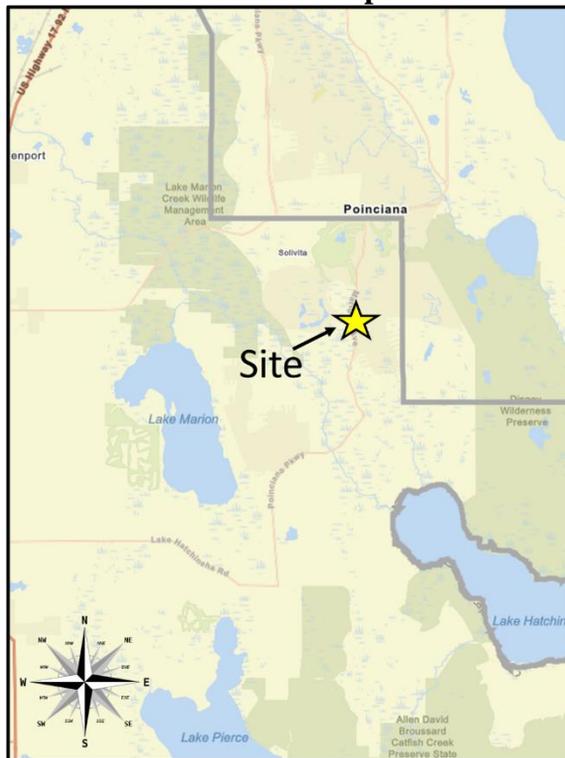


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	September 26, 2024	Level of Review:	4
PC Date:	February 5, 2025	Type:	Comprehensive Plan Amendment
BoCC Date:	March 4, 2025	Case Numbers:	LDCPAS-2024-28
Applicant:	John Adams, RJWA Inc. Johnathan (JP) Sims, Polk County BoCC	Case Name:	Space Source CPA
		Case Planner:	J.P. Sims, Planner II

Request:	A Future Land Use designation change from Development of Regional Impact (DRI) to Neighborhood Activity Center (NAC) on 7.49 +/- acres.
Location:	The subject property is located south of Palmetto Street, east of Marigold Avenue, west of Audubon Road, and north of Lake Hatchineha Road, east of the Haines City city limits, in Sections 25, Township 27, and Range 28.
Property Owners:	A&V Development LLC, Ronald WH LLC
Parcel Size/number:	7.49 +/- acres (Parcel # 282725-934060-079113, 282725-934060-079101)
Development Area:	Utility Enclave Area (UEA)
Nearest Municipality:	City of Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7-0
Public Comment:	None
Florida Commerce*	N/A

Location Map



Current Future Land Use Map



Summary

The joint applicants, John Adams and Polk County, are requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, A&V Development LLC and Ronald WH LLC, to change the Future Land Use Designations from Pre-Development of Regional Impact (Pre-DRI) to Neighborhood Activity Center (NACX) on 7.49 +/- acres of property in the Utility Enclave Area (UEA). Staff sent a letter to the property owners of the parcel the Dollar General is on back on December 12, 2024, indicating that this site would be included in a joint application to change the Future Land Use. No response was received so the application has moved forward. Site is located south of Palmetto Street, east of Marigold Avenue, west of Audubon Road, and north of Lake Hatchineha Road, east of the Haines City city limits, in Sections 25, Township 27, and Range 28, in the Poinciana Pre-Development of Regional Impact.

Compatibility Summary

This request will be compatible with the surrounding area as the density requested by the applicant is relatively similar to the approved projects in the Poinciana Development of Regional Impact. It has Development of Regional Impact (DRI) surrounding the site, but all of the lots are slated for low density residential. There is currently nothing developed on the southern parcel of the subject site. The northern parcel has a Dollar General already constructed on site. The applicant is seeking to construct self-storage on the undeveloped portion, so the Neighborhood Activity Center (NACX) will be required. The Dollar General is also a permitted use in NACX. The Dollar General was approved via case PD 71-10M, which was approved by the Planning Commission on November 5, 2014. Clearance letter CL-07-2012-003 was sent on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping a vested townhome use with a commercial use, making the subject site vest for commercial uses, including Neighborhood Activity Center.

Infrastructure Summary

The subject site is within the Toho Water Authority Service Area. The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone. The road that access the site, Marigold Avenue and Palmetto Street, are both Urban Collectors, have available capacity and are in Fair condition. Mass transit is not available nearby, and there is not a stop nearby to the site. The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with a Transfer Point about 2.59 miles northeast of the site. Public safety response times are normal for this part of the County. Two of the zoned schools are already over capacity, but site is not expected to development with residential so this should not be an issue. The request is compatible with the available infrastructure.

Environmental Summary

The nearest neighborhood park is the Lil Halibut Park 2.73 miles southeast of the site and the nearest regional Park is Poinciana Community Park 7.33 miles to the south of the subject site. The soil types for the site are EauGallie Fine sand and Felda Fine Sand. There are wetlands on the east side of the subject site, and there is Flood Zone A on the entire 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 2.107(A1-A5): Utility Enclave Area (UEA)
- Policy 2.110-D: Neighborhood Activity Center (NAC)
- Policy 2.130-A: Poinciana Pre-DRI

