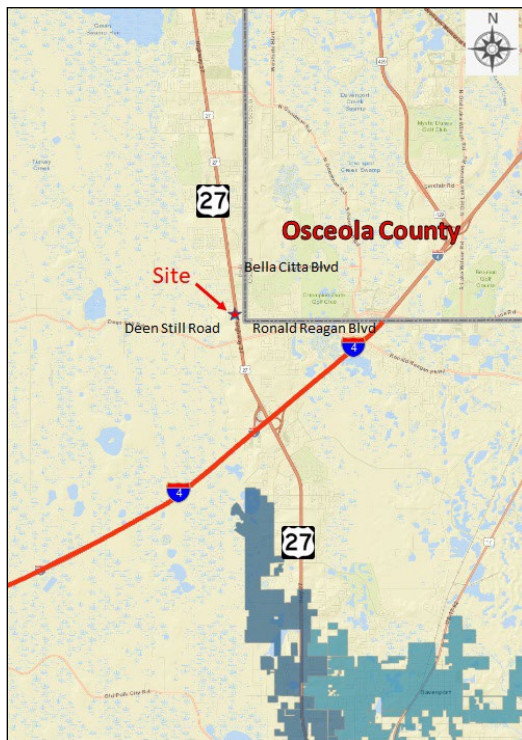


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	January 4, 2023	Level of Review:	4
PC Date:	June 7, 2023	Type:	Comprehensive Plan Amendment
BoCC Date:	August 8, 2023	Case Numbers:	LDCPAL-2022-15
	December 5, 2023	Case Name:	US Highway 27 OCX CPA
Applicant:	Peterson & Myers PA, Bart Allen	Case Planner:	Robert Bolton, Planner III

Request:	A Future Land Use designation change from Residential Low X (RL-X) to Office Center X (OC-X)
Location:	The subject property is located on the west side of US Hwy 27 north of Ogelthorpe Drive, east of Williamson Drive and south of Tuscan Ridge Drive north of Haines City limits, in Section 36, Township 25 and Range 26.
Property Owner:	Edmundo Jose Delgado
Parcel Size/number:	0.94 +/- acres (Parcel #(s) 262536-000000-022010)
Development Area:	Transit Supportive Development Area (TSDA)/North Ridge Selected Area Plan (SAP)/Ridge Special Protection Area (SPA)/Green Swamp Area of Critical State Concern (ACSC)/Transit Corridors and Centers Overlay (TCCO) Transit Corridors
Nearest Municipality:	City of Haines City
DRC Recommendation:	Denial, based on lack of a signed and recorded non-residential access agreement
Planning Commission Vote:	Pending
Public Comment:	Pending
DEO*	Pending Transmittal - Department of Economic Opportunity (DEO)



Location Map



Proposed Future Land Use Map

Summary

This is an Applicant-Initiated requested Large Scale Comprehensive Plan Amendment for a Future Land Use designation change from Residential Low-X (RLX) to Office Center-X (OCX) on 0.94+/- acre property in the Transit Supportive Development Area (TSDA), Corridor and Center of the Transit Centers and Corridors Overlay (TCCO), and North US 27 Selected Area Plan (SAP). The site is located Green Swamp Area of Critical State Concern (ACSC), located north of Haines City, city limits, west side of US Hwy 27 north of Ogelthorpe Drive, east of Williamson Drive and south of Tuscan Ridge Drive north of Haines City limits, in Section 36, Township 25 and Range 26.

Granting a non-residential Land Use designation to a parcel without known legal access, across a third party's land, allows for a non-residential access easement across the Laurel Estates HOA property not being granted at a future date. Depending on the number of trips of any final proposed development, the driveway may need to be widened and shifter westward to ensure safe access without setting up for a waiver.

Compatibility Summary

The subject site is bordered to the north, west, and east by the Laurel Estates Home Owners Association common area and green space, farther to the north, west and southwest is the residential portion of the residential development. To the east of the site is US Highway 27 with an approved Planned Development (LDPD-2021-36) approved for 457 total single-family and multi-family dwelling units. Farther to the south is a large area of Regional Activity Center-X (RACX) and Business Park Centers-1X and 2X (BPC-1X & BPC-2X). To the north of the site the Land Uses are predominantly Residential Low with an area of Town Center-X (TCX) and Neighborhood Activity Center-X (NACX).

