species with a one-mile radius of the subject site.
- There are known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- There is a well on site. The closest wellfield is 1.65 miles southwest of the subject site.

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 2.108-A1: DESCRIPTION** - Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.
 - **POLICY 2.108-A2: DESIGNATION AND MAPPING** - The Future Land Use Map Series shall designate and map UGAs for those areas of the County meeting the general characteristics of this Section.
 - **POLICY 2.108-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within Rural-Development Areas:
 - a. **ACTIVITY CENTERS:** Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.
 - b. **RESIDENTIAL:** Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria.
 - c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.
 - **POLICY 2.117-A1: CHARACTERISTICS** - Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, allow for the discharge of firearms, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands.
 - **POLICY 2.117-A2: DESIGNATION AND MAPPING** - Recreation and open space areas shall be designated and mapped on the Future Land Use Map Series as "Recreation and Open Space" (ROS) and shall include all existing publicly accessible recreation and open space areas.

- **POLICY 2.117-A3: LOCATION CRITERIA** - Designation of new Recreation and Open Space areas on the Future Land Use Map Series shall occur. Consider the following factors when determining the appropriateness of designating new Recreation and Open Space areas:
 - a. facilities meeting the recreation level-of-service standard (Policy 3.502-E2) and fulfilling the recreation and open space acquisition plan (Policies 3.502-E3, 3.502-E6, and 3.502-E9);
 - b. satisfying resident and seasonal visitor/tourist recreation demand;
 - c. impacts of the proposed uses on public facilities and services;
 - d. vehicle access relative to the size and planned intensity of a proposed ROS district;
 - e. distance to lake and river access, greenways, bicycle, pedestrian, and fixed route transit facilities, both existing and planned; and,
 - f. the locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.
- **POLICY 2.117-A4: DEVELOPMENT CRITERIA** - Recreation and Open Space development shall conform to the following criteria:
 - a. provide for adequate parking to meet the present and future demands of the use;
 - b. provide buffering, screening or setbacks where the effects of lighting, noise, odors, and other such factors may adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of activities that may require special buffering, screening or setbacks provision; and
 - c. incorporate water and energy conserving techniques.
 - d. in the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following:
 - 1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation;
 - 2. Recreation activities that produce large crowds (more than 250 people); or,
 - 3. Facilities with lighting that accommodates nighttime use.
- **POLICY 2.309-A1: ECOLOGICAL COMMUNITIES** - Polk County's development regulations shall:

- a. include design criteria and provide incentives to conserve native vegetative communities, as defined;
- b. allow for an on-site density transfer to preserve native vegetative communities;
- c. implement the policies of the Recreation and Open Space Element for protection of such communities; and,
- d. require development to conserve or mitigate damage to endangered and threatened species through the development review process.

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 2023-28**.

Planning Commission Recommendation: On February 7, 2024, at an advertised public hearing, the Planning Commission recommend 6:0 to **APPROVE LDCPAS-2023-28**.

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 below lists the Future Land Use (FLU) designation and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

Northwest – Lake Marion	North – Vacant (PRE-DRI#1)	Northeast – Single-family Residences (PRE-DRI#1)
West – Lake Marion	Subject Site – Vacant (PRE-DRI#1)	East – Single-family Residences (PRE-DRI#1)
Southwest – Lake Marion	South – Vacant (PRE-DRI#1)	Southeast – Single-family Residences (PRE-DRI#1)

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

There are residential developments to the east and vacant land to the north and south of the subject site.

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.” ROS is compatible for the surrounding area as the subject site is along the eastern side of Lake Marion. This will contribute to ecological protection of wetlands, species, and Lake Marion. This allows for low intensity uses such as recreational camping and cultural facilities. The parent parcel owned by the County is located to the north and south of the subject site. There is single family residential to the east of the subject site across from Lake Marion Creek Drive. This is an appropriate and compatible use in all urban, suburban, and rural areas in the County.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property site are listed in the Table 2 below. The proposed request will not generate students. Student capacity is not an issue as all schools have available capacity. This land use change will facilitate the Lake Marion Interpretative Center, a facility that will support environmental education at all levels for schools.