Findings of Fact

Request and Legal Status

- This is a joint applicant and county-initiated request for the Future Land Use designation change from Pre-Development of Regional Impact (Pre-DRI) to Neighborhood Activity Center (NACX).
- The Joint application was created to include the parcel where there is currently a Dollar General constructed. This additional acreage would allow the southern parcel to develop without impacting the wetlands based on the minimum developable acreage requirement for NACX.
- The subject site was originally designated as Multifamily Low Density in the Poinciana Master Plan.
- The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Section 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.
- A letter was sent to the owners of the Dollar General on December 12, 2024, indicating that they would be included in a Future Land Use change to Neighborhood Activity Center (NACX) from Development of Regional Impact (DRI). No response was received.
- The Dollar General currently constructed on site is a conforming use within the Neighborhood Activity Center (NACX).
- The NACX is required by the applicant because they wish to build self-storage on the undeveloped portion of the subject site.
- The Dollar General was approved via case PD 71-10M, which was approved by the Planning Commission on November 5, 2014.
- Clearance letter CL-07-2012-003 was sent to the Florida Department of Economic Opportunity on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping the Multifamily low density townhome use with a commercial use, making the subject site vest for commercial uses, including Neighborhood Activity Center.

Compatibility

- The existing uses surrounding the site are:
 - North – DRI; detached single family residential.
 - West – DRI; undeveloped, .
 - East – DRI; detached single family residential.
 - South – DRI; detached single family residential.

- The general area to the east, north, and south of the subject site are designated for single family detached. The site is currently slated for Multifamily Low Density, but this corner area would be more suitable for commercial development. There is currently a Dollar General on the northern part of the subject site.

Infrastructure

- The zoned schools for the site are Laurel Elementary, Lake Marion Creek Middle, and Haines City High School.
- Polk County Fire Rescue Station 46 will be the response unit for fire and EMS for this site. It is located at 9500 Marigold Avenue, Kissimmee, with an approximate travel distance of 4.1 miles.
- The subject site is within the Sheriff Department's Northeast District. The Northeast District Office is located at 100 Dunson Road in Davenport.
- The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone.
- There are sidewalks that run north to south along Marigold Avenue and west to east along Palmetto Street directly fronting the subject site.
- The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with a Transfer Point about 2.59 miles northeast of the site.
- The nearest neighborhood park is the Lil Halibut Park 2.73 miles southeast of the site and the nearest regional Park is Poinciana Community Park 7.33 miles to the south of the subject site.
- The environmental land that is closest to the subject site are the Kissimmee Chain of Lakes 1 mile to the south of the subject site.
- The canal on the east side of the subject site is the Drainage and Utility Easement, as indicated in Plat Book 54, page 28.

Environmental

- The site's elevation is almost flat with an elevation of 62 feet, with only a few spots where the elevation dips to a low of 60 feet near the center of the area where the wetlands exist on site and along the drainage easement on the east side.
- All of the site sits within Flood Zone A, and there are wetlands on the east side of the subject site that inhabit about 1.44 acres of the total subject site.
- The soil types for the site are EauGallie Fine sand and Felda 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 2.107-A1 DESCRIPTION** - UEAs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.
- **POLICY 2.107-A2 DESIGNATION AND MAPPING** - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:
 - a.it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s);
 - b.it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); and
 - c.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed.
- **POLICY 2.107-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within UEAs:
 - **ACTIVITY CENTERS:** Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact

Commercial Centers shall be permitted within UEA's in accordance with applicable criteria.

- RESIDENTIAL: Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria.
 - OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.
- POLICY 2.107-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.
 - POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:
 - All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met.
 - Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.
 - Provide access to parks, green areas, and open space and other amenities.
 - Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section
 - POLICY 2.110-D1: CHARACTERISTICS - Neighborhood Activity Centers are intended to accommodate the shopping needs of residents living within the immediate surrounding neighborhood(s). General (approximate) characteristics of Neighborhood Activity Centers are:
 - Usable Area: Over 5 acres to 20 acres
 - Gross Leasable Area (GLA): 20,000 to 150,000 square feet
 - Minimum Population Support: 5,000 to 10,000 people
 - Market-Area Radius: 1½ miles
 - Typical Leading Tenant: Supermarket
 - Other Typical Leading Tenants: Drug Store, Restaurant, Bakery, Office, Convenience Store

- POLICY 2.110-D2: DESIGNATION AND MAPPING - Neighborhood Activity Centers shall be located within UDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "Neighborhood Activity Center" (NAC).
- POLICY 2.110-D3: LOCATION CRITERIA - Neighborhood Activity Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distances, on public roads, between the center of a Neighborhood Activity Center and the center of any other Neighborhood Activity Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same neighborhood-shopping needs:
 - a. Two (2) miles within the TSDA and UGA.
 - b. Four (4) miles within the SDA and UEA.

This required separation may be reduced if:

- a. The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or
 - b. The proposed Neighborhood Activity Center market-area radius, minimum population support is over 10,000 people.
- POLICY 2.110-D4: DEVELOPMENT CRITERIA - Development within a Neighborhood Activity Center shall conform to the following criteria:
 - a. Neighborhood Activity Centers shall have frontage on, or direct access to, an arterial or major collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway.
 - b. Different uses within a Neighborhood Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
 - c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
 - d. Residential uses shall not be permitted in Neighborhood Activity Centers except as part of a mixed use Planned Development.
 - e. Office uses shall not exceed 40 percent of the total area of the Neighborhood Activity center. Commercial uses may constitute 100 percent of the Neighborhood Activity center.
 - f. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.
 - g. Planned Developments within the Neighborhood Activity Center may be permitted a maximum floor area ratio up to 0.70 and a maximum residential density of 5 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.

- POLICY 2.110-D5: ADJACENT DEVELOPMENT - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a Neighborhood Activity Center may include the following uses: Office, Residential, Institutional, and Recreation and Open Space.
- POLICY 2.130-A: POINCIANA (PRE-DRI #1) - The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within 8 villages, 9 estate areas, and 6 office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Sections 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.

