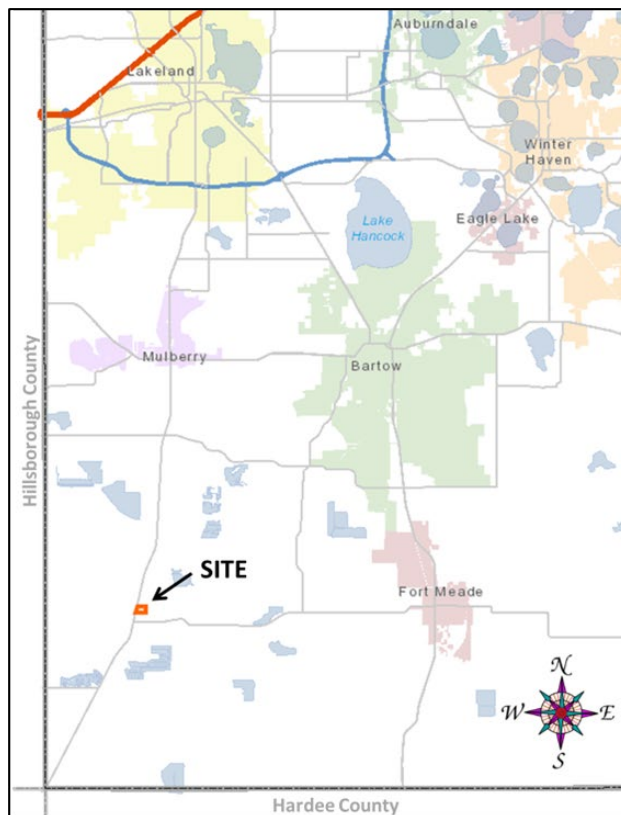


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	November 19, 2022	Level of Review:	Level 4 Review
PC Date:	February 1, 2023	Type:	Access Waiver
BoCC Date:	March 21, 2023	Case Number:	LDWA-2022-61
Applicant:	Richard Saunders	Case Name:	SR 37 Access via Easement
		Case Planner:	Erik Peterson, AICP

Request:	Waiver to Section 705.B for approval for 11 residential lots with access through a private easement.
Location:	The subject site is located on the east side of State Road 37 (SR 37), north of County Road 630, south of Main Avenue in Bradley Junction, west of Old Highway 37, southwest of the city of Bartow, west of the city of Ft. Meade, south of the city of Mulberry in Section 27, Township 31, Range 28.
Property Owners:	Robert and Margie Davis
Parcel Size (Number):	±57.06 acres (233127-000000-022000)
Future Land Use:	Phosphate Mining (PM) in process for amendment to Agricultural/ Residential Rural (A/RR)
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	City of Bartow (±9 miles)
DRC Recommendation:	Approval
Planning Commission Vote:	7:0 Approval

Location Map



2021 Satellite Photo



Summary:

The applicant is seeking to purchase a ±57-acre tract that fronts State Road 37, with the intention of subdividing the property into 11 lots with access via easement. A property may be developed for a single-family dwelling with access solely via easement if the easement:

1. Provides access no more than four (4) lots;
2. Is at least 20 feet wide; and,
3. Is no longer than a ¼ mile.

Each of the lots will have roadway frontage on State Road 37. However, the Florida Department of Transportation (FDOT) will not issue individual driveways for each of the properties due to the lack of adequate separation between them. The 11 lots could meet the requirements of Section 705.B if the lots could be accessed by at least three (3) separate driveways assuring no easement would serve more than four lots. To fulfill the applicant's unit count and meet the FDOT standards, the applicant's options are to build a street to county standards or seek a waiver for access to more than four lots on an easement.

The property is designated Phosphate Mining (PM) which does not allow single-family residential development. However, the property should not be designated PM because it has never been owned by a phosphate mining company or under a phosphate mining plan. For this reason and in accordance with 2.114-A2 of the Comprehensive Plan, this property is slated to be changed to A/RR in the upcoming year.

This site is far from most urban infrastructure and services which is to be expected in the Rural Development Area (RDA) according to the Comprehensive Plan. There is a County Fire Rescue station just over three miles driving distance of the property's proposed entrance as shown on the site plan in Exhibit 5.

There are some environmental limitations, but with lots as large as the ones proposed these limitations should not be of consequence. A 100-year flood hazard area bifurcates the eastern third of the property and there are some wetlands associated with it. The site plan in Exhibit 5 shows more than adequate area for each lot to build well outside of any wetland or flood hazard area. The site is mostly a former citrus grove. Such lands are typically well sited for residential habitation provided some soil compaction and amendments are made to solidify building foundations and stabilize vehicle passage.

Staff recommends approval of this waiver request because it aligns with the third waiver criteria found in Section 932.A of the LDC that states *"granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements."* The FDOT standards that limit the number of access points to this property are intended to assure greater public safety. By approving this waiver, the Board is balancing the owner's density entitlements with FDOT's efforts at improving public safety.

