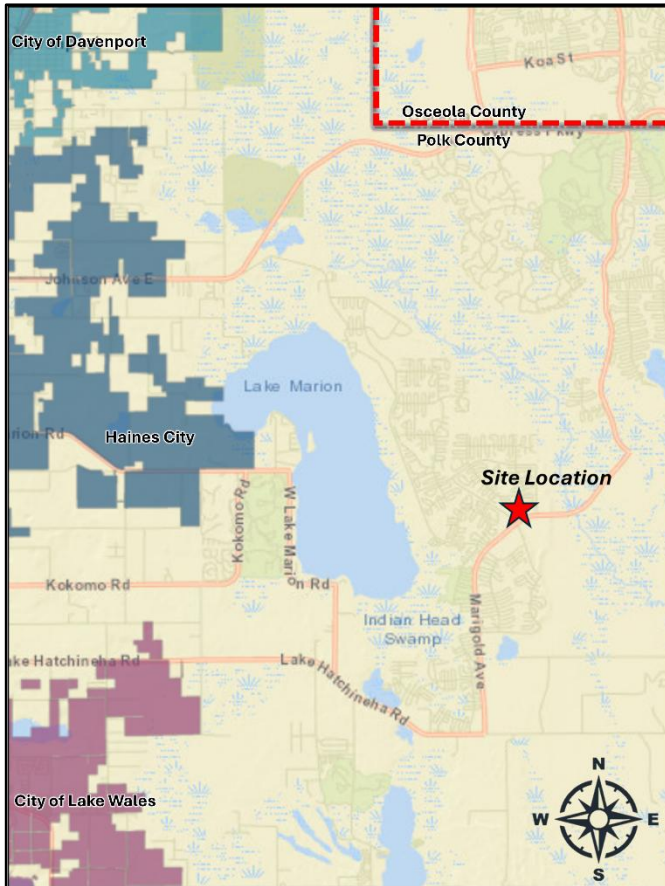


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

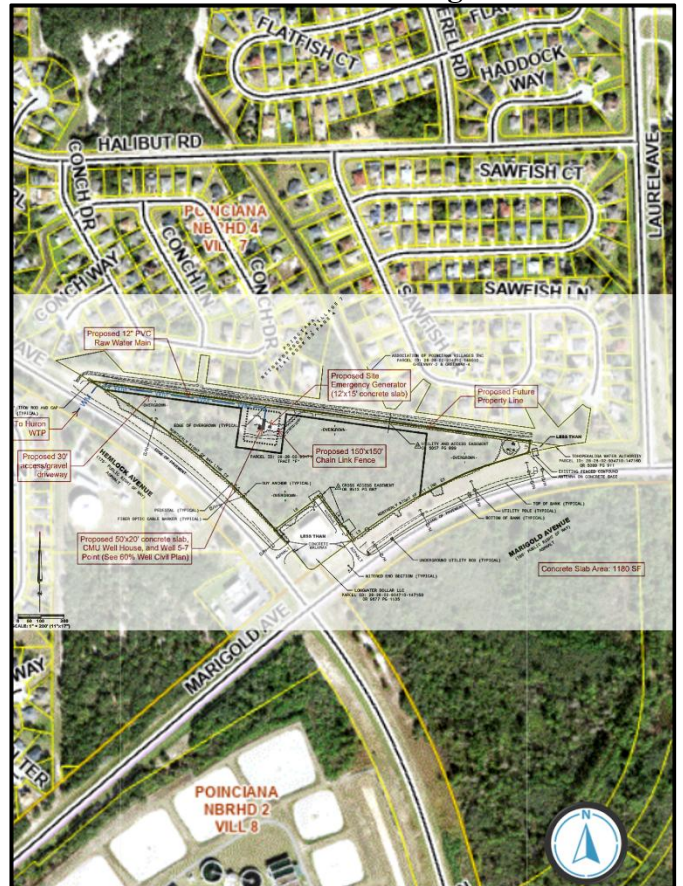
DRC Date: March 26, 2026	Level of Review: Level 3 Review
PC Date: June 3, 2026	Type: Conditional Use
BoCC Date: N/A	Case Numbers: LDCU-2026-2
Applicant: Allison Schulz	Case Name: TOHO Water Authority
	Case Planner: Kyle Rogus, Planner II

Request:	The applicant is requesting a Conditional Use (CU) approval for two new production wells and associated infrastructure improvements (Utilities, Class III) for the expansion of the Huron Water Treatment Plant (WTP) capacity.
Location:	The subject site is located at the intersection of Marigold Avenue and Hemlock Avenue, north of Lake Hatchineha Road, south of Pine Street, east of Lake Marion Creek Drive, west of Laurel Avenue in Section 02, Township 28, Range 28.
Property Owners:	Tohopekaliga Water Authority
Parcel Size (Number):	±3.4 acres of Parcel ID (#282802-934710-147060)
Future Land Use:	Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 4, Village 7
Development Area:	Utility Enclave Area (UEA)
Nearest Municipality:	N/A
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



2023 Aerial Image



Summary:

“Utilities, Class III” is defined by the Land Development Code (LDC) as “production or treatment facilities.”

Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the LDC indicates the placement of “Utilities, Class III” within Institutional-1 (INST-1) land use districts require Conditional Use Approval via a Level 3 Review. This request is to add two production wells that feed the Huron plant.

TOHO’s Huron Water Treatment Plant requires expansion based on the latest Potable Water Master Plan demand projections. Due to growth in the area, water demands in the Poinciana service area are projected to exceed the treatment capacity of the existing Huron WTP by 2031. The existing Huron WTP’s permitted capacity is 4.81 Million Gallons per Day (MGD). The projected capacity required at Huron WTP to meet future water demands is 7.5 MGD and is located on the opposite side of Hemlock Avenue from the request.

This project will expand the treatment capacity of Huron WTP to approximately 7.5 MGD by adding two new production wells, high service pump upgrades, aeration/chemical system upgrades, piping upgrades at the WTP, and other improvements that may be necessary to facilitate the capacity expansion. The proposed production well (5-7) in the Marigold property is one of the production wells needed to meet the future water demand.

Through site design and the conditions of approval, staff finds the request is compatible with the surrounding area and consistent with the LDC and Comprehensive Plan. Staff recommends approval of this application with the provided conditions of approval.

Findings of Fact

- *This is a Conditional Use request for Utilities, Class III on approximately 3.4 acres within an Institutional-1 (INST-1) land use district and in the Utility Enclave Area (UEA).*
- *Chapter 10 of the Land Development Code (LDC) defines Utilities, Class III as “Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities.”*
- *Polk County Fire Rescue Station 46 will be the response unit for fire and EMS for this site. It is located at 9500 Marigold Avenue, Poinciana, with an approximate travel distance of 2.5 miles.*
- *The subject site is within the Sheriff Department’s Northeast District. The Ridge District Office is located at 9500 Marigold Avenue, Poinciana.*
- *The property is located at the intersection of Hemlock Avenue (Road No. 880301) and Marigold Avenue (Road No. 882201) with direct ingress/egress to Hemlock Avenue, a County-maintained Urban Collector (UC) Roadway with a pavement width of 20 feet. Marigold Avenue is a County-maintained UC Roadway with a pavement width of 22 feet and monitored for Level of Service for traffic counts or concurrency by the Polk County Transportation Organization’s Roadway Network Database.*
- *Section 303 of the Land Development Code (LDC) states that the following standards shall apply to Utilities, Class III:*

1. *“Class III utility facilities may be permitted within the Rural Development Area (RDA), as designated on the Future Land Use Map Series, only when such development:*
 - a. *Provides regional (multi-county) services;*
 - b. *Is determined by the County to be incompatible with urban uses;*
 - c. *Is necessary to service the existing needs of the immediate area in which it is proposed to locate.*
2. *Class III utility facilities may be permitted within a residential district only if the applicant demonstrates what efforts have been made to first site the facility within a non-residential district and why those sites were not chosen. At a minimum, alternative non-residential sites within one quarter of one mile from the selected site shall be considered.*
3. *Utilities shall be required to comply with the buffer requirements of Section 720 to the extent that such provisions do not conflict with other requirements for utilities which are mandated by local, state, or federal governments. In cases where other governmental requirements do conflict with the buffering provisions of this Code, a waiver to the buffering provisions may be granted (refer to Section 932), but only to the extent necessary to rectify the conflict. In such instances, the County may require increases in the setback distances or other design features to offset decreases in buffering.*
4. *For electrical power substations and electrical power switching stations, the buffering requirements of Section 720 may also be modified through a waiver if necessary to minimize interference with overhead electrical power distribution or transmission lines and to ensure safe operational conditions.*
5. *Potable water treatment facilities and wastewater effluent disposal facilities shall adhere to setbacks as set forth in Florida Administrative Code (F.A.C.) requirements, Chapter 62-500 and Chapter 62-600 respectively.*
6. *Elevated potable water storage facilities shall be set back a distance equal to one times (1x) the height of the storage facility from any off-site FLUMS residential designation or the property line of any off-site existing residential use. Where such facilities are not adjacent to residential, the applicable district setback shall apply.*
7. *Wastewater treatment plants and associated facilities shall be sited according to the following required minimum setbacks:*
 - a. *Pumps/lift stations serving 3,000 Equivalent Residential Connections (ERCs) or more, shall be set back 20 feet from all property lines.*
 - b. *Wastewater treatment facilities, whether interim, package, or permanent, shall maintain a minimum setback of 100 feet from any off-site residential use or district, or any on-site platted lot or dwelling unit;*
 - c. *A wastewater treatment facilities on-site percolation ponds shall be set back from the site boundary a minimum of 20 feet with buffering or 50 feet without buffering, as required by state regulations.*
8. *Electrical power substations and electrical power switching stations shall be sited according to the following required minimum setbacks:*
 - a. *No setback adjacent to Phosphate Mining (PM) or Industrial (IND) uses or districts.*
 - b. *A 50 foot setback adjacent to other utility uses, BPC-1, BPC-2, HIC, LCC, and TCC districts.*
 - c. *A 100 foot setback adjacent to residential, institutional, recreational, commercial (other than listed in d.ii), agriculture, community facilities or preservation uses or districts.*

