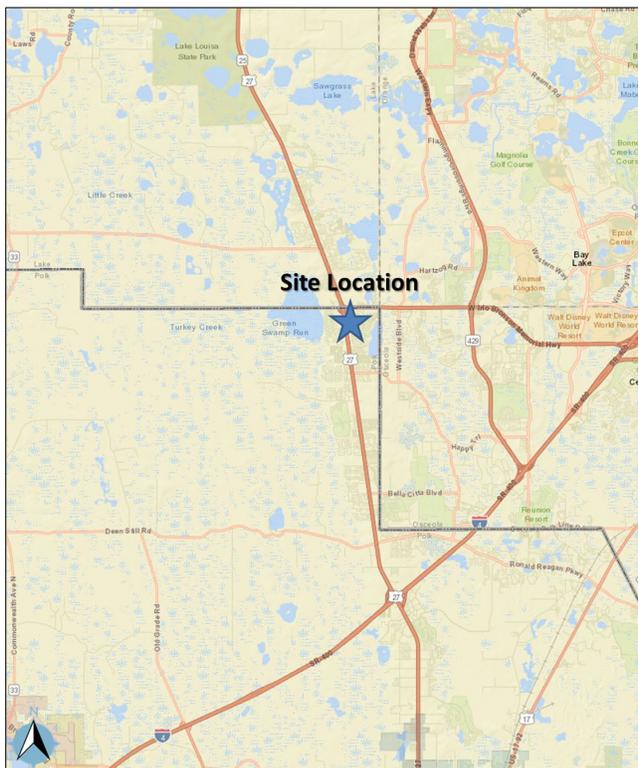


**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

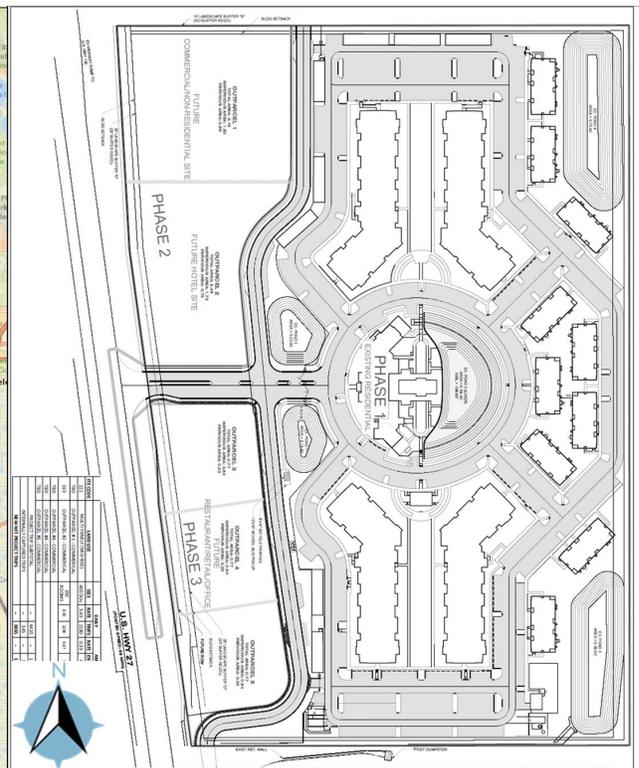
DRC Date: September 28, 2023	Level of Review: Level 3 Review
PC Date: March 6, 2024	Type: Planned Development (PD) Modification
BoCC Date: N/A	Case Numbers: LDPD-2018-46-M1
Applicant: Logan Opsahl, Lowndes, Drosdick, Doster, Kantor & Reed P.A.	Case Name: US 27 RACX PD Modification
	Case Planner: Ian Nance

Request:	This is a modification to the Conditions of Approval for LDPD-2018-46 to remove the limitations of commercial square-footage onsite.
Location:	The subject property is located on the east side of US Highway 27, south of US Highway 192, north of Polo Park East Boulevard, west of the Osceola County line in Section 01, Township 25, and Range 26.
Property Owners:	CVAD Phase I LLC
Parcel Number (Size):	262501-488028-000020 (+/- 3.77 Acres) 262501-488028-000030 (+/- 2.43 Acres)
Future Land Use:	Regional Activity Center (RACX) North US 27 Selected Area Plan (SAP)
Development Area:	Transit Supportive Development Area (TSDA) Transit Corridor Overlay
Nearest Municipality:	Lake County
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending

Location



Site Plan



Summary of Analysis:

LDPD-2018-46 was approved on March 6, 2019, and included four (4) five-story apartment buildings totaling 360 dwelling units (DU); eight (8) two-story “carriage” homes totaling 40 DU; a four-story commercial hotel with 250 rooms; **and a total 50,000 square-feet of retail/restaurant/office buildings in four locations** abutting US Highway 27. The PD also reduced the setback from the US 27 right-of-way from 65 to 25 feet. This modification request is to remove the Condition of Approval limiting the square-footage of commercial uses within this PD.

The residential portion of this site is currently under construction, and the original parcel has been platted. The subject property is located within the Regional Activity Center (RACX) land use district in a Transit Corridor overlay of the Transit Supportive Development Area (TSDA) where the County desires intense residential and non-residential uses. In this regard, the current commercial square-footage, as conditioned, is extremely limiting to the development potential at this site (0.18 FAR). Though the standard FAR in RACX is 0.35, the Comprehensive Plan allows an FAR up to 2.0 in the Transit Corridor by-right. No commercial or non-residential aspect or use suggested within the original proposal required Planning Commission approval. The primary purpose of the PD was to reduce the US 27 RW setbacks and approve the residential development.

Staff recommends approval of this request, as removing the relevant condition of approval will afford the entire development to the entitlements otherwise permitted within the TSDA and RACX. Given the limited sizes of the commercial outparcels, it is unlikely they will all develop to a such a high intensity. Self-storage and hotels are the most likely uses that would take advantage of increased FAR and square footage. The request is compatible with surrounding land uses and infrastructure. This region of Polk County has been planned for high-density residential development and the commercial developments that accompany it.