Table 2 School Impacts

Name of School	% Capacity 2022-2023 School Year	Average driving distance from subject site
Laurel Elementary (Zoned)	83%	±3.0 mile driving distance
Lake Marion Creek Middle (Zoned)	86%	±1.8 miles driving distance
Haines City Senior High (Zoned)	96%	±7.9 miles driving distance

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

Nearest Sheriff, Fire, and EMS Station

Table 3 below displays the nearest public safety facilities. Response time varies depending on where the nearest sheriff's deputy patrol car is located rather than the office. The facilities are within appropriate distances to the subject site for an urban area.

Table 3 Public Safety Information

	Name of Station	Distance
Sheriff	Polk County Sheriff's Office Northeast District 100 Dunson Rd, Davenport Estimated response time: Priority 1 – 12:29 Priority 2 – 26:00	23 +/- miles
Fire/EMS	Fire Rescue Station 46 9500 Marigold Ave, Kissimmee Estimated response time: 12 minutes	4.3 +/- miles

Source: Polk County Sheriff's Office and Polk County Fire Rescue.

Water and Wastewater

The subject site is located within the Toho Water Authority service area for water and wastewater.

A. Estimated Demand and Service Provider

Table 4 provides a scenario of the maximum buildout of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential using the current and proposed Future Land Use designation. The subject site has a total area of 32.02± acres, or 1,394,791 sf, of which 29.08± acres have a Current DRI indicated use of multi-family, and 2.94± acres, or 128,066 sf, has a Current DRI indicated use of Commercial, as referenced in the calculations in Table 4 below.

Table 4 Estimated Water and Sewer Impact Analysis

	Maximum Permitted in Existing Land Use		Maximum Permitted in Proposed Land Use
Permitted Intensity 32.02± acres (see above paragraph)	Pre DRI #1 Multi-family (29.08± ac)	Pre DRI #1 Commercial (2.94± ac)	Proposed ROS County Park (32.02± ac)
	29.08 ac X 10du/ac = 290du	128,066 sf X 0.25 FAR = 32,017 sf	1,394,791 sf X 0.01 FAR = 13,948 sf
Potable Water Consumption	290 units x 198 = 57,420 GPD	32,017 x 0.33 GPD 4,603 GPD	13,948 x 0.33 GPD 4,603 GPD
Wastewater Generation	291 units x 180 = 52,200 GPD	10,566 x 80 percent = 3,682 GPD	4,603 x 80 percent = 3,682 GPD

Source: Polk County Maximum Feasible Buildout Methodology; Multi-family 198 per unit for water and 180 GPD for wastewater; Service Filling Station 0.25 FAR and 0.33 per square foot Water and 80% Wastewater; County Park 0.33 per square foot Water and 80% Wastewater

B. Available Capacity

Toho Water Authority services the area. Toho Water Authority has capacity to serve the referenced project. The current locations of water, sewer, and reuse mains are approximately:

Water infrastructure is located on the east of Lake Marion Creek Dr with a water stub-out crossing at St. Cloud Rd approximately 150' east of property. A water main extension would be required. Sewer infrastructure is located on the east side of Lake Marion Creek Dr between Homosassa Rd and Lake Marion Creek Middle School with an 8" gravity sanitary sewer main approximately 290' east of property on Homosassa Rd. A wastewater extension would be required. All stub out locations need to be field verified. Reuse infrastructure available and is approximately 6,000' south of property.

C. Planned Improvements

Toho Water Authority has planned improvements contained in its Capital Improvement Plan for this area.

Roadways/Transportation Network

The proposed land use change is not anticipated to generate more traffic than a residential land use.

