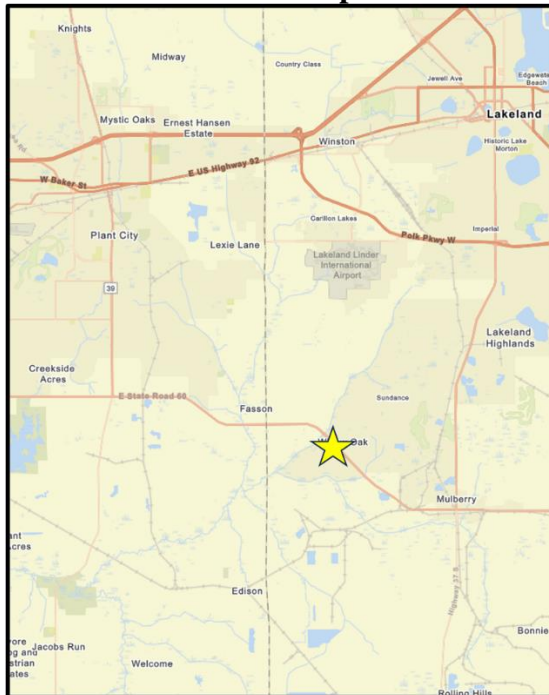


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

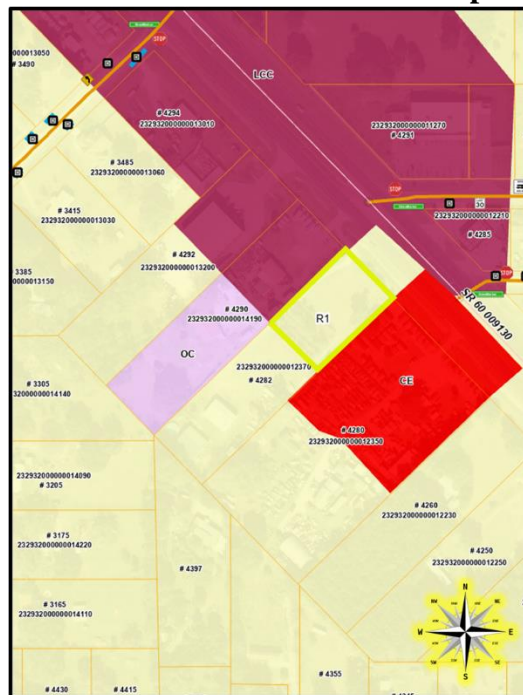
DRC Date:	July 25, 2024	Level of Review:	4
PC Date:	October 2, 2024	Type:	Comprehensive Plan Amendment
BoCC Date:	November 19, 2024	Case Numbers:	LDCPAS-2024-16
Applicant:	Tom Wodrich, TDW Land Planning	Case Name:	Dinaco LCC CPA
		Case Planner:	J.P. Sims, Planner II

Request:	The applicant is requesting a Future Land Use designation change from Residential Suburban (RS) to Linear Commercial Corridor (LCC) on 0.8 acres of a total of 2 +/- acres parcel.
Location:	The subject property is located south of State Road 60, east of County Line Road, west of Bailey Road, north of Turner Road, west of the city limits of Mulberry, in Section 32, Township 29, and Range 23.
Property Owner:	Arthur Hill
Parcel Size/number:	0.8 of 2 +/- acres (Parcel # 232932-000000-012370)
Development Area:	Suburban Development Area (SDA)
Nearest Municipality:	City of Mulberry
DRC Recommendation:	Approval
Planning Commission Vote:	Approval (6-0)
Public Comment:	None
Florida Commerce*	N/A

Location Map



Current Future Land Use Map



Summary

The applicant, Tom Wodrich of TDW Land Planning, is requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, Arthur Hill, to change the Future Land Use Designations from Residential Suburban (RS) to Linear Commercial Corridor (LCC) on the northeastern 0.80 acres of a total 2 +/- acres of property in the Suburban Development Area (SDA). The site is located south of State Road 60, east of County Line Road, west of Bailey Road, and north of Turner Road, west of the Mulberry city limits, in Sections 32, Township 29, and Range 23. The subject site is developed with two mobile homes. One is used for a residence and the other an office that is not currently legal. This request is considered infill and will make the office legal. The applicant will need to apply for a Level 2 Review and make site changes consistent with the Land Development Code to bring the property into compliance.

Compatibility Summary

This request will be compatible with the surrounding area as the land use requested by the applicant is relatively similar to the adjacent uses. The site accesses State Road 60 directly, so a commercial use would be an appropriate use. To the north, west, and east are commercial uses in a gas station, Dollar General, and Outdoor Shed Sales. The site is currently developed with two mobile homes, one in front half and the other in the rear half. The Land Use Change would allow the property owner the ability to operate their office in the front half of the site and have their home in the rear half of the site. To the southeast of the subject site, the property's land use was recently changed to Commercial Enclave (CE) with case LDCPAS-2024-2 on July 16th, 2024.

Infrastructure Summary

The subject site is within the Southwest Polk County Service Area. The site will have access to water, but there are no wastewater lines in that area. The site directly accesses State Road 60, which has available capacity per our own Transportation Planning Organization (TPO), but condition is not tracked as it is maintained by the State which was confirmed by Roads and Drainage. Mass transit is available nearby, with the closest stop 0.93 miles away to the southeast of the subject site at the State Road 60 and Bailey Road intersection. Public safety response times are normal for this part of the County, and while two of the schools zoned for the site are over capacity, commercial sites do not typically generate students, so this is not a concern. The request is compatible with the available infrastructure.

Environmental Summary

The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site. The soil types for the site are Tavares fine sand and Sparr sand. There are no wetlands or flood zone on site.