The approved master development plan for Poinciana and subsequent modifications to various portions of this development are on file in the offices of the Polk County Land Development Division. Approved land uses are also detailed in the Poinciana Binding Letter of Interpretation of Vested Rights Status, date May 17, 1983, and subsequent Binding Letters of Modification to a Development of Regional Impact with Vested Rights (BLIVR), issued by and on file with the Department of Economic Opportunity (DEO). Additional copies are also available through the Polk County Land Development Division. In 2018, the Florida legislature modified Section 380.06 that local governments may modify the BLIVRs instead of DEO. The Land Development Code includes processes and procedures to determine if property is within the boundaries of Poinciana and how development will be implemented. This also includes Future Land Use changes adjacent to proposed roadways.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2024-28**.

Planning Commission Recommendation: On February 5th, 2025, in an advertised public hearing, the Planning Commission voted 7:0 to **recommend APPROVAL of LDCPAS-2024-28**.

***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 Pre-DRI; undeveloped.	North Pre-DRI; low density detached single family residential	Northeast Pre-DRI; low density detached single family residential
West Pre-DRI; undeveloped.	Subject Site Pre-DRI; Dollar General, undeveloped	East Pre-DRI; low density detached single family residential
Southwest Pre-DRI; undeveloped.	South Pre-DRI; low density detached single family residential	Southeast Pre-DRI; low density detached single family residential

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

Compatibility with the Surrounding Uses

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

A. Land Uses

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

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

The request is a Future Land Use that is not out of context or compatibility with the surrounding uses. Clearance letter CL-07-2012-003 was sent on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping the Multifamily low-density townhome use with a commercial use, making the subject site vested for commercial uses, including Neighborhood Activity Center. Changing the land use to Neighborhood Activity Center, while everything around it is residential in nature, is a compatible usage, as the site sits at the intersection of two Urban Collector roads and has access to available infrastructure with water and sewer. The drainage and utility easement canal on the east side of the subject site provides additional buffering to the residential to the east.

B. Infrastructure

The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone. The site accesses onto Marigold Avenue and Palmetto Street, both of which are Urban Collectors. There is available transportation capacity on both roads. 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, but this should not be an issue as site is expected to development with commercial usages. The request is compatible with the available infrastructure.

Nearest Elementary, Middle, and High School

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

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2022-2023 School Year	Average driving distance from subject site
Laurel Elementary School	0 students	121%	2.2 miles
Lake Marion Creek Middle School	0 students	88%	1.6 miles
Haines City High School	0 students	111%	8.6 miles

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

Two of the three schools zoned for this site are overcapacity, but site is not anticipated to develop with residential uses, so this should not be an issue for concern.

Nearest Sheriff, Fire, and EMS Station

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

	Name of Station	Distance Response Time*
Sheriff	Northeast District Command Unit (100 Dunson Road, Davenport, FL)	19.1 +/- miles Priority 1 – 10:12 Priority 2 – 21:17
Fire/ EMS	Station #46 (9500 Marigold Avenue, Kissimmee, FL)	6.5 +/- miles

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

Water and Wastewater

A. Estimated Demand

The site will have access to water and wastewater lines as all of the surrounding sites developed will also have access. This was confirmed by the Service Area Map on the Toho Water Authority website and a representative that was reached via phone.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Existing Allowable Commercial Use in Poinciana DRI	Maximum Allowable in Proposed NACX in Poinciana DRI
7.49 +/- acres	7.49 +/- acres X 43,560 sq ft = 326,264 sq ft 326,264 sq ft x 0.25 FAR = 81,566 sq ft	7.49 +/- acres X 43,560 sq ft = 326,264 sq ft 326,264 sq ft x 0.25 FAR = 81,566 sq ft
Potable Water Consumption	81,566 sq ft X 0.15 GPD = 12,235 GPD	81,566 sq ft X 0.15 GPD = 12,235 GPD
Wastewater Generation	12,235 GPD X 80% = 9,788 GPD	12,235 GPD X 80% = 9,788 GPD

B. Service Provider

The subject site is within the Toho Water Authority Service Area for water and wastewater. This was confirmed by the Toho Service Area Map on their site.

C. Available Capacity

Information is not available for capacity as the water and wastewater is handled by Toho Water Authority.

D. Planned Improvements

Toho has announced that they are developing a plan for utilizing new water sources and reclaimed water usage.

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 lower trips.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Allowable Commercial use in Poinciana DRI	Maximum Allowable in Proposed NACX in Poinciana DRI
7.49 +/- acres	7.49 +/- acres X 43,560 sq ft = 326,264 sq ft 326,264 sq ft / 1000 = 326 sq ft	7.49 +/- acres X 43,560 sq ft = 326,264 sq ft x 0.25 = 81,566 / 1000 = 82 sq ft
Average Annual	326 sq ft X 60.06 AADT = 19,580 Trips (76% New Trips) =	82 sq ft X 60.06 AADT = 4,952 Trips (76% New Trips) = 3,743 Trips
PM Peak	326 sq ft X 8.95 AADT = 2,918 Trips	82 sq ft X 8.95 AADT = 733.9 (76% New Trips) = 558 Trips 558 Trips

Source: Concurrency Manual and Table for Minor Traffic Study –Supermarket used for NAC at 60.06 AADT and 8.95 PM Peak Hours (76% New Trips).

