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**March 04, 2026 Regular Planning Meeting**

**Call Agenda Workshop to Order 8:50 a.m.**

A. Planning Commission (PC) will discuss agenda items and consider additions, deferments, withdrawals to published agenda. Planning Commission will discuss any particular agenda items of concern with any Planning Commission member.

B. Planning Commission will consider and review with staff any upcoming ordinance revisions, comprehensive plan recommendations or other matters of concern to the Planning Commission.

Note: This first part of the monthly Planning Commission agenda is a workshop. No official action on any item will be taken at the workshop. While the public is invited to attend, no public comment will be solicited during the workshop.

**Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.**

**Roll Call / Attendance**

**Pledge of Allegiance**

**Approve Minutes**

February 4, 2026, meeting minutes

**Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.**

**1) Reorder Agenda**

a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.

**2) Considerations of items to be withdrawn, deferred, or continued.**

LDCU-2025-25 (Hudson MH) - Continued

**Explanation of General Procedures**

**Explanation of Quasi-Judicial Proceedings**

**Voir Dire of Expert Witnesses**

## Staff Resumes

### **Agenda Item**

#### **New Business**

1. LDWA-2025-49 (Hatch Easement)
2. LDCPAS-2025-38 (Toho Marigold INST/NAC CPA)
3. LDCPAS-2025-37 (Hwy 17/92 LCC CPA)
4. LDCT-2026-1 Wahneta Main Street Overlay (MSC) LDC Text Amendment
5. LDCT-2025-28 (Flex Space & Retail Plazas)
6. LDCT-2025-29 (Storage Yards)
7. LDCT-2025-30 (Administrative Plat Approval)

Comprehensive Plan update

#### **Adjournment**



Polk County  
Planning Commission

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Agenda Item

3/4/2026

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**SUBJECT**

February 4, 2026, meeting minutes



# Polk County Planning Commission

## Meeting Minutes - Final

February 04, 2026 Regular Planning Meeting

### Call Agenda Workshop to Order 8:50 a.m.

**Minutes:** The workshop of the Polk County Planning Commission was called to order at 8:50 a.m. by the Chair, Merle Bishop, on Wednesday, February 4, 2026, in the County Commission Boardroom, Administration Building. In attendance were the following members: Julie Jackson, Mike Hickman, Angel Sims, Cyndi Jantomaso, Brooke Agnini and Robert Beltran. Also, Linda Schultz and Kevin Updike Planning Commission alternate. Also, present were Sandra Howard, Deputy County Attorney, Ben Ziskal, Erik Peterson, Chanda Bennett, Robert Bolton, Kyle Rogus, Andrew Grohowski and Ian Nance of Land Development, and Lyndsay Yannone, recording secretary.

#### Rollcall

<b>Present</b>	Vice Chair Mike Hickman, Mike Schmidt, Robert Beltran, Chair Merle Bishop, Kevin Updike, Brooke Agnini, Secretary Cyndi Jantomaso, and Angelic Sims
<b>Excused</b>	Adam Bass

### Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.

**Minutes:** The workshop of the Polk County Planning Commission was called to order at 9:00 a.m. by the Chair, Merle Bishop, on Wednesday, February 4, 2026, in the County Commission Boardroom, Administration Building. In attendance were the following members: Julie Jackson, Mike Hickman, Angel Sims, Cyndi Jantomaso, Brooke Agnini and Robert Beltran. Also, Linda Schultz and Kevin Updike Planning Commission alternate. Also, present were Sandra Howard, Deputy County Attorney, Ben Ziskal, Erik Peterson, Chanda Bennett, Robert Bolton, Kyle Rogus, Andrew Grohowski and Ian Nance of Land Development, and Lyndsay Yannone, recording secretary.

### Pledge of Allegiance

### Approve Minutes

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Robert Beltran

<b>SECONDER:</b>	Angelic Sims
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

January 7, 2026, Meeting Minutes

**Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.**

**1) Reorder Agenda**

a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.

**2) Considerations of items to be withdrawn, deferred, or continued.**

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Angelic Sims
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

**Roll Call / Attendance**

<b>Present</b>	Vice Chair Mike Hickman, Robert Beltran, Chair Merle Bishop, Kevin Updike, Brooke Agnini, Secretary Cyndi Jantomaso, and Angelic Sims
<b>Excused</b>	Adam Bass

**Explanation of General Procedures**

Explanation of General Procedures

**Voir Dire of Expert Witnesses**

Staff Resumes

**Agenda Item**

**Explanation of Quasi-Judicial Proceedings**

**New Business**

- LDWA-2025-51 (Gabriel Road Easement)

**Minutes:** Tom Wodrich, applicant, 734 LMC Groves LLC., owner, are *requesting an approval* for up to 8 single family lots to have access via an easement exceeding 0.25 miles in length on 43.46 +/- acres within an Agriculture/Residential Rural (A/RR) future

land use district. The subject site is located south of Lake Buffum off Gabriel Road, north of Lake Buffum Road S, south of Lake Buffum Road North, east of Doc Lindsey Road, west of Lake Buffum Road East, east of the City of Fort Meade in Section 13, Township 31, Range 26.

Kyle Rogus, Land Development, introduced the case and reported 19 mailers sent to area property owners on January 15, 2026, two (2) sign posted on the property on January 20, 2026, and a legal advertisement was published in Polk Sun on January 21, 2026. One (1) phone call in opposition.

Merle asked a question about the development on Black Road. Kyle stated that Black Road was private.

Mike Hickman asked what was going to happen to the rest of the acreage. Kyle stated it was going to be designated as Agriculture easement.

Tom Woodrich, applicant spoke, agreed with staff.

Julie had a question on HOA.

Merle had a question about what is the open space agriculture conservation area?

Tom Woodrich answered the questions from members.

Mr. Chair opened public portion.

Gill P. is in opposition. Worried about wildlife. Stated this would take away from their community.

Barbera Nelson spoke in opposition. Asked where the easement would be. Stated if this was approved, this would set a precedent for the 200+ acres close by for something like this request. Stated the property was not being maintained and there was a snail infestation at one point.

Emmett S. had a question about the easement between his property and where it would be.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Mike Hickman
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

2. LDCPAS-2025-35 (Recker Highway BPC CPA)

**Minutes:** An Ordinance of the Polk County board of county commissioners regarding the adoption of **LDCPAS-2025-35**, an amendment to the Polk County Comprehensive Plan, Ordinance 92-36, as amended, to change the Future Land Use designation on a total of 12.91± acres, from Residential Suburban (RS) to Business Park Center (BPC) in the Suburban Development Area (SDA). The subject property is located on the south side of Recker Highway, east of Thornhill Road, north of Highway 542 W, and west of McKean Street, south of the City of Auburndale, in Section 15, Township 28, Range 25; providing for severability; and providing for an effective date.

Robert Bolton, Land Development, introduced the case and reported 20 mailers sent to area property owners on January 15, 2026, one (1) sign posted on the property on January 20, 2026, and a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Julie had a question if the salvage yard will continue.

Tom Woodrich, applicant, spoke and agreed with staff.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Mike Hickman
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

3. LDCD-2025-11 (Recker Highway BPC-2 Sub-District)

**Minutes:** Tom Woodrich, TDW Land Planning, applicant, and Computerized Auto Recycling Service, Inc., owner, are requesting a Future Land Use Map sub-district amendment from Business Park Center (BPC) to Business Park Center-2 (BPC2) on 12.91± acres located in the Suburban Development Area (SDA). Related to LDCPAS-2025-35 request for a Small Scale Future Land Use Map amendment from Residential Suburban (RS) To Business Park Center (BPC). The subject property is located on the south side of Recker Highway, east of Thornhill Road, north of Highway 542 W, and west of McKean Street, south of the City of Auburndale, in Section 15, Township 28, Range 25.

Robert Bolton, Land Development, introduced the case and reported 20 mailers sent to area property owners on January 15, 2026, one (1) sign posted on the property on January 20, 2026, and a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Julie had a question if the salvage yard will continue.

Tom Woodrich, applicant, spoke and agreed with staff.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Mike Hickman
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

4. LDCPAS-2025-32 (Kathleen & Duff NAC)

**Minutes:** An Ordinance of the Polk County board of county commissioners regarding the adoption of **LDCPAS-2025-32**, an amendment to the Polk County Comprehensive Plan, Ordinance 92-36, as amended, to change the Future Land Use designation on a total of 1.13± acres, from Residential Suburban (RS) to Neighborhood Activity Center (NAC) and a Development Area change from Suburban Development Area (SDA) to Urban Growth Area (UGA). The subject property is located on the west side of Kathleen Road, south of Duff Road East of Catherine Drive, and north of Catherine Drive, northwest of the City of Lakeland, in Section 17, Township 29, Range 23; providing for severability; and providing for an effective date.

Robert Bolton, Land Development, introduced the case and reported 33 mailers sent to area property owners on January 15, 2026, one (1) sign posted on the property on December 23, 2025, and a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Expedited. M- Beltran 2nd- Cyndi J.

Bart Allen, application spoke and agreed with staff.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Mike Hickman
<b>SECONDER:</b>	Robert Beltran

<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson
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5. LDCT-2025-25 (Communication Towers LDC Text Amendment)

**Minutes:** An ordinance of the Polk County Board of County Commissioners regarding Land Development Code amendment **LDCT-2025-25**, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code, Chapter 2, Section 205, Use Table for Standard Land Use Districts, to lower the level of review for communication towers in non-residential districts and higher density residential districts; Section 207, Temporary Uses, to add Mobile Communication Towers; Chapter 3, Section 303, Criteria for Conditional Uses, to modify Communication Tower conditional use standards; Chapter 4, Special Districts, to lower the level of review for communication towers in non-residential districts and higher density residential districts, and modify conditional use standards; Chapter 5, Green Swamp Area of Critical State Concern, to lower the level of review for communication towers in non-residential districts; Chapter 10, Definitions, to provide glossary updates; providing for severability; and providing for an effective date.

Ian Nance, Land Development, introduced the case and stated a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Mike Hickman
<b>SECONDER:</b>	Angelic Sims
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

6. LDCT-2025-26 (Car Washes LDC Text Amendment)

**Minutes:** An ordinance of the Polk County Board of County Commissioners regarding Land Development Code amendment **LDCT-2025-26**, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code, Chapter 2, Section 205, Use Table for Standard Land Use Districts, to consolidate the number of car wash uses; Section 206, Accessory Uses, to add Incidental Car Washes; Section 207, Temporary Uses, to add Temporary Car Washes; Chapter 3, Section 303, Criteria for Conditional Uses, to modify car wash conditional use standards; Chapter 4, Special Districts, Use Tables, to consolidate the number of car wash uses; Chapter 7, Section 708, Parking Space Requirements, to adjust the parking requirements for Car Washes; Chapter 10, Definitions, to provide new definitions for Car Washes; providing for severability; and providing for an effective date.

Ian Nance, Land Development, introduced the case and stated a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Angelic Sims
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

7. LDCT-2025-27 (Drive-Thru Facilities Text Amendment)

**Minutes:** An ordinance of the Polk County Board of County Commissioners regarding Land Development Code amendment **LDCT-2025-27**, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code, Chapter 2, Section 206, Accessory Uses, to add Drive-Thru Facilities; Chapter 3, Section 303, Criteria for Conditional Uses, to modify standards pertaining to Drive-Thru uses; Chapter 4, Special Districts, Use Tables, to modify standards pertaining to Drive-Thru uses; Chapter 5, Green Swamp Area of Critical State Concern, to modify standards pertaining to Drive-Thru uses. Chapter 7, Section 708, Parking Space Requirements, to modify standards pertaining to Drive-Thru uses; Chapter 10, Definitions, to modify standards pertaining to Drive-Thru uses; providing for severability; and providing for an effective date.

Ian Nance, Land Development, introduced the case and stated a legal advertisement was published in Polk Sun on January 21, 2026. No response from the public.

Mr. Chair opened to the public.

No one spoke from Public.

Mr. Chair closed public portion.

Approved

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Angelic Sims
<b>SECONDER:</b>	Robert Beltran
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson

**Comprehensive Plan update**

**Adjournment**

Recommendation of Approval

<b>RESULT:</b>	<b>RECOMMENDATION OF APPROVAL</b>
<b>MOVER:</b>	Robert Beltran
<b>SECONDER:</b>	Mike Hickman
<b>AYE:</b>	Hickman, Beltran, Bishop, Agnini, Jantomaso, Sims, and Jackson



Polk County  
Planning Commission

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Agenda Item

3/4/2026

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**SUBJECT**  
Staff Resumes



Polk County  
Planning Commission

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Agenda Item 1.

3/4/2026

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**SUBJECT**

LDWA-2025-49 (Hatch Easement)

**DESCRIPTION**

Joey Manning requests approval to allow a newly split lot to have access via an easement exceeding 0.25 miles in length on ±1.47 acres within a Residential Low-1 (RL-1) future land use district. The subject site is located off Gaskin Road South, north of Highway 640, south of Clower Street, east of Highway 555, west of Noralyn Mine Road, west of the City of Bartow in Section 13, Township 30, Range 24.

**RECOMMENDATION**

Approval with conditions

**FISCAL IMPACT**

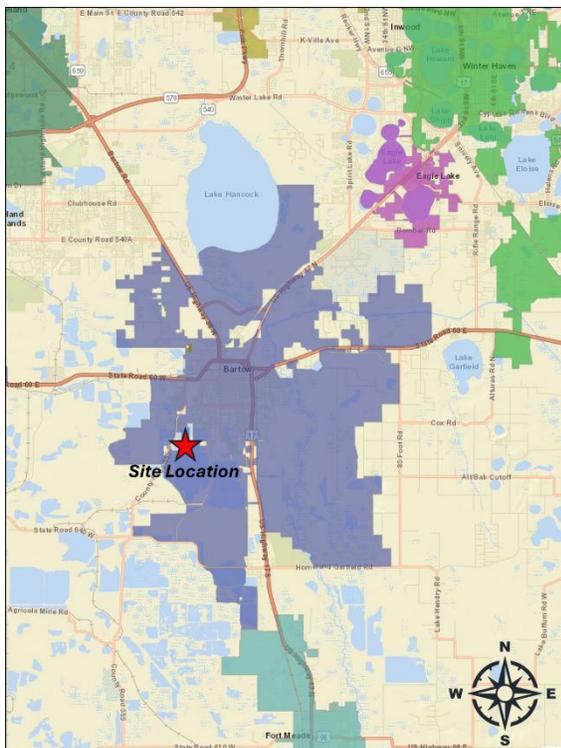
No fiscal impact

**CONTACT INFORMATION**

Kyle Rogus, Planner II  
Land Development Division  
863-534-7553  
kylerogus@polkfl.gov

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	January 15, 2026
<b>Planning Commission Date:</b>	March 4, 2026
<b>Applicant:</b>	Joey Manning
<b>Level of Review:</b>	Level 3 Review, Access Via Easement
<b>Case Number and Name:</b>	LDWA-2025-49 Hatch Easement
<b>Request:</b>	The applicant is requesting approval to allow a newly split lot to have access via an easement exceeding 0.25 miles in length on ±1.47 acres within a Residential Low-1 (RL-1) future land use district.
<b>Location:</b>	The subject site is located off Gaskin Road South, north of Highway 640, south of Clower Street, east of Highway 555, west of Noralyn Mine Road, west of the City of Bartow in Section 13, Township 30, Range 24.
<b>Property Owner:</b>	James and Lisa Hatch
<b>Parcel Numbers, Size:</b>	±1.47 acres Parcel IDs (#243013293166000103)
<b>Development Area/Overlays:</b>	Urban Growth Area (UGA)
<b>Future Land Use:</b>	Residential Low-1 (RL-1)
<b>Nearest Municipality</b>	City of Bartow
<b>DRC Recommendation:</b>	Conditional Approval
<b>Planning Commission Vote:</b>	Pending Approval
<b>Case Planner:</b>	Kyle Rogus, Planner II



**Location**



**Context Arial**

## Summary of Analysis:

The applicant is proposing one (1) additional lot to access off the existing easement exceeding the 0.25 mile maximum allowable by Land Development Code (LDC) standards. With the approval of LDWA-2025-49 three (3) lots will access the easement meeting the four (4) lot maximum allowed administratively.

To be eligible for administrative approval the easement must:

1. *Provide access to no more than four (4) lots;*
2. *Be at least 20 feet wide; and,*
3. ***Be no longer than a ¼ mile;***
4. *Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
5. *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.*

Typically, an administrative Level 1 Review is used to determine eligibility; however, in instances where the parent parcel accesses a public roadway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement **and the easement does not exceed 0.25 miles**. The existing easement exceeds the quarter mile maximum length therefore Planning Commission approval is required for any additional lot gaining access.

Through the Development Review Committee (DRC) process, Land Development staff recommends approval of this application with the conditions listed on Page 4 and 5 of this staff report. The maintenance of the easement is a private matter between the users. This review is to determine the extent to which an access easement can accommodate the usage proposed. There are many variables that separate one easement from another. These include, but are not limited to, the condition of the easement, how the surface is constructed, maintenance and sustainability, public input derived at a public hearing, and the amount of additional use proposed. It is these factors, as well as the waiver criteria in Section 932.A (1-5), that are to be considered. The Planning Commission will ultimately decide whether or not to approve the waiver request.

Furthermore, staff finds the request satisfies the LDC Waiver criteria found in Section 932. If this Waiver is approved, a Level 1 Review will be necessary when the applicant (s) applies for a building permit to ensure the easement meets the standards proposed and the approved conditions.

## Findings of Fact

- *The applicant is requesting approval of a waiver to LDC Section 705.B to allow the issuance of a building permit for up to one (1) single-family home on Parcel ID No. 243013293166000103 to gain access solely via an easement that exceeds ¼ mile.*
- *The subject property is recorded as Parcel ID No. 243013293166000103. It is approximately 1.47 acres and vacant.*
- *The existing easement is 25 feet wide and serves two (2) existing homes. Access easements require a minimum 20-foot width and serve up to four (4) lots administratively.*
- *Per LDC Section 705.B.1, “an easement providing access to a residential lot from a paved road meeting County standard shall meet the following requirements; the easement shall:*
  - a. Have a minimum width of 20 feet;*
  - b. Not exceed 0.25 miles (1,320 feet) in length without a waiver approved by the Planning Commission pursuant to LDC Section 932;***
  - c. Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
  - d. 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; and,*
  - e. Be subject to a Level 1 Review and be provided written approval of same prior to obtaining a building permit.”*
- *Per LDC Section 705.B.2, “When subdividing a parcel that will utilize an easement for access, the following standards shall apply:*
  - a. No more than four lots. subject to density. minimum lot size requirements, and any other applicable requirements of this Code, shall be allowed to access solely via an easement. To exceed four lots on an easement, a waiver must be approved by the Planning Commission pursuant to LDC Section 932.*
  - b. When creating parcels that will be accessed solely via an easement as provided for herein, the parent tract (prior to subdividing) shall directly front on a public or private paved road meeting County standards. Waivers to the standards in this Subsection b. may be approved by the Planning Commission pursuant to LDC Section 932.*
    - i. If the parent parcel fronts an unpaved road that is maintained by the County and the road is less than 0.25 miles (1.320 feet) in length, this shall suffice as direct frontage.*

*ii. In instances where the parent parcel accesses a County-maintained road or state highway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement and the easement does not exceed 0.25 miles.*

- *The subject property is within a Residential Low-1 (RL-1) land use district in the Urban Growth Development Area (UGA). Minimum lot sizes are 0.92 acres (40,000 square feet).*
- *The subject property is zoned for Floral Avenue Elementary, Bartow Middle, and Bartow Senior High school.*
- *The subject property is served by the Polk County Sheriff's North Central District, located at 3635 Avenue G NW, Winter Haven, FL.*
- *Fire response is from Bartow Fire Station 2, located at 2475 E Clower St, Bartow, FL under an automatic aid interlocal agreement. Travel distance is 2.6 miles and optimal response times are expected to average nine (9) to eleven (11) minutes.*
- *EMS response is from Polk County Fire Rescue Station 9, located at 1450 Pinehurst St, Bartow, FL. Travel distance is 2.2 miles and optimal response times are expected to average eight (8) to ten (10) minutes.*
- *Subject site is associated with flood hazard areas and wetlands to the south of the site within man-made lakes from past Phosphate Mining.*
- *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 the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius Conservation Lands.*
- *This application has been reviewed for consistency with LDC Sections 705, 906, 932, and Tables 2.1 and 2.2.*

### **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-2025-49** with the following conditions:

### **CONDITIONS OF APPROVAL**

1. Approval of this waiver shall allow for residential permits for up to one (1) single-family home and accessory structures to access public roadways through the easement.

2. To allow for the access of emergency vehicles, all easements shall have an unobstructed width of not less than 20 feet. No fencing, landscaping, vehicles, machinery, equipment, or other accessory structures or features which could interfere with the passage of emergency vehicles shall be placed or stored within this 20 feet.
3. Prior to occupying the proposed single-family residence, a Level 1 Review for Access via Easement is necessary to allow access over, on, upon, and across the subject property to the parent parcel to the west.

## **GENERAL NOTES**

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

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

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

*NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commission's jurisdiction. Upon completion of the Level 3 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 3 Review approval, by the Planning Commission 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;*

The subject site is ±1.47 acres located in the Residential Low-1 (RL-1) land use district. The site is allotted to one dwelling unit administratively while maintaining a minimum lot size of 40,000 square feet. According to Lake Krenson Estates recorded under Plat BK 95, PG 3, Lot 10 included Parcel ID No. 243013293166000102 and Parcel ID No. 243013293166000103. An easement and maintenance agreement was recorded on January 3<sup>rd</sup>, 2020, allowing access over, on, upon, and across Lot 10 to the parent parcel currently under Parcel ID No. 243013293166000102. Earlier this year the parent parcel was split, creating the subject site under Parcel ID No. 243013293166000103. Pursuant to Section 705.B.2, In instances where the parent parcel accesses a public road or state highway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement and the easement does not exceed 0.25 miles. While the lot was lawfully split and meets the lot size and density requirements of the Residential Low-1 (RL-1)

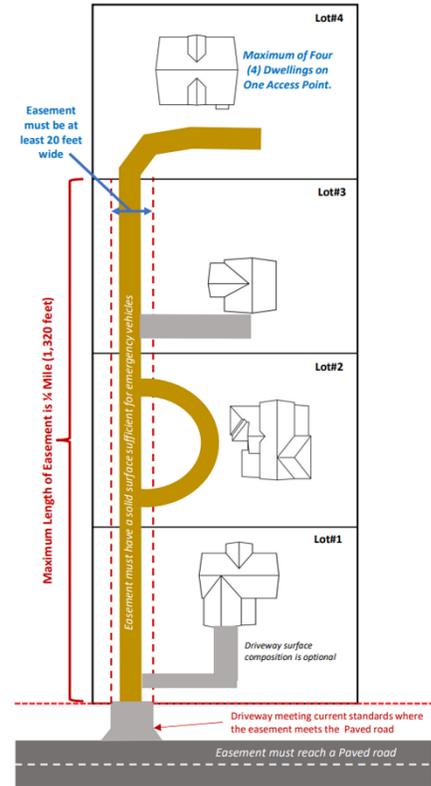
because the newly created lot is gaining access via easement that exceeds 0.25 miles, Planning Commission approval is required.

When the lot was created it landlocked Parcel ID No. 243013293166000102. As one of the conditions of approval, the applicant is required to apply for Access via Easement prior to occupying the proposed single-family residence to allow access over, on, upon, and across their property to the parcel to the west. Although both lots are under the same ownership, this condition places the burden on the current property owner, not future homeowners with the sale of any lots.

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

While the existing private access easement exceeds the maximum length of 0.25 miles, it does not serve more than four (4) lots and the easement exceeds the minimum width requirement by providing 25 feet, which enhances safety and accommodates emergency vehicle access in compliance with ingress and egress standards. The newly created lot will be the third to gain access via easement and is under the same ownership as the residentially developed parcel to the west. Without the requested waiver, reasonable access to the property would be constrained; therefore, the waiver is limited in scope and necessary to facilitate development consistent with the intent of the Land Development Code (LDC).

The City of Bartow provides utilities and services in this area, however running utilities to the existing and proposed lots on narrow strips of land surrounded by old phosphate mining pits is impractical. While the site is designated RL-1 and within the UGA on a map, on the ground the landscape tells a different story. This property is on a small tract of land that is surrounded by lakes once used as phosphate pits. The nearest public road is Gaskin Road approximately 0.50 miles northeast and the nearest fire hydrant is 0.60 miles to the northeast off Gaskin Road. The site is rural in nature and will utilize a private well and septic system.



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 easement was filed in January 2020, for the sole purpose of granting permanent non-exclusive access over, on, upon, and across the property designated as Parcel ID No. 243013293166000101 for future development to the south and to be privately maintained. The City of Bartow encapsulates the small remnants of unincorporated property in the area designated Residential Low-1 and Residential Low-4. The City of Bartow owns and maintains the immediate surrounding roadway network, including Gaskin Road, where the easement obtains access. The city provides the surrounding utilities in the area, however running utility lines to this area of the County is

impractical as it would not meet the return on investment for serving three (3) lots and the surrounding land limits construction. Staff has reached out to the City of Bartow Public Works division regarding the proposed request for one (1) additional single-family home and provided no comments.

As one of the conditions of approval, a Level 1 Review for Access via Easement is required prior to occupying the proposed single-family residence to allow access over, on, upon, and across the subject property to the parent parcel to the west. Although both lots are under the same ownership, this condition places the burden on the current property owner, not future homeowners with the sale of the lot.

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

While there is always a chance that somewhere in this County one might draw a parallel to this situation, the probability is low. The surrounding area to the east and south is City of Bartow. Directly to the north and west of the subject site are existing single-family developments. Further surrounding the site are man-made lakes, remnants of Phosphate Mining activities dating back between 1941 and 1963.

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

The other avenue of relief would require a paved road built to County standards. The cost of constructing a road to reach all three (3) lots will likely not meet the return on investment. The City of Bartow owns and maintains the immediate surrounding road network and provides utilities for the area. Due to these factors and the rural nature of the site and size/density of the existing and proposed lots, maintaining access via easement is the best solution for accessing this site.

**Surrounding Land Use Designations and Current Land Use Activity:**

The properties surrounding the site are mostly single-family within the Residential Low-1 (RL-1) land use district and UGA development area. While the site is located within the UGA the nature of the site is rural.

**Table 1**

<p><b>Northwest:</b> RL-1 Samuel and Danetta Hopewell Mobile Home Lakefront 11.80 Acres Uplands 32.36 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p><b>North:</b> RL-1 Samuel and Danetta Hopewell Mobile Home Lakefront 11.80 Acres Uplands 32.36 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p><b>Northeast:</b> Bartow Clear Springs DLC LLC Pasture w/ Undev. 280.84 Acres Total Access: Noralyn Mine Road</p>
<p><b>West:</b> RL-1 James and Lisa Hatch Residential Lakefront 1.58 Acres Uplands 4.65 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p><b>Subject Property:</b> RL-1 James and Lisa Hatch Residential 1.13 Acres Uplands 1.47 Acres Total Access: Easement Lots: 3<sup>rd</sup> proposed lot Length: +/- 0.50 miles</p>	<p><b>East:</b> Bartow Clear Springs DLC LLC Pasture w/ Undev. 280.84 Acres Total Access: Noralyn Mine Road</p>
<p><b>Southwest:</b> RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>	<p><b>South:</b> RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>	<p><b>Southeast:</b> RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>

**Compatibility with the Surrounding Land Uses:**

The proposed use is believed to be compatible with adjacent land uses. Single-family uses are to the north and west of the subject site. The lots are above the 40,000 square feet minimum lot size in the RL-1, not including the man-made waterbodies designated as “Lake (Phosphate Pit)” according to the Lake Krenson Estates Subdivision recorded in Plat BK 95, PG 3. The larger lot sizes result in a lower density than is allotted in the RL-1. Lot 10 of the Lake Krenson Estates Subdivision has been subdivided two (2) times since its recording in 1994, including the most recent lot split requiring Planning Commission approval for one (1) additional home. One (1) additional home will not create a reasonable burden on the adjacent uses. The abutting property to the west is under the same ownership.

**Urban Services and Infrastructure Analysis**

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one (1) additional home will not trigger school concurrency. Table 2, to follow, 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.

According to Polk County’s Road Inventory, Gaskin Road (BT051816) and Clower Street (BT041301) are the City of Bartow roads. According to Polk County’s Road Inventory, the nearest County-maintained

roadway is Agricola Road (CR 555, Road No. 142601) to the west and Noralyn Mine Road (Road No. 043601) to the east. Agricola Road (CR 555, Road No. 142601) is a County-maintained Rural Major Collector (RMC) roadway and Noralyn Mine Road (Road No. 043601) is a County-maintained Rural Minor Collector (RNC) roadway.

**Table 2**

<b>Urban Services and Infrastructure Summary</b>	
<b>Schools (Zoned)</b>	Floral Avenue Elementary Bartow Middle School Bartow Senior High School
<b>Parks</b>	McLeod Memorial Park
<b>Sheriff</b>	Polk County Sheriff's North Central District, located at 3635 Avenue G NW, Winter Haven, FL. The response times for February 2026 were:  Priority 1: 9:56 Priority 2: 26:35
<b>Fire/EMS</b>	Primary fire response to this address is from Bartow Fire Station 2, 2475 E Clower St, Bartow, FL under an automatic aid interlocal agreement. Bartow assumed operation of our fire station at this location last year and covers a portion of the unincorporated area surrounding Bartow as part of the agreement. The travel distance is 2.6 miles and optimal response times are expected to average 9-11 minutes but can vary significantly.  Ambulance response is primarily from Polk County Fire Rescue Station Rescue 9, 1450 Pinehurst St, Bartow. The travel distance is 2.2 miles and optimal response times should average between 8-10 minutes but can vary significantly.  Both stations are staffed 24/7 with career firefighters or EMS personnel and augmented by response from Bartow Fire Station 1 and from surrounding county fire and ambulance stations.
<b>Water</b>	Private Well
<b>Sewer</b>	Septic
<b>Transportation</b>	Gaskin Road (BT051816)

**Table 3**

<b>Impact Analysis Summary</b>			
<b>Proposed Use</b>			
<b>(One Single-Family Home)</b>			
<b>Potable Water Impact</b>	<b>Wastewater Impact</b>	<b>*AADT Impact</b>	<b>*PHT Impact</b>
540 GPD	270 GPD	61 AADT	1.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family home will consume 540 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>			

### **Environmental Conditions Analysis**

There are no known environmental conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The site has flood zones and wetlands located on the

southern portion of the site from the man-made lakes created from Phosphate Mining between 1941 and 1964. The subject property is not located within any of the County’s identified wellhead protection areas; the subject site is not located within an identified protected species area. The soil on the property is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. In addition, the subject property is not located within a Historical Preservation area.

**Table 4**

<b>Environmental Conditions Summary</b>	
<b>Surface Water</b>	Man-made lakes from past Phosphate Mining activity located at the southern extent of the site.
<b>Wetlands/Floodplains</b>	Flood zones and wetlands indicated at the southern extent of the site.
<b>Soils</b>	Arents, 0 to 5 percent slopes and water.
<b>Protected Species</b>	The subject property is not located within a one-mile radius of conservation lands (Source: Florida Natural Areas Inventory Biodiversity Matrix).
<b>Wellfield Protection</b>	The site is not located within a wellfield protection area.
<b>Historical Preservation</b>	The subject property contains no historical resources as monitored by the State of Florida’s Division of Historical Resources.
<b>Airports</b>	The site is not within close proximity to any public airports.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the LDC.

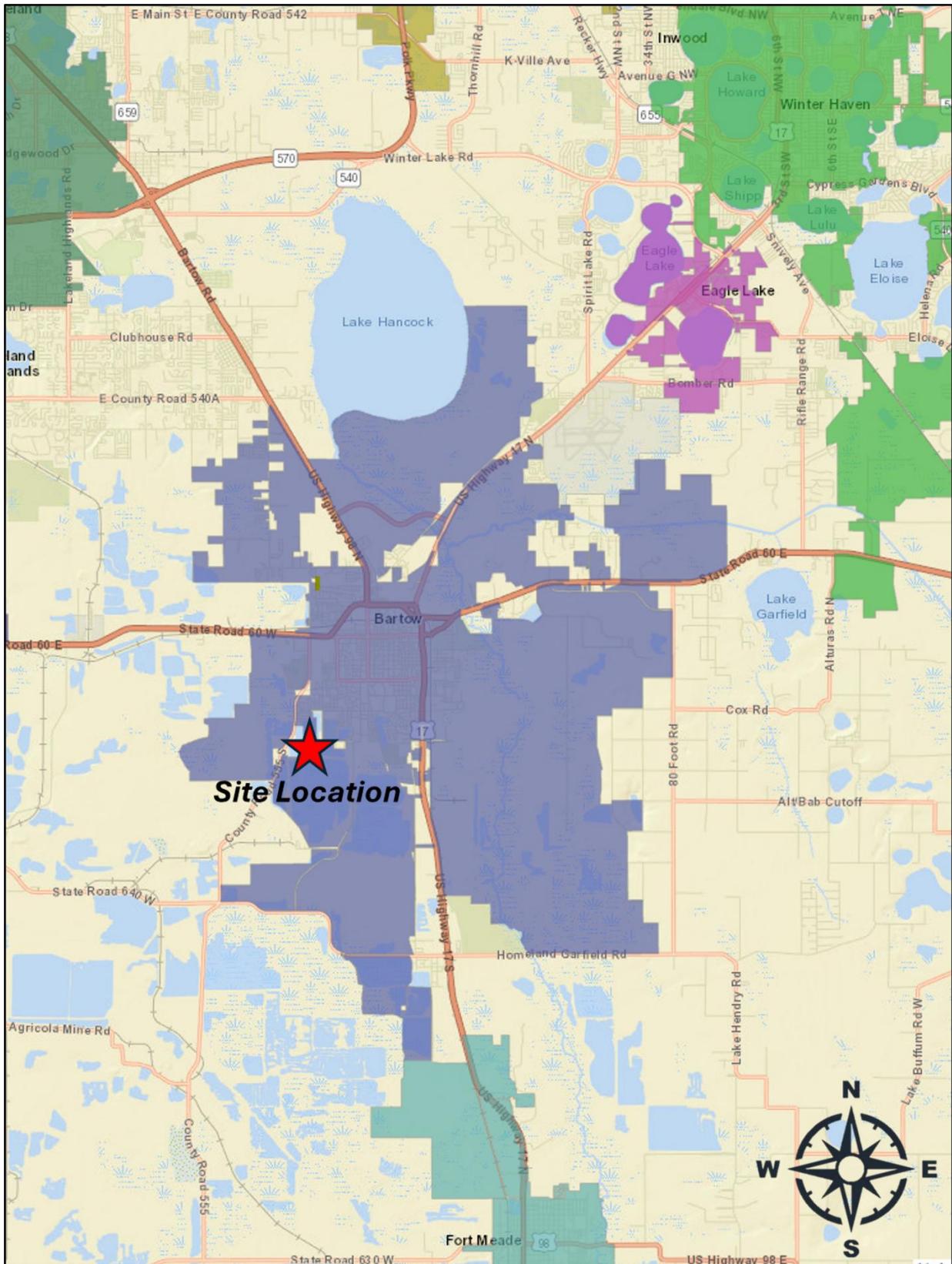
**Table 5**

<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>	<i>Yes, this request is consistent with the LDC, specifically Sections 705.B, and 932 which permit this Waiver upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 3-4 of the staff report.</i>
<b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>
<b>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</b>	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 7 &amp; 8 of this staff report for data and analysis on surrounding uses and compatibility.</i>
<b>How the concurrency requirements will be met if the development were built.</b>	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 8 - 9 of the staff report.</i>

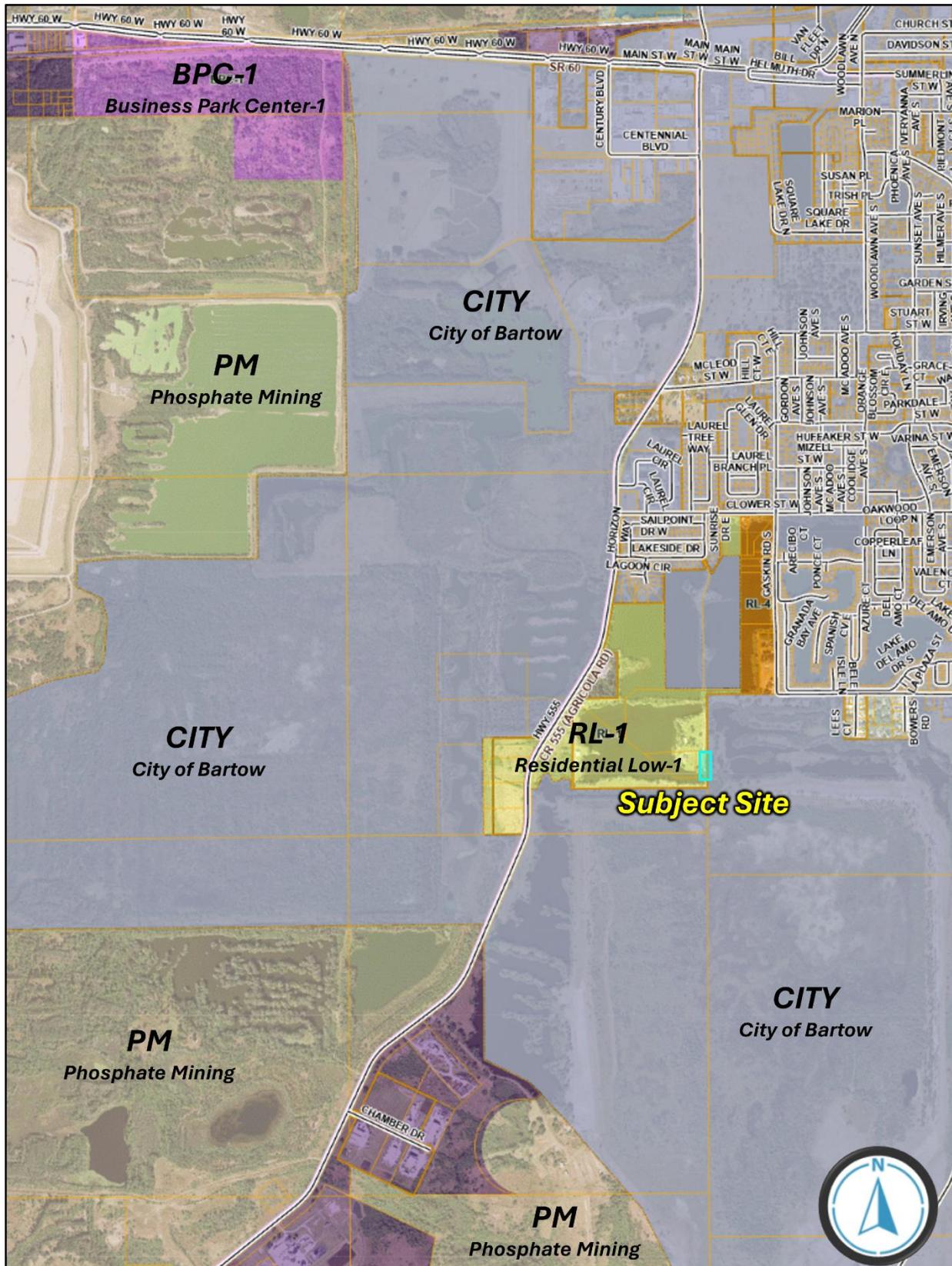
**Comments from other Agencies:** No Comments

**Exhibits:**

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



Location Map



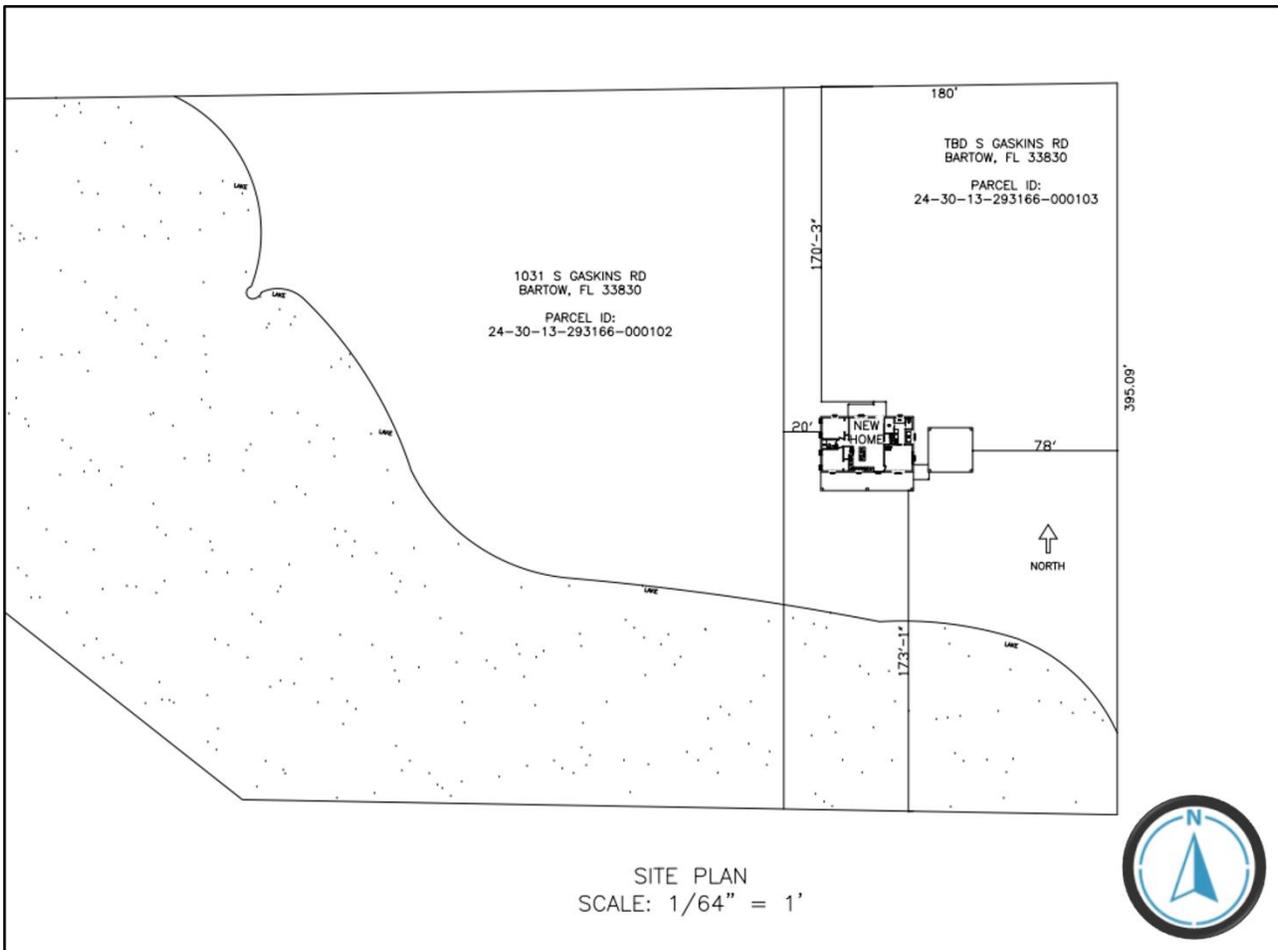
## Future Land Use Map



Aerial Image – Context



Aerial Image – Close



# Applicant Site Plan

# LDWA-2025-49 - Hatch Easement Application

Menu Reports Help

**Application Name:** [Hatch Easement Application](#)

**File Date:** [10/30/2025](#)

**Application Type:** [BOCC-Waiver](#)

**Application Status:** [Approved for Hearing](#)

**Application Comments:**

View ID	Comment	Date
	<b>Description of Work:</b> <a href="#">1031 S Gaskins Rd, Bartow, FL 33830 (Parcel ID 24-30-13-293166-000102) is an existing lot with an existing easement that is recorded in public records. This lot has been split and the new easternmost lot is listed under TBD S Gaskins Rd, Bartow, FL 33830, Parcel ID 24-30-13-293166-000103. We are needing to build a single family home on this new lot. It meets all requirements, but the building department advised we need to have this process done first. I am attaching all relevant information.</a>	

**Application Detail:** [Detail](#)

**Address:** [1031 S GASKIN RD, BARTOW, FL 33830](#)

**Parcel No:** [243013293166000102](#)

**Owner Name:** [HATCH JAMES BERNARD](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">Joey Manning</a>		Applicant	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Joey Manning</a>		Other	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">MANNING MASTER BUILDS LLC</a>	<a href="#">MANNING MASTER...</a>	Engineer	<a href="#">Mailing, 2389 EF Griff...</a>	Active
	<a href="#">Joey Manning</a>	<a href="#">Manning Master ...</a>	Individual	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Jeremiah Manning Jr</a>	<a href="#">Manning Master ...</a>	Licensed People	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Jeremiah Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 1390 Polk St ...</a>	Active
	<a href="#">Jeremiah Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 1390 Polk St ...</a>	Active
	<a href="#">Jeremiah L Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Jeremiah L Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Jeremiah L Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 101 W Main St...</a>	Active
	<a href="#">Jeremiah L Manning JR</a>	<a href="#">MANNING MASTER ...</a>	Individual	<a href="#">Mailing, 101 W Main St...</a>	Active

**Licensed Professionals Info:**

Primary	License Number	License Type	Name	Business Name	Business License #

**Job Value:** [\\$0.00](#)

**Total Fee Assessed:** [\\$1,106.00](#)

**Total Fee Invoiced:** [\\$1,106.00](#)

**Balance:** [\\$0.00](#)

**Custom Fields:** **LD\_BOCC\_WAIV**

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Acreage

[1.63](#)

DRC Meeting Time

-

Rescheduled DRC Meeting Time

-

DRC Meeting

[01/15/2026](#)

Rescheduled DRC Meeting

-

Green Swamp

[No](#)

Number of Units

[0](#)

Is this Polk County Utilities

[No](#)

Case File Number

-

One Year Extension

-

FS 119 Status

[Non-Exempt](#)

WAIVER

Is this waiver related to an existing project?

[Yes](#)

Existing Project Number

[LDASE-2025-29](#)

Provided Justification from Section 932A.1-5

[Yes](#)

BOA Hearing Date

-

PUBLIC HEARINGS

Development Type

[Board of County](#)

[Commissioners](#)

Variance Type

-

Application Type

[Waiver](#)

Brownfields Request

-

Affordable Housing

ADVERTISING

Legal Advertising Date

-

BOCC1 Advertising Date

[11/26/2025](#)

BOCC2 Advertising Date

-

Advertising Board

[Board of County](#)

[Commissioners](#)

MEETING DATES



<b>Workflow Status:</b>	<b>Task</b>	<b>Assigned To</b>	<b>Status</b>	<b>Status Date</b>	<b>Action By</b>
	<a href="#">Application Submittal</a>	Lyndsay Rathke	Application ...	12/10/2025	Lyndsay Rathke
	<a href="#">Surveying Review</a>	Noelle S Colaianni	Conditional ...	12/18/2025	Noelle S Colaianni
	<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	12/15/2025	Phil Irven
	Engineering Review				
	<a href="#">Fire Marshal Review</a>	Kim Turner	Approve	12/10/2025	Kim Turner
	<a href="#">School Board Review</a>	School District	Not Required	12/11/2025	School District
	<a href="#">Planning Review</a>	Kyle Rogus	Approve	01/14/2026	Kyle Rogus
	<a href="#">Review Consolidation</a>	Lyndsay Rathke	Approved for...	01/15/2026	Lyndsay Rathke
	Staff Report				
	<a href="#">Public Notice</a>				
	Planning Commision				
	BOCC Hearing				
	Final Letter				
	DEO Review				
	Second BOCC Hearing				
	Archive				

<b>Condition Status:</b>	<b>Name</b>	<b>Short Comments</b>	<b>Status</b>	<b>Apply Date</b>	<b>Severity</b>	<b>Action By</b>
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<b>Scheduled/Pending Inspections:</b>	<b>Inspection Type</b>	<b>Scheduled Date</b>	<b>Inspector</b>	<b>Status</b>	<b>Comments</b>
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<b>Resulted Inspections:</b>	<b>Inspection Type</b>	<b>Inspection Date</b>	<b>Inspector</b>	<b>Status</b>	<b>Comments</b>
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## Waiver Justification Narrative

**Applicant:** Joey Manning, Manning Master Builds LLC

**Parcel IDs:** 243013293166000102 and 243013293166000103

**Record:** LDWA-2025-49

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

Strict application of the Land Development Code would impose an unnecessary and undue hardship on the reasonable use of the subject properties. The parcels were lawfully created through a lot split, and neither parcel has direct road frontage. Both parcels are accessed by means of an existing, legally established easement that provides continuous, functional, and reliable access. Requiring additional frontage or a reconfiguration of access would impose significant cost and practical burden without providing any corresponding public benefit. The properties remain fully accessible, usable, and appropriate for their intended purposes under the existing conditions.

### **2. Whether the waiver requested is the minimum adjustment necessary to allow reasonable use**

The waiver requested represents the minimum adjustment necessary to allow reasonable and permitted use of the properties. The existing easement is already in place, legally established, and functional. Both parcels exceed one (1) acre in size and are consistent with surrounding development patterns. No additional deviation from the Land Development Code is being requested beyond recognition of the current access configuration.

### **3. Whether granting the waiver is consistent with the intent of the Code and does not harm public health, safety, or welfare:**

Granting this waiver is consistent with the intent of the Land Development Code and will not be injurious to public health, safety, or welfare. The existing easement provides safe and reliable access for residents, emergency services, and service vehicles. Approval of this waiver will not create unsafe traffic conditions, increase demand on public infrastructure, or create additional maintenance obligations for Polk County.

### **4. Whether granting the waiver would set an adverse precedent:**

Approval of this waiver will not establish an adverse precedent. The request is based on the unique, site-specific conditions of these parcels, including the existing easement, lot configuration, and lot size. Waiver requests are evaluated on a case-by-case basis, and

approval in this instance would not obligate the County to approve similar requests under different circumstances.

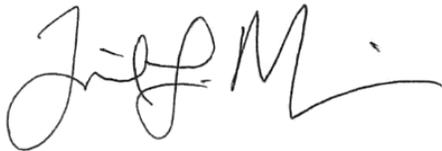
**5. Whether all other avenues of relief have been exhausted:**

The applicant has evaluated other potential options for compliance and determined that strict adherence to frontage requirements would require unnecessary modification to the properties without improving access, safety, or functionality. Given the existing legal access and the lack of adverse impacts, the waiver represents the most reasonable and appropriate avenue of relief.

**Conclusion:**

For the reasons stated above, the requested waiver is justified, represents the minimum necessary relief, and allows reasonable use of the property without adverse impact to surrounding properties or the public. Approval of this waiver would be consistent with the intent of the Polk County Land Development Code while avoiding unnecessary hardship.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Joey Manning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joey Manning  
Manning Master Builds LLC  
Certified Building Contractor CBC1263350  
[Joey@ManningMB.com](mailto:Joey@ManningMB.com)  
[www.ManningMB.com](http://www.ManningMB.com)  
863-845-0009 (Direct)

**Prepared By:**  
Jessica Slaughter  
Sweetwater Title & Closing Services, LLC  
160 E. Summerlin St., Suite 208  
Bartow, FL 33830

**When Recorded Return To:**  
James Bernard Hatch  
1031 South Gaskins Rd.  
Bartow, FL 33830

File Number: SWE440999  
Parcel Identification No.: 24-30-13-293166-  
000102

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## QUIT CLAIM DEED

Grantor: **James B. Hatch, III, a married man, individually and as Trustee of the James B. Hatch, III and Catherine H. Hatch Revocable Trust dated February 25, 2020, joined by his spouse, Lisa Jill Hatch** whose address is: **[1031 South Gaskins Rd., Bartow, FL 33830**

Quit claim(s) to Grantee: **James Bernard Hatch and Lisa Jill Hatch, husband and wife, Whose address is: 1031 South Gaskins Rd., Bartow, FL 33830**

(Which Terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**WITNESSETH**, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land situated in County of Polk, State of Florida:

**See attached Exhibit A**

Tax Parcel No: **24-30-13-293166-000102**  
Commonly known as: **1031 South Gaskins Rd., Bartow, FL 33830**

The property is the homestead of the Grantor(s).