A. Estimated Demand

The subject site has a total area of 32.02± acres, or 1,394,791 sf, of which 29.08± acres have a Current DRI indicated use of multi-family, and 2.94± acres, or 128,066 sf, has a Current DRI indicated use of Commercial, as referenced in the calculations in Table 4 below.

Table 5 Estimated Transportation Impact Analysis

	Maximum Permitted in Existing Land Use		Maximum Permitted in Proposed Land Use
Permitted Intensity 32.02± acres (see above paragraph)	Pre DRI #1 Multi-family (29.08± ac)	Pre DRI #1 Commercial (2.94± ac)	Proposed ROS County Park (32.02± ac)
	29.08 ac X 10du/ac = 290du	128,066 sf X 0.25 FAR = 32,017 / 1,000 X 76% = 24	32 ac
Average Annual Daily Trips (AADT)	290 du X 7.81 AADT= 2,265 Trips	24 du X 35.87 AADT= 873 Trips	32 x 0.78 AADT x 89%= 28 Trips
PM Peak Hour Trip	291 du X 0.51 PM Peak= 149 Trips	224 du X 0.51 PM Peak= 106 Trips	32 x 0.11 PM Peak x 89%= 4 Trips

Source: Polk County Maximum Feasible Buildout Methodology; Multi-family; Service Filling; County Park 1 per acre

B. Available Capacity

Table 6 below displays the available capacity on the surrounding roadway network.

Table 6 Roadway Link Concurrency

Link #	Road Name	Current Level of Service (LOS)	Available Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hr. Projected LOS
8214N	Lake Marion Creek Dr	C	469	D	C
8214S		C	458	D	C

Source: Polk County Transportation Planning Organization Roadway Network Database 2023

C. Roadway Conditions

Lake Marion Creek Dr (Link 8214N and 8214S), which runs north to south to the east along Lake Marion, is an Urban Collector two-lane roadway with 20 feet of pavement width. Level of Service is listed as a “C” and there is available road capacity.

D. Sidewalk Network

There are currently no sidewalks that runs along Lake Marion Creek Dr.

E. Mass Transit

The subject site is within the Southwest Poinciana (603) Citrus Connection service area. The nearest transit route is 16X – Haines City / Poinciana Express, and the nearest stop is located at the Walmart within Poinciana.

F. Planned Improvements

The subject site is located in the Rural Development Area. There is an unfunded transportation capacity project for Lake Marion Creek Dr to be widened.

Environmental Conditions

The Polk County Comprehensive Plan has a Conservation Element. Division 2.300 of the Comprehensive Plan mentions, “The goal, objectives, and policies of the Conservation Element are designed to protect the natural resources which make Polk County a special place while preventing degradation of the environment and allowing development and economic expansion to occur.” There should be no serious environmental conditions that need to be addressed with this subject site. Lake Marion is located to the west of the site and wetlands are along the shore.

A. Surface Water

Lake Marion is located to the west of the subject site. The elevation on the property starts at 89 feet towards the east, then slopes down towards Lake Marion on the west to 66 feet.

B. Wetlands/Floodplains

The subject site does contain wetlands and AE flood zones. The closest wetland is to the northwest of the subject site.

C. Soils:

According to the soil survey by the United States Department of Agriculture the subject site includes the soils listed in Table 7 below. The subject site will utilize well water and septic. Future development of the site will be subject to Section 2.303: “Soils” of the County’s Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection’s (DEP) Florida Development Manual.

Table 7 Soils

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (<i>approximate</i>)
Samsula muck, frequently ponded, 0 to 1 percent slopes (13)	Severe: ponding	Severe: ponding, low strength	3.1%
Immokalee sand (21)	Severe: wetness	Severe: wetness	19.7%
Tavares fine sand, 0 to 5 percent slopes (15)	Moderate: wetness	Slight	77.2%

Source: USDA Natural Resources Conservation Service 2024

D. Protected Species

According to Polk County Protected Species Observation Maps, the subject site is located within a one-mile radius of endangered animals. There have been sightings of species such as the Bald Eagle near the subject site. The applicant is required to survey for endangered plants and animals prior to any development activity including clearing or grubbing.