B. Available Capacity

The roads surrounding the subject site have sufficient PM Peak capacity available for a commercial development. There is currently a Dollar General developed on the northern parcel of the subject site. The southern parcel is undeveloped. Marigold Avenue and Palmetto Street are both Urban Collectors with available capacity in both directions. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road links. It is also relevant to consider that the subject site is abutting residential development to the north, east and south. These developments will have a significant impact on the road links.

Link #	Road Name	Current LOS	Available Capacity	Minimum LOS Standard	Projected Five Year LOS
8101N	Marigold Avenue (Palmetto Street to CR 580)	C	880	D	C
8101S		C	834	D	C
8432E	Palmetto Street (Marigold Avenue to Osceola County Line)	C	659	D	C
8432W		C	650	D	C

Source: Polk Transportation Planning Organization, Roadway network Database 2023

C. Roadway Conditions

The conditions of Marigold Avenue and Palmetto Street are currently Fair. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network

There are sidewalks that run north to south along Marigold Avenue and west to east along Palmetto Street directly fronting the subject site.

E. Planned Improvements:

There are plans to widen and improve Lake Marion Creek Drive, and a plan in place to widen Marigold Avenue from Cypress Parkway to Palmetto Street to the north of the subject site. Also, Cypress Parkway will be widened from Power Line Road to West Solivita Boulevard.

F. Mass Transit

The closest mass transit is Citrus Connection Line 603, their Southwest Poinciana line with a Transfer Point about 2.59 miles northeast of the site.

Park Facilities:

The following analysis is based on public recreation facilities.

A. Location:

The nearest neighborhood park is the Lil Halibut Park 2.73 miles southeast of the site and the nearest regional Park is Poinciana Community Park 7.33 miles to the south 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 7.33 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 1 mile to the south of the subject site.

E. Planned Improvements:

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

Environmental Conditions

The subject site is comprised of a mix of soil types, which could present difficult for building, and will present some issues with flooding in the future as the entirety of the subject site sits in Flood Zone A.

A. Surface Water:

There is no surface water on the subject site. The site's elevation is almost flat with an elevation of 62 feet, with only a few spots where the elevation dips to a low of 60 feet, like where the wetlands sit and along the easement to the east. The canal on the east side of the subject site is the Drainage and Utility Easement as confirmed by Plat book 54, page 28.

B. Wetlands/Floodplains:

All of the site sits within Flood Zone A, and there are wetlands on the east side of the subject site that inhabit about 1.44 acres of the total subject site.

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. According to the soil survey of Polk County, the subject site might have some issues with flooding as the entire site sits within Flood Zone A, and the soils do not have the greatest septic tank absorption. However, the site will be able to connect to Toho wastewater lines, so this should not be an issue.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
EauGallie fine sand (5)	Severe; wetness, seepage	Severe; wetness	80.9%
Felda fine sand, frequently ponded, 0 to 1 percent slopes (86)	Severe; seepage, ponding	Severe; ponding	19.1%

*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. The site will be connecting to water from City of Lake Wales Utilities.

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	The Comprehensive Plan permits a variety of different Future Land Use designations in urban areas and contribute to a combination

Comprehensive Plan Policy	Consistency Analysis
<p>Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:</p> <ul style="list-style-type: none"> a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development. 	<p>of mixed uses. Everything around the subject site is slated for low density residential use, meaning this land use change is compatible.</p>
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>Subject site is at the intersection of two Urban Collector Roads which is ideal for commercial use. Toho Water Authority lines are readily available in this area for water and wastewater. This request is consistent with this policy.</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The timing is consistent with the growth in the area as the surrounding sites are already designated for low density residential. There is available connectivity to water, wastewater, and electricity. Fire and Sheriff are available for this area. Two of the schools that are zoned for the site are at capacity, but site is expected to develop commercially, so t this should not be an issue. The overall parcel does contain wetlands, no floodplains, and does sit entirely in Flood Zone A. The southern parcel of the subject site is undeveloped, with the northern parcel developed with a Dollar General on site. The subject site is surrounded by residential development sites to the north, east, and south, with the lands to the west undeveloped. The Dollar General was approved via case PD 71-10M, which was approved by the Planning Commission on November 5, 2014. This indicates the location is appropriate for commercial. Clearance letter CL-07-2012-003 was sent on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping the Multifamily low density townhome use with a commercial use, making the subject site vest for commercial uses, including Neighborhood Activity Center.</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> <ul style="list-style-type: none"> 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: <ul 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, f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> 1. environmental sensitivity of the property and adjacent property; 2. 	<p>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. Two of the schools that are zoned for the site are at capacity, but site is expected to develop commercially, so t this should not be an issue. The overall parcel does contain wetlands, no floodplains, and does sit entirely in Flood Zone A. The southern parcel of the subject site is undeveloped, with the northern parcel developed with a Dollar General on site. The subject site is surrounded by residential development sites to the north, east, and south, with the lands to the west undeveloped. The Dollar General was approved via case PD 71-10M, which was approved by the Planning Commission on November 5, 2014. This indicates the location is appropriate for commercial. Clearance letter CL-07-2012-003 was sent on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping the Multifamily low density townhome use with a commercial use, making the subject site vest for commercial uses, including Neighborhood Activity Center.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>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>	
<p>POLICY 2.107-A1 DESCRIPTION - UEAs shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised potable-water systems, and centralized public sewer facilities, or private sewer system in excess of 400,000 GPD. UEAs are typically lacking the full complement of other urban services typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.</p> <p>POLICY 2.107-A2 DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Utility-Enclave Areas (UEAs) base districts for those areas of the County meeting the general characteristics of this Section 2.107. Expansion of Utility Enclave Areas shall only be permitted in those cases where:</p> <ul style="list-style-type: none"> o a.it is determined that such expansion is necessary for the utility provider to realize a beneficial return on its existing utility investment(s); o b.it is consistent with other policies in the Plan, and meets the requirements of Policy 2.102-A9 and Policy 2.102-A10 ("locational criteria" for land use and development area expansions); and c.it is determined, through adequate data and analysis of population and land use needs, that such expansion is needed. <p>POLICY 2.107-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within UEAs:</p> <ul style="list-style-type: none"> o ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within UEA's in accordance with applicable criteria. o RESIDENTIAL: Residential-High, Residential-Medium and Residential-Low Districts shall be permitted within UEA's in accordance with applicable criteria. 	<p>Neighborhood Activity Center is allowed within the Utility Enclave Area. Water and sewer lines have already been constructed in this area by Toho Water Authority and will service the subject site if developed. There is a force main for both water and sewer at the intersection of Marigold and Palmetto as was confirmed by a Toho representative via phone.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>o OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, Preservation.</p> <p>POLICY 2.107-A4: OVERLAY DISTRICTS - All Overlay Districts shall be permitted within UEAs in accordance with applicable criteria.</p> <p>POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:</p> <p>o All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met.</p> <p>o Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.</p> <p>o Provide access to parks, green areas, and open space and other amenities.</p> <p>o Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section</p>	
<p>• POLICY 2.110-D1: CHARACTERISTICS - Neighborhood Activity Centers are intended to accommodate the shopping needs of residents living within the immediate surrounding neighborhood(s). General (approximate) characteristics of Neighborhood Activity Centers are:</p> <p><input type="checkbox"/> Usable Area: Over 5 acres to 20 acres</p> <p><input type="checkbox"/> Gross Leasable Area (GLA): 20,000 to 150,000 square feet</p> <p><input type="checkbox"/> Minimum Population Support: 5,000 to 10,000 people</p>	<p>Clearance letter CL-07-2012-003 was sent on February 25, 2013, indicating the change for Village 3, Neighborhood 5 North, swapping the Multifamily low density townhome use with a commercial use, making the subject site vested for commercial uses, including Neighborhood Activity Center.</p>