Findings of Fact

- *The applicant is requesting a waiver to Section 705.B of the Polk Land Development Code (LDC) for approval for more than four (4) lots on a single access easement.*
- *Per Section 705.B LDC, “an easement providing access to a residential lot from a paved road meeting County standards shall meet the following requirements; the easement shall:*
 - a. Provide access for no more than four lots subject to other density, minimum lot size requirements and any other applicable requirements of this Code;*
 - b. Have a minimum width of 20 feet;*
 - c. Not exceed 0.25 miles (1,320 feet) in length;*
 - d. Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
 - e. Be supported by the joinder and consent of all fee owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement. In lieu of joinders, an applicant may provide a legal opinion from a licensed Florida attorney stating a lot has legal access, along with supporting documentation.”*
- *According to POLICY 2.108-A1 of the Comprehensive Plan, the subject property is in a Rural Development Area (RDA). The RDA “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.”*
- *The subject property is in a Phosphate Mining (PM) Future Land Use Map district. The Comprehensive Plan permits only Phosphate mining and allied industries, land reclamation, agriculture, and Farmworker housing.*
- *Policy 2.114-A2 of the Comprehensive Plan states that if property in the PM district that was not under a conceptual mining plan and owned by a phosphate mining company “may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use.”*
- *For PM lands affected by Policy 2.114-A2, a change to the Agricultural/Residential Rural (A/RR) district is the default category.*
- *Per Table 2.2 of the Land Development Code (LDC), the minimum residential lot size in an A/RR district is five (5) acres. Single-family residences are a permitted use in A/RR.*
- *The property has enough road frontage to permit three access points for up to four lots apiece in accordance with Section 705 and Section 822 of the LDC.*
- *The property fronts State Road 37 and no other public roadway facility.*
- *On September 1, 2022, County staff attended a Florida Department of Transportation (FDOT) pre-application meeting where the staff of the Access Management Section of FDOT District 1 stated to the applicant that the property was eligible for only one access point on State Road 37.*
- *The site has no access to centralized potable water or wastewater services. The closest water line is ±3.2 miles away.*

- *The subject property is zoned for Purcell Elementary School, Mulberry Middle School, and Mulberry Senior High School.*
- *The Sheriff's Regional Command that serves the area is the Polk County Sheriff's Southwest Command Center at 4120 US Hwy 98 South near Lakeland approximately 27 miles to the northeast.*
- *Fire rescue response from Polk County Fire Rescue Station #4 at 6949 Old Highway 37, Bradley Junction. It is approximately 3.4 miles driving distance.*
- *The property contains wetlands and 100-year Flood Hazard Areas that cover the northeastern fifth of the property and an approximately 3.5-acre portion of the southern middle according to the Southwest Florida Water Management District (SWFWMD) and the National Wetlands Inventory (NWI) shows similar wetland coverage.*
- *Approximately one fourth of the property is located within the 100-year Flood Hazard Area according to the Federal Emergency Management Administration FEMA. It connects the two wetland areas.*
- *There are no known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Master Site File.*
- *According to Polk County Endangered Habitat Maps, the proposed site was located within a one-mile radius of an endangered species sighting in 2002. No sightings have been recorded within a one-mile radius of the site since then. (Source: Florida Natural Areas Inventory, 2002, 2006, 2011, & 2015).*

Development Review Committee

The Development Review Committee, based on submitted information, the findings of fact and analysis conducted as part of this staff report, and a recent site visit, finds that the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area; **IS CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan; and recommends **APPROVAL of LDWA-2022-61** with the following conditions:

Planning Commission Recommendation:

On February 1, 2023 at an advertised public hearing, the Planning Commission voted 7-0 to recommend approval of this application.

CONDITIONS OF APPROVAL

1. Approval of this waiver shall be for access via one easement to serve a subdivision of up to 11 single-family residential lots and their accessory uses allowed within Section 206 and accessory structures allowed within Section 209 of the LDC on parent parcel number 233127-000000-022000. [PLG]
2. The applicant shall be responsible for the maintenance of the access easement to the subject property. Such maintenance shall include, but is not limited to, keeping all roadways and easements clear of tree limbs and brush; removing debris and other obstacles from the path of emergency vehicles; and improving the stabilized base of roadways and easements to support emergency vehicles as directed by the Fire Marshal's office. [FM].

3. No vehicles, machinery, equipment, or other accessory structures which could interfere with the passage of emergency vehicles shall be parked or stored along the access easement.
[PLG]

GENERAL NOTES

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

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Approval of this request is only for Level 4 Review and only for those development decisions within the Planning Commission's jurisdiction. Upon completion of the Level 4 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING WAIVERS SUMMARIZED BELOW:

Note: Below are staff's responses and opinions to the applicant's request relative to demonstrating the criteria for granting a waiver. Since this particular request requires a Level 4 Review approval, it is ultimately the Board of County Commissioners' decision on whether the waiver should be granted and access should be allowed.

1. *Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;*

Ralph and Doris Kersey sold this property to Willie and Margie Dobbs on May 23, 1955. It has been in the Dobbs family ever since and is now owned by Margie Susan Dobbs-Davis, the granddaughter. The property has been in citrus production for the past 65 years. Originally, it was among many citrus groves in the area. However, over the past years it has become isolated by the surrounding phosphate mining activity and is no longer in a viable position to be a part of an efficient harvesting network. For residents seeking large properties isolated away from central Florida's rapid pace of growth, this untouched upland patch offers an ideal place to construct a home.

The 57-acre property, once changed to an A/RR district designation, is eligible for 11 lots of 5 acres or more. With over 1,300 feet of public road frontage up to three driveways can be constructed on a minor arterial roadway under Section 705. Each driveway can serve up to four lots apiece according to the standards. These standards enable all 11 lots without having to construct a new street. However, the Florida Department of Transportation (FDOT) has jurisdiction over access permitting on State Road 37 (SR 37) which means the County standards are not all that apply. Because of the design speed of SR 37, FDOT is only permitting the applicant one driveway. This restriction forces

the applicant to either build a public street to County standards to provide each lot with at least 50 feet of public road frontage or seek a waiver to the four-lot limitation to each driveway.