- d. *These setbacks may be modified in accordance with the variance procedures and criteria as outlined in Sections 930 and 931 of this Code.*
9. *For purposes of public safety and welfare, all new Class III utilities (except transmission lines) and all new electrical power substations (both Class II and Class III), shall be protected by fencing or other appropriate protection to discourage entry by animals and unauthorized persons. Fencing shall be interior to any required vegetative buffering. The minimum height for enclosures shall be six feet from finished grade level. Fencing in or adjacent to residential uses or districts shall exclude barbed or razor wire fencing materials below the height of six feet.*
10. *All water, wastewater and reclaimed water systems shall be in accordance with Florida Administrative Code (F.A.C.) Chapters 62-500 and 62-600, Recommended Standards for Wastewater Facilities latest edition, Recommended Standards for Water Works latest edition, American Water Works Association, and Water Environment Federation recommendations and requirements.*
11. *The following are maximum average noise levels which shall be permitted at the utility sites perimeter on any given day, when a proposed utility locates as indicated.*
- a. *Next to a residential use or residential district: 65 dB(A).*
 - b. *Next to a commercial, non-residential use or district: 70 dB(A).*
 - c. *Next to an industrial, non-residential district or use: 80 dB(A).*
12. *The applicant shall be required to monitor and report the observed noise levels (dB [A]) upon receipt of a written request to do so by the Director of the Polk County Code Enforcement Division.*
12. *Approval of utility facilities shall be in accordance with the type of Conditional Use identified on the Use table, Table 2.1 and the appropriate procedures outlined in Chapter 9. In addition to the submittal requirements of that Section, applications for Class III utilities shall include the following information:*
- a. *For pipe or transmission line projects which require acquisition agreements or easements from more than one owner, and for which the exact route is not fixed at the time of application, the application shall include, in lieu of a legal description, a corridor route map depicting the planned alignment of the transmission line. This shall be accompanied by a narrative description of the diameter or kilowatt, length (in linear feet or miles) and type of line to be installed. The route map shall be depicted on a map scaled at 1:2,000 feet or the most recent USGS Quadrangle maps. The corridor map shall also show the proposed location and dimension of above ground facilities such as switching or substations, pumping stations, or valve and meter stations, as well as any landscaped buffer area for such above ground facilities. At least one map of the precise location of the final route of the pipe/transmission line and a written legal description shall be submitted to the County prior to construction of the pipe/transmission line.*
 - b. *Maximum capacity of the utility;*
 - c. *A list of federal, state or regional permits or approvals needed, including regulation citations;*
 - d. *Flow rate and volume of fuel or pounds per square inch (psi), as applicable;*
 - e. *Material of which pipeline transmission lines will be constructed, and a diagram depicting a typical section of the pipeline;*
 - f. *An explanation of the number, location, distance between and general operation of meter/valve stations and other safety mechanisms for pipelines;*
 - g. *An explanation of the relationship of the proposed use with existing utilities or distribution systems;*

- h. *An explanation of land use compatibility which shall address potential impacts of the proposed use on adjacent properties/land uses including, but not limited to, noise, vibration, odor, thermal or explosive hazards, electrical power interference, electromagnetic field influence, and any potential for obstruction of regulated airspace by the height, emitted waves or other features of the proposed use;*
- i. *A description of emergency management and local coordination plans/procedures for natural gas, liquefied fuel, or petroleum product storage or transmission pipelines, and a Pollution Prevention Plan, including secondary containment and telephone numbers of individuals to be notified in the event of a spill;*
- j. *The average depth to which facilities will be buried below grade/surface, if applicable;*
- k. *An explanation of any plans for back-up/emergency electrical power generators, where and when they would be used for the proposed project;*
- l. *Proposals for electrical power substations shall include in the project narrative for the development application a discussion of whether a "low profile" (underground or surface height) design is feasible for the proposed facility. The feasibility analysis shall include consideration of at least the following factors: adjacent future and existing land uses, proposed voltage of the facility (kV), buffering options and their effectiveness, the extent that a low profile design would lower the height/visibility of the tall structures within the facility;*
- m. *An estimate of the proposed facility's proximity to County owned rights-of-way, to be shown on the site plan, accompanied by an explanation of any proposed use of County owned rights-of-way. If County owned rights-of-way will be encroached upon, the applicant shall be required to obtain a County Right-of-Way Use Permit prior to construction (refer to Section 707)."*

- *Table 7.10 of the LDC requires "Utilities, Class III" site specific determination.*
- *The site will have access to water and wastewater lines. This was confirmed by the TOHO Water Authority representative.*
- *The property is zoned for Laurel Elementary, Lake Marion Creek Middle, and Haines City Senior High.*
- *The property contains no wetlands or flood zones.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*
- *The property is comprised of Tavares fine sand, 0 to 5 percent slopes, Immokalee Sand, Astatula sand 0 to 5 percent slopes, Arents-Urban land complex, 0 to 5 percent slopes, and Narcoossee sand.*
- *The subject property is not located within an Airport Impact Zone.*
- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*