Comprehensive Plan Policy	Consistency Analysis
<p><input type="checkbox"/> Market-Area Radius: 1½ miles</p> <p><input type="checkbox"/> Typical Leading Tenant: Supermarket</p> <p><input type="checkbox"/> Other Typical Leading Tenants: Drug Store, Restaurant, Bakery, Office, Convenience Store</p> <ul style="list-style-type: none"> • POLICY 2.110-D2: DESIGNATION AND MAPPING - Neighborhood Activity Centers shall be located within UDAs, UGAs, SDAs, and UEAs as designated on the Future Land Use Map Series as "Neighborhood Activity Center" (NAC). • POLICY 2.110-D3: LOCATION CRITERIA - Neighborhood Activity Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distances, on public roads, between the center of a Neighborhood Activity Center and the center of any other Neighborhood Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same neighborhood-shopping needs: <ul style="list-style-type: none"> <input type="checkbox"/> a. Two (2) miles within the TSDA and UGA. <input type="checkbox"/> b. Four (4) miles within the SDA and UEA. <p>This required separation may be reduced if:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a.The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or <input type="checkbox"/> b.The proposed Neighborhood Activity Center market-area radius, minimum population support is over 10,000 people. <ul style="list-style-type: none"> • POLICY 2.110-D4: DEVELOPMENT CRITERIA - Development within a Neighborhood Activity Center shall conform to the following criteria: <ul style="list-style-type: none"> <input type="checkbox"/> a.Neighborhood Activity Centers shall have frontage on, or direct access to, an arterial or major collector roadway, or a frontage road or service drive which directly serves an arterial or collector roadway. <input type="checkbox"/> b.Different uses within a Neighborhood Activity Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical. <input type="checkbox"/> c.Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation 	

Comprehensive Plan Policy	Consistency Analysis
<p>patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.</p> <p><input type="checkbox"/> d.Residential uses shall not be permitted in Neighborhood Activity Centers except as part of a mixed use Planned Development.</p> <p><input type="checkbox"/> e.Office uses shall not exceed 40 percent of the total area of the Neighborhood Activity center. Commercial uses may constitute 100 percent of the Neighborhood Activity center.</p> <p><input type="checkbox"/> f.The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Development.</p> <p><input type="checkbox"/> g.Planned Developments within the Neighborhood Activity Center may be permitted a maximum floor area ratio up to 0.70 and a maximum residential density of 5 dwelling units per acre. Intensity and density increases shall only be awarded to innovative, efficient, and compatible Planned Development proposals that are consistent with the general district characteristics and are located within the TSDA and UGA. The Land Development Code shall establish specific development standards and criteria for Planned Developments within activity centers.</p> <p>• POLICY 2.110-D5: ADJACENT DEVELOPMENT - Subject to the criteria and requirements of Section 2.125-C relating to Transitional Areas, development adjacent to a Neighborhood Activity Center may include the following uses: Office, Residential, Institutional, and Recreation and 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