**Subject to:**

- (1) Easements, conditions, restrictions, limitations of record, if any, without reimposing same;
- (2) Taxes and assessments for the year tax, and subsequent years.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s):

Dated: June 16, 2025

Signed and Sealed:

The James B. Hatch, III and Catherine H. Hatch Revocable Trust dated February 25, 2020.

James B. Hatch, III  
James B. Hatch, III, individually and as Trustee

Lisa J Hatch  
Lisa Jill Hatch

Jessica Slaughter  
First Witness Signature:

Jessica Slaughter  
First Witness Printed Name:

160 E Summerlin St, Suite 208  
Bartow, FL 33830  
First Witness Post Office Address:

[Signature]  
Second Witness Signature:

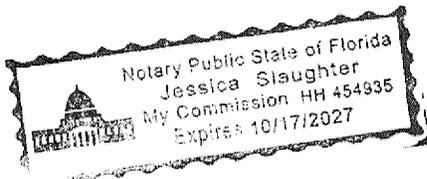
James L Slaughter, Jr  
Second Witness Printed Name:

160 E Summerlin St, Suite 208  
Bartow, FL 33830  
Second Witness Post Office Address:

STATE OF FLORIDA }  
COUNTY OF Polk } ss  
}

The foregoing instrument was acknowledged before me this **16th day of June, 2025**, (date), by means of  physical presence or  online notarization, by **James B. Hatch, III, individually, and as Trustee of the James B. Hatch, III and Catherine H. Hatch Revocable Trust dated February 25, 2020; and Lisa Jill Hatch**, who is  personally known to me or  produced FL DL as identification.

Notary Public: Jessica Slaughter  
Printed Name: \_\_\_\_\_  
County, FL  
My Commission Expires: \_\_\_\_\_



## EXHIBIT A

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 148.87 feet to the Southwest corner of Lot 10 of LAKE KRENSON ESTATES according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB), thence South 89°45'23" West a distance of 472.25 feet being coincident with the South boundary of said Lot 10, run thence North 52°21'46" West a distance of 596.18 feet along the South Westerly boundary of said Lot 10, run thence N 87°59'54" East a distance of 945.70 feet to a point on the Eastern boundary of said Lot 10, run thence South 00°06'37" West along the Eastern Boundary of said Lot 10 a distance of 395.09 feet to the POB. Subject to a 5 foot utility Easement for telephone cable on and over the East side of the aforementioned real property.

Together with a 25 Foot Access Easement described as follows:

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 543.96 feet along the East line of Lot 10 of Lake Krenson Estates according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB). run thence North 00°06'37" East a distance of 827.71 feet; along the East line of Lot 10, to a Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 10, Township 30 South, Range 25 East. Run thence South 89°30'54" East a distance of 758.20 feet; along the boundary line of Lot 10, thence North 00°18'36" East a distance of 900.00 feet; along the East line of Lot 10, thence South 89°30'54" East a distance of 231.64 feet to the West right of way line of Gaskins Road; thence North 00°46'39" West a distance of 25.00 feet along the West right of way line of Gaskins Road; thence North 89°30'54" West a distance of 256.17 feet; thence South 00°18'36" West a distance of 900.00 feet, parallel to the East boundary line of Lot 10, thence North 89°30'54" West a distance of 758.29 feet; thence South 00°06'37" West a distance of 853.80 feet, parallel to the East boundary line of Lot 10, thence North 87°59'54" East a distance of 25.02 feet to the Point of Beginning.

Said Easement Agreement is recorded in Official Records Book 11101, Page 1545, and re-recorded in Official Records Book 11103, Page 1848, of the Public Records of Polk County, Florida.

Tax Parcel No: 24-30-13-293166-000102  
Commonly known 1031 South Gaskins Rd., Bartow, FL 33830  
as:

## POLK COUNTY PROPERTY APPRAISER REQUEST FOR COMBINE OR SPLIT OF REAL PROPERTY

*\*IMPORTANT NOTE: The deadline to file requests for the current tax roll is July 1st. Requests received after July 1st will be processed next tax year (starting November) due to tax roll and statutory deadlines.*

<input checked="" type="checkbox"/> <b>SPLIT PROPERTY – SURVEY OR NEW DESCRIPTION MUST BE PROVIDED</b>	<input type="checkbox"/> <b>COMBINE PROPERTY – PARCELS WILL ONLY BE COMBINED IF ALL ARE USED FOR SAME PURPOSE</b>
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OWNER'S NAME: James & Lisa Hatch REQUEST DATE: 08/05/2025

EMAIL ADDRESS: Joey@ManningMB.com TAX YEAR\*: ~~2025~~ **2026**

MAILING ADDRESS: 1031 Gaskisn Rd S  
Bartow, FL 33830

PHONE NUMBER: (863) 845-0009 FAX NUMBER: \_\_\_\_\_

PARCEL IDENTIFICATION NUMBER(S):  
24-30-13-293166-000102

REASON FOR COMBINE / SPLIT: For Permitting for new single family home construction. URGENT.

**OWNER SHOULD CONSIDER THE FOLLOWING:**

	YES	NO
<ul style="list-style-type: none"> <li>• <b>IS THIS REQUEST FOR PERMITTING PURPOSES?</b> <i>If YES, YOU ARE RESPONSIBLE to ensure all necessary requirements are met.</i></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <b>ARE TAXES PAID BY THE MORTGAGE COMPANY?</b> <i>If YES, YOU ARE RESPONSIBLE to inform the mortgagee of this change.</i></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**YOUR SIGNATURE BELOW INDICATES THAT YOU UNDERSTAND AND AGREE TO THE FOLLOWING:**

1. COMBINING / SPLITTING PROPERTY MAY INCREASE YOUR TAXES BY AFFECTING CAPPED VALUES.
2. YOU ARE PROVIDING CONSENT TO ANY INCREASE IN TAXES RESULTING FROM THIS REQUEST.
3. THE PROPERTY APPRAISER'S OFFICE IS NOT HELD RESPONSIBLE FOR ANY PARCEL REQUIREMENTS INCLUDING SUBDIVISION, ZONING, BUILDING, ETC. - YOU ARE RESPONSIBLE TO CONTACT THE PROPER AGENCY TO VERIFY THIS PROPERTY CAN BE SPLIT OR COMBINED AND WHAT THE EFFECT MAY BE.
4. YOU TAKE FULL RESPONSIBILITY TO NOTIFY THE MORTGAGEE.

OWNER SIGNATURE: *James B. Hatch, III*

MAIL COMPLETED FORM TO: Polk Co. Property Appraiser 255 N Wilson Avenue Bartow, FL 33830

EMAIL COMPLETED FORM TO: PAHELPDESK@POLK-COUNTY.NET

\*\*\*\*\***FOR OFFICE USE ONLY**\*\*\*\*\*

RECEIVED BY: \_\_\_\_\_ PHONE#: \_\_\_\_\_ BTW LKLD WH

	YES	NO
• IS OWNERSHIP THE SAME FOR ALL PARCELS?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• IS THE TAXING DISTRICT THE SAME FOR ALL PARCELS?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• ARE REAL ESTATE TAXES CURRENT?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• IF APPLICABLE, ARE THE EXEMPTIONS THE SAME FOR ALL PARCELS? <i>NOTE: If one parcel has HX and all others have no exemption – Check the YES box.</i>	N/A	<input type="checkbox"/>
• IF APPLICABLE, ARE ALL PARCELS IN THE SAME CRA?	N/A	<input type="checkbox"/>

REVIEWED BY AND DATE: Maranda Kilpatrick 08/13/2025

WILL THIS REQUEST BE PROCESSED BY THE POLK CO PROPERTY APPRAISER?

Millage: 90000  
Surviving Parcel: 24-30-13-293166-000102  
Child Parcel: 24-30-13-293166-000103

Legal Description of New Parcel as Vacant Land:

THE EAST 180 FEET OF THE FOLLOWING:

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 148.87 feet to the Southwest corner of Lot 10 of LAKE KRENSON ESTATES according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB), thence South 89°45'23" West a distance of 472.25 feet being coincident with the South boundary of said Lot 10, run thence North 52°21'46" West a distance of 596.18 feet along the South Westerly boundary of said Lot 10, run thence N 87°59'54" East a distance of 945.70 feet to a point on the Eastern boundary of said Lot 10, run thence South 00°06'37" West along the Eastern Boundary of said Lot 10 a distance of 395.09 feet to the POB. Subject to a 5 foot utility Easement for telephone cable on and over the East side of the aforementioned real property. [24-30-13-293166-000103](#)

Together with a 25 Foot Access Easement described as follows:

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 543.96 feet along the East line of Lot 10 of Lake Krenson Estates according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB). run thence North 00°06'37" East a distance of 827.71 feet; along the East line of Lot 10, to a Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 10, Township 30 South, Range 25 East. Run thence South 89°30'54" East a distance of 758.20 feet; along the boundary line of Lot 10, thence North 00°18'36" East a distance of 900.00 feet: along the East line of Lot 10, thence South 89°30'54" East a distance of 231.64 feet to the West right of way line of Gaskins Road; thence North 00°46'39" West a distance of 25.00 feet along the West right of way line of Gaskins Road; thence North 89°30'54" West a distance of 256.17 feet; thence South 00°18'36" West a distance of 900.00 feet, parallel to the East boundary line of Lot 10, thence North 89°30'54" West a distance of 758.29 feet; thence South 00°06'37" West a distance of 853.80 feet, parallel to the East boundary line of Lot 10, thence North 87°59'54" East a distance of 25.02 feet to the Point of Beginning.

Said Easement Agreement is recorded in Official Records Book 11101, Page 1545, and re-recorded in Official Records Book 11103, Page 1848, of the Public Records of Polk County, Florida.

Legal Description of Existing Parcel (To remain parcel ID: 24-30-13-293166-000102)

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 148.87 feet to the Southwest corner of Lot 10 of LAKE KRENSON ESTATES according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB), thence South 89°45'23" West a distance of 472.25 feet being coincident with the South boundary of said Lot 10, run thence North 52°21'46" West a distance of 596.18 feet along the South Westerly boundary of said Lot 10, run thence N 87°59'54" East a distance of 945.70 feet to a point on the Eastern boundary of said Lot 10, run thence South 00°06'37" West along the Eastern Boundary of said Lot 10 a distance of 395.09 feet to the POB. Subject to a 5 foot utility Easement for telephone cable on and over the East side of the aforementioned real property. LESS THE EAST 180 FEET. [24-30-13-293166-000102](#)

Together with a 25 Foot Access Easement described as follows:

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 543.96 feet along the East line of Lot 10 of Lake Krenson Estates according to Plat thereof recorded in Plat Book 95, Page 3, of the Public Records of Polk County, Florida for a point of beginning (POB). run thence North 00°06'37" East a distance of 827.71 feet; along the East line of Lot 10, to a Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 10, Township 30 South, Range 25 East. Run thence South 89°30'54" East a distance of 758.20 feet; along the boundary line of Lot 10, thence North 00°18'36" East a distance of 900.00 feet; along the East line of Lot 10, thence South 89°30'54" East a distance of 231.64 feet to the West right of way line of Gaskins Road; thence North 00°46'39" West a distance of 25.00 feet along the West right of way line of Gaskins Road; thence North 89°30'54" West a distance of 256.17 feet; thence South 00°18'36" West a distance of 900.00 feet, parallel to the East boundary line of Lot 10, thence North 89°30'54" West a distance of 758.29 feet; thence South 00°06'37" West a distance of 853.80 feet, parallel to the East boundary line of Lot 10, thence North 87°59'54" East a distance of 25.02 feet to the Point of Beginning.

Said Easement Agreement is recorded in Official Records Book 11101, Page 1545, and re-recorded in Official Records Book 11103, Page 1848, of the Public Records of Polk County, Florida.

INSTR # 2020007362  
BK 11103 Pgs 1848-1853 PG(s)6  
01/10/2020 12:54:31 PM  
STACY M. BUTTERFIELD,  
CLERK OF COURT POLK COUNTY  
RECORDING FEES 52.50

Return original or certified recorded document to:  
Samuel V. Hopewell  
1021 S. Gaskins Road  
Bartow, FL 33830

INSTR # 2020005567  
BK 11101 Pgs 1545-1550 PG(s)6  
01/09/2020 07:42:35 AM  
STACY M. BUTTERFIELD,  
CLERK OF COURT POLK COUNTY  
RECORDING FEES 52.50

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### PERMANENT ACCESS EASEMENT AND MAINTENANCE AGREEMENT

**THIS EASEMENT** is given this 3 day of January, 2020, by Samuel W. Hopewell and Samuel V. Hopewell ("Grantor"), whose mailing address is 1021 S. Gaskins Road, Bartow, FL 33830, to Samuel V. Hopewell ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

#### WITNESSETH

**WHEREAS**, Grantor is the fee simple owner of certain lands situated in Polk County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

**WHEREAS**, Grantor has agreed to grant and convey to Grantee, a permanent non-exclusive access easement over, on, upon, and across the Property for the specific and limited purposes set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual easement for and in favor of Grantee described on Exhibit "B" which shall run with the land and be binding upon the Grantor.

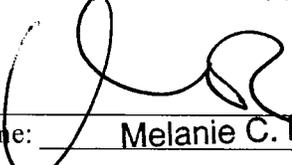
The scope, nature, and character of this Easement shall be as follows:

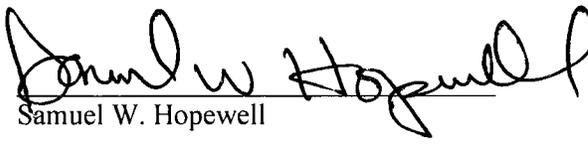
1. Recitals. The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. Purpose. It is the purpose of this Easement to grant a permanent non-exclusive access easement over, on, upon, and across the Property described in Exhibit "A" for the purpose of vehicular and pedestrian ingress and egress to and from certain real property and related appurtenances in the vicinity of the Property to access property located at 1031 Gaskins Road, Bartow, FL 33830 described in Exhibit "C".
3. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Easement.
4. Grantee's Liability. Grantee's liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S.
5. Easement/Maintenance: Grantor and Grantee shall equally share the responsible for any costs or liabilities related to the operation, upkeep, or maintenance of this Easement.
6. Duration. This Easement shall remain in full force and effect in perpetuity.
7. Modification. This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Polk County, Florida.

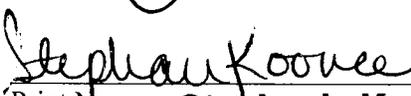
**\*This Agreement is being re-recorded to add an addl. Witness \***

IN WITNESS WHEREOF, Samuel W. Hopewell ("Grantor") have hereunto set their authorized hand this 6th day of January, 2020.

Signed, sealed and delivered in our presence as witnesses:

  
Print Name: Melanie C. Roberts

  
Samuel W. Hopewell

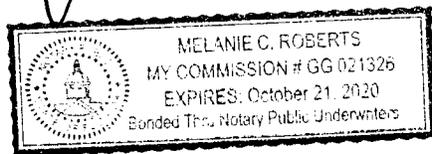
  
Print Name: Stephanie Koonce

STATE OF FLORIDA  
COUNTY OF POLK

BEFORE ME, the undersigned authority, personally appeared Samuel W. Hopewell, who have produced their driver's License or are personally known to me and who did not take an oath.

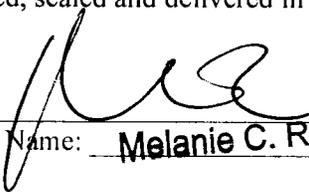
WITNESS my hand and official seal at Lakeland, Polk County, Florida, this 6 day of January 2020.

  
NOTARY PUBLIC, State of Florida  
Print Name: Melanie C. Roberts

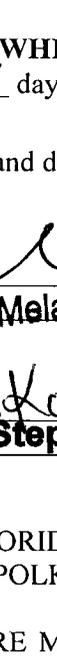


IN WITNESS WHEREOF, Samuel V. Hopewell ("Grantor") have hereunto set their authorized hand this 3rd day of January, 2020.

Signed, sealed and delivered in our presence as witnesses:

  
Print Name: Melanie C. Roberts

  
Samuel V. Hopewell

  
Print Name: Stephanie Koonce

STATE OF FLORIDA  
COUNTY OF POLK

BEFORE ME, the undersigned authority, personally appeared Samuel V. Hopewell, who have produced their driver's License or are personally known to me and who did not take an oath.

WITNESS my hand and official seal at Lakeland, Polk County, Florida, this 3 day of January 2020.



  
NOTARY PUBLIC, State of Florida  
Print Name: Melanie C. Roberts

## EXHIBIT "A"

Legal Description for Parcel id. 24-30-13-293166-000101

Lot 10 of LAKE KRENSON ESTATES recorded in Plat Book 95 Page 3 of the Public Records of Polk County, Florida.

Less a portion of Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 148.87 feet to the Southwest corner of Lot 10 of LAKE KRENSON ESTATES according to Plat thereof recorded in Plat Book 95 Page 3 of the Public Records of Polk County, Florida for a point of beginning (POB), run thence South 89°45'23" West a distance of 472.25 feet being coincident with the South boundary of said Lot 10, run thence North 52°21'46" West a distance of 596.18 feet along the South Westerly boundary of said Lot 10, run thence N 87°59'54" East a distance of 945.70 feet to a point on the Eastern boundary of said Lot 10, run thence South 00°06'37" West along the Eastern Boundary of said Lot 10 a distance of 395.09 feet to the POB. Subject to a 5 foot utility Easement for telephone cable on and over the East side of the aforementioned real property.

## EXHIBIT "B"

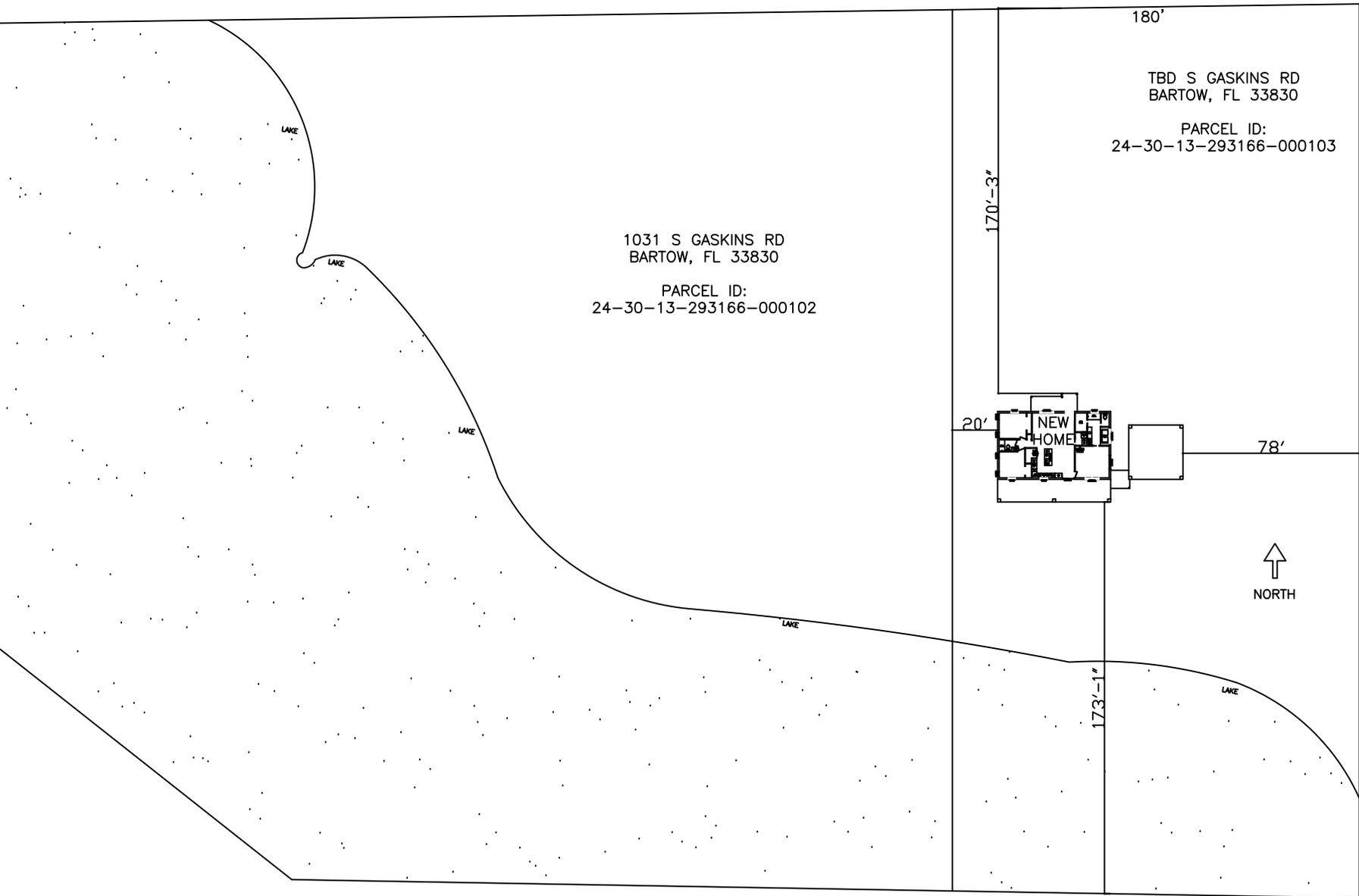
### LEGAL DESCRIPTION FOR ACCESS EASEMENT (25' WIDTH)

Commence at the SE corner of the N<sup>1</sup>/<sub>2</sub> of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 543.96 feet along the East line of Lot 10 of Lake Krenson Estates according to Plat thereof recorded in Plat Book 95 Page 3 of the Public Records of Polk County, Florida for a point of beginning (POB). run thence North 00°06'37" East a distance of 827.71 feet; along the East line of Lot 10, to a Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 10, Township 30 South, Range 25 East. Run thence South 89°30'54" East a distance of 758.20 feet; along the boundary line of Lot 10, thence North 00°18'36" East a distance of 900.00 feet; along the East line of Lot 10, thence South 89°30'54" East a distance of 231.64 feet to the West right of way line of Gaskins Road; thence North 00°46'39" West a distance of 25.00 feet along the West right of way line of Gaskins Road; thence North 89°30'54" West a distance of 256.17 feet; thence South 00°18'36" a distance of 900.00 feet, parallel to the East boundary line of Lot 10, thence North 89°30'54" West a distance of 758.29 feet; thence South 00°06'37" West a distance of 853.80 feet, parallel to the East boundary line of Lot 10, thence North 87°59'54" East a distance of 25.02 feet to the Point of Beginning.

## EXHIBIT "C"

Legal Description for parcel ID#243013-293166-000102

Commence at the SE corner of the N 1/2 of the SE 1/4 of the SE 1/4 of Section 13, Township 30 South, Range 24 East and proceed North 148.87 feet to the Southwest corner of Lot 10 of LAKE KRENSON ESTATES according to Plat thereof recorded in Plat Book 95 Page 3 of the Public Records of Polk County, Florida for a point of beginning (POB), am thence South 89°45'23" West a distance of 472.25 feet being coincident with the South boundary of said Lot 10, run thence North 52°21'46" West a distance of 596.18 feet along the South Westerly boundary of said Lot 10, run thence N 87°59'54" East a distance of 945.70 feet to a point on the Eastern boundary of said Lot 10, ran thence South 00°06'37" West along the Eastern Boundary of said Lot 10 a distance of 395.09 feet to the POB. Subject to a 5 foot utility Easement for telephone cable on and over the East side of the aforementioned real property.



SITE PLAN  
SCALE: 1/64" = 1'

**POLK COUNTY PLANNING COMMISSION**

**FINAL ORDER**

**Case Number:** LDWA-2025-49

**Applicant:** Joey Manning

**Property Owner:** James and Lisa Hatch

**Hearing Date:** March 4, 2026

**I. Request:**

The applicant is requesting approval to allow a newly split lot to have access via an easement exceeding 0.25 miles in length on ±1.47 acres within a Residential Low-1 (RL-1) future land use district.

**II. Findings:**

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
  - a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. 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
  - d. How the concurrency requirements will be met if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 906 and 303.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.
5. Concurrency requirements can be met if the development is built.

**III. Incorporation of the Record**

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

**IV. Planning Commission's Decision:**

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the Staff Report attached hereto and incorporated herein as Exhibit "A", and those conditions, if any, agreed upon by the Applicant and approved by the Planning Commission during the public hearing. Any such additional conditions approved during the public hearing, as applicable, are set forth on the attached Addendum 1 to Final Order and fully incorporated herein. This order becomes final on the date rendered to the Clerk.

**V. Effective Date, Appeals:**

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this day 4<sup>th</sup> day of March, 2026 by the Polk County Planning Commission.

**Polk County Planning Commission**

**ATTEST:**

By: \_\_\_\_\_  
Merle Bishop, FAICP, Chair

By: \_\_\_\_\_  
Lyndsey Yannone, Recording Secretary

Date rendered to the Clerk: \_\_\_\_\_

cc: Land Development Division Official File  
Erin Valle, Clerk of Court (under separate cover)

## **ADDENDUM 1 to FINAL ORDER**

The following conditions of approval were agreed upon by the Applicant and approved by the Planning Commission during the public hearing held on March 4<sup>th</sup>, 2026, and are fully incorporated into the Final Order. In the event any conflict or inconsistency arises between the conditions listed in the Staff Report and those listed in this Addendum 1, the conditions listed in this Addendum 1 shall control.

*Additional Conditions of Approval:*

**Exhibits to Planning Commission's Order**

Exhibit A-Staff Report and Exhibits



Polk County  
Planning Commission

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Agenda Item 2.

3/4/2026

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**SUBJECT**

LDCPAS-2025-38 (Toho Marigold INST/NAC CPA)

**DESCRIPTION**

Applicant-initiated requested Small Scale Comprehensive Plan map amendment from Development of Regional Impact (DRI) to Institutional (INST) and Neighborhood Activity Center (NAC) on 12.5± acres for a property located on the north side of Marigold Avenue and Hemlock Avenue, east of Flounder Road, south of Halibut Road, and west of Laurel Avenue east of the City of Haines City, in Sections 10, and 11, Township 28, Range 28

**RECOMMENDATION**

Approval

**FISCAL IMPACT**

No Fiscal Impact

**CONTACT INFORMATION**

Robert Bolton

Planner III

Land Development

863-534-6468

robertbolton@polkfl.gov

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	<b>January 8, 2026</b>
<b>Planning Commission Date:</b>	March 4, 2026
<b>BoCC Dates:</b>	April 21, 2026
<b>Applicant:</b>	Allision Schultz, Toho Water Authority
<b>Level of Review:</b>	Level 4 Review, Comprehensive Plan Map Amendment
<b>Case Number and Name:</b>	LDCPAS-2025-38; Toho Marigold INST/NAC CPA
<b>Request:</b>	Small Scale Comprehensive Plan Map and Text Amendment from Development of Regional Impact (DRI) to Institutional (INST), and Neighborhood Activity Center (NAC) on 12.5± acres
<b>Location:</b>	North side of Marigold Avenue and Hemlock Avenue, east of Flounder Road, south of Halibut Road, and west of Laurel Avenue east of the City of Haines City, in Sections 10, and 11, Township 28, Range 28.
<b>Property Owner:</b>	Marigold Development LLC, Tohopekaliga Water Authority (Toho)
<b>Parcel Size:</b>	12.5± acres (282803-934760-086010)
<b>Development Area/Overlays:</b>	Utility Enclave Area (UEA)
<b>Future Land Use:</b>	Development of Regional Impact (DRI)
<b>Nearest Municipality</b>	Haines City
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending
<b>Case Planner:</b>	Robert Bolton, Planner III



**Location**



**Current Future Land Use**

## **Summary**

The applicant is requesting a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Institutional (INST) on 3.4± acres and Neighborhood Activity Center (NAC) on 9.1± acres, or a total of 12.5± acres in the Utility Enclave Area (UEA). Site is located on the north side of Marigold Avenue (Poinciana Parkway) and Hemlock Avenue, east of Flounder Road, south of Halibut Road, and west of Laurel Avenue east of the City of Haines City, in Sections 10, and 11, Township 28, Range 28, in the Poinciana Pre-Development of Regional Impact.

## **Compatibility Summary**

This request is compatible with the surrounding area, an original Pre-DRI Commercial area, south of the site, was designated for Commercial use has been developed with a wastewater treatment facility for Toho Wastewater treatment. The requested NAC provides 9.1± acres of commercial support for the Poinciana community. This site, when developed will be required to meet the standards with in the Land Development Cod and Comprehensive Plan for the specific use at the time of development. The site has a request for Institutional (INST) on 3.4± acres for the expansion of the Huron WTP to provide for potable water demand. The main site for the Huron WTP is on the southwest side of Hemlock Avenue adjacent to the site. The site has Development of Regional Impact (DRI) to the north with developed single-family residences. The subject and the single-family residential is separated by a 60-foot Greenway which is part of the Poinciana master drainage system. Currently at the intersection of Marigold Avenue and Hemlock Avenue is a 7-Eleven and a Family Dollar store. This intersection represents one of the primary intersections for the southern portion of the Poinciana Development and on the original Development Map of Poinciana was anticipated to be the primary commercial node.

This intersection was originally intended for commercial use. A change the Future Land Use to Institutional and Neighborhood Activity, is representative of the original plan and supporting the needed expansion of the water treatment facility, are compatible uses, as the site is located at the intersection of two Urban Collector roads and has access to available infrastructure with water and sewer.

## **Infrastructure Summary**

The subject site is within the Toho Water Authority Service Area. The site will have access to water and wastewater lines. The site has access to two (2) Urban Collector roads, road that access the site, Marigold Avenue (Poinciana Parkway) and Hemlock Avenue. Mass transit is not available nearby, and there is not a stop nearby to the site. The closest mass transit is Citrus Connection Line 603, with the closest stop at Coyote Road and Bobcat Court approximately 4.3 miles northeast of the site. Public safety response times are normal for this part of the County. School capacity is not anticipated to be an issue with the site to develop with non-residential uses. The request is compatible with the available infrastructure.

## **Environmental Summary**

The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 1.0 miles to the south of the subject site. The soil types

for the site are Tavares fine sand, Immokalee sand, Astatula sand, Arents-Urban land complex, and Narcoossee sand. There are no indicated wetlands on the subject site and is not in a flood zone.

### **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 2.102-A10 Location Criteria
- Policy 2.107(A1-A5): Utility Enclave Area (UEA)
- Policy 2.110-D: Neighborhood Activity Center (NAC)
- Policy 2.116(A1-A5): Institutional (INST)
- Policy 2.130-A: Poinciana Pre-DRI

### **Findings of Fact**

#### **Request and Legal Status**

- This is an applicant-initiated request for the Future Land Use designation change from Pre-Development of Regional Impact (Pre-DRI) to Institutional (INST)(3.4± acres) and Neighborhood Activity Center (NAC)(9.1± acres).
- If approved the Land Development Code district will be INST-1
- The subject site was originally designated as Single Family Residential in the Poinciana Master Plan.
- A Level 3 Conditional Use will be required for the Institutional (INST) planned expansion for the Huron WTP.
- The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Section 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.
- The INST is required by the applicant to expand the wells and capacity of the Huron Water Treatment Plant to the west. The NAC is requested in the anticipation of the remainder of the site being sold as Surplus Land.
- The Toho site south of the subject site was designated Commercial on the Poinciana Master Plan but developed all with Toho wastewater utility structures.

#### **Compatibility**

- The existing uses surrounding the site are:
  - North – Pre-DRI; detached single family residential.
  - West – Pre-DRI; Toho Huron WTP, The Association of Poinciana Villages, Retail.
  - East – Pre-DRI; detached single family residential.
  - South – Pre-DRI / INST-1X; Family Dollar, Wastewater Treatment / Commercial.

- The general area to the east, north, and south of the subject site are designated for single family detached. The site is currently designated a single-family residential on the Poinciana Master Plan. However, the southwest corner of the intersection was originally Commercial and has been developed with Toho wastewater utility structures.
- A Neighborhood Activity Center has a market area radius of 1.5 miles and needs a population of 5,000 for support. The applicant submitted a population study supporting a 1.5 mile radius population of 7,920 people.
- The next nearest Activity center is approximately 1.25 miles northwest of the site. The site is 1.13 acres and was recently adopted as a Convenience Center-X (CCX) by the BoCC on December 16, 2025. The parcel currently is under review for a Dollar General.

## **Infrastructure**

- The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, and Haines City High School.
- Polk County Fire Rescue Station 46 will be the response unit for fire and EMS for this site. It is located at 9500 Marigold Avenue, Poinciana, with an approximate travel distance of 2.5 miles.
- The subject site is within the Sheriff Department's Northeast District. The Ridge District Office is located at 9500 Marigold Avenue, Poinciana.
- The site will have access to water and wastewater lines. This was confirmed by the Toho Water Authority representative.
- There are sidewalks that run north to south along Lake Marion Creek Drive, fronting the subject site as well as along the north side of Pine Steet fronting the subject site.
- The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 4.3 miles northeast of the site.
- The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 1.0 miles to the south of the subject site.
- The environmental land that is closest to the subject site are the Kissimmee Chain of Lakes south of the subject site.

## **Environmental**

- The site's elevation is relatively flat with an elevation of 107 feet at the northwestern area of the site and sloping downward to the property boundaries generally at 100 feet.

- The subject site is not located within a floodplain and has no wetlands indicated.
- The site is located within the Polk Green Potential Network Connections District. Adjacent to the west of the site Polk County has in excess of 280 acres of land under a conservation Easement as recorded in OR Book 12845, Page 0260.
- The soil types for the site are Tavares fine sand, Immokalee sand, Astatula sand, Arents-Urban land complex, and Narcoossee sand.
- According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an observation of a protected animal species (Source: Florida Department of Environmental Protection, 2015).
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- The subject site is not located in an identified Wellfield Protection District. The Toho Hurton Water Treatment Plant is located adjacent to the site on the western side of Hemlock Avenue. An existing Toho water production well on the eastern portion of the site.
- The proposed INST is for well site and will therefore, be part of a Wellfield Protection District.
- The site is not within an Airport Impact District.

### **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 2.107-A1 DESCRIPTION - UEAs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.
- POLICY 2.107-A2 DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the

County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:

- a.it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s);
  - b.it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); and c.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed.
- **POLICY 2.107-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within UEAs:
    - **ACTIVITY CENTERS:** Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within UEA's in accordance with applicable criteria.
    - **RESIDENTIAL:** Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria.
    - **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.
  - **POLICY 2.107-A4: OVERLAY DISTRICTS** - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.
  - **POLICY 2.107-A5: DEVELOPMENT CRITERIA** - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:

All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met.

    - Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.
    - Provide access to parks, green areas, and open space and other amenities.
    - Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section
  - **POLICY 2.105-A3: Land Use Categories** - The following land use categories shall be permitted within UGAs:
    - a. **Activity Centers:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.
    - b. **Residential:** Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.

- c. Other: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.
- POLICY 2.110-D1: Characteristics - Neighborhood Activity Centers are intended to accommodate the shopping needs of residents living within the immediate surrounding neighborhood(s). General (approximate) characteristics of Neighborhood Activity Centers are:
  - Usable Area: Over 5 acres to 20 acres
  - Gross Leasable Area (GLA): 20,000 to 150,000 square feet
  - Minimum Population Support: 5,000 to 10,000 people
  - Market-Area Radius: 1½ miles
  - Typical Leading Tenant: Supermarket
  - Other Typical Leading Tenants: Drug Store, Restaurant, Bakery, Office, Convenience Store
- POLICY 2.110-D2: Designation and Mapping - Neighborhood Activity Centers shall be located within UDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "Neighborhood Activity Center" (NAC).
- POLICY 2.110-D3: Location Criteria - Neighborhood Activity Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distances, on public roads, between the center of a Neighborhood Activity Center and the center of any other Neighborhood Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same neighborhood-shopping needs:
  - a. Two (2) miles within the TSDA and UGA.
  - b. Four (4) miles within the SDA and UEA.
 This required separation may be reduced if:
  - a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or
  - b. The proposed Neighborhood Activity Center market-area radius, minimum population support is over 10,000 people.
- POLICY 2.110-D4: Development Criteria - Development within a Neighborhood Activity Center shall conform to the following criteria:
  - a. Neighborhood Activity Centers shall have frontage on, or direct access to, an arterial or major collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.
  - b. Different uses within a Neighborhood Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
  - c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
  - d. Residential uses shall not be permitted in Neighborhood Activity Centers except as part of a mixed use Planned Development.

- e. Office uses shall not exceed 40 percent of the total area of the Neighborhood Activity center. Commercial uses may constitute 100 percent of the Neighborhood Activity center.
  - f. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.
  - g. Planned Developments within the Neighborhood Activity Center may be permitted a maximum floor area ratio up to 0.70 and a maximum residential density of 5 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.
- POLICY 2.116-A3: Location Criteria - Institutional development may occur within the lands designated Institutional on the Future Land Use Map Series, and in any other land use designation throughout the County, unless further prohibited by the Land Development Code the County in accordance with Section 163.3201(1), FS. The following factors shall be taken into consideration when determining the appropriateness of establishing new Institutional areas on the Future Land Use Map Series, or in approving the location for an institutional use not located within lands classified as Institutional:
    - a. Accessibility to roadways, with consideration being given to regional transportation issues for largescale institutional developments having a regional market.
    - b. Proximity to incompatible land uses, which is dependent upon the intensity of the institutional use (buffering may be provided to mitigate adverse impacts).
    - c. The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.
    - d. Proximity to similar and compatible uses providing opportunities for shared facilities.
    - e. Plans of the School Board and other public service agencies with jurisdiction in the County.

The placement of institutional uses in other than lands classified as Institutional shall be subject to County approval through a Conditional Use Permit, or in accordance with land-development regulations adopted and/or amended by the County in accordance with Section 163.3201(1), FS.

Educational facilities will be allowed in lands designated as Institutional, or in all other land uses, except Industrial as a community facility in accordance with policies of this Plan.

- POLICY 2.116-A4: Development Criteria - Institutional development shall conform to the following criteria:
  - a. Institutional uses include, but are not limited to: private and public-service structures. These commonly include:
    1. public and private educational facilities;
    2. government-administration buildings;
    3. public-safety structures (e.g. police and fire);
    4. cultural facilities (e.g. libraries, museums, and performing-arts theaters);

- 5. health-care facilities e.g. hospitals, medical centers, clinics, nursing homes, adult day care centers, group homes, group living facilities, emergency shelters, residential treatment facilities.
  - b. Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.
  - c. Prior to site planning, the School Board, independent special districts and other governmental entities shall communicate to one another to pursue potential colocation of government services.
  - d. Commercial uses within institutional areas mapped on the Future Land Use Map Series shall be primarily for the purpose of serving the institutions within the area and shall be limited to a scale appropriate for that purpose.
  - e. Institutional sites shall be designed to provide for:
    1. Adequate parking to meet the present and future demands of the use.
    2. Buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.
  - f. Multi-family residential uses may be permitted at densities up to and including 15 dwelling units per acre as part of a Planned Development. Residential uses may be permitted according to the following:
    1. Residential uses shall only be established adjacent to or in conjunction with a university, college, vocational school or other similar educational institution.
    2. Residential development shall be intended to primarily meet the housing needs for students and faculty members of the nearby educational institution
  - g. Recreational uses accessory to the institutional use or compatible with the location of the institutional district.
- POLICY 2.116-A5: Miscellaneous - Electric-Power Generating Facilities established for the purpose of implementing Polk County's Solid-Waste Management Plan, as the Polk County Board of County Commissioners, shall be specifically permitted in the Institutional land use category provided that all applicable federal, state, and local regulations, including Section 2.125-I are satisfied.
  - POLICY 2.130-A: POINCIANA (PRE-DRI #1) - The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within 8 villages, 9 estate areas, and 6 office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Sections 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.

The approved master development plan for Poinciana and subsequent modifications to various portions of this development are on file in the offices of the Polk County Land Development Division. Approved land uses are also detailed in the Poinciana Binding Letter of Interpretation of Vested Rights Status, date May 17, 1983, and subsequent Binding Letters of Modification to a

Development of Regional Impact with Vested Rights (BLIVR), issued by and on file with the Department of Economic Opportunity (DEO). Additional copies are also available through the Polk County Land Development Division. In 2018, the Florida legislature modified Section 380.06 that local governments may modify the BLIVRs instead of DEO. The Land Development Code includes processes and procedures to determine if property is within the boundaries of Poinciana and how development will be implemented. This also includes Future Land Use changes adjacent to proposed roadways.

**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 2025-38**.

**Planning Commission Recommendation:** On March 4, 2026 in an advertised public hearing, the Planning Commission voted ?? to **recommend APPROVAL or DENIAL of LDCPAS-2025-38**.

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

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

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

**Analysis**

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

**Surrounding Uses**

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

Table 1 Surrounding Uses

<b>Northwest</b> Pre-DRI; low density detached single family residential	<b>North</b> Pre-DRI; low density detached single family residential	<b>Northeast</b> Pre-DRI; low density detached single family residential
<b>West</b> Pre-DRI; INST-1 developed / undeveloped. Toho Huron WTP, The Association of Poinciana Villages, Retail	<b>Subject Site</b> Pre-DRI; undeveloped Single Family Residential	<b>East</b> Pre-DRI; low density detached single family residential
<b>Southwest</b> INST-1 (Pre-DRI) Toho Wastewater Treatment	<b>South</b> INST-1 / Pre-DRI; Developed / Undeveloped Family Dollar, Wastewater Treatment / Commercial	<b>Southeast</b> Pre-DRI; undeveloped Commercial

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

**Compatibility with the Surrounding Uses**

According to *Policy 2.102-A2* of Polk County’s Comprehensive Plan, “land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; and c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.” The “development criteria” and the “density and dimensional regulations” of a land use district are often the measuring tools used by staff to determine compatibility and the appropriateness of locating differentiating uses. Compatibility is defined in the Comprehensive Plan as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

A. Land Uses

Utility Enclave Areas (UEA) shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs

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

The request is a Future Land Use that is in context and compatible with the surrounding uses. The Institutional (INST) Future Land Use district, 3.4± acres, represents an expansion of the Toho Huron WTP for an additional potable well in support of the existing potable water treatment plant. The location of the INST runs along the rear or northern portion of the property. The future development of this site would be for a Class III Utility and will require a Level 3 Conditional Approval. This use represents a low intensity use with the only traffic to/from the site is the occasional monitoring of the well. The site will adhere to the development standards of the Land Development Code. The remaining 9.1± acres of the request is for a Future Land Use of Neighborhood Activity Center (NAC). The property is located at the northern corner of Marigold Ave (Poinciana Pkwy) and Hemlock Avenue. The hard corner parcel is a Family Dollar Store that was developed under the Pre-DRI. The requested NAC will represent the majority of the frontage along Marigold Avenue and Hemlock Avenue, with the Family Dollar at the corner.

On the southern side of Marigold Avenue was the original Commercial district for this part of Poinciana, see Exhibit 6. In approximately 1980, the south or southwestern corner was developed with a wastewater treatment facility and was no longer a commercial use site. The western or southwestern corner of the intersection still has the Pre-DRI use of Commercial. However, this site is encumbered by wetlands and floodplain which appears to have hindered commercial development. The requested NAC provides for non-residential commercial development for the surrounding residential development to help replace what was taken by the Toho wastewater treatment plant.

Two of the three sides of the site front Urban Collector Roads, with the third side (rear) fronting the residential development. The northern or rear side is separated from the residential development by a 60 foot wide Open Space, which is part of the Poinciana master drainage system. The northern side is also the location of the Institutional (INST) requested Land Use district, creating a greater distance buffer from the NAC to the existing residential development.

## B. Infrastructure

The site will have access to water and wastewater lines. The site accesses onto Marigold Avenue and Hemlock Avenue, both of which are Urban Collectors. Marigold Avenue currently has planned improvements for the corridor to meet future needs. Public safety response times are normal for this part of the County. A change to non-residential Land Use districts provides relief to the district schools from the potential future student load from residential development. The request is compatible with the available infrastructure.

## Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below. Per the requirements in Chapter 7 of the Land Development Code, the applicant will have to work out capacity for any development request with the school board. However, site is expected to develop with commercial uses so no student generation is anticipated.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2024-2025 School Year	Average driving distance from subject site
Laurel Elementary School	0 students	78%	1.0 miles
Lake Marion Creek Middle School	0 students	85%	1.5 miles
Haines City High School	0 students	95%	10.6 miles

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

### Nearest Sheriff, Fire, and EMS Station

Table 3 below displays that the nearest Sheriff District office and Fire/EMS stations. Sheriff response times are not as much a function of the distance to the nearest sheriff’s substation, but more a function of the overall number of patrol officers within the County.

Table 3 Public Safety Information

	Name of Station	Distance/Response Time*
<b>Sheriff</b>	<b>Ridge District Command Unit (9530 Marigold Ave., Poinciana)</b>	Priority 1 – 11:35 Priority 2 – 29:52
<b>Fire/ EMS</b>	<b>Station #46 (9500 Marigold Ave., Poinciana)</b>	2.4 +/- miles / 6-8 min

Source: Polk County Sheriff’s Office & Polk County Fire Rescue. Response times for February, 2026. \*Response times are based from when the station receives the call, not from when the call is made to 911..

### Water and Wastewater

#### A. Estimated Demand

A portion of the site, the Institutional, will be utilized for an additional production potable well for the Toho Huron WTP. Potable water and wastewater is serviced by Toho Utilities and are reported to have capacity within the area for future development.

Table 4: Estimated Water and Sewer Impact Analysis

Permitted Density / Intensity	Maximum Permitted in Existing Land Use DRI (12.5± ac) SFR	Maximum Permitted in Proposed INST (3.4± ac) NAC (9.1± ac)
3.4± acres INST	12.5± acres X 5 du/ac = 62 sf	3.4± acres (148,104 sf) X 0.25 FAR = 37,026 sf
9.1± acres NAC		9.1± acres (396,396 sf) X 0.25 FAR = 99,099 sf
Potable Water Consumption	62 du X 250 = <b>15,500 GPD</b>	37,026 sf X 0.24 = <b>8,887 GPD</b> 99,099 sf X 0.15 = <b>14,865 GPD</b> <b>23,752 GPD</b>
Wastewater Generation	62 du X 200 = <b>12,400 GPD</b>	8,887 GPD X 80% = <b>7,110 GPD</b> 14,865 GPD X 80% = <b>11,892 GPD</b> <b>19,002 GPD</b>

B. Service Provider

The subject site is within the Toho Water Authority Service Area for water and wastewater.

C. Available Capacity

Toho has a 24-inch sanitary force main on the south side of Marigold Avenue, with available capacity. Toho has a 16-inch potable water main adjacent to the north border of the property.

D. Planned Improvements

The requested Institutional (INST) site is planned for a new potable water well for expanded capacity. On the eastern portion of the site a planned future relocation of Well 5-5.

**Roadways/Transportation Network**

A. Estimated Demand

Table 5, following this paragraph, shows the Average Annual Daily Trip (AADT) rate and the PM Peak hour trip rate. The Future Land Use change may result in increased trips.

*Table 5: Estimated Transportation Impact Analysis*

Permitted Density / Intensity	Maximum Permitted in Existing Land Use DRI (12.5± ac) SFR	Maximum Permitted in Proposed INST (3.4± ac) NAC (9.1± ac)
<b>3.4± acres INST</b>	12.5± acres X 5 du/ac = 62 du	3.4± acres (148,104 sf) X 0.25 FAR = 37,026 sf / 1,000 = 37
<b>9.1± acres NAC</b>		9.1± acres (396,396 sf) X 0.25 FAR = 99,099 sf / 1,000 = 99
<b>Average Annual Daily Trips (AADT)</b>	62 X 7.81 AADT = <b>485 Trips</b>	37 X 7.83 AADT X 92% = <b>267 Trips</b> 99 X 59.07 AADT X 76% = <b>4,445 Trips</b> <b>6,107 Trips</b>
<b>PM Peak Hour Trips</b>	62 X 1.00 AADT X 100% = <b>62 Trips</b>	37 X 1.18 AADT X 92% = <b>41 Trips</b> 99 X 8.79 AADT X 76% = <b>662 Trips</b> <b>910 Trips</b>

*Source: Concurrency Manual (Polk TPO 10/21/20252):INST @ General Office NAC @ Supermarket 92.87 AADT per 1,000 sf, 15.85 AADT per 1,000 sf PM Peak Hour,*

B. Available Capacity

The following analysis is for maximum buildout for each of the requested Future Land Use designations. The requested Institutional (INST) district has a determined development, expansion of the Huron WTP with an additional potable water well. This use, after development will only have the occasional well monitoring traffic, not the calculated 41 Peak Hour Trips. The requested Neighborhood Activity Center (NAC) is a triangular shape that will significantly encumber the maximum possible buildout. The analysis indicated the possibility of substantially encumbering the road links. The area has current planned improvements to the roadway network.

Table 6: Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current LOS	Available Peak Hour Capacity	Minimum LOS Standard	Project 5 Year LOS
8100N 8100S	Poinciana Pkwy (aka Marigold Ave) Lk Hatchineha Rd to Marigold Ave	2U UC	C	452 347	D	C
8101N 8101S	Poinciana Pkwy (aka Marigold Ave) Palmetto St. to S. Cypress Parkway	4D UC	C	897* 852*	D	C
8214N 8214S	Lake Marion Creek Dr Poinciana Pkwy to Cypress Pkwy (CR580).	2U UC	C	464 454	D	C

Source: Polk County Transportation Planning Organization, 2025 Roadway Network Database January 2025. \*2U means two lane undivided, UC means Urban Collector \*Indicates capacity after programmed improvements

C. Roadway Conditions

The condition of Poinciana Pkwy (aka Marigold Ave) is Very Good. condition of Hemlock Avenue is Fair. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network

There are sidewalks in front of the Family Dollar at the intersection of Marigold Avenue and Hemlock Avenue. Sidewalks will be required at the time of development of the site.

E. Planned Improvements:

Intersection improvements and signalization at Marigold Avenue at Hemlock Drive and Marigold Avenue at Lake Marion Creek Road were recently completed along with sidewalk improvements along Pine Street (north of the site). Table 7, to follow, shows planned improvements to the surrounding roadway network in the County’s 5-year Community Investment Program (CIP).

Table 7

Road	Fiscal Year CIP (estimated cost)	Project Description
Marigold Avenue Widening	\$59,000,000	Widen Marigold Avenue from CR 580/Cypress Parkway to Palmetto Street from two-lanes to four-lanes (about 2.2 miles). Marigold Avenue widening is a priority due to population and employment growth in the Poinciana area. SWFWMD permitting complete. Right-of-way acquisition underway. In re-deign to minimize impacts to existing transmission lines. <b>Construction is TBD.</b>
Intersection improvements at Marion Creek Road and Cypress Parkway	\$2,600,000	Finalizing construction cost estimates for signalization.
Caspian Road Sidewalks	Pending construction bids	Study Phase

F. Mass Transit

The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with the closest stop at Coyote Road and Bobcat Court approximately 4.3 miles northeast of the site.