- *Section 204.A.1 of the LDC states, “the purpose of the INST-1 district is to provide for the use and development of lands for private and public service structures with minimal external impacts such as elementary and middle schools, government facilities, cultural facilities, hospitals, and Class I and Class II utilities.”*
- *The site is located in the Utility Enclave Area (UEA) which is the area “within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas” according to POLICY 2.107-A1 of the Comprehensive Plan.*
- *POLICY 2.116-A1 of the Comprehensive Plan states “Institutional areas are primarily characterized by private and public-service structures” in the Institutional districts.*
- *Per 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.”*
- *This request has been reviewed for consistency with Tables 2.1 & 2.2 and Section 303 of the LDC.*
- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and SECTION 2.107 UTILITY-ENCLAVE AREAS (UEA); of the Comprehensive Plan.*

Development Review Committee Recommendation: Based on the information provided by the applicant, the findings of fact, a recent site visit, and the staff report, the Development Review Committee (DRC) 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; therefore, the DRC recommends **APPROVAL of LDCU-2026-2**.

CONDITIONS OF APPROVAL

Based upon the findings of fact the Development Review Committee recommends **APPROVAL** of **LDCU-2026-2** with the following Conditions:

1. The property shall be approved for Utilities, Class III. Any modifications to LDCU-2026-2, 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. [PLG]
2. 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]

GENERAL NOTES

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

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

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

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commission’s jurisdiction. 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

Table 1

Northwest: Pre-DRI; low density detached single family residential	North: Pre-DRI; low density detached single family residential	Northeast: Pre-DRI; low density detached single family residential
West: Pre-DRI; INST-1 developed / undeveloped. Toho Huron WTP, The Association of Poinciana Villages, Retail	Subject Property: Pre-DRI; INST-1 Undeveloped single-family residence	East: Pre-DRI; low density detached single family residential
Southwest: Pre-DRI; INST-1 Toho Wastewater Treatment	South: Pre-DRI; NAC Developed / Undeveloped Family Dollar, Wastewater Treatment / Commercial	Southeast: Pre-DRI; undeveloped

The property is at the intersection of Hemlock Avenue and Marigold Avenue surrounded by single-family residential and commercial uses. The existing TOHO treatment plant is in close proximity to the south and southwest, which makes this an ideal location for the new well production sites.

Compatibility with the Surrounding Land Uses and Infrastructure:

A. Land Uses:

Utility Enclave Areas (UEA) shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.

The LDC 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.”

The Institutional (INST) Future Land Use district, 3.4± acres, represents an expansion of the Toho Huron WTP for an additional potable well in support of the existing potable water treatment plant. The location of the INST runs along the rear or northern portion of the property. The request for development of this site is for a Class III Utility and requires a Level 3 Conditional Approval. This use represents a low intensity use with the only traffic to/from the site is the occasional monitoring of the well. The site will adhere to the development standards of the Land Development Code. The remaining 9.1± acres to the south is designated Neighborhood Activity Center (NAC). The property is located at the northern corner of Marigold Ave (Poinciana Pkwy) and Hemlock Avenue. The corner parcel is a Family Dollar Store that was developed under the Pre-DRI. The previous land use change under LDCPAS-2025-38 planned for the majority of the frontage along Marigold Avenue and Hemlock Avenue, with the Family Dollar at the corner to be NAC, with the INST to the rear.

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

Two of the three sides of the site front Urban Collector Roads, with the third side (rear) fronting the residential development. The northern or rear side is separated from the residential development by a 60-foot wide Open Space, which is part of the Poinciana master drainage system. The northern side is also where the location of the proposed “Utilities, Class III” are exceeds any required buffer from residential and provides proper landscape screening.

B. Infrastructure:

The site will have access to water and wastewater lines. The site accesses onto Marigold Avenue and Hemlock Avenue, both of which are Urban Collectors. Marigold Avenue currently has planned improvements for the corridor to meet future needs. Public safety response times are normal for this part of the County. The use is not anticipated to have an adverse effect on any public services.

Nearest and Zoned Elementary, Middle, and High School

The property is zoned for Laurel Elementary, Lake Marion Creek Middle, and Haines City High School. The closest school is Lake Marion Creek Middle School located almost two (2) miles to the north of the subject site. The proposed utility improvements are not expected to have any impact on school concurrency as the use will not generate the need for children to attend school. Therefore, the proposed use is not likely to have any adverse impacts upon school operations.

Table 2

Name of School	Distance from subject site
Laurel Elementary	±1.8 miles driving distance
Lake Marion Creek Middle	±1.5 miles driving distance
Haines City High School	±10.6 miles driving distance

Source: Polk County GIS

Class III Utilities do not generate a demand for school capacity. Therefore, such data is not provided in this report.

Nearest Sheriff, Fire, and EMS Station

Fire and EMS response to this project is from Polk County Fire Rescue Station 46, located at 9500 Marigold Avenue, Poinciana. The travel distance is 2.5 miles with an average response time of 6-8 minutes. There are no fire hydrants within the immediate area.