The applicant's request is for a change in the Land Use designation from Residential Low-1X (RL-1X) to Office Center-X (OCX). Within the Comprehensive Plan's Development Criteria for Office Center, Location Criteria (Policy 2.113-C3.a.) provides the location criteria of placing the district at the intersection two road, one having to be at least a collector road, is to ensure proper access for non-residential uses within the OC site. The subject site is located at the northwest corner of US Highway 27 and Ogelthorpe Drive. US Highway 27 is a Principle Arterial road maintained by the FDOT. Ogelthorpe Drive is a Local Residential road within the Polk County Road Network. These roads meet the type of roads need for the Office Center. However, the subject site currently has access via an Access Easement across the Laurel Estates HOA property on the north side of Ogelthorpe Drive. The existing easement only accommodates a residential access drive entrance and currently has a concrete drive. For a Non-residential Land Use designation, a minimum of a Type 1 entrance will be required at a Level 2 Review. However, considerations for a non-residential access are not limited to driveway access types, other engineering and safety concerns are also considered for the proper access to the non-residential site. The existing drive location is approximately 70 feet west of US Highway 27, this proved limited stacking capacity for a non-residential drive access. While drive access is typically addressed during a Level 2 review it is considered significant in this application. The current access is not consistent with the Location Criteria of OCX and Staff is recommending Denial until a signed and recorded access easement that would accommodate a Type 1 intersection can be constructed in a safe location. It is understood that the applicant is in negotiations with Laurel Estates HOA for an Access Easement that would be sufficient to allow for an appropriate non-residential access; however, an Access Easement has not been reach nor recorded.

The subject site is considered to meet the characteristics outlined of Office Centers, to accommodate the office needs of the community they serve. The site location will be able to meet all the required buffering from the surrounding uses and has significant buffering through the surrounding Laurel Estates HOA common area and green space that is located to the north, west and south of the site. The subject site will likely need to be graded to a lower elevation to accommodate access to the site. With grading the adjacent HOA land will act as a berm increasing the buffer from the residential uses.

Infrastructure Summary

The subject site is located on the northwest corner of US Highway 27 and Ogelthorpe Road approximately two (2) miles north of Interstate 4. US Highway 27 is a Principle Arterial road, a FDOT road, with Ogelthorpe Drive a Local Residential road. Section 705, H Chapter 7 of the LDC prohibits non-residential driveways from accessing a Local Residential road when it results in traffic from a Collector or Arterial road to pass residentially used or designated unless waived by the Development Review Committee per Chapter 9 of the LDC. The access easement for the subject property does not pass by any residentially used properties, it does pass a portion of the Laurel Estates HOA open area property. The access easement granted in OR 9506/2223 on April 22, 2015, is over a portion of the HOA property. The Access Easement was granted and based upon the subject site having a residential Land Use designation. Changing the Land Use designation from RLX to OCX on the subject site indicates an increased impact, at maximum buildout, on the amount of traffic on this road; the OCX at maximum intensity would generate a higher amount of traffic than the RLX developed at maximum density. As stated previously, driveway access is typically addressed during the Level 2 process. However, the fact that the site only has an access easement for residential use and the request is for a non-residential land use, is of significant concern and not consistent with the Location Criteria for the Office Center-X. The access to the subject site will be required to cross a portion of the Laurel Estates HOA property. While agreements may be made at any time, the time of recording an easement indicates a commitment by the leadership within the HOA. With only an agreement or support letter, those opinions on granting an easement can change and the access can be denied. This would result in a property with no legal access. With the unique conditions that exist for the subject site, the timing of the Land Use change is too early, needing to be after a non-residential access has been granted and recorded.

The subject site is within a Polk County Utilities Service Area in the Northeast. There is already water, wastewater, and reclaimed lines that run along Ogelthorpe Drive.

Environmental Summary

The subject is located within the Green Swamp Area of Critical State Concern but is not in a floodplain or wetland and has no surface water. According to the Polk County Soil Survey the site is 100% Candler Sand and is suitable for development. During the development of Laurel Estates subdivision, the surrounding area for the residential development was graded down with the subject parcel remaining elevated. The subject site is approximately 15 to 18 feet higher than the Laurel Estates development to the west and several feet above the US Highway Right-of-way to the east. The nearest park is the Northeast Regional Park, which is approximately 5.2 miles to the north of the subject.

