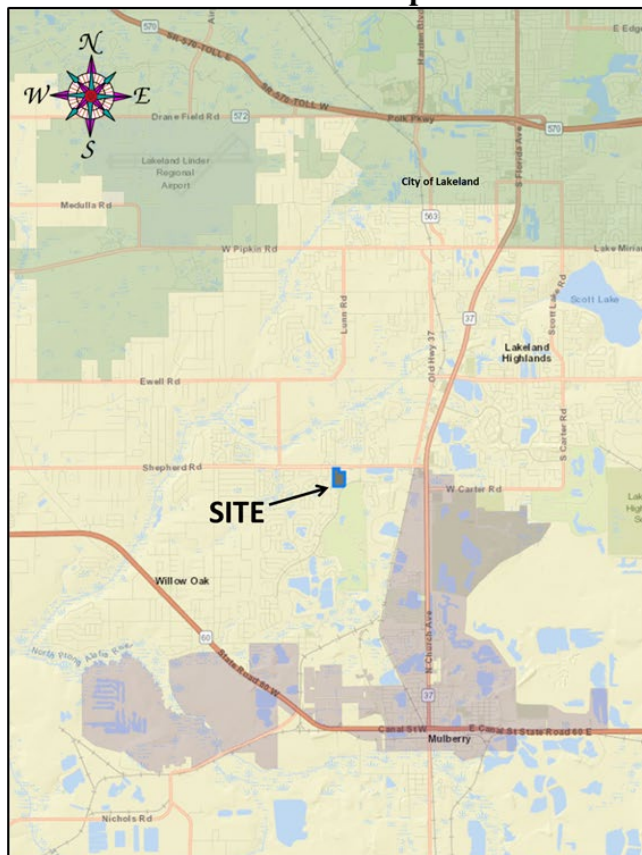


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: July 27, 2023	Level of Review: Level 4 Review
PC Date: October 4, 2023	Type: Small-scale Comprehensive Plan Amendment
BoCC Date: November 21, 2023	Case Numbers: LDCPAS-2023-18
Applicant: John McVay, ECON	Case Name: Shepherd Road Residential High
	Case Planner: Erik Peterson, AICP

Request:	Future Land Use Map change from Community Activity Center (CAC), Residential Medium (RM), and Preservation (PRESV) to Residential High (RH) on ±14.58 acres.
Location:	South of Shepherd Road, north of ImperiaLakes Boulevard, north of Village Court, west of Imperial Parkway, east of Sundance Boulevard, west of State Road 37, north of the City of Mulberry, south of the City of Lakeland in Section 27, Township 29, Range 23.
Property Owners:	GGIV Investments LLC
Parcel Size (Number):	±14.58 acres (232927-000000-011020)
Future Land Use:	±2.38 acres Community Activity Center (CAC), ±10.5 acres Residential Medium (RM), and ±1.7 acres Preservation (PRESV)
Development Area:	±12.2 acres Urban Growth Area (UGA) and ±2.38 acres Transit Supportive Development Area (TSDA)
Nearest Municipality:	Mulberry (¾ mile), Lakeland (2½ miles)
DRC Recommendation:	Approval
Planning Commission Vote:	No Recommendation Vote: 3-3

Location Map



2021 Satellite Photo



Summary:

This request is for an amendment to the Comprehensive Plan Future Land Use Map from ±2.38 acres of Community Activity Center (CAC), ±10.5 acres of Residential Medium (RM), and ±1.7 acres of Preservation (PRESV) to all Residential High (RH) on approximately 14½ acres for future development of an apartment complex in the future on the ±16½ acre property leaving approximately two acres of CAC for a commercial outparcel. The requested RH district will enable up to 15 dwelling units per acre. This amendment will not bind the current or future owners to developing apartments on this site. It will allow any use permitted in the RH district. These uses are listed in Exhibit 5.

Compatibility Summary

Most of the site will remain in the UGA. This will force another public hearing and a binding site plan (Level 3 Review) to exceed 10 dwelling units per acre net density in the UGA portion. The net result in potential density is 33% more than current uses will allow. The majority of the site abuts developed commercial retail uses and multifamily that is developed at a higher density than the request. The multifamily that is of lower intensity is developed at nearly seven units per acre.

Infrastructure Summary

This area has every form of infrastructure and service that are called for in the TSDA yet most of it will remain in the UGA. There is ample travel capacity and roadway access. There is a mass transit stop nearby and sidewalks that connect to commercial services, parks, and schools. There are multiple connections to water and wastewater. There is reclaimed water in the Sheperd Road right-of-way. There is ample plant and line capacity available to serve the maximum development potential of 218 multifamily units. There are managed drainage structures at either end of the property. There are two fire rescue stations serving the area. There is an elementary school within ½ mile of the site with a completed sidewalk network. The zoned middle school is above capacity but a new one will be constructed in the near future that is within closer proximity to the site than the current zoned school. There is a regional park within feasible walking distance (1-mile) of the site.

Environmental Summary

The site is bifurcated by a tributary to Poley Creek which connects to the Alfia River. There are drainage structures managed by the County on either end of the property. Soil conditions are rather limiting. A portion of the site lies within and unnumbered 100-year flood hazard area. Wetlands onsite are associated with the creek. This site is more difficult to develop under multiple land use designations. One category will lessen regulatory entanglements that are no longer needed from when the DRI was approved in the 1970s. No other environmental resource limitations are evident.

Comprehensive Plan

The relevant sections of the Comprehensive Plan that are applicable to the project request:

- Section 2.102 – General Growth Management policies
- Section 2.104 – Transit Supportive Development Area (TSDA) policies
- Section 2.105 – Urban Growth Area (UGA) policies
- Section 2.120-E – Residential High

Findings of Fact

Request and Legal Status

- *This is an applicant-initiated request for a Small-Scale Future Land Use designation change from ±2.38 acres Community Activity Center (CAC), ±10.5 acres Residential Medium (RM), and ±1.7 acres Preservation (PRESV) to ±14.58 acres Residential High (RH) in the Urban Growth Area (UGA) and Transit Supportive Development Area (TSDA).*
- *The subject site has been owned by GGIV Investments LLC since April of 2005.*
- *The previous owner was ImperiaLakes Development Corporation.*
- *The subject site is within the ImperiaLakes Development of Regional Impact (DRI) first approved after the PUD approval on September 27, 1973, and was considered “Essentially Built Out” via a resolution adopted by the Board on January 5, 2016.*

Compatibility

- *The subject property is bordered by three multifamily developments, a large shopping plaza, a four-lane divided roadway, and more non-residential uses.*
- *Abutting Future Land Use districts are Community Activity Center (CAC) on two sides. RL-1 on one side, DRI#4 on another side.*
- *Multifamily residential density of the abutting apartment complex on the western boundary is greater than the density that the requested Residential High (RH) district will permit.*
- *The multifamily district to the south is less than what the proposed district will permit at 6.67 units per acre.*

Infrastructure

- *The subject property is ±½ mile driving distance to a public elementary school.*
- *The nearest fire rescue and ambulance response will be from Station #2 Medulla I at 2523 Ewell Road near Lakeland, approximately 1.9 miles driving distance from the site.*
- *The subject site is within the Southwest District Command Area for the Sheriff’s office. The station is located at 4120 US Highway 98 near Polk State College and is 10.2 miles to the site.*
- *The subject site is within the County’s Southwest Utility Service Area for water, wastewater, and reclaimed water. There is available capacity to service the site for all three and multiple service lines for connections in the abutting rights-of-way.*
- *The subject property has approximately 360 feet of direct frontage on an Urban Collector roadway.*

- *Shepherd Road and all connecting roadways that are monitored for capacity are operating above their minimum levels of service.*
- *There are sidewalks on both sides of Shepherd connecting to the commercial uses to the west and to the east as far as State Road 37. They also connect to an elementary school and a regional park.*
- *The closest mass transit stop is under 700 feet from the site on Shepherd Road and there are sidewalks and cross walks to accessibly reach them.*
- *The nearest park is Loyce E. Harpe Park, a regional facility, located 1¾ miles driving distance to the east. Christina Park, a community level facility, is located at 625 West County Road 540A, two miles to the north.*