The 11 properties, as proposed, meet the minimum lot size for the A/RR district of five (5) acres. There is a significant amount of each property that is uplands and buildable without any significant environmental limitations. Construction of a street to County standards, either publicly or privately owned, has both fixed and variable costs that are a substantial expense to defray over only residential 11 lots given their size of five acres or more. If constructed, the applicant would have the ability to turn this road over to the County for perpetual maintenance. This would likely become a burden to the tax payers because a street in this remote location presents a higher cost of maintenance that is not offset by the tax revenue from 11 five-acre lots, especially for the longer duration that they may remain vacant.

2. *Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;*

Through a Planned Development procedure adhering to the Rural Residential Development Standards a property of this size in the A/RR district could potentially allow for 57 residential lots. The applicant is seeking the base density allotment for this ±57 acres, nothing more.

3. *Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;*

The FDOT standards that limit the number of access points to this property are intended to assure greater public safety. By approving this waiver, the Board is balancing the owner's density entitlements with FDOT's attempts at improving public safety.

If an internal road was constructed, the applicant would have the ability to turn this road over to the County for perpetual maintenance. This would likely "*cause increased maintenance expenses in connection with the subdivision improvements*" because a street in this remote location presents a higher cost of maintenance that is not offset by the tax revenue from 11 five-acre lots, especially for the longer duration that they may remain vacant. Either publicly or privately owned, there are both fixed and variable costs that are a substantial expense to defray over only residential 11 lots given their size of five acres or more.

4. *The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and*

There are very few properties in this area that are not under ownership or restrictions by a phosphate mining company or a reclamation program from past phosphate mining. While there is always a chance that somewhere in this county one might draw a parallel to this situation, the probability is low. For instance, all of the land shown in the context aerial provided in Exhibit 3 of this report is under the ownership of only three other entities. There are not many areas of the County where this holds true.

5. *Whether all other avenues of relief have been exhausted.*

The applicant has reviewed the costs of constructing a street to reach all 11 proposed lots that meets County standards to find that a return on their investment is unlikely. Reducing the subdivision to

only four lots grossly diminishes the potential value of the property. The applicant sees no other way to reach their investment goals through any other avenue than this waiver to the number of lots on one access easement.

Surrounding Land Use Designations and Current Land Use Activity:

This property has been under private ownership since 1955 as a viable citrus grove. It predates the vast amount of phosphate mining that has occurred in the area.

Table 1

Northwest: Phosphate Mining (PM) Former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC	North: PM, Commercial Enclave (CE) Three small vacant commercial parcels, the rest is former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC	Northeast: PM Former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC
West: PM Kovacs Brothers Cattle Ranch	Subject Property: PM ±57-acre parcel former citrus grove	East: PM Former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC
Southwest: PM Kovacs Brothers Cattle Ranch	South: PM Former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC, Tampa Electric (TECO) Power Plant	Southeast: PM Former phosphate mining land under reclamation owned by Mosaic Fertilizer LLC

The subject property was once an active citrus grove. It is predominantly surrounded by former phosphate mining lands that are under long-term reclamation. The only neighbor is Kovacs Ranch on the opposite side of SR 37. There was once a convenience store to the north, but it was demolished over 20 years ago. The land use entitlements still remain but the prospect for retail development is unlikely given the rural nature of the area.

Compatibility with the Surrounding Land Uses:

The request is for one point of public road access for 11 single-family residential lots. While the property is currently PM, it should be A/RR and the County is required to correct it within the next 12 months. As A/RR, the site is eligible for 11 lots with a minimum lot size of five acres. The sole reason for the request is that normal access requirements do not apply. The property's public road frontage is on a state road where access is further limited beyond typical County standards.

This development proposal will be isolated. The property is one of the only historically individually owned properties in the area. All others have been mined for phosphate and are under corporate ownership. All the lands other than the subject property are reclaimed phosphate mining sites including the Kovacs Ranch which is now dedicated to cattle raising. The future residents on these 11 properties will be surrounded by very little development activity. There is no evidence that this request is incompatible with the surrounding development and the evidence provided in this report clearly demonstrates the request is compatible all land uses in the area.

Urban Services and Infrastructure Analysis

This site is a significant distance from most urban services But, that is to be expected in the Rural Development Area (RDA) of the County. Table 2 summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, the proposed request is not anticipated to create any significant demand on these services. Even though Mulberry Middle

School is currently over capacity, that level is minimal and a shot in time. Changes in school zones or annual fluctuations in population cohorts may reveal more capacity at the time these 11 households send students there. On average, 11 single -family dwelling units will only send one child to middle school in a given year.

Table 2

Urban Services and Infrastructure Summary	
Schools	Purcell Elementary School, 84% capacity, ±10 ½ miles Mulberry Middle School, 102% capacity, ±10 ¾ miles Mulberry Senior High School, 74% capacity, ±11 miles
Parks	Bradley Junction Mini Park (3.2 miles), Bone Valley ATV Park (4 miles)
Sheriff	Polk County Sheriff's Southwest Command Center (4120 US Hwy 98 South in Lakeland.), ±27 miles
Fire	Polk County Fire Rescue Station #4 at 6949 Old Highway 37, Bradley Junction. It is ±3.4 miles driving distance.
EMS	Polk County EMS Station #4 at 6949 Old Highway 37, Bradley Junction. It is ±3.4 miles driving distance.
Water	Onsite Well. The closest public water over 3.2 miles away in Bradley Junction
Sewer	Onsite Treatment System. The closest public wastewater connection is over 7.8 miles away in Mulberry.
Transportation	State Road 37 – Minor Arterial with direct access
Urban Sprawl	Site is located within the RDA with 5+ acre lots which is not considered urban sprawl.