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 2.104(A1-A9): Transit Supportive Development Area (TSDA)
- Policy 2.131-C North US 27 Selected Area Plan
- Policy 2.131-C3: General Development Criteria
- Policy 2.131-C3g: Office Center X

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for a Large-Scale Future Land Use designation change from Residential Low-X (RLX) to Office Center-X (OCX), on 0.94+/- acres in the North Ridge Selected Area Plan (SAP) and the Ridge Special Protection Area (SPA) of the Green Swamp Area of Critical State Concern (ACSC). The site is also in the Transit Corridors and Centers Overlay (TCCO) Transit Corridors.

Compatibility

- The existing uses surrounding the site are
 - North – RL-1X; Laurel Estates PD (HOA) (PD14-03), single-family approved for short term rental (255 units, 3.75du/ac±)
 - West – RL-1X; Laurel Estates PD (HOA) (PD14-03), single-family approved for short term rental (255 units, 3.75du/ac±)
 - South – RL-1X; Laurel Estates PD (HOA) (PD14-03), single-family approved for short term rental (255 units, 3.75du/ac±)
 - East – RL-1X; undeveloped PD (LDPD-2021-36), approved for single and multi-family units (457 units 14du/ac±)
- The subject site is bordered on the north, west and south by the Laurel Estates HOA open area and common area. Extending west of the site is the Laurel Estates PD (PD14-03), a 255 unit residential development that was approved for short-term rentals. To the south of the site is Ogelthorpe Drive, the entrance to the development, and the location of the subject site's residential access easement. On the south side of Ogelthorpe Drive is the southern row of dwelling in Laurel estates. To the north of the site is the HOA land and farther north is the Tuscan Ridge PD. To the east is US Highway 27 with a future planned single-family and multi-family development which has been approved for 457 total units.
- The subject site was purposefully left out of the Laurel Estates PD in the hopes of developing the parcel as a commercial use. However, the recorded Access Easement provided is only sufficient to allow residential use access as the parcel has been RLX since the adoption of the Comprehensive Plan.
- To the south of the subject site along US Highway 27 is a large area of Regional Activity Center-X (RACX) which includes retail, restaurants, hotels and the Richie Brother's Action site. On the western side of US Highway 27 south of the subject site is a primarily

RACX as well as Business Park Center-1X and -2X with warehouse users which include Wal-Mart, FedEx, and Amazon. North of the subject is predominantly Residential Low-1X (RL-1X). Approximately three quarters of a mile north of the subject, on the east side of US 27, is the Champions Crossing Center which is located within the A Town Center-X (TCX) Land Use district. In that same area on the west side of US 27 is the Campions Station, a Neighborhood Activity Center.

- The existing driveway is sufficient for residential. However, the engineering needed for a non-residential site requires a wider driveway, for the apron radii, and further west. Ogelthorpe Drive is a Local Residential road and was not designed with a non-residential use on the subject site.

Infrastructure

- The zoned schools for the site are Bella Citta Elementary, Citrus Ridge K-8 for Middle, and Davenport Senior High School.
- Polk County Fire Rescue/EMS station 33 will be the response unit for this site. It is located at 6525 Ronald Reagan Parkway, Davenport, FL 33836 with an approximate response time of 2 minutes.
- The subject site is within the Sheriff Department's Northeast District. NE District is located at 1100 Dunson Rd in Davenport.
- The subject site will be serviced by Polk County's Northeast Utility Service Area for potable water and wastewater.
- The subject site is adjacent to the Laurel Estates residential Planned Development and on the north side of Ogelthorpe Drive. The Laurel Estates development has sidewalks on both sides of the roads throughout the development. The south side of Ogelthorpe Drive has a sidewalk that connects to the north/south sidewalk that is on the west side of US Highway 27. The north side of Ogelthorpe Dive has a partial sidewalk to US Highway 27 with a crosswalk to the south sidewalk on Ogelthorpe Drive. US 27 has a sidewalk to and south of Deen Still Road and north to and beyond Tuscan Ridge.
- The closest bus stops can be located to the north at Berry Town Center approximately 3.7 miles north, and at the Posner Center approximately 3.5 miles south of the subject site. The two stops are part of the Citrus Connection Route 18X – Posner Park / Four Corners Express.
- The nearest park is Northeast Regional Park at 5.2 miles to the north of the subject site. The subject site is situated within the Green Swamp but is not in floodplain or wetland.
- The subject site had a right turn off US Highway 27. This was removed between 2005 and 2006 when the business closed. Around 2012 US Highway 27 began a widening project, at this time the access was removed.