Sheriff’s response to the site is served by the Ridge District Command Unit, located at 9530 Marigold Avenue, Poinciana. The response times were: P1 – 11:35 minutes; P2 – 29:52 minutes. Priority 1 Calls are considered to be 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.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Ridge District Command Unit (9530 Marigold Ave., Poinciana)	±2.5 miles	P-1: 11:35 P-2: 29:52
Fire	Polk County Fire Rescue Station 46 (9500 Marigold Ave., Poinciana)	±2.5 miles	6-8 minutes
EMS	Polk County Fire Rescue Station 46 (9500 Marigold Ave., Poinciana)	±2.5 miles	6-8 minutes

Source: Polk County Sheriff’s Office & Polk County Fire Rescue Response Times for February 2026

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

The site will utilize additional production potable wells for the Toho Huron WTP. Potable water and wastewater is serviced by Toho Utilities and are reported to have capacity within the area for future development.

Table 4

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted	Maximum Permitted in the District	Proposed Plan
±3.4 acres INST			
Permitted Intensity	One (1) single-family residence	5 single-family residential units	Utilities, Class III
Potable Water Consumption (GPD)	250 GPD	4,250 GPD	8,887 GPD
Wastewater Generation (GPD)	200 GPD	3,400 GPD	7,110 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

Single-family residential Consumption/Generation numbers are based on the most intense use allowed in the district at 250 GPD/unit for water consumption and 200 GPD/unit for wastewater generation. Proposed Plan Consumption/Generation numbers are based on Assembly Halls with Food Service at 5 GPD for per seat and 80% of water consumption for wastewater generation,

B. Available Capacity:

The Huron Water Treatment Plant requires expansion based on the latest Potable Water Master Plan demand projections. Due to growth in the area, water demands in the Poinciana service area are projected to exceed the treatment capacity of the existing Huron WTP by 2031. The existing Huron WTP’s permitted capacity is 4.81 Million Gallons per Day (MGD). The projected capacity required

at Huron WTP to meet future water demands is 7.5 MGD. This project will expand the treatment capacity of Huron WTP to approximately 7.5 MGD by adding two new production wells, high service pump upgrades, aeration/chemical system upgrades, piping upgrades at the WTP, and other improvements that may be necessary to facilitate the capacity expansion.

C. Planned Improvements:

According to the Polk County’s 5-year capital improvements plan, there are no planned improvements.

Roadways/ Transportation Network

A. Estimated Demand:

The requested Utilities, Class III use within the Institutional (INST) district has a determined development, expansion of the Huron WTP with an additional potable water well. This use, after development will only have the occasional well monitoring traffic, not the calculated 41 Peak Hour Trips.

Table 5

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted	Maximum Permitted in the District	Proposed Plan
±3.4 acres INST	One (1) single-family dwelling unit	Five (5) single-family dwelling units	Utilities, Class III
Permitted Intensity			
Average Annual Daily Trips (AADT)	7.81	133	267
PM Peak Hour Trips	1.00	17	41

Source: Polk County Concurrency Manual

As Table 5 demonstrates, the traffic generated from this project is not anticipated to be more than 50 AADT of which a minor or major traffic study will not be required during the Level 2 Review process. These facilities are monitored occasionally for maintenance purposes.

B. Available Capacity:

This use, after development will only have the occasional well monitoring traffic. Well monitoring traffic will likely be arriving from the south or east on Marigold Avenue. Marigold Avenue is monitored for concurrency by the Transportation Planning Organization. Currently, Marigold Avenue has current levels of service (LOS) of “C” with an acceptable LOS of “C”.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
8101N	Marigold Avenue From: Palmetto Street To: CR 580 (Cypress Parkway)	C	871	C
8101S	Marigold Avenue From: Palmetto Street To: CR 580 (Cypress Parkway)	C	915	C

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database 2026

C. Roadway Conditions:

Ingress/egress to the site is from Hemlock Avenue (Road Number 880301). According to Polk County’s Road Inventory, Hemlock Avenue is a County-maintained Urban Collector (UC) Roadway with an 20-foot-wide paved surface and 173 feet of rights-of-way (ROW). Hemlock Avenue is not monitored for concurrency by Polk County TPO and is slightly below County roadway standards. Marigold Avenue (Road Number 882201) is a County-maintained 22-foot-wide paved UC Roadway. Marigold Avenue is monitored for concurrency by Polk County TPO. Marigold Avenue monitored from Palmetto Street to CR 580 (Cypress Parkway) is functioning at a Level of Service (LOS) of “C”.

D. Sidewalk Network:

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

E. Planned Improvements:

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

Table 7

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

F. Mass Transit:

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

Park Facilities and Environmental Lands:

This use is not dependent upon park facilities and is not located in proximity to a park such that it would be disruptive to its function. The closest park is the Lil Halibut Park to the north. The closest environmental lands to the site are the Kissimmee Chain of Lakes south of the subject. The proposed potable production wells are not expected to impact the surrounding parks and environmental lands.

A. Location

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

B. Services

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

C. Multi-use Trails:

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

D. Environmental Lands:

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

E. Planned Improvements:

Staff has not identified any planned improvements to the County parks near the subject site.