Table 3

Impact Analysis Summary Proposed Use (11 Single-Family Residential Lots)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*Peak Hour Impact
3,960 GPD (on-site well)	2,970 GPD (on-site septic)	86 AADT	11 trips
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i>			

Potable water will be provided by a well, and an onsite septic treatment system will be utilized to handle wastewater for each individual lot. State Road 37 Road is tracked for concurrency in the Transportation Planning Organization's Roadway Network Database. It is a Minor Arterial Roadway that experiences an average of 6,400 vehicles per day, according to Florida Department of Transportation (FDOT) 2021 estimates. However, it has been as high as 8,100 in the past. It is operating at a Level of Service of "B" and there should be at least 784 available trips northbound and 801 trips available southbound before the roadway may be considered failing.

Environmental Conditions Analysis

There are a few environmental limitations to the development of this site for 11 single-family residences, but they can be easily overcome with the amount of space on each proposed property (See Exhibit 5). There are indications that a 100-year flood zone bifurcates the property with

potential wetlands on either end. However, there is an overwhelming amount of the property that is comprised of Neilhurst Sands which is mostly an upland soil type but occasionally prone to wetness. There is ample land on each of the 11 lots to find a suitable homesite and locations for well and onsite septic waste disposal system.

Table 4

Environmental Conditions Summary	
Surface Water	The highest point is 162 feet above sea level, the lowest is below 134 feet MSL. The site drains to the northeast into a flood plain system and drain that takes surface waters to a pond created by former phosphate mining to the north and east which connects through drainage ways to the Alafia River.
Wetlands/Floodplains	Wetlands cover the northeastern fifth of the property and a 3.5 acre portion of the southern middle according to the Southwest Florida Water Management District (SWFWMD) and The National Wetlands Inventory (NWI) shows similar wetland coverage. A larger portion of the property is located within the 100-year Flood Hazard Area according to the Federal Emergency Management Administration FEMA. It connects the two wetland areas.
Soils	Neilhurst Sand (65%), severe limitations for dwellings, slight for septic tank drain fields. Haplaquents (35%) severe limitations for dwellings, severe for septic tank drain fields.
Protected Species	There was an endangered species sighting near the property in 2002. However, the subject property has not been located within a one-mile radius of a protected plant or animal species sighting since 2006 (Source: Florida Natural Areas Inventory 2002, 2006, 2011, & 2015).
Wellfield Protection	The site is not located within a wellfield protection area (over three miles away in Bradley Junction)
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	Not located within any Airport Height Notification or In-Flight Visual Interference Zones.

Consistency with the Comprehensive Plan, LDC, and Other County Ordinances:

The property is located in the Rural Development Area (RDA), which is the area “*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.*” according to POLICY 2.108-A1 of the Comprehensive Plan. There is no public water, wastewater, or transit. Fire rescue, law enforcement, and ambulance services are significant distances away. Schools and parks require extensive travel times to reach.

The property is currently PM but will be changed to A/RR per the requirements of POLICY 2.114-A2. Comprehensive Plan POLICY 2.121-A2 permits “Residential density of one dwelling unit per five acres (1 DU/5 AC).” The table to follow addresses the primary growth management Policies of Section 2.102 of the Comprehensive Plan Future Land Use Element.

Table 5

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The applicant’s subdivision request is for 11 single-family residential lots. The base density of the A/RR district allows up to 11 lots by right. This is the base density of the A/RR district.</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: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.</p>	<p>The neighboring Future Land Use Map designations are mostly PM and previously mined for phosphate many years ago. There is a small CE district to the north that is no longer developed. There is a cattle ranch across SR37. With lots of at least five acres each, there will be enough space from any of the neighboring properties to avoid an incompatibility.</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>The proposed low-density use is consistent with services available in the Rural Development Area (RDA).</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>One home per five acres does not need many services at all other than the potential need for public safety services and access for visitors. Future homeowners’ expectations for urban services should be low this far from the nearest municipality.</p>
<p>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).</p>	<p>The response from public safety services to this area will be slower due to the distance for which vehicles must travel to reach it. This is why permitted density is limited to one unit per five acres. One common access point will aid fire rescue services in locating the homes.</p>

Through LDC Section 705.B.7, the Board of County Commissioners is authorized to grant Waivers to Section 705.B (subsections 1.a. [number of lots] and 1.c. and 2. only) may be granted by the Board of County Commissioners pursuant to a Level 4 Review and subject to the waiver provisions in Section 932 of this Code. These criteria are addressed in Table 6 to Follow.