## **Park Facilities:**

The following analysis is based on public recreation facilities.

### **A. Location:**

The nearest neighborhood park is the Lil Halibut Park 1.6 miles east of the site and the nearest regional Park is Poinciana Community Park 1.0 miles to the north of the subject site.

### **B. Services:**

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

### **C. Multi-use Trails:**

The closest free hiking trail is in Poinciana Community Park 4.0 miles to the south of the subject site.

### **D. Environmental Lands:**

This site contains no County owned environmental lands. The closest environmental lands to the site are the Kissimmee Chain of Lakes south of the subject site.

### **E. Planned Improvements:**

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

## **Environmental Conditions**

The subject site is comprised of a mix of soil types, which may dictate construction techniques.

### **A. Surface Water:**

There is no surface water on the subject site. The site's elevation is relatively flat with an elevation of 107 feet at the northwestern area of the site and sloping downward to the property boundaries generally at 100 feet.

### **B. Wetlands/Floodplains:**

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

### **C. On-Site Soils:**

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. According to the soil survey of Polk County, the subject site has limitations for septic tank

absorption. However, the site will be able to connect to Toho wastewater lines, so this should not be an issue.

**Table 8**

<b>Soil Name</b>	<b>Septic Tank Absorption Field Limitations</b>	<b>Limitations to Small Commercial Buildings</b>	<b>% of Site (approximate)</b>
<b>Tavares fine sand, 0 to 5 percent slopes (15)</b>	Moderate: wetness	Slight	76%
<b>Immokalee sand</b>	Severe: wetness	Severe: wetness	3%
<b>Astatula sand, 0 to 5 percent slopes (46)</b>	Slight	Moderate: slope	3%
<b>Arents-Urban land complex, 0 to 5 percent slopes</b>	Severe: wetness: poor filter	Moderate: wetness, slope	10%
<b>Narcoossee sand</b>	Severe: wetness: poor filter	Moderate: wetness	8%

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

#### D. Wells (Public/Private)

The subject site is not located in an identified Wellfield Protection District. It is noted that the Toho Hurton Water Treatment Plant is located adjacent to the site on the western side of Hemlock Avenue. A portion of the site, the requested Institutional, is intended for the expansion of the production wells for this Water Treatment Plant. It is noted that there is an existing Toho water production well on the eastern portion of the site.

#### E. Protected Species

According to the Florida Biodiversity Matrix GIS application, no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state, and local law.

#### F. Polk Green Districts and Conservation Easements:

The site is located within the Potential Network Connections area of the Polk Green District Comprehensive Plan Map Series. The lands on the west side of Lake Marion Creek Drive, owned by Polk County, in excess of 280 acres is under a conservation easement as recorded in OR Book 12845, Page 0260.

#### G. Archeological Resources:

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

## H. Airports:

The site is not within an Airport Impact District.

## Economic Factors:

A change in the Future Land Use designation to Institutional (INST) for a portion of the site will allow for the expansion of the Huron WTP as requested by the Toho Water Authority. The change in the Future Land Use designation to Neighborhood Activity Center (NAC) allows for a identifiable non-residential commercial use properties within a public data viewer of developers to identify properties without having to request a property's entitled uses for County Staff.

## Consistency with the Comprehensive Plan

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

*Table 8 Comprehensive Plan and Land Development Code*

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	The Comprehensive Plan permits a variety of different Future Land Use designations in urban areas and contribute to a combination of mixed uses. Everything around the subject site is slated for low density residential use, meaning this land use change is compatible.
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.	Subject site is at the intersection of two Urban Collector Roads which is ideal for the NAC use, with the INST use along the rear of the site. Toho Water Authority lines are readily available in this area for water and wastewater. This request is consistent with this policy.
POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.	The timing is consistent with the growth in the area as the surrounding sites are already designated for low density residential. There is available connectivity to water, wastewater, and electricity. Fire and Sheriff are available for this area. The schools that are zoned for the site have capacity, but site is expected to

Comprehensive Plan Policy	Consistency Analysis
<p><b>POLICY 2.102-A10: LOCATION CRITERIA</b> - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;</li> <li>2. sanitary sewer and potable water service;</li> <li>3. storm-water management;</li> <li>4. solid waste collection and disposal;</li> <li>5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;</li> <li>6. emergency medical service (EMS) provisions; and</li> <li>7. other public safety features such as law enforcement;</li> <li>8. schools and other educational facilities</li> <li>9. parks, open spaces, civic areas and other community facilities,</li> </ol> <p>f. environmental factors, including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. environmental sensitivity of the property and adjacent property;</li> <li>2. surface water features, including drainage patterns, basin characteristics, and flood hazards;</li> <li>3. wetlands and primary aquifer recharge areas;</li> <li>4. soil characteristics;</li> <li>5. location of potable water supplies, private wells, public well fields; and</li> <li>6. climatic conditions, including prevailing winds, when applicable.</li> </ol>	<p>develop non-residential, so this should not be an issue. The request provides for the expansion of the Huron WTP and land for non-residential commercial support for this area of Poinciana.</p>
<p><b>POLICY 2.107-A1 DESCRIPTION</b> - UEs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.</p> <p><b>POLICY 2.107-A2 DESIGNATION AND MAPPING</b> - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:</p>	<p>Institutional and Neighborhood Activity Centers are allowed within the Utility Enclave Area. Water and sewer lines have already been constructed in this area by Toho Water Authority and will service the subject site if developed.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>o a. it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s);</p> <p>o b .it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); andc.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed.</p> <p>POLICY 2.107-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within UEAs:</p> <p>o ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within UEA's in accordance with applicable criteria.</p> <p>o RESIDENTIAL: Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria.</p> <p>o OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.</p> <p>POLICY 2.107-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.</p> <p>POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:</p> <p>o All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met.</p> <p>o Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.</p> <p>o Provide access to parks, green areas, and open space and other amenities.</p> <p>o Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement).</p>	

Comprehensive Plan Policy	Consistency Analysis
<p>In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section</p>	
<p>POLICY 2.110-D1: Characteristics - Neighborhood Activity Centers are intended to accommodate the shopping needs of residents living within the immediate surrounding neighborhood(s). General (approximate) characteristics of Neighborhood Activity Centers are:</p> <ul style="list-style-type: none"> <li>➤ Usable Area: Over 5 acres to 20 acres</li> <li>➤ Gross Leasable Area (GLA): 20,000 to 150,000 square feet</li> <li>➤ Minimum Population Support: 5,000 to 10,000 people</li> <li>➤ Market-Area Radius: 1½ miles</li> <li>➤ Typical Leading Tenant: Supermarket</li> <li>➤ Other Typical Leading Tenants: Drug Store, Restaurant, Bakery, Office, Convenience Store</li> </ul> <p>POLICY 2.110-D2: Designation and Mapping - Neighborhood Activity Centers shall be located within UDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "Neighborhood Activity Center" (NAC).</p> <p>POLICY 2.110-D3: Location Criteria - Neighborhood Activity Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distances, on public roads, between the center of a Neighborhood Activity Center and the center of any other Neighborhood Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same neighborhood-shopping needs:</p> <ul style="list-style-type: none"> <li>➤ a. Two (2) miles within the TSDA and UGA.</li> <li>➤ b. Four (4) miles within the SDA and UEA.</li> </ul> <p>This required separation may be reduced if:</p> <ul style="list-style-type: none"> <li>➤ a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or</li> <li>➤ b. The proposed Neighborhood Activity Center market-area radius, minimum population support is over 10,000 people.</li> </ul> <p>POLICY 2.110-D4: Development Criteria - Development within a Neighborhood Activity Center shall conform to the following criteria:</p>	<p>The subject's 9.1± acre site meets the Characteristics for a Neighborhood Activity Center and is located within the UEA. The site has a population support within a 1.5-mile radius of 7,920. Within the Pre-DRI Map the nearest commercial sites may be seen in Exhibit 6. There are Commercial designations within the Pre-Dri Map on the southern side of Marigold Avenue. The western side of this Commercial designated property was developed with a wastewater treatment plant in the early 1980's, the eastern portion of the Pre-DRI Commercial has not been developed. The Pre-DRI Commercial site does have some floodplain and wetlands on site. The Proposed NAC has significant frontage along two (2) Urban Collector roads as well as existing cross access stub outs from the existing Family Dollar Store.</p>

Comprehensive Plan Policy	Consistency Analysis
<ul style="list-style-type: none"> <li>➤ a. Neighborhood Activity Centers shall have frontage on, or direct access to, an arterial or major collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.</li> <li>➤ b. Different uses within a Neighborhood Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.</li> <li>➤ c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.</li> <li>➤ d. Residential uses shall not be permitted in Neighborhood Activity Centers except as part of a mixed use Planned Development.</li> <li>➤ e. Office uses shall not exceed 40 percent of the total area of the Neighborhood Activity center. Commercial uses may constitute 100 percent of the Neighborhood Activity center.</li> <li>➤ f. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.</li> <li>➤ g. Planned Developments within the Neighborhood Activity Center may be permitted a maximum floor area ratio up to 0.70 and a maximum residential density of 5 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.</li> </ul>	
<p>POLICY 2.116-A3: Location Criteria - Institutional development may occur within the lands designated Institutional on the Future Land Use Map Series, and in any other land use designation throughout the County, unless further prohibited by the Land Development Code the County in accordance with Section 163.3201(1), FS. The following factors shall be taken into consideration when determining the appropriateness of establishing new Institutional areas on the Future Land Use Map Series, or in approving the location for an institutional use not located within lands classified as Institutional:</p> <ul style="list-style-type: none"> <li>➤ a. Accessibility to roadways, with consideration being given to regional transportation issues for largescale institutional developments having a regional market.</li> </ul>	<p>The subject's 3.4± acre site is an allowed Land Use within the UEA. The site has access to Hemlock Avenue an Urban Collector road. The request for Institutional is for the expansion of the Huron WTP adjacent on the west side of Hemlock Road. The proposed use of the site is consistent with the Development Criteria for an Institutional. Land Use district.</p>

Comprehensive Plan Policy	Consistency Analysis
<ul style="list-style-type: none"> <li>➤ b. Proximity to incompatible land uses, which is dependent upon the intensity of the institutional use (buffering may be provided to mitigate adverse impacts).</li> <li>➤ c. The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.</li> <li>➤ d. Proximity to similar and compatible uses providing opportunities for shared facilities.</li> <li>➤ e. Plans of the School Board and other public service agencies with jurisdiction in the County.</li> </ul> <p style="margin-left: 40px;">The placement of institutional uses in other than lands classified as Institutional shall be subject to County approval through a Conditional Use Permit, or in accordance with land-development regulations adopted and/or amended by the County in accordance with Section 163.3201(1), FS.</p> <p style="margin-left: 40px;">Educational facilities will be allowed in lands designated as Institutional, or in all other land uses, except Industrial as a community facility in accordance with policies of this Plan.</p> <p>POLICY 2.116-A4: Development Criteria - Institutional development shall conform to the following criteria:</p> <ul style="list-style-type: none"> <li>➤ a. Institutional uses include, but are not limited to: private and public-service structures. These commonly include: <ul style="list-style-type: none"> <li>1. public and private educational facilities;</li> <li>2. government-administration buildings;</li> <li>3. public-safety structures (e.g. police and fire);</li> <li>4. cultural facilities (e.g. libraries, museums, and performing-arts theaters);</li> <li>5. health-care facilities e.g. hospitals, medical centers, clinics, nursing homes, adult day care centers, group homes, group living facilities, emergency shelters, residential treatment facilities.</li> </ul> </li> <li>➤ b. Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.</li> <li>➤ c. Prior to site planning, the School Board, independent special districts and other governmental entities shall communicate to one another to pursue potential colocation of government services.</li> </ul>	

## Urban Sprawl Analysis

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

**Table 9 Urban Sprawl Criteria**

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

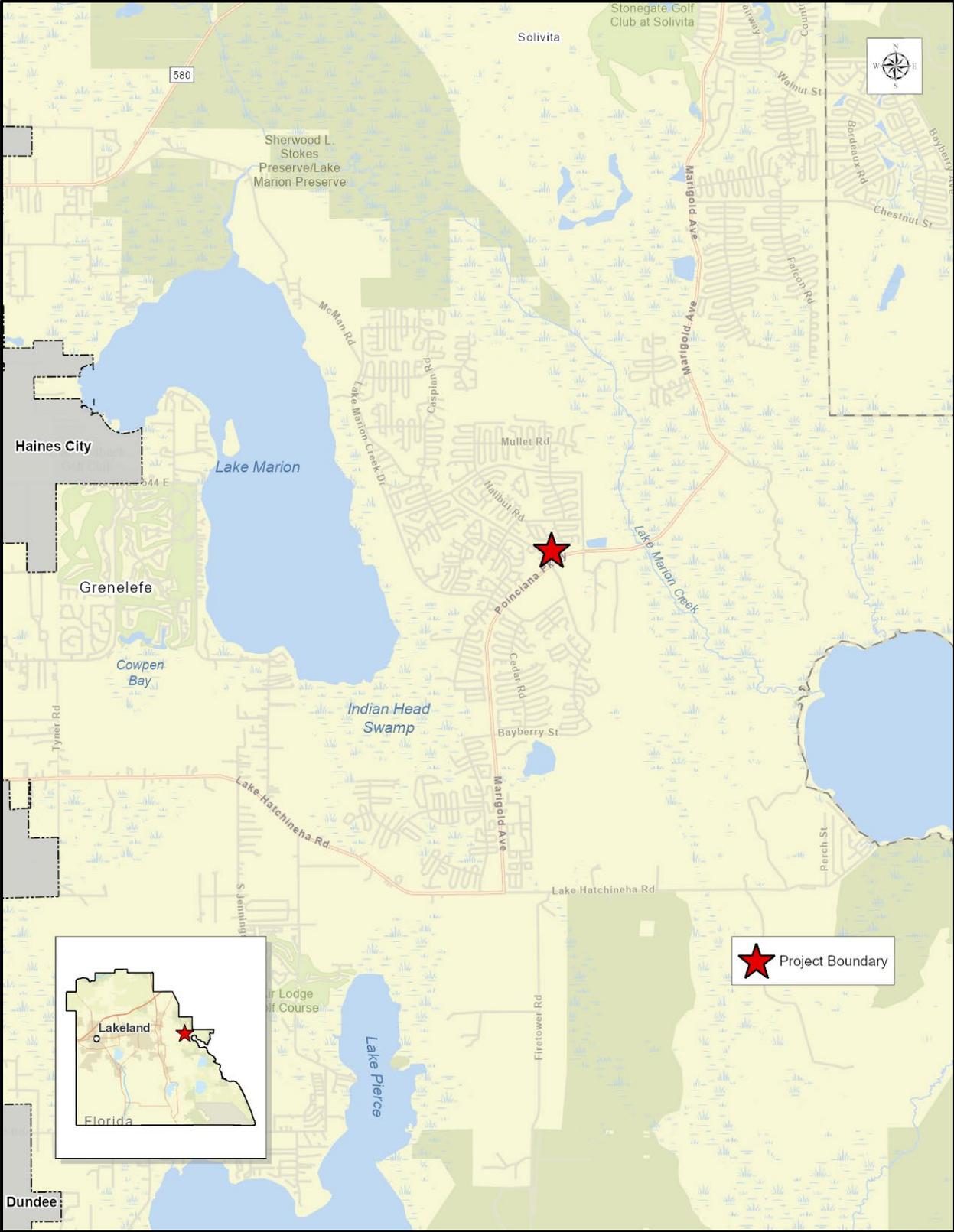
## Comments from other agencies

No comments

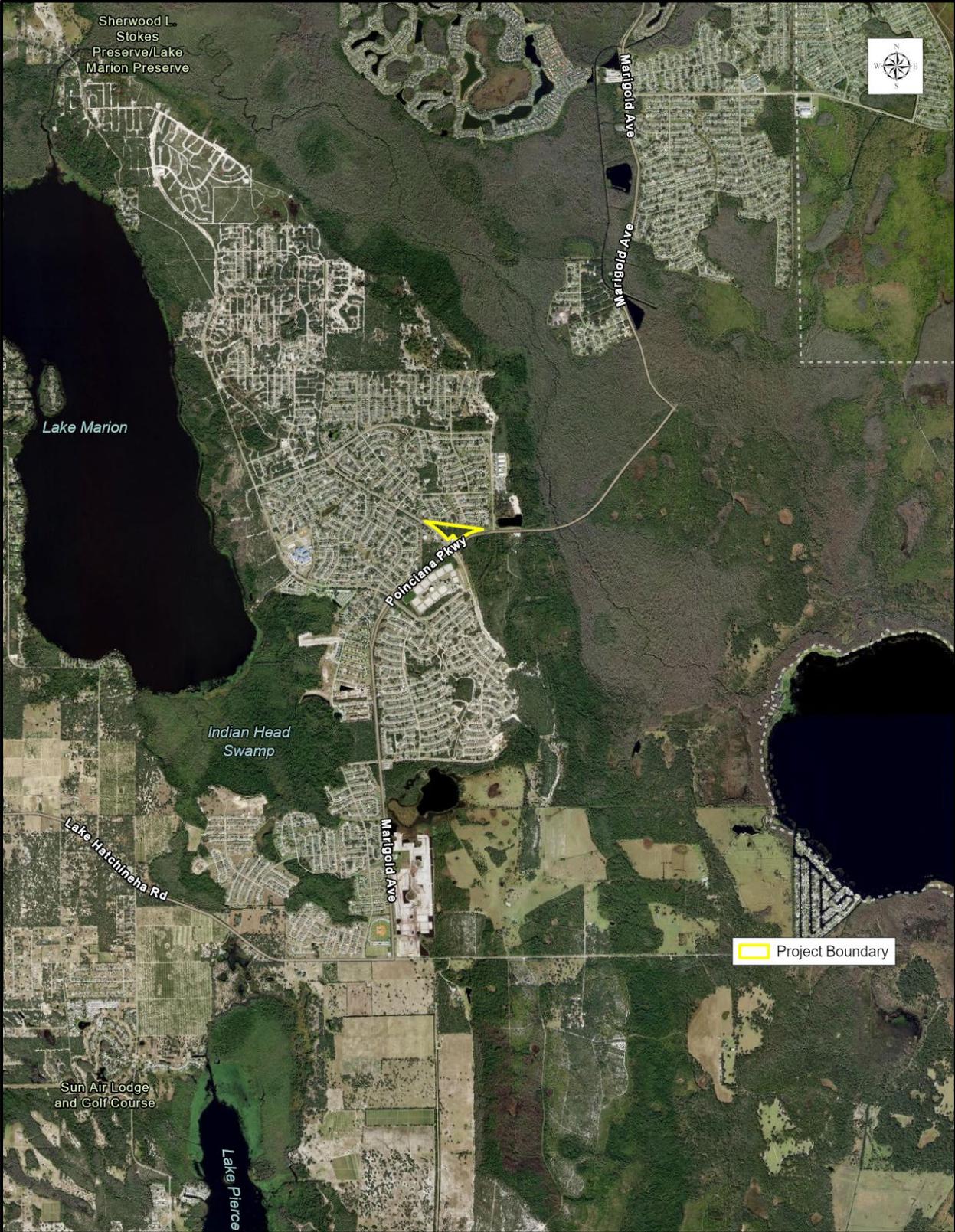
**Exhibits:**

- Exhibit 1      Location Map
- Exhibit 2      2023 Aerial Context Map
- Exhibit 3      2023 Aerial Close Up
- Exhibit 4      Current Future Land Use Map
- Exhibit 5      Proposed Future Land Use Map
- Exhibit 6      Poinciana Master Plan
- Exhibit 7      INST Permitted and Conditional Uses
- Exhibit 8      NAC Permitted and Conditional Uses

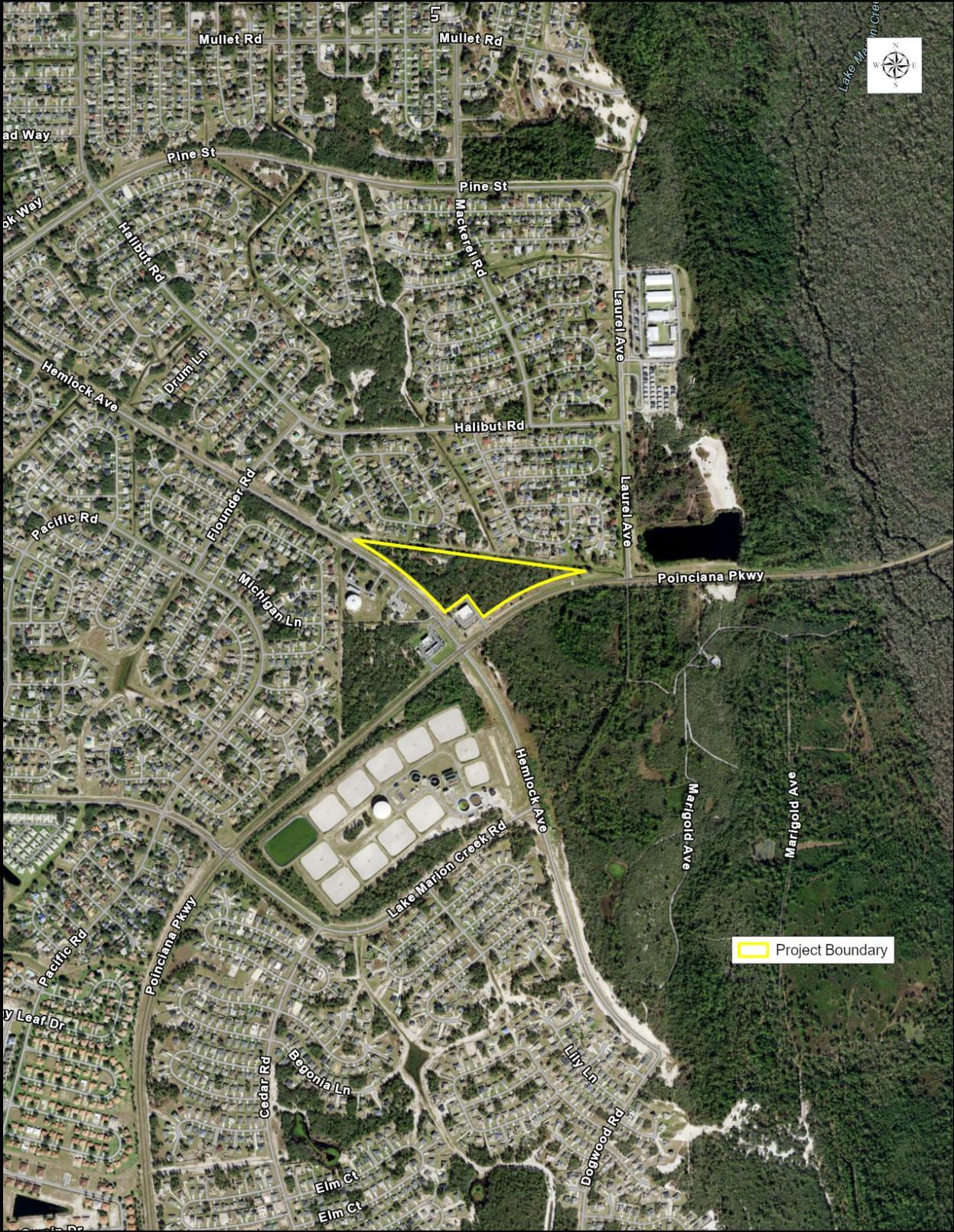
Applicant's submitted documents and ordinance as separate files



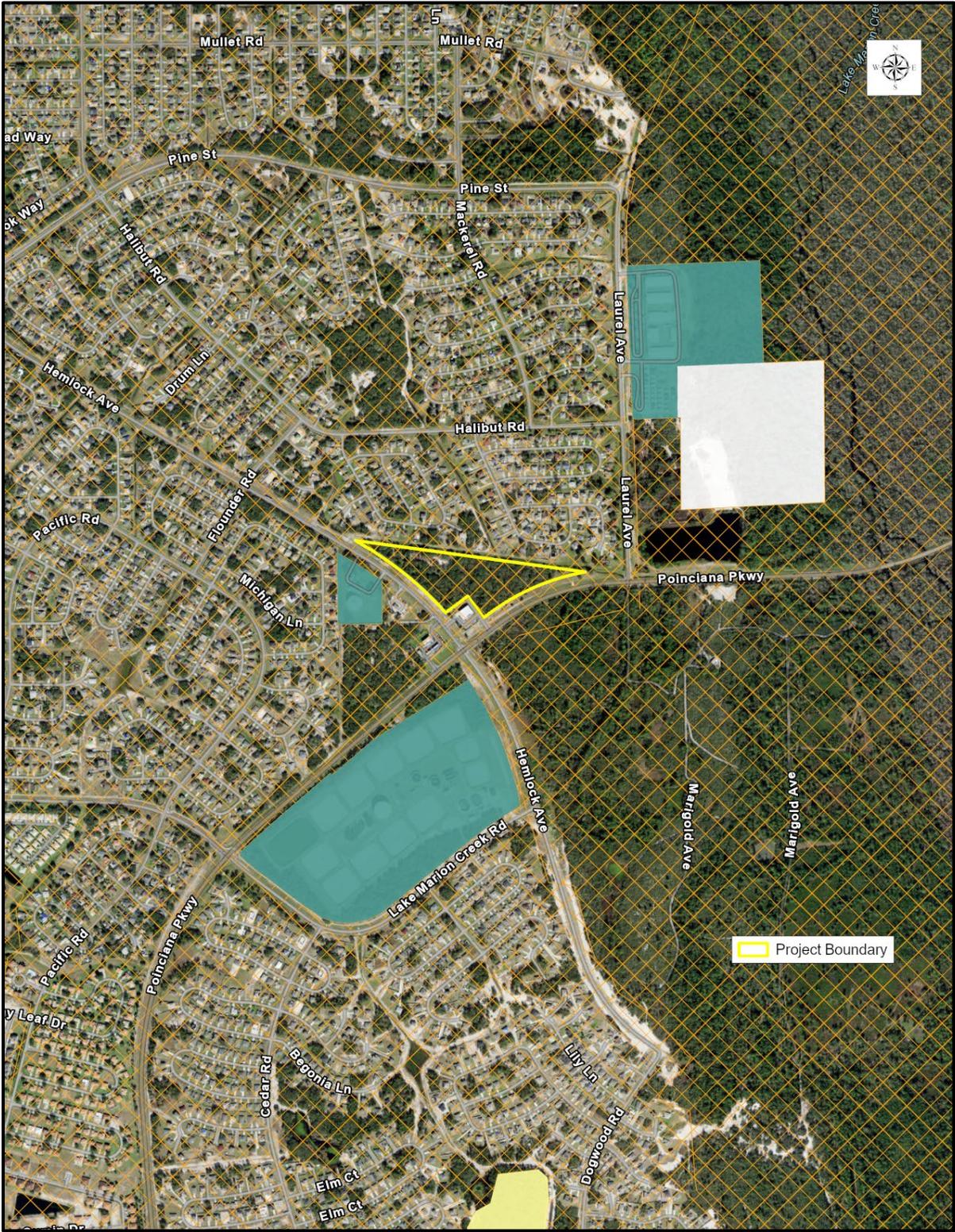
# LOCATION MAP



# 2023 AERIAL PHOTO CONTEXT

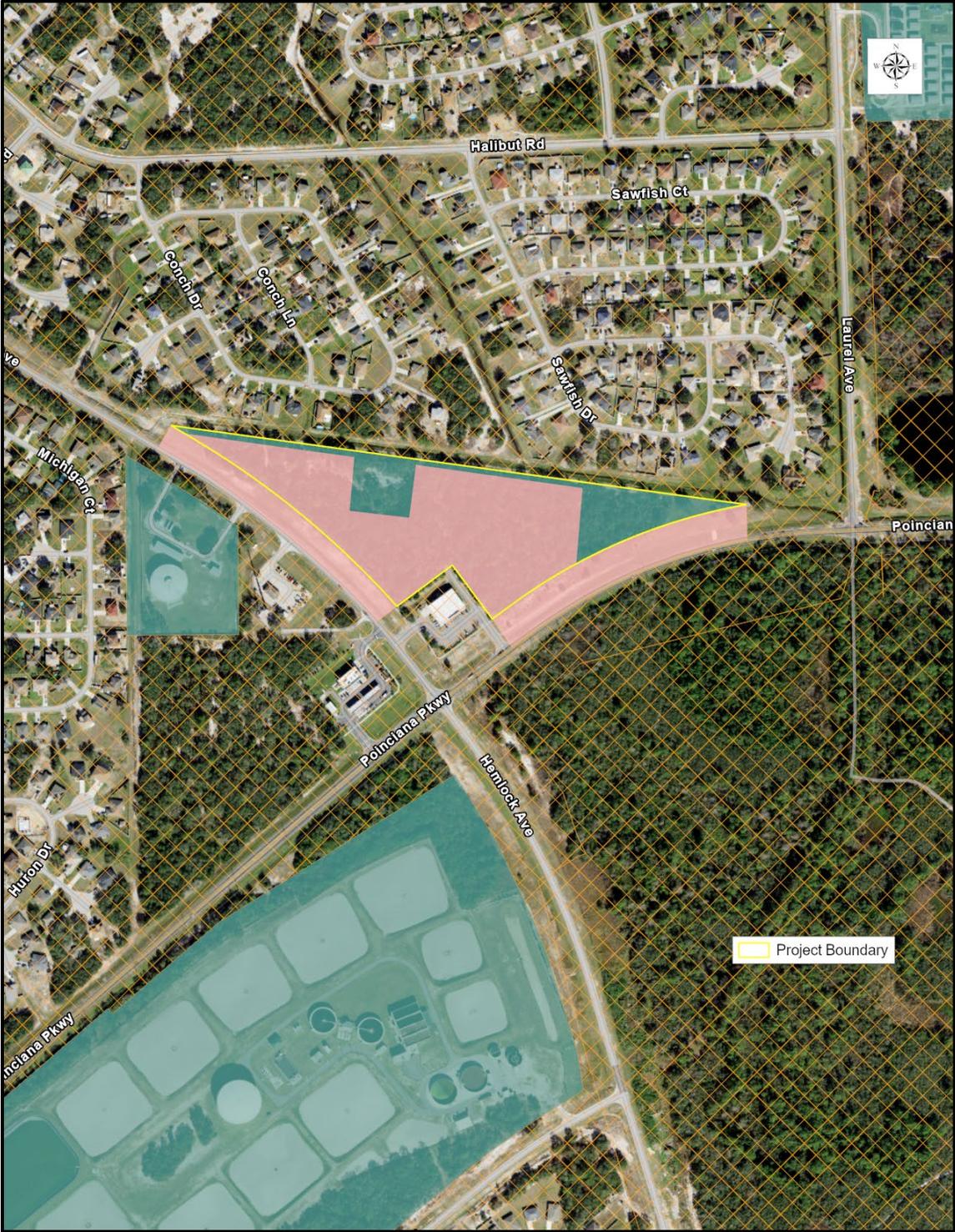


# 2023 AERIAL PHOTO CLOSE UP

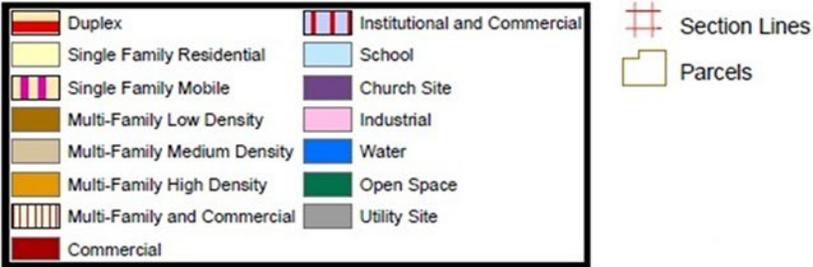
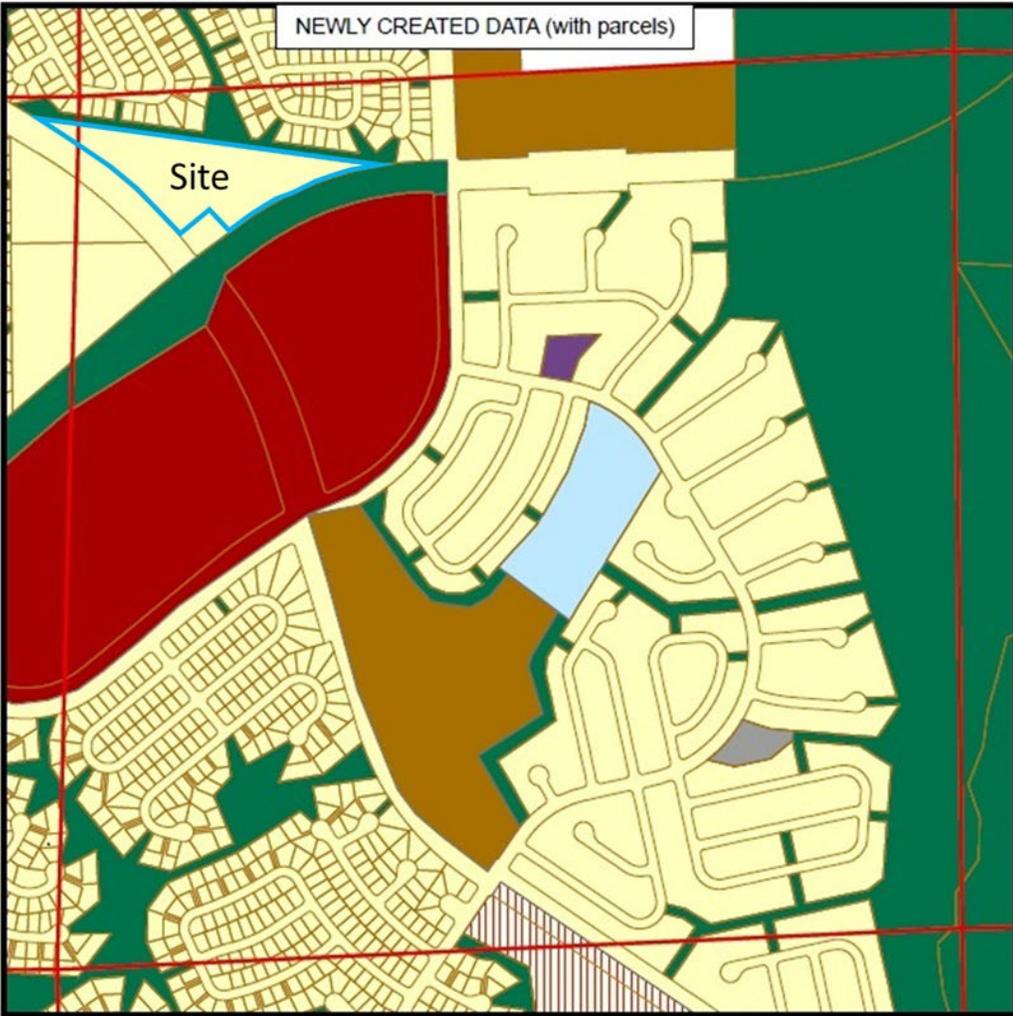


# CURRENT FLUM

## Pre-Development of Regional Impact (Pre-DRI)



# PROPOSED FLUM Institutional (INST) Neighborhood Activity Center (NAC)



# Poinciana Master Plan (Single Family Residential)

Land Use District	Technical Staff Review	Public Hearing(s) Required
<p><b>INST-1 Proposed Future Land Use Designation Institutional- 1</b></p>	<p>Group Home, Large (7-14 residents); Group Living Facility (15 or more residents); Adult Day Care Center (7 or more clients); Cemetery; Childcare Center; Clinics &amp; Medical Offices; Communication Towers, Guyed &amp; Lattice; Communication Towers, Monopole; Community Center; Cultural Facility; Emergency Shelter, Medium (7-14 residents); Emergency Shelter, Large (15 or more residents); Farming General; Golf Course; Government Facilities; Heliports; Helistops; Institutional Campground; Lodges &amp; Retreats, Private; Nursing Homes; Office; Office Park; Recreation, Passive; Recreation, High Intensity, Recreation, Low Intensity; Recreation, Vehicle Oriented; Religious Institutions; Schools, Elementary; Schools, Middle; School, Leisure/special Interest; Studio Production; Solar Electric-Power Generation Facility; Utilities, Class I; Utilities, Class II</p>	<p>Multi-Family; Planned Development; Gas Station; Hospitals; Lime Stabilization Facility; Mining, Non-phosphate; Residential Treatment Facility (C4); School, High; School, Technical/Vocational/Trade &amp; Training; School, University/College; Seaplane Base; Utilities, Class III; Water Ski Sports</p>

**Institutional (INST)  
PERMITTED AND CONDITIONAL USES**

Neighborhood Activity Center (NAC)			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
<b>All Other Uses:</b>	Alcohol Package Sales, C1 Car Wash, Incidental, C2 Childcare Center, P Clinics & Medical Offices, C2 Community Center, C2 Cultural Facility, C2 Farming General, P Financial Institution, P Financial Institution, Drive Through, C2 Gas Station, P Government Facility, P Marina and Related Facilities, C1 Medical Marijuana Dispensaries, C2 Nurseries, Retail, P Nurseries and Greenhouses, P Office, C2 Personal Service, C2 Recreation Passive, C1 Recreation & Amusement General, C2 Religious Institution, C2 Restaurant, drive-thru/Drive-in, C2 Restaurant, sit-down/Take-out, P Retail, 10,000-34,999 sq. ft., P Retail, 35,000-64,000 sq. ft., P Retail. Less than 10,000 sq. ft., P Schools, Leisure/Special Interest, C2 Self-storage Facility, C2 Transit Facility, P Utilities Class I, P Utilities Class II, P Utilities Class III, C3 Vehicle Service, Mechanical, P Veterinary Service, P	<b>Residential Uses:</b>	Multi-family, C3
		<b>Mixed Uses:</b>	Planned Development, C3 Transitional Area Development, C3
		<b>All Other Uses:</b>	Bars, Lounges, and Taverns, C3 Cemetery, C3 Helistops, C3 Mining, Non-phosphate, C3 Retail, More than 65,000 sq. ft., C3 School, Technical/Vocational/ Trade & Training, C3 School, University/College, C3 Water Ski Schools, C3

## Neighborhood Activity Center (NAC) PERMITTED AND CONDITIONAL USES

**ORDINANCE NO. 26 - \_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2025-38**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE DESIGNATION ON A TOTAL OF 12.5± ACRES, FROM PRE-DEVELOPMENT OF REGIONAL IMPACT (PRE-DRI) TO INSTITUTIONAL (INST) AND NEIGHBORHOOD ACTIVITY CENTER (NAC) IN THE UTILITY ENCLAVE AREA (UEA). THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF MARIGOLD AVENUE AND HEMLOCK AVENUE, EAST OF FLOUNDER ROAD, SOUTH OF HALIBUT ROAD, AND WEST OF LAUREL AVENUE EAST OF THE CITY OF HAINES CITY, IN SECTIONS 02, AND 28, TOWNSHIP 28, RANGE 28; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

**WHEREAS**, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

**WHEREAS**, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on March 4, 2026; and

**WHEREAS**, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on April 21, 2026; and

**WHEREAS**, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

**NOW THEREFORE, BE IT ORDAINED** by the Polk County Board of County Commissioners:

**SECTION 1: COMPREHENSIVE PLAN AMENDMENT**

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on a 12.5± acre site from Pre-Development of Regional Impact (DRI) to Institutional (INST) and Neighborhood Activity Center (NAC) in the Utility Enclave Area (UEA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels: **282802-934710-147060 and 282802-934710-147160**

**Neighborhood Activity Center (NAC)**

PARCEL "A"

THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, VIZ:

TRACT F OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53 AT PAGES 4 THROUGH 18, INCLUSIVE, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTIONS THEREOF WHICH HAVE BEEN PREVIOUSLY CONVEYED, REPLATTED OR VACATED BY RESOLUTION.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, VIZ:

A PORTION OF TRACT "F", POINCIANA NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE(S) 4 THROUGH 18, INCLUSIVE OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EASTERN MOST CORNER OF SAID TRACT "F", SAID POINT LYING ON THE ARC OF A CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE SOUTHEASTERLY LINE OF TRACT "F", ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY, 934.59 FEET ALONG THE ARC OF

SAID CURVE TO THE LEFT HAVING A RADIUS OF 2002.86 FEET, A CENTRAL ANGLE OF 26°44'09" AND A CHORD BEARING AND DISTANCE OF S 67°11'59" W, 926.14 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHEASTERLY LINE OF TRACT "F" AND THE NORTHERLY RIGHT OF WAY OF POINCIANA PARKWAY, S 53°49'54" W, 73.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 53°49'54" W, 174.96 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE 35.35 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5795.58 FEET, A CENTRAL ANGLE OF 00°20'58" AND A CHORD BEARING AND DISTANCE OF S 53°39'25" W, 35.35 FEET TO A POINT OF REVERSE CURVATURE; THENCE 38.89 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°08'37" AND A CHORD BEARING AND DISTANCE OF N 81°57'11" W, 35.09 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT "F"; THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID TRACT "F", SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY OF HEMLOCK AVENUE, N 37°23'03" W, 9.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE 206.99 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 3075.00 FEET, A CENTRAL ANGLE OF 03°51'25" AND A CHORD BEARING AND DISTANCE OF N 39°18'45" W, 206.95 FEET; THENCE DEPARTING SAID SOUTHWESTERLY LINE OF TRACT "F" AND NORTHERLY LINE OF HEMLOCK AVENUE, N 53°49'54" E, 247.00 FEET; THENCE S 36°10'06" E, 240.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, TO-WIT:

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF SAID TRACT "F" OF SAID POINCIANA NEIGHBORHOOD 4, VILLAGE 7, SAID CORNER LYING ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2002.86 FEET; THENCE FROM A TANGENT BEARING OF S 80°34'02" W RUN WESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY A DISTANCE OF 146.26 FEET THROUGH A CENTRAL ANGLE OF 04°11'02" TO A POINT; THENCE FROM A TANGENT BEARING OF S 76°23'00" W AND LEAVING SAID RIGHT OF WAY

LINE RUN THENCE N 08°17'09" E 49.56 FEET TO THE NORTH LINE OF AFORESAID TRACT "F"; THENCE RUN S 81°42'51" E ALONG SAID NORTH LINE 137.57 FEET TO THE POINT OF BEGINNING. CONTAINING THEREIN 3,279 SQUARE FEET MORE OR LESS.

LESS AND EXCEPT THAT CERTAIN TRACT OF LAND SITUATED IN POLK COUNTY, FLORIDA, TO-WIT:

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" FOR THE POINT OF BEGINNING: THENCE, ALONG THE NORTH LINE OF SAID TRACT "F", SOUTH 81°42'51" EAST, A DISTANCE OF 1942.23 FEET; THENCE DEPARTING THE NORTH LINE OF SAID TRACT "F", SOUTH 08°17'09" WEST, A DISTANCE OF 49.56 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "F", THE NORTH RIGHT OF WAY LINE OF MARIGOLD AVENUE AND A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY HAVING A RADIUS DISTANCE OF 2002.86 FEET, CENTRAL ANGLE OF 14°00'08", A CHORD BEARING OF SOUTH 69°22'55" WEST, A CHORD DISTANCE OF 488.26 FEET; THENCE SOUTHWESTERLY ALONG ARC OF SAID CURVE, NORTH RIGHT OF WAY LINE AND SOUTH LINE OF SAID TRACT "F", AN ARC DISTANCE OF 489.47 FEET; THENCE DEPARTING ARC OF SAID CURVE NORTH 08°17'09" EAST, A DISTANCE OF 265.56 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 632.61 FEET; THENCE SOUTH 08°17'09" WEST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 08°17'09" EAST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 635.04 FEET TO THE EAST RIGHT OF WAY OF HEMLOCK AVENUE AND WEST LINE OF SAID TRACT "F"; THENCE NORTH 58°43'36" WEST, ALONG SAID EAST RIGHT OF WAY LINE AND WEST LINE OF SAID TRACT "F", A DISTANCE OF 51.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.0436 ACRES OR 1325808 SQUARE FEET, MORE OR LESS.

PARCEL 2: (NON-EXCLUSIVE EASEMENT ESTATE)

TOGETHER WITH NON-EXCLUSIVE EASEMENT(S) AS SET FORTH AND CREATED BY THAT CERTAIN EASEMENT AGREEMENT BETWEEN AVATAR PROPERTIES, INC., A

FLORIDA CORPORATION, AND BOO-HEMLOCK, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DATED APRIL 17, 2015, RECORDED APRIL 29, 2015 IN OFFICIAL RECORDS BOOK 9513, PAGE 687, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, OVER, UNDER AND ACROSS THE LANDS DESCRIBED THEREIN.

**Institutional (INST)**

PARCEL "B"

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "F" FOR THE POINT OF BEGINNING: THENCE, ALONG THE NORTH LINE OF SAID TRACT "F", SOUTH 81°42'51" EAST, A DISTANCE OF 1942.23 FEET; THENCE DEPARTING THE NORTH LINE OF SAID TRACT "F", SOUTH 08°17'09" WEST, A DISTANCE OF 49.56 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "F", THE NORTH RIGHT OF WAY LINE OF MARIGOLD AVENUE AND A POINT ON A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY HAVING A RADIUS DISTANCE OF 2002.86 FEET, CENTRAL ANGLE OF 14°00'08", A CHORD BEARING OF SOUTH 69°22'55" WEST, A CHORD DISTANCE OF 488.26 FEET; THENCE SOUTHWESTERLY ALONG ARC OF SAID CURVE, NORTH RIGHT OF WAY LINE AND SOUTH LINE OF SAID TRACT "F", AN ARC DISTANCE OF 489.47 FEET; THENCE DEPARTING ARC OF SAID CURVE NORTH 08°17'09" EAST, A DISTANCE OF 265.56 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 632.61 FEET; THENCE SOUTH 08°17'09" WEST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 08°17'09" EAST, A DISTANCE OF 180.00 FEET; THENCE NORTH 81°42'51" WEST, A DISTANCE OF 635.04 FEET TO THE EAST RIGHT OF WAY OF HEMLOCK AVENUE AND WEST LINE OF SAID TRACT "F"; THENCE NORTH 58°43'36" WEST, ALONG SAID EAST RIGHT OF WAY LINE AND WEST LINE OF SAID TRACT "F", A DISTANCE OF 51.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.0436 ACRES OR 1325808 SQUARE FEET, MORE OR LESS.

PARCEL "C" Parcel ID: 282802934710147160

A TRACT OF LAND BEING A PORTION OF TRACT "F" OF POINCIANA NEIGHBORHOOD 4, VILLAGE 7, AS RECORDED IN PLAT BOOK 53, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLYMOST CORNER OF SAID TRACT "F" OF SAID POINCIANA NEIGHBORHOOD 4, VILLAGE 7, SAID CORNER LYING ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2002.86 FEET; THENCE FROM A TANGENT BEARING OF S 80°34'02" W RUN WESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY A DISTANCE OF 146.26 FEET THROUGH A CENTRAL ANGLE OF 04°11'02" TO A POINT; THENCE FROM A TANGENT BEARING OF S 76°23'00" W AND LEAVING SAID RIGHT OF WAY LINE RUN THENCE N 08°17'09" E 49.56 FEET TO THE NORTH LINE OF AFORESAID TRACT "F"; THENCE RUN S 81°42'51" E ALONG SAID NORTH LINE 137.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0753 ACRES OR 3279 SQUARE FEET, MORE OR LESS

**SECTION 2: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall be effective on May 22, 2026 (31 days after adoption), unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

**SECTION 4: FILING WITH THE DEPARTMENT OF STATE:**

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the

Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

**ADOPTED**, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 21<sup>st</sup> day of April 2026.

**LDCPAS 2025-38**  
**Development Area: Utility Enclave Area**  
**Location: North side of Hemlock Ave and Marigold Ave (Poinciana Pkwy), south of Halibut Road**  
**Sections-10 and 11 Township-28 Range-28**



**PARCEL DETAIL**  
*Note: Not to Scale*



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December 3<sup>rd</sup>, 2025

Land Development Division  
330 W. Church Street  
Bartow FL, 33830

**POLK COUNTY DEVELOPMENT REVIEW COMMITTEE APPLICATION**  
**APPLICATION NUMBER: LDDRC-2025-269**  
**PID: 282802934710147060**

To Whom it May Concern:

Toho Water Authority (Toho) is pleased to submit an application for a Small Scale land use for PID 282802934710147060. The property currently has a single family residential and greenways designation in the Poinciana Master Plan (PUD 71-10), and Toho is requesting the land use to be changed to institutional.

Attached to this letter you will find:

- Description and Intended Land Use
- An Impact Assessment Statement (IAS)
- Demonstration of Need per Policy 2.102 – A11 of the Comprehensive Plan
- Policy Consistency Narrative

Supplemental Attachments/Maps include the following:

- Exhibit A: Preliminary Plan
- Exhibit B: Well Clearances
- Exhibit C: Parcel Dimensions
- Exhibit D: Boundary Survey
- Exhibit E: FEMA Flood Plain Map
- Exhibit F: Land Use Map
- Exhibit G: Soils Map
- Exhibit H: Traffic Circulation Map
- Exhibit I: Drainage Map

If you have any questions, please feel free to contact me at [msmart@tohowater.com](mailto:msmart@tohowater.com).

Sincerely,

Micah Smart, P.E.; cc: Allison Schulz, Roberta Alfonso, Mary Hewitt



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**Description and Intended Land Use:**

Toho Water Authority is currently under contract to purchase PID 282802934710147060. The property currently has a multifamily designation in the Poinciana Master Plan (PUD 71-10). The property is required for the Huron Water Treatment Plant (WTP) Expansion project – a project based on Toho's latest Potable Water Master Plan demand projections.

Due to growth in the area, water demands in the Poinciana service area are projected to exceed the treatment capacity of the existing Huron WTP by 2031. This project will expand the treatment capacity of Huron WTP by adding two new production wells, high service pump upgrades, aeration/chemical system upgrades, piping upgrades at the WTP, and other improvements that may be necessary to facilitate the capacity expansion.

The subject property was selected as a prime candidate to contain an upper Florida aquifer (UFA) production well (Well #5-7). It is best practice for UFAs to maintain a 1,000 foot radial clearance from other existing Floridan Aquifer wells in order ensure adequate ground water flow and prevent interference between well production. Furthermore, a 100 foot radial set back from sanitary hazards is required per Chapter 62-555. 312(3), FAC. Per this rule, Toho intends to center the well in a 205'x205' parcel to maintain property control for 100 feet around new wells. Please see attached Exhibit A and B for more information. The subject property and proposed well point meet this criteria as well as being a healthy location for well drilling and production per hydraulic models. The well is anticipated to generate 1,700 GPM.