Comprehensive Plan

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

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.102-A10 Location Criteria
- Policy 2.106(A1-A5): Suburban Development Area (SDA)
- Policy 2.111(A1-A5): Linear Commercial Corridor (LCC)

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for the Future Land Use designation change from Residential Suburban (RS) to Linear Commercial Corridor (LCC). Zoning for the site was Rural Commercial (RC) before the Comprehensive Plan and Land Development Code were adopted.
- The RC zoning designation was approved by the Polk County BoCC with ZCR 88-75 on October 25, 1988.
- The site currently has two buildings on the site, one is a mobile home and the other is a portable office building for the property owner's business. This request would allow the owner to move the portable office to the front half of the property since it will have an office use.

Compatibility

- The existing uses surrounding the site are:
 - North – LCC; gas station
 - West – LCC and OC; construction contractor office.
 - East – RS; single family residential.
 - South – CE; outdoor shed sales.
- The parcel to the southeast of the subject site is designated for Commercial Enclave (CE) as was approved on July 16th, 2024 with LDCPAS-2024-2. The parcels to the northwest of the subject site are already designated for commercial uses, so changing this site to Linear Commercial Corridor (LCC), while buffering the residential uses to the southwest is compatible.

Infrastructure

- The zoned schools for the site are Willow Oak Elementary, Mulberry Middle, and Mulberry High School.
- Polk County Fire Rescue Station 8 will be the response unit for fire and EMS for this site. It is located at 4210 Willis Rd, Mulberry, FL 33860, with an approximate travel distance of 0.7 miles.
- The subject site is within the Sheriff Department's Southwest District. The Southwest District Office is located at 4120 US 98 S, Lakeland, FL.
- The subject site will be serviced by Polk County's Southwest Service Area for potable water, but wastewater will be handled by septic.

- There are no sidewalks on the south side of State Road 60 where the subject site is, but it does run along the northern side.
- The closest mass transit route is part of the Citrus Connection on line 21X. The closest stop is 0.93 miles away to the southeast of the subject site at the State Road 60 and Bailey Road intersection. The stop is on the northeast corner of State Road 60 and Bailey Road behind the Family Dollar.

Environmental

- The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site.
- The site's elevation is almost flat with an elevation of 105 feet in the center, with the elevation dipping to a low of 104 feet at the north and south ends of the site.
- There are no wetlands or flood zone on the site.
- The soil types for the site are Sparr and Tavares fine sand.
- According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an observation of a protected animal species (Source: Florida Department of Environmental Protection, 2015).
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- There are no wells on the subject site and it is not located in a wellfield.
- The site is not within an Airport Impact District.

Comprehensive Plan Policies

- POLICY 2.102-A1 Development Location states that Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.
- POLICY 2.102-A2 Compatibility states that land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.

- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
 - b. nearness to agriculture-production areas;
 - c. distance from populated areas;
 - d. economic issues, such as minimum population support and market-area radius (where applicable);
 - e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 2. sanitary sewer and potable water service;
 3. storm-water management;
 4. solid waste collection and disposal;
 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 6. emergency medical service (EMS) provisions; and
 7. other public safety features such as law enforcement;
 8. schools and other educational facilities
 9. parks, open spaces, civic areas and other community facilities
 - f. environmental factors, including, but not limited to:
 1. environmental sensitivity of the property and adjacent property;
 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 3. wetlands and primary aquifer recharge areas;
 4. soil characteristics;
 5. location of potable water supplies, private wells, public well fields; and
 6. climatic conditions, including prevailing winds, when applicable.
- POLICY 2.106-A1: DESCRIPTION - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned,

municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.

- **POLICY 2.106-A2: DESIGNATION AND MAPPING** - The Future Land Use Map Series shall designate and map SDAs, for those areas of the County meeting the general characteristics of this Section 2.106.
- **POLICY 2.106-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within the Suburban Development Areas:
 - a. **ACTIVITY CENTERS:** Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.
 - b. **RESIDENTIAL:** Residential-Suburban.
 - c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.

Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.

- **POLICY 2.111-A3: LOCATION CRITERIA** - Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS. The following factors shall be taken into consideration when evaluating whether an error was made during the original mapping process:
 - a. **USES OF THE LAND AND DEVELOPMENT OF THE PARCEL, AND SURROUNDING LAND, EXISTING AS OF APRIL 19, 1991:** The use of the land and existing development of the subject parcel and the surrounding area as of the adoption of the Plan would be taken into consideration when determining an error. Land that was vacant, or developed in some other manner than that of the claimed error, would be determined not to be an error.
 - b. **ZONING OF THE PARCEL, AND SURROUNDING LAND, AS OF APRIL 19, 1991:** The existing zoning of a parcel and surrounding area, as of the Plan's adoption date, would be considered in determining an error. However, the property's zoning would not be a factor, in and of itself, when the subject property is vacant.
 - c. **EXISTING PROPERTY LINES AS OF APRIL 19, 1991:** Parcels existing as of the adoption date of the Plan would be considered in determining an error.

- Lands added to a parcel, or parcels under one ownership, since the adoption would not be considered.
- d. **CONSISTENCY WITH THE PLAN:** Was the subject property consistent with the Plan's criteria for the claimed land use category at the time of Plan adoption? Is the claimed designation consistent with the Plan's overall objective to control urban sprawl and to not degrade the County's overall growth management program? Isolated development and/or spot zonings would not be considered an error.
 - e. **RECORDS OF THE COMPREHENSIVE PLAN CITIZENS' ADVISORY COMMITTEE (CAC) FUTURE LAND USE SUBCOMMITTEE AND THE BoCC PRIOR TO APRIL 19, 1991:** Information contained in the minutes and other records indicating the intention of those bodies were different than what was actually adopted would be used in determining mapping errors.
 - f. **REZONING ACTIONS APPROVED BY THE BoCC BETWEEN JANUARY 1, 1990, AND APRIL 19, 1991:** Rezoning actions approved by the BoCC after the initial staff mapping effort and the adoption of the Plan, which were not included in the final Plan map, would be considered in determining an error, whether the land was vacant or not.
 - g. **OTHER FACTORS:** Environmental constraints, availability of infrastructure at acceptable levels of service, and the Plan's Capital Improvement Program (CIP) at the time of adoption would be considered.
- **POLICY 2.111-A4: DEVELOPMENT CRITERIA** - Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:
 - a. Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type (HIC) development shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.
 - b. New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.
 - c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.
 - d. New development or redevelopment within a Linear Commercial Corridor shall incorporate the use of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.
 - e. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.