- The subject site's access location is located on the north side of Ogelthorpe Drive, a Local Residential road. Section 705 H. 1. of the LDC does not allow a non-residential driveway to pass a residential use.
- The current recorded Access Easement, does not allow for a Type 1 driveway access. Per the Land Development Code Table 7.7 Driveway Apron Width and Radii a residential driveway has a minimum width of 10-12 feet with a minimum radii od 3-5 feet, with a commercial/office having a minimum width of 20 feet and a radii of 35 feet.

Environmental

- The site's highest elevation is at the east edge of the parcel along US 27, with an elevation of 204 feet and slopes downward to the west with an elevation of 200 feet along the western boundary. It is noted that there is a significant downward slope along the northern, western and southern boundaries of the parcel. These elevation differences are a result of the grading that was performed during the development of Laurel Estates PD west of the subject site.
- The site is not located in a wetland or floodplain.
- The soil type for the subject site is 100% Candler Sand.
- Per the Polk Species Observation Map, there have not been any endangered species sightings on the subject site.
- 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.
- There is a right turn lane in front of the subject site on US Highway 27 for south bound traffic to turn right into Laurel Estates. Any driveway onto US Highway 27 is unsafe.

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 2.104-A1: DESCRIPTION - Transit Supportive Development Areas shall meet the following criteria:

- a. be those areas where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development;
 - b. be supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon;
 - c. be designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options;
 - d. include development criteria that:
 - 1. promote the development of walkable communities which include a balance between employment opportunities, mix of complementary uses and activities, and a range of housing opportunities;
 - 2. improve access to employment areas, schools, shopping and recreational opportunities;
- **POLICY 2.104-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within TSDAs, in accordance with applicable criteria
 - a. **ACTIVITY CENTERS:** Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, Employment Centers and High-Impact Commercial Centers.
 - b. **RESIDENTIAL:** Residential-High, Residential-Medium, and Residential-Low Districts.
 - c. **OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure Recreation, Mixed Use, Institutional, Professional Institutional, Recreation and Open Space, Preservation.
 - **POLICY 2.131-C3 GENERAL DEVELOPMENT CRITERIA** -- Development shall be permitted within this SAP as follows:
 - a. **BASIC LAND-USE CATEGORIES** -- Development shall be permitted for the following land-use categories as specified by the applicable policies in the general land-use element section of the Comprehensive Plan:
 - 1. Recreation and Open Space
 - 2. Institutional
 - b. **MODIFIED LAND-USE CATEGORIES** -- Due to the specific characteristics of this SAP, development shall be more specifically defined and may vary from those allowed under the general provisions of that land-use category within the Plan. Development within the following land-use categories shall be permitted as specified within this section:
 - 1. Residential-Low (RLX)
 - 2. Residential-Medium (RMX) -- When and if conditions warrant, a land use plan amendment could be sought in accordance with County policies to convert some or all of adjacent land to an appropriate commercial land use. A marketing study would be required as part of the data and analysis to support the change. In the interim, the land would be designated residential medium.