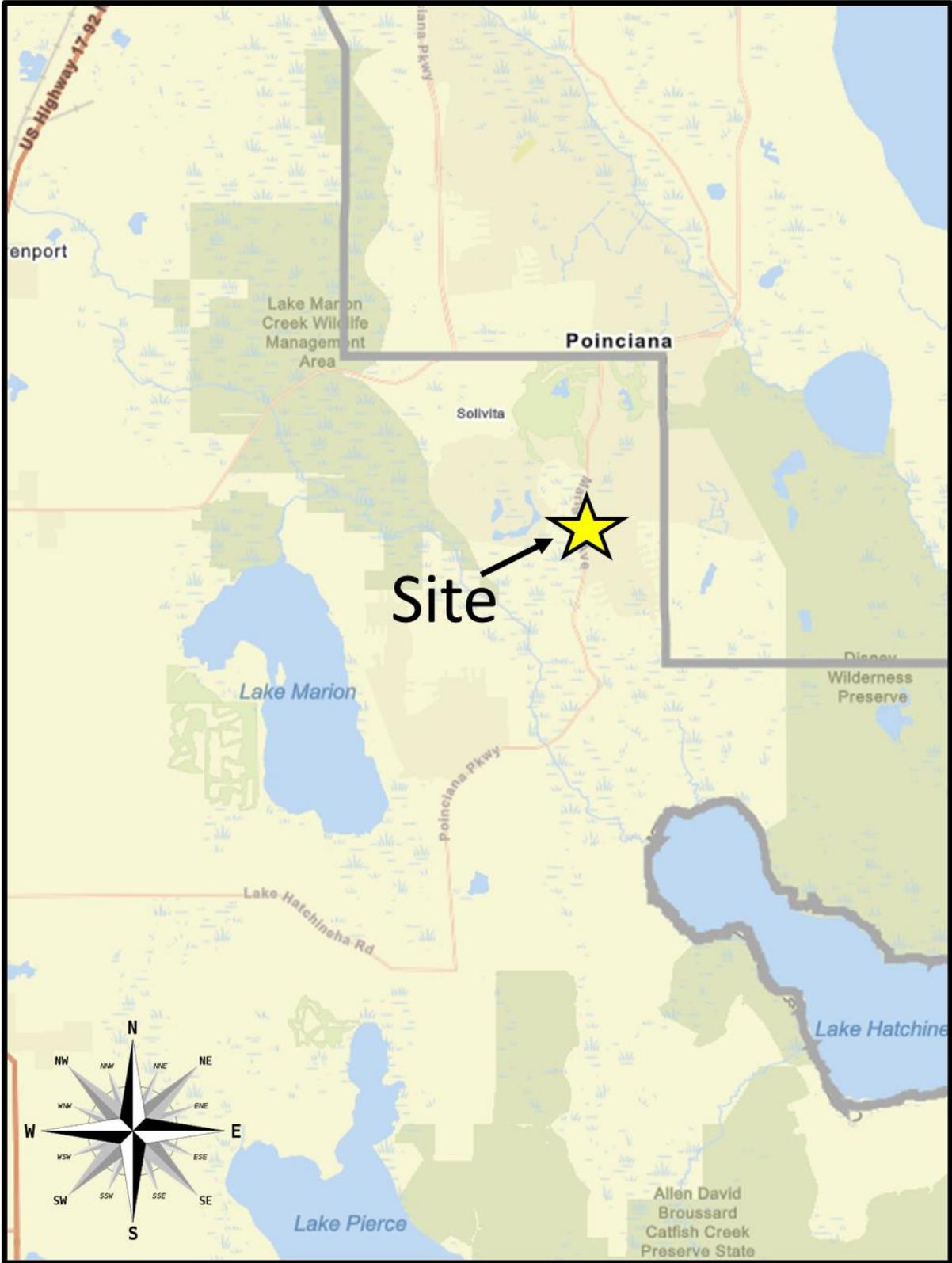
Comments from other agencies

No comments

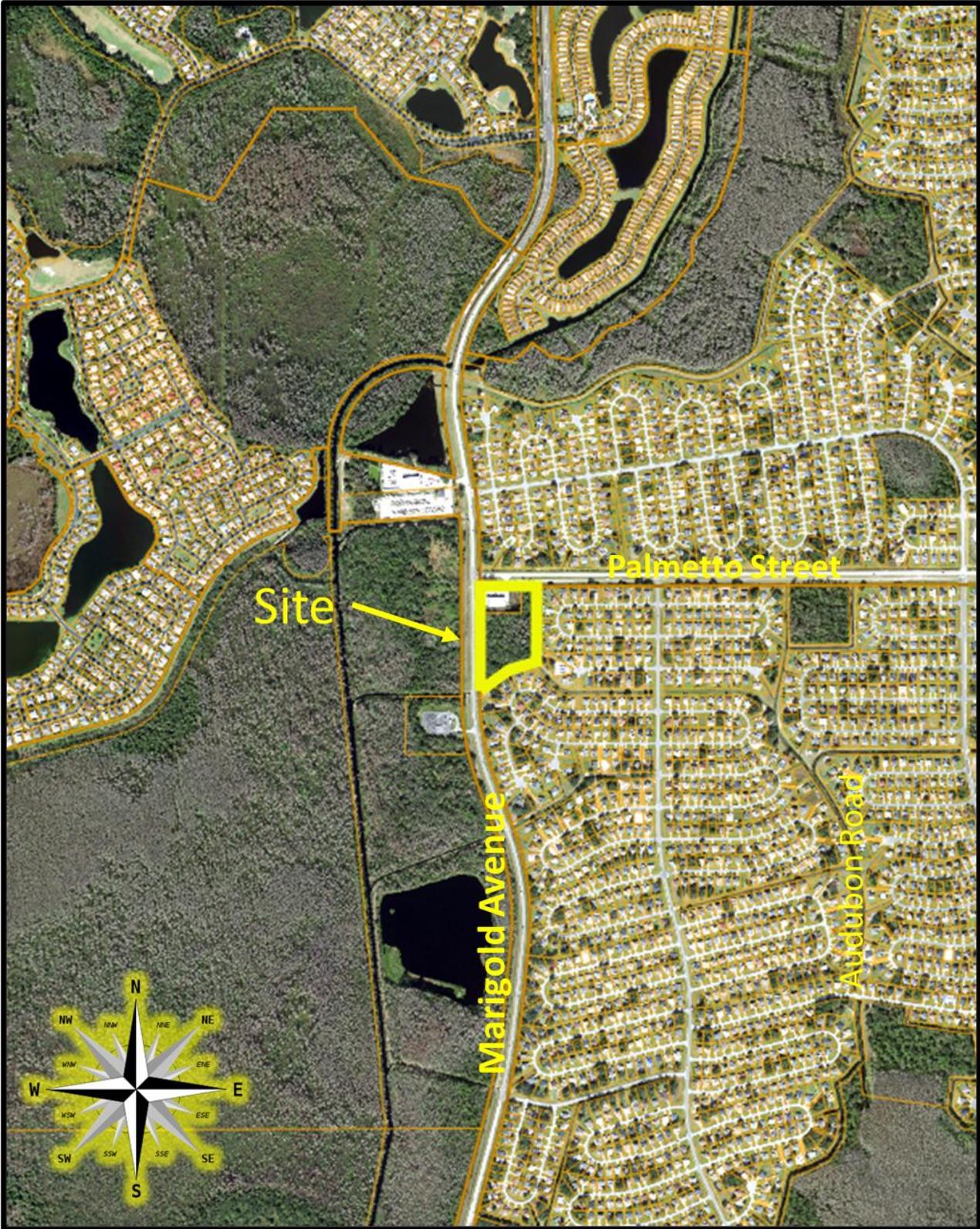
Exhibits:

- 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 NACX Permitted and Conditional Uses
- Exhibit 7 Poinciana Master Plan

Applicant's submitted documents and ordinance as separate files



LOCATION MAP



2023 AERIAL PHOTO CONTEXT

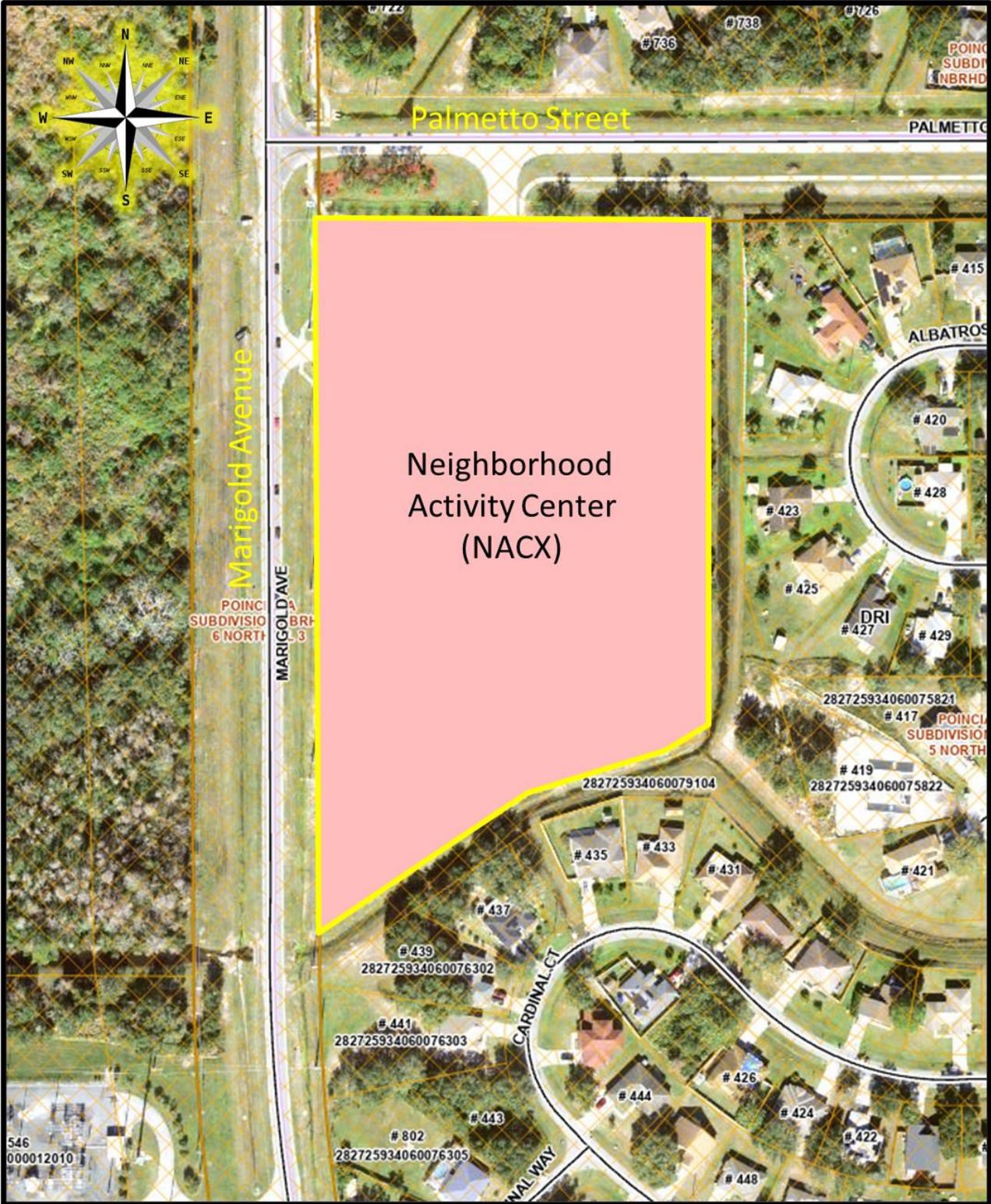


2023 AERIAL PHOTO CLOSE UP



CURRENT FLUM

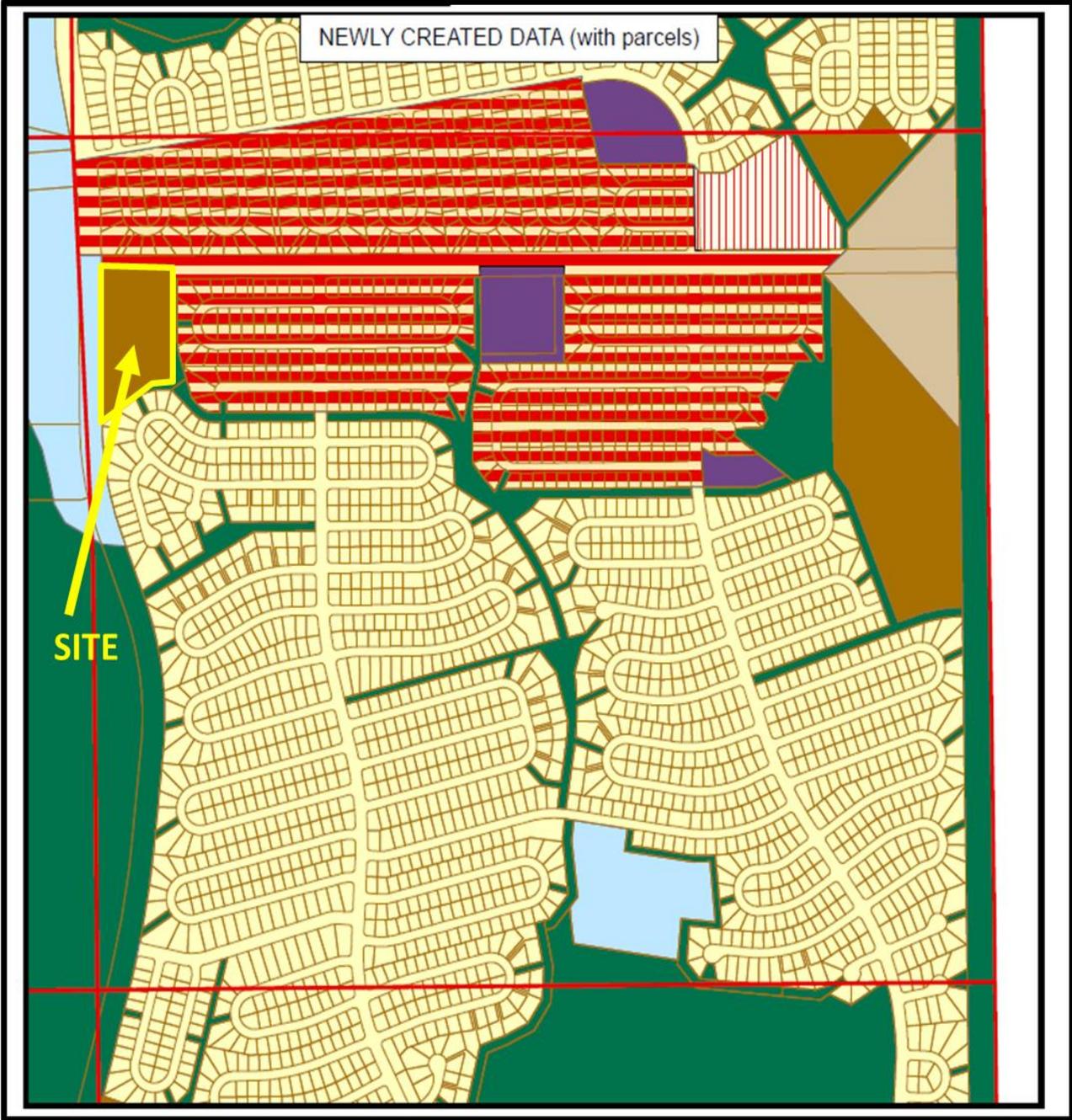
Pre-Development of Regional Impact (Pre-DRI)



PROPOSED FLUM Neighborhood Activity Center (NACX)

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
NAC	<p>Childcare Center, Farming General, Financial Institution, Gas Station, Government Facility, Nurseries and Greenhouses, Nurseries- Retail, 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., Transit- Facility, Utilities- Class I, Utilities- Class II, Vehicle Service- Mechanical, Veterinary Service</p>	<p>Alcohol Package Sales, Marinas and Related Facilities, Recreation- Passive, Car Wash- Incidental, Clinics & Medical Offices, Community Center, Cultural Facility, Financial Institution- Drive Through, Medical Marijuana Dispensaries, Office, Personal Service, Recreation & Amusement General, Religious Institution, Restaurant- Drive-thru/Drive-in, School- Leisure/Special Interest, Self-storage Facility</p>	<p>Multi-family, Planned Development, Transitional Area Development, Bars- Lounges- and Taverns, Cemetery, Helistops, Mining- Non-phosphate, Retail- More than 65-000 sq. ft., School- Technical/Vocational/Trade & Training, School- University/College, Utilities- Class III, Water Ski Schools</p>

Neighborhood Activity Center (NAC) PERMITTED AND CONDITIONAL USES



Poinciana Master Plan (Multifamily Low Density)