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

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2024-16**.

Planning Commission Recommendation: On October 2, 2024, in an advertised public hearing, the Planning Commission voted 6:0 to **recommend APPROVAL of LDCPAS-2024-16**.

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

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

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest OC; Contractor Offices.	North LCC; Dollar General	Northeast LCC; Gas Station.
West RS; Residential development	Subject Site RS; residential use mobile home and portable office building	East RS; Mobile Homes
Southwest RS; Residential development	South RS; Mobile Homes	Southeast CE; outdoor shed sales

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

Compatibility with the Surrounding Uses

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

A. Land Uses

Suburban Development Areas (SDA) shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.

The request is a Future Land Use that is not out of context or compatibility with the surrounding uses. There is a gas station and Dollar General to the north of the site, and a contractor’s office to the northwest of the site, so commercial use on this site is not out of context. The uses to the west, south, and east are commercial in nature, as they were developed before the Comprehensive Plan and Land Development Code were adopted.

The Linear Commercial Corridor (LCC) uses to the northwest and north of the subject site is built out as a Dollar General, a Sunoco gas station, a Contractor office, Sizemore Sales, and Barber & Associates Roofing. The adjacent uses and designation of the parcel to the southeast recently receiving a Commercial Enclave (CE) approval provides the compatibility of this site having Linear Commercial Corridor (LCC) as infill.

B. Infrastructure

The subject site will be serviced by Polk County’s Southwest Service Area for potable water. There are no wastewater lines in this area so the site will continue to be on septic. The site accesses directly onto State Road 60, a Principal Arterial. There is available transportation capacity on this road. Public safety response times are normal for this part of the County. While there is capacity within one of the schools, the other two schools are over capacity. However, Linear Commercial Corridor (LCC) does not typically permit residential development. The request is compatible with the available infrastructure.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below. Per the requirements in Chapter 7 of the Land Development Code, the applicant will have to work out capacity for any development request with the school board.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2022-2023 School Year	Average driving distance from subject site
Willow Oak Elementary School	0 students	94%	1.8 miles
Mulberry Middle School	0 students	115%	4.6 miles
Mulberry High School	0 students	107%	5.0 miles

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

Commercial developments do not typically generate students, so no demand is anticipated.

Nearest Sheriff, Fire, and EMS Station

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

	Name of Station	Distance Response Time*
Sheriff	Southwest District Command Unit (4120 US 98 S, Lakeland, FL)	15.4 +/- miles Priority 1 – 9:49 Priority 2 – 19:06
Fire/ EMS	Station #8 (4210 Willis Rd, Mulberry, FL 33860)	0.7 +/- miles

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for April 2024.

Water and Wastewater

A. Estimated Demand

The subject site is within the Polk County Utilities Southwest Service Area for potable water, but the site will remain on septic as there are no wastewater lines nearby. The closest wastewater line is over one (1) mile away to the northeast.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Residential Suburban (RS)	Maximum Allowable in Proposed Linear Commercial Corridor (LCC)
0.8 +/- acres 34,848 sq ft	0.8 +/- acres X 1 du/5 ac = 1 du	0.8 +/- acres = 34,848 sq ft X 0.3 FAR= 10,454 sq ft
Potable Water Consumption	1 du X 360 GPD = 360 GPD	10,454 sq ft X 0.22 GPD/sq ft = 2,299 GPD
Wastewater Generation	1 du X 270 GPD = 270 GPD	2,299 GPD X 80% = 1,839 GPD (Septic)

Source: Concurrency Manual – Residential Suburban (Single Family Detached Housing) at 360 GPD for water and 270 GPD for wastewater generation. Linear Commercial Corridor (LCC) uses 0.22 GPD per square foot for water and 80% of water usage for wastewater.

B. Service Provider

The subject site is within the Southwest Polk Utilities Service Area for water. There is no sewer connection for the site, as sewer extensions are not permissible in the Suburban Development Area (SDA).

C. Available Capacity

The Southwest Water Treatment Facility does have available capacity for this site. The portion of the following graph showing Available Flow Capacity Today indicates that there is ample room for additional development to occur. The following graph indicates capacity information for the SW Public Water System.

System Status								
	Current Working Permit Limit (MGD)	Current Flow (MGD)	Percent of Current Limit Used Today (%)	Available Flow-Capacity Today (MGD)	Firm Commitments (MGD)	Uncommitted Capacity (MGD)	System Growth Rate (MGD/year)	Time Until Flow Exceeds Limit (Years)
Southwest PWS	6.780	3.781	56%	2.999	0.183	2.816	0.063	> 20

D. Planned Improvements

There are no planned improvements for the infrastructure in this area.

Roadways/Transportation Network

A. Estimated Demand

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

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Residential Suburban (RS)	Maximum Allowable in Proposed Linear Commercial Corridor (LCC)
0.8 +/- acres 34,848 sq ft	0.8 +/- acres X 1 du/5 ac = 1 du	0.8 +/- acres X 0.3 FAR = 10,454 sq ft / 1000 = 10 sq ft
Average Annual	1 du X 7.81 AADT = 7.81 Trips (100% New Trips)	10 sq ft X 24.43 AADT = 240 Trips (76% New Trips) = 182 Trips
PM Peak	1 du X 1 AADT = 1 Trips	10 sq ft X 3.40 AADT = 34 Trips (76% New Trips) = 26 Trips

Source: Concurrency Manual and Table for Minor Traffic Study –Residential Suburban (Single Family Detached Housing) at 7.81 AADT and 1 PM Peak Hours (100% new trips), Shopping Center for LCC at 24.43 AADT and 3.4 AADT Peak Hours.