E. Archeological Resources

There are known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Master Site File. A philip mound is located on the subject site. Human remains may be present. The applicant will be required to identify any resources prior to or during any construction and on the Level 2 Review.

F. Wells (Public/Private)

The applicant has stated in the Impact Assessment Statement that there is a well on site. The subject site is not within a Wellhead Protection district.

G. Airports

The subject site is not located within an airport district.

Consistency with the Comprehensive Plan and Land Development Code

The following policies in Table 8 have been included as being the most relevant policies to the proposed request. The policy is first stated and then an analysis of how the request may or may not be consistent with the County's Comprehensive Plan is provided. The policies reviewed are as follows:

- POLICY 2.102(A1-A15): Growth Management Policies
- POLICY 2.108(A1-A5): RDA Development Criteria
- POLICY 2.117-A (A1-A4): Recreation and Open Space

Table 8 Comprehensive Plan Policy

Comprehensive Plan Policy	Consistency Analysis
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	The area surrounding the subject site is mostly vacant or comprised of single family residential. The site will access an Urban Collector Road, will conserve land, minimize energy costs, and be distant from services.

Comprehensive Plan Policy	Consistency Analysis
<p>tracts of land are by-passed in favor of development more distant from services and existing communities.</p>	
<p>Policy 2.102-A2: Compatibility - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:</p> <ul style="list-style-type: none"> a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development. 	<p>The Comprehensive Plan permits Recreation Open Space to be designated in the RDA areas. Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for residents and long-term visitors of Polk County. This site will satisfy residents active lifestyle and visiting tourist demand. This site will allow access to Lake Marion and provide bicycle/pedestrian paths outdoors.</p>
<p>Policy 2.102-A3: Distribution - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</p>	<p>Toho services the Poinciana area. The subject site will utilize well and septic. Police and Fire are both available, and zoned schools have capacity.</p>
<p>Policy 2.102-A4: Timing - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The subject site will access Lake Marion Creek Dr, an Urban Collector Road to the east. Toho Water Authority does have capacity along with planned improvements contained in its Capital Improvement Plan to serve the referenced project, the roads are sufficient for any increase to traffic, emergency services are available, and the schools have capacity. The subject site is within the Citrus Connection service area.</p>
<p>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:</p> <ul style="list-style-type: none"> 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; 	

Comprehensive Plan Policy	Consistency Analysis
<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	
<p>POLICY 2.108-A1: DESCRIPTION - Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.</p> <p>POLICY 2.108-A2: DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map UGAs for those areas of the County meeting the general characteristics of this Section.</p> <p>POLICY 2.108-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Rural-Development Areas:</p>	<p>Recreation and Open Space (ROS) is allowed in the RDA. This development will be characterized by large open areas with recreation. Services are limited but can be found nearby where clustered developments are.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>ACTIVITY CENTERS: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.</p> <p>RESIDENTIAL: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria.</p> <p>OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.</p>	
<p>POLICY 2.117-A1: CHARACTERISTICS - Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, allow for the discharge of firearms, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands.</p> <p>POLICY 2.117-A2: DESIGNATION AND MAPPING - Recreation and open space areas shall be designated and mapped on the Future Land Use Map Series as "Recreation and Open Space" (ROS) and shall include all existing publicly accessible recreation and open space areas.</p> <p>POLICY 2.117-A3: LOCATION CRITERIA - Designation of new Recreation and Open Space areas on the Future Land Use Map Series shall occur. Consider the following factors when determining the appropriateness of designating new Recreation and Open Space areas:</p> <ul style="list-style-type: none"> a. facilities meeting the recreation level-of-service standard (Policy 3.502-E2) and fulfilling the recreation and open space acquisition plan (Policies 3.502-E3, 3.502-E6, and 3.502-E9); 	<p>The County has purchased 600± acres of land on the eastern coast of Lake Marion for preservation, education, and recreation. Parks and Recreation is wanting to put a boat ramp and 16,000 sf building on the subject site. This will be located in the RDA and be oriented towards providing recreational activities and services for County residents and visitors</p>