Toho proposes the following:

- 205'x205' parcel
- 105'x105'x8' chain link fence with swing gate
- 50'x20' concrete pad to house Concrete Masonry Unit (CMU) Pump House:
  - Production Well Pump
  - Automatic Transfer Switch
  - PLC Control Panel
  - MCC
  - Security Cameras
- 12'x15' Concrete Pad:
  - Emergency Standby Generator
  - Main Circuit Breaker
- Transformer (as provided by Duke Energy)
- 12" PVC Raw Water Main from the Well Point to the Huron WTP



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- 30' access gravel/dirty driveway

### **Impact Assessment Statements (IAS):**

For your convenience, we will provide the IAS from section 910 of the Land Development Code below and follow with our responses in ***bold italics***:

#### **A. Land and Neighborhood Characteristics:**

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses;  
***The site is in an undeveloped vicinity meeting upper Floridan Aquifer (UFA) clearance requirements of 1000 foot radial separation between existing UFA wells, and 100 foot radial clearance from existing and potential sanitary hazards. The site is also adjacent to Huron WTP.***
2. Provide a site plan showing each type of existing and proposed land use;  
***Please see Exhibit A.***
3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;  
***The adjacent use is commercial/multifamily. Toho proposes to keep the institutional use behind the existing commercial buildings and away from the frontage. Toho is also considering selling the remainder.***
4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped;  
***The future development will help meet future potable water demand projections to allow for further growth in the Poinciana area.***
5. Describe each of the uses proposed in a Planned Development and identify the following:
  - a. The density and types of residential dwelling units;  
***N/A – no residential dwelling units***
  - b. The type of commercial and industrial uses;  
***N/A – upper Floridan Aquifer production well***
  - c. The approximate customer service area for commercial uses; and  
***N/A – no commercial uses***
  - d. The total area proposed for each type of use, including open space and recreation.  
***42,025 sqft (0.96 acres) for institutional use***  
***25,050 sqft (0.58 acres) for access***



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## B. Access to Roads and Highways

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;  
***This property is anticipated to generate well under 50 daily trips. Visitation and access to the property is purely for maintenance purposes by Toho staff and contractors.***
2. Indicate what modifications to the present transportation system will be required as a result of the proposed development;  
***No modifications are required.***
3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;  
***There will be 0 parking spaces. Toho staff and maintenance crew are anticipated to park on the access driveway on a minimal basis.***
4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads);  
***The proposed method is traveling west on the North side of the property to enter Hemlock Avenue***
5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes.  
***Only automobile – usually a four wheel pick-up/maintenance truck***

## C. Sewage

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development;  
***0 GPD – no sewage will be generated.***
2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed;



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***N/A – no sewage will be generated.***

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems;

***N/A – no sewage will be generated.***

4. Identify the service provider; and

***Toho Water Authority is the service provider; however, no sewage will be generated.***

5. Indicate the current provider's capacity and anticipated date of connection.

***N/A – no sewage will be generated***

#### **D. Water Supply**

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment;

***N/A – water is not required for this site.***

2. Identify the service provider;

***Toho Water Authority is the service provider; however, water will not be consumed.***

3. Calculate the estimated volume of consumption in gallons per day (GPD);

***N/A – water will not be consumed.***

4. Indicate the current provider's capacity and anticipated date of connection.

***N/A – water will not be consumed.***

#### **E. Surface Water Management and Drainage**

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality;

***Minimal to no impact. The majority of the site will be undisturbed.***

2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project;

***Minimal alteration. The majority of the site will be undisturbed. No impacts to wetlands and/or drainage features.***

3. Describe the impact of such alterations on the fish and wildlife resources of the site;

***Minimal impact. The majority of the site will be undisturbed. Critical electrical components will be enclosed and protected from the***



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**environment. Sound attenuating enclosures will be utilized to mitigate sound from the well pump and emergency generator.**

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site.

**The site is intended to pull up to 1,700 GPM from the upper Florida aquifer. The static ground water elevation is 73 feet, and the estimated drawdown is 20 feet (assumes a 103 feet existing grade elevation). The proposed location of the well point ensures that the well cone of depression does not interfere with existing wells. Due to minimal alterations to the site, existing groundwater recharge is not affected.**

## F. Population

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses;  
**N/A – institutional use (UFA production well)**
2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift;  
**N/A – institutional use (UFA production well)**
3. Indicate the expected demographic composition of the additional population (age/socio-economic factors);  
**N/A – institutional use (UFA production well)**
4. Describe the proposed service area and the current population thereof.  
**N/A – institutional use (UFA production well)**

## G. General Information

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and



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***The production well will increase the WTP capacity and meet future water demands in the Poinciana area.***

2. Discuss the demand on the provision for the following services:
  - a. Parks and Recreation;  
***N/A – upper Florian Aquifer production well***
  - b. Educational Facilities (preschool/elementary/middle school/high school);  
***N/A – upper Florian Aquifer production well***
  - c. Health Care (emergency/hospital);  
***N/A – upper Florian Aquifer production well***
  - d. Fire Protection;  
***N/A – upper Florian Aquifer production well***
  - e. Police Protection and Security;  
***N/A – upper Florian Aquifer production well will be protected with a chain link fence. Cameras will be installed within the property.***
  - f. Electrical Power Supply.  
***Power from Duke Energy will be required for the well pump and miscellaneous electrical components. The following is preliminary power demand. Please note that these are not final and will be coordinated with Duke Energy in a separate application:***
    - ***One well pump - 75 HP***
    - ***One Diesel Standby Generator - 130 kW***

#### H. Maps

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.
2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:
  - i. Map A: A location map showing the relationship of the development to cities, highways, and natural features;  
***Please see Exhibit A***
  - ii. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;  
***Please see Exhibit E***



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- iii. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;  
**Please see Exhibit F**
- iv. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;  
**Please see Exhibit G**
- v. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths.  
**Please see Exhibit H**
- vi. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type, and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes; and  
**See Exhibit A**
- vii. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features.  
**Please see Exhibit I**

**Demonstration of Need per Policy 2.102 – A11 of the Comprehensive Plan:**

For your convenience, we will provide the Demonstration of Need per Policy 2.102 – A11 of the Comprehensive Plan below and follow with our responses in ***bold italics***:

POLICY 2.102-A11: URBAN SPRAWL CRITERIA - In accordance with Rule 9J-5.006(5) of the Florida Administrative Code, Polk County will discourage the proliferation of urban sprawl by use of the following criteria when determining the appropriateness of establishing or expanding any land use or development area. The analysis must ask whether or not the proposed plan amendment:

- a. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.



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***No, the proposed parcel and access is requested to be institutional. Toho is anticipating selling the remaining property.***

- b. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

***No, the proposed parcel is in the most suitable location for the Huron WTP expansion project. It is a proposed 205'x205' parcel and access.***

- c. Promotes, allows or designates urban development in radial, strip isolated or ribbon patterns generally emanating from existing urban developments.

***No, the land use is requested to be institutional.***

- d. As a result of premature or poorly planned conversion of rural land to other uses, fails to adequately protect and conserve natural resources, such as, wetlands, floodplains, native vegetation, environmentally sensitive areas, natural shorelines, beaches, bays, estuarine systems, and other significant natural systems.

***No, the proposed parcel and access does not affect environmentally sensitive areas.***

- e. Fails to adequately protect adjacent agricultural areas and activities including silviculture and active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

***No, there are no agricultural areas in or adjacent to this property.***

- f. Fails to maximize use of existing public facilities and services.

***No, this parcel is adding the existing public facilities and services.***

- g. Fails to minimize the use of future public facilities and services.

***Yes, the proposed parcel does not guarantee minimizing the use of future public facilities and services. Toho intends to sell the remaining property.***

- h. Allows for land use patterns or timing which will disproportionately increase the cost in time, money and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement education health care, fire and emergency response, and general government.

***No, the proposed parcel does not affect land use patterns or timing.***

- i. Fails to provide a clear separation between urban and rural uses.

***No, there are no rural uses anticipated for this property.***

- j. Discourages or inhibits in-fill development or redevelopment of existing neighborhoods and communities.



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***No, the proposed parcel and access will allow for in-fill development or redevelopment of existing neighborhoods and communities, as Toho intends to sell the remaining property.***

- k. Fails to encourage an attractive and functional mix of land uses.

***No, Toho intends to use the proposed 205'x205' parcel and access and sell the remaining property. Only the proposed parcel is intended to be institutional.***

- l. Results in poor accessibility among linked or related land uses.

***No, the proposed parcel and access are intended to be on the north side, opposite the frontage and major roads. This will allow for other land uses to remain adjacent to the roads and easy access points.***

- m. Results in the loss of a significant amount of functional open space.

***No, the parcel is not anticipated to generate the loss of significant functional open space as it has a small relative footprint.***



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December 3<sup>rd</sup>, 2025

Land Development Division  
330 W. Church Street  
Bartow FL, 33830

**POLICY CONSISTENCY NARRATIVE**  
**HURON WATER TREATMENT PLANT – WELL SITE REZONING**  
**PARCEL ID: 282802934710147060**  
**PROPOSED REZONING: INSTITUTIONAL (INST)**  
**PROPOSED USE: UPPER FLORIDAN AQUIFER PRODUCTION WELL**

To Whom It May Concern:

Toho Water Authority (Toho) is pleased to submit this application requesting rezoning of the above referenced property, along with a connecting access driveway, to the Institutional (INST) land use designation. The purpose of the rezoning is to accommodate the installation of a public upper Florida Aquifer (UFA) production well that will serve the Huron Water Treatment Plant (WTP) expansion project, improving potable water capacity for the local service area.

The well site will be located behind the existing frontage structures and vegetation, screened from public view, and will maintain very low development intensity. The remainder of the property not required for utility use is intended for sale and future private development consistent with existing land use designations.

Enclosed is a Narrative of Policy Consistency demonstrating compliance with the Polk County Comprehensive Plan, Future Land Use (FLU), and Development Area policies. Toho appreciates your review of this request and stands ready to provide any additional information needed.

Respectfully submitted,

Micah Smart, P.E.  
cc: Allison Schulz, Roberta Alfonso, Mary Hewitt



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**NARRATIVE OF POLICY CONSISTENCY  
REZONING TO INSTITUTIONAL (INST)  
UPPER FLORIDAN AQUIFER PRODUCTION WELL – HURON WTP EXPANSION  
PID: 282802934710147060**

**1. Project Overview**

Toho Water Authority (Toho) requests rezoning of the **above referenced property** from the current Single-Family Residential (SFR) and Greenway (GW) designations to **mixed use Institutional (INST)**. Toho intends to house an Upper Floridan Aquifer (UFA) production well within a 205'x205' parcel (well site) as part of the expansion of the Huron Water Treatment Plant. The well site is proposed to be placed behind existing frontage, structures, and vegetation fully shielded from the public realm, and will contain only essential utility equipment. The remaining land outside the well site is intended to remain in its current designation and to be considered for future sale.

**2. Consistency With the Polk County Comprehensive Plan**

The Future Land Use (FLU) recognizes essential public utilities as allowable and appropriate uses within Institutional districts. The proposed UFA production well is a fundamental component of public infrastructure and directly supports policies encouraging adequate public facilities to meet growth and demand.

Relevant Comprehensive Plan guidance includes:

- Public facility uses are appropriate in Institutional districts.
- The County encourages the placement of utilities in locations that support efficient service delivery.
- Land uses that provide countywide benefits may be approved where impacts are minimal and compatibility is maintained.

Because the well requires minimal land, minimal building footprint, and does not generate commercial or residential activity, the Institutional designation is the most appropriate and consistent category.

**3. Consistence With Development Area Policies**

The well site is located behind existing buildings and will be screened from public view. The proposed well site:



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- Generates minimal traffic (limited to periodic maintenance visits)
- Produces negligible noise (well pump and emergency generator are within sound attenuating enclosures)
- Requires no public access
- Includes no commercial activity
- Has no nighttime operations impacting adjacent properties

This satisfies Policy 2.102-A2, which requires that non-residential uses near residential areas maintain compatibility through scale, buffering, or intensity reduction.

Furthermore, the proposed well directly supports Policy 2.102-A3, which encourages the efficient and strategic distribution of essential public facilities across the County. The well is part of the regional water supply plan supporting the Huron Water Treatment Plant, ensuring reliable potable water for existing and future residents.

Because the well site is screened behind existing structures, vegetation, and occupies a modest footprint far below the intensity typically associated with Institutional zoning, community character will remain unchanged.

#### **4. Justification for Institutional Rezoning**

Public water system infrastructure fits squarely within the intent of the Institutional category under Polk County's Land Development Code. Rezoning ensures the well site aligns with the County's long-term planning framework and avoids future land use conflicts. The proposed development will include only:

- A production well and Concrete Masonry Unit (CMU) Pump house
- Pumping equipment
- Standby Emergency Generator
- Security fencing
- An access drive for maintenance crews
- Potentially a Transformer

There will be no large buildings, no public operations, and no parking demand. This is significantly below the development intensity typically permitted within Institutional zoning.

The well is a critical component of the Huron WTP expansion project and provides direct benefits to the surrounding community and Polk County. Reliable potable water infrastructure is essential for residential, commercial, and economic development.



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## **5. Impact Mitigation Measures**

Although impacts are minimal, Toho will employ standard mitigation strategies as needed:

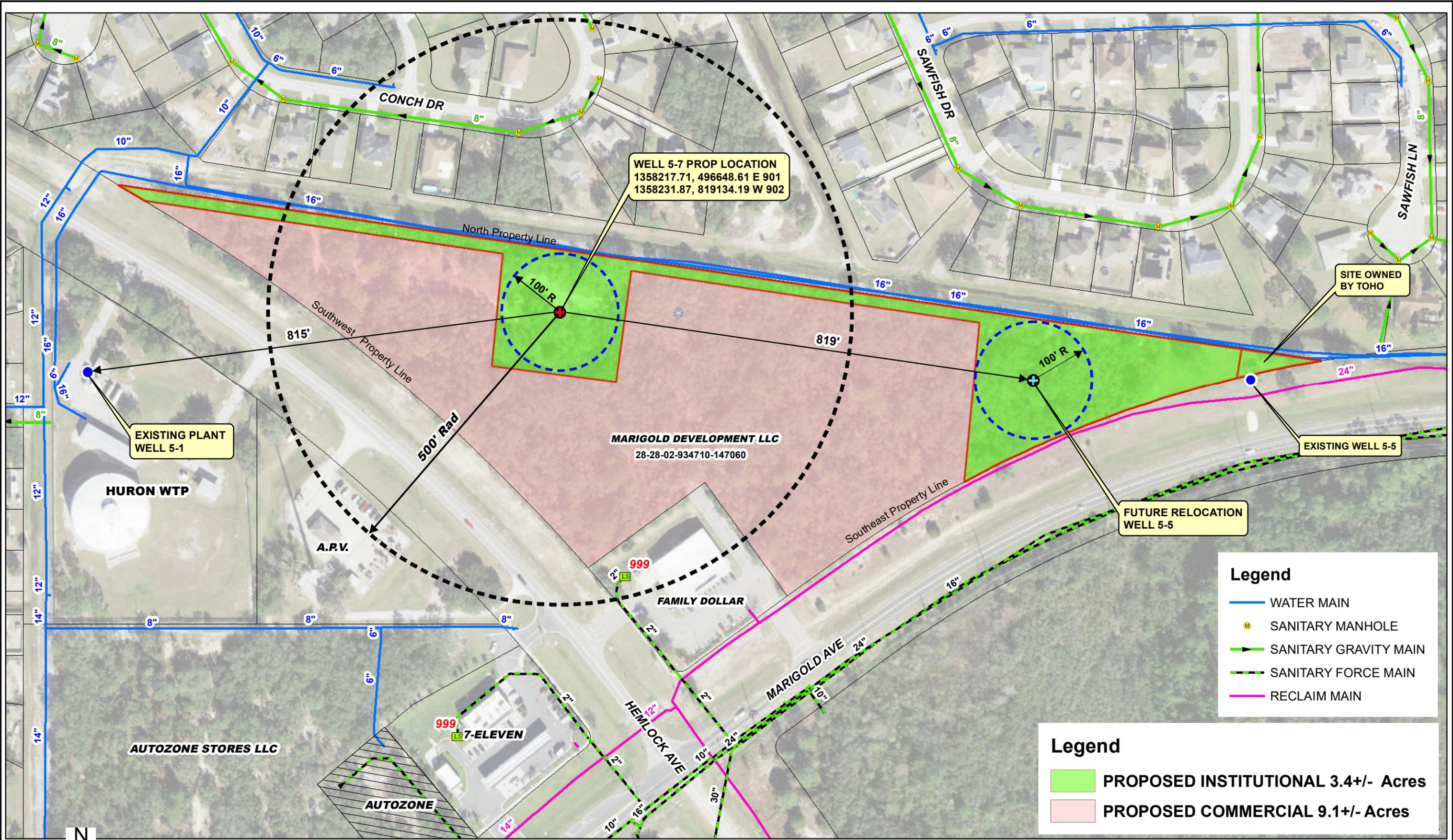
- Shielded lighting, if required
- Limited operational noise (equipment within enclosures)
- Maintenance traffic limited to daytime hours
- Security fencing meeting County design requirements
- Natural or structural buffering where appropriate

These measures further reinforce compatibility with adjacent land uses.

## **6. Conclusion**

The proposed rezoning to Institutional is consistent with the Polk County Comprehensive Plan, aligned with the FLU, and supported by Development Area Policies. The requested designation allows for appropriate placement of essential public water infrastructure while maintaining land use compatibility and preserving community character.

Toho respectfully requests approval of this rezoning to facilitate the long-term reliability and capacity of the Huron Water Treatment Plant expansion and continued service and reliability to the Poinciana area.



**Legend**

- WATER MAIN
- ⊕ SANITARY MANHOLE
- SANITARY GRAVITY MAIN
- SANITARY FORCE MAIN
- RECLAIM MAIN

**Legend**

- PROPOSED INSTITUTIONAL 3.4+/- Acres
- PROPOSED COMMERCIAL 9.1+/- Acres



1 inch = 150 feet

**PROPOSED WELL 5-7 LOCATION**

THE TOHOPEKALIGA WATER AUTHORITY MAKES NO WARRANTIES, GUARANTEES OR REPRESENTATIONS AS TO THE TRUTH, ACCURACY, OR COMPLETENESS OF THE DATA ON THIS MAP. THIS IS NOT A SURVEY PRODUCT AND IS A VISUAL REFERENCE TOOL ONLY. The Tohopekaliga Water Authority makes no warranty, express or implied with respect to its ownership of any rights relating to trademarks and trade names described herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION OF THE FACE HEREOF. Any questions or concerns should be directed to Toho Water Authority, Information Technology (IT) Department at 407-944-5190.

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**To:** Micah Smart, P.E.  
Tohopekaliga Water Authority

**Date:** January 28, 2026

**From:** Brian Megic, P.E., BC.WRE

**Reference:** Huron WTP  
Expansion

**Subject:** Toho Water Authority Huron Water Treatment Plant  
Wells 5-5 and 5-7 Property Rezoning  
Population Evaluation

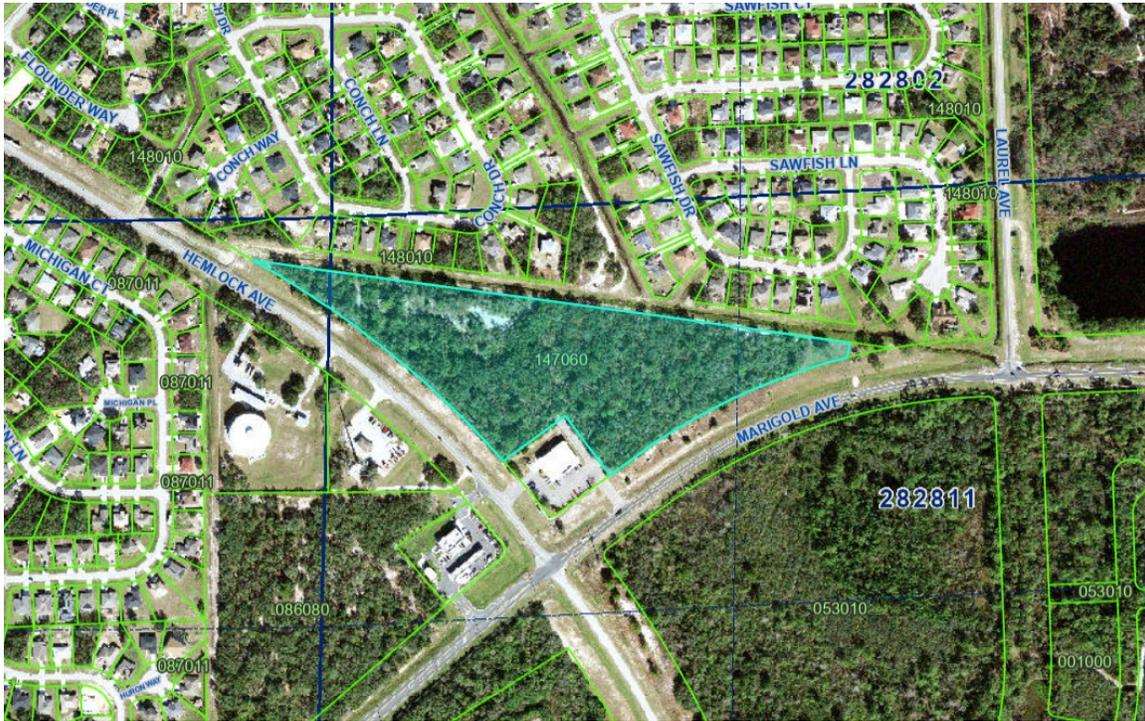
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## BACKGROUND

Tohopekaliga Water Authority (Toho) owns and operates a potable water distribution system throughout most of Osceola County within the Urban Growth Boundary, and small portions of Orange County and Polk County. The portion of Toho's service area within Polk County is part of Poinciana, a Census Designated Place (CDP) in Florida. Toho owns and operates one water treatment plant (WTP), the Huron WTP, within Polk County.

Toho is currently in the process of expanding the Huron WTP from 4.81 MGD to 7.5 MGD to meet projected demands within the Poinciana area. As part of this expansion, Toho is planning to install two new groundwater supply wells, both of which are already authorized by the South Florida Water Management District under Toho's Water Use Permit (WUP) #49-00103-W. The original permitted location of proposed Well 5-7 is within a road right-of-way (ROW) not under the control of Toho. Furthermore, Toho prefers not to construct supply wells within a road ROW in case the road is ever expanded and due to Toho's limited rights within the ROW owned and controlled by other entities. As such, Toho identified and is in the process of purchasing a land parcel (Parcel ID 28-28-02-934710-147060) immediately east of the Huron WTP site, as shown in **Figure 1**.

It is planned to utilize the site depicted in **Figure 1** for new Well 5-7, and as a potential future site for Well 5-5 should it ever need to be relocated. Currently, Well 5-5 is located immediately east of the parcel Toho is in the process of purchasing. The utility company that originally owned and operated the Poinciana Water System (Toho purchased the system in the late-2000s) installed Well 5-5 within the ROW of Marigold Avenue. Toho plans to make accommodations on the parcel being purchased to relocate Well 5-5 should Marigold Avenue ever be widened and the existing well is in conflict with infrastructure associated with the road widening. A raw water main from the wells to the Huron WTP would also be installed on the parcel.



**Figure 1.** Planned Huron WTP Expansion Site

As part Toho’s due diligence associated with purchasing the parcel, Toho developed a layout of the infrastructure planned for the site (**Figure 2**). As shown in **Figure 2**, the parcel is larger than Toho needs to accommodate its planned infrastructure. As such, Toho desires to subdivide the property and sell the portion of the property not required for its facilities (pink area shown in **Figure 2**).

The parcel is currently zoned for residential development. It is our understanding that as part of the process to subdivide the parcel that Polk County has indicated that the parcel should be rezoned for commercial use. Polk County further indicated that in order to rezone the parcel as commercial use, that a study would need to be performed to demonstrate that a population of 5,000 people live within 1.5 miles of the parcel. This memo summarizes the results of the population evaluation required by Polk County.

## **POPULATION EVALUATION**

Liquid Solutions Group, LLC (LSG) worked with Toho to perform a Geographic Information System (GIS) screening analysis to identify all residential parcels within 1.5 miles (7,920 feet) of the property boundary of the parcel. Based on this screening evaluation, it was identified that 6,853 residential parcels are located within 1.5 miles of the subject property. Toho’s customer service data was then used to identify that 5,454 of these parcels are active Toho customers. The results of this GIS screening are presented in **Figure 3**. Based on this information, it was determined that 5,454 residential parcels have existing dwelling units (DUs), and that 1,399 DUs could be constructed in the future.

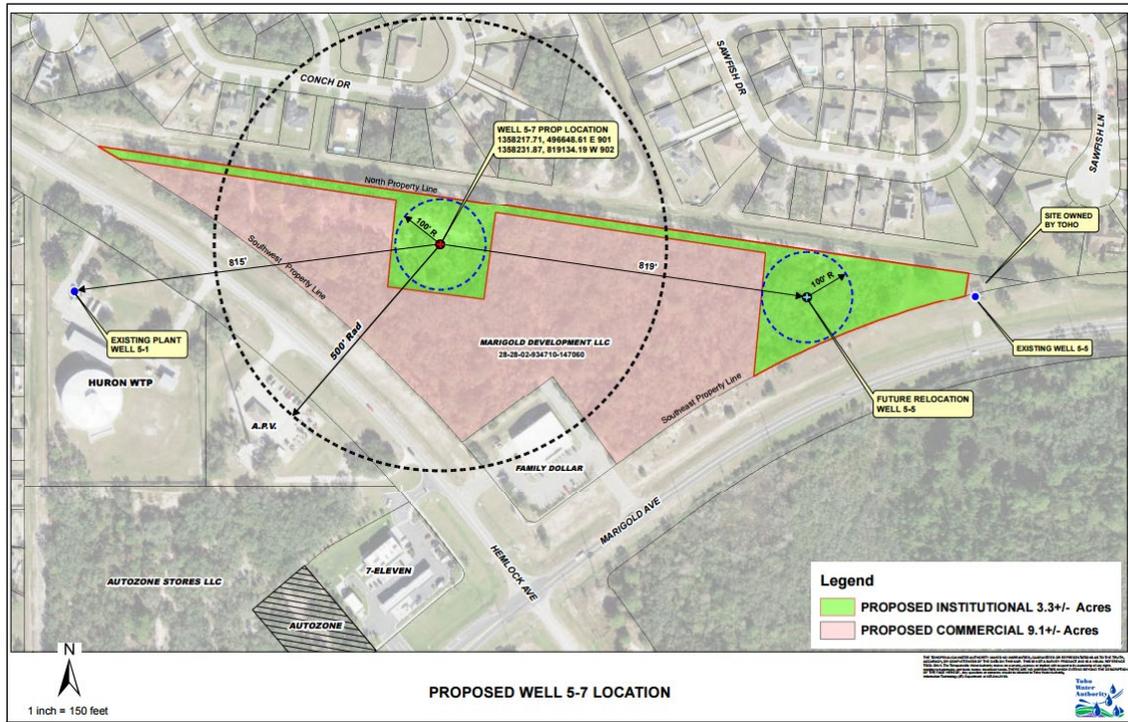


Figure 2. Huron WTP Expansion Well Infrastructure Layout

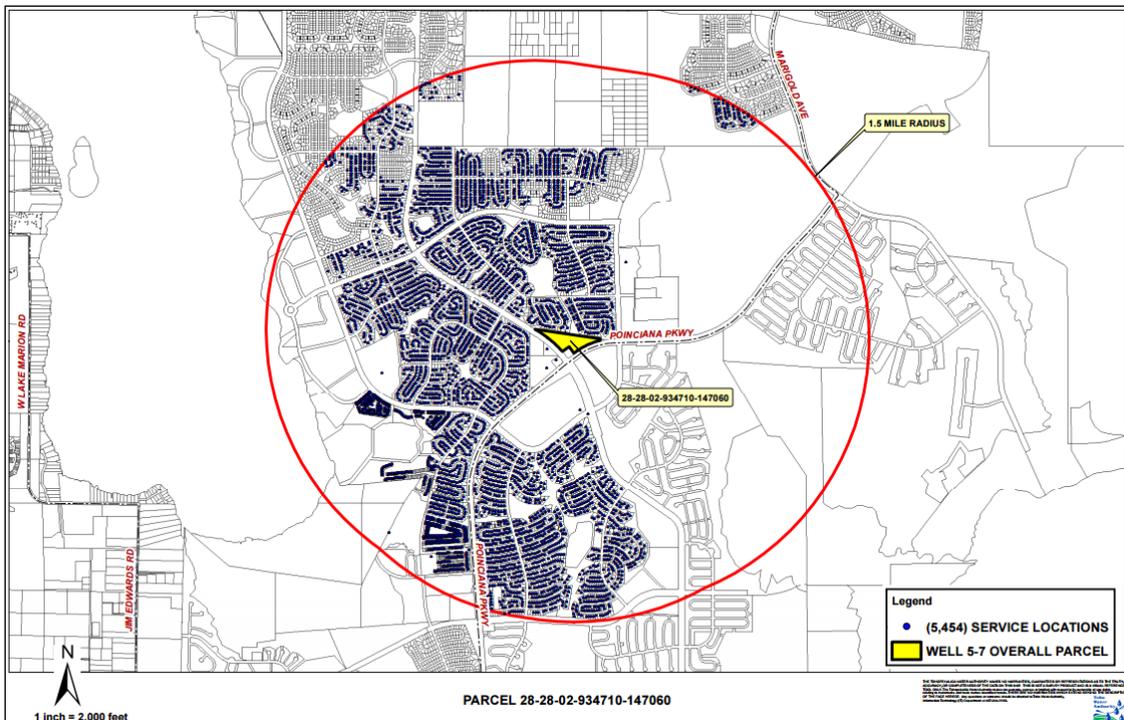


Figure 3. Population Evaluation Results

The 2020 United States Census indicates that the average persons per household in the Poinciana CDP is 3.08. Based on this, it is estimate that the current population that lives within 1.5 miles of the subject property is 16,798 (5,454 DUs x 3.08 people per DU). It is further estimated that this population could increase to 21,107 in the future based on residential lots that are currently platted but not yet developed. This information indicates that in excess of 5,000 people reside within 1.5 miles of the subject property; therefore, this parcel meets the Polk County population requirement associated with being rezoned for commercial use.

It is also of note that two large developments have been planned on the eastern side of the 1.5-mile buffer shown in **Figure 3**. These developments are planned, but are not yet platted. However, the planned development on Marigold Avenue that is furthest to the east in the 1.5-mile buffer on **Figure 3** is currently in Toho's Private Development Review process. Based on this, these areas could develop in the near future increasing the population within 1.5 miles of the subject property to well over 20,000 people.

### **SUMMARY AND CONCLUSIONS**

Toho is expanding its Huron WTP from 4.81 to 7.5 MGD AADF. As part of this expansion, Toho is in the process of purchasing property immediately to the east of the Huron WTP to install a new groundwater well and raw water main required to expand the WTP. Toho is also planning to accommodate the potential future relocation of an existing Huron WTP well onto this property.

The property being purchased is larger than required for Toho's planned infrastructure. As such, Toho desires to subdivide the parcel and sell the resulting surplus land. As part of pursuing the subdivision of this parcel, Polk County has informed Toho that the property should be rezoned from residential to commercial use and that an evaluation needed to be performed to demonstrate that at least 5,000 people live within 1.5 miles of the site.

LSG performed a population evaluation to support the rezoning of the subject parcel from residential to commercial use. It was identified that 5,454 residential parcels with an estimated population of 16,798 existing within 1.5 miles of the property. Furthermore, an additional 1,399 residential parcels are platted but not yet developed within 1.5 miles of the property. If these parcels are developed in the future, the population within 1.5 miles of the property will increase to approximately 21,107. There are also two large planned developments that have not yet been platted within 1.5 miles of the property. These developments will further increase the population near the site.

In summary, the evaluation performed herein demonstrates that at least 5,000 people reside within 1.5 miles of the property, thereby meeting Polk County's requirement to rezone the property for commercial use.



Polk County  
Planning Commission

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Agenda Item 3.

3/4/2026

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**SUBJECT**

LDCPAS-2025-37 (Hwy 17/92 LCC CPA)

**DESCRIPTION**

Applicant-initiated requested Small Scale Comprehensive Plan map amendment from Leisure/Recreation (LR) to Linear Commercial Corridor (LCC) on 1.32± acres for a property located south of Old Haines City Lake Alfred Road, east of Experiment Station Road, west of Lake Lowery Road, north of US Highway 17/92, and northeast of the City of Lake Alfred, in Section 27, Township 27, Range 26.

**RECOMMENDATION**

Approval

**FISCAL IMPACT**

No fiscal impact

**CONTACT INFORMATION**

Andrew Grohowski

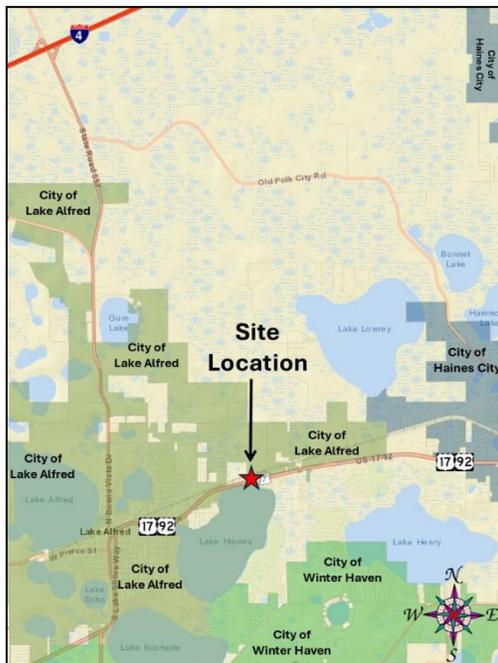
Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b>	January 8, 2026
<b>Planning Commission Date:</b>	March 4, 2026
<b>BoCC Dates:</b>	April 21, 2026
<b>Applicant:</b>	Tom Wodrich, TDW Land Planning
<b>Level of Review:</b>	Level 4 Review, Comprehensive Plan Map Amendment
<b>Case Number and Name:</b>	LDCPAS-2025-37; Hwy 17/92 CPA
<b>Request:</b>	A Future Land Use designation change from Leisure/Recreation (LR) to Linear Commercial Corridor (LCC)
<b>Location:</b>	South of Old Haines City Lake Alfred Road, east of Experiment Station Road, west of Lake Lowery Road, north of US Highway 17/92, and northeast of the City of Lake Alfred, in Section 27, Township 27, Range 26.
<b>Property Owner:</b>	Fortress Property Management Group LLC
<b>Parcel Size:</b>	±1.32 acres (262727-490100-000503)
<b>Development Area/Overlays:</b>	Urban Growth Area (UGA)
<b>Future Land Use:</b>	Leisure/Recreation (LR)
<b>Nearest Municipality</b>	Lake Alfred
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending
<b>Case Planner:</b>	Andrew Grohowski, Planner II



**Location**



**Current Future Land Use**

## Summary

The applicant, Tom Wodrich of TDW Land Planning, is requesting a Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation on an approximately 1.32-acre parcel, from Leisure/Recreation (LR) to Linear Commercial Corridor (LCC) in the Urban Growth Area (UGA). The subject site is located south of Old Haines City Lake Alfred Road and a CSX rail line, east of Willow Road, west of Lake Lowery Road, north of US Highway 17/92 (State Road 600), and north of the City of Lake Alfred. The applicant is requesting a change in land use to allow for commercial development.

The property to the west was for a similar request to change the FLU designation from LR to LCC on about 1.58 acres and received approval by the Board on October 15, 2024 (LDCPAS-2024-6). The adjacent properties to the east and west are both designated LCC making the request consistent with infill per Policy 2.111 of the Comprehensive Plan. 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

LCC provides for a wide variety of commercial development to occur that would not be allowed within LR. As this site sits along a Principal Arterial Road, it serves as an ideal location for additional commercial use. Surrounding the site is general mercantile to the west known as Copales Market and two RV parks further east and south along US Highway 17/92. Residential Low-2 is to the north with single-family residences buffered from the site by an existing rail line. The site had a former motel constructed in the 1940s and currently sits vacant.

## 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 LR designation. The closest city park is Lake Swoope Park about 1.08 miles northwest of the site. School service will most likely not be impacted as LCC does not typically develop residentially. The proposed LCC FLU designation may generate more trips and more water and wastewater than LR. However, the additional trips are not anticipated to degrade the LOS and final concurrency will be established during the later development stage. The City of Lake Alfred provides utility services to the area however, water and wastewater lines are south of US Highway 17/92. Connection will be determined at the time of Level 2 review to ensure the UGA criteria for utilities are being met. Capacity information is not available since it is provided by a separate municipality.

## Environmental Summary

The proposed request is not anticipated to have a negative impact upon the environmental features present on the subject site. There are no apparent surface water features or wetlands found on the subject site and does not sit within Flood Zone "A" or "AE". The soil onsite is Tavares fine sand which does not pose limitations for the proposed request. No historical or archaeological sites have been identified on the subject site. The distances from airports and well sites are suitable. According to Polk County Endangered Habitat Maps, the property is not located within a one-mile radius of an endangered species sighting or historical documentation.

## 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 2.102-A10 Location Criteria
- Policy 2.105(A1-A5): Urban Growth Area (UGA)
- Policy 2.113(A1-A5): Linear Commercial Corridor (LCC)

## Findings of Fact

### Request and Legal Status

- This is an applicant-initiated request for a Future Land Use designation change from Leisure/Recreation (LR) to Linear Commercial Corridor (LCC) on a ±1.32 acres parcel.
- The subject site is within the Urban Growth Area (UGA).
- The old zoning for this parcel was originally C-3 Commercial use. The existing motel on the site was constructed in 1940 per the Property Appraiser's website and currently sits vacant. An associated bath house was constructed in 1977.

### Compatibility

- The existing uses surrounding the site are:
  - North – RL-2; detached single-family residential
  - West – LCC; commercial
  - East – LCC; retail
  - South – RL-4; RV park
- The existing Future Land Use designation surrounding the site are Residential Low-2 (RL-2) to the north, Residential Low-4 (RL-4) to the south, Linear Commercial Corridor (LCC) to the east and west. City of Lake Alfred limits are abutting the site to the northeast.
- The property directly to the west received approval for a similar request from LR to LCC on ±1.58 acres in October 2024 (LDCPAS-2024- 6).
- US Highway 17/92 (SR 600) is a Principal Arterial Road.

### Infrastructure

- The zoned schools for the site are Lake Alfred Elementary, JL Stambaugh Middle, and Auburndale Senior High School.
- Fire and Ambulance responses are from Polk County Fire Rescue Station 36 located at 300 North Seminole Ave in Lake Alfred. The travel distance is approximately 2 miles driving distance from the site with an estimated four (4) to five (5) minute response time.
- The subject site is within the Central District Command Area for the Sheriff's office which is located at 3635 Avenue G Northwest in Winter Haven. The travel distance is approximately eight and a half (8½) miles driving distance from the site.
- The subject site is not within a Utility Service Area for water or wastewater. There is an existing well and septic on site.
- The subject property has ±257 feet of frontage on US Highway 17/92 (State Road 600), which is four lane divided Principal Arterial roadway with paved shoulders. There is about 24 feet of pavement width in each direction. Level of Service is currently showing as a "C" and has available capacity.

- No public sidewalks front US Highway 17/92.
- The Route 15 Winter Haven/Haines City bus route travels on US Highway 17/92 with a bus stop being directly in front of the property (Stop 208).
- The nearest city neighborhood park is Lake Swoope Park about 1.08 miles northwest of the site.

## **Environmental**

- There are no surface waters on the subject site. The elevation on the property starts at 134 feet near the center of the subject site, and slopes downward between 131 to 133 on the west, south, and east sides. The topography slopes slightly upward to 135 feet near the northern property boundary.
- The subject site does not contain wetlands but does have Flood Zone “X5” on the southeasternmost corner. This indicates a 0.2 percent chance of a flood hazard on an annual basis.
- The soil type for the parcel is entirely composed of Tavares fine sand, 0 to 5 percent slopes, and is considered to have “moderate” characteristics for septic tank absorption fields and “slight limitations” for small commercial buildings, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.
- According to Florida Natural Areas Inventory Biodiversity Matrix, the property is not located within a one-mile radius of a past endangered species sighting (Source: Florida Natural Area Inventory, Florida Conservation Lands, 2025).
- There are no known archeological or historical resources on the subject site, according to the Secretary of State’s Department of Historical Resources Florida Master Site File.
- There are no conservation easements within a mile of the site. The site is located within the Potential Network Connections area of the Polk Green District Comprehensive Plan Map Series.
- The subject site is not within a Wellhead Protection district. However, there is a small wellfield just to the northwest of the subject site within the Lake Alfred city limits.
- The site is not within an Airport Impact District.

## **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 2.105-A1: DESCRIPTION - Urban-Growth Areas shall:

- a. complement the TSDA in guiding growth, while promoting orderly and compact development;
  - b. be located contiguous to the TSDAs or a municipality as they represent the expansion areas;
  - c. be supported by existing or planned urban type services that are programmed for the 20-year planning horizon;
  - d. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs;
  - e. include development criteria that:
    1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;
    2. improve access to employment areas, schools, shopping and recreational opportunities;
    3. support the preservation of open space and natural areas;
    4. reduce capital and operating cost for the provision of infrastructure and public services.
- **POLICY 2.105-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within UGAs:
    - a. **ACTIVITY CENTERS:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.
    - b. **RESIDENTIAL:** Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.
    - c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.
  - **POLICY 2.105-A5: DEVELOPMENT CRITERIA FOR URBAN GROWTH AREAS** - Development within the Urban Growth Areas shall conform to the following criteria as further specified in the Land Development Code:
    - a. connect to centralized potable water;
    - b. connect to centralized sanitary sewer systems if available.
    - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;
    - d. promote the implementation of "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;
    - e. promote the integration of pedestrian-oriented features, including sidewalks, trails, or walkways into every development including appropriate pedestrian shelters or awnings;
    - f. provide access to civic space, parks, green areas, and open space and other amenities;

- g.be supported by public safety (i.e., fire, EMS and law enforcement);
  - h. have access to public schools;
  - i.be encouraged to provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas;
  - j. encourage the inclusion of a variety of housing choices and mixed uses; and
  - k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A);
- POLICY 2.111-A1: CHARACTERISTICS - Linear Commercial Corridors are characterized by linear concentrations of all types of commercial, office, and institutional uses along a roadway. Some Linear Commercial Corridors may contain existing industrial uses. For parcels with LCC land use designation in the TSDA and/or TCCO, development and redevelopment of areas may also include stand alone residential and mixed use structures.
  - POLICY 2.111-A3: LOCATION CRITERIA - Expansion of an LCC shall be limited to infill development. **Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development.** The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS.
  - POLICY 2.111-A4: DEVELOPMENT CRITERIA - Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:
    - a. Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type (HIC) development shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.
    - b. New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.
    - c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.
    - d. New development or redevelopment within a Linear Commercial Corridor shall incorporate the use of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.

- e. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.
- f. Where the LCC abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment of non-residential development adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.
- g. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.
- h. The maximum floor area ratio shall not exceed 0.35 for non-residential development.

**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-2025-37**.

*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 to follow lists the Future Land Use (FLU) designations and the existing uses surrounding the subject site that are immediately adjacent.

**Table 1**

<p><b>Northwest:</b> Residential Low-2 (RL-2) Single-family residences, CSX rail line</p>	<p><b>North:</b> Residential Low-2 (RL-2) Single-family residences, CSX rail line</p>	<p><b>Northeast:</b> City of Lake Alfred Vacant, CSX rail line</p>
<p><b>West:</b> Retail Store (LCC) (LDCPAS-2024-6)</p>	<p><b>Subject Property:</b> Leisure/Recreation (LR) Vacant motel &amp; single-family residence</p>	<p><b>East:</b> Linear Commercial Corridor (LCC) Commercial building</p>
<p><b>Southwest:</b> Cit of Lake Alfred Lake Haines</p>	<p><b>South:</b> Residential Low-4 (RL-4) Recreational Vehicle Park (LIC-H-1054)</p>	<p><b>Southeast:</b> City of Lake Alfred Vacant restaurant</p>

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

The subject property is an isolated 1.23-acre of Leisure/Recreation Future Land Use designation. The site is adjacent to LCC designated properties to the east and west, a railroad is along the immediate northern boundary with single-family residences further to the north. The City of Lake Alfred is adjacent to the site at the northeastern corner. Currently the property sits vacant with a former hotel constructed in 1940 and associated bathhouse in 1977. The immediate area is mostly undeveloped, with the exception of a retail store, Copales Market, and associated outdoor display to the west. That property received approval for a similar amendment from LR to LCC on 1.58 acres in October 2024 (LDCPAS-2024- 6). To the south is a recreational vehicle park, known as “Friendly RV Park.” The park was approved for 19 RV spaces and 1 mobile home space in 1978. The current property owners purchased the subject site through a Warranty Deed in April 2012 according to the Property Appraiser (O.R. Book 8620, PG 1366).

## Compatibility with the Surrounding Uses, Environment, and Infrastructure

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 adopted definition for compatibility states it is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

A. Land Uses:

The purpose of Urban Growth Area (UGA) is to serve as a foundation from which a future urban pattern is established, and to provide future areas for development at urban densities and intensities. UGA's are areas within the County that, at a minimum, are currently served, or are programmed within the applicable Comprehensive Plan Capital Improvement Program to be served within years 10 through 20 of the Comprehensive Plan's planning period. UGA's are also supported by, or programmed to be supported by, other services typically found to accompany urban development such as public safety services, an urban road network, and developed parks.

Commercial uses currently exist to the west and east sides of the subject site, where both land uses are also LCC. To the north is an active CSX rail line that spans 200 feet of right-of-way (ROW). Further north across the rail line are single family residences. South of US Highway 17/92 is a RV park and Haines Lake within city limits. The City of Lake Alfred abuts the northeastern corner of the site. From a larger perspective, the site is surrounded by City limits that encompass all directions. Further north toward Lake Lowery Road, the City has approved new single-family development. Currently, the site sits vacant with remnants of a former commercial use (hotel) constructed in 1940 that was designated LR on the land use map. The prior use is an allowable non-residential use in the LCC land use designation as well as the current LR. Given LCC abuts the site to the east and west, the requested land use map amendment is consistent with infill criteria policies outlined in Policy 2.111-A3 of the Comprehensive Plan.

B. Infrastructure:

While the County does not provide water or sewer service to the subject property, the City of Lake Alfred provides utilities in the surrounding area. Wastewater and potable water connections are available, but the site will find the feasibility to connect difficult. It is close to a general mercantile store to the west, abuts a bus stop, and has about 257 feet of frontage on US Highway 17/92, a Principal Arterial roadway. There is available transportation capacity on the surrounding roadway network. Public safety response times are normal. The given request is non-residential and will not trigger school concurrency. There are a number of different types of recreation available offered nearby within City limits.

C. Environmental:

The site has no apparent environmental limitations. The soil onsite is Tavares fine sand which does not pose limitations for the proposed use. There are no floodplains or wetlands apparent on the site. The site is in an open drainage basin known as Lake Fannie Outlet that feeds into the surrounding natural lakes. The site is not located within an Airport Impact District or overlay for flight path and height restrictions.

**Nearest Elementary, Middle, and High School**

The schools zoned for the subject property site are listed in Table 2 below. The proposed request will most likely generate zero (0) students as Linear Commercial Corridor does not usually develop residential other than multi-family.

**Table 2**

<b>Name of School</b>	<b>Annual Estimated Demand</b>	<b>% Capacity 2024-2025 School Year</b>	<b>Distance From Subject Site</b>
Lake Alfred Elementary (Zoned)	0 students	102%	±2.0 mile driving distance
JL Stambaugh Middle (Zoned)	0 students	85%	±6.2 miles driving distance
Auburndale High School (Zoned)	0 students	74%	±6.1 miles driving distance

Source: Polk County School Board, Duncan Associates Educational Facility Impact Fee Study, GIS

**Nearest Sheriff, Fire, and EMS Station**

Fire and EMS response to this project is from Polk County Fire Rescue Station 36, located at 3000 North Seminole Avenue in Lake Alfred. The travel distance is under 2 miles with an average response time of 4-5 minutes. Fire Station 36 is staffed 27/7 with career firefighters and augmented by response from other similarly staffed county fire stations and through interlocal mutual aid agreements with the surrounding municipalities. There are no fire hydrants within the immediate area, which will need to be addressed in the future.

Sheriff’s response to the site is served by the Central District, located at 3635 Avenue G Northwest in Winter Haven. The response times for the Central District were: P1 – 8:04 minutes; P2 – 24:25 minutes. Sheriff response times are not as much a function of the distance to the nearest sheriff’s substation, but more a function of the overall number of patrol officers within the district. The facilities are within appropriate distances to the subject site for an urban area.

**Table 3**

	<b>Name of Station</b>	<b>Distance</b>	<b>Response Time *</b>
Sheriff	Central District (3635 Avenue G Northwest, Winter Haven)	±8.4 miles	P1: 8:04 minutes P2: 24:25 minutes
Fire/EMS	Polk County Fire Rescue Station 36 (300 North Seminole Avenue, Lake Alfred)	±1.87 miles	4-5 minutes

Source: Polk County Sheriff’s Office and Public Safety for January 2026; Polk County Fire Rescue Response Times for January 2026  
\*Response times are based on when the station receives the call and not from when the call is made to 911.

**Water and Wastewater Demand and Capacity**

The subject site does not sit within a Utility Service Area for the County. The City of Lake Alfred has provided potable water service in the surrounding area since before the adoption of the Comprehensive Plan. Services are available on the south side of US 17/92, according to the applicant’s Impact Assessment Statement (IAS). The UGA requires connection to water and wastewater, whether or not the property is within the LR or LCC land use designation. The applicant may demonstrate a waiver to these criteria given the significant costs to extend the lines.

**A. Estimated Demand and Service Provider:**

According to the applicant’s IAS, the City of Lake Alfred has a 12-inch sewer main and 10-inch potable water main on the south side of US 17/92. Should utility improvements occur, Table 4 estimates the impact to potable water and wastewater services based upon the buildout for the proposed FLU on the subject site.

**Table 4**

Subject Property	Estimated Impact Analysis	
	Maximum Permitted in Existing Land Use (LR)	Maximum Permitted in Proposed (LCC)
±1.32 acres LR		
Permitted Intensity	±1.32 acres X 10 du/ac = 13 du	±1.32 acres (57,500 sq ft) X 0.35 FAR = 20,125 sq ft
Potable Water Consumption (GPD)	13 du X 198 GPD/du = 2,574 GPD	20,125 sq ft X 0.22 GPD/sq ft = 4,428 GPD
Wastewater Generation (GPD)	2,574 GPD X 80% = 2,059 GPD	4,428 GPD X 80% = 3,543 GPD

Source: Estimating Maximum Feasible Buildout for Comprehensive Plan Amendment Evaluation, LR in the UGA shows a max of 10 du/ac with 198 GPD per du for water and 80% Wastewater for RV Park, and LCC in the UGA is 0.35 FAR and 0.22 GPD for Water, 80% Wastewater for Department Store.

**B. Available Capacity:**

The City has not provided the available capacity of their plant. Connection to the City of Lake Alfred utilities are expected to extend under US 17/92. The applicant may request a waiver to these connection or requestions in the Comprehensive Plan and Land Development Code.

**C. Planned Improvements:**

There are no known improvements scheduled at this time.

**Roadways/Transportation Network**

There are more than adequate transportation facilities to accommodate an LCC designation on this approximately 1.32 acres. The surrounding roadway network has ample capacity remaining to accommodate maximum buildout. A bus stop is directly in front of the property known as Route 15 or the Winter Haven/Haines City line.

**A. Estimated Demand**

Looking at the maximum buildout of the highest intensity use possible provides the analysis in Table 5 to follow:

**Table 5**

Subject Property	Estimated Impact Analysis	
	Maximum Permitted in Existing Land Use (LR)	Maximum Permitted in Proposed (LCC)
±1.32 acres LR		
Permitted Use	±1.32 acres X 10 du/ac = 13 du	±1.32 acres (57,500 sq ft) X 0.35 FAR = 20,125 sq ft / 1,000 = 20.12 sq ft
Average Annual Daily Trips (AADT)	13 du X 1.04 AADT X 1 = 14 AADT	20.12 sq ft X 26.93 AADT X 0.76 = 412 AADT
PM Peak Hour Trips	13 du X 0.09 PM X 1 = 2 PM Peak	20 sq ft X 3.4 PM X 0.76 = 52 PM Peak

Source: Polk County Concurrency Manual, Campground/Recreational Vehicle Parks for LR, 1.04 AADT and 0.09 PM Peak Hours (100% new trips). For LCC, most likely use was Department Store per Concurrency Manual, so 26.93 AADT and 3.4 PM Peak Hours (76% new trips).