B. Available Capacity

The road accessing the subject site has sufficient PM Peak capacity available for commercial development. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road link.

Link #	Road Name	Current LOS	Available Capacity	Minimum LOS Standard	Projected Five Year LOS
5900E	STATE ROAD 60 (HILLSBOROUGH COUNTY LINE to NICHOLS ROAD)	C	972	D	C
5900W		C	931	D	C

Source: Polk Transportation Planning Organization, Roadway network Database 2023

C. Roadway Conditions

The condition of State Road 60 is not maintained by Polk County, so road conditions information is not available. It is a four lane Principal Arterial Road.

D. Sidewalk Network

There are no sidewalks on the south side of State Road 60 abutting the subject site, but there are sidewalks on the north side of State Road 60.

E. Planned Improvements:

There are no plans currently in place for this area of the county.

F. Mass Transit

The closest mass transit route is part of the Citrus Connection on line 21X. The closest stop is 0.93 miles away to the southeast of the subject site at the northeast corner of State Road 60 and Bailey Road intersection.

Park Facilities:

The following analysis is based on public recreation facilities.

A. Location:

The nearest neighborhood park is Fuller Heights Park 1.87 miles east of the site and the nearest regional Park is Loyce E. Harpe Park 3.27 miles to the east of the subject site.

B. Services:

Fuller Heights Park has a basketball court and playground. Loyce E. Harpe Park has a dog park (DiOGi Park), baseball, softball, and soccer fields. There is a skate park, playground, paved walking trails, a boat launching site, picnic tables and a screened-in pavilion that is available to rent.

C. Multi-use Trails:

The closest free hiking trail is in the Alafia River Reserve which is 0.44 +/- miles to the west of the subject site.

D. Environmental Lands:

This site contains no County owned environmental lands. The closest environmental land to the site is the Alafia Reserve 0.44 miles to the west of the subject site.

E. Planned Improvements:

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

Environmental Conditions

The following environmental conditions apply to the subject site;

A. Surface Water:

There is no surface water on the subject site. The site's elevation is almost flat with an elevation of 105 feet in the center, with the elevation dipping to a low of 104 feet at the north and south ends of the site.

B. Wetlands/Floodplains:

The site does not sit within a Flood Zone or Wetlands.

C. Soils:

The subject site is comprised of a couple of different types of soil as listed in Table 8 following this paragraph.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares fine sand, 0-5% slopes (15)	Moderate: wetness	Slight	0.3%
Sparr sand, 0 to 5% slopes	Severe: wetness, poor filter	Moderate: wetness	99.7%

*Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service *Because of poor filtration, ground water contamination is a hazard in many areas that have a concentration of homes with septic tanks.*

D. Protected Species

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

E. Archeological Resources:

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

F. Wells (Public/Private)

The subject site is not located in a Wellfield Protection District and does not have any wells on site.

G. Airports:

The site is not within an Airport Impact District.

Economic Factors:

There are no known economic factors that would impact the development of this site.

Consistency with the Comprehensive Plan

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

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	The Comprehensive Plan permits a variety of different Future Land Use designations. The site has a gas station, Dollar General, and a contractor's office nearby. There is residential to the immediate southwest of the site, but it directly accesses State Road 60, so commercial usage makes sense. The parcel to the southeast just recently received a Commercial Enclave (CE) designation by the BoCC on July 16 th , 2024 with case LDCPAS-2024-2.

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The site directly accesses State Road 60 and is abutting other commercial uses, so location is appropriate.</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>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <p>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable); e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:</p> <ol style="list-style-type: none"> 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, <p>f. environmental factors, including, but not limited to:</p> <ol style="list-style-type: none"> 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. 	<p>This request is consistent with the infill requirement for Linear Commercial Corridor, as it was Rural Commercial (RC) before the Comp Plan and LDC were passed, and the parcel to the southeast was recently designated as Commercial Enclave (CE). There is available connectivity to water and electricity, but there is no sewer connection available. Fire and Sheriff are available for this area. Two of the schools that are zoned for the site are at capacity, but commercial development typically does not generate students so this should not be an issue. The overall parcel does not contain wetlands or floodplains and does not site in a flood zone. The site is developed and currently has two mobile homes on site, with one being used as an office for a business.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.106-A1: DESCRIPTION - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.</p> <p>POLICY 2.106-A2: DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map SDAs, for those areas of the County meeting the general characteristics of this Section 2.106.</p> <p>POLICY 2.106-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within the Suburban Development Areas:</p> <p>a. ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.</p> <p>b. RESIDENTIAL: Residential-Suburban.</p> <p>c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.</p> <p>Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.</p> <p>POLICY 2.106-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within the SDA in accordance with applicable criteria.</p> <p>POLICY 2.106-A5: DEVELOPMENT CRITERIA - Development within the Suburban Development Areas shall conform to the following criteria as further specified in the Land Development Code:</p>	<p>Linear Commercial Corridors (LCC) are permitted within the Suburban Development Areas. There is water connection available to the subject site, but sewer is not to be extended into the SDA, so the site would remain on septic.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;</p> <p>b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;</p> <p>c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;</p> <p>d. provide access to civic space, parks, green areas, and open space and other amenities;</p> <p>e. be supported by public safety (i.e., fire, EMS and law enforcement);</p> <p>f. have access to elementary schools;</p> <p>g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.</p> <p>POLICY 2.106-A6: SEWER EXTENSIONS - Sanitary sewer shall not be extended into the SDA, except as allowed by Policy 2.132-C10 or the Board deems it necessary given one of the following circumstances:</p> <p>a. It is in the interest of on site and/or nearby environmental features;</p> <p>b. It is in the interest of public health; or</p> <p>c. The area has been designated a redevelopment district under Policy 2.124-F. Provided the development density of land served by the sewer lines does not exceed the amount allowed under the current land use designation.</p>	