Environmental

- *A small creek runs through the property from the southeast corner to the northwest corner. It is currently mapped Preservation (PRESV) on the Comprehensive Plan Future Land Use Map. There is a wet stormwater retention pond on the southeast corner of the property that is shared with the shopping plaza to the east. Stormwater runoff flows through culverts that transect ImperiaLakes Boulevard into the shared pond. The outfall flows into the creek that divides the site to the northwest corner where water flows through culverts under Shepherd Road and into a drainage system that connects to Poley Creek which is a tributary of the Alafia River*
- *The site is located in an open drainage basin, according to the Southwest Florida Water Management District and Polk County Roads and Drainage Division.*
- *Approximately 0.87 acres of this site has been determined to be wetlands (±6%) according to the National Wetlands Inventory (NWI), Southwest Florida Water Management District (SWFWMD), and past wetland survey conducted on the property for a previous application.*
- *Approximately 40% of the site is within an unnumbered A-Zone (100-year Flood Hazard Area), according to the Federal Emergency Management Administration (FEMA), Flood Insurance Rate Maps (FIRM).*
- *The soils on this property have severe limitations. Approximately 60% of the site is Pomona Fine Sand that has a typical water table depth slightly below 18 inches of the surface. Approximately 40% of the site in Ona fine sand which can have a seasonal high-water level of up to 12 inches of the surface.*
- *There have been no endangered species identified within one (1) mile of site, according to the Endangered Habitats Map for Polk County based on 2006, 2011, and 2015 Florida Natural Area Inventories (FNAI) data.*

- *There are no known archeological resources expected on the subject site according to the Secretary of State’s Department of Historical Resources Florida Master Site File.*
- *The closest public wellfield is approximately 3,800 feet to the west at the County’s ImperiaLakes Water Treatment Plant on the opposite end of ImperiaLakes Boulevard and not in the 10-year cone of influence.*
- *The closest is the South Lakeland Airport three (3) miles to the southwest and Lakeland Airport at 3.66 miles to the north.*

Comprehensive Plan Policies and LDC requirements

- *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.”*
- *The Comprehensive Plan defines Compatibility in Division 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.”*
 - *Policy 2.120-E1 of the Comprehensive Plan states that “Densities up to, and including, 15.00 DU/AC. The Residential-High classification is characterized by multi-story, multi-family units.”*
 - *Policy 2.116-E3 of the Comprehensive Plan states that “Residential-High areas shall be located only within TSDAs, UGAs, and UEAs and may be located within Activity Centers. The placement of Residential-High shall be evaluated based on the general criteria listed in Policy 2.119-A2.”*
 - *POLICY 2.119-A2 of the Comprehensive Plan states that “Residential land use categories shall be established throughout the County with consideration being given to the following criteria:*
 - a. *Access to county-maintained roads or roads constructed to County standards.*
 - b. *Proximity to Activity Centers.*
 - c. *Adequacy of water and sewage disposal systems (public and private).*
 - d. *Adequacy and response time for public safety services - fire, police, and emergency medical service.*
 - e. *Adequacy of recreation facilities.*
 - f. *Proximity of incompatible land uses.*
 - g. *Development limitations, and,*

h. Urban Sprawl Criteria set forth in POLICY 2.102-A10.

- *Policy 2.120-E4 of the Polk County Comprehensive Plan states that “Residential development may contain a variety of housing types as defined by the Land Development Code and shall be permitted at a density of up to 15 DU/AC. Multi-family structures may contain non-residential uses to provide support retail and personal services for the residents. Additionally, educational facilities are permitted in accordance with policies of this Plan.”*
- *The Polk County Land Development Code Section 208, table 2.2 specifies a maximum height limit of 75 feet.*
- *The Polk County Land Development Code Section 303 has standards for multifamily development that include 500 square feet per unit of open space for which 30% must be recreation space.*
- *The Polk County Land Development Code Section 740.C.1 states that “runoff rates and volumes resulting from the project, in excess of the existing rates and volumes, shall be accommodated on-site.”*
- *Senate Bill 102, signed into law in April of 2023, permits multifamily developments in any commercial land use up to the highest density permitted in the County which is 50 dwelling units per acre.*

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 the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2023-18**.

Planning Commission Recommendation: at an advertised public hearing on October 4, 2023, the Planning Commission held a tie vote for LDCPAL-2023-5; Therefore, no recommendation is made to the Board of County Commissioners.

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 Surrounding Uses

<p>Northwest Residential Low-1 (RL-1) PD 05-14 Glenbrook Chase (single-family detached 3.8 du/ac) Institutional (INST-1) Shepherd's Community United Methodist County's 3.4-acre drainage facility</p>	<p>North Community Activity Center (CAC) Paintball, sporting goods store, self-storage with RV/Boat parking</p>	<p>Northeast CAC First Baptist Church Imperial Lakes Childcare Center</p>
<p>West Residential Low-1 (RL-1) PUD 89-3 Huntington at Sundance 18 du/ac (vested)</p>	<p>Subject Site ±2.38 acres CAC, ±10.5 acres Residential Medium (RM), and ±1.7 acres Preservation (PRESV) Vacant Residential High (RH) proposed</p>	<p>East CAC Shopping Plaza Publix (anchor tenant)</p>
<p>Southwest Residential Low-1 (RL-1) PUD 89-03 Huntington at Sundance Apartments 18 du/ac (vested)</p>	<p>South DRI#4 PUD 73-05 Imperial Place Condominiums 6.67 du/ac</p>	<p>Southeast ImperialLakes Development of Regional Impact (DRI#4) PUD 73-05 Double Eagle (townhomes) 7.8 du/ac CAC Publix 2.8-acre drainage pond RL-1 former ImperialLakes Golf Course</p>

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

The subject property is bordered by three multifamily developments, a large shopping plaza, a four-lane divided roadway and more non-residential uses. There are large drainage facilities just off the southeast and northwest corners of the property. It has over 360 feet of direct frontage on a four-lane divided roadway with a median cut on the edge of the frontage. There is just under 87 feet of frontage on ImperialLakes Boulevard that is limited by a drainage pond and bridge structure leaving approximately 40 feet of land connection to the roadway. There is a small creek that bifurcates the property from the southeast corner to the northwest corner.

Compatibility with the Surrounding Land Uses and Infrastructure

This requested Future Land Use Map amendment is compatible with existing land uses, infrastructure, and the area's environmental resources. Strictly looking at the existing abutting land uses, this land use change request will improve the transition from potentially high levels of commercial activity to lower medium density multifamily uses. The current land uses on the property can enable 164 dwelling units to be developed on the property. This amendment will enable as much as 218, a marginal increase of 33% more potential units.

A. Land Uses:

Most of the property abuts a shopping plaza and an apartment complex. The shopping plaza lines the entire eastern side of the property. It is anchored by a ±48,000 sq.ft. grocery store with another ±24,000 sq.ft. of retail and restaurant space.

There are four outparcels, two of them developed. The closest to the subject site is a ±4,400 sq.ft. dental clinic. The apartment complex on the western side of the subject property has a density of 18 dwellings per acre. The RL-1 designation does not accurately represent the intensity of the development. It was approved in 1989 prior to the adoption of the Comprehensive Plan in 1991 and is by rule vested for density and intensity. The requested RH designation will not yield more than 15 dwelling units per acre in the Urban Growth Area (UGA) and the Transit Supportive Development Area (TSDA) development area. To get above 10 dwelling units per acre will require a Level 3 Review and a binding site plan.

The Comprehensive Plan defines compatibility 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.”

It was approved in 1989 prior to the adoption of the Comprehensive Plan in 1991 and is by rule vested for density and intensity. The requested RH designation will not yield more than 15 dwelling units per acre in the Urban Growth Area (UGA) and the Transit Supportive Development Area (TSDA) development area. To get above 10 dwelling units per acre will require a Level 3 Review and a binding site plan.

Between these two properties, the proposed land use change is the lesser intensity. It is only on the south side that there is a lower intensity of development. The southern border abuts a medium scale multifamily condominium complex developed at just under seven dwelling units per acre. A parking lot, garbage dumpster, and sanitary sewer lift station interface directly with the subject property. The closest dwelling is 35 feet off the boundary. With proper building placement, perimeter landscaping and parking lot landscaping, development of the subject site at 15 units per acre can be easily rendered compatible. Such a design is typical of apartment complex development. Staff will assure that the construction design is compatible with the lower intensity property during Level 2 Review, or the Planning Commission can condition it as part of a Level 3 Review if the requested density exceeds 10 units per upland acre.

B. Infrastructure:

There is ±360 feet of direct frontage on Sheperd Road which is a four-land divided urban collector and over 80 feet (40 feet useable) of frontage on ImperiaLakes Boulevard. The majority of traffic in and out of the site will be on Shepherd Road. There is more than adequate capacity on it and surrounding roadways to accommodate the maximum development capabilities of the RH land use district. Access to ImperiaLakes Boulevard only provides enough space for emergency access. There is mass transit available, and stops are accessible close to the site.