Table 6

Section 931.A Criteria	Staff Analysis
1. Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;	The applicant has ±57.06 acres and ±1,357 feet of public road frontage. The current Polk County standards allow 11 lots on three separate points of access with no more than four lots per access. However, FDOT is requiring a more stringent standard of one access point. Without this waiver approval, the applicant will only be allowed four lots total, seven less than his entitlement.
2. Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;	FDOT has provided the applicant only one option. The applicant cannot get his reasonable permitted use of the property without this waiver approval. Any less than 11 lots takes away from the Comprehensive Plan permitted density.
3. Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;	Under current standards in Section 705.B of the LDC, this request could be approved administratively if the subdivider was allowed three access points rather than one. According to FDOT, the access limitation beyond current County access standards on this Minor Arterial Road is necessary to protect motorists.
4. The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and	This could set a precedent. There is the potential for more similar requests to avoid internal paved roads meeting County standards. However, each will have to utilize this same process. It is somewhat of a barrier to development. This case is different in that the internal road easement would not be necessary were it not for meeting FDOT's limitations and restrictions for access.
5. Whether all other avenues of relief have been exhausted.	The applicant has no other feasible means of access to the public roadway network for 11 lots given the anticipated buildout and use of the access.

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

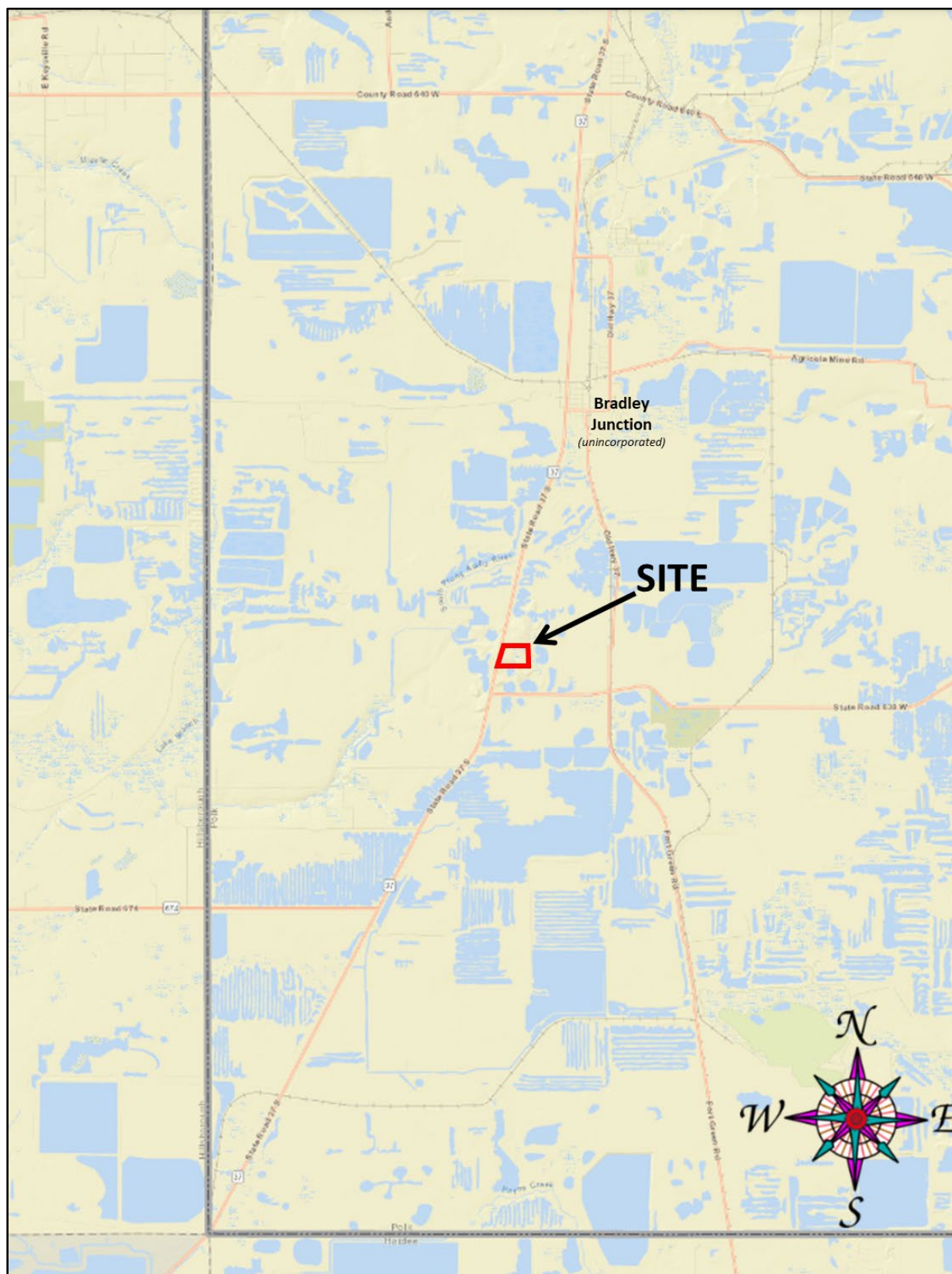
Table 7

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Sections 906.D and 705.B.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this development is consistent with the Comprehensive Plan because the Future Land Use Map will be amended from PM to A/RR under direction of POLICY 2.114-A2.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 7 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met, if the development were built.	<i>The request is capable of meeting concurrency requirements in the timeframe in which it will be constructed. See page 8 of this staff report for data and analysis.</i>