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.111-A2: DESIGNATION AND MAPPING - Existing linear commercial areas shall be designated and mapped on the Future Land Use Map Series as "Linear Commercial Corridors" (LCC).</p> <p>POLICY 2.111-A3: LOCATION CRITERIA - Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS. The following factors shall be taken into consideration when evaluating whether an error was made during the original mapping process:</p> <ul style="list-style-type: none"> o a. USES OF THE LAND AND DEVELOPMENT OF THE PARCEL, AND SURROUNDING LAND, EXISTING AS OF APRIL 19, 1991: The use of the land and existing development of the subject parcel and the surrounding area as of the adoption of the Plan would be taken into consideration when determining an error. Land that was vacant, or developed in some other manner than that of the claimed error, would be determined not to be an error. o b. ZONING OF THE PARCEL, AND SURROUNDING LAND, AS OF APRIL 19, 1991: The existing zoning of a parcel and surrounding area, as of the Plan's adoption date, would be considered in determining an error. However, the property's zoning would not be a factor, in and of itself, when the subject property is vacant. o c. EXISTING PROPERTY LINES AS OF APRIL 19, 1991: Parcels existing as of the adoption date of the Plan would be considered in determining an error. Lands added to a parcel, or parcels under one ownership, since the adoption would not be considered. o d. CONSISTENCY WITH THE PLAN: Was the subject property consistent with the Plan's criteria for the claimed land use category at the time of Plan adoption? Is the claimed designation consistent with the Plan's overall objective to control urban sprawl and to not degrade the County's overall growth management program? Isolated development and/or spot zonings would not be considered an error. 	<p>The current site is designated as Residential Suburban, but directly accesses State Road 60 but was zoned Rural Commercial (RC) before the Comp Plan and LDC were passed. The parcel to the southeast was recently converted to Commercial Enclave (CE) with LDCPAS-2024-2 which was approved by the BoCC on July 16th, 2024. Converting the site to Linear Commercial Corridor (LCC) would fulfill the infill requirements for the site and allow for the site to be used for commercial purposes. This would not be out of context for the surrounding development as there is a gas station, Dollar General, and Contractor's office surrounding the site. Site currently has two mobile homes on site, one being used as an office for a business. This change would allow for the office to be a legal use, as it is currently not.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>o e. RECORDS OF THE COMPREHENSIVE PLAN CITIZENS' ADVISORY COMMITTEE (CAC) FUTURE LAND USE SUBCOMMITTEE AND THE BoCC PRIOR TO APRIL 19, 1991: Information contained in the minutes and other records indicating the intention of those bodies were different than what was actually adopted would be used in determining mapping errors.</p> <p>o f. REZONING ACTIONS APPROVED BY THE BoCC BETWEEN JANUARY 1, 1990, AND APRIL 19, 1991: Rezoning actions approved by the BoCC after the initial staff mapping effort and the adoption of the Plan, which were not included in the final Plan map, would be considered in determining an error, whether the land was vacant or not.</p> <p>o g. OTHER FACTORS: Environmental constraints, availability of infrastructure at acceptable levels of service, and the Plan's Capital Improvement Program (CIP) at the time of adoption would be considered.</p> <p>POLICY 2.111-A4: DEVELOPMENT CRITERIA - Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:</p> <p>o a. Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type (HIC) development shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.</p> <p>o b. New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.</p> <p>o c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.</p> <p>o d. New development or redevelopment within a Linear Commercial Corridor shall incorporate the use</p>	

Comprehensive Plan Policy	Consistency Analysis
<p>of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.</p> <ul style="list-style-type: none"> o e. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement. o f. Where the LCC abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment of non-residential development adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development. o g. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions. o h. The maximum floor area ratio shall not exceed 0.35 for non-residential development. <p>POLICY 2.111-A5: ADJACENT DEVELOPMENT - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a LCC may include the following uses: Office, Residential, Institutional, or Open Space.</p>	

Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

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

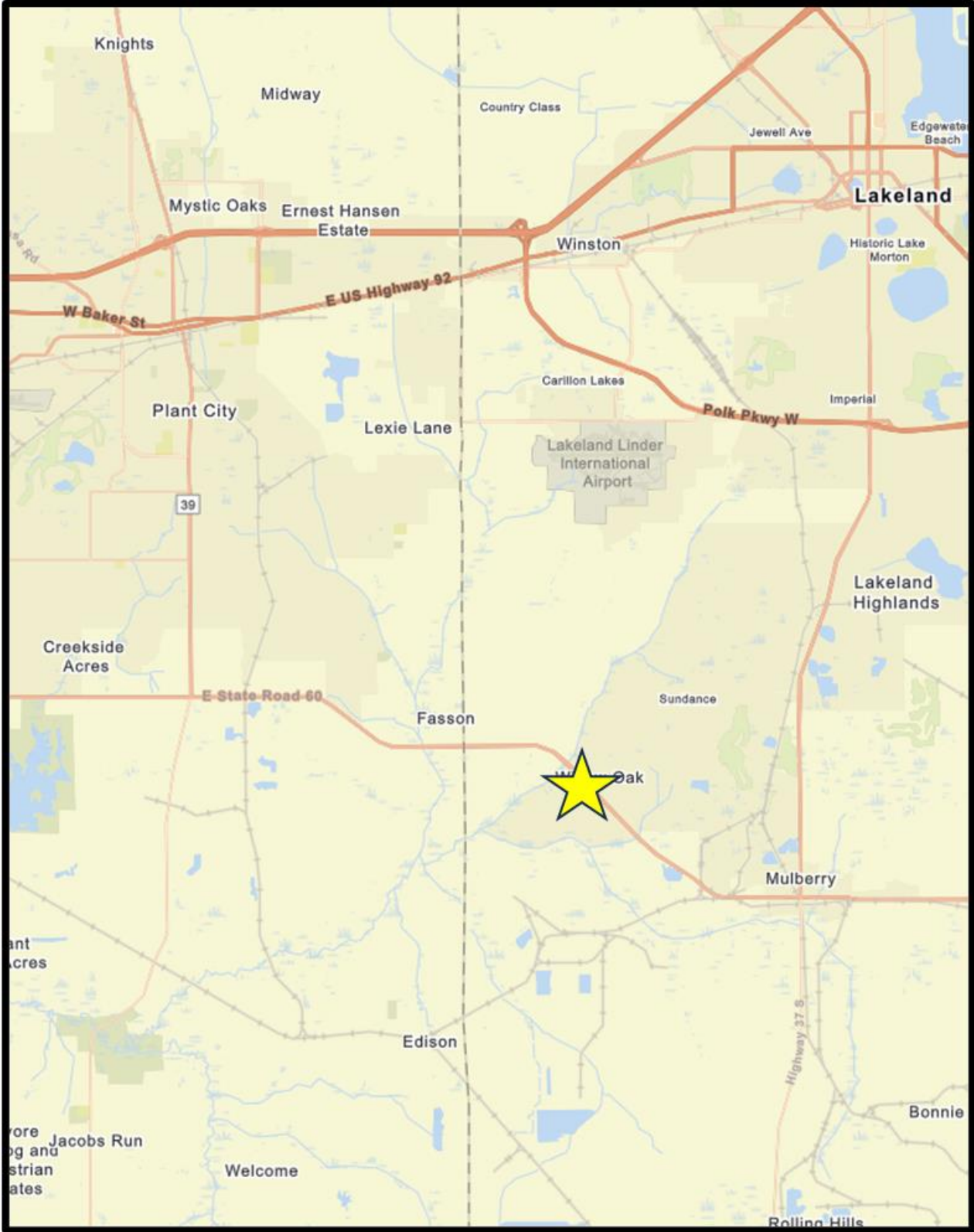
Comments from other agencies

No comments

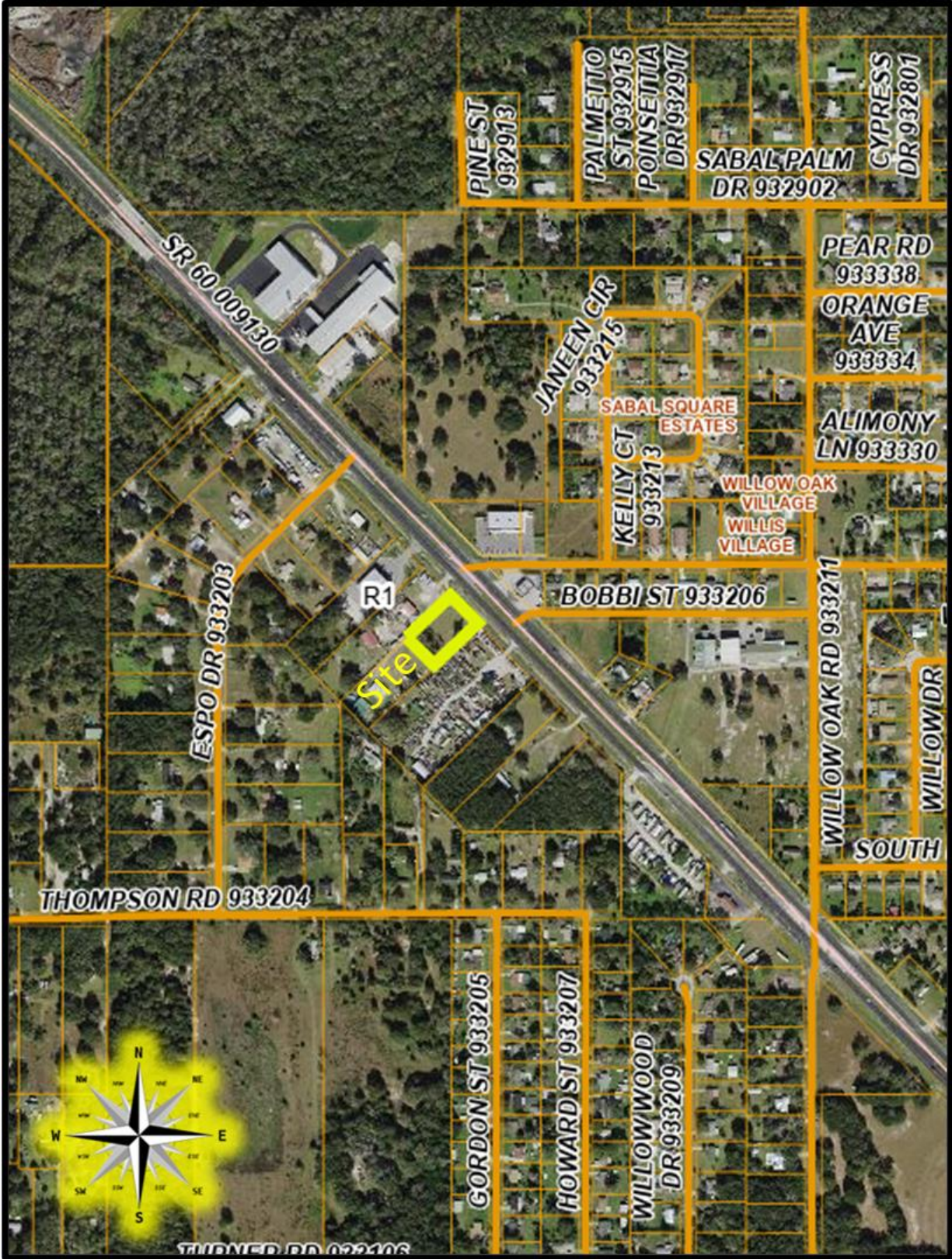
Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 2023 Aerial Context Map
- Exhibit 3 2023 Aerial Close Up
- Exhibit 4 Current Future Land Use Map
- Exhibit 5 Proposed Future Land Use Map
- Exhibit 6 LCC Permitted and Conditional Uses
- Exhibit 7 Original Zoning Pre-Comp Plan