Findings of Fact

- *LDPD-2018-46-M1 is a Major Modification to Planned Development LDPD-2018-46 to modify Condition 1, removing the limitation on commercial square-footage.*
- *LDPD-2018-46 was approved by the Planning Commission 7-0 at an advertised public hearing held on March 6, 2019. The conditional approval was for a Planned Development (PD) that included four five-story apartments (340 dwelling units); ten two-story multi-family “carriage homes” (60 DU); a hotel (250 rooms); and **50,000 square feet of commercial retail/restaurant/office uses including drive-thru facilities**. The request reduced the right-of-way setbacks from US Highway 27 from 65 feet to 25 feet. The conditions of approval are listed in Exhibit 6.*
- *The residential portion of LDPD-2018-46 was approved by LDRES-2019-113 for 400 dwelling units, as described above.*
- *The plat for this site (LDPLT-2020-28) was recorded by the Polk County Clerk of Courts on December 15, 2021 (PB 188 PGS 45-46). The subject parcels are described as Lots 2 & 3.*
- *Comprehensive Plan Policy 2.104-A7: Densities and Intensities states, “To promote energy efficient land use patterns and compact mixed-use development, the TSDA and the Transit Corridors and Centers Overlay (TCC Overlay) within the TSDA shall include higher densities and intensities of development.”*
- *Comprehensive Plan Table 2.104.2 states that the maximum Floor Area Ratio (FAR) in non-residential districts is 2.0 in the Transit Corridor overlay.*
- *Comprehensive Plan Section 2.131-C governs the US 27 Selected Area Plan. Comprehensive Plan Policy 2.131-C7: Density Schedule states, “For those areas of the County located within the US 27 SAP and that are in the Transit Supportive Development Areas (TSDA), if there is a conflict between the density or intensity incentives established in Policy 2.104-A7 for the TSDA or the Transit Corridors and Centers Overlay (TCCO) and the densities and intensities established within the US 27 SAP, the densities and intensities of the TSDA or TSDA with the TCCO shall take precedence.”*
- *LDC Section 906.E states that any increase in intensity of non-residential uses for a portion of the project which is less than 100 feet from the conditional use boundaries or any part of the project which has been constructed or sold to an owner or owners different from the applicant requesting the change is considered a Major Modification.*
- *LDC Section 906.H states, “A Level 3 Review approval does not divest the subject property from any use labeled Permitted (P) and Conditional (C1) or Conditional (C2) per the applicable Use Table. A Major Modification is not required for uses labeled P, C1 or C2, unless otherwise prohibited in the Level 3 Review approval. The use that is the subject of the Level 3 Review approval shall still comply with Section 906 E. Uses listed as a P, C1, or C2 in the appropriate use table shall not be bound by Section 906 E. If a Level 3 Review limits the density or unit count, or alters the setbacks, through the binding site plan or a Condition of Approval, then the density or unit count cannot be increased by right. The density or unit count can only be increased through a major modification.”*

- *Land Development Code (LDC) Section 204.B.5 states, “The purpose of the RAC district is to provide for the regional shopping needs of residents. The RAC district permits special residential development, regional shopping centers, other regional attractors, and community facilities.”*
- *Per LDC Table 4.9, the RACX district allows a residential density of 15 to 25 dwelling units per acre. The maximum Floor Area Ratio is 0.35, and the maximum Impervious Surface Ratio is 0.7. Interior side setbacks within RACX are 15 feet for principal and accessory structures. Rear setbacks are 30 feet for principal structures and ten (10) feet for accessory structures. Setbacks from Principal Arterial roadways are 65 feet from the right-of-way and 125 feet from the centerline.*
- *POLICY 2.104-A5 of Polk County’s Comprehensive Plan states, “development within the Transit Supportive Development Areas shall conform with the following criteria consistently with the requirements of the Land Development Code:*
 - a. provide access to transit facilities;*
 - b. connect to centralized potable water and sanitary sewer systems;*
 - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;*
 - d. implement “Complete Street’ and “Conservation Development” principles as established under Section 2.1251, Community Design, of this element;*
 - e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings;*
 - f. provide access to civic space, parks, green areas, and open space and other amenities;*
 - g. be supported by public safety (i.e., fire, EMS and law enforcement);*
 - h. have access to public schools;*
 - i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas.*
 - j. encourage the inclusion of a variety of housing choices, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.”*
- *A 10-inch potable water distribution main owned by Polk County is located on the west side of US Highway 27.*
- *A 12-inch force wastewater pressurized main owned by Polk County is in the western right-of-way of US Highway 27.*
- *A 16-inch force reclaimed water pressurized transmission main owned by Polk County is in the western right-of-way of US Highway 27.*
- *The entirety of the property is comprised of Candler Sand 0 to 5% slopes. The property is not located in any wetlands or flood zones. The subject property is not located within one of the County’s Wellhead-Protection Areas.*

- *US Highway 27 is a Principal Arterial roadway and is tracked for concurrency by the Polk County Transportation Planning Organization.*
- *Fire/EMS responses are primarily from Polk County Fire Rescue Station 42, 50945 US-27, Davenport.*
- *The site is served by Polk County Sheriff’s Northeast District Substation, located at 1100 Dunson Rd, Davenport 33896. The travel distance is approximately 6.3 miles.*
- *The zoned schools for the proposed project are Citrus Ridge Elementary, Citrus Ridge K-8, and Davenport Senior High.*
- *The Northeast Regional Park is located approximately 0.83 miles to the south. Hilochee Wildlife Management Area (WMA) is to the west directly across US Highway 27.*
- *There are no known historical or archeological resources onsite, according to the Secretary of State’s Department of Historical Resources Florida Master Site File.*
- *Documentation was provided for LDRES-2019-113 that demonstrated that no sand skinks or other endangered species were found onsite. A gopher tortoise relocation permit was issued on June 23, 2020.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 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.”*
- *This request has been reviewed for consistency with LDC Sections 303, 401.03, and 906.*

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, the findings of fact and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDPD-2018-46-M1.**

CONDITIONS OF APPROVAL

Based upon the findings of fact the Development Review Committee recommends APPROVAL of LDPD-2018-46-M1 with the following Conditions:

1. This Planned Development (PD) modification shall be to modify Condition 1 from LDPD-2018-46 to read as follows: “This Planned Development (PD) approval shall be for 400 multi-family dwelling units with setbacks for commercial/non-residential development from US Highway 27 reduced to 25 feet.” [PLG]
2. All other conditions of approval from LDPD-2018-46 remain in full effect (Exhibit 6). [PLG]

3. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to LDPD-2018-46-M1, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. The specific types of commercial uses and building footprints may vary provided they are listed as a P, C1, or C2 use in Table 4.8 in Section 401.01 of the LDC. [PLG]

GENERAL NOTES

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

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

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

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners’ jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 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.

Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Table 1

Northwest: INST-2X US 27 Vacant	North: RACX Vacant	Northeast: RACX Multi-family Residential/ Landings at Four Corners/PD 06-41
West: RACX/PD 06-01 US 27 Hotel/Orlando Breeze Resort	Subject Property: RACX 400 MF DU Under Constructions Commercial Out-Parcels	East: LRX Lake Magic RV Resort/PUD 84-13
Southwest: LRX US 27 Hotel/Orlando Breeze Resort	South: RACX GK Shopping Plaza Retail/Personal Services/Veterinarian	Southeast: RL-1X Polo Park East Mobile Home Park & Golf Course/PUD 87-45

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

The subject property is located within the Regional Activity Center (RACX) land use district in a Transit Corridor overlay of the Transit Supportive Development Area (TSDA) where the County desires intense residential and non-residential uses. This area of Polk County is highly influenced by tourism, commuters, and is also home to retirement communities. The property’s location near the intersection of US Highway 27 and US Highway 192 invites a multitude of uses. The neighboring land uses reflect this dynamic.

Compatibility with the Surrounding Land Uses and Infrastructure:

The Comprehensive Plan defines Compatibility in Section 4.400 as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion.”

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

A. Land Uses:

LDPD-2018-46 was approved by the Planning Commission 7-0 at an advertised public hearing held on March 6, 2019. The conditional approval was for a Planned Development (PD) that included four five-story apartments (340 dwelling units); ten two-story multi-family “carriage homes” (60 DU); a hotel (250 rooms); and 50,000 square feet of commercial retail/restaurant/office uses including drive-thru facilities. The request reduced the right-of-way setbacks from US Highway 27 from 65 feet to 25 feet. The residential portion of LDPD-2018-46 was approved by LDRES-2019-113 for 400 dwelling units, as described above.

The plat for this site (LDPLT-2020-28) was recorded by the Polk County Clerk of Courts on December 15, 2021 (PB 188 PGS 45-46). The subject parcels are described as Lots 2 & 3. The applicant is wishing to develop these parcels with a variety of commercial uses that will benefit the future residents of this community and the surrounding area. These potential uses include drive-thru restaurants, car wash, and retail, which are businesses that can be administratively approved through Level 2 Reviews and do not have large building footprints or floor space requirements.

The current commercial square-footage, as conditioned though, is limiting to other development potential at this site (0.18 FAR) for certain allowable uses, including multi-story self-storage facilities and a planned hotel. Though the standard FAR in RACX is 0.35, the Comprehensive Plan allows an FAR up to 2.0 in the Transit Corridor by-right. No commercial or non-residential aspect or use suggested within the original proposal required Planning Commission approval or does with this application. This modification will reset this development to build-out to a degree that would otherwise be permitted without continued public hearings.

The surrounding land uses are residential and commercial. To the east is Lake Magic RV resort (PUD 84-13) and Polo Park East Mobile Home Park and Golf Course (PUD 87-45). Multi-family residences are located to the northeast at the Landings at Four Corners (PD 06-41). To the north and northwest is vacant land. To the west and southwest is the Orlando Breeze Resort (PD 06-01). To the south is the GK Shopping Plaza that has retail, personal services, a bank, and a veterinarian office.

B. Infrastructure:

According to Comprehensive Plan 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.”

As this site is in the TSDA, potable water and wastewater services are available. Reclaimed water is also available. The County has invested in infrastructure upgrades to this area to accommodate anticipated growth. The site has direct egress/ingress to US Highway 27 North which has capacity. Connectivity with properties to the north and south were approved, though they have not been utilized yet due to private matters. Public safety services are at an urban service level. There are public recreation facilities nearby and connection to mass transit.

Nearest Elementary, Middle, and High School

The zoned schools for the proposed project are Citrus Ridge Elementary (+/- 4.0 Miles); Citrus Ridge K-8 (+/- 4.0 Miles); and Davenport Senior High (+/- 15 Miles). No public bus stops are currently located near the subject site, and it is not anticipated that this approval will interfere with busing operations. The residential portion of this site has been granted concurrency through LDRES-2019-113 on November 30, 2020. No concurrency determinations will be required for non-residential uses.

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Fire/EMS responses are primarily from Polk County Fire Rescue Station 42, 50945 US Highway 27. The travel distance is approximately 2.5 miles. Table 2, to follow, shows the distances to the subject site and estimated response times.

Table 2

	Name of Station	Distance	Response Time*
Sheriff	Polk County Sheriff's Northeast District Substation 1100 Dunson Rd, Davenport 33896	±6.3 miles	P1: 10:12 P2: 21:17
Fire/EMS	Polk County Fire Rescue Station 42 50945 US Highway 27, Davenport 33897.	±2.5 miles	6 minutes

Source: Polk County Sheriff's Office and Public Safety

**Response times are based from when the station receives the call, not from when the call is made to 911.*

The nearest Sheriff's substation is the Polk County's Northeast District, located at 1100 Dunson Road, Davenport. 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. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered. Sheriff's response times are not as much a function of the distance to the nearest Sheriff's substation but more a function of the overall number of patrol officers within the County.

The PCSO improves response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as

text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely.

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

The site is in the Polk County's Northeast Regional Utility Service Area for both water and wastewater services which are available. A ten-inch distribution potable water main and a 12-inch wastewater main are located on the west side of US Highway 27. A 16-inch pressurized transmission main for reclaimed water is also located on the west side of US Highway 27 that will be used for irrigation.

Without knowing for certain the proposed uses in the RACX outparcels, staff has a difficult time ascertaining a generalized demand for these services. Commercial uses typically create less demand than residential. On properties, however, where the FAR could range below 0.20 to over 1.0, an accurate determination is tough to project prior to the Level 2 Reviews that would be necessary for each use. Lines were brought to the property through LDRES-2019-113 and concurrency with PCU was granted for the residential portion of the site. A lift station for wastewater is being constructed.