3. Residential-High (RHX) – This classification is the same as defined in Section 2.120-E of this Plan, except that the minimum and maximum residential density shall be according to the North US 27 SAP density schedule as established by Policy 2.131.C7 of this SAP and per the requirements of the Land Development Code.
4. Leisure/Recreation (L/RX)
5. Professional Institutional (PIX)
6. Office Center (OCX)
7. Neighborhood Activity Center (NACX)
- c. MODIFIED SPECIAL USES -- Special uses within the SAP shall be governed as follows:
 1. The following special uses shall be permitted pursuant to the general provisions in Section 2.125 pertaining to these uses:
 - (a) Utilities
 - (b) Community Facilities
 - (c) Non-certified Electric-Power Generation Facilities
 2. Isolated Convenience Stores, adult uses/nude dancing, and mining shall be prohibited within the SAP.
 3. Policies governing residentially based, mixed-use Developments shall be modified in accordance with Policy 2.131-C5(a).
 4. Recreation and Open Space shall also be considered a special use within the SAP in accordance with Policy 2.131-D1.
 5. Multi-family on the east side of US 27 and the Non-Green Swamp portion of the US 27 SAP.
- d. BASIC OVERLAY DISTRICTS AND AREAS -- Development limitations and resource protection rules shall be applied as specified by the applicable policies in the Future Land Use Element of the Comprehensive Plan Sections 2.122, 2.123, and 2.124.
- e. SPECIAL-PROVISION AREA -- Due to the specific characteristics of this selected area, the uses permitted in land-use classifications shall be more specifically defined and may vary from those allowed under the general provisions of a land use classification, and/or basic overlay district, as defined within the following special categories:
 1. Town Center (TC)
 2. Green Swamp Protection Area (GSPA)
 3. Greenway Corridor
- f. OTHER USES -- Uses not specifically permitted or prohibited under the general provisions of the Basic Land-Use Categories or Modified Land-Use Categories of this SAP may only be permitted upon approval by the Board of County Commissioners when it is determined that the proposed use can be developed in accordance with the policies contained within this SAP and all other policies within the Polk County Plan not in conflict with these policies.
- g. Transit Supportive Development Area Density and Intensity - For those areas of the County located within the US 27 SAP and that are in the Transit Supportive Development Areas (TSDA), if there is a conflict between the density or intensity incentives established in Policy 2.104-A7 for the TSDA or the Transit Corridors and Centers Overlay (TCCO) and the densities and intensities established within the US 27 SAP, the densities and intensities of the TSDA or TSDA with the TCCO shall take precedence. However, where the development criteria established within this SAP are more stringent than the development criteria found within the TSDA or TSDA with the TCCO, the development criteria for this SAP shall take precedence.

- **POLICY 2.113-C3: LOCATION CRITERIA** - The establishment of a new Office Center designation shall be located according to the following:
 - a. at the intersection of a local and collector/arterial road, or at the intersection of two collector roads; or at the intersection of two arterial roads;
 - b. along a collector or arterial roadway adjacent to an existing Activity Center that contains 10% or less in land area developed with professional offices;
 - c. Policy 2.404-A1; and
 - d. the total acreage for Office Center Districts within a two mile radius shall not exceed ten (10) acres unless one of the following can be met:
 1. the total land area of the existing Office Centers within the two mile radius are 60 percent (60%) developed and the total land area of the existing Activity Centers within the two miles radius are also at least 60 percent (60%) developed with less than 10 percent (10%) of the land area developed as professional office uses; or
 2. the remaining undeveloped acreage of the Office Centers within the two mile radius are owned by a single interest or have final, valid engineered construction plans (with building-permit application) or have a valid CU/PD approval; or
 3. when item b above is met.

When considering the establishment of a new Office Center designation or the expansion of an existing Office Center consideration shall be given to maximizing access to a collector or arterial road and to the guidelines outlined in Policy 2.404-A1. Polk County shall seek to minimize the routing of office traffic through residential areas.

- **POLICY 2.131-C 4g: OFFICE CENTER (OCX)** — Polk County shall provide for needs of residents of the US 27 SAP through:
 1. the designation and mapping of OCX on the Future Land Use Map Series; and
 2. the establishment of criteria applicable to the location and development of land within OCX.

In addition to other applicable provisions, the following shall apply: **2. CHARACTERISTICS** — Office Centers are intended to accommodate the office needs of the community they serve. They generally contain lawyer, real estate, engineering, and other professional services/offices. Medical offices and support offices are also allowable in this category.

(a) Gross Leasable Area (GLA): more than 3,000 square feet

(b) Separation from other OCX districts: 1 mile

(c) Other Typical Uses: The primary uses within the OCX district are, office-based service and professional office establishments that specifically include accounting firms, architects, personal services, medical offices/clinics, dental offices, veterinary services, financial institutions, educational institutions, legal offices, printing/copying services, publishing centers, government offices and real estate related offices. Residential units located above the office and retail are also typical uses and are encouraged within the OCX district. Live-work units shall also be encouraged.