Environmental Conditions

There are no wetlands or floodplains on or near the property, or other environmental conditions which exist that would hinder development at this site.

A. Surface Water:

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

B. Wetlands/Floodplains:

The subject property is not located within any flood zone and there are no wetlands present on site.

C. Soils:

According to the Soil Survey of Polk County, the site is made up of Tavares fine sand, Arents-Urban land complex, Narcoossee sand, Astatula sand, and Immokalee sand. Table 8, to follow, summarizes

the soil type and limitations for development activity on-site, but wastewater generation is minimal for the site.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares fine sand, 0 to 5 percent slopes	Moderate: Wetness	Severe: Wetness	69.5%
Arents-Urban land complex, 0 to 5 percent slopes	Severe: wetness: poor filter		13.7%
Narcoossee sand	Severe: wetness: poor filter		8.7%
Astatula sand, 0 to 5 percent slopes	Slight		4.7%
Immokalee sand	Severe: wetness		3.4%

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

D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of any endangered animal species. 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.

E. Archeological Resources:

According to a preliminary report from the Secretary of State’s Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.

F. Wells (Public/Private)

The subject site is not located in an identified Wellfield Protection District. It is noted that the Toho Hurton Water Treatment Plant is located adjacent to the site on the western side of Hemlock Avenue.

G. Airports:

The site is not within any Airport Buffer Zones.

Economic Factors:

The Huron Water Treatment Plant requires expansion based on the latest Potable Water Master Plan demand projections. Due to growth in the area, water demands in the Poinciana service area are projected to exceed the treatment capacity of the existing Huron WTP by 2031. This project will expand the treatment capacity of Huron WTP to approximately 7.5 MGD by adding two new production wells, high service pump upgrades, aeration/chemical system upgrades, piping upgrades at the WTP, and other improvements that may be necessary to facilitate the capacity expansion. This will offer a greater return on investment for the surrounding residential neighborhood.

Consistency with the Comprehensive Plan and Land Development Code:

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.

Table 9, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 9

Comprehensive Plan Policy	Consistency Analysis
<u>POLICY 2.102-A1: DEVELOPMENT LOCATION</u> - <i>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.</i>	The subject site is at the intersection of two Urban Collector Roads which is ideal for the NAC use, with the INST use along the rear of the site. Toho Water Authority lines are readily available in this area for water and wastewater. This request is consistent with this policy.
<u>POLICY 2.102-A2: COMPATIBILITY</u> - <i>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.</i>	The Comprehensive Plan permits a variety of different Future Land Use designations in urban areas and contribute to a combination of mixed uses. Everything around the subject site is slated for low density residential use, meaning this land use change is compatible.
<u>POLICY 2.102-A4: TIMING</u> - <i>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.</i>	The timing is consistent with the growth in the area as the surrounding sites are already designated for low density residential. There is available connectivity to water, wastewater, and electricity. Fire and Sheriff are available for this area. The schools that are zoned for the site have capacity, but site is expected to generate any students.
<u>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES</u> - <i>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).</i>	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 10 in accordance with Section 906.D.7 of the Land Development Code.