"Discount Store" is the Leading Development Assumption in the RACX. This is estimated to generate 0.22 GPD/sq. ft. of potable water demand and 0.127 GPD/sq. ft. for wastewater. This information is based on concurrency calculations utilized throughout Polk County. A hotel, on the other hand, is expected to demand 250 GPD/Room of potable water. Modern car washes have less impact on water than would be assumed. Those in Polk County must connect to available reclaimed water, and most utilize a Car Wash Recycle System this is effective in eliminating wastewater and runoff.

B. Available Capacity:

According to the Polk County Utilities Capacity Summary (12/31/22), there are 706,000 GPD of uncommitted potable water capacity. There is no capacity available for wastewater. Anticipated improvements to the wastewater system should provide 1,250,000 gallons per day. Build-out of this development will not occur immediately. The applicant will need to apply for binding capacity determinations at the time of the Level 2 Review submittal for each use.

The PWS is in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources. If the Southwest Florida Water Management District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the authorized withdrawals, the District may reduce permitted quantities.

C. Planned Improvements:

Ongoing improvements are underway to both the water and wastewater systems in this area. None will require the addition of infrastructure but will focus on system performance and efficiency. Wastewater improvements to reach six (6) MGD have been designed and constructed. These upgrades will be implemented when needed.

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of ‘A’ to ‘F’ with LOS ‘A’ being the best (free-flow traffic) and LOS ‘F’ being the worst (severe traffic congestion).

A. Estimated Demand:

The applicant was approved for a right-in, right-out access to the site from US Highway 27 North through FDOT. Internal cross-access was provided for properties to the north and south.

Much as with utility demands, judging traffic at this level of the review is difficult. Uses such as self-storage might be land intensive, but they do not generate significant traffic. Fast-food restaurants and retail capture passerby traffic, but they will also attract customers from within the actual development, keeping traffic off the roadway system.

B. Available Capacity:

A Major Traffic Study was submitted with LDRES-2019-113 that accounted for the traffic for the development as originally proposed. If a self-storage facility is ultimately approved over retail, it is likely the traffic demand will decrease based on the accepted study. If self-storage replaces a proposed office use, the traffic demand would be similar. As such, staff does not anticipate any meaningful deviations from the original study. The results of the study showed an estimated 80 Peak PM Trips would utilize the northbound lane of US 27, while another 90 Peak PM Trips would travel south.

For a current review at the available capacity information, Table 3, to follow, displays the generalized capacity on the most affected transportation links.

Table 3

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5113N	US 27 From: Sand Mine Road to US 192	C	404	D

Table 3

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5113S	US 27 From: Sand Mine Road to US 192	C	572	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023

C. Roadway Conditions:

According to Polk County’s Road Inventory, US Highway 27 is a Principal Arterial roadway that is maintained by the Florida Department of Transportation. Ingress and egress to US Highway 27 is requisite for the success of this project, and FDOT approved access to the site through a previous approval. The only other access is from a private connector road that leads south to Polo Park Boulevard East which is inadequate for the volume of traffic estimated for this project but may one day provide critical access to the vacant property to the north.

D. Sidewalk Network

There is a sidewalk located at the southwest corner of the subject site that runs south along US Highway 27. A sidewalk has been constructed with the intersection improvements with US 27. A sidewalk that runs the length of US Highway 27 South is located on the west side of the road.

E. Planned Improvements:

This proposed development will not depend upon any upcoming transportation system improvements, and none are currently found in the area.

F. Mass Transit

The nearest mass transit stop is Route 427 – US 27/Haines City with Lynx. Lynx services Northeast Polk, Lake, Orange, Seminole, and Osceola counties. Bus stops for Route 427 are located at the northwest and southeast corners of the US Highway 27 and Polo Park Boulevard East intersection less than 0.12 miles south of the subject site. This route runs between the Four Corners Wal-Mart to the north and south to Haines City.

Park Facilities and Environmental Lands:

The project is site is located near the Northeast Regional Park and Hilochee Wildlife Management Area.

A. Location:

The Northeast Regional Park is located approximately 0.83 miles to the south.

B. Services:

According to Central Florida’s Polk County Sports Marketing, The Northeast Regional Park is an 83-acre park that includes six soccer/football fields, concession stand, a playground, tennis courts, racquetball courts, basketball courts, a boat ramp, a pavilion for special events, picnic facilities and an exercise trail and a dog park. Fitness stations were added in FY 17/18. The boat ramp provides access to Old Lake Davenport.

C. Multi-use Trails:

The Green Swamp Trail is a proposed trail that utilizes the Green Swamp Area of Critical State Concern Core boundary and stretches from Lake Bonnett Marsh to the Lake County line. The proposed distance is 20.77 miles. Its closest point to the subject site is 0.58 miles to the west. There is no timeline on its completion.

D. Environmental Lands:

Hilochee Wildlife Management Area (WMA) is located approximately 0.60 miles to the west. According to the Florida Fish & Wildlife Conservation Commission, acquisition of this property began in 1995. Funds for acquisition came from the Conservation and Recreation Lands (CARL) Program under the Green Swamp Carl Project, Preservation 2000, and the Florida Forever Program. The WMA falls within the Green Swamp Florida Forever Project (GSFFP), a larger area encompassing nearly 279,224 acres of cypress swamps, pine forests, citrus groves, mines and pastures. Activities on this property include hunting & fishing, hiking, wildlife viewing, biking, and horseback riding.

Environmental Conditions

Environmental conditions were reviewed during previous approvals. No substantial changes have been identified.

A. Surface Water:

There is no surface water on site. The nearest surface water is located at Old Lake Davenport, approximately 0.54 miles to the east. A lot grading plan was approved through previous applications that provides for stormwater management. There will be no direct connections from impervious areas on the development site to any off-site water streams, ponds, etc. Since the runoff will be contained within the developed site, this will reduce the runoff from entering neighboring properties.

B. Wetlands/Floodplains:

There are no floodplains or wetlands on site. The nearest wetlands are approximately 0.28 miles to the south near Cornerstone Baptist Church and in isolated pockets to the east within the Lake Magic RV Resort and Polo Park East Golf Course developments. Flood hazard areas correspond with these wetlands.