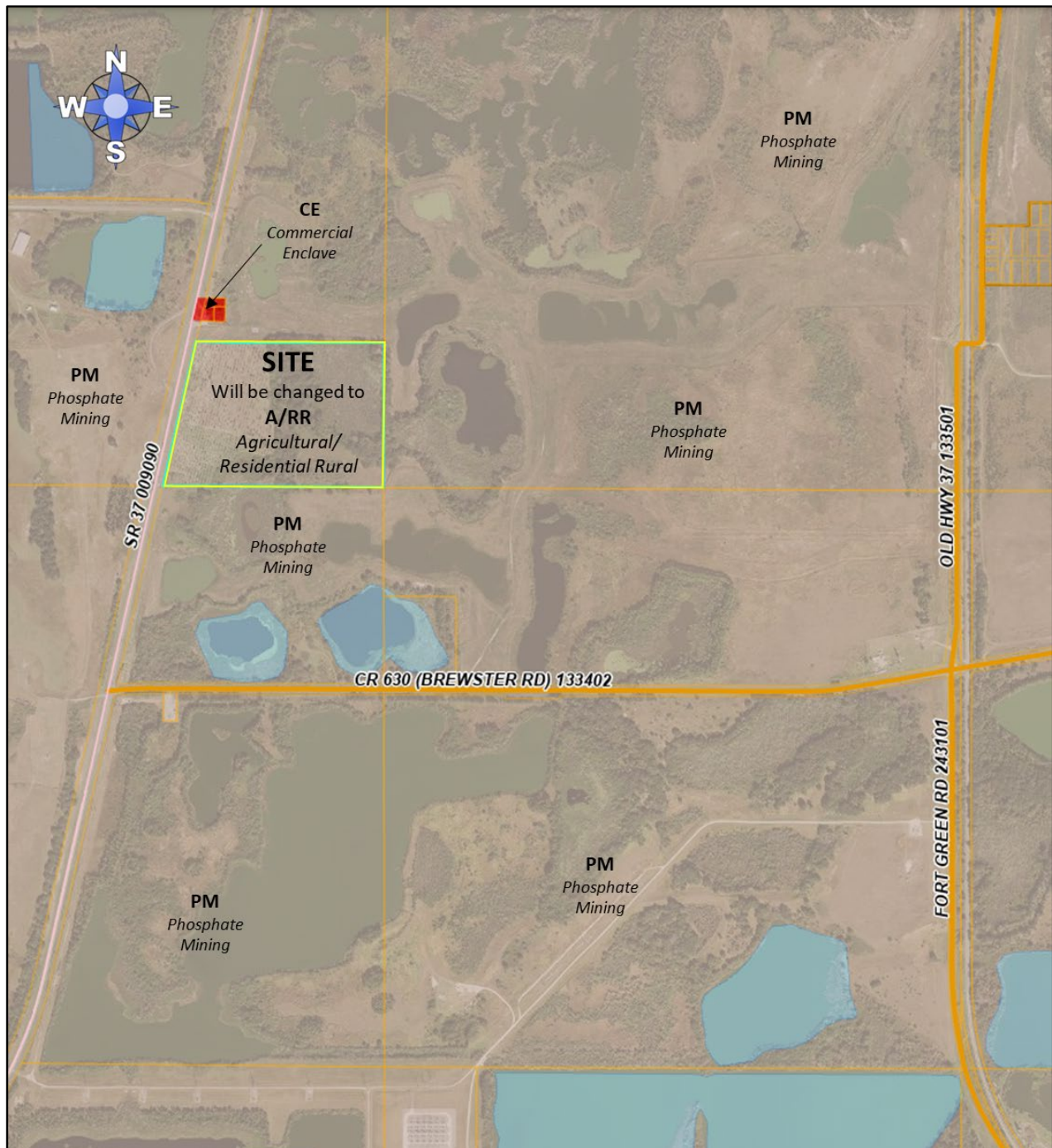
Comments from other Agencies: None.