B. Available Capacity:

There is available traffic capacity in the network to accommodate more development at this location. Surrounding roadway networks in the immediate area are within minimum Level of Service (LOS) standards. Table 6 below displays the available capacity on the surrounding roadway network.

**Table 6**

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard	Projected Five Year LOS
5017N	US 17/92 From: Pomelo Street To: US 27	C	855	D	C
5017S	US 17/92 From: US 27 To: Pomelo Street	C	900	D	C
8095E	Old Haines City Lake Alfred Road From: US 17/92 To: US 17/92	C	724	E	C
8095W	Old Haines City Lake Alfred Road From: US 17/92 To: US 17/92	C	721	E	C
4173N	CR 557/Pomelo Street From: US 17/92 To: I-4	B	2,508	D	B
4173S	CR 557/Pomelo Street From: I-4 To: US 17/92	B	2,477	D	B
5108N	US 27 From: US 17/92 To: CR 17	C	82	D	F
5108S	US 27 From: CR 17 To: US 17/92	C	198	D	F

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database January, 2025

C. Roadway Conditions:

US Highway 17/92 (State Road 600), which runs west to east along the frontage of the subject site, is a Principal Arterial Road with paved shoulders, with a median running along the middle of the road, and 24 feet of pavement width on each side. Level of Service is currently showing as a “C” and has available capacity. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network:

There are old sidewalks internal to the subject site but are dilapidated and do not facilitate connectivity to adjacent properties or uses. There is currently no sidewalk along US Highway 17/92.

E. Mass Transit:

The Route 15 Winter Haven/Haines City bus route travels on US Highway 17/92 with the nearest stop directly in front of the subject property (Stop 208).



F. Planned Improvements:

There are currently no planned County improvements along any of the traffic links. US Highway 27 is maintained by FDOT and is currently being reassessed for its predicted capacity.

## **Park Facilities and Environmental Lands**

The subject site is near the city limits of Lake Alfred. Therefore, many of the park facilities nearby fall within city limits. A large 40-acre city park in Lake Alfred is under preliminary design phases and is tentatively named “20-acre” park. The new facility will be about 5.5 miles from the subject site. City parks include Lake Swoope, a veteran’s memorial, and boat ramp all within 2½ miles from the site. The 111-acre Mackay Gardens and Lakeside Preserve as well as the Chain of Lakes Trail offer unique recreational opportunities in Lake Alfred. There are no conservation easements on the property.

### **A. Location:**

The closest park to the subject property is Lake Swoope Park at the intersection of Lake Swoope Drive and East Midway Avenue, approximately 1.08 miles northwest. In the same area, Albertus Maulsby Community Center at 655 3<sup>rd</sup> Street North in Lake Alfred is about 2 miles northwest. Another city park, Frank C. Gardner Park, is 2.3 acres and contains a Purple Heart Memorial added in 2015. The park is about 1.7 miles to the west along the same roadway as the subject site. Lake Haines Boat Ramp allows public access at 725 East Haines Boulevard in Lake Alfred about 1.4 miles away.

### **B. Services:**

Lake Swoope Park consists of covered picnic tables and a single dock with fishing access to Lake Swoope. Albertus Maulsby Community Center offers a basketball court. There is also a playground with a covered area, a pavilion and basketball courts.

### **C. Multi-use Trails:**

The closest trail is the Winter Haven to Lake Alfred Trail, also known as the Chain of Lakes Trail. It is a 4.7-mile paved multi-use path which opened in 2008 with help from the Internal Improvement Trust Fund (IITF).

### **D. Environmental Lands:**

The Mackay Gardens and Lakeside Preserve is the closest environmental land holding, about 2.7 miles travel distance away. The 111-acre property was purchased in 2004 with funds from the Florida Community Trust Florida Forever program. There is public access to nature and fitness trails, restrooms, a historic residence, and a small boardwalk that spans along the northern shoreline of Lake Rochelle.

### **D. Planned Improvements:**

While the County has no planned improvements in the area, the City of Lake Alfred is proposing a “20-acre park” to the north side of its city limits. According to the city’s 2025 Parks and Recreation Master Plan, the site is located off Old Lake Alfred Road and will be about 5.5 miles northwest from the subject site. The park is in the initial concept and design phase as of 2025 and intends to have amenities such as playgrounds, a dog park, boardwalk trails, a baseball field, and basketball courts.

## Environmental Conditions

### A. Surface Water:

There are no surface waters on the subject site. The elevation on the property starts at 134 feet near the center of the subject site, and slopes downward between 131 to 133 on the west, south, and east sides. The topography slopes slightly upward to 135 feet near the northern property boundary.

### G. Wetlands/Floodplains:

The subject site does not contain wetlands but does partially reside within flood zone X5 on the southeast corner. According to current FEMA publications, this area has a 0.2 percent chance of a flood hazard annually. This flood zone is not anticipated to hinder any development approval from a County perspective according to LDC Section 630.

### C. Soils:

According to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey, the subject site is comprised of Tavares Fine Sand. This soil type has slight limitations for wetness affecting building sites. 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. Connection to public water and sewer will be impacted on proposed development, costs of connection and any \_\_\_ waivers to connection.

**Table 7**

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site (approximate)
Tavares fine sand, 0 to 5 percent slopes	Moderate: wetness	Slight	100%

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

### D. Protected Species:

According to Polk County Endangered Habitat Maps, the subject site does not sit within a zone where any protected species have been documented or observed.

E. Archeological Resources:

According to the Florida Department of State, Division of Historical Resources, there are no known historical or archeological resources onsite or listed in the Florida Master Site File.

F. Wells (Public/Private):

The subject site is not located within a wellhead protection area

G. Airports:

According to the Polk County Airport Impact Districts Map, the subject property is not located within any Airport Buffer Zones for flight path and height restrictions.

H. Polk Green Districts and Conservation Easements

The site is located within the Potential Network Connections area of the Polk Green District Comprehensive Plan Map Series. There are no conservation easements within one mile of the subject site.

**Economic Factors:**

The site was developed with a motel and was therefore designated L/R on the land use map, but economic and market conditions have changed over the decades and the existing hotel may no longer be as viable as in the past. Notably, the hotel use is an allowable non-residential use in the LCC land use designation. The LCC will offer a range of uses that permit the hotel as well as other commercial uses consistent with the other adjacent LCC and may offer new development opportunities.

**Consistency with the Comprehensive Plan**

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:

- Section 2.102 – General Growth Management policies
- Section 2.105 – Urban-Growth Areas (UGA) policies
- Section 2.111 – Linear Commercial Corridors

**Table 8**

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 tracts of land are by-passed in favor of development more distant from services and existing communities.	The subject site directly accesses a Principal Arterial Road to the south, and a railroad to the north, and near other non-residential development along US 17/92.

Comprehensive Plan Policy	Consistency Analysis
<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>Commercial uses are not out of compatibility with the area as there are other commercial uses to the west. The site consists of a former commercial use (hotel). The subject site does abut the city of Lake Alfred city limits to the northeast. The site directly accesses a Principal Arterial Road, US Highway 17/92.</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 subject site is in a transitional area near the city of Lake Alfred. The IAS states there is City water and sewer lines across Highway 17/92. There is a bus stop directly in front of the subject site.</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 timing is consistent with the growth in the area as the surrounding sites are already designated for a variety of uses. Nothing is currently on the site, but the adjacent sites are developed with commercial or leisure uses.</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> <ol style="list-style-type: none"> <li>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;</li> <li>b. nearness to agriculture-production areas;</li> <li>c. distance from populated areas;</li> <li>d. economic issues, such as minimum population support and market-area radius (where applicable);</li> <li>e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to: <ol style="list-style-type: none"> <li>1. transportation facilities, including but not limited to mass transit, sidewalks, trails and bikeways;</li> <li>2. sanitary sewer and potable water service;</li> <li>3. storm-water management;</li> <li>4. solid waste collection and disposal;</li> <li>5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;</li> <li>6. emergency medical service (EMS) provisions; and</li> <li>7. other public safety features such as law enforcement;</li> <li>8. schools and other educational facilities</li> <li>9. parks, open spaces, civic areas and other community facilities.</li> </ol> </li> </ol>	<p>The location is near the city limits of Lake Alfred near a multitude of uses surrounding the site. There are residential developments near the subject site to the north across the railroad tracks, with two separate RV parks to the south and east of the site.</p> <p>The site is nearby populated areas with the closest being 0.5 miles to the west of the subject site within Lake Alfred. Fire and Sheriff are close by with normal response times.</p> <p>The overall parcel does not contain wetlands, and is partially within flood zone X5 on the southeastern corner. The site directly accesses a Principal Arterial Roadway.</p>

The table to follow provides a brief breakdown of Section 2.105 Urban Growth Area (UGA) policies that are most pertinent to this request.

**Table 9**

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.105-A1: DESCRIPTION - Urban-Growth Areas shall:</p> <ul style="list-style-type: none"> <li>a. complement the TSDA in guiding growth, while promoting orderly and compact development;</li> <li>b. be located contiguous to the TSDAs or a municipality as they represent the expansion areas;</li> <li>c. be supported by existing or planned urban type services that are programmed for the 20-year planning horizon;</li> <li>d. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs;</li> <li>e. include development criteria that: 1.promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;2.improve access to employment areas, schools, shopping and recreational opportunities;3.support the preservation of open space and natural areas;4.reduce capital and operating cost for the provision of infrastructure and public services.</li> </ul>	<p>The subject site has typical characteristics found for UGAs. The City of Lake Alfred abuts the site to the northeast, a bus stop is located along the property’s frontage along US Highway 17/92, and urban level services including City parks and downtown Lake Alfred are located less than 2 miles to the west. Public Safety is readily available nearby.</p>
<p>POLICY 2.105-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within UGAs:</p> <ul style="list-style-type: none"> <li>a. <b>ACTIVITY CENTERS:</b> Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and Employment Centers, High-Impact Commercial Centers shall be permitted within UGAs in accordance with applicable criteria.</li> <li>b. <b>RESIDENTIAL:</b> Residential-High, Residential-Medium, and Residential-Low Districts shall be permitted within UGAs in accordance with applicable criteria.</li> <li>c. <b>OTHER:</b> Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Professional Institutional, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.</li> </ul>	<p>Linear Commercial Corridor is permitted in the UGA. The site is not within a Utility Service Area but the City has water and sewer lines to the south across US Highway 17/92. Water and wastewater connection is required in the UGA. And the applicant will be required to demonstrate consistency with the UGA Development Criteria. A waiver to public water and sewer connection is possible due to limited circumstances if the applicant can demonstrate that feasibility of extending these lines across US 17/92 is cost prohibitive.</p> <p>There are no public sidewalks that run along US Highway 17/92, a Principal Arterial Road. While it will have access to public schools, commercial uses do not usually generate students. Schools should not be impacted and mitigation efforts will not be necessary with the Polk County School Board.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.105-A5: DEVELOPMENT CRITERIA FOR URBAN GROWTH AREAS - Development within the Urban Growth Areas shall conform to the following criteria as further specified in the Land Development Code:</p> <ul style="list-style-type: none"> <li>a. connect to centralized potable water;</li> <li>b. connect to centralized sanitary sewer systems if available.</li> <li>c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;</li> <li>d. promote the implementation of "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;</li> <li>e. promote the integration of pedestrian-oriented features, including sidewalks, trails, or walkways into every development including appropriate pedestrian shelters or awnings;</li> <li>f. provide access to civic space, parks, green areas, and open space and other amenities;</li> <li>g. be supported by public safety (i.e., fire, EMS and law enforcement);</li> <li>h. have access to public schools;</li> <li>i. be encouraged to provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas;</li> <li>j. encourage the inclusion of a variety of housing choices and mixed uses; and</li> <li>k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A);</li> </ul>	

The table to follow provides a brief breakdown of Section 2.111 Linear Commercial Corridors policies that are most pertinent to this request.

**Table 10**

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.111-A1: CHARACTERISTICS - Linear Commercial Corridors are characterized by linear concentrations of all types of commercial, office, and institutional uses along a roadway. Some Linear Commercial Corridors may contain existing industrial uses. For parcels with LCC land use designation in the TSDA and/or TCCO, development and redevelopment of areas may also include stand alone residential and mixed use structures.</p>	<p>Future Land Uses to the west and east of the subject site are consisting in use to the LCC being requested in that commercial or non-residential uses such a retail store, are already found nearby.</p>
<p>POLICY 2.111-A3: LOCATION CRITERIA - Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate</p>	<p>The request is consistent with the infill policies for Linear Commercial Corridor. Infilling this site with LCC will allow for an expanded commercial use along a Principal Arterial Road and it will only be at the depth that will bring the site into consistency. The western and eastern boundaries are already designated LCC and this change would make the site uniform.</p>

**Table 10**

Comprehensive Plan Policy	Consistency Analysis
<p>errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS.</p>	
<p><b>POLICY 2.111-A4: DEVELOPMENT CRITERIA -</b>            Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:</p> <p>a. Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type (HIC) development shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.</p> <p>b. New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.</p> <p>c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.</p> <p>d. New development or redevelopment within a Linear Commercial Corridor shall incorporate the use of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.</p> <p>e. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.</p> <p>f. Where the LCC abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment of non-residential development adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.</p> <p>g. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.</p> <p>h. The maximum floor area ratio shall not exceed 0.35 for non-residential development.</p>	<p>The request to go from LR to LCC is compatible with the surrounding area as the former hotel onsite is an allowable use in both land uses. The property owner indicated an interest in constructing self-storage or possible retail - both are allowable uses in Linear Commercial Corridor. This redevelopment is not dissimilar to non-residential uses found along US Highway 17/92.</p>

## Urban Sprawl Analysis

After analyzing the primary indicators of Urban Sprawl per *Policy 2.109-A10* of the Polk County Comprehensive Plan, it is apparent that the proposed request is not considered urban sprawl based on these criteria and it is permitted in the designated area. Table 11 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl.

**Table 11**

<b>Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes</b>	
<b>Urban Sprawl Criteria</b>	<b>Sections referenced in this report</b>
<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
<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

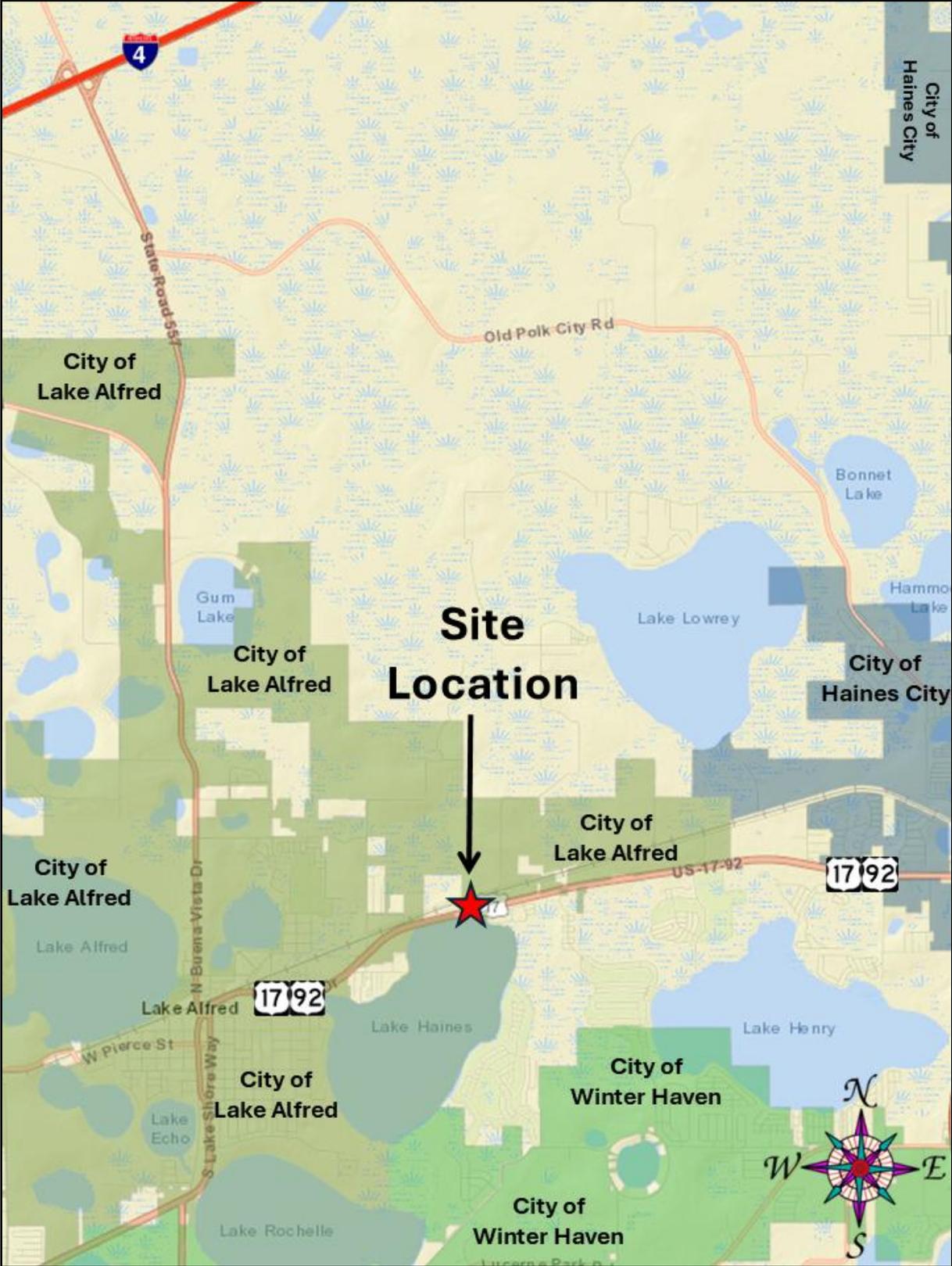
### Comments from other Agencies:

#### **Fire Rescue:**

The lack of fire hydrants in the vicinity and potential need for a deceleration/turn lane at the medium crossover adjacent to the subject property will need to be addressed during future development.

#### **Exhibits:**

- Exhibit – 1 Location Map
- Exhibit – 2 2025 Satellite Image (Context)
- Exhibit – 3 2023 Aerial Photo (Close-up)
- Exhibit – 4 Existing Future Land Use Map
- Exhibit – 5 Proposed Future Land Use Map
- Exhibit – 6 Permitted and Conditional Uses in LCC
- Exhibit – 7 Permitted and Conditional Uses in LR



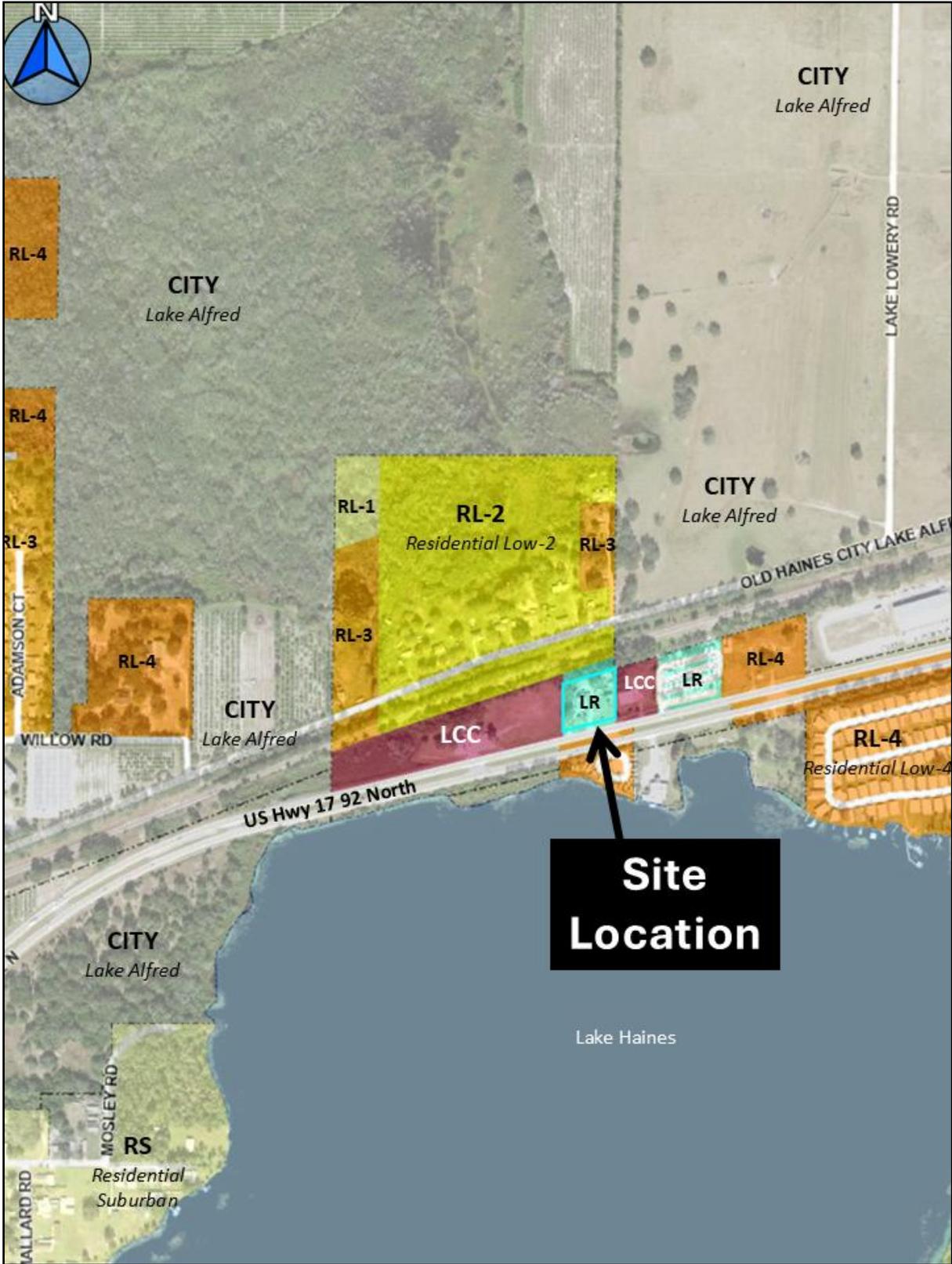
# Location Map



# 2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



# Existing Future Land Use Map



# Proposed Future Land Use Map

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
LCC	Agricultural Support-Off-Site, Childcare Center, Clinics & Medical Offices, Farming General, Government Facility, Kennels- Boarding and Breeding, Lodges and Retreats, Nurseries and Greenhouses, Nurseries-Retail, Office, Office Park, Personal Service, Restaurant-Sit-down/Take-out, Retail- 10-000 – 34-999 sq. ft., Retail- 35-000 - 64-999 sq. ft., Retail- Less than 10-000 sq. ft., Studio- Production, Transit- Facility, Utilities-Class I, Utilities- Class II, Veterinary Service	Adult Use, Alcohol Package Sales, Marinas and Related Facilities, Recreation- Passive, Car Wash- Full Service, Car Wash- Incidental, Car Wash- Self Service, Commercial Vehicle Parking, Community Center, Cultural Facility, Financial Institution, Financial Institution- Drive Through, Funeral Home & Related Facilities, Gas Station, Heavy Machinery Equipment Sales and Services, Helistops, Hotels and Motels, Livestock Sale- Auction, Manufacturing- General, Manufacturing- Light, Medical Marijuana Dispensaries, Nursing Home, Printing & Publishing, Recreation & Amusement General, Recreational Vehicle Storage, Religious Institution, Research & Development, Restaurant- Drive-thru/Drive-in, Retail- Home Sales Offsite, Retail- Outdoor Sales/Display, School- Leisure/Special Interest, School- University/College, Self-storage Facility, Truck Stop, Vehicle Recovery Service/Agency, Vehicle Sales- Leasing, Vehicle Service- Mechanical, Warehousing/Distribution	Multi-family, Planned Development, Transitional Area Development, Bars-Lounges- and Taverns, Cemetery, Communication Tower- Monopole, Heliports, Lime Stabilization Facility, Mining- Non-phosphate, Motor Freight Terminal, Nightclubs and Dance Halls, Recreation & Amusement Intensive, Retail- More than 65-000 sq. ft., School- Technical/Vocational/Trade & Training, Transit- Commercial, Utilities- Class III, Vehicle Repair-Auto Body, Water Ski Schools, Residential Treatment Facility

## PERMITTED AND CONDITIONAL USES LINEAR COMMERCIAL CORRIDOR (LCC)

Leisure Recreation in the Urban Growth Area			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
<b>Residential Uses:</b>	Multi-family, C2 Short-Term Rental Units, P	<b>Mixed Uses:</b>	Planned Development, C3
<b>All Other Uses:</b>	Alcohol Package Sales, C1 Bars, Lounges, and Taverns, C1 Childcare Center, C2 Community Center, C2 Convenience Stores, Isolated, C2 Cultural Facility, C2 Fish Camp, P Farming General, P Golf Course, C1 Hotels and Motels, C2 Institutional Campground, P Lodges and Retreats, Private, P Marinas & Related Facilities, C1 Medical Marijuana Dispensaries, C2 Personal Service, C2 Recreational Camping, C2 Recreation, Passive, C1 Recreation, High Intensity, C1 Recreation, Low Intensity, C1 Recreation & Amusement, General, C2 Recreational Vehicle Oriented, C2 Recreational Vehicle Park, C2 Religious Institutions, C2 Restaurant, Drive-thru/Drive-in, C2 Restaurant, Sit-down/ Take-out, P Retail, 10,000-34,999 square feet, C2 Retail, Less than 10,000 square feet, C2 Riding Academies, P School, Leisure/Special Interest, P School, Technical/Vocational/Trade & Training, C3 Utilities, Class I, P Utilities, Class II, P Veterinary Services, P	<b>All Other Uses:</b>	Communication Towers, Monopole, C3 Government Facilities, C3 Helistops, C3 Mining, Non-Phosphate, C3 Mobile Home Park, C3 Nightclubs and Dance Halls, C3 Outdoor Concert Venue, C3 Recreation & Amusement, Intensive, C4 Seaplane Base, C3 Utilities, Class III, C3 Water Ski Schools, C3

## PERMITTED AND CONDITIONAL USES LEISURE/RECREATION (LR)

**ORDINANCE NO. 26 - \_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2025-37**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 1.32 +/- ACRES FROM LEISURE/RECREATION (LR) TO LINEAR COMMERCIAL CORRIDOR (LCC), LOCATED SOUTH OF OLD HAINES CITY/LAKE ALFRED ROAD, EAST OF EXPERIMENT STATION ROAD, WEST OF LAKE LOWERY ROAD, AND NORTH OF US HIGHWAY 17/92, NORTHEAST OF THE CITY LIMITS OF LAKE ALFRED, IN SECTION 27, TOWNSHIP 27, RANGE 26; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

**WHEREAS**, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

**WHEREAS**, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on March 4, 2026; and

**WHEREAS**, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on April 21, 2026 ; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

**NOW THEREFORE, BE IT ORDAINED** by the Polk County Board of County Commissioners:

**SECTION 1: COMPREHENSIVE PLAN AMENDMENT**

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use

designation on an approximately 1.32-acre site from Leisure/Recreation (LR) to Linear Commercial Corridor (LCC) in an Urban Growth Area (UGA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel: 262727-490100-000503

RIGGINS H S SUB PB 3 PG 38 LOT 5 W 250 FT OF E 1150 FT LYING NORTH OF SR#600.

## **SECTION 2: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

## **SECTION 3: EFFECTIVE DATE**

This ordinance shall be effective on May 22, 2026 (31 days after adoption), unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

## **SECTION 4: FILING WITH THE DEPARTMENT OF STATE:**

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

**ADOPTED**, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 21<sup>st</sup> day of April 2026.





[www.polk-county.net](http://www.polk-county.net)

# IMPACT ASSESSMENT STATEMENT FORM

Growth Management Department  
Land Development Division  
330 W. Church St.  
P.O. Box 9005, Drawer GM03  
Bartow, FL 33831-9005  
(863)534-6792  
FAX (863) 534-6407

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and Natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following (*Note: N/A is an insufficient comment, if N/A an explanation must be included*):

### ***Land and Neighborhood Characteristics***

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

*This is a request for a Comprehensive Plan Amendment from Leisure/Recreation (L/R) to Linear Commercial Corridor (LCC) on a 1.32 acre site (including Parcel ID# 262727-490100-000503) near Lake Alfred. The site was developed with a hotel and was therefore designated L/R on the land use map, but economic and market conditions have changed over the decades and the existing hotel is no longer a viable use of the site. Notably, the hotel use is an allowable non-residential use in the LCC land use district. In addition, the site is adjacent to LCC designated properties to the east and west, a railroad along the northern boundary of the site, and the City of Lake Alfred is adjacent to the site at its northeast corner. Therefore, the requested land use map amendment is consistent with adjacent properties and the surrounding land use plan for this area.*

1. How and why is the location suitable for the proposed uses?

*The site is located in an area of the County that has a long history of highway commercial development and various commercial developments have established along US 17/92 over the past 100 years. It is located within the Urban Growth Area (UGA) on an existing development site consisting of a former commercial use (hotel) that is allowable in the LCC land use district. Tremendous population growth and a change in its distribution over the past 5 years has necessitated growth in supporting retail and service uses, as well as other non-residential uses to support this growth. This site is considered infill per Policy 2.111 of the Comprehensive Plan and is the last remaining non-LCC parcel within an existing LCC. The site has frontage on, and access to, an arterial roadway and transit route, and is located adjacent to a railroad and the growing city limits of the City of Lake Alfred. In summary, the subject site has sufficient land area, access, and supporting infrastructure to accommodate the proposed use.*

2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

*This development site is separated from residential development by a railroad, arterial roadway (US Highway 17/92), and the adjacent commercial lands. It will be buffered to ensure it is inobtrusive to the residential properties in the surrounding area and will be operated in a manner that is compatible to the surrounding area. The proposed use is located on a property that is large enough to address any compatibility concerns, consistent with Section 220 of the LCC (compatibility requirements) and has sufficient room for the required parking areas, driveways and circulation, and retention for typical LCC uses, ensuring safe entry and exiting of the property and stormwater retention. In general, the site is well-suited to accommodate an appropriate design which addresses the development standards of the LDC, including buffering, distancing, and separation to ensure the redevelopment of the site will be compatible with nearby uses and ensure there will be no incompatibilities or special efforts needed to minimize the differences in the proposed use with adjacent uses.*

3. How will the request influence future development of the area?

*This use will provide needed commercial development land to support the residential growth of the surrounding area, additional employment to the surrounding residents once the new LCC land is developed, and provide construction jobs while the site is developed.*

#### ***Access to Roads and Highways***

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

*While the site could be developed with a wide variety of commercial uses including retail, office, and service uses, a likely use at this location would be a mini-warehouse (self-storage) use. The 11<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) Land Use Code for mini-warehouse self-storage (Land Use Code 151) suggests either 1.68 trips per 100 storage units (per 1,000 sq. ft. GLA) or 0.15 trips per 1,000 sq. ft. of gross floor area. Given the total square footage of the site and an anticipated total buildout of approximately 20,125sf (using the County's 15,246sf/ac for LCC usage), this site could generate up to three (3) daily trips. However, the County uses a more general use of Commercial up to 49,999sf and a generation rate of 1,252 trips per acre and 113 peak hour trips per acre. Therefore, a maximum retail use of this 1.32 ac site could generate up to 1,653 AADT and 149 PM Peak hour trips.*

2. What modifications to the present transportation system will be required as a result of the proposed development?

A minor traffic study will suffice for a detailed methodology and calculations for most applications.

*Due to the moderate traffic generation of the proposed use of this site, the absorption of the previous commercial activity on the site into the County's traffic calculations for the roadway network, and because the site has sufficient access on the existing arterial roadway (Hwy 17/92) to support the intended use, the proposed use is not anticipated to generate the need for improvements to the roadway network beyond a commercial driveway for access to the site.*

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

*While no specific use is proposed or can be conditioned at this time, the property owner has discussed self-storage or possibly a non-specified retail use of the site. Section 708 of the LDC requires 1 space per 300 sq ft of GFA for the manager's office of the self-storage facility. The site will easily be able to accommodate the parking required by the LDC for any proposed commercial use.*

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?

*The site has direct frontage and a paved arterial roadway, Highway 17/92. A new commercial driveway apron to replace the older access point onto this roadway will be necessary to ensure safe access. No other modifications are anticipated.*

NOTE: Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for **"Infrastructure Impacts"** items 3 through 9 above.

### ***Sewage***

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*)

*The site is located within the UGA where services are planned for this area. While the County does not provide sewer service to this area, the City of Lake Alfred has services currently available on the south side of US 17/92. Due to the cost of bringing services under this 4-lane divided highway, future development is likely to continue to utilize a septic system. The proposed future use of the site will reflect this limitation and development is anticipated to generate less than the County's estimated 2,683 GPD per acre. For this reason, it is anticipated that the site will develop with self-storage or retail, both of which have very low sewer generation rates - on par or no more than the equivalent generation of 1-3 single-family homes or approximately 270-810 GPD for the proposed use of the site.*

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?

*While the site is located in the UGA, the physical location of the existing sewer and market location will likely lend the site to a use which utilizes a septic system.*

3. If offsite treatment, who is the service provider?

*N/A*

4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code*)?

*The City of Lake Alfred has a 12 inch sewer force main on the south side of US 17/92. Due to the cost and difficulty of bringing services under a 4-lane divided highway, future development is likely to continue to utilize a septic system. In addition, improvements such as a lift station and the limited space available due to narrow right-of-way and the adjacent floodplain, wetland, and lakes could realistically limit connection.*

5. What is the provider's general capacity at the time of application?

*The City of Lake Alfred has not provided the available capacity of their plant.*

6. What is the anticipated date of connection?

*December 2026.*

7. What improvements to the providers system are necessary to support the proposed request (*e.g., lift stations, line extensions/expansions, interconnects, etc.*)?

*Connection could require a lift station and line extensions to connect to the existing line across US 17/92.*

### ***Water Supply***

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?

*The City of Lake Alfred is the nearest utility provider and has a 10 inch water main on the south side of US 17/92. Depending on the level of development, the site may either use a well or connect to this water line for its water supply.*

2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC*)

*While it is possible to jack and bore under US 17/92, it is likely that this requirement for connection to the existing water line will be cost prohibitive. Due to the cost of bringing services under this 4-lane divided highway, future development is likely to continue to utilize a well system. As a result, the proposed future use of the site will reflect this limitation and development is anticipated to generate less than the County's average for sites in the LCC and UGA. It is anticipated that the site will develop with service restrooms for a retail use or self-storage facility and the manager's office of the anticipated self-storage or low-intensity retail are anticipated to generate less than the equivalent water need of 1-3 single-family homes or approximately less than 1,000 GPD.*

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?

*The City of Lake Alfred is the nearest utility provider and the services are available on the south side of US 17/92.*

4. Who is the service provider?

*The City of Lake Alfred.*

5. What is the anticipated date of connection?

*December 2026.*

6. What is the provider's general capacity at the time of application?

*N/A*

7. Is there an existing well on the property(ies)?

*Yes, the site has a residential potable well on-site.*

### ***Surface Water Management and Drainage***

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

*The site is generally flat with little elevation change, sloping gradually north to south. There are no significant flood plain limitations to the site that will impact the development of the site. All development proposals will identify and address any issues at Level 2 Review consistent with the LDC standards.*

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

*There are no wetlands on the site and the site is generally flat with little elevation change. The drainage and retention system will be implemented to account for the new impervious surfaces and address any flood plain considerations.*

### ***Environmental Analysis***

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

*The site was long ago cleared of its native vegetation and is suitable for the proposed use. In addition, the soils and land features do not pose limitations for the proposed use. There are minimal, if any, no flood plains and no wetlands on the site. Therefore, there are no significant environmental limitations of this site.*

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

*There are no wetlands on the site and there is only a small area in the drainage ditch along US 17/92 that may be identified as a flood prone area of the site. A topographic survey will verify this during Level 2 Review. Regardless, flood plain issues are not anticipated to significantly impact the development of the site and will be addressed at Level 2 Review consistent with the LDC standards*

3. Discuss location of potable water supplies, private wells, public well fields (*discuss the location, address potential impacts*), and;

*The proposed development is not anticipated to adversely impact any potable water supplies or wells.*

4. Discuss the location of Airport Buffer Zones (if any) (*discuss the location and address, potential impacts*).

*The proposed use will not impact any Airport Buffer Zones.*

5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

*The site consists entirely of Tavares Fine Sand which are excellent soils for the proposed land usage. The final site plan will provide a drainage and retention system to allow for development of the proposed use in compliance with the LDC standards.*

### ***Infrastructure Impact Information***

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;

*The proposed use will not impact any Parks or Recreation Areas.*

2. Educational Facilities (e.g., preschool, elementary, middle school, high school);

*The proposed use will not impact any Educational Facilities.*

3. Health Care (e.g., emergency, hospital);

*The nearest Hospital (Winter Haven's BayCare Hospital) is seven (7) south of the site. The proposed use will not adversely impact any Emergency or Health Care Facilities.*

4. Fire Protection;

*The nearest Fire station (Polk County Fire Rescue Station #36) is located approximately one mile west of the site. The proposed use is not anticipated to adversely impact operations or service levels.*

5. Police Protection and Security;

*The nearest Police station (Polk County Sheriff's Office central command) is located approximately 12.5 miles southwest of the site. The proposed use is not anticipated to adversely impact operations or service levels.*

6. Emergency Medical Services (EMS);

*The nearest EMS station (Polk County Fire Rescue Station #36) is located approximately one mile west of the site. The proposed use is not anticipated to adversely impact operations or service levels.*

7. Solid Waste (collection and waste generation); and

*The proposed accessory structure will not generate significant solid waste and therefore will not adversely impact solid waste collection.*

8. How may this request contribute to neighborhood needs?

*The proposed commercial land use will serve the surrounding communities with employment opportunities, both during construction and throughout the duration of the commercial use, and it will support the high level of residential development occurring in Polk County and throughout Central Florida.*

### ***Maps***

Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scale shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps.

The following **maps shall 8 1/2" x 11"** and accompany Impact Assessment Statements:

Map A: A location map (center the site on the map) showing the relationship of the development to cities, highways, and natural features;

Map B: Map depicting the site boundary (properties included in the request)

Map C: A site plan consistent with ***Site Plan Standards***<sup>2</sup> (multiple sheets may be used). In addition to the required number of copies please **include an 8½" x 11" copy.**

Applications for district changes alone are not required but are encouraged to submit a Development Plan; and

*NOTE: Applications for text amendments are not required to submit a complete Impact Assessment Statement, however, all relevant information requested must be addressed. Use this form and the "Demonstration of Need" form as a guide for assessing the impact of a text amendment.*

<sup>2</sup> See *Site Plan Standards* checklist form (GM LDD 11).



## TDW Land Planning

(863) 838-8511 | [tdwlandplanning@gmail.com](mailto:tdwlandplanning@gmail.com)

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**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

### **Project Narrative:**

This is a request for a Comprehensive Plan Amendment from Leisure/Recreation (L/R) to Linear Commercial Corridor (LCC) on a 1.32 acre site near Lake Alfred. The site was developed with a hotel and was therefore designated L/R on the land use map, but economic and market conditions have changed over the decades and the existing hotel is no longer a viable use of the site. Notably, the hotel use is an allowable non-residential use in the LCC land use district. In addition, the adjacent properties to the east and west are both designated LCC. Therefore, the requested land use map amendment is consistent with adjacent properties and the surrounding land use plan for this area.

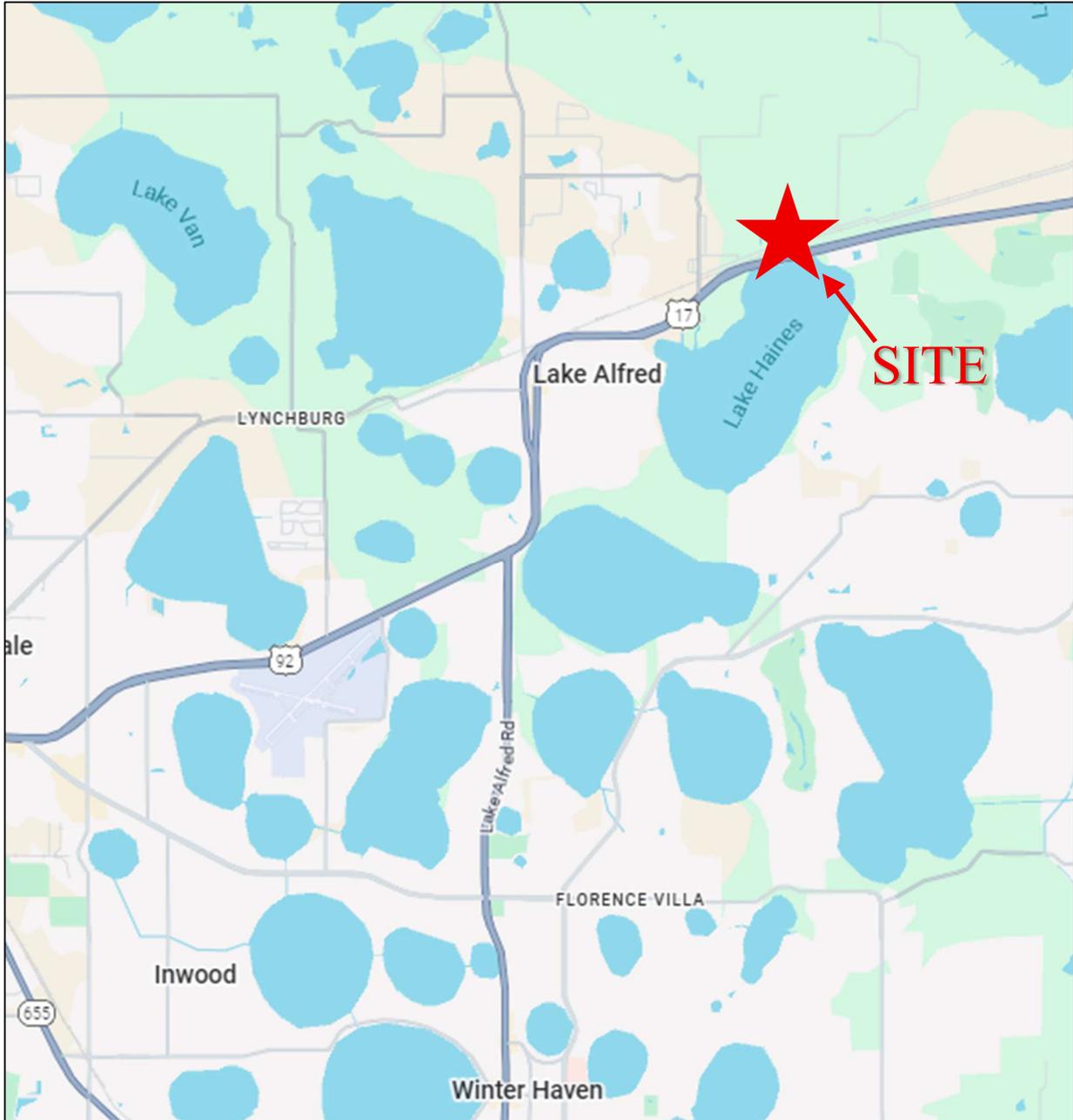


# TDW Land Planning

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**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

## Map A: Location Map





**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

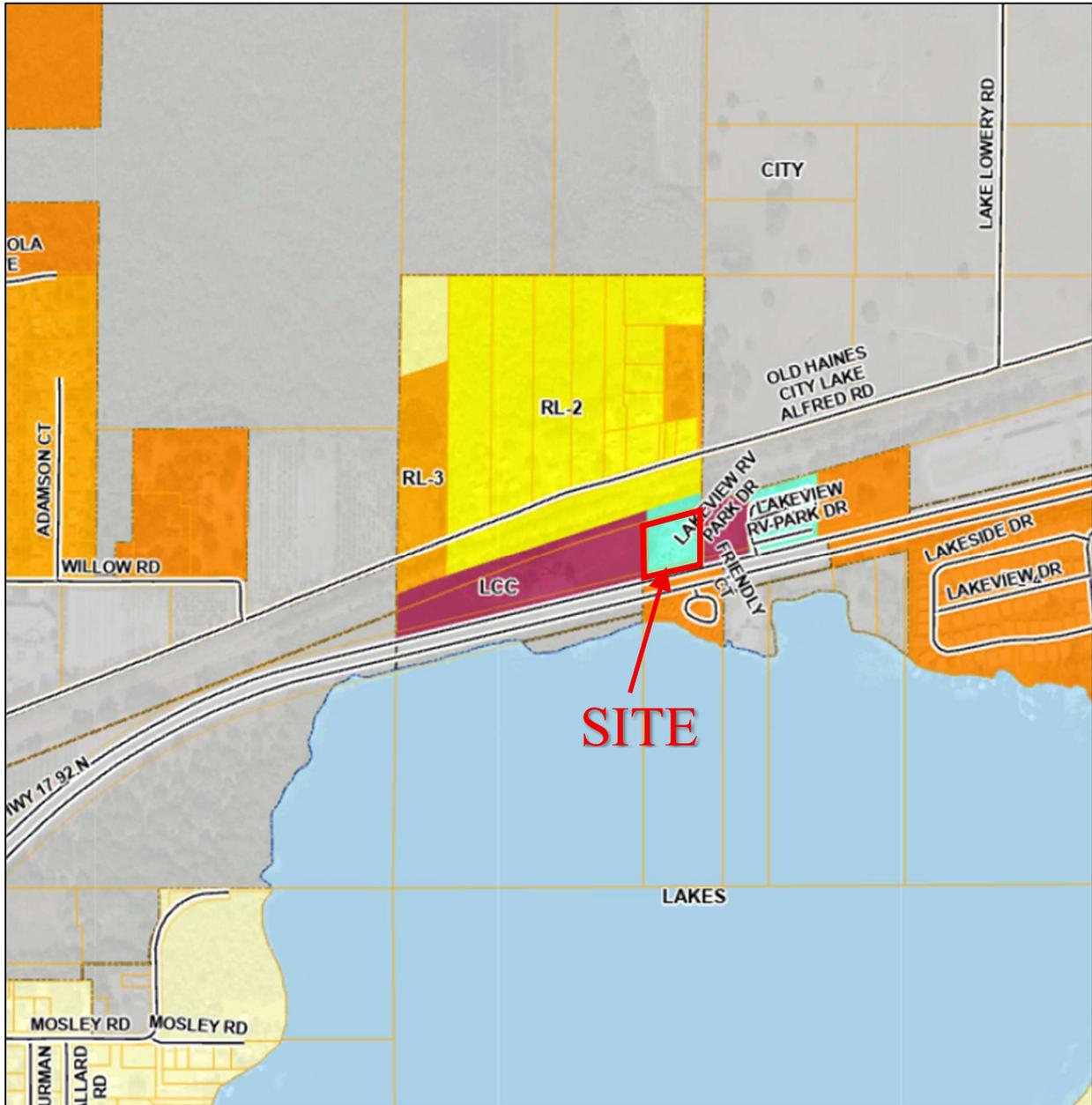
## Map B: Topographical Map





**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

**Map C(1): Existing FLUM**







**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

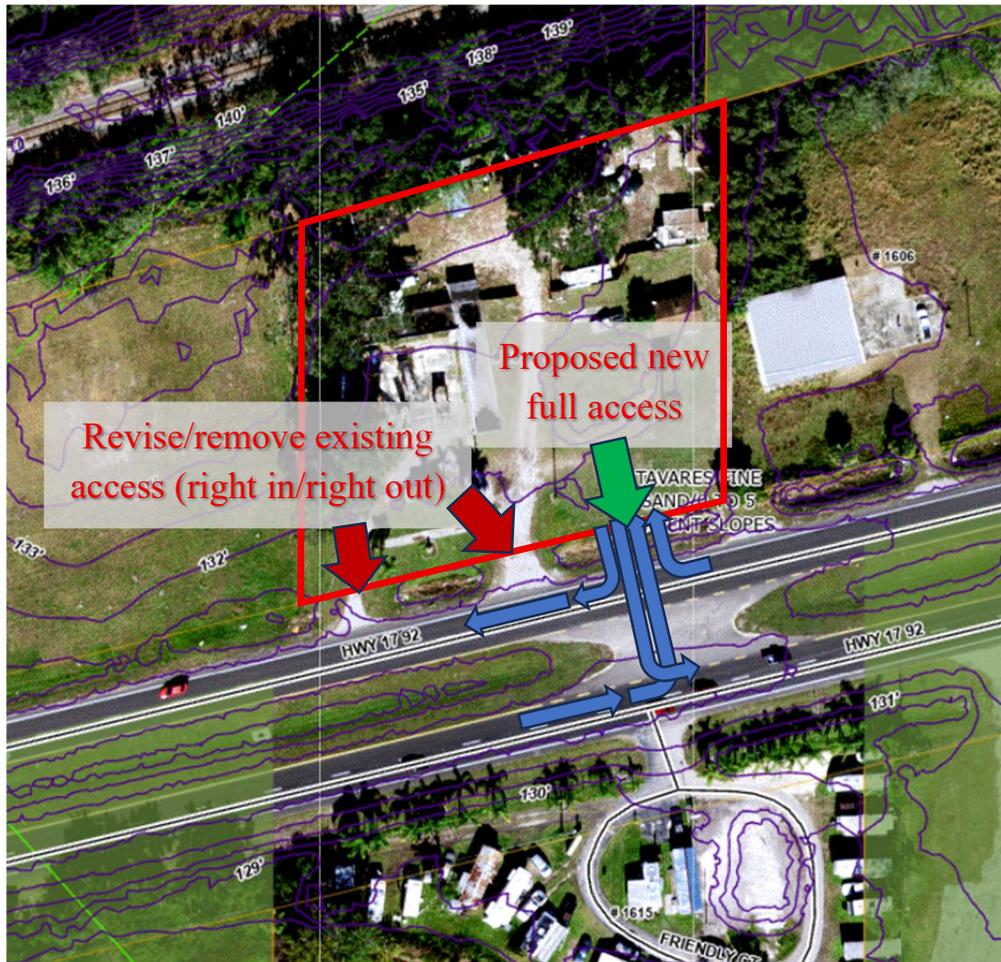
## Map D: Soils





**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

**Map E: Traffic Circulation Map**





# TDW Land Planning

(863) 838-8511 | [tdwlandplanning@gmail.com](mailto:tdwlandplanning@gmail.com)

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**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

**Map F: Site Plan (N/A)**



**Project:** 1594 Hwy 17/92 LCC  
**Site Boundary:** See Legal Descriptions Provided  
**Parcel ID #s:** 262727-490100-000503  
**Acreage:** +/- 1.32 acre site

**Map G: Drainage Map**





Polk County  
Planning Commission

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Agenda Item 4.

3/4/2026

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**SUBJECT**

LDCT-2026-1 Wahneta Main Street Overlay (MSC) LDC Text Amendment

**DESCRIPTION**

This is a County-initiated request for an LDC text amendment to add a Section 403.01.L. to establish the Main Street Corridor (MSC) Overlay, plus reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications.