C. Soils:

The site is comprised of Candler Sand, according to the U.S. Department of Agriculture. There are few limitations to development on Candler Sand. This is well-drained sandy soil that will require compaction to stabilize foundations and roadway bases. Landscape irrigation can be challenging due to how well this soil percolates. As the project will tie into public wastewater services, there are no concerns for septic absorption fields. Table 4, to follow, breaks down the soil types on the site.

Table 4

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Candler Sand 0 to 5% Slopes	Slight	Slight	100%

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

The subject site sits on a hill in contrast to development around it. The elevation is between 157 feet and 140 feet above sea level. The highest point is along US Highway 27, midway up the western property line. From there the property slopes down towards the north, south, and east. The site is well-drained, and a sound grading plan and buffering plan along the property lines should mitigate this impact in relation to surrounding development. All future development is required by the Land Development Code (LDC) to implement best management practices for erosion-control, and the soils are not of such that would limit compliance with applicable Land Development Code (LDC) regulations for the proposed use.

D. Protected Species

As a prior condition of approval, the applicant hired a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. Documentation was provided for LDRES-2019-113 that demonstrated that no sand skinks or other endangered species were found onsite. A gopher tortoise relocation permit was issued on June 23, 2020.

E. Archeological Resources:

There are no known historical or archeological resources onsite according to the Secretary of State's Department of Historical Resources Florida Site File.

F. Wells (Public/Private)

The site is not located near any wellfield protection districts. The nearest well field protection district can be found approximately 6.5 miles to the south near the intersection of Dean Still Road and US Highway 27.

G. Airports:

The proposed planned development is not within any Airport Impact District.

Economic Factors:

With the nearby attractions, hotels are an expected and wise enterprise in this area, though they are susceptible to economic downturns. Fast-food restaurants are typically found in such locations and will capture passerby traffic. Self-storage facilities and car washes are natural components in high residential density areas.

Next, Polk County has invested and planned for growth in this area with improvements in wastewater, potable water, and reclaimed water. This development represents a return on these services. The typical complaint in northeast Polk concerns traffic. US Highway 27 is a major thoroughfare to reach US Highway 192 to the north and I-4 to the south. Due to being a

commuter and tourist area, large volumes of traffic are expected. Still, traffic circulation is operating at an accepted Level of Service by the Polk County Transportation Planning Organization.

Consistency with the Comprehensive Plan and Land Development Code:

With this modification, as proposed, the FAR on the non-residential portion of the original PD will default to 2.0, as permitted by the Comprehensive Plan. In support of this recommendation, staff presents the following Comprehensive Plan policies and sections:

Policy 2.104-A7: Densities and Intensities states, “To promote energy efficient land use patterns and compact mixed-use development, the TSDA and the Transit Corridors and Centers Overlay (TCC Overlay) within the TSDA shall include higher densities and intensities of development.”

Comprehensive Plan Table 2.104.2 states that the maximum Floor Area Ratio (FAR) in non-residential districts is 2.0 in the Transit Corridor overlay.

Comprehensive Plan Section 2.131-C governs the US 27 Selected Area Plan. Comprehensive Plan Policy 2.131-C&: Density Schedule states, “For those areas of the County located within the US 27 SAP and that are in the Transit Supportive Development Areas (TSDA), if there is a conflict between the density or intensity incentives established in Policy 2.104-A7 for the TSDA or the Transit Corridors and Centers Overlay (TCCO) and the densities and intensities established within the US 27 SAP, the densities and intensities of the TSDA or TSDA with the TCCO shall take precedence.”

In addition to these standards, Table 5, to follow, outlines other pertinent Comprehensive Plan policies.

Table 5

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>The proposed development is compatible with neighboring properties, and there is adequate infrastructure to support it, as well. The development will provide buffers to adjacent residential and non-residential development. The increase FAR will be comparable to the floor area of surrounding apartment units.</p>
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The site is in an area recently planned for more intense urban development. Polk County Utilities provides potable water, wastewater, and reclaimed water. The high-density permitted in RACX land use districts promotes compact growth.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</p>	<p>The proposed development is consistent with services available in the TSDA.</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 site is located within an area that has a significant amount of urban infrastructure and services with ample capacity to serve it. The only service weaknesses are schools, but that is not germane to this request. Utilities also require future improvements, but the infrastructure is present.</p>
<p>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost-effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).</p>	<p>The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.</p>

Staff finds this request is consistent with Land Development Code. Development criteria for Planned Developments are detailed under Section 303 of the LDC. The development was found to be consistent with the LDC and Comprehensive Plan and compatible with surrounding development by the Planning Commission during its original approval in March 2019. The proposed uses are consistent with those allowed by Table 4.8 of the LDC.

Section 204.B.5 of the Land Development Code (LDC) states, “The purpose of the RAC district is to provide for the regional shopping needs of residents. The RAC district permits special residential development, regional shopping centers, other regional attractors, and community facilities.”

Development criteria for Planned Developments is detailed under Section 303 of the LDC.

Table 6

LDC Section 303 – Planned Development	Consistency Analysis
<p><i>The site shall be suitable, or it shall be possible to make the site suitable for development in the manner proposed without negative impact to persons or property, on or off the property. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended. Erosion, flood hazard and damage to natural resources shall be avoided.</i></p>	<p>The site has been reviewed and approved for development through a mass grading plan and a Level 2 Review. With these approvals were permits for stormwater facilities, drainage, access, etc.</p>
<p><i>Planned Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can be available at the time of request for Certificate of Concurrency.</i></p>	<p>All listed services are available, as identified in the Staff Report, and have capacity for this development. Each outparcel will need to undergo a Level 2 Review where capacity is determined. Utilities have been installed to the site through previous approvals.</p>
<p><i>Planned Development, where appropriate because of the size or intensity of the proposed project, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities. Planned Development shall be designed to provide access to and from its location without creating excessive traffic along minor streets in residential neighborhoods outside the Planned Development.</i></p>	<p>The subject site will have direct ingress/egress to US 27 North. Sidewalks are constructed along the frontage of the site. Mass transit is within a mile of the site. No traffic will pass over local roads to leave the site.</p>