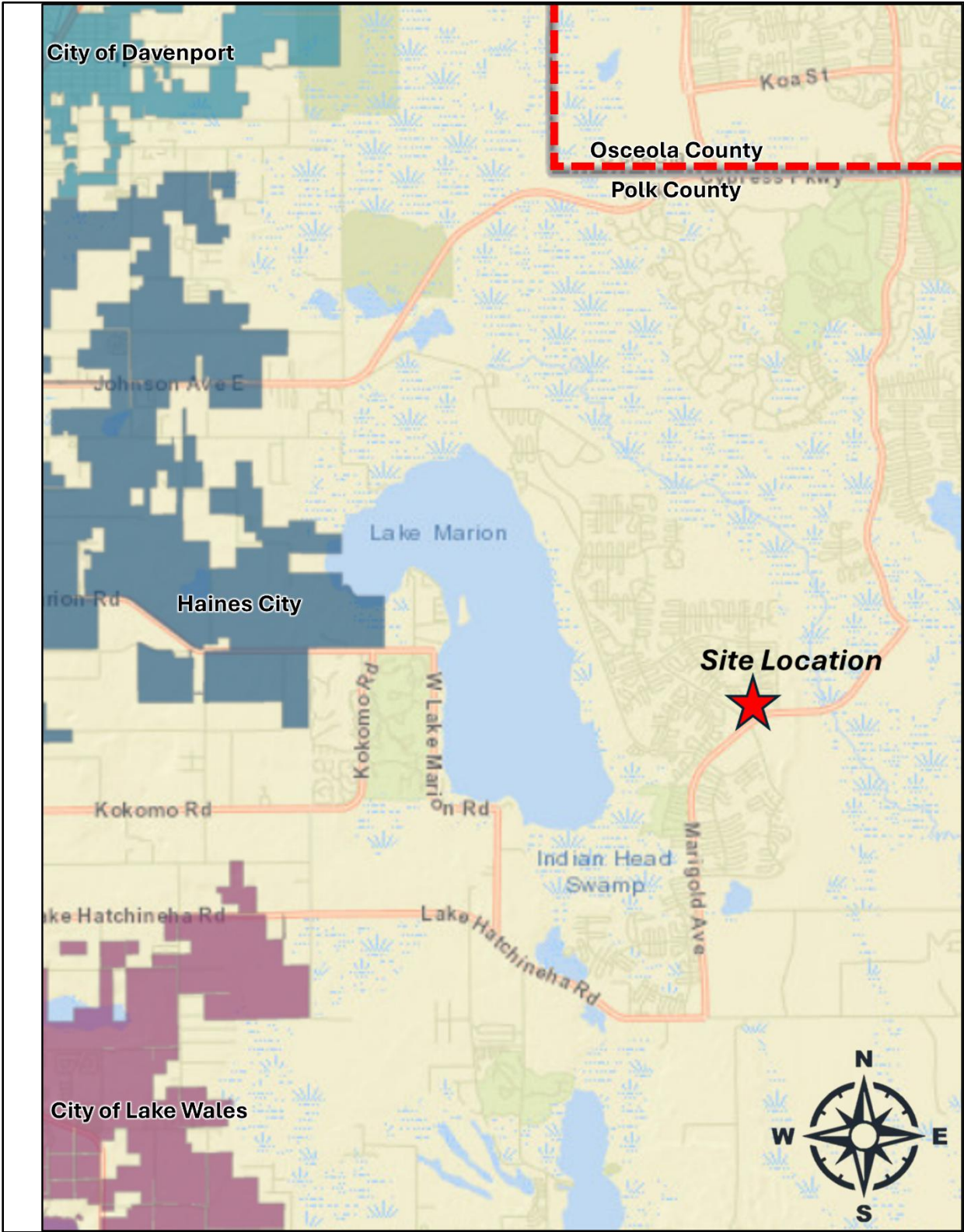
Table 10

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. Many of the conditions required in Section 303 will be enforced after a Level 3 Review. These can be found in the Findings of Fact on Pages 2-6 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed in Table 8.</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 and the site will further be made compatible through the Conditions of Approval. See Page 6 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>This request will not require concurrency determinations from the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 8-11 of the staff report.</i>

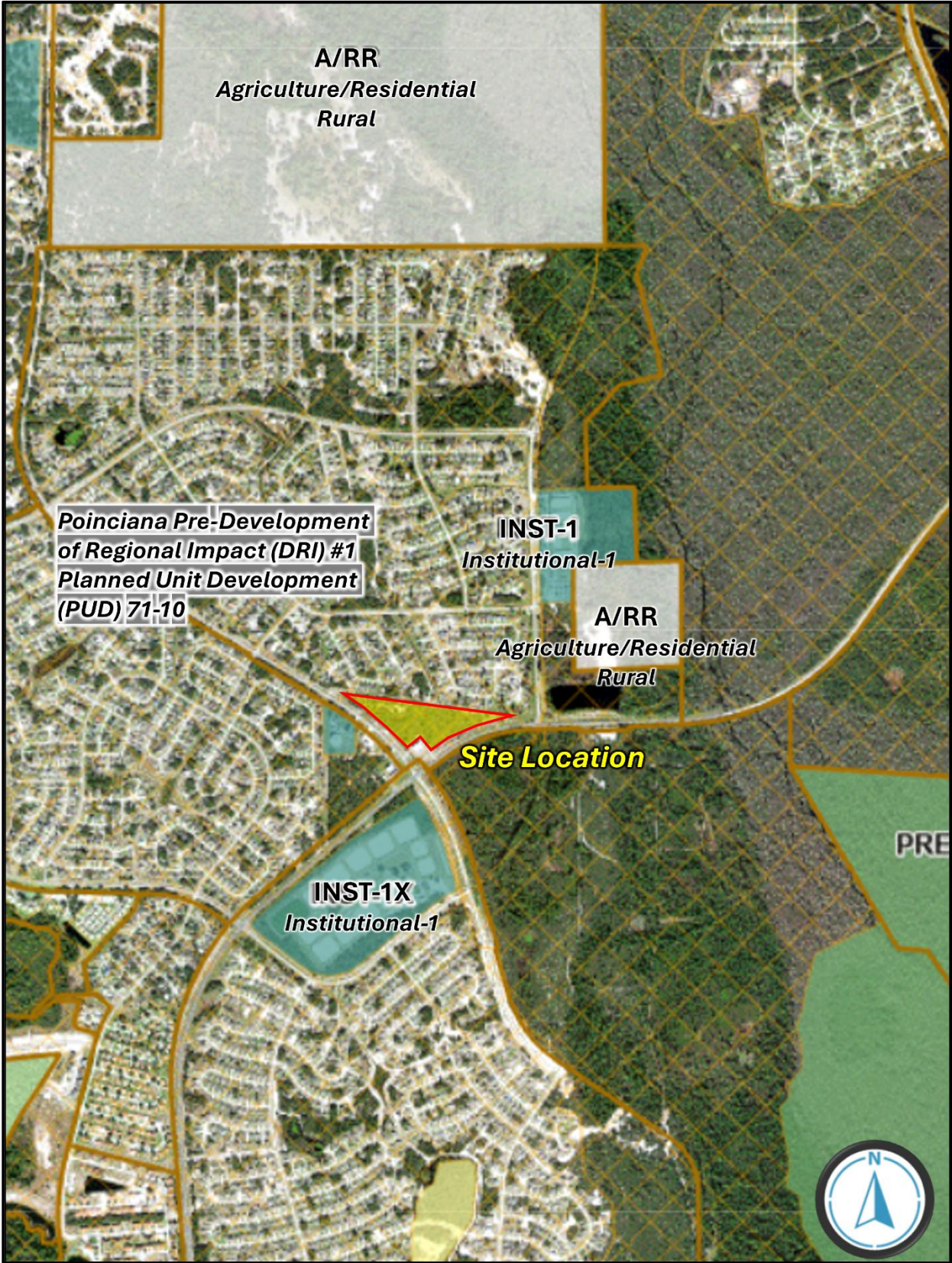
Comments from other Agencies: None.