**RECOMMENDATION**

Approval

**FISCAL IMPACT**

No Fiscal Impact

**CONTACT INFORMATION**

Mark J. Bennett, AICP, FRA-RA, CNU-A

Senior Planner

863-534-6455

markbennett@polkfl.gov

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> February 19, 2026	<b>Level of Review:</b> 4
<b>PC Date:</b> March 4, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 21, 2026	<b>Case Numbers:</b> LDCT-2026-1
<b>Date:</b> May 5, 2026	<b>Case Name:</b> Wahneta Main Street Overlay (MSC) LDC Text Amendment
<b>Applicant:</b> Polk BoCC	<b>Case Planner:</b> Mark J. Bennett

<b>Request:</b>	This is a County-initiated request for an LDC text amendment to add a Section 403.01.L. to establish the Main Street Corridor (MSC) Overlay, plus reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications.
<b>Location:</b>	Wahneta Neighborhood Plan, Rifle Range Road
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	Neighborhood Utility Service Area (NUSA), Suburban Development Area (SDA)
<b>Nearest Municipality:</b>	Winter Haven
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending

**Among the changes to Section 403.01, Wahneta Neighborhood Plan, are:**

- Establish the Main Street Corridor (MSC) Overlay
- Reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications

**Summary:**

This is a County-initiated request to add Section 403.01.L. to establish the Main Street Corridor (MSC) Overlay, plus reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications.

On November 5, 2024, the Board of County Commissioners approved a Comprehensive Plan text Amendment (LDCPAL-2024-2) to establish the Wahneta Main Street Commercial (MSC) Overlay District. This amendment, which was initiated by the County and the request of area property owners, added new policies, plus mapped the Overlay on the Future Land Use Map. The purpose and intent of these changes is to promote the redevelopment of properties along Rifle Range Road and provide a focal point for non-residential activities in Wahneta by allowing for a “main street” of non-residential development, thereby implementing the Basic Principles identified in the Wahneta Neighborhood Plan.

As part of the Comprehensive Plan policy that established the Overlay, there is a requirement that land development regulations be created to implement this policy. This proposed amendment to the Land Development Code contains the proposed regulations. These regulations address items such as allowed uses, right-of-way setbacks, Compatibility Zones, signage, and parking. These proposed regulations were developed with input from the Wahneta community, based on a public workshop that was held on April 10, 2025.

## Findings of Fact

- *LDCT-2026-1 is a County-initiated request for a Land Development Code (LDC) text amendment to add a Section 403.01.L. to establish the Main Street Corridor (MSC) Overlay, plus reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications.*
- *On November 5, 2024, The Board of County Commissioners approved a Comprehensive Plan Amendment (LDCPAL-2024-2) to establish the Wahneta Main Street Commercial (MSC) Overlay District.*
- *LDCPAL-2024-2 consisted of adding new policies to Section 2.124-A of the Wahneta Neighborhood Plan and mapping the Overlay on the Future Land Use Map.*
- *Included with the proposed text amendment are regulations that address allowed uses, conditional use standards, review/approval requirements, right-of-way requirements, compatibility zones, signage, and parking.*
- *The proposed regulations were developed with input from the Wahneta Community, based on a public workshop that was held on April 10, 2025.*
- *Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications, was inadvertently removed from the Land Development Code.*
- *Table 3 regulates the location of Temporary Uses such as Food and Retail Stands, Produce Stands, Meeting Places, and Special Events.*

### Development Review Committee Recommendation:

The Land Development Division, based on the Findings of Fact, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2026-1.

### Analysis:

On November 5, 2024, The Board of County Commissioners approved a Comprehensive Plan text Amendment to establish the Wahneta Main Street Commercial (MSC) Overlay District. This amendment, which was initiated by the County and the request of area property owners, added new policies, plus mapped the Overlay on the Future Land Use Map. The purpose and intent of these changes is to promote the redevelopment of properties along Rifle Range Road and provide a focal point for non-residential activities in Wahneta by allowing for a “main street” of non-residential development, thereby implementing the Basic Principles identified in the Wahneta Neighborhood Plan.

As part of the new policy that established the Overlay, there is a requirement that land development regulations be created to implement this provision. This proposed amendment to the Land Development Code contains the proposed regulations.

After adoption of the text amendment, the next step in the process was to obtain community input on the proposed regulations. On April 10, 2025, a community meeting was held at the Guadalupe Mission Catholic Church on Bomber Road in Wahneta that was conducted by the Central Florida Regional Planning Council (CFRPC) and Land Development Division staff.

Listed below is the summary of the meeting, included as part of the Summary document prepared by the CFRPC staff and included with this report:

*“The April 10, 2025, Wahneta community meeting provided a valuable platform for residents, business owners, and stakeholders to share ideas and concerns about the future of the area. Overall, community members are eager to see new businesses and revitalization efforts that enhance the character and economic vitality of Wahneta. There is a desire for adaptable development regulations (such as setbacks, compatibility zones, and parking) to better accommodate site-specific needs and encourage reinvestment. The community showed a clear preference for simplified regulations to encourage investment and revitalization within the Wahneta Main Street Commercial (MSC) Overlay.*

*A major theme raised was the condition of Rifle Range Road, which many felt is currently inadequate for the volume of traffic and unsafe for pedestrians and cyclists. As the area grows, residents want to see infrastructure improvements but expressed concern about the potential impact on nearby businesses if road widening is pursued.*

*The meeting reflected a community that is eager for positive change but also mindful of the need for balanced, context-sensitive planning that protects local character and ensures accessibility for all.”*

Based on this input, the proposed ordinance was created, and includes the following provisions:

1. Allowed Uses – the Overlay contains a list of allowed uses. These allowed uses are in addition to the list of permitted and conditional uses already listed in Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) for the underlying Future Land Use Districts.
2. Conditional Use Standards – This section outlines the following:
  - Level of Review (C1 or C2)
  - Additional Requirements
  - Exemption of certain use-specific development requirements contained in either Section 303 Conditional Use Standards and/or other provisions of the Wahneta Neighborhood Plan.
3. Review/Approval Process – Outlines the process for uses listed in the Section L1. that are not already listed in Table 4 within the NACX and LCCX Land Use Districts.
4. Right-of-Way Setbacks – This section allows for reductions in the right-of-way setback to promote flexibility in site design and promote a more urban, walkable community.
5. Compatibility Zone – A reduction in the required Compatibility Zone is provided for (up to 25 feet), subject to approval as a variance by the Land Use Hearing Officer.
6. Signage - Within the Overlay, Pole-mounted Free-standing Signs would be prohibited, with only Ground-mounted Free-standing and Monument Signage allowed.

7. Parking - No food truck parking shall be allowed in parking lots that receive the 60% reduction per Section 403.01. F.9. unless additional spaces are included for the food truck and related parking.

### **Benefit-Cost Analysis of the Amendment**

#### *Who does it help?*

This amendment directly benefits landowners of residential and institutional properties that are in the Main Street Corridor Overlay. By allowing certain types of neighborhood commercial and office uses, there will be increased opportunities available for property to be developed or redeveloped, thereby promoting development activity and potentially new businesses in Wahneta. The proposed regulations are also intended to provide a greater flexibility in site design than typically permitted in other areas of the County.

#### *Who does it hurt?*

There is the potential for existing residents living next to the Overlay to deal with impacts caused by new activity along the Corridor. However, because the new regulations still require that the compatibility provisions in Section 220 of the Land Development Code must still be met, the potential for any adverse impacts should be minimized.

#### *What is the cost?*

Any new development/redevelopment within the Overlay will be restricted to only ground-mounted free-standing and monument signage. This requirement may result in additional cost. Also, any site that has already obtained the 60% parking space allowed in Wahneta but subsequently wants to contain a food truck must then provide additional parking to account for the food truck use.

### **Limits of the Proposed Ordinance**

The proposed ordinance is limited to amending the County's Land Development Code to implement the requirements found in Section 2.134-A, Wahneta Neighborhood Plan, by:

Policy 2.134-A4 Main Street Commercial Overlay, by:

- Adding Policy 2.134-A4, Main Street Commercial Overlay.
- Reinstating Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications.

### **Consistency with the Comprehensive Plan**

#### *POLICY 2.134-A4: MAIN STREET COMMERCIAL OVERLAY*

*A. Purpose And Intent - The purpose of the Wahneta Main Street Commercial (MSC) Overlay is to promote the redevelopment of properties along Rifle Range Road and provide a focal point for non-residential activities in Wahneta for a Mainstreet of non-residential development. The intent of the Overlay is to specifically allow for the implementation of the following Vision Basic Principles as identified in the Wahneta Neighborhood Plan and as revised below:*

- *Allow for a changing development environment based on pending impacts of the Thompson Nursery Road expansion.*

- *Work with the residents of Wahneta to develop an updated community strategy to encourage beautification and further define a sense of place based on the expected impacts of the Thompson Nursery Road expansion.*
- *Allow greater flexibility for the development of small businesses and community service providers to meet the changing needs of the community through a conditional use process in residential land use designations.*
- *Encourage the development of diverse employment opportunities to attract businesses that will enable the community to become self-sufficient and enhance the quality of life of the residents that is unique to Wahneta.*
- *Develop multi-modal transportation design and development standards for pedestrians, bicycles, trails, bus service, and vehicles. These standards will enable the community to encourage a more pedestrian-oriented community, particularly along the Rifle Range Road and Bomber Road corridor, while allowing for economic development that will enhance and compliment the community's workforce and residents' diverse heritages.*

*B. Designation and Mapping – The Main Street Commercial (MSC) Overlay shall only be allowed in the Wahneta Neighborhood Plan. The MSC Overlay includes the non-residential future land use designations along Rifle Range Road and selected residential areas to allow for a transition to non-residential uses, such as neighborhood commercial, office, and neighborhood-oriented institutional. Any Future Land Use designation mapping changes in the Overlay shall require a Comprehensive Plan Amendment.*

*C. Overlay Locational Criteria:*

*1. Frontage and Depth Requirements - Properties in the MSC Overlay must be of the same depth as the adjoining non-residential future land use designations. The intent of this provision is to ensure that non-residential uses are not extended into residentially designated areas further away from Rifle Range Road.*

*2. Expansion Criteria – Any extension of the MSC Overlay along Rifle Range Road shall be prohibited until such time as a holistic review of the Wahneta Neighborhood Plan is completed. Infilling of the MSC Overlay shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development.*

*D. Allowed Conditional Use – The following uses may be allowed in the Residential and Institutional Future Land Use designations in the MSC Overlay per the review requirements and development standards of the Land Development Code:*

*1. Residential - Multi-family*

*2. Non-Residential - Non-residential uses may include, but are not limited to, grocery stores, personal service shops, restaurants, specialized and general retail, medical and professional offices, cultural facilities, community centers, churches, schools, community-oriented policing substations, and day care centers.*

*E. Development Criteria – Development or redevelopment within the MSC Overlay shall conform to the review requirements and development standards of the Land Development Code and be subject to the following density and intensity standards*

:

*1. The maximum floor area ratio shall not exceed 0.35 for non-residential development.*

*2. Residential development shall not exceed 10.00 dwelling units per acre.*

*F. Current Future Land Use Designations – The MSC Overlay does not divest any current Future Land Use designation the rights provided it in the Comprehensive Plan and the Land Development Code or the Wahneta Neighborhood Plan. This provision is included to preserve the ability for property owners to utilize their previously allowed uses to preserve their property rights.*

*G. Land Development Code - Polk County shall implement the provisions of this policy by creating flexible development regulations to incentivize development and redevelopment in the MSC.*

The ordinance implements Section 2.134-A - Wahneta Neighborhood Plan Policy 2.134-A4: Main Street Commercial Overlay, specifically Policy 2.134-A4.G: Main Street Commercial Overlay – Land Development Code, by creating flexible development regulations to incentive development and redevelopment in the Corridor.

**Comments from Other Agencies:** Wahneta Commercial Overlay Meeting Summary, prepared by the Central Florida Regional Planning Council.

**Draft Ordinance:** Under separate attachment

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-1, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 403.01 WAHNETA NEIGHBORHOOD PLAN, TO ADD THE MAIN STREET COMMERCIAL OVERLAY AND REINSTATING TABLE 3, WAHNETA NEIGHBORHOOD PLAN TEMPORARY USES MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on March 4, 2026; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code regarding Amending Chapter 403.01, Wahneta Neighborhood Plan, to add the Main Street Commercial Overlay and reinstate Table 3, Wahneta Neighborhood Plan Temporary Uses Modifications; and

**WHEREAS**, the Board of County Commissioners held two public hearings on April 21, 2026 and May 5, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.*

**SECTION 1: FINDINGS** The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026, to consider the LDC text amendments contained within Application LDCT-2026-1 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-1.
- c) The adoption of LDCT-2026-1 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 4, Section 403.01.L. Wahneta Neighborhood Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 403.01 – Wahneta Neighborhood Plan**

**L. Main Street Commercial Overlay** - These requirements implement the purpose and intent of the Wahneta Main Street Commercial (MSC) Overlay, as contained in Policy 2.134-A4: Main Street Commercial Overlay, of the Wahneta Neighborhood Plan.

1. Allowed Uses – Allowable uses are listed in the MSC Overlay as shown below: In addition to the uses allowed in Table 4, the following uses are allowed:
  - a. Residential Uses:
    - Duplex, Two-family Attached
    - Triplex and Quad
    - Multi-family
    - Planned Development
  - b. All Other Uses:
    - Adult Day Care (7 or more clients)
    - Child Care Center
    - Clinics and Medical Offices
    - Community Center
    - Cultural Facility
    - Financial Institution
    - Flea Market Open
    - Government Facility
    - Nurseries, Retail
    - Office
    - Personal Service
    - Religious Institution
    - Restaurant, Sit-down/Take-out

Retail, Less than 5,000 sq.ft.  
Retail, 5,000-19,999 sq.ft.  
Retail, Outdoor Sales/Display

## 2. Conditional Use Standards:

Purpose and Intent - Conditional uses have unique characteristics that require the imposition of development criteria in order to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each conditional use. These criteria shall be met in addition to all other standards of this Code, unless specifically exempted by this section or if the Code states otherwise, and all applicable regulations of other governmental agencies.

### Duplex

- a. Individual Duplexes shall be a C1 Use within the Overlay.
- b. Duplex Development shall be a C2 Use within the Overlay.
- c. Duplexes in the Overlay shall be exempt for the other requirements of the Wahneta Neighborhood Plan.
- d. Duplexes shall be required to comply with the requirements in Section 303.

### Child Care Centers

- a. Child Care Centers shall be a C2 Use within the Overlay.
- b. Child Care Centers within the Overlay shall be exempt from the requirements that Child Care Centers display the characteristics of a residential unit, as contained in Section 403.01.E.1. of the Wahneta Neighborhood Plan.

### Clinic and Medical Office

- a. Clinics and Medical Offices shall be a C2 Use within the Overlay.
- b. Interconnection with adjacent commercial properties shall be required.
- c. No outside storage of any equipment or supplies shall be allowed on site.
- d. The following requirements for Clinics and Medical Offices listed in Section 303 shall be exempt within the Overlay:
  1. The clinic or medical office structure shall be consistent with the character of any adjacent residential neighborhood but maybe allowed to locate in existing non-residential structure without the requirement of being consistent with the character of any adjacent residential neighborhood.
  2. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or higher facility.
- e. All other requirements for clinics and medical offices in Section 303 shall be met.

#### Community Center

- a. Community Centers shall be a C2 Use within the Overlay.
- b. Community Centers shall be required to comply with the requirements in Section 303.
- c. Community Centers in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property, as contained in Section 303 of the Land Development Code.

#### Cultural Facility

- a. Cultural Facilities shall be a C2 Use within the Overlay.
- b. Cultural Facilities in the Overlay shall comply with the Compatibility Standards in Section 220, and the Conditional Use standards listed in Section 303 of the Land Development Code.
- c. Cultural Facilities in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property as contained in Section 303 of the Land Development Code.

#### Flea-Market, Open

- a. Flea-Market, Open shall be a C2 use in the Overlay.
- b. All Flea-Market, Open in the Overlay shall comply with the Conditional Use standards listed in the Wahneta Neighborhood Plan and Section 303 of the Land Development Code.

#### Financial Institution

- a. Financial Institutions shall be a C2 use in the Overlay.
- b. Financial Institutions shall comply with the Compatibility Standards in Section 220 of the Land Development Code.

#### Government Facility

- a. Governmental Facilities shall be a C2 use in the Overlay.
- b. Governmental Facilities with the Conditional Use Standards in Section 303 of the Land Development Code.

#### Multi-Family

- a. Multi-Family uses shall be a C2 use in the Overlay.
- b. Multi-Family uses in the Overlay shall be exempt from the requirements for multi-family development within residential low-density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) contained in Section 303, Multi-Family, Item 5. a. thru h.

#### Nurseries, Retail

- a. Nurseries, Retail shall be a C2 use in the Overlay.
- b. All Nurseries, Retail in the Overlay shall comply with the Conditional Use standards listed in the Wahneta Neighborhood Plan.

#### Religious Institutions

- a. Religious Institutions shall be a C2 use in the Overlay.
- b. Religious Institutions in the Overlay shall comply with the Compatibility Standards in Section 220, and the Conditional Use standards listed in Section 303 of the Land Development Code.
- c. Religious Institutions in the Overlay shall be exempt from the requirement that any proposed parking facilities shall be setback at least 25 feet from adjacent residential property.

#### Restaurant, Sit-down/Take-out

- a. Restaurant, Sit-down/Take-out uses shall be a C2 use in the Overlay.

- b. Restaurant, Sit-down/Take-out uses shall be exempt from the following requirements listed in Section 303:
  - 1) All structures shall connect to water and sewer facilities.
  - 2) Within OC districts (including OCX), Restaurant, Sit-down/Take-out uses shall comprise no more than 20 percent of the overall district.

#### Retail

- a. Retail shall be a C2 use in the Overlay.
- b. Retail uses in the Overlay shall be exempt from the requirement in Section 303 of the Land Development Code that all structures shall not exceed 10 percent of the existing developed OC land use district, and the retail is an accessory use that supports the OC land use.

#### Retail, Outdoor Sales/Display

- a. Retail, Outdoor Sales/Display shall be a C2 use in the Overlay.
- b. Within the Overlay, all outdoor storage shall be at a minimum of 25 feet from any side or rear lot line. An 8-foot-high opaque fence, limited to solid PVC fences, solid wooden fences, or solid masonry walls shall be required along these lot lines.
- c. Retail, Outdoor Sales/Display uses in the Overlay shall be exempt from the minimum-distance requirement from other Outdoor Sales/Display Retail Uses listed in Section 303.

#### Triplex or Quad

- a. Triplexes or Quads shall be a C2 use in the Overlay.
- b. All Triplexes or Quads in the Overlay shall be exempt from the Conditional Use standards listed in the Wahnetta Neighborhood Plan.

#### 3. Review/Approval Process:

Uses in the MSC Overlay that are listed in Section L.1. that are in the Neighborhood Activity Center (NACX) & Linear Commercial Corridor (LCCX) Land Use Districts that are not already listed in Table 4 of the Wahnetta Neighborhood Plan shall be processed as a Level 2 review.

#### 4. Right-of-Way Setbacks:

- a. To promote maximum flexibility in site design, and to also promote a more urban, walkable community, a reduction in the minimum right-of-way front setback for structures on property in the MSC Overlay, may be allowed, subject to approval as a Level 2 review.
- b. Buildings shall not be placed within a clear visibility triangle, utility, drainage, or any other type of easement unless approval is granted by the easement holder.
- c. Landscaping – Buildings that are placed within 6 feet of a front setback property line may request an alternate landscape plan from that required in Section 720. These alternate landscape plans shall be reviewed through the Level 2 process. This requirement may be waived as outlined in Section 932 (Waivers to Technical Standards) if a building is within one foot of a property line.
- d. Clear Visibility Triangle – No buildings, signs, landscaping, fences, walls, or other structures and parking areas shall be located in a clear visibility triangle.

#### 5. Compatibility Zone:

- a. Due to the layout of properties within the MSC Overlay, along with the desire to promote redevelopment, a reduction in the width of the Compatibility Zone is allowed in the MSC Overlay.
- b. A reduction of the Compatibility Zone from the required from 50 feet to a maximum of 25 feet may be allowed, subject to approval as a variance by the Land Use Hearing Officer.

- c. All other requirements of Section 220 for Compatibility Zones shall still apply, regardless of ultimate width of the Zone, and will be reviewed as part of the Level 2 review.
- 6. Signage:
  - a. Within the MSC Overlay, Pole-mounted Free-standing Signs shall be prohibited.
  - b. Only Ground-mounted Free-standing and Monument Signage (as shown in Figure 7.5) shall be permitted.
  - c. All other signage within the MSC Overlay shall comply with the requirements of Section 760 (Signs).
- 7. Parking:
  - a. No food truck parking shall be allowed in parking lots that receive the 60% reduction per Section 403.01. F.9. unless additional spaces are included for the food truck and related parking.
  - b. The food truck location and associated parking shall be shown on the site plan.

**Table 3: Wahneta Neighborhood Plan Temporary Uses Modifications**

<b>Table 3: Wahneta NP Temporary Uses Modifications (Districts that Allow Temporary Uses along Rifle Range Road)</b>				
<b>Districts</b>	<b>Food &amp; Retail Stands</b>	<b>Produce Stands</b>	<b>Meeting Places</b>	<b>Special Events</b>
INSTX	X	X	X	X
RSX	X	X		X
RL-3X	X	X		X
RL-4X	X	X		X
RMX	X	X	X	X

Notes: Refer to Section 207 and Table 2.3, of the Land Development Code, for temporary uses permitted in other land use districts and beyond Rifle Range Road.

**SECTION 4: SEVERABILITY**

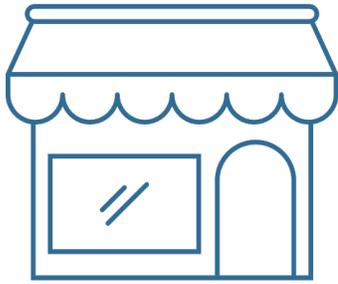
If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA  
this 5<sup>th</sup> day of May 2026.

APRIL 23, 2025



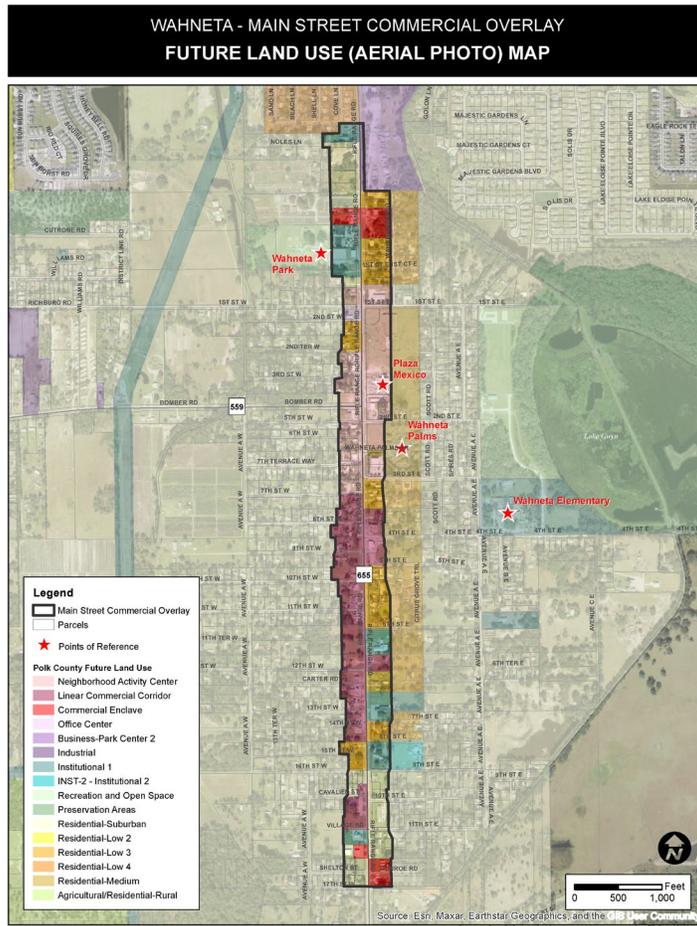
# Wahneta Neighborhood

Vision

Call for details

## Wahneta Main Street Commercial (MSC) Overlay Land Development Regulations

PREPARED BY:



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## Overview

On April 10, 2025, Polk County, in collaboration with the Central Florida Regional Planning Council (CFRPC), hosted a community meeting at the Guadalupe Mission Catholic Church. The event brought together residents and business owners from the Wahnetta community, as well as key stakeholders and representatives from various organizations and community-based groups. The meeting served as a platform for discussion, collaboration, and updates on ongoing and future initiatives aimed at improving the Wahnetta area.

### The purpose of the meeting was to:

- Inform the Community of the Wahnetta Main Street Commercial (MSC) Overlay.
- Provide information to the community on the draft proposed Polk County Land Development regulations for the Wahnetta Main Street Corridor Overlay.
- Identify existing opportunities and challenges specific to residential and commercial uses and in Wahnetta.



Photo: April 10, 2025 Community Workshop

The meeting served as an opportunity for community engagement, offering residents the ability to learn about upcoming plans, proposed regulations and share input that will help shape future development efforts in the area. Forty-two (42) people attended the event.

## Key Themes

The following are overall key themes, as gathered from staff facilitating group discussions.

### Allowable uses:

Participants expressed consensus and support regarding the proposed uses within the Wahnetta Main Street Commercial (MSC) Overlay.

### Front Setbacks:

Attendees supported the proposed flexibility in reducing front setback requirements, as long as the site design is appropriate for the development and compatible with the property.

### Compatibility Zone:

There was support for allowing reductions in the compatibility zone, with attendees emphasizing that such adjustments should be based on neighboring land uses and the nature of the proposed development. Some development types may justify either a larger or smaller compatibility zone.

**Signage:**

Participants were in favor of prohibiting pole-mounted free-standing signs within the MSC Overlay. Only ground-mounted free-standing and monument signage would be permitted, in line with a more cohesive and pedestrian-friendly streetscape.

**Architectural Standards:**

Attendees felt that architectural standards were not necessary within the MSC Overlay. The community's primary focus was on revitalization, including attracting new businesses and promoting economic development in the area.

**Parking:**

There was support for allowing parking reductions, but with important considerations. Participants highlighted that existing businesses already face parking shortages, particularly along Rifle Range Road. To address this, they expressed a desire for a more walkable community that would help reduce the need for on-site parking, or the development of a designated public parking lot to accommodate residents and visitors.

**Traffic/Transportation:**

Attendees expressed that Rifle Range Road currently lacks the capacity to support new development due to traffic congestion and poor pedestrian and bicycle infrastructure. As the community's main corridor, it should serve all users—drivers, walkers, and cyclists. However, residents were concerned about the potential impacts of widening the road, particularly due to the close proximity of existing businesses along the corridor.

**In Summary**

The April 10, 2025, Wahneta community meeting provided a valuable platform for residents, business owners, and stakeholders to share ideas and concerns about the future of the area. Overall, community members are eager to see new businesses and revitalization efforts that enhance the character and economic vitality of Wahneta. There is a desire for adaptable development regulations (such as setbacks, compatibility zones, and parking) to better accommodate site-specific needs and encourage reinvestment. The community showed a clear preference for simplified regulations to encourage investment and revitalization within the Wahneta Main Street Commercial (MSC) Overlay.

A major theme raised was the condition of Rifle Range Road, which many felt is currently inadequate for the volume of traffic and unsafe for pedestrians and cyclists. As the area grows, residents want to see infrastructure improvements but expressed concern about the potential impact on nearby businesses if road widening is pursued.

The meeting reflected a community that is eager for positive change but also mindful of the need for balanced, context-sensitive planning that protects local character and ensures accessibility for all.

## Recommendations

Based on community feedback, the following recommendations are offered for consideration:

1. Move forward with the proposed uses and flexible development standards outlined in the MSC Overlay, as they received support from the community.
2. Eliminate the proposed architectural design requirements within the overlay. This aligns with community priorities focused on revitalization, affordability, and encouraging new business investment.
3. Support reductions in parking and compatibility requirements on a case-by-case basis, especially where developments incorporate walkable design or are near public/shared parking options.
4. Explore opportunities for a shared or public parking lot along or near Rifle Range Road to relieve existing pressure on businesses and support future growth.
5. Initiate a study or planning process for Rifle Range Road improvements that consider:
  - Complete streets concepts for multimodal access (car, pedestrian, bike).
  - Alternatives to widening that minimize business impacts (e.g., streetscape improvements, side street enhancements, traffic calming).
6. Continue community engagement throughout the code refinement and infrastructure planning process to ensure residents and business owners remain informed and involved.



Photo: April 10, 2025 Community Workshop

## Breakout Groups Comments

### **Challenges**

- Would like to see Rifle Range Rd widened to 4-lanes similar to Martin Luther King Jr. Blvd in Florence Villa
- Concerns with truck parking
- Lots of traffic on 3rd street & Rifle Range Rd by Plaza Mexico resulting in accidents
- Surveyors refuse to come to Wahneta, challenge of plots, line lots.
- Rifle Range Rd current infrastructure cannot support commercial development
- Widening of Rifle Range Road will decrease the overlay
- Rifle Range Road needs to be improved at a minimum with a turn lane
- Semi-trucks from CSX ILC use Rifle Range Rd, heavy truck traffic
- Rifle Range Rd is not pedestrian friendly
- Lack of existing parking for big trucks
- Need adequate sidewalks on Rifle Range Rd
- Development on the south side of Wahneta is causing higher traffic
- Public transportation is inadequate
- Need sidewalks up to US17
- Crime issues
- Code enforcement

### **Wants:**

- Make Rifle Range Rad a complete street with sidewalks and bike path with ADA access.
- Homes with Food Trucks allowed
- Rifle Range Rad alternative to keep trucks off corridor
- Provide public parking
- Traffic lights to improve traffic on Rifle Range Rd
- A walkable community

### **Businesses and Services needed:**

- Mix use development. Apartments over commercial on the first floor.
- Bank
- Small businesses
- Sit- down restaurants
- Public transportation

## Outreach and Notification

Organizations, stakeholders, and community members were notified of the Wahneta Community Meeting through the following methods:

- Over 900 property owners were notified by mail.
- Physical copies of meeting flyer were delivered to local businesses and churches for distribution.
- Physical copies of meeting flyer were delivered to Plaza Mexico for customer distribution.
- Physical copies of meeting flyer were delivered to RCMA for distribution to parents.
- Physical copies of meeting flyer were delivered to the Mission of Guadalupe Catholic Church for distribution at Sunday mass.

# Wahneta Community Meeting Notice

Tu hogar  
Your Home



Tu negocio  
Your business



Tu comunidad  
Your Community



## Wahneta Neighborhood

Vision

**SHARE YOUR VOICE ON  
THE WAHNETA  
NEIGHBORHOOD VISION  
THURSDAY, APRIL 10, 2025**

**COMPARTE TU VOS SOBRE  
LA VISIÓN DE LA  
COMUNIDAD DE WAHNETA  
JUEVES, ABRIL 10, 2025**

**5:30PM - 7:00PM**

Meeting starts at 5:30PM | Reunión comienza a las 5:30PM

Join us to discuss the draft Polk County Land Development Code requirements for the Wahneta Main Street Corridor Overlay

Únase a nosotros para discutir los requisitos del Código de desarrollo de terrenos del condado de Polk para la Wahneta Main Street Commercial Overlay (MSC).



**Mission of Guadalupe Catholic Church**

2150 Bomber Rd,  
Wahneta, FL 33880

Contact/Contacto: Brenda Torres, Central Florida Regional Planning Council, (863) 534-7130, ext: 109, btorres@cfrpc.org.



Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, income, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the CFRPC Title VI/Nondiscrimination Coordinator, Brenda Torres, 863-534-7130, extension 109 (voice), or via Florida Relay Service 711, or by email: btorres@cfrpc.org.

La participación pública es solicitada sin distinción de raza, color, origen nacional, sexo, edad, discapacidad, religión o situación familiar. Las personas que requieren alojamiento bajo el Americans with Disabilities Act (ADA) o la traducción de idiomas, de forma gratuita deben ponerse en contacto Brenda Torres, CFRPC Título VI de Entlace, 863-534-7130 (voz), oa través de la Florida Relay Servicio 711, o por correo electrónico btorres@cfrpc.org al menos tres días antes del evento.

# Wahneta Community Meeting Sign-In Sheets

<b>Wahneta Neighborhood Vision Meeting</b> <b>Sign-In Sheet</b> <b>Mission of Guadalupe Catholic Church</b> <b>April 10, 2025, 5:30 PM</b>				
Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Edward+Elizabeth Pratt			111 Ave A Wahneta East, Winter Haven	ep Pratt 1@tampabay.rr.com
William D Smith			505 CIPRES CR W.H.	ws@stet.us@gmail.com
Coretta Russ			131-97th Wahneta St E	
Tabetha Russ			" "	" "
Mauvo Lopez			122 1st Street west Winter Haven	Same
Sebastian Lopez			122 1st Street west Winter Haven	Same
Valentina Serna			118 3rd Wahneta St West	emy2014.vs@gmail.com
adelina salazar			106 3rd Wahneta St. West	

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<b>Wahneta Neighborhood Vision Meeting</b> <b>Sign-In Sheet</b> <b>Mission of Guadalupe Catholic Church</b> <b>April 10, 2025, 5:30 PM</b>				
Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Juleen Deeb	JD	YES	701 Dolly Ben CT	juleend@hotmail.com
Tammy Scott	TS	YES	703 Dolly Ben CT	tscott2023@yahoo.com
Bill Pennington	BP	YES	854 SADDLE OAK PK.	William Pennington 596 @Yahoo.com
Mike Knudstrup	mk	YES	P.O. Box 7572 Lakeland, FL 33807	MKNVDPSTRVPR@yahoo.com
JESUS GONZALEZ	J.G	YES	Jgonzalez@rupertan.com	118 3rd wahneta st west W.H FL 33880
Arturo Gonzalez	A.R	YES	artio@gmail.com	PO Box 2488 Eagle Lake FL 33839
Jose Linares				
Juana Hernandez				

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**Wahneta Neighborhood Vision Meeting  
Sign-In Sheet**

Mission of Guadalupe Catholic Church  
April 10, 2025, 5:30 PM



Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Jorge I Sevilla marganta R Salameth Janice & Maria Ramirez Maria Hernandez	Jr.	yes	Jsevilla.laballe@gmail.com marganta.SevillaSalameth21@gmail.com 500 Ave. A Wahneta Winter Haven, FL 33880	<del>###</del>
Dulce Villalobos			6021 Moran Rd Winter Haven, FL	
Troy Holley	T.H.	yes	136 167th St West 33880	Troy PHolley@yahoo
Francisco Cruz			108 Scott Rd. Winter Haven	FranciscoCruz132@gmail.com
Carmela Ramos Josa Santiago Jocano Santiago		yes	110 Scott Rd Winter Haven 118 1st wahneta st west winter Haven FL 33880	

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**Wahneta Neighborhood Vision Meeting  
Sign-In Sheet**

Mission of Guadalupe Catholic Church  
April 10, 2025, 5:30 PM



Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Mike & Sharril SETSER	MSJL	yes	480 ADRIEN AVE WINTER HAVEN, FL 33880	mssetser@stcglobal.net
Paula Vann		yes	2860 Rifle Range Rd Winter Haven FL 33880	pjanev@aol.com
Victor Cruz	V.C.	yes	114 18th Wahneta St W	
Deisy Cruz	D.C	yes	415 Ave B Wahneta E Winter Haven	
Christian Filomeno	CF	yes	110 Carter Rd Winter Haven	
Alexis Filomeno	AF	yes	110 CARTER RD WINTER HAVEN	
* Luz D Huipio	LH	yes	215 RICHBURG RD Winter Haven 33880	luzhuipio78@gmail.com
Delores Skipper	DS		1140 Ave A Wnt Wahneta	

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**Wahneta Neighborhood Vision Meeting  
Sign-In Sheet**



Mission of Guadalupe Catholic Church  
April 10, 2025, 5:30 PM

Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Maribel Villacas Escobedo 3110 Rille Range Rd Winter Haven, FL 33880		yes		
Candela Y. Lopez 1927 7th Terrace W. Wahneta Winter Haven FL 33880		yes		
Kim Davis		yes	354 Terranova Blvd W. H 33884	Kim@crosbydirt.com
Renzio Garza		yes	P.O. Box 1215 Winter Haven FL 33882	RenzioGarza75@gmail.com
Sue Sanchez			107 West 14 <sup>th</sup> Street 33880	
Margaret Crowliff		yes	114 2nd Wahneta Terr W. H. Wahneta W. Haven FL	
Danica Crowley		yes	11	
Robert Foster		yes	712 Logan Lane Wahneta Winter Haven, FL 33880	

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**Wahneta Neighborhood Vision Meeting  
Sign-In Sheet**



Mission of Guadalupe Catholic Church  
April 10, 2025, 5:30 PM

Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Patricia M. Ogo	PT	Yes	521 Cypress Circle W. H. 33880	

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**Wahnetta Neighborhood Vision Meeting  
Sign-In Sheet**

Mission of Guadalupe Catholic Church  
April 10, 2025, 5:30 PM



Name	Please initial for photo release consent*	Would you like to be added to the mailing list for future workshops?	Mailing Address	Email Address
Karissa Olmos	K/O	YES	281 W Crystal Beach Rd Carle Lake 32839	karissamolmos@yahoo.com

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# Wahneta Community Meeting Presentation (PowerPoint Presentation)

Tu hogar  
Your Home



Tu negocio  
Your business



Tu comunidad  
Your Community



## Wahneta Neighborhood

Vision

THURSDAY, APRIL 10, 2025 | JUEVES, ABRIL 10, 2025

5:30PM - 7:00PM



**Guadalupe Mission  
Catholic Church**  
2150 Bomber Rd,  
Wahneta, FL



### Wahneta Neighborhood Plan Plan Vecinal de Wahneta



The Wahneta Neighborhood Plan was created to recognize existing businesses, assist in the redevelopment of the existing residential and commercial areas, and encourage development of vacant properties to assist in the revitalization efforts for the Wahneta area.



El Plan Vecinal de Wahneta se creó para reconocer los negocios actuales, ayudar en la reurbanización de las áreas residenciales y comerciales existentes y fomentar el desarrollo de propiedades desocupadas para ayudar en los esfuerzos de revitalización del área de Wahneta.

## Wahneta Main Street Commercial (MSC) Overlay Rifle Range Road Corridor

- Develop an updated community strategy to encourage **beautification** and further **define a sense of place**.
- Allow **greater flexibility for the development of small businesses** and community service providers to meet the changing needs of the community.
- Encourage the **development of diverse employment opportunities** to attract businesses.
- Encourage a **pedestrian-oriented community**, particularly along the Rifle Range Road and Bomber Road corridor, while allowing for economic development.



- Desarrollar una estrategia comunitaria actualizada para el **embellecimiento** y **definir aún más el sentido de lugar**.
- **Permitir flexibilidad para el desarrollo de negocios pequeñas** y proveedores de servicios comunitarios para satisfacer las necesidades cambiantes de la comunidad.
- Animar el **desarrollo de diversas oportunidades de empleo** para atraer empresas.
- Incitar una **comunidad orientada a los peatones**, particularmente a lo largo del corredor Rifle Range Road y Bomber Road, al tiempo que permite un desarrollo económico.



**Wahneta**  
**Neighborhood**  
Vision



### Goal | Purpose

- Inform Community of the Wahneta Main Street Commercial (MSC) Overlay.
- Inform on the draft Polk County Land Development Code requirements for the Wahneta Main Street Corridor Overlay.
- Identify existing opportunities & challenges specific to residential & commercial needs in Wahneta.

### Goal | Objetivo

- Informar a la comunidad sobre la Wahneta Main Street Commercial (MSC) Overlay.
- Informar sobre los requisitos del Código de desarrollo de terrenos del condado de Polk para la Wahneta Main Street Commercial Overlay(MSC).
- Identificar oportunidades y desafíos existentes específicos para las necesidades residenciales y comerciales en Wahneta



**Proposed Wahneta Main Street Commercial (MSC) Overlay  
Land Development Regulations  
Polk LDR Section 403.01 – Wahneta Neighborhood Plan**



**Allowable uses are listed in the MSC Overlay as shown below:**

**Los usos permitidos se enumeran en la MSC Overlay como se muestra a continuación:**

Residential Uses:

- Duplex, Two-family Attached
- Triplex and Quad
- Multi-family
- Planned Development

Usos residenciales:

- Dúplex, adjunto para dos familias
- Triplex y Cuádruple
- Multifamiliar
- Desarrollo planificado

All Other Uses:

- Adult Day Care (7 or more clients)
- Child Care Center
- Clinics and Medical Offices
- Community Center
- Cultural Facility
- Financial Institution
- Flea Market Open
- Government Facility
- Nurseries, Retail
- Office
- Personal Service
- Religious Institution
- Restaurant, Sit-down/Take-out
- Retail, Less than 5,000 sq.ft.
- Retail, 5,000-19,999 sq.ft.
- Retail, Outdoor Sales/Display

Todos los demás usos:

- Cuidado diurno para adultos (7 o más clientes)
- Centro de cuidado infantil
- Clínicas y consultorios médicos
- Centro Comunitario
- Instalación Cultural
- Institución financiera
- Mercado de pulgas abierto
- Instalación gubernamental
- Viveros, Comercio minorista
- Oficina
- Servicio personalizado
- Institución religiosa
- Restaurante, Sentado/Para llevar
- Comercio minorista, menos de 5000 pies cuadrados.
- Comercio minorista, 5,000-19,999 pies cuadrados.
- Venta minorista, venta al aire libre/exhibición



## Front Setbacks



- a. To promote **maximum flexibility in site design**, and to also promote a more urban, walkable community, there shall not be any minimum front setback for structures on property in the MSC Overlay.
- b. Buildings shall not be placed within utility, drainage, or any other type of easement unless approval is granted by the easement holder.
- c. Landscaping – Buildings that are placed within 6 feet of a front setback property line may request an alternate landscape plan from that required. These alternate landscape plans shall be reviewed through the Level 2 process. This requirement may be waived if a building is within one foot of a property line.



- a. Para promover la máxima flexibilidad en el diseño del sitio y también para promover una comunidad más urbana y transitable, **no habrá ningún retroceso frontal mínimo para las estructuras en la propiedad en el MSC Overlay.**
- b. Los edificios no se ubicarán dentro de servicios públicos, drenaje o cualquier otro tipo de servidumbre a menos que cuenten con la aprobación del titular de la servidumbre.
- c. Paisajismo: los edificios ubicados a menos de 6 pies de una línea de propiedad con retroceso frontal pueden solicitar un plan de paisajismo alternativo al requerido. Estos planes paisajísticos alternativos se revisarán mediante el proceso de Nivel 2. Este requisito puede no aplicarse si un edificio se encuentra a menos de un pie del límite de una propiedad.



## Building Setbacks Retrosesos en la construcción

**Traditional setbacks**



*More separation distance between a Property line and a building or structure*

*Más distancia de separación entre una línea de propiedad y un edificio o estructura*

**Reduced Front Yard Setbacks**



*Less separation distance between a property line and a building or structure.*

*Menos distancia de separación entre una línea de propiedad y un edificio o estructura*





## Compatibility Zone



- a. Due to the layout of properties within the MSC Overlay, along with the desire to promote redevelopment, a reduction in the width of the Compatibility Zone is allowed in the MSC Overlay.
- b. A **reduction from the required from 50 feet to a maximum of 25 feet may be allowed**, subject to approval by the Planning Commission.
- c. All other requirements of for Compatibility Zones shall still apply, regardless of ultimate width of the Zone, and will be subject to approval.



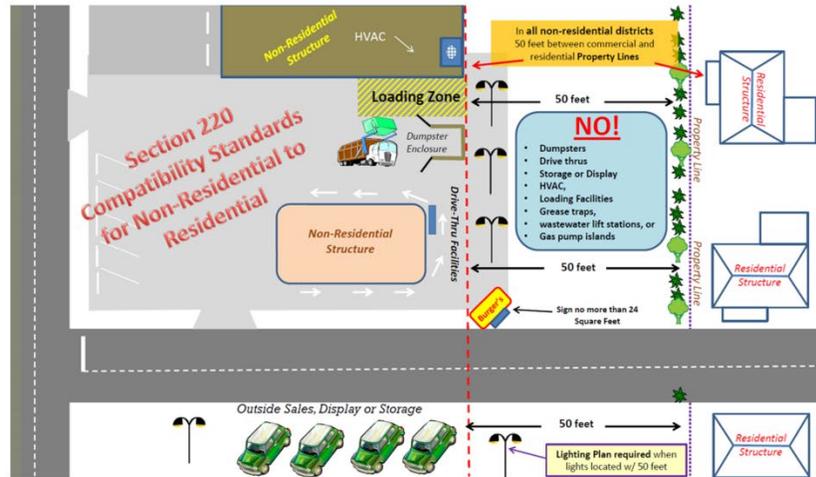
## Zona de Compatibilidad



- a. Debido al diseño de las propiedades dentro del MSC Overlay, junto con el deseo de promover la reurbanización, se permite una reducción en el ancho de la Zona de Compatibilidad en el MSC Overlay.
- b. Se puede permitir **una reducción de los requeridos de 50 pies a un máximo de 25 pies**, sujeto a la aprobación de la Comisión de Planificación.
- c. Todos los demás requisitos de las Zonas de Compatibilidad seguirán aplicándose, independientemente del ancho final de la Zona, y estarán sujetos a aprobación.

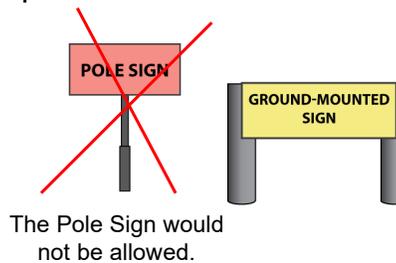


# Compatibility Zone Zona de Compatibilidad



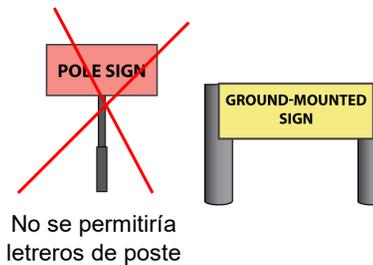
## Signage

- a. Within the MSC Overlay, **Pole-mounted Free-standing Signs shall be prohibited.**
- b. Only Ground-mounted Free-standing and Monument Signage shall be permitted. All other signage within the MSC Overlay shall comply with the requirements of Section 760 (Signs).



## Letreros

- a. Dentro del MSC Overlay, se prohibirán los letreros independientes montados en postes.
- b. Sólo se permitirán señales monumentales e independientes montadas en el suelo. Todos los demás letreros dentro del MSC Overlay deberán cumplir con los requisitos de la Sección 760 (Señales).



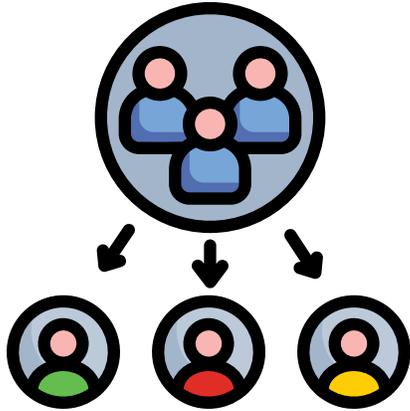
## Architecture / Design Standards Estándares de Arquitectura / Diseño



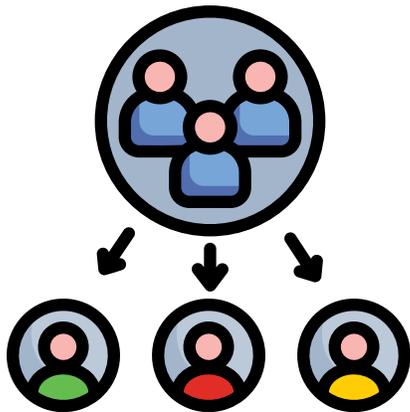
**Without Design Requirements**  
**Sin Requisitos De Diseño**



**With Design Requirements**  
**Con Requisitos De Diseño**



**Breakout Groups | Sesión de Grupos**



**Group Report Outs | Informes Grupales**





# Wahneta Neighborhood Vision



## Next Steps:

### To Be Determined :

Polk County Planning Commission Hearing and Polk County Board of County Commissioners Hearing  
Proposed Wahneta Main Street Corridor (MSC) Overlay Land Development Regulations

## Próximo Pasos

### Ser Determinado

Audiencia de la Comisión de Planificación del Condado de Polk y Audiencia de la Junta Comisionada del Condado de Polk  
Propuesta de requisitos del Código de desarrollo de terrenos del condado de Polk para el Wahneta Main Street Commercial Overlay (MSC).