LDC Section 303 – Planned Development	Consistency Analysis
<i>Planned Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.</i>	The applicant will improve landscaping as required by the LDC. Lighting will be shielded from off-site view.
<i>Planned Development shall be responsive to the character of the area. When located in an area where land use types, intensities, or densities vary, Planned Development shall be designed in such a manner as to provide for gradual changes in intensity or density.</i>	The site is located near major thoroughfares near employment centers. The apartment complexes within this subdivision were approved for five-stories. This FAR increase will not exceed this. This project was found to be compatible through the previous Level 3 approval.
<i>All Planned Development proposing specific approval of requirements for development under standard district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.</i>	The standards approved through this PD reflect those of the developments surrounding the subject site.
<i>Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.</i>	The applicant will improve landscaping along roadway frontages. Lighting will be shielded from off-site view.
<i>Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Accel/decel lanes or medians shall be required where existing or anticipated traffic flows indicate need.</i>	No changes to the roadway are necessary at this time. The surrounding roadway system and any deficiencies in standards were reviewed during the Level 2 Review process.
<i>Streets, drives, parking, and service areas shall provide safe and convenient access to all buildings and uses. Uses shall be grouped to minimize internal vehicular movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic.</i>	The development has sidewalks to encourage walkability between the site and surrounding development, as well as provide for pedestrian safety.
<i>Planned Development shall provide internal or external walkways where pedestrian circulation requires them. The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the site, with a minimum of conflicts with vehicular traffic.</i>	Sidewalks were constructed along US 27 in accordance with LDC Section 707.
<i>Planned Development shall be designed to preserve the natural features such as wetlands, wildlife and plant species. Project design shall address protection of well fields, flood plains, surface water, and archaeological and historic sites, as much as possible.</i>	No wetlands or flood hazard areas are onsite. A species walkover was required to ensure no endangered or threatened species are found onsite during a previous Level 2 approval.
<i>Density or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.</i>	This approval will not exceed the intensity allowed within the TSDA overlay in RACX land use district.
<i>Height in a Planned Development shall be determined after review of the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.</i>	No buildings are planned to exceed the height restrictions in the RACX land use district (75 feet).
<i>Fences, walls, or vegetative buffers shall be provided where appropriate to protect occupants from undesirable views, lighting, noise, or other off-site influence, or to protect occupants of adjoining properties from similar adverse influences.</i>	The site will be buffered and screened with landscaping in accordance with LDC Section 720. The applicant will improve landscaping along the roadways. Lighting will be shielded from off-site view.
<i>Yard and setback requirements shall promote general health, safety, welfare, design excellence and neighborhood compatibility in each Planned Development. All setbacks within a Planned Development shall be measured from property lines and shall be shown on the development plans in either graphic or tabular form.</i>	The site plan shows the district setbacks will be met with the exception of the reduction of the setback from US 27 to 25 feet. This setback will allow better development of the site and create a more urban-style development. A landscaping buffer will be required within this setback.
<i>All central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned</i>	Dumpsters and trash collection will be in accordance with Sections 209 & 213 of the LDC.

LDC Section 303 – Planned Development	Consistency Analysis
<i>Development.</i>	
<i>The provisions of the Planned Development approvals may be more restrictive, as necessary, to meet the other standards contained in this Section but not less restrictive than required in Section 760.</i>	The applicant will adhere to the signage requirements of Section 760. Should the applicant deviate from this section, a Sign Plan and Level 3 Review will be required as stated in Section 760.J.
<i>Landscaping shall be equal to or exceed the standards stipulated under Section 720, Landscaping and Buffering.</i>	Landscaping and buffers have been addressed.
<i>Stormwater Management facilities shall adhere to the requirements of Section 740, Stormwater Management and the Technical Manual.</i>	The site plan shows stormwater ponds that were approved through a previous process.

Table 7

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
<i>Whether the proposed development is consistent with all relevant requirements of this Code;</i>	Yes, this request is consistent with LDC Sections 303, 401.03, and 906, as detailed throughout the Staff Report and summarized in Table 6.
<i>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</i>	Yes, this request has been reviewed for consistency with SECTION 2.102 and SECTION 2.104.
<i>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</i>	Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 6-8 of this staff report for data and analysis on surrounding uses and compatibility.
<i>How the concurrency requirements will be met if the development were built.</i>	Yes, the request is capable of meeting concurrency requirements in the timeframe in which it will be constructed. See pages 8-11 of this staff report for data and analysis.