Drainage will be a major emphasis in the design of the development to follow whether the current land use designations remain or this request for change is approved. There are significant drainage structures on either side of the property. Stormwater runoff from the entire north end of the ImperiaLakes development flows through this property to a County managed outfall that connects to Poley Creek, then on to the Alafia River, and out to the Gulf of Mexico. Commercial and residential drainage combine in the pond on the southeast which serves as a stormwater capacitor. As storm events intensify more water is released through the creek that splits the subject property in half. This water is piped under Shepherd Road to a 3.8-acre dry pond facility that manages it through events before releasing through another tributary to Poley Creek. The PRESV district that was applied to the property in 2007 does not serve a real purpose. Removal of the land use designation will not affect how drainage is manipulated through the site. The PRESV district is intended for protecting sensitive environmental lands. This creek is not one.

There are multiple points of connection to water and wastewater available. Reclaimed water is available on Sheperd Road. The Southwest Regional Utility Service Area (SWRUSA) has more than adequate capacity to serve the development if the site is fully developed at an RH density. There are overlapping fire rescue stations to serve the site within three miles. Only middle school educational services are over capacity but there is a new school that has been sited, acquired, and designed within three miles of the property that will soon be under construction. There are community and regional parks nearby. One is within one mile walking distance of the property and there is a sidewalk connection.

Nearest Schools

The intention of this Future Land Use Map amendment is to increase the potential unit count for the subject property. With ±2.38 acres of Community Activity Center (CAC), ±10.5 acres of Residential Medium (RM), and ±1.7 acres of Preservation (PRESV), 164 multifamily units is the maximum that could be developed on the property. Changing the land use to ±14½ acres of RH will yield 218 units. This increase of 54 additional units will create an increased estimated demand for student stations by 34% for elementary, 38% for middle school, and 25% for high school.

Table 2

Name of School	Annual Estimated Student Demand		% Capacity 2022-2023 School Year	Average driving distance from subject site
	Existing (164 units)	Proposed (218 units)		
James Sykes Elementary	32	43	93%	±½ mile driving distance
Mulberry Middle School	8	11	115%	±4½ miles driving distance
Mulberry Senior High School	12	15	82%	±¾ miles driving distance

The elementary school is within walking distance and there is a connecting sidewalk system with crossing guards. The current middle and high school locations will require busing. Mulberry Middle School is currently over capacity. However, the School Board has property on Yates Road intended for a new middle school in the future less than three miles from the site. However, it is not in their current five-year capital improvements program. For now, middle school capacity will be addressed in this area through redistricting due to other middle school expansions.

Nearest Sheriff, Fire, and EMS Station

Both fire and ambulance response will primarily be from Polk County Fire Rescue Station #2, located at 42523 Ewell Road. The travel distance is just under two (2) miles with an estimated travel time of four (4) minutes and is extra coverage with a backup station from Willow Oak just over three miles away.

	Name of Station	Distance
Sheriff	Southwest District Command (4120 US 98N, Lakeland)	±10.2 miles
Fire	Station #2 Medulla I (2523 Ewell Road near Lakeland)	±1.9 miles
	Station#8 Willow Oak (Willis Road near Mulberry)	±3.2 miles
EMS	Station #2 (2523 Ewell Road near Lakeland)	±1.9 miles
	Station#8 (Willis Road near Mulberry)	±3.2 miles

The responding Sheriff's substation will be out of the Southwest District located at 4120 US Highway 98 near Polk State College and is just over 10 miles to the site. 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. Current response times for priority one (1) is 8:50, and priority two (2) responses are 20:32.

Water and Wastewater

This property is within Polk County’s Southwest Utility Service Area for potable water, wastewater, and reclaimed water. All three lines are located within the right-of-way of Shepherd Road. Water and wastewater lines are also in the right-of-way of ImperiaLakes Boulevard. There is ample line capacity and plant capacity to serve 218 units of multifamily development which is the maximum the full RH designation on the property will allow.

A. Estimated Demand:

This proposed request to change the land use designations from ±2.38 acres of Community Activity Center (CAC), ±10.5 acres of Residential Medium (RM), and ±1.7 acres of Preservation (PRESV) to all Residential High (RH) on approximately 14½ acres will result in an increase in potential impacts to water and wastewater demands. Table 4 to follow shows that the demand is more than double. The maximum unit count is 218 under RH. If the CAC was to be developed at the 25 unit per acre allowance and the RM was to build at the maximum of 10 per acre, the maximum residential yield would be 164 units and forgo any commercial development. This amendment enables a net of 54 additional units than the current land use configuration.

Table 4

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted ±2.38 ac. CAC, ±10.5 ac. RM, & ±1.7 ac. PRESV	Proposed Change to RH maximum effect	Percentage increase
14.58± acres			
Permitted Intensity	105 multifamily units 31,102 sf retail	218 multifamily units	
Potable Water Consumption (GPD)	20,790 + 6,843 = 27,633 GPD	43,164 GPD	56.2%
Wastewater Generation (GPD)	18,900 + 6,843 = 25,743 GPD	39,240 GPD	52.4%

Source: Polk County Concurrency Manual & Polk County Utilities estimates: multifamily units generate an estimated 198 GPD potable water demand and 180 GPD wastewater, shopping centers consume 0.22 GPD/sf.

B. Available Capacity:

There is a 20-inch potable water line in the right-of-way on Shepherd Road and there is a 10-inch line in the right-of-way on ImperiaLakes Boulevard. For wastewater service there is an 18-inch gravity beneath the median of Shepherd Road and several lines in the right-of-way on ImperiaLakes Boulevard with a public lift station on the opposite side from the property frontage. There is also a private lift station within the Imperial Place townhome development on the south end of the property. There is a 12-inch reclaimed water line on the north side of the Shepherd Road right-of-way.

The Southwest Utility Service Area is permitted for 6,780,200 GPD of water capacity. Current flow is approximately 3,690,000 GPD. There is approximately 147,000 GPD allocated to projects with entitlements leaving 2,943,000 GPD in uncommitted capacity. The system growth rate is approximately 225 gallons and 0.8 equivalent residential connections per day. At the current rate of growth there is over 20 years of potable water capacity remaining.

The Southwest Wastewater Treatment Plant is permitted to treat 4,000,000 GPD. Current flow is approximately 2,187,000 GPD. There are 86,000 GPD of committed capacity to entitled projects

leaving 1,727,000 GPD of uncommitted capacity. The system growth rate is approximately 148 gallons and 0.7 equivalent residential connection per day. At the current rate of growth, there is over 20 years of wastewater treatment capacity remaining.

Reclaimed water capacity is not tracked for concurrency. The capacity to serve reclaimed water is directly proportional to the amount of wastewater treatment. As more homes are connected to wastewater service, more are connected to reclaimed water for irrigation. This reduces demand on the potable water system which extends the capacity of the potable water facilities. Currently, the output at the wastewater treatment facility exceeds the demand for reclaimed because there are not as many reclaimed water customers relative to wastewater customers. Southwest was the last facility to be improved to treat wastewater effluent to a reusable level. However, this does not go to waste. The excess reclaimed water is diverted to the 7even Wetlands Park to provide much needed additional wetland recharge into the Alafia Watershed.

C. Planned Improvements:

Both water and wastewater systems have enough capacity to serve development at its current rate for the next 20 years. There are no capacity improvements necessary at this time if the site were developed today. The Imperial Lakes water treatment facility (one of three in the system) recently completed construction to replace the existing Green Sand Filter media beds within the filter vessel with a new automated backwash system to reduce water consumption and increase operator safety thus extending the life of the Green Sand Filter media. This will not expand the capacity of the plant.

The wastewater treatment plant is under construction of a splitter box upstream of the existing oxidation ditches and upgrades to the oxidation ditch aerators. This will improve the treatment efficiency of plant but not necessarily the capacity. It will reduce the plant's operational cost.

Roadways/Transportation Network

This proposed request to change the land use designations from ±2.38 acres of Community Activity Center (CAC), ±10.5 acres of Residential Medium (RM), and ±1.7 acres of Preservation (PRESV) to all Residential High (RH) on approximately 14½ acres will result in a decrease in potential impacts to the transportation network. In addition, there is direct access to mass transit and a complete sidewalk network in the area. This amendment poses no adverse impacts to the County's roadway network.

A. Estimated Demand

Changing the land use on this site from a mixture of RM, CAC and PRESV to RH may actually reduce the amount of impact upon the roadway network. This change will enable the applicant to have more residential units but at the cost of less retail commercial property. From an overall transportation impact the unit count increase is marginally less than the potential square footage lost.