Applicant's submitted documents and ordinance as separate files



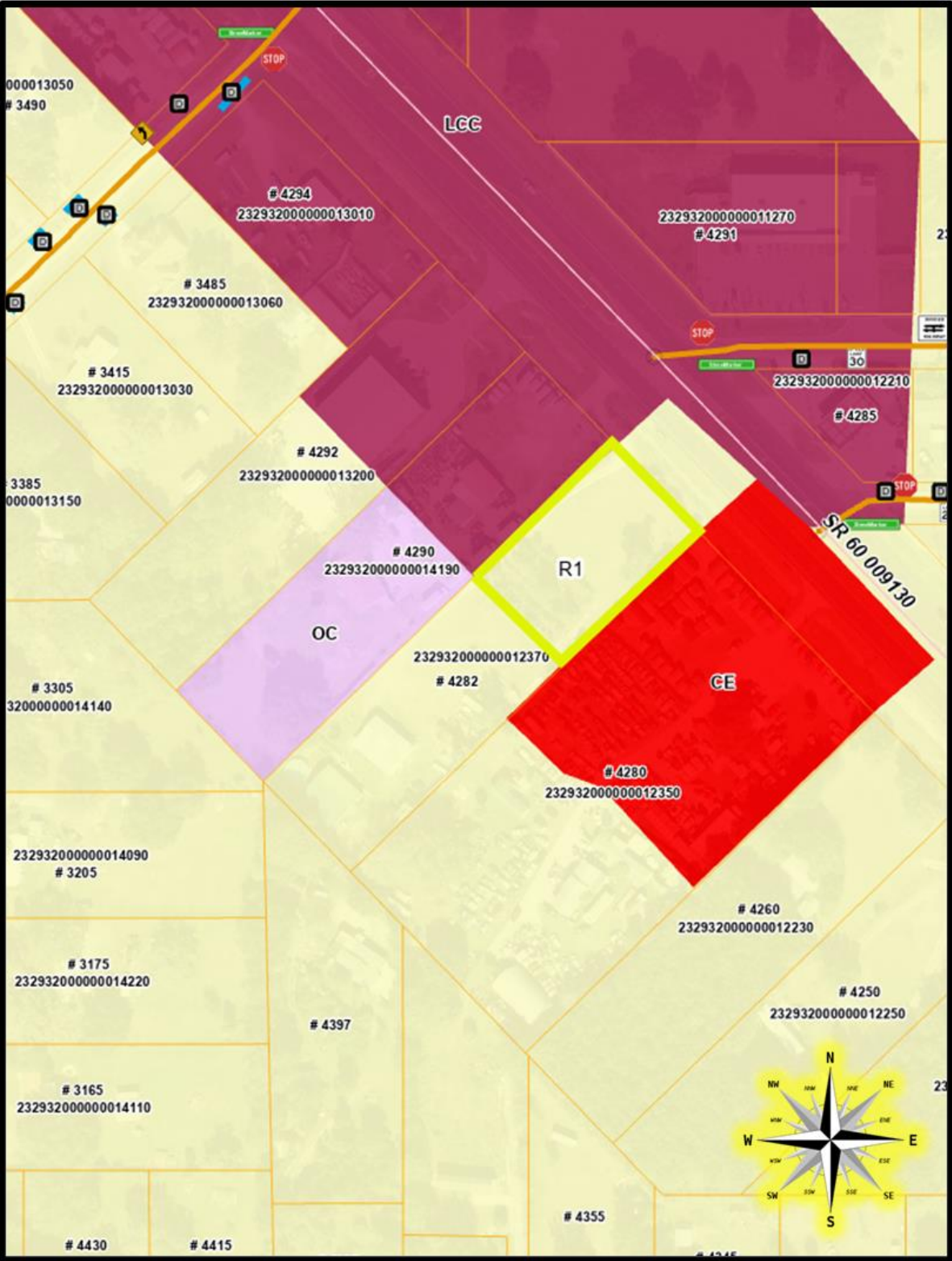
LOCATION MAP



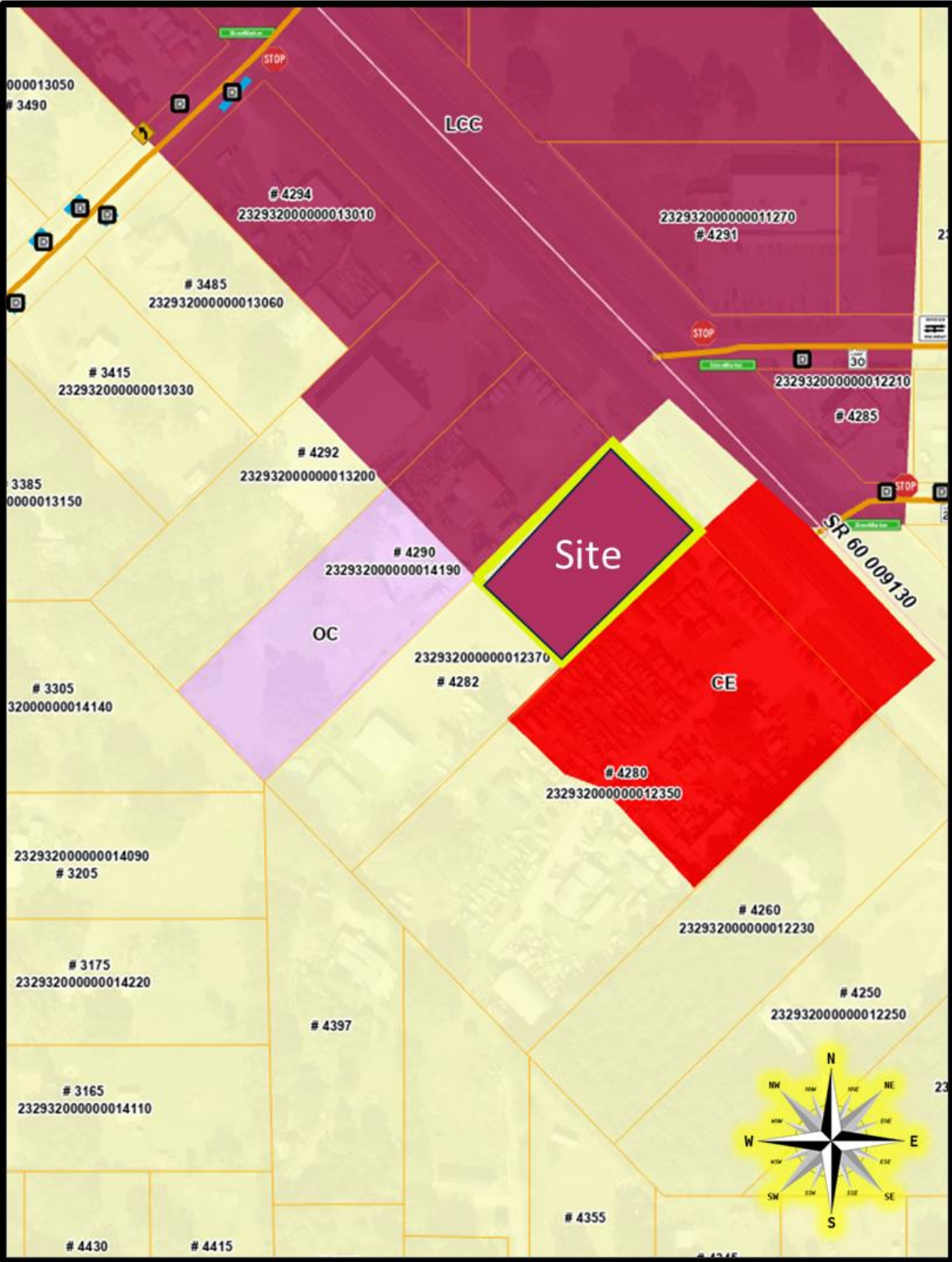
2023 AERIAL PHOTO CONTEXT



2023 AERIAL PHOTO CLOSE UP



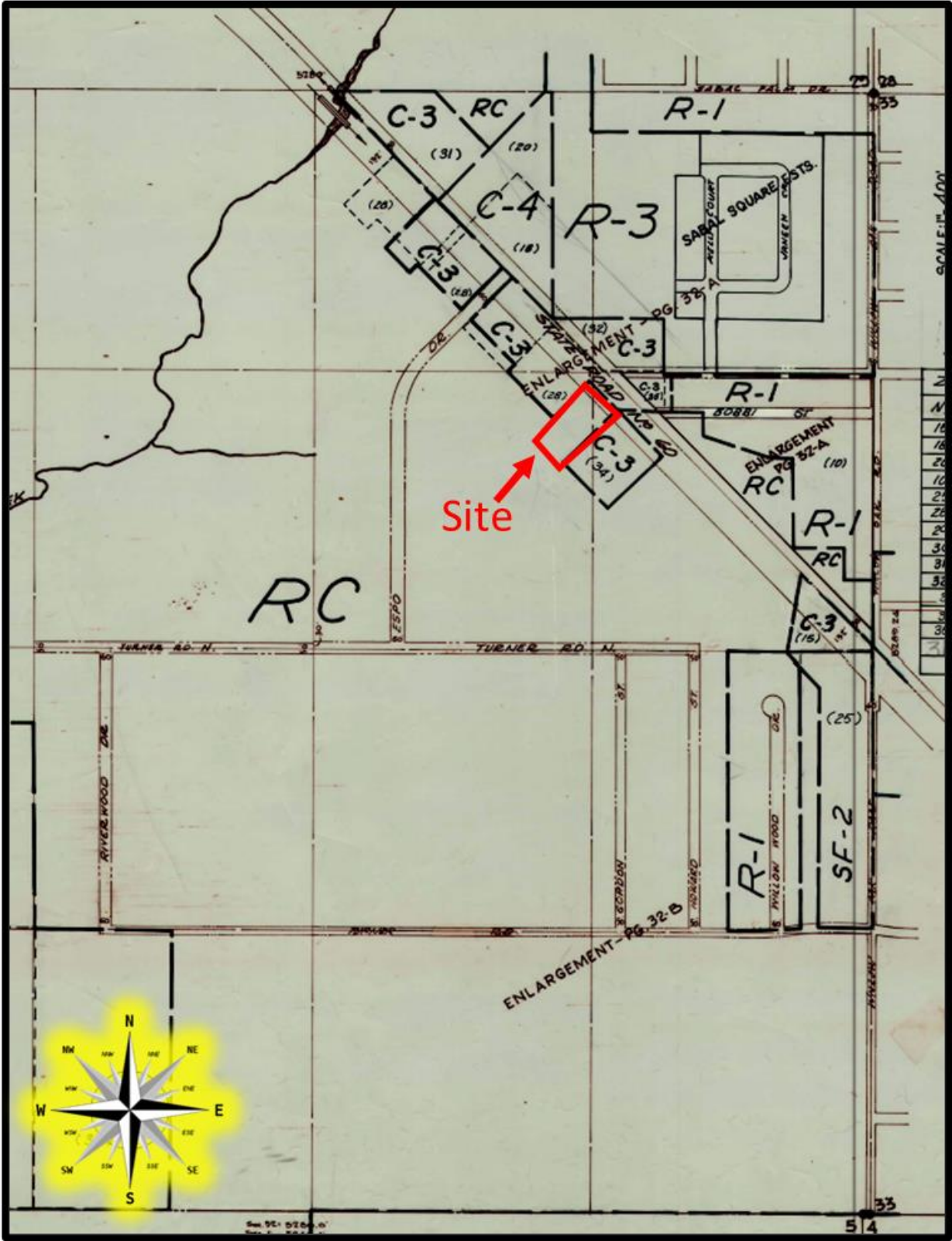
CURRENT FLUM Residential Suburban (RS)



PROPOSED FLUM Linear Commercial Corridor (LCC)

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

Linear Commercial Corridor (LCC)
PERMITTED AND CONDITIONAL USES



Original Zoning Map Pre-Comprehensive Plan