Exhibits

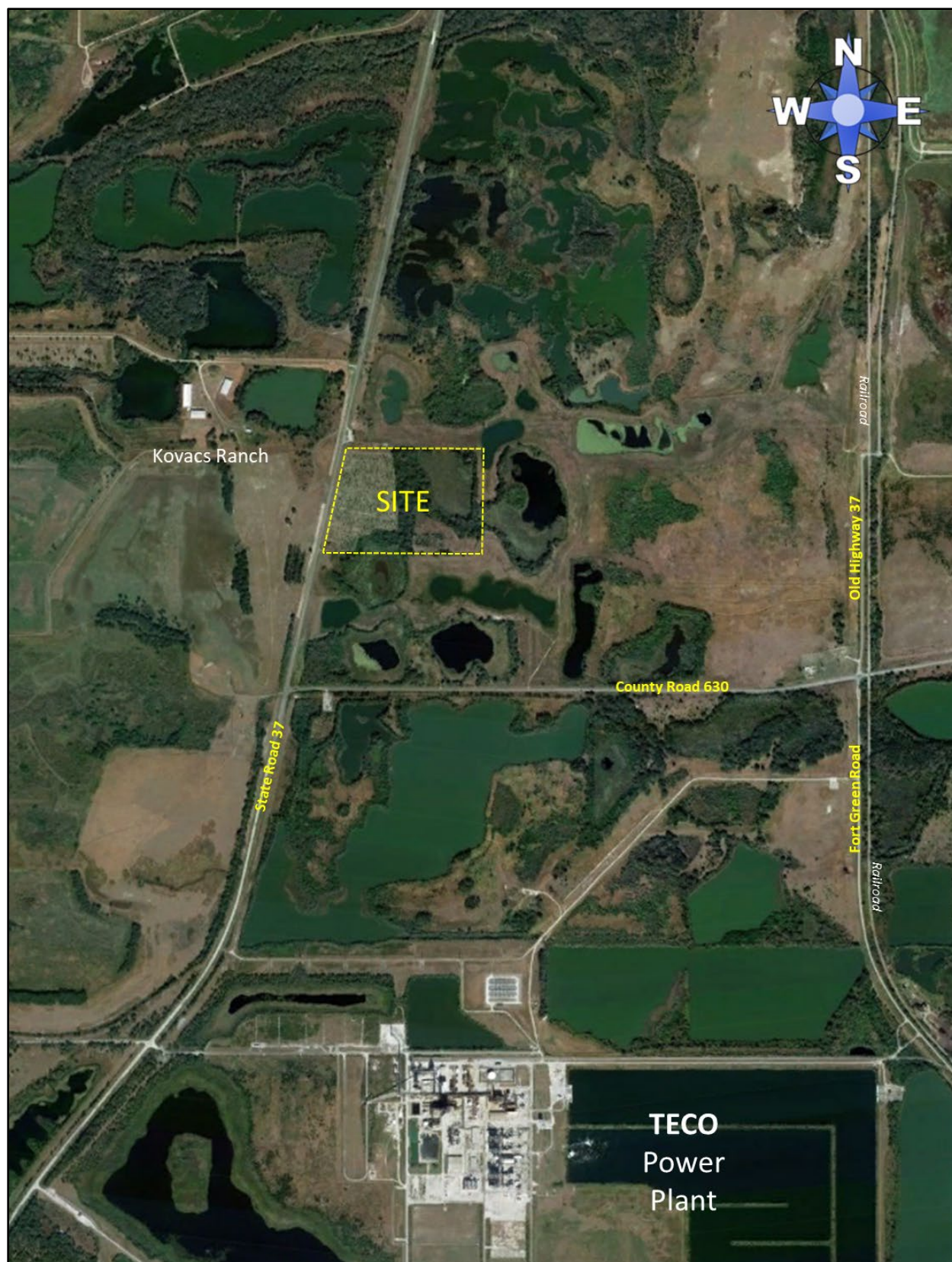
Exhibit – 1	Location Map	Exhibit – 4	2020 Aerial Image (Close-up w/ property lines)
Exhibit – 2	Future Land Use Map	Exhibit – 5	Proposed Layout and Easement
Exhibit – 3	2021 Satellite Image (Context)	Exhibit – 6	Applicant's response to Waiver Criteria