Table 5

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted ±2.38 ac. CAC, ±10.5 ac. RM, & ±1.7 ac. PRESV	Proposed Change to RH maximum effect	Percentage increase
14.58± acres			
Permitted Intensity	105 low-rise multifamily units and 31,102 sf shopping center	218 mid-rise multifamily units	
Average Annual Daily Trips (AADT)	708+760=1,468	990	-32.6%
PM Peak Hour Trips	54+81=135	81	-40%

Source: Polk County Concurrency Manual rate of 6.74 AADT and 0.51 PM Peak Hour (100% new) per low-rise multifamily unit; 4.54 AADT and 0.39 PM Peak Hour (100% new) per mid-rise multifamily unit; 24.43 AADT and 3.4 PM Peak Hour (76% new) per 1,000 sf of shopping center

B. Available Capacity

There is ample capacity on the roadway network to support this land use change. During the peak hour, the potential demand will reduce the current available capacity of Shepherd Road by less than two percent (<2%). Of the 81 potential peak hour trips, only 39% will be exiting the site. Approximately 17 will travel eastbound and 15 will travel westbound.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4144E	Shepherd Road (4-lane section) From: Bailey Road To: State Road 37	C	896	D
4144W	Shepherd Road (4-lane section) From: State Road 37 To: Bailey Road	C	931	D
4145E	Shepherd Road (2-lane section) From: County Line Road To: Bailey Road	C	433	D
4145W	Shepherd Road (2-lane section) From: State Road 37 To: County Line Road	C	418	D
5805N	S. Florida Ave (SR 37) From: Shepherd Road To: Pipkin Road	C	597	D
5805S	S. Florida Ave (SR 37) From: Pipkin Road To: Shepherd Road	C	539	D
5804N	State Road 37 From: State Road 60 To: Shepherd Road	B	1,138	D
5804S	State Road 37 From: Shepherd Road To State Road 60	B	1,102	D
8089N	Lunn Road From: Shepherd Road To: Ewell Road	C	525	D
8089S	Lunn Road From: Ewell Road To: Shepherd Road	C	515	D
4027N	County Line Road From: State Road 60 To: Pipkin Road	B	854	D
4027S	County Line Road From: Pipkin Road To: State Road 60	B	892	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database April 8, 2022

* Indicates capacity after programmed improvements

Total amount of potential traffic generation at maximum buildout will require a major traffic study. However, it is not likely to result in the call for offsite improvements. The ultimate improvements needed to support the future development will be in the design of the access and the conversion of the current median opening to include westbound left-turn movements into the site. The combined

access with 2-acre commercial outparcel that will share the median cut will prompt the improvements under the current requirements of LDC Section 705.

C. Roadway Conditions

Shepherd Road is a four-lane Urban Collector roadway that is in excellent condition. ImperiaLakes Boulevard is technically a two-lane Urban Collector in very good condition for the segment that fronts the property. However, it is not likely to be a full access to future development of the site.

D. Sidewalk Network

There are sidewalks on both property road frontages. The area has a rather robust sidewalk network that connects this site to mass transit, commerce, schools, and recreation facilities. It is unlikely that there will be full access to ImperiaLakes Boulevard. However, emergency vehicle access and pedestrian access will be requirements of the site’s future development plans.

E. Planned Improvements:

The design is underway, and land has been purchased for the drainage improvements to ImperiaLakes Boulevard. Based on analysis, preliminary improvements may be constructed to preempt anticipated flooding of the roadway during storm events. Other improvements to the roadway network are occurring in the next five years. Table 8, to follow, lists the ones closest to the site of the proposed amendment.

Table 8

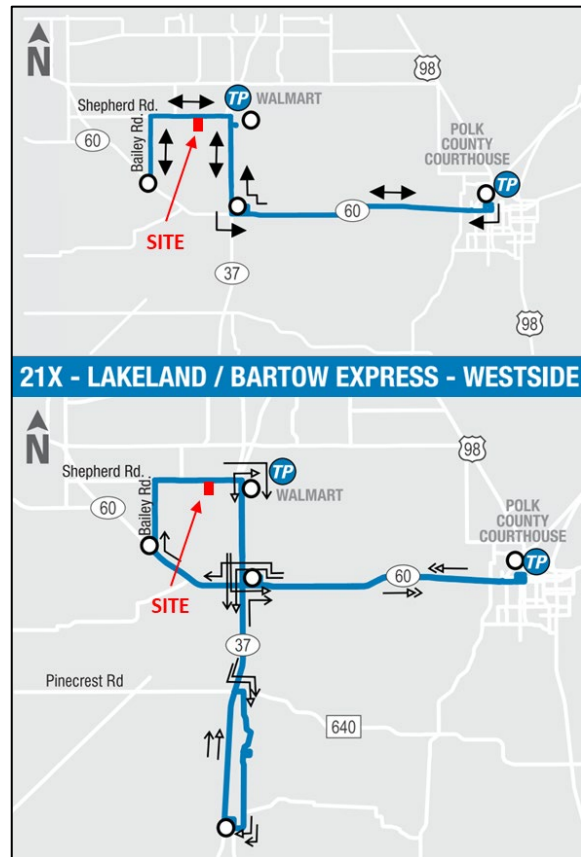
Road	Fiscal Year CIP (Construction)	Project Description
ImperiaLakes Boulevard	Design	Drainage improvements - Land purchased under consultation with contractor for design
West Pipkin Road (Medulla Road to SR 37/S. Fla. Ave.)	Construction 2023-2024 \$51,228,770	Widen road from two-lanes to four-lanes from Medulla Road to South Dossey Road and widen remainder to three-lanes from South Dossey Road to SR 37/S. Fla. Ave. (total length is around 4.2 miles). Improvement is needed based on growing traffic volume.
Old Highway 37 at Schoolhouse Road	Design	Signalization with coordination of railroad crossing
Ewell Road	Design	Drainage improvements at Creekwater Drive

F. Mass Transit

The site is directly served by a fixed route mass transit line. There is a bus stop less than 700 feet from the site. It is served by Route 21X of the Citrus Connection named the Westside Lakeland/Bartow Express. This is a dual route line that provides service between Shepherd Road and the City of Bartow while periodically providing connection as far south as Bradley Junction. The routes connect to two main transfer points providing access to routes serving other parts of the County such as Lakeland and Winter Haven. 21X has 75 minute headways. Higher residential density development creates higher demands for transit. As the demand for transit increases in an area the transit provider can service to the routes. This enables reduced headway times which in-turn promotes greater ridership. This is why multifamily development is a catalyst for growing a robust mass transit system.

Park Facilities and Environmental Lands:

The ImperiaLakes development is located within proximity to an array of parks and environmental lands. Also, the County recently purchased property within the development for drainage mitigation that may have some recreational purposes in the future.



A. Location:

Loyce E. Harpe Park, a regional facility, is located 1¼ miles driving distance to the east. Christina Park, a community level facility, is located at 625 West County Road 540A, two miles to the north.

B. Services:

Loyce E. Harpe Park features multi-use fields, Little League baseball fields, softball fields and more in an area where a phosphate mine once existed. Amenities include eight 200-foot youth fields; four 300-foot adult softball fields; six multi-use fields; seven miles of mountain biking course; dog park; two covered batting tunnels; seating capacity for 1,600; lights for nighttime play; concession stands; playground; and pavilion.

Christina Park includes five softball fields with lighting and irrigation, dugouts and bleachers, and shelters complete with a concession building and restrooms. There is a Grand Pavilion with restrooms which can be reserved for special events, numerous picnic areas, including those with shelters and a covered outdoor grill. There is also a pedestrian trail around the perimeter of the park and playground area.

C. Multi-use Trails:

The closest multi-use trail is within the Lakeland Highland Scrub Trail, located approximately six (6) miles east from the subject site. The trail offers off-road bicycle and hiking areas. Bicycle trails are also located at Loyce E. Harpe Park less than a mile to the south and in the new Seven Wetlands Park connected to it.

D. Environmental Lands:

The closest publicly accessible environmental lands are within the Lakeland Highland Scrub Trail, located approximately six (6) miles east from the subject site. Lakeland Highlands Scrub is a 551-acre conservation area that is like no other in Polk County. Located in south Lakeland, it is home to one of the largest undeveloped scrub properties on the Lakeland Ridge, one of a series of elevated sandy ridges along the backbone of an area known as "peninsular Florida." This area used to be surrounded by water, but now, the Lakeland Highlands Scrub rises more than 230 feet above sea level. The Polk County Environmental Lands Program and the Florida Communities Trust Preservation 2000 Program jointly provided funding to acquire the Lakeland Highlands Scrub.