Comprehensive Plan Policy	Consistency Analysis
<ul style="list-style-type: none"> b. satisfying resident and seasonal visitor/tourist recreation demand; c. impacts of the proposed uses on public facilities and services; d. vehicle access relative to the size and planned intensity of a proposed ROS district; e. distance to lake and river access, greenways, bicycle, pedestrian, and fixed route transit facilities, both existing and planned; and, f. the locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10. <p>POLICY 2.117-A4: DEVELOPMENT CRITERIA - Recreation and Open Space development shall conform to the following criteria:</p> <ul style="list-style-type: none"> a. provide for adequate parking to meet the present and future demands of the use; b. provide buffering, screening or setbacks where the effects of lighting, noise, odors, and other such factors may adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of activities that may require special buffering, screening or setbacks provision; and c. incorporate water and energy conserving techniques. 	

Comprehensive Plan Policy	Consistency Analysis
<p>d. in the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following:</p> <ol style="list-style-type: none"> 1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation; 2. Recreation activities that produce large crowds (more than 250 people); or, 3. Facilities with lighting that accommodates nighttime use. 	

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. 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	Where sections referenced in this report
<i>a. Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>	Summary of analysis
<i>b. Allows a significant amount of urban development to occur in rural areas.</i>	Summary of analysis
<i>c. Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i>	Summary of analysis, surrounding Development, compatibility
<i>d. Fails to adequately protect and conserve natural resources and other significant natural systems.</i>	Summary of analysis, surrounding Development, compatibility

Table 9 Urban Sprawl Criteria	
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Where sections referenced in this report
<i>e. Fails to adequately protect adjacent agricultural areas.</i>	Compatibility with Surrounding Land Uses
<i>f. Fails to maximize existing public facilities and services.</i>	Summary of Analysis, Infrastructure
<i>g. Fails to minimize the need for future facilities and services.</i>	Summary of Analysis, Infrastructure
<i>h. 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
<i>j. Discourages infill development or redevelopment of existing neighborhoods.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
<i>k. Fails to encourage an attractive and functional mixture of land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
<i>l. Will result in poor accessibility among linked or related land uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
<i>m. Results in the loss of a significant amount of open space.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses

Comments from other agencies

None

Attachments: Exhibit 1: Location Map

Exhibit 2: Aerial Map 2020 (Context)

Exhibit 3: Aerial Map 2020 (Close Up)

Exhibit 4: Current Future Land Use Map

Exhibit 5: Proposed Future Land Use Map

Exhibit 6: List of Permitted and Conditional Uses for Residential Medium

Exhibit 7: Poinciana Neighborhood 3 North, Village 7 Plat

Exhibit 8: Poinciana Land Use Map



LOCATION MAP



AERIAL MAP (CONTEXT)



AERIAL MAP (CLOSE UP)