 **Wahneta**  
Neighborhood  
— Vision —



**For more Information:  
Para más información:**

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**Brenda Torres**

Community Planner & Communications Manager  
**Central Florida Regional Planning Council**  
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Tu hogar  Your Home      Tu negocio  Your business      Tu comunidad  Your Community

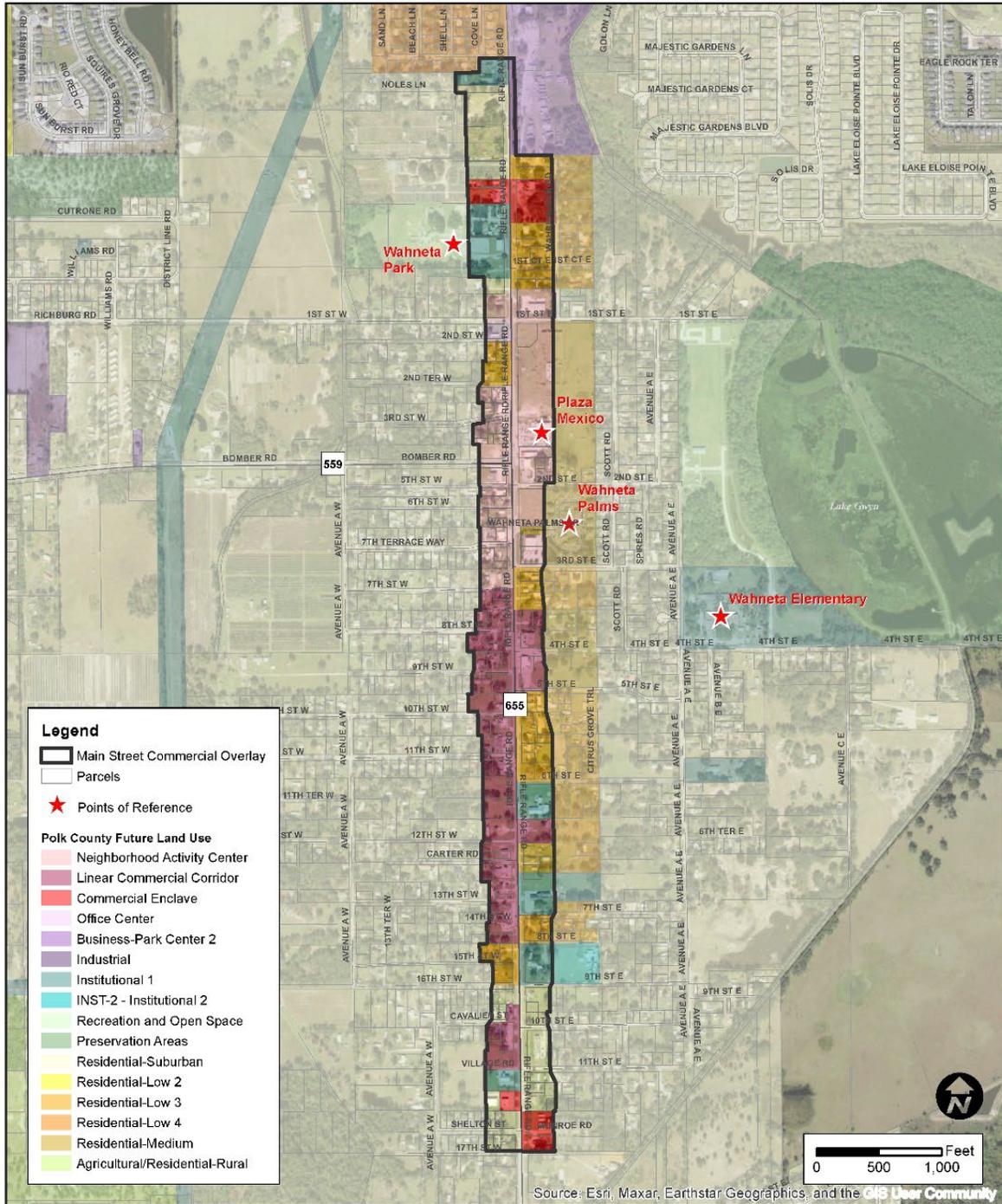
 **Wahneta**  
Neighborhood  
— Vision —

**THANK YOU! | GRACIAS!**



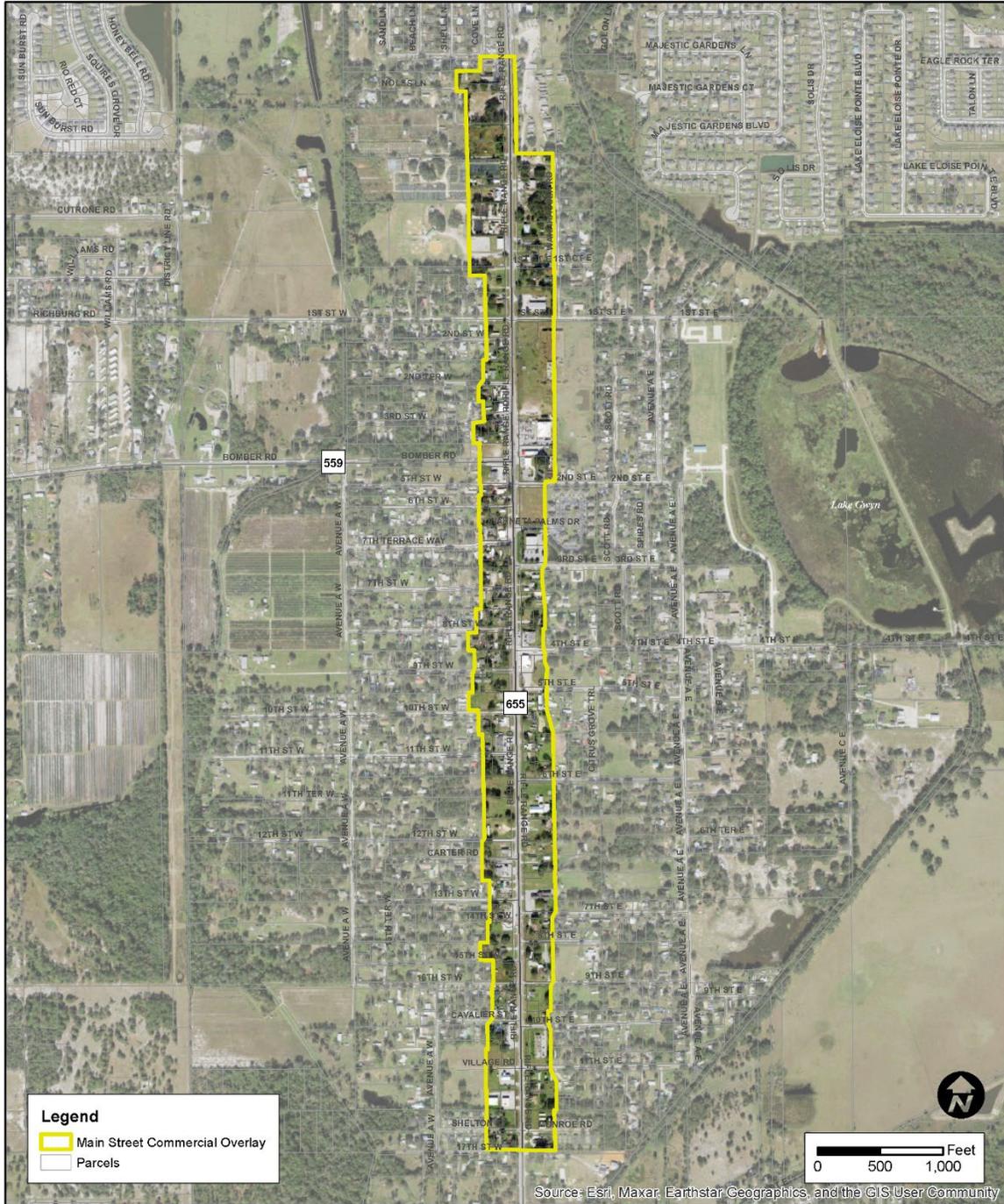
# Wahneta Community Meeting Maps

## WAHNETA - MAIN STREET COMMERCIAL OVERLAY FUTURE LAND USE (AERIAL PHOTO) MAP

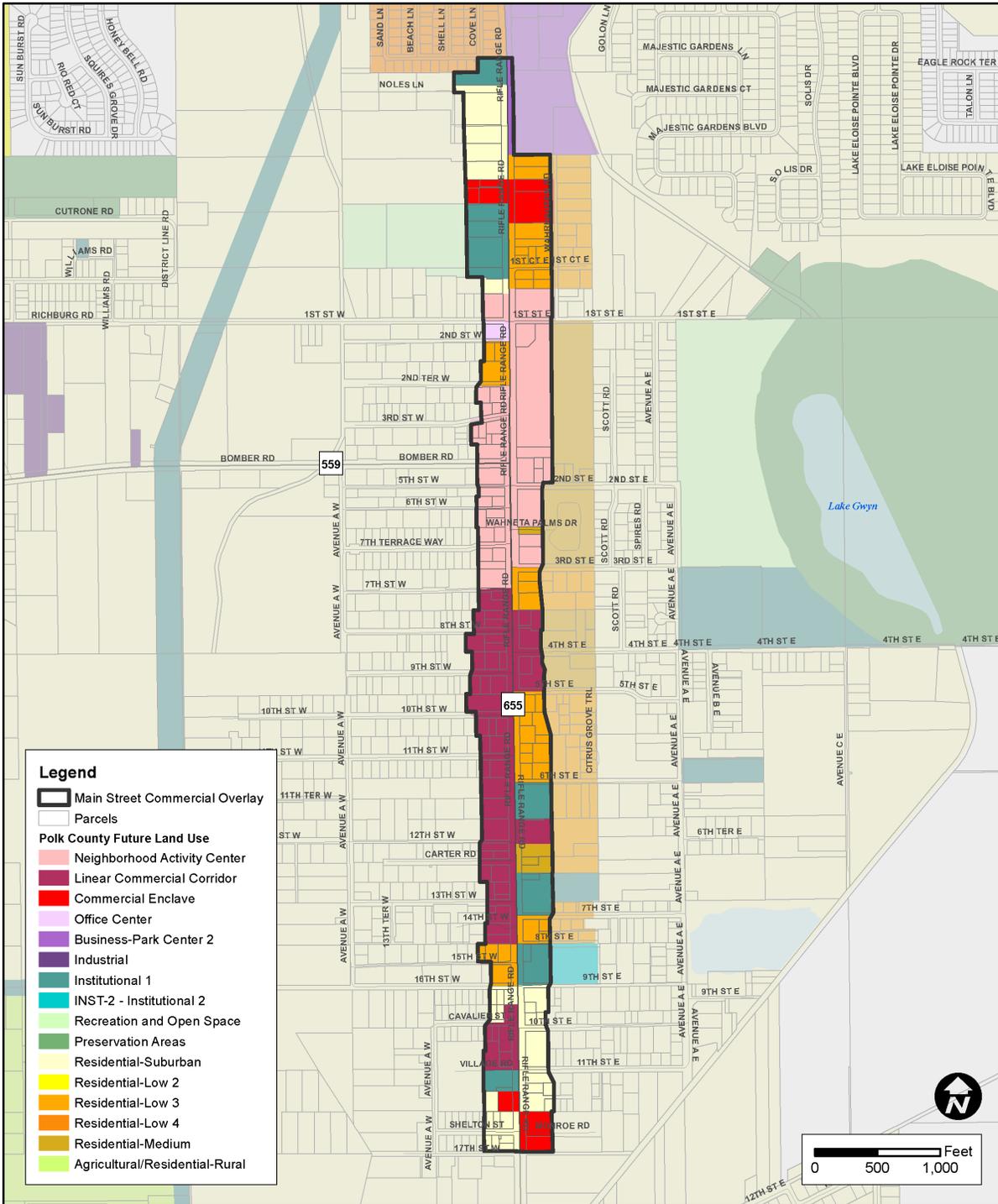




# WAHNETA - MAIN STREET COMMERCIAL OVERLAY AERIAL PHOTO MAP



# WAHNETA - MAIN STREET COMMERCIAL OVERLAY FUTURE LAND USE MAP



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## Wahneta Community Meeting Property Owner Notice - English

### **COMMUNITY WORKSHOP NOTICE**

March 27, 2025

**RE: Thursday, April 10, 2025 – Wahneta Main Street Commercial Overlay (MSC) Community Meeting**

Dear Property Owner:

Please join us and share your thoughts and ideas on the draft Polk County Land Development Code requirements for the Wahneta Main Street Corridor Overlay. This community meeting will be held on **Thursday, April 10, from 5:30 to 7 p.m. at the Mission of Guadalupe Catholic Church, 2150 Bomber Road, Wahneta, FL 33880.**

Discussions will include but are not limited to the Rifle Range Road multi-use corridor and proposed Wahneta Main Street Commercial Overlay Land Development Regulations.

The workshop will be facilitated by the Central Florida Regional Planning Council (CFRPC) in partnership with Polk County.

#### **Wahneta Main Street Commercial Overlay (MSC) Community Meeting**

**Thursday, April 10, 2025  
5:30 p.m. to 7 p.m.**

**Mission of Guadalupe Catholic Church  
2150 Bomber Road  
Wahneta, FL 33880**

This event is open to the public and all interested persons are encouraged to attend. For additional information, please contact Brenda Torres, Central Florida Regional Planning Council, at (863) 534-7130, extension 109 or via e-mail at [btorres@cfrpc.org](mailto:btorres@cfrpc.org).

*Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, income or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the CFRPC Title VI/Nondiscrimination Coordinator, Brenda Torres at 863-534-7130 ext. 109 (voice) or via Florida Relay Service 711, or by email at [btorres@cfrpc.org](mailto:btorres@cfrpc.org).*



## Wahneta Community Meeting Property Owner Notice - Spanish

# AVISO DE REUNIÓN COMUNITARIA

Marzo 27, 2025

**Atención: Jueves 10 de Abril de 2025: Reunión comunitaria de Wahneta Main Street Commercial Overlay (MSC)**

Estimado propietario:

Únase a nosotros para compartir sus pensamientos e ideas sobre los requisitos del Código de Desarrollo de Terrenos del Condado de Polk para el corredor principal de Wahneta. Esta reunión comunitaria se llevará a cabo el **Jueves 10 de Abril de 2025, de 5:30 a 7 p.m. en la Iglesia Católica Misión de Guadalupe, 2150 Bomber Rd, Wahneta, FL 33880**

Las discusiones incluirán, entre otras, el corredor de usos múltiples de Rifle Range Road y las regulaciones propuestas para el desarrollo de terrenos de Wahneta Main Street.

La reunión será facilitado por el Consejo de Planificación Regional de Florida Central (CFRPC) en asociación con el condado de Polk.

### **Reunión Comunitaria Sobre el Wahneta Main Street Commercial Overlay (MSC)**

**Jueves, Abril 10, 2025**

**5:30 p.m. to 7 p.m.**

**Iglesia Católica Misión de Guadalupe**

**2150 Bomber Rd**

**Wahneta, FL 33880**

El evento está abierto al público y se anima a todas las personas interesadas a asistir. Para obtener información adicional, comuníquese con Brenda Torres, Consejo de Planificación Regional de Florida Central, Central Florida Regional Planning Council al (863) 534-7130, extensión 109 o por correo electrónico a [btorres@cfrpc.org](mailto:btorres@cfrpc.org).

*La participación pública es solicitada sin distinción de raza, color, origen nacional, sexo, edad, discapacidad, religión o situación familiar. Las personas que requieren alojamiento bajo el Americans with Disabilities Act (ADA) o la traducción de idiomas, de forma gratuita deben ponerse en contacto Brenda Torres, CFRPC Título VI de Enlace, 863-534-7130 (voz), oa través de la Florida Relay Servicio 711, o por correo electrónico [btorres@cfrpc.org](mailto:btorres@cfrpc.org) al menos tres días antes del evento.*





Polk County  
Planning Commission

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Agenda Item 5.

3/4/2026

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**SUBJECT**

LDCT-2025-28 (Flex Space & Retail Plazas)

**DESCRIPTION**

A County-initiated LDC Text Amendment to Section 221, Principal Uses and Buildings, to add standards for Flex Space and Retail Plazas; to Chapter 10 to add definitions.

**RECOMMENDATION**

Approval

**FISCAL IMPACT**

No Fiscal Impact

**CONTACT INFORMATION**

Ian Nance  
Land Development  
(863) 534-7621  
ivannance@polkfl.gov

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> January 29, 2026	<b>Level of Review:</b> Level 4 Review
<b>PC Date:</b> March 4, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 7, 2026	<b>Case Numbers:</b> LDCT-2025-28
April 21, 2026	<b>Case Name:</b> Flex Space & Retail Plazas
<b>Applicant:</b> Polk County	<b>Case Planner:</b> Ian Nance

<b>Request:</b>	A County-initiated LDC Text Amendment to Section 221, Principal Uses and Buildings, to add standards for Flex Space and Retail Plazas; to Chapter 10 to add definitions.
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending

**Among the changes to Section 221, Principal Uses & Buildings:**

- Add standards for Flex Space Buildings and Retail Plazas.

**Among the Changes to Chapter 10, Definitions:**

- Adding definition for “Flex Space.”
- Adding definition for “Retail Plaza”

**Summary:**

This is a County-initiated amendment intended to improve customer service and staff direction when a structure is proposed that can accommodate several uses. These types of structures often have multiple suites that provide flexibility for users that include office, warehousing, and/or retail and commercial space, either in whole or part of a suite. Commonly known as “flex space” these structures are common throughout the County, notably in Business Park Center (BPC) districts. Their commercial counterpart is the retail plaza found in the County’s activity centers and other commercial districts.

Neither the Comprehensive Plan nor the Land Development Code (LDC) do well in guiding citizens and staff in the development and review of these structures. Too often, the structure is confused with the use. For instance, many flex space facilities have large, attached warehouses used for the storage of vehicles and materials in conjunction with an administrative office. These are common with construction and contractor offices. The building might be, by a building definition, a warehouse, but the use is not always warehousing, a defined activity in the LDC that implies warehousing and distribution.

When applicants apply to build flex space, it is often termed warehousing, whether that use is proposed onsite or not, based on the building type. This is not an issue in BPC where warehousing is permitted, but in other land use districts where it is not, the term “office” is generally applied to permit the construction of the facility.

Flex Space and Retail Plaza are not uses – what is allowed within them are uses, regulated by the Use Tables. This amendment definitively separates the structure type from the Use Tables, which are intended to guide the activity on the property, regardless of how it is housed.

Among the standards that will be added are limits to certain uses within these structures, as dictated by the Comprehensive Plan and LDC. For instance, no more than one suite or 10% of the total square-footage (whichever is greater) of a Flex Space Building can be retail or restaurant in Office Center districts. In land use districts with percentage caps for certain uses, those flex space buildings that meet these standards will not count towards the cap. This is an effort to be inclusive to smaller businesses; to recognize that these are ancillary to the other uses onsite; and to avoid complicated calculations when comparing one suite, or a part thereof, to the overall future land use district that could be many acres.

Staff recommends approval. This is a much-needed change to the LDC that will eliminate some of the “gray” in applying development standards, as related to such structures.

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

- LDC Table 2.1 Use Table
- LDC Section 221, Principal Uses & Buildings
- LDC Section 303 Conditional Use Criteria
- LDC Chapter 4 Special Districts Use Tables
- LDC Chapter 5 Green Swamp Area of Critical State Concern
- LDC Section 708 Parking Space Requirements
- LDC Section 720 Landscaping Standards
- LDC Chapter 10 Definitions

**Findings of Fact**

- *A County-initiated LDC Text Amendment to Section 221, Principal Uses and Buildings, to add standards for Flex Space and Retail Plazas; to Chapter 10 to add definitions.*
- *LDC Chapter 10 defines OFFICE as, “A place in which business, professional, or clerical business is conducted.”*
- *LDC Chapter 10 defines WAREHOUSING/DISTRIBUTION as, “A building or group of buildings used for the storage and distribution of goods belonging either to the owner of the facility or to one or more lessees of space in the facility or both including are enclosed wholesale but not including self-storage facilities. Outdoor storage or distribution of goods is only permitted in districts that allow for outdoor storage or outdoor activity.”*

- *LDC Section 912 allows any property owner, BoCC, or agency to apply to the Department to amend the text of this Code, the text of the Comprehensive Plan, or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.*
- *This application has been reviewed for consistency with applicable Comprehensive Plan and LDC policies.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2025-28**.

### **Analysis:**

The Comprehensive Plan’s Future Land Use Map and the Land Development Code are designed for land use activities and where they belong. They do not always function well with the structures in which these uses might take place. Mobile Homes are one example. These are single-family uses no different than a site-built home in both activity and impact on surrounding infrastructure. A stigma is attached to Mobile Homes, however, that has led to a set of criteria that requires extra review apart from a standard site-built home that can be placed on any legal lot.

Non-residential structures are often caught between use categories where there is an assembly of different companies in one building, or the building is designed to accommodate multiple functions. Many building types, especially those intended for construction companies and contractors, have a warehouse component in addition to an office to store materials and vehicles prior to leaving for the field for the day. That this is a warehousing space, by a building term or taxing code, does not make it *warehousing* by LDC definitions - not by the actual activity conducted onsite, its intensity, or its impacts on the general area.

What has happened in the past with Flex Space Buildings is to regard them as warehousing. This will get the building permitted in land use districts where warehousing is encouraged, such as BPC, but there can be issues when future higher-intensity users fill flex space suites and there is not ample parking. Staff often does not know which landscaping requirements. What also happens is sometimes a similar structure is proposed in a land use district that does not allow warehousing, such as the Neighborhood Activity Center or Commercial Enclave. Flex Space is then categorized as “Office.” Again, this does not always accurately reflect the activity onsite and creates confusion among staff and applicants.

What this amendment accomplishes is eliminating this confusion by adding Flex Space Buildings to the LDC under Principal Uses and Structures. This will allow these buildings to be constructed through a Level 2 Review, without necessarily assigning a use beforehand. A Parking Assessment will be required based on existing LDC standards that will reflect potential users, including those with the most need for parking. A standardized Type “A” buffer will be required, and the tenants of the flex space suites will be permitted in accordance with the applicable Use Table. In most cases, a simple building permit to change the use will be all that is necessary.

Finally, the new standards will limit the number of suites or square-footage certain users may occupy within Flex Space Buildings based upon caps placed by the Comprehensive Plan. For instance, retail and commercial activities in BPC districts are limited to 15% of the district. So, if a stand-alone gas station is proposed within a 10-acre BPC district, it is restricted to 1.5 acres of the district. If one is developed on parcel up to that size, it essentially precludes other commercial development within the district.

In the spirit of preventing the BPC from becoming a commercial district, as required by the Plan, while still maintaining an inclusiveness for different users, flex space development as proposed here will allow up to one suite or 15% of the overall square-footage of the building to be used for commercial uses, whichever is greater. This complies not only with the threshold set by the Comprehensive Plan but meets the overall purpose of allowing limited commercial uses in BPC, which is to serve those other uses located within. Since this is a limited percentage and ancillary to the predominant businesses within the district, those commercial uses will not be counted against the overall district cap. Staff finds this to be inclusive to small businesses, prevents complicated calculations of area by applicants and staff, and meets the intent of the Comprehensive Plan.

The companion to Flex Space is the Retail Plaza. Essentially, Retail Plazas are flex space structures, capable of accommodating multiple users within one building. The main difference, though, is a primary need for visible storefront to attract customers that office and warehousing uses do not require. These include not only retail but also restaurants and personal services. Once more, the building can be constructed through Level 2 Review plans and uses ultimately approved administratively through what is permitted in the Use Tables.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

This amendment will aid staff and applicants in knowing which standards apply when proposing a Flex Space Building or Retail Plaza. There is currently too much confusion between the structure and the use and what should be allowed in future land use districts, which are tailored to the latter.

#### *Who does it hurt?*

No harm is anticipated with this amendment. The Code now is more restrictive than what is proposed. It could be construed by staff that a proposed flex space building in BPC would not be permitted a small restaurant within one suite because the commercial cap in BPC was already exceeded. This amendment will be more inclusive, allowing commercial uses – to a limited degree – within flex space buildings in such a scenario.

#### *What is the cost?*

Staff finds there should be no fiscal impacts with this amendment.

## Comparisons to other Jurisdictions:

For regulatory comparisons, staff commonly surveys counties along the I-4 corridor; those with a comparable mix of rural, suburban, and urban development like Polk; and the largest cities within Polk. This method of selection creates a survey of 18 total local jurisdictions. Polk County has a rare form of land use regulation with its direct connection between the Comprehensive Plan Future Land Use Map and the zoning of use and structure types.

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Flex Space Defined</b>	<b>Retail Plaza Defined</b>	<b>Notable Standards</b>
<b>Alachua County</b>	No	No	N/A
<b>Brevard County</b>	No	No	N/A
<b>Duval County</b>	No	No	N/A
<b>Hardee County</b>	No	No	N/A
<b>Highlands County</b> <i>Section 12.02.104</i>	Within the Lake Placid Regional Plan.  Land which may be used for a variety of light assemblage, fabrication, storage, light industrial, office space, and support commercial uses	No	All development within the Lake Placid Regional Plan Area shall be accomplished using a PD.
<b>Hillsborough County</b> <i>Sec. 3.12.04</i>	No	Retail/Office Development Block in Brandon Main Street	For non-residential, mixed use, civic and multi-family development, block length shall be a maximum of 900 feet including alleys that may bisect the block, and block width shall be a maximum of 500 feet including alleys that may bisect the block.
<b>Lake County</b>	No	No	N/A
<b>Manatee County</b>	No	No	No
<b>Orange County</b> <i>Sec. 38-1</i>	Flex Warehousing shall mean warehousing space designed to be subdivided into smaller tenant spaces...with the capability to add office, assembly, showroom or other business activities besides principal distribution.	No	None Noted
<b>Osceola County</b>	No	No	N/A
<b>Seminole County</b>	No	No	N/A
<b>Volusia County</b> <i>Sec. 72-2</i>	Flex office/warehouse: Flex-type or incubator tenant space that lends itself to a variety of uses. The building may be designed for single or multiple tenants, divided in spaces running front to rear. Office space is typically located at the front of the building with warehouse space toward the rear and accessed by roll-up delivery doors. The space may include such uses as offices; retail and wholesale stores; warehousing, manufacturing, or scientific research functions.	No	Flex Space Allowed in Light Industrial, Southwest Activity Center Commerce Classification.  One Parking Space per 1,000 sq. ft. of GFA, plus 1 loading space per 2,000 GFA for designated truck parking area, plus 2 per 1,000 GFA of retail display/sales area
<b>Auburndale</b>	No	No	N/A
<b>Bartow</b>	No	No	N/A

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Flex Space Defined</b>	<b>Retail Plaza Defined</b>	<b>Notable Standards</b>
<b>Haines City</b>	No	No	N/A
<b>Lakeland</b>	No	No	N/A
<b>Lake Wales</b>	No	No	N/A
<b>Winter Haven</b>	No	No	N/A

Of the 18 jurisdictions surveyed, only three directly reference flex space within their definitions. Two more or less lumped flex space with warehousing. In Orange and Volusia counties, the definition is close to what is being proposed in Polk - either a building or a singular unit within can be modified for various uses.

No districts directly define Retail Plazas, though this may be a function of their zoning ordinances where structure type is not a consideration, so long as it meets development standards in their zoning district.

### **Limits of the Proposed Ordinance**

This amendment applies to all commercial, industrial, and Business Park Future Land Use districts within the unincorporated areas of the County, including the Green Swamp Area of Critical State Concern.

The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the DEO Community Planning Department Areas of Critical State Concern Program prior to becoming effective. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code.

### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. This is reconfiguring standards already applicable in the Code.

**Comments from Other Agencies:** This text amendment was reviewed by members of the Development Review Committee without further comment.

**Draft Ordinance:** Under separate attachment.

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-28, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 221, PRINCIPAL USES AND BUILDINGS, TO ADD STANDARDS FOR FLEX SPACE BUILDINGS AND RETAIL PLAZAS; CHAPTER 10, DEFINITIONS, TO ADD DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on March 4, 2026; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code to add standards for flex space structures and retail plazas; and

**WHEREAS**, the Board of County Commissioners held two public hearings on April 7, 2026, and April 21, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.*

**SECTION 1: FINDINGS** The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026, to consider the LDC text amendments contained within Application LDCT-2025-28 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-28.
- c) The adoption of LDCT-2025-28 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 2, Section 221, Principal Uses and Buildings, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 221 Principal Uses and Buildings**

Use districts represent principal uses which conform to the intent of this Code.

**A. Residential Districts/Uses**

In a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code.

**B. Non-residential Districts/Uses**

In any Multi-family, Office, Commercial, or Industrial district, a single use, detached building, or a group of uses shall be permitted as a matter of right or may be authorized by a Conditional Use Permit on a single lot meeting the minimum requirements of this Code. A multiple building complex shall be considered as a single principal use.

**C. Flex Space Buildings**

Flex Space Buildings may be permitted within non-residential Future Land Use districts with a Level 2 Review approval pursuant to Sections 704 and 905. Uses within Flex Space Buildings shall adhere to what is allowable within the underlying Future Land Use District, as demonstrated in Table 2.1 and the Use Tables for the Selected Area Plans, Neighborhood Plans, and Green Swamp Area of Critical State Concern.

- 1. In the following Future Land Use districts, the following standards shall apply:
  - a. Within Convenience Center (CC) and Neighborhood Activity Center (NAC) districts, no more than 40% of the total square-footage of the building may consist of office as a primary use.
  - b. Within Business Park Center (BPC) and Industrial (IND) districts, retail and commercial activities to support onsite activities shall not

exceed one suite or 15% of the total square-footage of the structure, whichever is greater.

- c. Retail sales associated with manufacturing activity on the site of a business located within a Business Park Center or Industrial district is allowed without affecting the 15% of commercial activity permitted above provided the operation is incidental and subordinate to the manufacturing activity conducted on site.
  - d. Within Office Center (OC) districts, retail and/or restaurant uses shall not exceed one suite or ten 10% of the total square-footage of the structure, whichever is greater.
  - e. Within Employment Center (EC) and Professional Institutional (PI) districts, retail uses shall not exceed one suite or 30% percent of the total square-footage of the structure, whichever is greater.
  - f. The percentages listed here shall not count towards those mandated by the Comprehensive Plan for the overall district.
- 2. A minimum Type “A” landscaping buffer shall be provided on all side and rear property lines unless otherwise stricter standards are required by Selected Area Plan (SAP) standards or Compatibility requirements in Section 220.
  - 3. A Parking Assessment, pursuant to standards in Section 708, shall be submitted with all Level 2 Review applications for Flex Space Buildings. This assessment shall analyze the parking requirements for the most intense uses anticipated within the proposed building.
  - 4. Docking facilities and bay doors shall not face public rights-of-way. Those facilities abutting residential properties shall adhere to compatibility standards in Section 220.
  - 5. In accordance with Section 704.A, uses listed as “C2” conditional uses shall not require a Level 2 Review when locating within an existing suite unless external construction is being proposed.

**D. Retail Plazas**

Retail Plazas may be permitted within commercial Future Land Use districts with a Level 2 Review approval pursuant to Sections 704 and 905. Uses within Retail Plazas shall adhere to what is allowable within the underlying Future Land Use District, as demonstrated in Table 2.1 and the Use Tables for the Selected Area Plans, Neighborhood Plans, and Green Swamp Area of Critical State Concern.

- 1. A minimum Type “A” landscaping buffer shall be provided on all side and rear property lines unless otherwise stricter standards are required by Selected Area Plan (SAP) standards or Compatibility requirements in Section 220.

2. A Parking Assessment, pursuant to Section 708, shall be submitted with all Level 2 Review applications for all Retail Plazas. This assessment shall analyze the parking requirements for the most intense uses anticipated within the proposed facility.
3. In accordance with Section 704.A, uses listed as “C2” conditional uses shall not require a Level 2 Review when locating within an existing suite unless external construction is being proposed.

**SECTION 3:** Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

FLEX SPACE: A single structure with one or more suites intended for multiple uses and functions that typically consist of flexible, modular layouts that allow businesses to combine manufacturing, showroom, warehouse, retail, and/or administrative functions, either as primary or accessory uses.

...

RETAIL PLAZA: A single structure with multiple suites intended primarily for sales and service to the public. These are designed for customer-facing businesses such as retail, restaurants, and personal services.

...

#### **SECTION 4: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

#### **SECTION 5: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,  
FLORIDA this 21<sup>st</sup> day of April 2026.

# LDCT-2025-28 - Flex Space

Menu Reports Help

**Application Name:** [Flex Space](#)

**File Date:** [12/20/2025](#)

**Application Type:** [BOCC-LDC Text Change](#)

**Application Status:** [Approved for Hearing](#)

**Application Comments:** View ID Comment Date

**Description of Work:** [Flex Space \(Add Flex Space into the LDC\)](#)

**Application Detail:** [Detail](#)

**Address:** [330 W CHURCH ST, BARTOW, FL 33830](#)

**Parcel No:** [253006393000000172](#)

**Owner Name:** [POLK COUNTY](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">POLK COUNTY</a>		Applicant	<a href="#">Mailing_330 W Church ...</a>	Active
	<a href="#">POLK COUNTY</a>		Engineer	<a href="#">Mailing_330 W Church ...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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**Job Value:** [\\$0.00](#)

**Total Fee Assessed:** [\\$850.00](#)

**Total Fee Invoiced:** [\\$0.00](#)

**Balance:** [\\$0.00](#)

**Custom Fields:** **LD\_PUBL\_HEAR**

PUBLIC HEARINGS	
Development Type	Application Type
<a href="#">Board of County Commissioners</a>	<a href="#">Government Project</a>
Variance Type	Brownfields Request
-	-
Affordable Housing	

### GENERAL INFORMATION

Expedited Review	Number of Lots
-	-
Will This Project Be Phased	Acreage
	<a href="#">0</a>
DRC Meeting	DRC Meeting Time
<a href="#">01/29/2026</a>	<a href="#">11:15 AM</a>
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time
-	-
Number of Units	Green Swamp
-	<a href="#">No</a>
Is this Polk County Utilities	Case File Number
	-
FS 119 Status	One Year Extension
<a href="#">Non-Exempt</a>	-

### ADVERTISING

Legal Advertising Date	BOCC1 Advertising Date
-	-
BOCC2 Advertising Date	Advertising Board
-	<a href="#">Board of County Commissioners</a>

### MEETING DATES

Community Meeting	Planning Commission Date
-	<a href="#">03/04/2026</a>
BOA Hearing Date	1st BOCC Date
-	<a href="#">04/07/2026</a>
2nd BOCC Date	
<a href="#">04/21/2026</a>	

### HEARING

PC Hearing Results	PC Vote Tally
-	-

BOCC 1st Hearing Results  
 BOCC 2nd Hearing Results  
 -

BOCC 1st Vote Tally  
 BOCC 2nd Vote Tally  
 -

FINAL LETTER

Denovo Appeal  
 -  
 Denovo Tally  
 -

Denovo Results  
 -

**LD\_PUBL\_HEAR\_EDL**

[Opening DigEplan List...](#)  
 DigEplan Document List  
[Open](#)

**PLAN REVIEW FIELDS**

TMPRecordID  
[POLKCO-REC25-00000-01GT6](#)  
 RequiredDocumentTypesComplete  
[No](#)

DocumentGroupforDPC  
[DIGITAL PROJECTS LD](#)  
 AdditionalDocumentTypes  
[Applications, AutoCad File Binding Site Plans \(PDs, Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)  
 DigitalSigCheck  
[Yes](#)

Activate FSA  
[Yes](#)

**NOR**

**Neighborhood Organization Registry (NOR)**

**PUBLIC MAILERS**

**Posting Board**   **Number of Boards** (Number)   **Number of Mailers** (Number)   **Date Mailed**   **Date Posted**   **NOR**

**Workflow Status:**

Task	Assigned To	Status	Status Date	Action By
<a href="#">Application Submittal</a>	Lyndsay Rathke	Application ...	01/05/2026	Lyndsay Rathke
Engineering Review				
<a href="#">Surveying Review</a>	Mike Benton	Approve	01/23/2026	Mike Benton
<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	01/06/2026	Phil Irven
<a href="#">Fire Marshal Review</a>	Kim Turner	Not Required	01/06/2026	Kim Turner
<a href="#">Planning Review</a>	Ivan Nance	Approve	01/14/2026	Ivan Nance
<a href="#">School Board Review</a>	School District	Not Required	01/06/2026	School District
<a href="#">Review Consolidation</a>	Lyndsay Rathke	Approved for...	01/26/2026	Lyndsay Rathke
Staff Report				
<a href="#">Public Notice</a>				
Planning Commision				
BOCC Hearing				
Final Letter				
DEO Review				
Second BOCC Hearing				
Archive				

**Condition Status:**

Name	Short Comments	Status	Apply Date	Severity	Action By
<b>Scheduled/Pending Inspections:</b> Inspection Type	Scheduled Date	Inspector	Status	Comments	
<b>Resulted Inspections:</b> Inspection Type	Inspection Date	Inspector	Status	Comments	



Polk County  
Planning Commission

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Agenda Item 6.

3/4/2026

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**SUBJECT**

LDCT-2025-29 (Storage Yards)

**DESCRIPTION**

An LDC text amendment Chapter 2, Section 205, Table 2.1, adding a storage yard land use category; Chapter 3 Conditional Uses, Section 303, Criteria For Conditional Uses, adding conditions for storage yards; Chapter 4, Section 401.02, Table 4.3, Use Table For Standard Land Use Districts for the Ronald Reagan Selected Area Plan and Section 401.08, Table 4.01.08.01, Use Table for Southeast Polk Selected Area Plan adding a storage yard land use category; Chapter 10, Definitions, defining Storage Yards to allow for the outdoor storage of raw materials and finished goods as a primary use of property; providing for severability; providing an effective date.

**RECOMMENDATION**

Recommend approval to the Board of County Commissioners

**FISCAL IMPACT**

No fiscal impact.

**CONTACT INFORMATION**

Erik E. Peterson, AICP  
Planning Administrator  
Land Development Division  
(863) 534-6470  
[erikpeterson@polkfl.gov](mailto:erikpeterson@polkfl.gov) <mailto:erikpeterson@polkfl.gov>

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> January 29, 2026	<b>Level of Review:</b> 4
<b>PC Date:</b> March 4, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 7, 2026	<b>Case Numbers:</b> LDCT-2025-29
April 21, 2026	<b>Case Name:</b> Storage Yards
<b>Applicant:</b> Polk County	<b>Case Planner:</b> Erik Peterson, AICP

<b>Request:</b>	An LDC text amendment Chapter 2, Section 205, Table 2.1, adding a storage yard land use category; Chapter 3 Conditional Uses, Section 303, Criteria For Conditional Uses, adding conditions for storage yards; Chapter 4, Section 401.02, Table 4.3, Use Table For Standard Land Use Districts for the Ronald Reagan Selected Area Plan and Section 401.08, Table 4.01.08.01, Use Table for Southeast Polk Selected Area Plan adding a storage yard land use category; Chapter 10, Definitions, defining Storage Yards to allow for the outdoor storage of raw materials and finished goods as a primary use of property; providing for severability; providing an effective date.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending Hearing

**The changes to Chapter 2, Section 205, Table 2.1, Use Table for Standard Land Use Districts are:**

- Addition of Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (IND) and Institutional-2 (INST-2).

**The changes to Chapter 3, Section 303, Criteria for Conditional Uses are:**

- Add a Category for Storage Yards.
- Require Type “A” buffer along all rights-of-way, 25-foot right-of-way setback, and a 6-foot opaque fence along rights-of-way.
- Require a 100-foot setback, 6-foot opaque fence, and Type “C” buffer when abutting residential land use districts or residentially developed properties.
- Require a Type I intersection with a 50-foot radius at a minimum for access from a public road.
- Require entrance gates to be setback a minim of 80 feet from the right-of-way.
- Prohibit junk or distressed vehicles and waste or scrap materials.
- Require any bulk materials to be stored in containers.

**The changes to Chapter 4, Special Districts are:**

- Addition of Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (IND) and Institutional-2 (INST-2) in the Ronald Reagan Parkway and Southeast Polk Selected Area Plans.

**The changes to Chapter 10, Definitions are:**

- Add a definition for Storage Yard.

## **Summary:**

Outdoor storage of vehicles, equipment, or materials is treated only as an accessory to other uses in the LDC. It is listed under Section 206.O and requires that the property be developed with a primary use with the storage being incidental and subordinate. This limits the amount of a property that can be dedicated to open storage to less than the area consumed by the primary use. Many businesses have sought vacant property in the County where vehicles such as construction trailers or goods such as drainage pipes could be stored for periods of time before they are deployed to other sites where they will be put in use. Staff have set out to create a category dedicated to the open storage of operable vehicles, equipment, machinery, or the storage of finished products and materials where there is no other use of the property. This new land use category will enable vacant industrial properties to become financially beneficial in a temporary or longer period. It will enable public infrastructure providers a place to stage projects and store materials for maintenance of utilities, drainage, and roadways. This new land use recommendation includes standards and conditions to ensure that such facilities do not become eyesores, cause damage to infrastructure, or evolve into other more undesirable uses in locations where they may not be compatible with surrounding uses.

## **Data and Analysis Summary**

There are benefits to allowing vacant industrial land to be temporarily used for the storage of materials and equipment because they can generate revenue for the owners and benefit other businesses by providing more efficient and less costly means of equipment and material storage. However, there should be guardrails in place to prevent unintentional consequences such as aesthetic decline and damage to infrastructure.

Staff have reviewed the land development regulations of 12 similar or abutting counties and Polk's two largest cities for how they regulate open storage of materials. Staff have identified properties in other jurisdictions that are dedicated to storage of materials and equipment. The majority of the jurisdictions surveyed have standalone designations for storage yards, and they are almost always limited to the most intense industrial districts. The recommended conditions and standards are consistent with the same requirements of these other jurisdictions.

This amendment applies to Industrial (IND) and Institutional-2 (INST-2) Future Land Use Map districts which are outside of the Green Swamp Area of Critical State Concern. Therefore, this amendment does not require a 45-day review by the Florida Commerce department.

Staff have reviewed sections of the Comprehensive Plan and Florida laws pertaining to the open storage of vehicles, equipment, or materials. There are no conflicts with the Comprehensive Plan or Florida Statutes in the implementation of this amendment. POLICY 2.113-A4: DEVELOPMENT CRITERIA for the IND district of the Comprehensive Plan does not specify restrictions on open storage. Neither does POLICY 2.116-A4: DEVELOPMENT CRITERIA for INST districts. These Policies are included in the Findings of Fact for reference.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 2, Section 205, Table 2.1, Chapter 3 Conditional Uses, Section 303, Criteria for Conditional Uses, Chapter 10, Definitions, to allow, guide, and define a primary use category for the outdoor storage of vehicles, equipment, and materials.*
2. *This amendment applies to Industrial (IND) and Institutional-2 (INST-2) Future Land use Map districts outside of the Green Swamp and Selected Area Plans.*
3. *POLICY 2.113-A4: DEVELOPMENT CRITERIA for Industrial districts of the Comprehensive Plan states, "Development within an Industrial area shall conform to the following criteria:*
  - a. *Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, and distribution of goods, disposal yards, and limited retail commercial in accordance with Policy 2.113-A4.b. Other non-residential uses that produce significant amounts of noise, odor, vibration, dust, and lighting on and off-site may be permitted within an industrial district through conditional approval. Permitted uses also include any use found within a Business-Park Center.*
  - b. *Retail commercial uses within an industrial area shall be sized for the purpose of serving just the employees of, and visitors to, the industrial area, and shall be limited to a scale appropriate for that purpose. The maximum floor area ratio for commercial uses within an industrial area shall not exceed 0.25.*
  - c. *Industrial sites shall be designed to provide for:*
    1. *adequate parking to meet the demands of the use; and*
    2. *buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.*
  - d. *The maximum floor area ratio for non-commercial uses within an Industrial area shall not exceed 0.75 in the TSDA, 0.65 in the UGA, 0.50 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.*
  - e. *Retail sale of goods manufactured on the site of a business located within an Industrial area is allowed provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.*
  - f. *Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank systems and as required if within a Nutrient Restoration Plan Overlay.*
  - g. *Planned Developments within the Industrial district may be permitted a maximum floor area ratio up to 1.5 for innovative and attractive employment centers. Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for the County and its residents. Intensity increases shall only be granted to parcels within the TSDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the Industrial district.*
  - h. *Industrial districts shall be separated from existing schools and developed residential areas through physical separation, screening, buffering, or a combination thereof, consistent with the standards in the County's Land Development Code."*
  - i. *Workforce housing for unaccompanied workers in barrack, dormitory, or apartment units under specific design parameters listed in the Land Development Code not to*

*exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser.*

4. *POLICY 2.116-A4: DEVELOPMENT CRITERIA for Institutional districts of the Comprehensive Plan states, "Institutional development shall conform to the following criteria:*
  - a. *Institutional uses include, but are not limited to: private and public-service structures. These commonly include:*
    1. *public and private educational facilities;*
    2. *government-administration buildings;*
    3. *public-safety structures (e.g. police and fire);*
    4. *cultural facilities (e.g. libraries, museums, and performing-arts theaters);*
    5. *health-care facilities e.g. hospitals, medical centers, clinics, nursing homes, adult day care centers, group homes, group living facilities, emergency shelters, residential treatment facilities .*
  - b. *Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.*
  - c. *Prior to site planning, the School Board, independent special districts and other governmental entities shall communicate to one another to pursue potential colocation of government services.*
  - d. *Commercial uses within institutional areas mapped on the Future Land Use Map Series shall be primarily for the purpose of serving the institutions within the area and shall be limited to a scale appropriate for that purpose.*
  - e. *Institutional sites shall be designed to provide for:*
    1. *Adequate parking to meet the present and future demands of the use.*
    2. *Buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.*
  - f. *Multi-family residential uses may be permitted at densities up to and including 15 dwelling units per acre as part of a Planned Development. Residential uses may be permitted according to the following:*
    1. *Residential uses shall only be established adjacent to or in conjunction with a university, college, vocational school or other similar educational institution.*
    2. *Residential development shall be intended to primarily meet the housing needs for students and facility members of the nearby educational institution*
  - g. *Recreational uses accessory to the institutional use or compatible with the location of the institutional district."*
8. *Planning staff have reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County. Staff found that nine (9) of the 14 jurisdictions list outdoor storage or storage yards as a principal use.*
9. *Of the 14 central Florida jurisdictions surveyed by staff, nine (9) required a six-foot opaque fence or better for screening for rights-of-way and residential between storage yards. Three required additional setbacks from rights-of-way. Two required additional setbacks from residential.*
10. *Impact fees will not be assessed for storage yards unless there are structures constructed.*

## **Development Review Committee Recommendation:**

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2025-29.

## **Analysis**

### **Demonstration of Need for the Amendment**

The Land Development Code (LDC) became effective September 1, 2000, and the Zoning Ordinance was repealed. Storage yards were permitted uses listed in Heavy Commercial (C-4) and General Industrial (GI) in the former zoning ordinance. With the adoption of the new LDC, the Board went away from open storage without a primary use established on a property. For 25 years, staff have deterred property owners from using vacant property only for storing equipment, machinery, products, or materials. There have even been code citations issued for it. This amendment will reverse direction on this practice but ensure that it is conducted in a safe and desirable way without detriment to the general public or County infrastructure.

Absorption of industrial properties takes a long time. Development of industrial parks spans decades. There are multiple factors that influence the demand for industrial property such as access to the needed utilities (water, wastewater, electric power, natural gas, fiber-optic cable, etc.), national and international economic conditions, and labor supply (quantity and quality). This is not so much the case in residential and commercial development, which is primarily driven by population growth. There are benefits to allowing vacant industrial land to be temporarily used for the storage of materials and equipment because they can generate revenue for the land holder during periods of low demand. It also benefits existing businesses by enabling them to use more of their primary site(s) for business activity and structures rather than compromising them with large portions dedicated to idle storage.

There can be downsides to allowing land to be used for idle storage of materials. They can easily become eyesores if not properly designed and maintained. Storage yards should be held to certain standards such as screening from common public view, protections for interface with abutting residential property, and protection of public infrastructure. Therefore, setbacks, screening, buffering, and sustainable access to public roads are necessities. There should also be guardrails in place to separate them from more intense and obtrusive uses such as salvage yards and aggregate storage. With proper standards in place, this amendment will be a benefit to businesses without detriment to County infrastructure or aesthetic.

### **Recommended Changes**

Staff recommend that there be only two districts where storage yards are permissible: Industrial (IND) and Institutional-2 (INST-2). Storage yards for public purposes are enabled by allowing it in INST-2 districts where the more intensive government uses are permitted. Policies in the Comprehensive Plan specifically limit and restrict outdoor storage in Business Park Center (BPC) and commercial districts. In those districts, outdoor storage is only allowed as accessory to another primary use.

It is important to prevent storage yards from becoming unsightly eyesores, so conditions are recommended to partially screen the yards and provide a more subtle appearance from roadways. Therefore, a 25-foot setback along with the standard roadway landscaping buffer and a 6-foot opaque fence are recommended. It is rare that IND districts directly abut residential areas. But when and if

they do, a more stringent buffering standard should apply as well as substantial setback distance. That is why staff recommends 100 feet of separation.

It is anticipated that the vast majority of what will be stored in these yards is large and heavy. Access and entrances should be designed and equipped to handle large vehicles and heavy loads. That is why a larger turning radius on the driveway entrance is recommended along with enough space so that a semi-tractor trailer can fully exit the right-of-way before stopping to unlock the gates that secure the site.

Strict limitations on the types of materials and equipment stored onsite are necessary to separate these uses from other more noxious land uses. Prohibitions on waste, scrap, and other discarded materials are specified. Bulk materials are only permitted if contained within containers either fixed or mobile ones.

### **Benefit-Cost Analysis of the Amendment**

#### *Who does it help?*

This amendment directly benefits landowners of industrial properties that are currently underutilized. It will provide them with the ability to earn rental income while awaiting a future industrial user. That extra income can potentially be applied towards paying for utility extensions to the sites so that they can attract a broader spectrum of industrial users. This can provide the County with more viable industrial properties for better economic development. This amendment provides for potential business expansions. It will allow existing business locations to expand their onsite operations by moving longer term storage of materials and equipment offsite. Collectively this amendment creates a more versatile business market.

#### *Who does it hurt?*

Indiscriminate outdoor storage of equipment and materials can lead to economic decline by fostering an appearance of blight upon a community. That is why this amendment comes with strict conditions for mitigating such adverse effects.

#### *What is the cost?*

Indiscriminate outdoor storage of equipment and materials can result in damage to public infrastructure if proper access and drainage are not required. The transport of heavy equipment and materials on and offsite must be accounted for in the design and construction of storage yards. This amendment has made a priority of proper access and protection of public infrastructure.

### **Regulatory History**

The first zoning ordinance (Ord. 1970-03) provided minimal directions to the use of industrial property. Overtime amendments were added to address industrial development behavior with such ordinances as Ord. 1971-08, which addressed setbacks and buffering of industrial uses and Ord. 1972-02 the first disposal yard ordinance that retroactively applied to existing salvage yards and solid waste management facilities at the time it was adopted.

In 1983, an entirely new zoning ordinance was adopted with many more specific land use categories. It specifically calls out Storage Yards in the Heavy Commercial (C-4) and General Industrial (GI) districts. With the adoption of the Comprehensive Plan in 1991, storage yards became more limited

because of overriding development policies where C-4 and GI districts fell under BPC or commercial classifications in the plan. When the LDC was adopted in 2000, outdoor storage was only allowed in conjunction with other primary uses on a property.

### Limits of the Proposed Ordinance

This amendment applies to only Industrial (IND) and Institutional-2 (INST-2) districts. IND accounts for 0.72% of the total County area and INST-2 is only 0.59%. In the unincorporated area, IND is 0.84% and INST-2 is 0.69%. There are very few locations where IND abuts residential designated property. Where it occurs, the abutting residential area is typically unbuildable due to physical environmental limitations. There are some areas in which residential and IND districts are separated by roadways or railroad tracks.

There are no IND or INST-2 districts currently in the Green Swamp Area of Critical State Concern and the Comprehensive Plan does not allow for new ones created either. Therefore, there is no 45-day review by the Florida Commerce Community Planning Department Areas of Critical State Concern Program.

### Comparisons to other Jurisdictions

Staff commonly survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. Polk County has a rare form of land use regulation with its direct connection between the Comprehensive Plan Future Land Use Map and the zoning of use and structure types.

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Are storage yards a standalone use?</b> <b>If so, what districts?</b>	<b>What development standards and conditions are required?</b>
<b>Alachua County</b> <i>Section 404.83</i>	<b>Yes.</b> Heavy Industrial (MS and MP) Administrative approval in MS BoCC approval in MP	Minimum 25-foot setback from all rights-of-way. Enclosed by a solid fence or wall not less than six (6) feet high.
<b>Brevard County</b> <i>62-1540 - 62-1544</i>	No. Even Industrial requires there to be buildings.	All storage requires a 6-foot-tall opaque fence.
<b>Duval County</b> <i>Section 656.322 &amp; 656.323</i>	<b>Yes.</b> Light Industrial Heavy Industrial	All storage requires a 6-foot-tall opaque fence.
<b>Hardee County</b> <i>Sec. 2.18.00</i>	No. All outdoor storage must be to the side or rear of buildings.	All outdoor storage shall be screened from off-site view.
<b>Highlands County</b> <i>Section 12.05.252</i>	Limited. Contractors Yard and storage of specific materials in Heavy Industrial (I-2) district	Same as for all industrial uses.
<b>Hillsborough County</b> <i>Section 2.02.02, 6.11.123</i>	<b>Yes.</b> Intensive Commercial (CI) and Manufacturing (M) districts and limited to agriculture equipment in agricultural districts	Same as for all industrial uses.
<b>Lake County</b> <i>Sec. 3.01.04.24</i>	<b>Yes.</b> Heavy Industrial (HM)	100-foot setback from residential districts. Also, screened from right-of-way or adjacent Parcels, Soil-like materials that generate dust shall be located in three-sided walled enclosures that are a minimum of ten (10) feet in height. The opening of the enclosure Shall

**Table 1**

Jurisdiction <i>(Code citation)</i>	Are storage yards a standalone use? If so, what districts?	What development standards and conditions are required?
		not be visible from rights-of-way or adjacent parcels.
<b>Manatee County</b> <i>Section 401, 531.36</i>	<b>Yes.</b> Outdoor Storage (Principal Use) General Commercial District (GC), Heavy Commercial District (HC), Light Manufacturing District (LM), Heavy Manufacturing District (HM)	Screened from the rights-of-way and adjacent property. Such screening shall be done with a solid fence or wall six (6) foot in height in industrial zoning districts, and eight (8) feet in height in commercial zoning districts.
<b>Orange County</b> <i>Section 38-1356</i>	<b>Yes.</b> Storage Yards Wholesale Commercial (C-3), Industrial I-1,2,3,4, &5 agriculture equipment in agricultural districts	Outdoor storage of articles, goods or materials shall not be permitted unless totally screened from right-of-way and adjacent properties. Display areas shall not be visible from the right-of-way or adjacent properties
<b>Osceola County</b> <i>Chapter 3, Article 3.9</i>	<b>Yes.</b> Industrial Restricted (IR), Industrial General (IG), Industrial Manufacturing (IM)	Open storage of stacked materials shall not exceed twenty (20) feet in height. Stacked material over ten (10) feet in height shall be set back fifty feet (50') from the perimeter boundary line. Entire site shall be contained within a solid fence, wall or opaque buffer a minimum ten (10) feet in height.
<b>Seminole County</b> <i>Sec. 30.14.9</i>	No.	Where outdoor storage, exterior equipment operation, or material handling abuts a residential district or is visible from a public right-of-way, an increase in opacity by 0.2 and a berm or evergreen hedge of sufficient height ensure that stored material is not visible shall be required as part of the applicable district boundary or street buffer.
<b>Volusia County</b> <i>Section 72-241</i>	No.	None
<b>City of Lakeland</b> <i>Sec. 5.15, and 2.3</i>	<b>Yes.</b> Industrial districts only. (I-1, I-2, I-3)	20-foot setback, screening and Type "A" buffer. 20-foot height limit, no goods intended for indoor use.
<b>City of Winter Haven</b> <i>Sec. 21-32, 21-92</i>	<b>Yes.</b> Heavy Commercial and Industrial Districts Contractor storage yard C-4, I-2, I-2 Petroleum and bulk storage I-2, I-2 Septic Tank storage I-2, I-2 Storage of sand/gravel/blocks I-2, I-2	6-foot fence or wall between roadways and residential districts.