The Seven Wetlands is located at the southern end of Loyce E. Harpe Park. The City of Lakeland owns and operates Seven Wetlands, a constructed wetland treatment system, which provides tertiary treatment, or final polishing, for all of the City's wastewater. It is comprised of over 1,600 acres of marshes, swamps, uplands, and lakes and connects to the North Prong of the Alafia River, which flows directly to Tampa Bay. Seven Wetlands also provides water for Tampa Electric Company's Polk Power Station. Seven Wetlands is home to a diverse community of plant and animal species.

E. Planned Improvements

There has been \$1,771,386 in improvements to Loyce E. Harpe Park in the last five years. There are no further recreation improvements scheduled for this quadrant of the County at this time. However, there may be recreational opportunities associated with the lands in ImperiaLakes for drainage compensation. Portions of the purchase were part of the former golf course.

Environmental Conditions

The site has some environmental limitations that the future developer of the property will have to overcome but otherwise it is very capable managing of the added intensity that comes with a change in land use to an RH district. Top of the list is drainage. A significant amount of water currently moves through the site. The code requires future development to match the preexisting drainage conditions of the property after full buildout for a 25-year storm event over a 24-hour period in both volume and rate. This pre-post volume match will be difficult to manage with the amount of drainage in the basin that flows from one end of the site to the other. That is why the PRESV with the last Future Land Use Map Change in 2007 is not as relevant as it used to be. Changing the PRESV to RH does not change the drainage control requirements.

The Preservation (PRESV) district is intended for ecological protection of large environmentally pristine areas of the County. It is not a tool for drainage management in an urbanized area. If this entire site was PRESV it would not serve the district's intended purpose. There is no environmental benefit to preserving anything on this property. There are no endangered species. If there were, the area around the site is too built up to support the survival of such a species in the

long run. The floodplain and wetland characteristics are no different on this site than any of the others that have been developed around it. The soil conditions are just the same for this site as they were for the abutting multifamily developments to the west and south or the commercial development to the north and east.

The intensification of changing from RM to RH is marginal (33%) and is reducing the potential intensity of the CAC district especially since Senate Bill 102 may lead to 50 du/acre in the CAC. There are no environmental limitations that will significantly alter the effects of this requested land use change. The County regulations are consistent regardless of the land use classification. A flood study will be required, and the drainage system will have to be designed to equal the predevelopment conditions of a 25-year 24-hour storm event in both volume and rate. This prevents any adverse effects to existing development both upstream and downstream.

A. Surface Water

A small creek runs through the property from the southeast corner to the northwest corner. It is currently mapped Preservation (PRESV). There is a wet stormwater retention pond on the southeast corner of the property that is shared with the Publix shopping plaza. Stormwater runoff from the ImperiaLakes golf course flows through culverts that transect ImperiaLakes Boulevard into the shared pond. As the water level on the pond rises, more will flow into the creek to the northwest where water flows through culverts under Shepherd Road and into a drainage system that connects to Poley Creek which is a tributary of the Alafia River.

The County controls the flow of stormwater at ImperiaLakes Boulevard and Shepherd Road. Future development of this site will require input from County Roads & Drainage division staff in addition to Land Development Engineering staff. County staff have convened with the applicant to discuss strategies for addressing the on and off-site drainage. The County has commissioned studies of the drainage deficiencies in the ImperiaLakes development and purchased land for future improvements farther to the south of the site where development flows through a different and more constrained drainage basin.

The creek that runs through the property was mapped PRESV in 2007 reflecting what was on the DRI Map H from the 1970s.. It was thought at the time this would protect the County's interest in managing the drainage problems in the ImperiaLakes development. Later studies commissioned by the roads and drainage division have proven this is unnecessary. There are proper mechanisms in the LDC to adequately manage drainage crossing the property. It was also discovered that the overall drainage flow of development in the north end of ImperiaLakes was not contributing to the problems experienced in the south side of the development. Through the floodplain management and drainage regulations in the LDC, proper surface water flow can be managed without further land use restrictions.

B. Wetlands/Floodplains

There are few wetlands onsite. The National Wetlands Inventory (NWI), Southwest Florida Water Management District (SWFWMD), and past wetland survey conducted on the property for a previous application show only the creek and a small portion of the wet retention pond shared with the Publix shopping plaza in the southeast corner of the property near its frontage on ImperiaLakes

Boulevard within wetlands. Approximately 0.87 acres of this site has been determined to be wetlands ($\pm 6\%$). Given the consistency of the information, staff is confident of the estimates.

Less is known about flood elevations. A flood study is a must for the development of the site based on both regulations and the lack of limited physical knowledge available to determine how to manage a flood event on the site. Approximately 40% of the site is within an unnumbered A-Zone (100-year Flood Hazard Area). The approximate Base Flood Elevation of the nearby flood zone with a known elevation in the abutting Sundance development to the west is 123.9 feet above mean sea level (MSL). The highest point on the subject property is 122 MSL according to the 2004 LIDAR information. The estimated A-Zone on the property does not correspond with any LIDAR elevations on the property. The creek is below 113 MSL.

Managing stormwater has been an issue of concern in the ImperialLakes development. Some storm events have rendered ImperialLakes Boulevard impassible for periods of time. Even though this has occurred farther to the south of the site’s frontage and a portion of the development that is in a separate drainage basin, drainage on and off the property cannot be taken lightly in the development of the site. The County manages the flow of water through the creek both upstream and downstream. It will be in the developer’s best interest to design the site consistently with the public’s stormwater expectations. Removing the PRESV district from the map will not change the future development of the site and allow for more fluidity in site design.

C. Soils:

The soils on this property have severe limitations (see Table 7 to follow). The majority of the site is Pomona Fine Sand that has a typical water table depth slightly below 18 inches of the surface. But so does most of the surrounding development. That is why every nearby developed property has wet retention ponds for stormwater management. The remainder of the site is Ona fine sand which has a potential seasonal highwater table within 12 inches of the surface. This will be even more difficult to manage.

Table 7

Soil Name	Septic Tank Absorption Field Limitations	Shallow Excavations	Limitations on Commercial Buildings	% of Site (approximate)
Pomona Fine Sand	Severe: wetness, percs slowly	Severe: wetness	Severe: wetness	60%
Ona Fine Sand	Severe: wetness, poor filter	Severe: wetness	Severe: wetness	40%

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

Development of this property will not only have to manage the stormwater that flows through the creek that bifurcates it, additional stormwater containment and treatment capacity will be needed to handle a 25-year, 24-hour storm event’s pre-post volume match. These necessary drainage structures will consume more space than in a typical development location. To maximize the requested density, the apartment structures will likely need to be built to the maximum height. As the buildings go higher, their foundations will need more support from the soil.

D. Protected Species

According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of any recent endangered animals or plant sightings. (Source: Florida Natural Areas Inventory, 2006, 2011, & 2015). However, in the 2002 study there was an endangered animal sighting. The applicant should conduct a survey for endangered plants and animals prior to any development activity including clearing or grubbing as a precaution. Protection of environmentally sensitive listed species are not under the jurisdiction of the County. Regulatory implementation of species protection is under state and federal jurisdictions.

E. Archeological Resources

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

F. Wells (Public/Private)

The closest public wellfield is 3,800 feet to the west at the County's ImperiaLakes Water Treatment Plant on the opposite end of ImperiaLakes Boulevard and not in the 10-year cone of influence. The apartments will connect to central wastewater and parking lot runoff will be contained in pretreated stormwater management facilities. There are no private potable water wells in the area because public potable water services have been available prior to residential development in the area. This proposed amendment poses no salient threat to public water wells.

G. Airports

The property is not within a Height Notification Zone of the Airport Impact District (AID) for any municipal airport. The closest is the South Lakeland Airport three (3) miles to the southwest and Lakeland Airport at 3.66 miles to the north. The maximum height in the RH district is 75 feet. This land use amendment request poses no threats to local airport functions.

Economic Factors:

Within a mile radius of the site are five rental apartment complexes comprising of 1,731 units that were built between 1988 and the present. Carlton Arms Apartments on Shephard Road one mile to the west of the site has 902 units and was built in 1992. Huntington Hills Apartments to the west is a 292-unit apartment complex constructed in 1998. Le Mans Apartments ½ mile to the east is 177 units and was built in 1988. The Avenues Apartments on SR 37 just north of Imperial Christina Plaza is 264 units and was constructed in 2017. There is a 96-unit apartment complex under construction between Wal-Mart on SR 37 and Loyce Harp Park. Rental vacancy rates in this area have been historically low. As the south Lakeland area population grows, the frequency of apartment complexes added to the market increases. This shows a strong and growing rental housing market.