3. DEVELOPMENT CRITERIA — Development within an OCX shall conform to the following criteria:

(a) Non-residential Floor-Area-Ratio (FAR) shall not exceed 0.75. Residential uses located over non-residential uses shall not count towards the FAR;

(b) Residential densities shall be based on the total square footage of any proposed development. One dwelling units per 1,000 square feet of gross floor area of office or retail uses.

(c) A minimum 50 % of the square footage of the total FAR in any OCX district shall be for office uses;

- (d) Retail uses that complement office center establishments, within an OCX shall not exceed 15 % of the total acreage of the OCX. If residential uses are located over non-residential uses, an additional 5 % of retail uses shall be permitted;
- (e) Prohibited uses: Convenience stores, Gas Stations, Fast-food Establishments w/ Drive-thru/Drive-in, Non-phosphate mining, Truck Stops, Class III Utilities;
- (f) Residential uses shall be located over non-residential uses;
- (g) Live-work units shall be encouraged within the OCX. Live-work units shall not count towards the allowed 15% of retail uses or overall density. Live-work units shall not exceed more than 15% of the total OCX acreage;
- (h) Detached residential dwellings and duplexes are prohibited in the OCX district; and
- (i) Development in OCX shall have frontage on, or direct access to, a collector or arterial roadway, or a frontage road or service drive which directly serves these roadways. Development within OCX shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical;
- (j) OCX expansions, new locations for OCX and development within OCX may front on or be accessed via local roads if the subject parcel(s) is within a one half mile of a collector or arterial road;
- (k) 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. Shared parking facilities shall be encouraged between office and retail uses;
- (l) Buffering shall be provided where the effects of lighting, noise, 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 which may require additional buffering provisions;
- (m) Lands shall only be divided as part of a master subdivision plan and all individual lots shall be accessible via internal local roadways;
- (n) No direct access to US Highway 27 shall be permitted for either driveway connections or parking areas located within the district;
- (o) All developments shall provide on-site pedestrian pathways connections to provide access from all parking areas and abutting residential development where appropriate, to the primary uses of the district;
- (p) Non-residential building entrances shall be oriented towards abutting rights-of-way in order to create a village like appearance along primary streets; furthermore, no more than two rows of parking shall be placed forward of the front building façade;
- (q) Off street parking areas for non-residential uses shall be designed to complement the building facade and emphasize the building appearance and relationship to abutting rights-of-way; and
- (r) Loading docks, utility facilities, and storage areas shall be designed to minimize their visibility from abutting collector and/or arterial rights-of-way without diminishing their utility of intended function.

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 NOT COMPATIBLE** with the surrounding land uses and general character of the area, **IS NOT CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **DENIAL of LDCPAL 2022-15**. However, should the applicant provide a signed and recorded Access Easement that would be sufficient to provide the necessary non-residential access to the site, the request would be **COMPATIBLE** with the surrounding land uses and general character of the area, **CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code and a change of recommendation to **Approval** would be warranted.

Planning Commission Decision: On June 7, 2023, in an advertised public hearing, the Planning Commission voted ?? to **recommend APPROVAL or DENIAL of LDCPAS-2022-15**.

***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

NW RL-1X; Laurel Estates (single-family dwellings approved for short term rentals)	N RL-1X; Laurel Estates (single-family dwellings approved for short term rentals)	NE RL-1X; Seller PD (single-family & Multi-family dwellings approved for short term rentals)
W RL-1X; Laurel Estates (single-family dwellings approved for short term rentals)	Subject Property RL-1X; Vacant	E RL-1X Seller PD (single-family & Multi-family dwellings approved for short term rentals)
SW RL-1X; Laurel Estates (single-family dwellings approved for short term rentals)	S RL-1X, RL-4X; Laurel Estates (single-family dwellings approved for short term rentals)	SE RL-4X Vacant

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

The purpose of the TSDA is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. TSDA's are areas within the County that, at a minimum, are currently served, or are programmed within the applicable Comprehensive Plan Capital Improvement Program to be served within the next ten years by County owned, municipal, or County franchised central sanitary sewage and potable water systems. TSDA's are also supported by, or programmed to be supported by, other services typically found to accompany urban development such as public safety services, an urban road network, and developed parks.