Nine of the 14 jurisdictions in this survey list storage yards as a standalone use in their zoning and land use ordinances. All nine are allowed in industrial districts. Four of them allow them in heavy commercial districts. All nine requires either opaque fence or screening. Right-of-way setbacks varied among the nine. Three required setbacks of 20 feet or greater. Two of the jurisdictions limit the height of stored items. This seems impractical in the County’s IND district given the types of items could potentially be stored in them.

**Consistency with the Comprehensive Plan**

This amendment is consistent with the Comprehensive Plan because neither Industrial (IND) policies in Section 2.113-A nor Institutional policies in Section 2.116 have prohibitions or limitations on outdoor storage. However, POLICY 2.113-B-4.h regarding Business Park Center (BPC) states “Outdoor storage shall be screened from off-site view and significantly limited in respect to the floor area provided within enclosed structures.” This is why this is not proposed in BPC-1 or BPC-2 districts. Industrial district POLICY 2.113-A4.a states “Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, **bulk material storage**, and distribution of goods,

*disposal yards, and limited retail commercial in accordance with Policy 2.113-A4.b. Other non-residential uses that produce significant amounts of noise, odor, vibration, dust, and lighting on and off-site may be permitted within an industrial district through conditional approval.”*

**Consistency with the Florida Statutes**

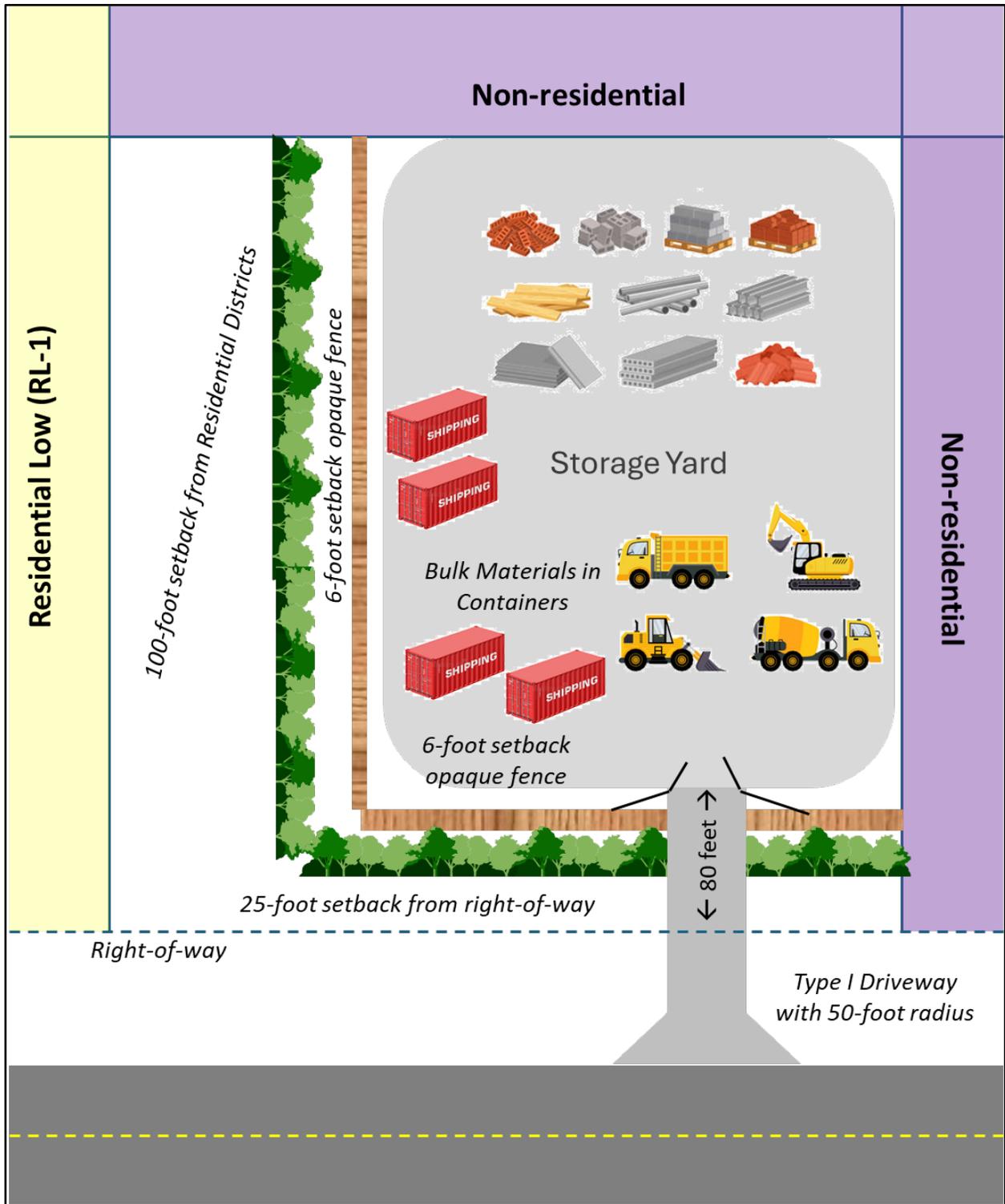
The Florida Statutes addresses many types of outdoor storage specifically addressing certain items such as petroleum, billboards, chemicals, and hazardous materials. They do not directly conflict with this proposed amendment. These laws will still apply regardless of the County ordinances.

**Comments from Other Agencies:** None.

**Exhibits**

Exhibit 1 – Outdoor Storage Standards Infographic

**Draft Ordinance:** under separate attachment



# Outdoor Storage Standards Infographic

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-29**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 205, TABLE 2.1, ADDING A STORAGE YARD LAND USE CATEGORY; CHAPTER 3 CONDITIONAL USES, SECTION 303, CRITERIA FOR CONDITIONAL USES, ADDING CONDITIONS FOR STORAGE YARDS; CHAPTER 4, SECTION 401.02, TABLE 4.3, USE TABLE FOR STANDARD LAND USE DISTRICTS FOR THE RONALD REAGAN SELECTED AREA PLAN AND SECTION 401.08, TABLE 4.01.08.01, USE TABLE FOR SOUTH EAST POLK SELECTED AREA PLAN ADDING A STORAGE YARD LAND USE CATEGORY; CHAPTER 10, DEFINITIONS, DEFINING STORAGE YARDS TO ALLOW FOR THE OUTDOOR STORAGE OF RAW MATERIALS AND FINISHED GOODS AS A PRIMARY USE OF PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS** the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on March 6, 2026; and

**WHEREAS** the proposed text amendment to the Polk County Land Development Code is intended to allow for the outdoor storage of raw materials and finished goods in certain Future Land Use Map districts, provide conditions of approval, and define storage yards; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE:* The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

**SECTION 1: FINDINGS** The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026. to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
  - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
  - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

**SECTION 2:** Chapter 2, Section 205, Table 2.1, Use Table for Standard Land Use Districts of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (IND) and Institutional-2 (INST-2).

**SECTION 3:** Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

**Storage Yards**

In addition to all applicable regulations, storage yards shall comply with the following requirements:

1. A Type “A” buffer in accordance with Section 720 Landscaping and Buffering shall be planted along all abutting rights-of-way. A Type “C” buffer shall be planted when abutting residential districts or land uses.
2. All storage shall be kept behind a minimum 6-foot opaque fence set 25 feet back from all rights-of-way.
3. If abutting residential land use districts or residentially developed properties, all storage shall be set back 100 feet from the property line behind a 6-foot opaque fence and a Type “C” landscape buffer.
4. Access shall be comprised of a Type I intersection with a 50-foot radius at a minimum. A greater intersection improvement may be needed depending on volume and usage.
5. Entrance gates shall be setback a minimum of 80 feet from the right-of-way.
6. There shall be no junk or distressed vehicles and no waste or scrap materials onsite unless approved and developed for a Salvage Yard. All storage shall be comprised of finished goods that have a demonstrable current market value.
7. Bulk materials shall only be permissible if stored within containers.

**SECTION 4:** Chapter 4, Section 401.02, Table 4.3, Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (INDX) and Institutional-2 (INST-2X).

**SECTION 5:** Chapter 4, Section 401.08, Table 4.01.08.01, Use Table for Southeast Polk Selected Area Plan, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (INDX) and Institutional-2X (INST-2X).

**SECTION 6:** Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following definition:

**STORAGE YARD:** Any property where the primary function is the outdoor storage of operable vehicles, equipment, machinery, or the storage of finished products and materials where there is no other primary use of the property. This includes staging areas, lay-down yards, and bulk storage. This does not include salvage yards or aggregate storage.

**SECTION 7: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 8: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.



Polk County  
Planning Commission

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Agenda Item 7.

3/4/2026

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**SUBJECT**

LDCT-2025-30 (Administrative Plat Approval)

**DESCRIPTION**

An LDC text amendment to Chapter 8, Section 806 Plats; Section 810, Replats and Modifications; Section 903, Review Procedures; and Section 908 Level 5 Review, to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of Chapter 177-071 of the Florida Statutes and amending Section 909.B, Applicability; and Section 909.C, Amount of Security, to adjust the minimum construction cost threshold and location of financial institution for Performance and Maintenance Securities; providing for severability; providing an effective date.

**RECOMMENDATION**

Recommend approval to the Board of County Commissioners

**FISCAL IMPACT**

No fiscal impact.

**CONTACT INFORMATION**

Erik E. Peterson, AICP  
Planning Administrator  
Land Development Division  
(863) 534-6470  
erikpeterson@polkfl.gov

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-30**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 8, SECTION 806, PLATS; SECTION 810, REPLATS AND MODIFICATIONS; SECTION 903, REVIEW PROCEDURES; AND SECTION 908, LEVEL 5 REVIEW, TO CHANGE THE PROCEDURE OF APPROVING SUBDIVISION PLATS FROM THE BOARD OF COUNTY COMMISSIONERS TO THE LAND DEVELOPMENT DIRECTOR IN ACCORDANCE WITH NEW REQUIREMENTS OF CHAPTER 177-071 OF THE FLORIDA STATUTES; AND AMENDING SECTION 909.B, APPLICABILITY, AND SECTION 909.C, AMOUNT OF SECURITY, TO ADJUST THE MINIMUM CONSTRUCTION COST THRESHOLD AND LOCATION OF FINANCIAL INSTITUTION FOR PERFORMANCE AND MAINTENANCE SECURITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS** the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on March 4, 2026; and

**WHEREAS** the proposed text amendment to the Polk County Land Development Code is intended to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of chapter 177-071 of the Florida statutes; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE:* The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

**SECTION 1: FINDINGS** The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026, to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
  - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
  - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

**SECTION 2:** Section 806, Plats, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 806 Plats**

The purpose of the review and approval of the plat by the County is to ensure that all requirements of this Code have been satisfied. The submission of the plat does not imply approval of the construction plans.

**A. Procedure** (Revised 3/17/10 - Ord. 10-010)

The applicant may submit a plat for approval for the entire subdivision. Approval will be granted when one of the following conditions exist:

- 1. All private improvements, if any, have been installed and approved, and all public improvements, if any, have been installed and accepted by the County.

2. In the absence of the completion of all improvements referenced in Section 804 C.1, provision of security for such installation is required (see Section 909).

**B. Application** (Rev. 3/17/10 - Ord. 10-010; 5/20/09 - Ord. 09-023; 12/03/03 Ord. 03-38)

The following items and information shall be submitted to the Growth Management Department plat review:

1. A complete application (on forms provided by the County).
2. All required processing fees.
3. All plats shall be prepared in compliance with these regulations and other applicable laws. An original and the required number of copies of the plat shall be prepared to include the following certifications which shall be printed on the original plat:
  - a. Certificate of surveyor.
  - ~~b. Certificate of approval of the BoCC.~~
  - ~~e.b.~~ County Surveyor.
  - ~~d.c.~~ Land Development Director. (~~except in the case of a minor subdivision plat approval~~)
  - ~~e.d.~~ County Engineer. (except in the case of a minor subdivision plat approval)
  - ~~f.e.~~ Certificate of ownership and dedication and, separate mortgagee's joinder in and ratification of subdivision plat.
  - ~~g.f.~~ Certificate of approval of the clerk of the circuit court.
4. The following shall be provided prior to plat approval by the ~~BoCC~~ Land Development Director:
  - a. When improvements are constructed, completed and accepted prior to plat recording, the following documents shall be provided:
    - i. Title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 days of the date the plat is signed by the ~~Board of County Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
    - ii. Engineers certificate.
    - iii. Subdivider's guarantee.
    - iv. Surveyor's certificate of installation of Plat Reference Monuments (PRMs), Plat Control Points (PCPs) and monuments in accordance with Florida Statutes. All PRMs, PCPs and monuments are subject to inspection prior to plat approval; this does not obligate the County to inspect PRMs, PCPs and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that "All PRMs, PCPs and monuments required by Florida Statutes have been installed." The certificate shall be submitted in a timely manner to allow inspection of PRMs, PCPs and monuments prior to plat approval.
    - v. Signed and sealed record drawings for public improvements and work conducted in County rights-of-way and easements existing or dedicated.
    - vi. Such documentation from the Polk County Health Unit as required by law.
  - b. When improvements are to be constructed, completed, and accepted after plat recording, the following shall be provided:

- i. Title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the ~~Board of county Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
    - ii. Subdivision agreement - A binding agreement shall be made stating if the applicant fails to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
    - iii. Engineer's certificate.
    - iv. Sub-divider's guarantee.
    - v. Certificate of cost estimate (or actual installation cost).
    - vi. Performance Security in compliance with Section 909.
    - vii. Maintenance Security in compliance with Section 909. (after improvements are accepted for maintenance by the County).
  - c. For minor subdivisions when no improvements are to be constructed, with exception of sidewalks and/or shared driveways, the following shall be provided.
    - i. A title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the ~~Board of County Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
    - ii. Surveyor's certificate of installation of PRMs and monuments in accordance with Florida Statutes. All PRMs and monuments are subject to inspection prior to plat approval; this does not obligate the County to inspect PRMs and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that all PRMs and monuments required by Florida Statutes have been installed. The certificate shall be submitted in a timely manner to allow inspection of PRMs, PCPs and monuments prior to plat approval.
    - iii. When sidewalks and/or shared driveways are to be constructed, a site plan showing construction details for the driveway or sidewalk shall be provided along with topographic survey data for the area in the vicinity of the sidewalk or driveway construction.
- 5. Evidence of the provision and assurance for maintenance of common facilities. This includes, but is not limited to all documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the state and satisfactory to the County Attorney, to establish a means of common ownership and management of all common areas, facilities or improvements intended for use by some or all of the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense. Minor subdivisions are exempt from this requirement if there are no common areas.

6. Copies of permit approvals from all applicable regulatory agencies.
7. Flood plains, flood ways and flood elevation data, if applicable, shall be provided on the plat.
8. The applicant shall provide an original and a print or photographic copy of the original drawing prior to submission to the ~~Board of County Commissioners~~ Land Development Director. The scale on the original mylar and the copy shall be to an appropriate scale to show all details.
9. A Boundary Survey pursuant to F.S. Ch. 177.
10. In addition to required certifications, plats shall be prepared to include the following:
  - a. All graphic standards must conform to F.S. Ch. 177.
  - b. The size of each sheet shall be 24 inches by 36 inches and shall be drawn with a marginal line or may be printed completely around each sheet and placed so as to leave at least a one half inch margin on each of three sides and a three inch margin on the left side of the plat for binding purposes.
  - c. The following information shall be required on all plats:
    - i. Each plat shall show the section, township and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where State Plane Coordinates or Geodetic Control Points have been established, the State Plane Coordinate values shall be annotated on the face of the plat for at least two Permanent Reference Monuments (PRMs) on every development of 40 acres or less and at least one additional PRM for every additional 40 acres. The coordinate datum shall be based on NGRS, current adjustment. Minor subdivisions shall not be required to establish State Plane Coordinators for the plat.
    - ii. When the plat drawing is the result of a computer-generated drawing, a copy of the drawing file in DXF, DGN, DWG format is required.
    - iii. Conservation and preservation areas. Exact locations of all conservation and preservation tracts or easements, including wetlands when density transfers are uplands, mitigated wetlands and upland preserves, shall be identified.
    - iv. Two vertical control points (VCP) shall be required for every development of 40 acres or less. One additional vertical control point shall be established for each additional 40 acres. A VCP shall be a two-inch diameter or greater brass disk set into concrete in a drainage control structure, end wall or other suitable concrete structure. The elevation of the VCPs shall be referenced to either NGVD 29 or NAVD 88 datum and shall be annotated on the face of the plat and stamped into the disk together with the license number of either the Surveyor or the business entity. Minor subdivisions that contain no Special Flood Hazard Area are not required to establish VCPs.
    - v. Where a plat boundary falls within a water body, a meander line shall be established at or near the ordinary high water line and monumented in accordance with Chapter 61G17-6, F.A.C. This line shall not constitute a line of ownership.
    - vi. The minimum text height for all dimensioning shall be 0.08"
    - vii. Lots shall be numbered consecutively beginning with the number one (1) with the exception of phased subdivisions, which shall begin consecutive numbering

from the previous phase.

- viii. All least fractional parts of the subdivided lands having limited fixed boundaries shall be referred to as either lots or tracts.
- ix. Tracts shall be dedicated to the Homeowner's Association, Community Development District (CDD), Polk County, or retained by the subdivider for future development.
- x. Tracts shall be lettered consecutively beginning with the letter "A" with the exception of phased subdivisions, which may begin consecutive lettering from the previous phase.
- xi. New plats located within a Nutrient Restoration Plan Overlay will be required to have a note on the plat stating Enhanced Nitrogen Reducing Septic Systems are required on parcels one acre or less if sewer is not available.

### C. Approval

- ~~1. A plat is eligible for BoCC conditional approval prior to final review by the BoCC's Plat Review Staff, which is a technical fact finding committee, approval by the Land Development Division Director, a final approval by the BoCC under the following circumstances:
  - ~~a. The applicant has paid all application and recording fees required by the County; and~~
  - ~~b. the submittal has completed the initial review by the Plat Review Staff pursuant to Section 908.~~~~
- 21. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the BoCC's Plat Review Staff has reviewed said plat, the BoCC has approved the plat, and the plat has received all the appropriate signatures required by F.S. Ch. 177 and this Code. The BoCC's final approval of the plat shall consist of the Chairperson Land Development Director signing the plat, which shall be evidence of the Board's final approval of the plat. No further Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature has not been secured within 14 days of the most recent review by the Plat Review Staff, the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.
- ~~3. BoCC conditional approval shall only be valid for a maximum of 18 months after said conditional approval is granted. If the Final Plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.~~
- 42. The BoCC Plat Review Staff includes a representative(s) from the County Surveyor's office, and the Land Development Division. The County Attorney's Office shall review all plats and advise the BoCC Land Development Director and its various divisions and departments whether the plat is legally sufficient.
- 3. Approval of the plat and the dedications to the public therein do not constitute the Board of County Commissioners acceptance of infrastructure, liability, or maintenance of the dedications until an official acceptance process by the Board has occurred.

**D. Maintenance of Private Improvements**

1. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and improvements.
  - a. When the proposed development is to be organized as a condominium under the provisions of F.S. Ch. 718, common facilities and property, shall be conveyed to the condominium's association pursuant to that law.
  - b. When no condominium is to be organized, an owners association shall be created and all common facilities and property shall be conveyed to that association.
  - c. No development order shall be issued for a development for which an owners association is required until the documents establishing such association have been reviewed and approved by the County Attorney.
2. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

**E. Minor Subdivision Plat Approval (Rev. 3/17/10 - Ord. 10-010)**

- ~~1. A plat is eligible for BoCC conditional approval prior to final review by the County Surveyor and final approval by the BoCC under the following circumstances:
  - a. The applicant has paid all application and recording fees required by the County~~
- ~~2. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the County Surveyor has reviewed the plat, the BoCC has approved the plat and the plat has received all the appropriate signatures required by F.S. Ch. 177 and this Code. The BoCC's final approval of the plat shall consist of the Chairperson Land Development Director signing the plat, which shall be evidence of the Board's final approval of the plat. No further Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature secured within 14 days of the most recent review by the Plat Review Staff, the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.~~
- ~~3. BoCC conditional approval shall only be valid for a maximum 18 months after said conditional approval is granted. If the plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.~~

**SECTION 3:** Section 810, Re-plats and Modifications, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 810 Re-plats and Modifications**

**A. Vacating and Re-platting**

Whenever land comprising all or part of an existing plat of record is proposed as all or part of a new plat, it shall be in accordance with the procedures as set forth in F.S. ch. 177.

**B. Revision of Final Plat After Board Land Development Director Approval**

No changes, erasures, modifications or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted to the BoCC Land Development Director for his or her approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat as provided by law. Any change, other than those listed in Section C, shall be considered a major modification or re-plat and shall be processed as a major subdivision pursuant to Section 803 C.

**C. Minor Modifications**

When it is necessary to change a plat which has been duly recorded, the applicant may proceed with submission of the final plat to the County. The minor subdivision process in Section 803 B. shall apply if one or more of the following modifications are proposed:

1. Lot lines are adjusted, provided that the number of lots does not increase and the individual lot sizes still meet the minimum lot size prescribed in this Code.
2. Minor adjustments in street alignments.
3. Release or dedication of easements.
4. Street name changes.

**D. Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts**

Recorded plats which through their approval have either dedicated or implied dedication of easements, right-of-way, parcels or tracts shall have the official authorization of the recipients of such dedication or implied dedication or undergo Board approval to vacate or re-plat such dedicated rights. Notice shall be given to all owners of real property within the plat of the hearings.

**SECTION 4:** Section 903, Review Procedures, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to amend Table 9.1, Table 9.2, and subsection 903.E accordingly:

<b>Table 9.1 Summary of Required Review Procedures</b> (Rev. 02/14/07 - Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)			
<b>Development Approval Requested</b>	<b>Submittal Required</b>	<b>Required Steps</b>	<b>Review Procedure</b>
All other "permitted" uses on Use Tables in Chapters 2, 4 and 5	Final Development Plan	DRC	Level 2 (DRC Action)
<b>Conditional Uses</b>			
C-1 Conditional Uses <sup>(1)</sup>	As requested for permitting	Staff review	Level 1 (Admin. Action)
C-2 Conditional Uses <sup>(1)</sup>	Final Development Plan	DRC	Level 2 (DRC Action)
C-3 Conditional Uses <sup>(1)</sup>	Draft Development Plan and Impact Assessment Statement	DRC, and PC	Level 3 (PC Action)

<b>Table 9.1 Summary of Required Review Procedures</b> (Rev. 02/14/07 - Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)			
<b>Development Approval Requested</b>	<b>Submittal Required</b>	<b>Required Steps</b>	<b>Review Procedure</b>
C-4 Conditional Uses <sup>(1)</sup>	Final Development Plan and Impact Assessment Statement	DRC, PC and BoCC	Level 4 (BoCC Action)
Land Use District Modification	Application and Impact Assessment Statement	PC and BoCC	Level 4 (BoCC Action)
Code Amendments and Comprehensive Plan Amendments <sup>(4)</sup>	Application	PC and BoCC	Level 4 (BoCC Action)
<b>Planned Developments</b>			
Planned Development Preliminary Plan Approval	Preliminary Plan	DRC, PC	Level 3 (PC Action)
Build-out	Final Development Plan	DRC	Level 2 (DRC Action)
Minor Modification to Planned Development	Preliminary Plan <sup>2</sup>	DRC	Level 2 (DRC Action)
Major Modification to Planned Development	Preliminary Plan <sup>2</sup>	DRC, PC	Level 3 (PC Action)
<b>Subdivision Plats</b>			
Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Modification to Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Signage Plan <sup>(5)</sup>	Signage Plan	PC, DRC	Level 3 (PC Action) Level 2 (DRC Action)
Final Plat	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Minor Plat	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Plat Modification	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Replat/Vacating <sup>(3)</sup>	Construction Plans and Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
<p>(1) All conditional uses shall comply with the conditions outlined in Chapter 3.</p> <p>(2) Final Development Plans may be submitted at the option of the applicant.</p> <p>(3) Depending upon size and complexity, staff may require a preliminary plat.</p> <p>(4) There shall be a transmittal and an adoption hearing on all Comprehensive Plan text amendments and map amendments over 50 acres and for any amendments within the Green Swamp Area of Critical State Concern</p> <p>(5) Complete in conjunction with final Development Approval in Level 2.</p> <p>DRC = Development Review Committee  PC = Planning Commission  BoCC = Board of County Commissioners</p>			

**Table 9.2 Review Procedure Steps (Rev. 3/8/06 - Ord. 06-12)**

	Level 1	Level 2	Level 3	Level 4	Level 5
Pre-application Conference <sup>(4)(3)</sup>	Optional	Optional	Optional	Optional	Optional
Staff Review <sup>(1)</sup>	Required	Required	Required	Required	Required
Development Review Committee (DRC)	Not Required	Required	Required	Required	Required
Planning Commission (PC)	Not Required	Not Required	Required	Required	Not Required
Board of County Commissioners (BoCC)	Not Required	Not Required	Required <sup>(2)(2)</sup>	Required	Not Required <sup>(2)</sup>
<sup>(1)</sup> When Staff Review occurs as part of a standard permitting or site plan procedure; full DRC not required. <del><sup>(2)</sup> BoCC Consent agenda only; No public notice required.</del> <sup>(2)</sup> BoCC only if appealed <sup>(4)(3)</sup> Pre-applications are valid for no more than a year from the DRC meeting					

**Section 903 Review Procedures**

...

**E. Level 5- Subdivision Plats (Revised 2/5/2019 - Ord. 19-008)**

Land being subdivided according to the definitions and requirements in Chapter 8, shall be reviewed and approved according to the following procedures as summarized in Table 9.1.

DRC shall review the plat to ensure compliance with the Comprehensive Plan, this Code, and the following:

1. Pursuant to the specifications in Sections 805 and 905 (Level 2 Review), construction plans shall be reviewed by the DRC to ensure the public and private infrastructure, utilities and other improvements are compliant with all applicable codes and Appendix A, Technical Standards Manual.
2. A Final Plat shall be submitted pursuant to the specifications in Sections 806 and 908 (Level 5 Review). The review by the DRC and ~~BoCC~~ Land Development Director shall ensure the plat complies with all applicable codes, recording requirements, the approved construction plans, and security requirements.
3. Certain subdivision plats, which due to their complexity or phasing, may be required to undergo a subsequent Level 2 Review, in order to obtain necessary detail, scale and data required for a Final Development Plan.

...

**SECTION 5:** Section 908, Level 5 Review, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 908 Level 5 Review**

**A. Purpose**

The review is to evaluate whether the requested subdivision meets minimum development standards as stated within this Code, other County development regulations, and to provide

for compatibility review. The ~~BoCC~~ Land Development Director may approve, approve with conditions, or deny.

**B. Performed By** (Revised 3-17-10 - Ord. 10-010)

A Level 5 Review is performed by the Development Review Committee (DRC), and the Land Development Director, ~~and the Board of County Commissioners (BoCC)~~ for review of the plat.

**C. Results**

A successful Level 5 Review will result in approval of a subdivision plat by the ~~Board of County Commissioners~~ Land Development Director.

**D. Review Process for Level 5 Review** (Rev. 08-07-18 - Ord. 18-057; 3-17-10 - Ord. 10-010; 5/20/09 - Ord. 09-023; 01/30/03 - Ord. 03-14)

1. Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

~~2.~~ Once the plat submittal has been deemed sufficient, A Level 5 Review shall follow the same review procedures as a Level 2 Review as outlined in Section 905.D of this Code, except for Subsections D.3, D.6, and D.8. Land Development staff shall send a copy of the application to each member of the DRC and shall allow 15 working days for review. Within 180 days after the County has deemed the application complete, the ~~Board Director~~ shall render a final decision to approve or deny the plat.

~~2. On the earliest available date, the Land Development Director shall schedule the application on the Board of County Commissioners' consent agenda.~~

3. The ~~Board of County Commissioners~~ Land Development Director, in the review of the ~~development application plat~~, shall consider the following factors:

a. Whether the proposed development is consistent with all relevant requirements of this Code; and

b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;

~~c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, and appearance; and~~

~~d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.~~

4. The ~~BoCC Director~~ shall consider the factors listed in Section 908.D.3 and render a final decision to approve or deny the development application. Within five working days the County shall issue a letter outlining the decision.

**E. Expedited Procedures for Affordable Housing Subdivisions** (Rev. 01/30/03 - Ord. 03-14)

In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of the other incoming applications for plan review and permit processing. Initial plan review shall be completed within ten working days.

**SECTION 6:** Chapter 9, Development Review Procedures, Section 909, Completion Guarantee and Acceptance of Infrastructure and Improvements, subsection B, Applicability, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 909 - Completion Guarantee and Acceptance of Infrastructure and Improvements**

...

**B. Applicability**

1. Performance Security - a performance security may be required under the following circumstances:
  - a. Any connection or modification to county-maintained infrastructure regardless of jurisdiction or land ownership,
  - b. Any connection or modification to infrastructure within county property, county rights-of-way, or county owned or maintained easements within incorporated as well as unincorporated Polk County,
  - c. Any construction of new infrastructure improvements or replacement of existing infrastructure within county property, county rights-of-way, or county owned or maintained easements within incorporated as well as unincorporated Polk County; or,
  - d. Prior to the sale of any residential property (plat approval) within the limits of an approved Level 2 Review Plan when all infrastructure items necessary to support the intended use of property and required land sale elements are not completed.
  - e. Performance securities will not be accepted when total construction costs are less than **\$100,000**.
2. Maintenance Security - a maintenance security shall be required after completion and approval of connection or modification to county-maintained infrastructure with a total construction cost above **\$100,000**, regardless of jurisdiction.
3. Required Securities for Plat Approval  
The applicant shall provide and maintain sufficient full performance security guaranteeing the completion and approval of private or public onsite or offsite improvements.

...

**SECTION 7:** Chapter 9, Development Review Procedures, Section 909, Completion Guarantee and Acceptance of Infrastructure and Improvements, subsection C, Amount of Security, of the

Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 909 - Completion Guarantee and Acceptance of Infrastructure and Improvements**

...

**C. Amount of Security**

1. The amount of a performance security shall be 110 percent of the estimated total construction costs for the improvements identified by the Engineer of Record and approved for their accuracy by the County Engineer or their assigns. The amount of all maintenance securities shall be 10 percent of the total construction costs of infrastructure dedicated to Polk County.
2. Security requirements may be met by the following:
  - a. Cash,
  - b. Cashier's check payable to Polk County,
  - c. Irrevocable Letters of Credit payable to Polk County from a financial institution **with a permanent branch office** located within the state of Florida, or
  - d. Bond from a financial institution **with a permanent branch office** located within the state of Florida.

...

**SECTION 8: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 9: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**177.071 Administrative approval of plats or replats by designated county or municipal official.—**

- (1)
  - (a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. [177.091](#). The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.
  - (b) As used in this section, the term “administrative authority” means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including, but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county’s or municipality’s land development, housing, utilities, or public works programs.
- (2) Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. [177.091](#). The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.
- (3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.
- (4) Before a plat or replat is offered for recording, it must be administratively approved as required by this section, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this part:
  - (a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the municipality has exclusive jurisdiction to approve the plat or replat.
  - (b) When a plat or replat lies wholly within the unincorporated areas of a county, the county has exclusive jurisdiction to approve the plat or replat.

- (c) When a plat or replat lies within the boundaries of more than one county, municipality, or both, two plats or replats must be prepared and each county or municipality has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees that one plat is mutually acceptable.
- (5) Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

**RESOLUTION NO. 2025-081**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, DESIGNATING AN ADMINISTRATIVE AUTHORITY FOR THE REVIEW AND APPROVAL OF PLATS AND REPLATS; ESTABLISHING ADMINISTRATIVE PROCEDURES FOR PLAT REVIEW; PROVIDING FOR THE ADMINISTRATIVE ACCEPTANCE OF DEDICATIONS; PROVIDING FOR PREVIOUS PLATS; PROVIDING FOR CONFLICTING AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed Senate Bill 784, which was codified as Chapter 2025-164, Laws of Florida (the "Act"); and

**WHEREAS**, the Act amends Section 177.071, Florida Statutes, to require that all plat and replat applications that comply with the requirements of Florida Statutes and the County's applicable land development regulations must be administratively approved; and

**WHEREAS**, the Act removes the requirement for public hearings and approval by the Board of County Commissioners, making plat approval an administrative function, to be performed by county staff; and

**WHEREAS**, Section 177.071(1)(a), Florida Statutes, now requires the Board of County Commissioners to designate an "administrative authority" to receive, review, process, and render final decisions on all plat and replat submittals ; and

**WHEREAS**, the Act establishes a mandatory, time-sensitive review process, including a requirement to provide written notice of receipt and of any missing documents or information to an applicant within seven (7) business days of a submittal; and

**WHEREAS**, the Board of County Commissioners finds it necessary and in the public interest to formally adopt procedures and designate authority to ensure the County's full compliance with the mandates of state law.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT:**

**Section 1. Designation of Administrative Authority.** Pursuant to Section 177.071(1)(a), Florida Statutes, the Board of County Commissioners hereby designates the Land Development Division as the Administrative Authority for responsible for receiving, reviewing, and processing all plat and replat submittals within the unincorporated areas of the County.

**Section 2. Designation of Final Approval Official.** Pursuant to Section 177.071(1)(b), Florida Statutes, the Board of County Commissioners hereby designates the Land Development Division Director as the Administrative Official responsible for issuing the final administrative decision for any proposed plat or replat.

**Section 3. Adoption of Administrative Plat Review Procedures.** The following procedures are hereby adopted for all plat and replat applications submitted within the unincorporated areas of the County: (a) Application Submittal. All plat and replat applications shall be submitted to the designated Administrative Authority. (b) Initial Written Notice. Within seven (7) business days of receiving a submittal, the Administrative Authority shall provide the applicant with a written notice of receipt and of any missing documents or information in accordance with the Statute. (c) Final Decision. The Administrative Authority shall render a final written decision regarding the submittal within the timeframe established in the initial written notice.

**Section 4. Acceptance of Dedications.** The administrative approval and subsequent recording of a plat shall be deemed the acceptance of all dedications of rights-of-way, easements, or other lands for public use as shown on the plat, in accordance with the Statute.

**Section 5. Pending Plats.** Any Plat or replat application that was submitted before the date this Resolution, and is pending a final decision, shall be processed and finalized in accordance with the administrative procedures established by this Resolution, notwithstanding any provision of the Land Development Code to the contrary.

**Section 6. Conflicting Authority.** Until such time that the Land Development Code is updated to reflect changes necessitated by the Act and this Resolution, the provisions of the Act and this Resolution shall govern and supersede any conflicting requirements of the Land Development Code.

**Section 7. Severability.** If any section, subsection, sentence, clause, or provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity.

**Section 8. Effective Date.** This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners.

ATTEST:

STACY M. BUTTERFIELD  
CLERK OF THE BOARD

By: Alison Brown  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
POLK COUNTY, FLORIDA

By: T.R. Rick  
Rick Wilson, Chair

(SEAL)



**RESOLUTION NO. 6001**

**PROPOSED RESOLUTION NO. 25-040**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA DESIGNATING THE CITY MANAGER AS THE ADMINISTRATIVE AUTHORITY RESPONSIBLE FOR FINAL PLAT AND REPLAT APPROVALS IN COMPLIANCE WITH FLORIDA LAW; ALLOWING FOR DESIGNEE TO ACT ON CITY MANAGER'S BEHALF; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature approved Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 784 ("S.B. 784) in its 2025 Regular Session, amending s.177.071 and s.177.111 *Florida Statutes*, pertaining to platting; and

**WHEREAS**, S.B. 784 was approved by the Governor on June 20, 2025 and subsequently filed in the Office of the Florida Secretary of State as Chapter 2025-164, Laws of Florida; and

**WHEREAS**, among other changes related to platting, this new law requires the approval of plats and replats for the subdivision of land by an administrative authority of the local jurisdiction; and

**WHEREAS**, this new law defines the term "administrative authority" as a department, division, or other agency of the county or municipality and, for the purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the

county's or municipality's land development, housing, utilities, or public works programs;  
and

**WHEREAS**, the Land Development Code of the City of Lakeland addresses the administration and enforcement of the City's Subdivision Standards in Section 9.3, specifying that the Planning and Zoning Board shall be responsible for regulating the layout of new subdivisions and that the Director of Community Development shall be responsible for assisting the Planning and Zoning Board in carrying out its responsibility for regulating the layout of new subdivisions and resubdivisions and that the director or his designee shall exercise this responsibility by reviewing and approving preliminary plats and by reviewing and recommending approval or disapproval of final plats; and

**WHEREAS**, this Section of the Land Development Code also states that the Director of Public Works, General Manager of Lakeland Electric, Director of Water Utilities and the Director of Parks and Recreation shall also assist the Planning and Zoning Board with this responsibility, with the Subdivision Review Team reviewing all plats and construction plans on behalf of the directors and advising the directors regarding conformance with all applicable requirements and regulations; and

**WHEREAS**, Chapter 2025-164, Laws of Florida, takes effect on July 1, 2025, making it necessary for the City Commission to designate an administrative officer or employee of the City of Lakeland to review and approve, approve with conditions, or deny plat and replat submittals on behalf of the City of Lakeland;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1.** The foregoing findings are true and correct and are hereby adopted and made a part hereof.

**SECTION 2.** The City Manager is hereby designated as the administrative authority responsible for issuing a final administrative approval of a plat or replat submittal on behalf of the City of Lakeland.

**SECTION 3.** The City Manager may designate the Director of Community and Economic Development to act on the City Manager's behalf to approve, approve with conditions or deny plats or replats in coordination with the Director of Public Works, General Manager of Lakeland Electric, Director of Water Utilities and the Director of Parks and Recreation through the City's Subdivision Review Team.

**SECTION 4.** By September 30, 2025, the Community and Economic Development Department shall initiate amendments to the Land Development Code to ensure consistency with Chapter 2025-164, Laws of Florida.

**SECTION 5.** If any word, sentence, clause, phrase or provision of this Resolution, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Resolution shall not be affected thereby.

**SECTION 6.** This Resolution shall become effective upon passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 7th day of July, A.D. 2025.



ATTEST *Kelly S. Koos*  
KELLY S. KOOS  
CITY CLERK

*H. William Mutz*  
H. WILLIAM MUTZ, MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

*Palmer C. Davis*  
PALMER C. DAVIS  
CITY ATTORNEY

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b> January 29, 2026	<b>Level of Review:</b> 4
<b>PC Date:</b> March 4, 2026	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 7, 2026	<b>Case Numbers:</b> LDCT-2025-30
April 21, 2026	<b>Case Name:</b> Administrative Plat Approval
<b>Applicant:</b> Polk County	<b>Case Planner:</b> Erik Peterson, AICP

<b>Request:</b>	An LDC text amendment to Chapter 8, Section 806 Plats; Section 810, Replats and Modifications; Section 903, Review Procedures; and Section 908 Level 5 Review, to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of Chapter 177-071 of the Florida Statutes and amending Section 909.B, Applicability; and Section 909.C, Amount of Security, to adjust the minimum construction cost threshold and location of financial institution for Performance and Maintenance Securities; providing for severability; providing an effective date.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending Hearing

### The changes to Chapter 8, Section 806, Plats are:

- Changing the duties of the Board of County Commissioners (BoCC) to the Land Development Director
- Removing the BoCC conditional plat approval process.
- Separating the difference between dedications on plats and acceptance of dedications and infrastructure by the BoCC.

### The changes to Chapter 8, Section 810, Re-plats and Modifications are:

- Changing certain duties of the Board of County Commissioners (BoCC) to the Land Development Director
- Adding 910.D, Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts, to direct the process for vacating dedications prior to approval of a re-platting property.

### The changes to Section 903, Review Procedures are:

- Changing references to the Board of County Commissioners (BoCC) to the Land Development Director in Table 9.1 and 9.2 regarding Level 5 Review (plat approval).

### The changes to Section 908, Level 5 Review are:

- Changing references to the Board of County Commissioners (BoCC) to the Land Development Director regarding Level 5 Review (plat approval)
- Inserting plat review timing requirements per Chapter 177 of the Florida Statutes

**The changes to Section 909.B, Applicability (of completion guarantees) are:**

- Minimum project cost for requiring performance sureties and maintenance sureties from \$10,000 to \$100,000.

**The changes to Section 909.C, Amount of Security (of completion guarantees) are:**

- Allowing letters of credit and bonds to be eligible if the financial institution has a permanent branch office located in Florida rather than requiring the financial institution to be headquartered in Florida.

**Summary:**

Florida Statute 177.071, concerning plat approval, was recently updated (effective July 1, 2025) to streamline the process, clarifying that an "administrative officer" can grant final plat approval, and requiring swift acknowledgment and initial review (within 7 days) for plats submitted to counties/municipalities, detailing processing steps, and allowing electronic submittal for some parties. These changes focus on efficiency, clear communication, and defining roles for the approval of subdivision plats, with local governments implementing these changes through their land development codes. Changes to the Florida Statutes included:

- **Administrative Approval:** "Governing bodies" can now delegate the final approval of plats to a designated "administrative officer", such as a County/City Manager or high-ranking department director, for quicker processing.
- **Initial Acknowledgment:** The administrative authority must acknowledge receipt of a plat submittal within 7 business days, identifying any missing documents and outlining the approval process.
- **Streamlined Process:** The statute aims to expedite approvals by defining clear timeframes and responsibilities for reviewing plats for completeness.
- **Local Implementation:** Counties and cities are updating their Land Development Codes to align with these state-level mandates for plat review.

On August 15, 2025, the Board adopted a resolution to designate the Land Development Director as the administrative officer for plat approval. This proposed amendment to the LDC implements this statute by formally codifying these new requirements for the plat approval process.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 8, Section 806 Plats; Section 810, Replats and Modifications, Section 903, Review Procedures; and Section 908 Level 5 Review, to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of Chapter 177-071 of the Florida Statutes and amending Section 909.B, Applicability, and Section 909.C, Amount of Security, to adjust the minimum construction cost threshold and location of financial institution for Performance and Maintenance Securities.*
2. *This amendment applies to all properties in the unincorporated areas applying for land subdivision, including the Green Swamp Area of Critical State Concern.*
3. *Chapter 177.071 Approval of plat by governing bodies.—*
  - (1) *Before a plat is offered for recording, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation. For the purposes of this part:*
    - (a) *When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.*
    - (b) *When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.*
    - (c) *When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.*
  - (2) *Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.*
4. *POLICY 2.128-C1: STANDARDS of the Comprehensive Plan states, “Through the implementation of its Land Development Code, Polk County shall regulate the subdivision of land in a manner consistent with the requirements of Florida Statutes to ensure:*
  - a. *Legal access to public rights-of-way;*
  - b. *Proper designation of rights-of-way and easements for roads, public utilities, and other public uses;*
  - c. *The orderly provision of community services including police, fire, and emergency medical services, and;*
  - d. *Compliance with local land use policies and regulations.”*
5. *Chapter 8 of the Land Development Code (LDC) is dedicated to the land subdivision regulations including platting requirements. Chapter 9 of the LDC is dedicated to the development procedures including the subdivision of land through plat approval.*
6. *Chapter 10 of the LDC defines Plat as “a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites or other divisions, as specified in F.S. ch. 177.”*
7. *Chapter 10 of the LDC defines Subdivision as “any division of a lot, parcel, or tract of land.”*
8. *Planning staff have reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County.*

*Staff found that four (4) out of the 14 jurisdictions have adopted an administrative approval process for plat review and recording per the requirements of Florida Statute 177.071.*

### **Development Review Committee Recommendation:**

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommend **APPROVAL** of LDCT-2025-30.

## **Analysis**

### **Introduction**

In the spring of 2025, the Florida Legislature passed Senate Bill 784 which was signed into law by the Governor with an effective date of July 1, 2025. This law requires all local governments to change their procedures for land subdivision plat approval from the governing body to an administrative official designated by the governing body. On August 15, 2025, the Board of County Commissioners passed resolution 2025-081 designating the Land Development Director as the administrative official with the sole responsibility for plat approval. This amendment is primarily to codify this new procedure into the Land Development Code.

While much of this proposed amendment is merely replacing “Board of County Commissioners” with “Land Development Director,” there are some logistical issues that have to be addressed that the legislation did not. One of those is the process of re-platting over an existing plat. Most platted lands include easements, public offerings, and other dedications to properties that may not be under the same ownership as the applicant for the new plat. Those property owners may likely have development rights that cannot be quashed administratively that under Florida as well as Polk County laws require a public notice and hearing process. Therefore, this amendment directs a property owner back to the Board of County Commissioners for approval to vacate right-of-way, easements, and other dedications prior to the approval of a re-plat.

### **Recommended Changes**

Staff are recommending that the LDC reflect the requirements of CH. 177.071 FS and Board of County Commissioners Resolution 2025-081 by adopting the following changes to Chapter 8, Sections 806 and 810 and Chapter 9, Sections 903, 908, and 909.

Amend Chapter 8, Section 806, Plats by changing the duties of the Board of County Commissioners (BoCC) to the Land Development Director with regard to final plat approval authority abrogating the conditional plat approval process because it is unnecessary if plats are approved without a public meeting. However, it must be stated that the administrative plat approval is different from accepting dedicated infrastructure.

Amend Chapter 8, Section 810, Re-plats and Modifications, by changing certain duties of the Board of County Commissioners (BoCC) to the Land Development Director. But also adding 910.D, Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts, to direct the process for vacating dedications prior to approval of a re-platting property. This will ensure that individual property rights are not taken away without proper notification of all parties affected.

Section 903, Review Procedures, has summary tables (Table 9.1 and 9.2) that outline all review processes. References to the Board of County Commissioners (BoCC) need to be changed to the Land Development Director regarding Level 5 Review (plat approval).

Section 908, Level 5 Review, includes many references to the Board of County Commissioners (BoCC) that need to change to the Land Development Director regarding Level 5 Review (plat approval). Senate Bill 784 also called for shorter plat review timing requirements. These are quoted directly from Florida Statute 177.071.

The costs of construction have greatly increased since the performance surety requirements prior to platting were adopted. Staff recommends changes to Section 909.B, Applicability (*of completion guarantees*) to raise the minimum project cost for requiring performance sureties and maintenance sureties from \$10,000 to \$100,000.

There are a limited number of financial institutions headquartered in the state. The purpose of the requirement is that the money is easily accessible if it is needed for infrastructure completion or repairs. Staff recommend changes to Section 909.C, Amount of Security (*of completion guarantees*), to allow letters of credit and bonds to be eligible if the financial institution has a permanent branch office located in Florida rather than requiring the financial institution to be headquartered in Florida.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

Polk County significantly expedited the platting process by creating a pre-approval process for the Board of County Commissioners in 2010 where the Board could approve a plat prior to completion of the plat review. This enabled a plat to be recorded shortly upon completion of the review without having to wait for the next available Board meeting for final action. This amendment cuts out the time it could take to have the Board Chairman come to the County Administration Building to sign the plat prior to recording. This puts it in the hands of the Land Development Director who is typically at the building. It can potentially shorten the time between plat approval and recording; and “time is money” in the land development business.

The legislative requirement of a faster review response process does not change Polk County’s current plat review system because we already meet these standards. Polk County has the most expedient review processes in all of Central Florida. The modifications to the minimum construction cost requiring financial securities and changes to the location of creditors will assist many small projects and all builders.

#### *Who does it hurt?*

This does potentially remove the public’s ability to comment on the approval of a platted development. Before this legislation, plats were pre-approved in an open public forum where constituents could voice their concerns. While platting is rather late in the development approval process for any objections or concerns to be aired, it does remove one avenue for public accountability. However, the platting process is more of a technical part of the overall development process for which public input is unlikely to alter the physical outcome.

#### *What is the cost?*

These changes require significant investment into technology that enables limited staff to be more productive. Polk County has been making these ongoing technological improvements since the mid-1990s and has not stopped making improvements to the system. This efficiency is borne out of the experience of high population growth rates over the past 30 years.

## **Regulatory History**

Plats recorded in the unincorporated areas of the County have been approved by the County Commission in a public meeting and signed by the Chairman dating back to the mid-1920s. The first ordinance that was recorded regulating the subdivision of land became effective January 19, 1970 (Ord. 70-1). This proposed ordinance amendment is implementing a change in County procedure that is over 100 years old.

## **Limits of the Proposed Ordinance**

This amendment applies to all lands within the unincorporated areas of Polk County including the Green Swamp Area of Critical State Concern. This amendment will be forwarded to Florida Commerce for the statutorily required 45-day review.

## **Comparisons to other Jurisdictions**

Staff commonly survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. In addition to the aforementioned, the survey includes Brevard, Hardee, Highlands, Hillsborough, Lake, Manatee, Orange, Osceola, Seminole, and Volusia Counties. Out of the 14, only four Counties (Manatee, Orange, Osceola, and Volusia) have implemented the change to an administrative signature of approval on plats with no public hearing requirements. The City of Lakeland has also approved a resolution to change the plat approval process similar to the County and is in the process of drafting final code changes.

## **Consistency with the Comprehensive Plan**

This amendment is consistent with the Comprehensive Plan, specifically POLICY 2.128-C1, which states, *“Through the implementation of its Land Development Code, Polk County shall regulate the subdivision of land in a manner consistent with the requirements of Florida Statutes...”* It does not change any regulations with regard to:

- Legal access to public rights-of-way;
- Proper designation of rights-of-way and easements for roads, public utilities, and other public uses; The orderly provision of community services including police, fire, and emergency medical services, or;
- Compliance with local land use policies and regulations.”

## **Consistency with the Florida Statutes**

The purpose of this amendment is to bring the Land Development Code into compliance with Florida Statute 177.071, concerning plat approval.

**Comments from Other Agencies:** Input into the drafting of this ordinance was provided by Polk County Roads and Drainage Division.

**Draft Ordinance:** under separate attachment