Commercial development has not been as quick and the rental housing market. The market has plateaued. There are several competing vacant commercial properties in the area. This is made evident when low volume uses such as self-storage facilities begin to consume the remaining commercial properties. Reducing the amount of commercial land available and increasing the number of residential units will increase the demand for commercial property.

There are no RH districts within a one-mile radius, The closest is on Christina Boulevard but it has significant environmental limitations such that it was used to for density transfer to another site for a 330-unit apartment complex on a nearby commercial property. This change will result in the only viable RH district between the cities of Lakeland and Mulberry.

Approval of the land use change will enable up to 218 units on the property. Based on a simple linear trend of apartment development in the Shepherd Road/SR 37 area, this number of units added to the market will be absorbed by 2028. Using a multivariate market analysis of area factors such as migration, employment, income, and consumer preference surveys, this property could develop sooner if no other competitive land use approvals occur in the area.

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 or inconsistent** with the Comprehensive Plan is listed below:

- Section 2.102 – General Growth Management policies
- Section 2.104 – Transit Supportive Development Area (TSDA) policies
- Section 2.105 – Urban Growth Area (UGA) policies
- Section 2.120-E – Residential High

The table to follow provides a brief breakdown of Section 2.102 policies that are most pertinent to this request.

Table 9

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.	This request is one of the few remaining undeveloped properties in a rather urbanized area. Every urban service is provided in close proximity to the site. It is located in between multifamily developments of high densities and commercial development.
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 site is located in between multifamily developments of high densities and commercial development. It fronts a four-lane urban collector roadway.

Table 9

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>This is in an area that has been planned for urban development. The County has made significant investments to assure there are ample quantities of the necessary infrastructure available to the site for more intensive land uses than the current designation allows.</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 right for more intensive uses of this property. An RH designation is sought to build a multifamily apartment complex at or near 15 dwelling units per acre.</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>Public safety services are nearby within 2 miles.</p>

The table to follow provides a brief breakdown of Section 2.106 policies that are most pertinent to this request.

Table 10

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.104-A1: DESCRIPTION – Transit Supportive Development Areas shall meet the following criteria:</p> <ol style="list-style-type: none"> a. 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; b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon; be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options; c. include development criteria that: <ol style="list-style-type: none"> 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; 	<p>This area is consistent with every element of this policy including mass transit. While the majority of the property is UGA, it has the urban services and development ability as the in the TSDA areas.</p>

Table 10

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.104-A5: DEVELOPMENT CRITERIA -- Development within the Transit Supportive Development Areas shall conform to the following criteria as further specified by the Land Development Code:	
a. provide access to transit facilities;	There is a bus stop within 700 feet of the property and a direct sidewalk connection to it.
b. connect to centralized potable water and sanitary sewer systems;	Potable water, wastewater, and reclaimed water mains are located in the right-of-way on Shepherd Road and ImperiaLakes Boulevard.
c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;	Open space and recreation facilities are required for multifamily development at a ratio of 500 sq.ft/per unit. The site connects to sidewalks and is next door to a large grocery store.
d. implement “Complete Street” and “Conservation Development” principles as established under Section 2.1251, Community Design, of this element;	Shepherd Road is a Complete Street but this is not the place for Conservation Development. It is too urban.
e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings;	Sidewalks are required within multifamily developments and the site connects to a sidewalk network that leads to commerce and transit facilities.
f. provide access to civic space, parks, green areas, and open space and other amenities;	The site has sidewalk frontage that connects to a regional park within 2 miles.
g. be supported by public safety (i.e., fire, EMS and law enforcement);	Fire rescue stations are within 2 miles and 3 miles of the site. Law enforcement patrols are at urban levels of service.
h. have access to public schools, and	There are 2 elementary schools within 2 miles and a site planned for a high school within 3 miles. A middle school is within 4 miles.
i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas.	A sidewalk connects to the residential development to the west and the commercial shopping plaza to the east. The multifamily development will share a driveway access with a 2-acre commercial parcel.
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.	There are two high density apartment developments in the area, five medium density multifamily developments, and mostly single family. This will add to the area housing diversity.

The table to follow provides a brief breakdown of Section 2.105 policies that are most pertinent to this request.

Table 11

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.105-A1: DESCRIPTION -- Urban-Growth Areas shall:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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; reduce capital and operating cost for the provision of infrastructure and public services. 	<p>A portion of the site is TSDA and the rest is contiguous to TSDA.</p> <p>All of the urban services provided in the TSDA are provided here.</p> <p>Mass transit, sidewalks, water, wastewater, reclaimed water, fire rescue, parks, and schools are all nearby.</p> <p>Schools, restaurants, grocery, parks, personal services are all within walking distance.</p>
<p>POLICY 2.105-A5: DEVELOPMENT CRITERIA -- Development within the Urban Growth Area Areas shall conform to the following criteria as further specified by the Land Development Code:</p>	
<p>a. connect to centralized potable water;</p>	<p>The site has water lines in the abutting right-of-way on Shepherd Road and ImperiaLakes Boulevard.</p>
<p>b. connect to centralized sanitary sewer systems if available.</p>	<p>The site has wastewater (sanitary sewer) lines in the abutting right-of-way on Shepherd Road and ImperiaLakes Boulevard.</p>
<p>c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;</p>	<p>Open space and recreation facilities are required for multifamily development at a ratio of 500 sq.ft/per unit. The site connects to sidewalks and is next door to a large grocery store.</p>
<p>d. promote the implementation “Complete Street” and “Conservation Development” principles as established under Section 2.1251, Community Design, of this element;</p>	<p>Shepherd Road is a Complete Street.</p>
<p>e. promote the integration pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings;</p>	<p>Sidewalks are required within multifamily developments and the site connects to a sidewalk network that leads to commerce and transit facilities.</p>
<p>f. provide access to civic space, parks, green areas, and open space and other amenities;</p>	<p>The site has sidewalk frontage that connects to a regional park within 2 miles.</p>

Table 11

Comprehensive Plan Policy	Consistency Analysis
g. be supported by public safety (i.e., fire, EMS and law enforcement);	
h. have access to public schools, and	
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.	There is no TSDA nearby. This is an Isolated UGA.
j. encourage the inclusion of a variety of housing choices and mixed uses.	More fire stations enable different housing choices to be developed. This CPA recognizes a new fire station.
k. additional standards supporting transit if development is within the "Corridor and Center Overlay" (Section 2.124-A);	This is not in a Corridor and Center Overlay

Table 11

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.120-E1: CHARACTERISTICS - Densities up to, and including, 15.00 DU/AC. The Residential-High classification is characterized by multi-story, multi-family units.	The applicant is specifically requesting this amendment to develop a multifamily development at a density higher than the current Residential Medium (RM) designation permits and to remove the Preservation (PRESV) district that bifurcates the property.
POLICY 2.120-E3: LOCATION CRITERIA - Residential-High areas shall be located only within TSDAs, UGAs, and UEs and may be located within Activity Centers. The placement of Residential-High shall be evaluated based on the general criteria listed in POLICY 2.119-A2 .	The site is split with 12.2 acres of UGA and 2.38 acres of TSDA.
<p>POLICY 2.119-A2: LOCATION CRITERIA - Residential land use categories shall be established throughout the County with consideration being given to the following criteria:</p> <ul style="list-style-type: none"> a. Access to county-maintained roads or roads constructed to County standards. b. Proximity to Activity Centers. c. Adequacy of water and sewage disposal systems (public and private). d. Adequacy and response time for public safety services - fire, police, and emergency medical service. e. Adequacy of recreation facilities. f. Proximity of incompatible land uses. g. Development limitations, and, h. Urban Sprawl Criteria set forth in POLICY 2.102-A10. 	<ul style="list-style-type: none"> a. The site has at least 350 feet of frontage on Shepherd Road and 85 feet of frontage on ImperiaLakes Boulevard, both County maintained urban collector roads. b. The site abuts a Community Activity Center that is over 85% built out. c. Potable water, wastewater, and reclaimed water mains are located in the right-of-way on Shepherd Road and ImperiaLakes Boulevard. d. Fire rescue stations are within 2 miles and 3 miles of the site. Law enforcement patrols are at urban levels of service. e. One of the County's largest recreation facilities is within 2 miles connected by an uninterrupted sidewalk network.