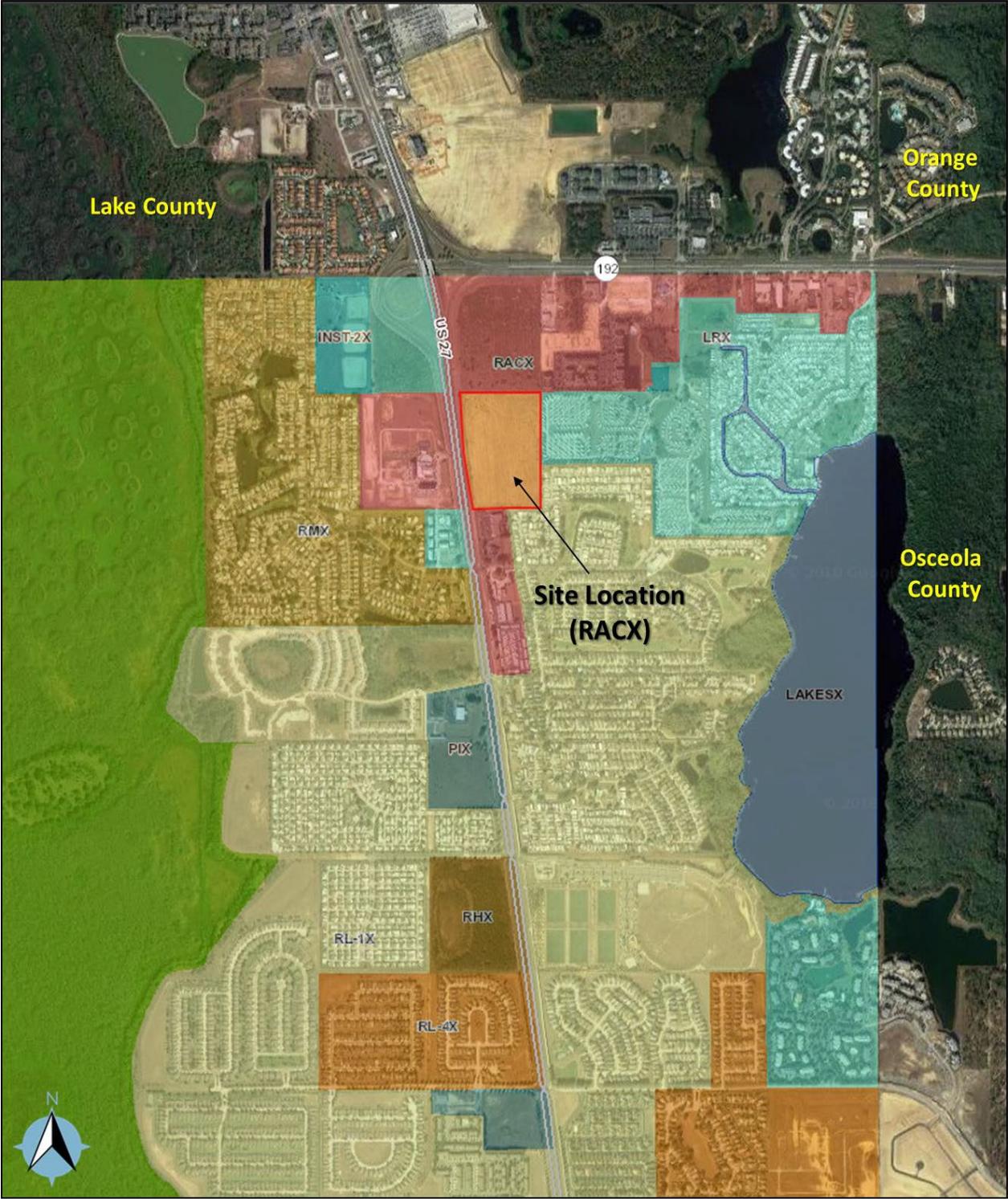
Comments from other Agencies: N/A

Exhibits:

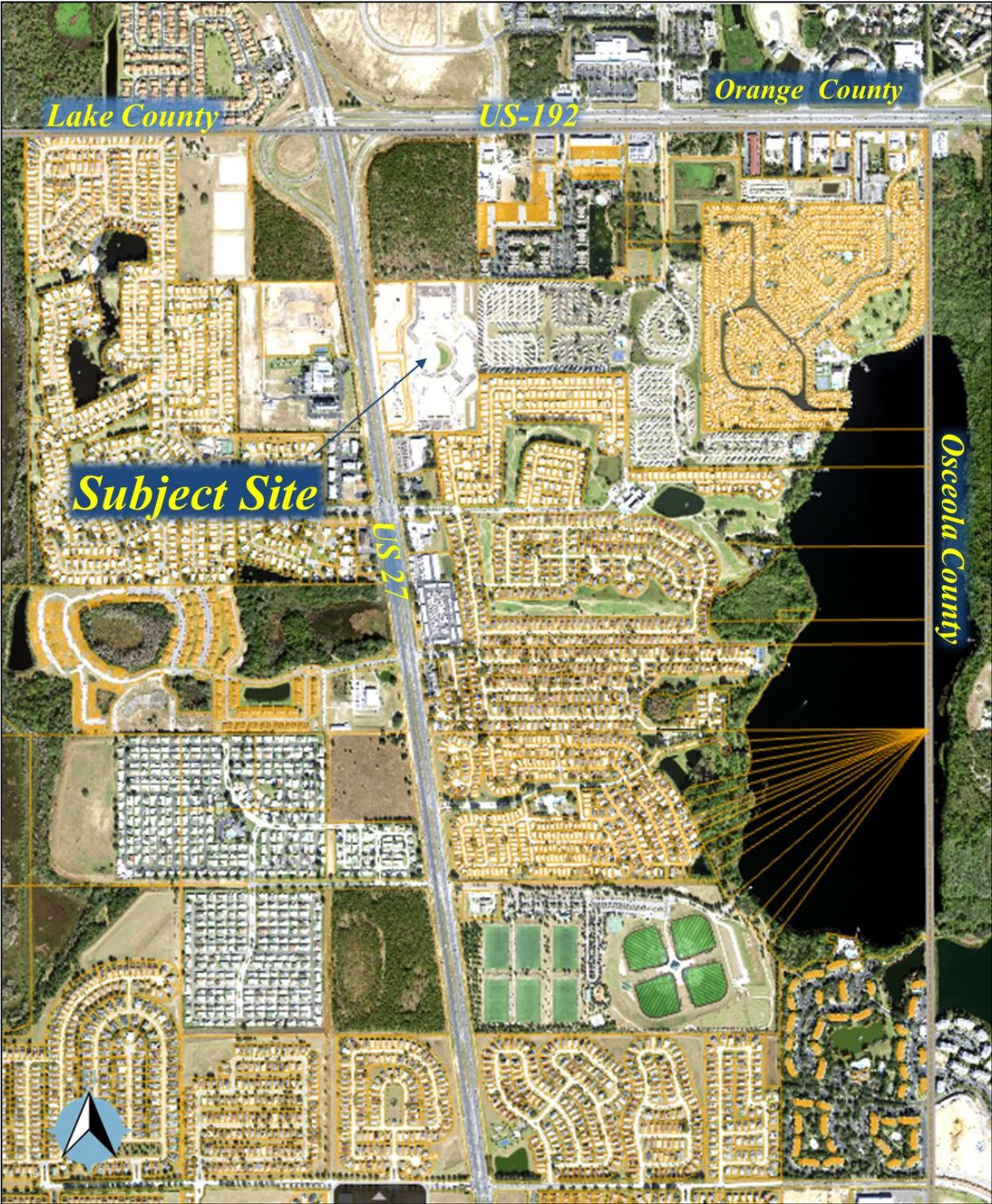
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Photograph (context)
- Exhibit 4 Aerial Photograph (close)
- Exhibit 5 Site Plan
- Exhibit 6 LDPD-2018-46 Conditions of Approval