Location Map



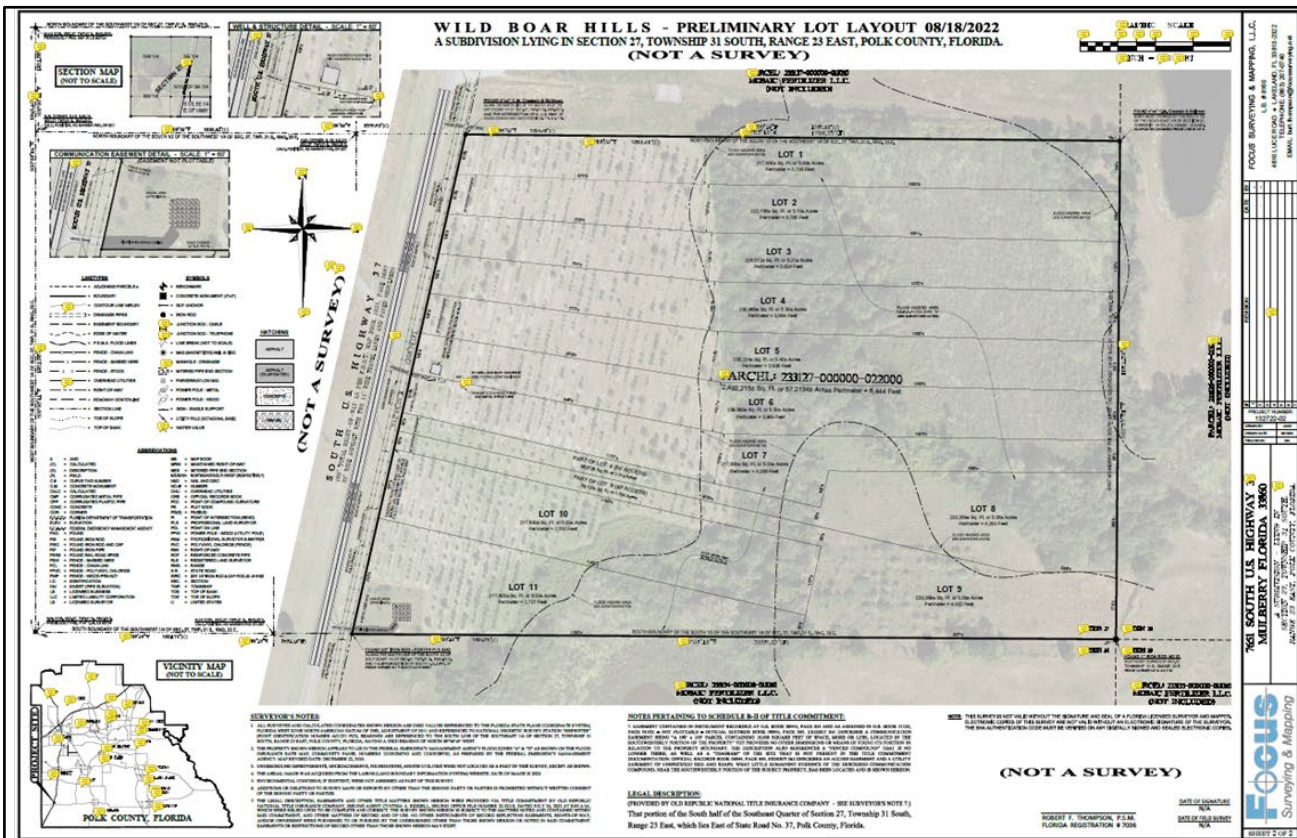
Future Land Use Map



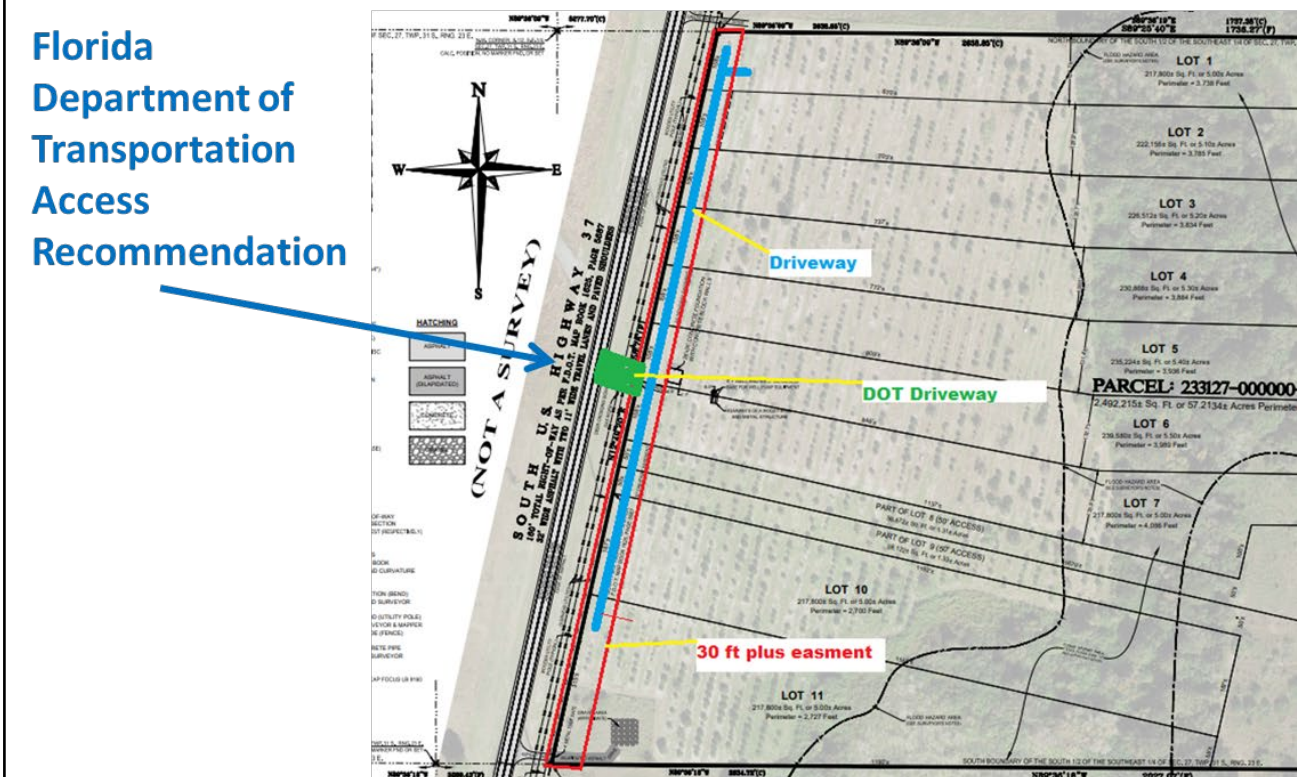
2021 Satellite Image (Context)



2021 Satellite Image (Close-up)



Florida Department of Transportation Access Recommendation



Adoption Hearing Staff Report
Level 4/eep 2/3/2023 1:37:30 PM

Demonstration of Need

1. Could the proposed amendment promote substantial amounts of low-density, low intensity, or single use development in excess of demonstrated need?

The 57 acre property should be zoned ARR which will only allow 1 unit per 5 acres. This allows only 11 lots total which is not a significant amount of development. The waiver will only allow the land to be used in a capacity that it was intended to be used.

2. Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?

Approving the waiver will not allow much development to occur in the area because most of the land is owned by mining companies and solar farms. Very few private owners in the area.

3. Does the proposed amendment create or encourage urban development in radial, Does the strip, isolated, or ribbon patterns emanating from existing urban development?

It would not have any effect on development of other properties.

4.Does the proposed amendment fail to adequately protect adjacent agriculture areas?

It will not have any effect on them.

5.Could the proposed amendment fail to maximize existing public facilities and services?

It will not have any effect on them.

6.Could the proposed amendment fail to minimize the need for future public facilities and services?

It will not have any effect on them.

7.Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?

It will not have any effect on them.

8.Does the proposed amendment fail to provide clear separation between urban and rural uses?

Not applicable.

9.Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?

Not applicable.

10. Does the proposed amendment fail to encourage an attractive and functional mixture of land uses?

Not applicable.

11.Could the proposed amendment result in poor accessibility among linked or related land uses?

No. It would have no effect or improve accessibility.

12. As a result of approval of this amendment, how much open space will be lost?

None.

Applicant's response to Waiver Criteria