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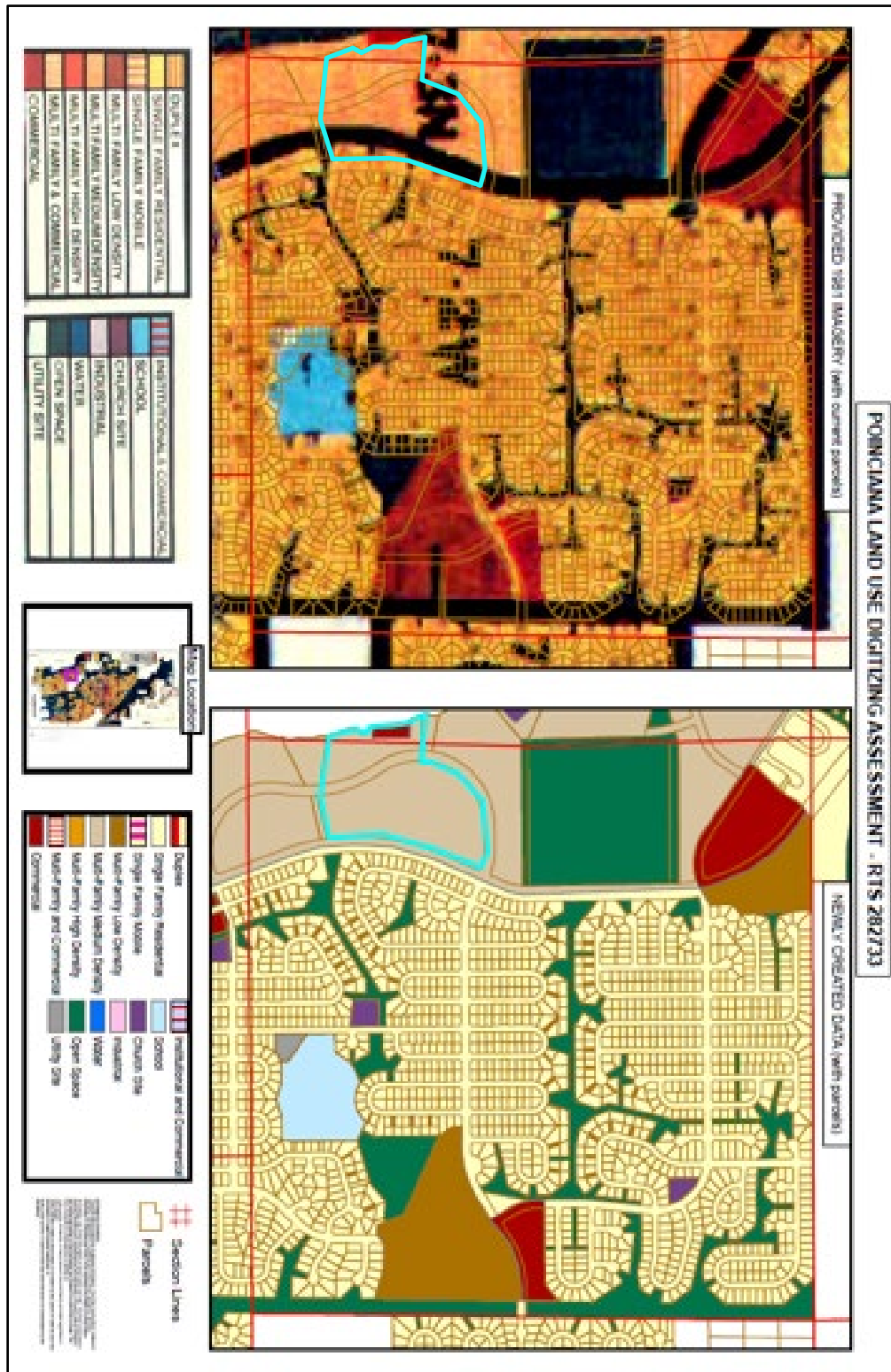
BoCC Adoption Staff Report

Level 4/ANI

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
ROS	Farming General, Lodges and Retreats, School (Leisure/Special Interest), Utilities (Class I), Utilities (Class II)	Recreational Camping, Community Center, Cultural Facility, Golf Course, Helistops, Recreation (Passive), Recreation (High Intensity), Recreation (Low Intensity), Recreation (Vehicle Oriented), Religious Institution, Riding Academies	Planned Development, Communication Towers (Guyed and Lattice), Communication Tower (Monopole), Government Facility, Mining (Non-phosphate), Outdoor Concert Venue, Utilities (Class III), Water Ski Schools

LIST OF PERMITTED AND CONDITIONAL USES IN RECREATION OPEN SPACE (ROS)

BoCC Adoption Staff Report Level 4/ANI



Poinciana Land Use Map