Location Map



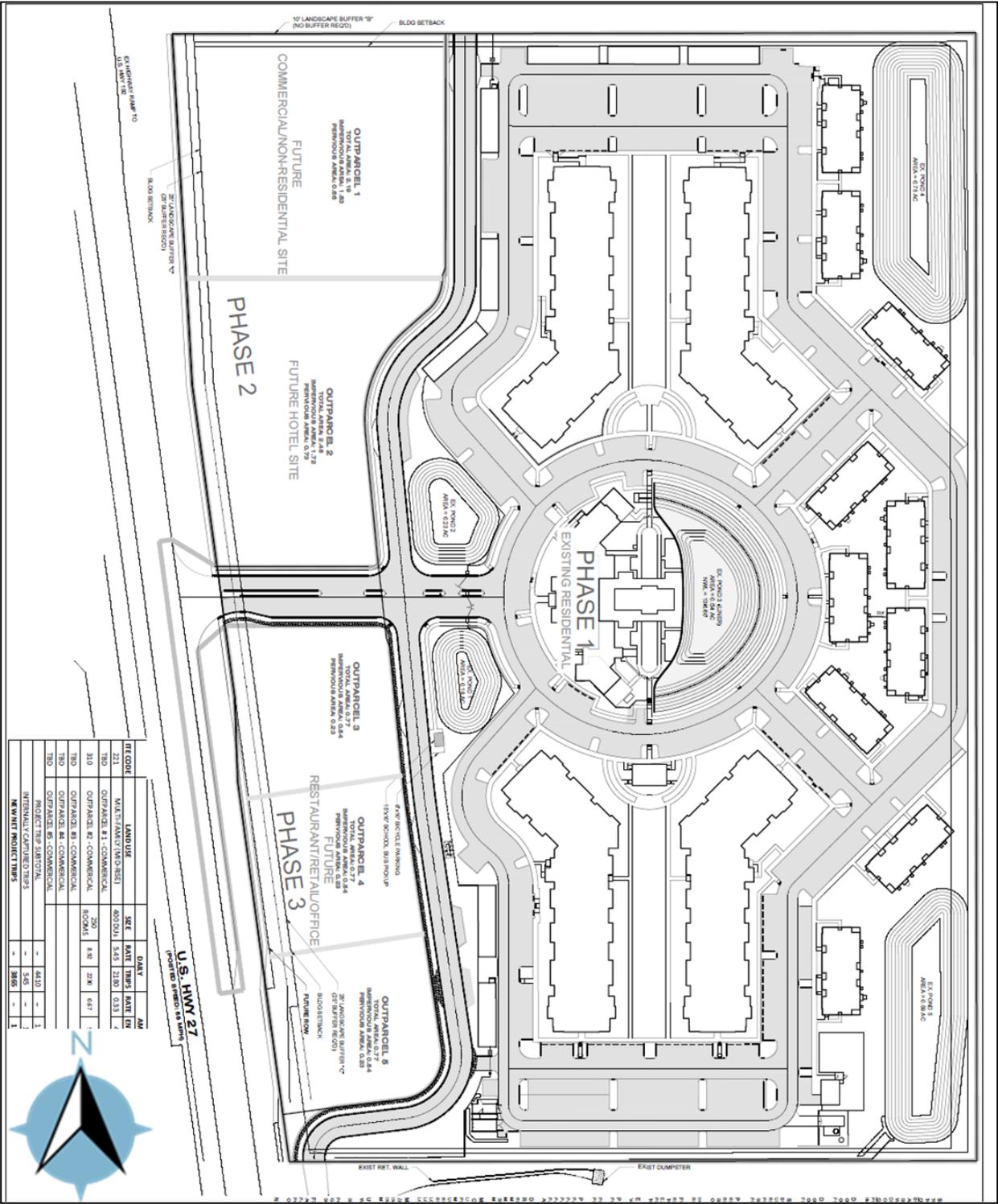
Future Land Use Map



2023 Aerial Image (Context)



2023 Aerial Image (Close)



ITEM	LAND USE	AREA	AREA	AREA	AREA
TBD	MULTIFAMILY/RESIDENTIAL	407,000	5,670	1,100	0.33
TBD	OUTPARCEL #1 - COMMERCIAL	200	1.46	328	0.01
TBD	OUTPARCEL #3 - COMMERCIAL	200	1.46	328	0.01
TBD	OUTPARCEL #4 - COMMERCIAL	200	1.46	328	0.01
TBD	OUTPARCEL #5 - COMMERCIAL	200	1.46	328	0.01
TBD	RESTAURANT/RETAIL/OFFICE	200	1.46	328	0.01
TBD	PHASE 2 - FUTURE HOTEL SITE	200	1.46	328	0.01
TBD	PHASE 3 - FUTURE SITE	200	1.46	328	0.01
TBD	PHASE 1 - EXISTING RESIDENTIAL	200	1.46	328	0.01
TBD	PHASE 1 - EXISTING RESIDENTIAL	200	1.46	328	0.01
TBD	PHASE 1 - EXISTING RESIDENTIAL	200	1.46	328	0.01

Site Plan

Based upon the findings of fact the Development Review Committee recommends APPROVAL of LDPD-2018-46 with the following Conditions:

1. This Planned Development (PD) approval shall be for 400 multi-family dwelling units, a 250-room hotel, and 50,000 square feet of commercial development including retail, restaurant, and/or office uses with setbacks from US Highway 27 reduced to 25 feet. [PLG]
2. The minimum setback for garage doors for the carriage homes from the property line shall be 20 feet. Otherwise, the minimum front and rear setbacks for carriage homes shall be 10 feet from the property line. [PLG]
3. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDPD-2018-46, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. The specific types of commercial uses and building footprints may vary provided they are listed as a P, C1, or C2 use in Table 4.8 in Section 401.01 of the LDC. [PLG]
4. The applicant shall provide street lighting and sidewalks along all internal roadways. [PLG]
5. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that 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. [PLG]
6. The applicant shall obtain permission from the Florida Department of Transportation for direct ingress/egress to US Highway 27 prior to Level 2 Review approval of any phase of this Planned Development as depicted on the submitted site plan. [PLG]
7. A Type B buffer shall be required along the north, east, and south property lines in accordance with the submitted site plan. [PLG]

LDPD-2018-46 Conditions of Approval