Exhibits

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2024 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan



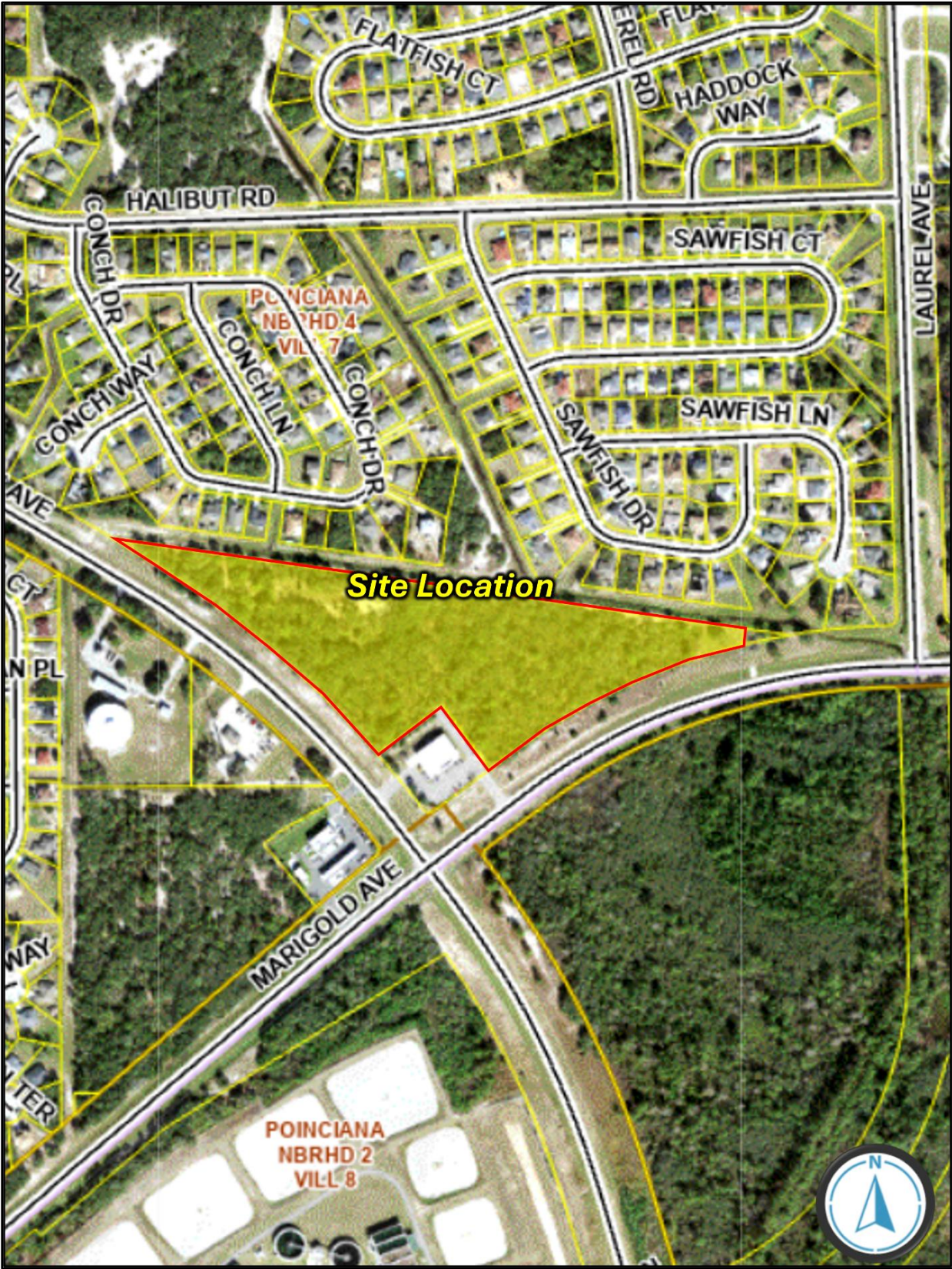
Location Map



Future Land Use



2023 Aerial Photo (Context)



2023 Aerial Photo (Close-up)