Table 11

Comprehensive Plan Policy	Consistency Analysis
	<p>f. The site abuts multifamily and non-residential uses on all sides of the property. There are no incompatible land uses.</p> <p>g. The greatest development limitation is the creek that bifurcates the property from the southeast to the northwest corner. An unnumbered A-zone is connected to this feature.</p> <p>h. This site is one of only a few undeveloped properties remaining in an area that has every urban service including mass transit.</p>
<p>POLICY 2.120-E4: DEVELOPMENT CRITERIA - Residential development may contain a variety of housing types as defined by the Land Development Code and shall be permitted at a density of up to 15 DU/AC. Multi-family structures may contain non-residential uses to provide support retail and personal services for the residents. Additionally, educational facilities are permitted in accordance with policies of this Plan.</p>	<p>The applicant intends to develop the site for multifamily housing above 10 dwelling units per upland acre.</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. Table 12 (below) depicts the Urban Sprawl Criteria used by staff as indicators of Urban Sprawl. However, this is one of the last available properties for development in an area that has long been planned for urban development. It is in no way urban sprawl.

Urban Sprawl Criteria: The following table lists the criteria are the primary indicators of urban sprawl per Florida Statutes Policy 2.102-A11.

Table 12 Urban Sprawl Criteria

Urban Sprawl Criteria	Sections referenced in this report
<p>a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i></p>	<p>Summary of analysis</p>
<p>b. <i>Allows a significant amount of urban development to occur in rural areas.</i></p>	<p>Summary of analysis</p>
<p>c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i></p>	<p>Summary of analysis, surrounding Development, compatibility</p>
<p>d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i></p>	<p>Summary of analysis, surrounding Development, compatibility</p>
<p>e. <i>Fails to adequately protect adjacent agricultural areas.</i></p>	<p>Compatibility with Surrounding Land Uses</p>
<p>f. <i>Fails to maximize existing public facilities and services.</i></p>	<p>Summary of Analysis, Infrastructure</p>
<p>g. <i>Fails to minimize the need for future facilities and services.</i></p>	<p>Summary of Analysis, Infrastructure</p>
<p>h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i></p>	<p>Summary of Analysis, Infrastructure</p>

Urban Sprawl Criteria: The following table lists the criteria are the primary indicators of urban sprawl per Florida Statutes Policy 2.102-A11.

Table 12 Urban Sprawl Criteria

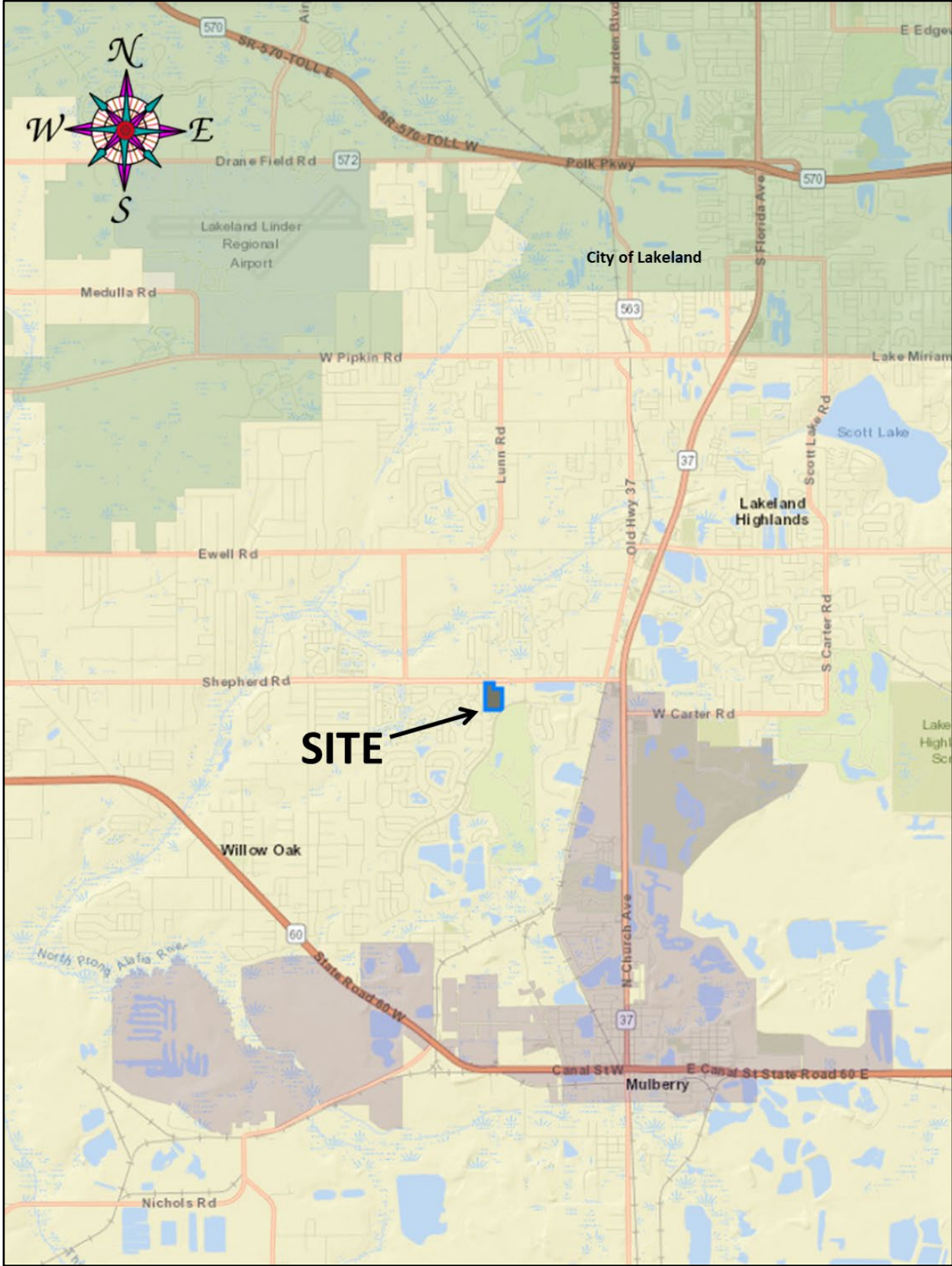
Urban Sprawl Criteria	Sections referenced in this report
i. <i>Fails to provide a clear separation between urban and rural uses.</i>	Summary of Analysis, Compatibility with Surrounding Land Uses
j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i>	Summary of Analysis, 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:

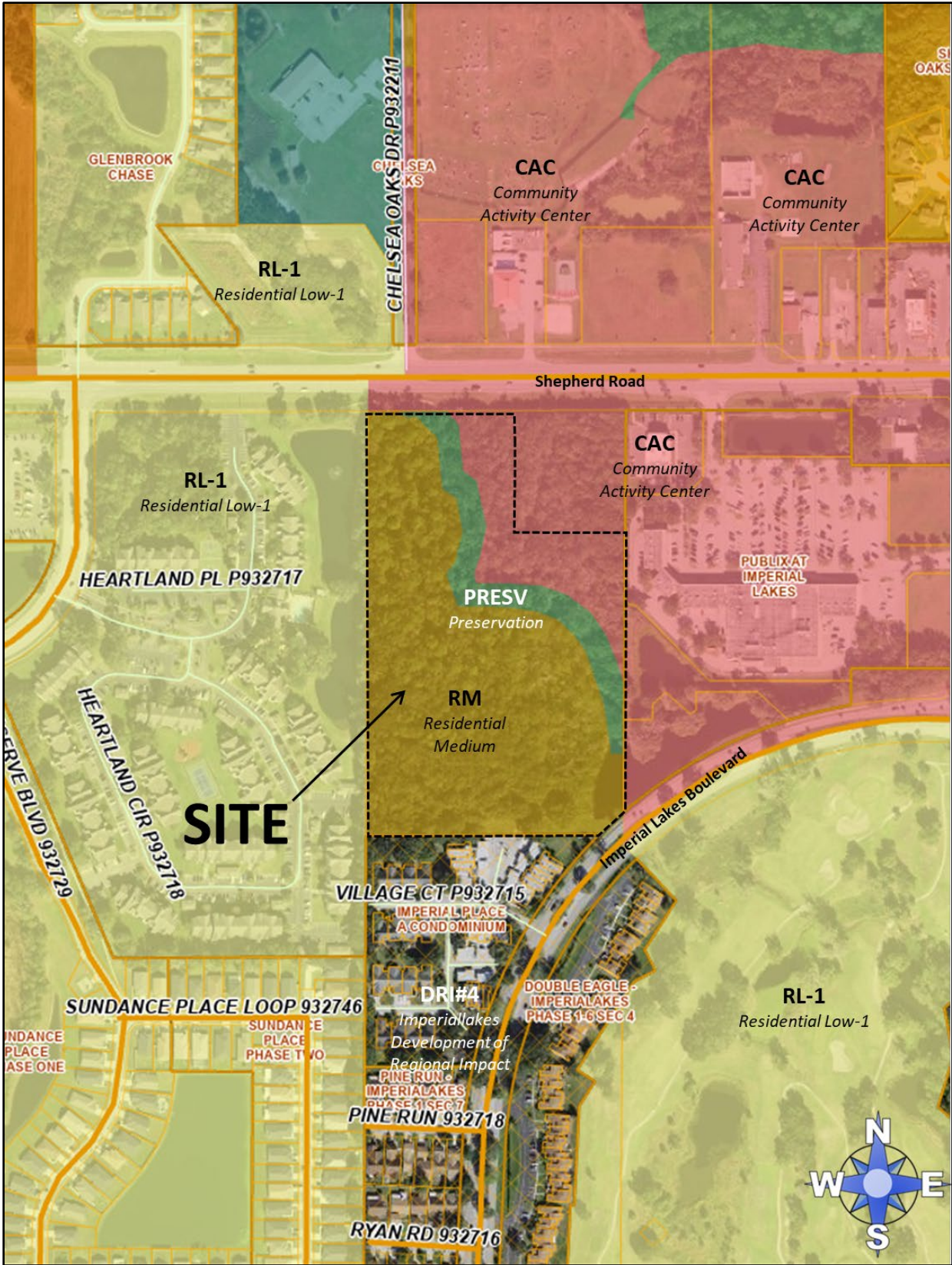
The County Surveyor’s office has reviewed the legal description included in the draft ordinance for completeness and accuracy.

Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 Future Land Use Map
- Exhibit – 3 2021 Satellite Photo (Context)
- Exhibit – 4 2021 Satellite Photo (Close-up)
- Exhibit – 5 District Use Comparison Table



Location Map



Future Land Use Map



2021 Arial Photo (Context)

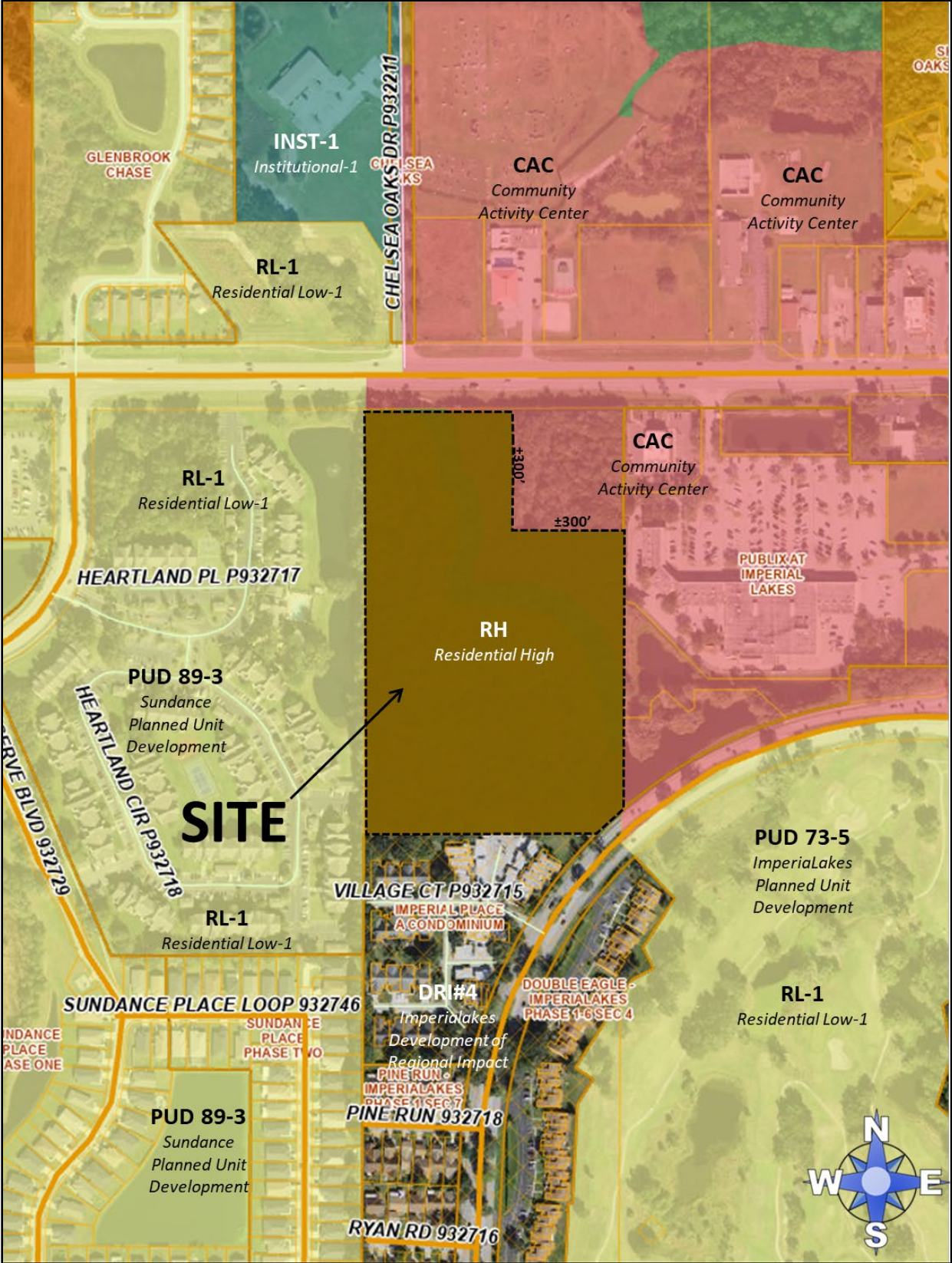


2021 Aerial (Close Up)

Comparison of Permitted and Conditional Uses*

District	Permitted Uses	Administrative Review	Public Hearing(s) Required
CAC <i>Community Activity Center</i>	Car Washes (all types) Clinics & Medical Offices Childcare Center Financial Institution Gas Station Government Facility Hospitals Hotels & Motels Retail Nurseries Office Personal Services Passive Recreation Retail Offsite Home Sales Leisure/Special Interest Schools Vehicle Repair Veterinary Service	Multifamily Adult Use Alcohol Package Sales Bars, Lounges, and Taverns Cemetery Commercial Vehicle Parking Monopole Communication Tower Community Center Cultural Facility Drive-thru Facilities Enclose Flea Markets Funeral Home & related facilities Helistops Boarding Kennels Medical Marijuana Dispensary Nursing Home General Recreation and Amusement Religious Institution Restaurant Vocational School Self-Storage Facility Vehicle Sales and Leasing	Guyed/Lattice Communication Tower Open Flea Markets Heliports Night Clubs & Dance Halls Residential Treatment Facility Outdoor Display Retail University/College
RM <i>Residential Medium</i>	Single-family Detached Home Duplex, Two Family Attached Multifamily	Small Group Home (<or=6 residents) Large Group Home (7-14 residents) Single Mobile Home Bed and Breakfast Small Emergency Shelter (<or=6) Medium Emergency Shelter (7-14) Low Intensity Recreation Elementary School Middle School High School	Mobile Home Park & Subdivision Short-Term Rental Adult Day Care Center (7+ clients) Group Living Facility (15+ clients) Childcare Center Community Center Cultural Facility Emergency Shelter, Large (15+) Golf Course Government Facility High Intensity Recreation Helistop Vehicle Oriented Recreation Religious Institution Leisure/Special Interest School University/College
PRESV <i>Preservation</i>	Passive Recreation	Government Facility Golf Course	Communication Tower Low Intensity Recreation High Intensity Recreation
RH <i>Residential High</i>	Duplex, Two Family Attached Multifamily	Single-family Detached Home Small Group Home (<or=6 residents) Large Group Home (7-14 residents) Group Living Facility (15+ clients) Adult Day Care Center (7+ clients) Single Mobile Home Bed and Breakfast Small Emergency Shelter (<or=6) Medium Emergency Shelter (7-14) Emergency Shelter, Large (15+) Low Intensity Recreation Elementary School Middle School High School	Mobile Home Park & Subdivision Short-Term Rental Childcare Center Community Center Cultural Facility Golf Course Government Facility High Intensity Recreation Helistop Vehicle Oriented Recreation Religious Institution Leisure/Special Interest School University/College

*Uses with the same level of review in both categories not listed nor are agricultural and utility uses preempted by State Law
Also excluded are uses impractical due to property size or location.



Future Land Use Map (if approved)