The subject site is 0.94+/- acres with a Residential Low-X (RLX) Future Land Use (FLU). The subject site is located at the northwest corner of US Highway 27 and Ogelthorpe Road. Laurel Estates (PD 14-03) is located to the north, west and south of the subject site. Access to the site is via an access easement on the south side of the property, to Ogelthorpe Drive. The adjacent property to the north, west and south of the subject is owned by the Laurel Estates Homeowners Association and represents common area for the subdivision. The existing Land Use designation

allows for residential development, up to four (4) units per acre with a Level 2 Review, within the TSDA. The site could be graded and potentially relocate the existing access to within Laurel Estates to add additional lots, with the safest access to the site.

The Land Use districts along US Highway 27 in this area include Regional Activity Center-X (RACX) along the east and west sides of US Highway 27 south of the subject extending toward Interstate 4. To the south of the subject on the west side of US Highway 27 are numerous distribution warehouse centers located within both Business Park Center-1X (BPC-1X) and BPC-2X Land Use districts. Southeast of the site along Ronald Reagan Parkway is the Loma Del Sol residential development located within a Residential Low-4X (RL4X). East of the site is US Highway 27 with the Seller PD on the east side of US 27. The Seller PD (LDPD-2021-36) is approved for 300 multi-family units and 157 single-family units approved for short-term rental. North of the subject are multiple residential developments that have developed over the previous 20-plus years.

The characteristic of an Office Center is intended to accommodate the office needs of the community that they serve. They generally contain lawyer, real estate, engineering, and other professional offices. Medical offices and support offices are allow allowed in this use. The Office Center Land Use is intended to be in locations similar to the subject site and is consistent with TSDA policies. The proposed OCX will not be able to obtain a driveway on US Highway 27 from FDOT based on staff discussions as the site had a driveway on Ogelthorpe Drive. The existing drive accommodates the access requirements for a residential use property; it does not meet the requirements for a non-residential use property.

Typically, driveway access is addressed during the Level 2 process. However, the fact that the site only has an access easement for residential use and the request is for a non-residential land use, is of significant concern. The access to the subject site will be required to cross a portion of the Laurel Estates HOA property. While agreements may be made at any time, the time of recording an easement indicates a commitment by the leadership within the HOA. With only an agreement or support letter, those opinions on granting an easement can change and the access can be denied. This would result in a property with no legal access. With the unique conditions that exist for the subject site, the timing of the Land Use change is too early, needing to be after a non-residential access has been granted and recorded. A wider than normal access easement can be granted to give the flexibility on final driveway location. Staff's concern is without knowing the final engineering, the safety of the site is not secure. Without safety, no land use change is compatible, making this change to OCX sets up potential future obligations for waivers. However, should the applicant provide a recorded Access Easement that would be sufficient to provide the necessary non-residential access to the site, these previously discussed items would not be an issue or of concen.

B. Infrastructure

The Northeast District Polk County Utilities will supply water, wastewater, and reclaimed water lines to the site. It is also adjacent to a major arterial road with US Highway 27.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2021-2022 School Year	Average driving distance from subject site
Bella Citta Elementary	N/A	88%	1.2 ± miles driving distance
Citrus Ridge Middle School	N/A	88%	4.2 ± miles driving distance
Davenport Senior High	N/A	92%	7.9 ± miles driving distance

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

There is capacity in all the zoned schools for the subject site; however, the request is for a Land Use change from a residential use to a non-residential use and will not impact the Polk County Public School capacity.

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 (1100 Dunson Rd in Davenport)	1.4 +/- miles Priority 1 – 10:01 Priority 2 – 28:24
Fire/ EMS	Station #33 (6525 Ronald Reagan Parkway, Davenport, FL 33896)	0.7 +/- miles 2 minutes

Source: Polk County Sheriff's Office & Polk County Fire Rescue. Response times for January 2023.

Water and Wastewater

A. Estimated Demand and Service Provider

Utilities to the subject property are provided by Polk County's Northeast Regional Service Area. A 16-inch potable water line and a 24-inch wastewater line are located within the eastern right-of-way of US Highway 27. A 24-inch reclaimed water line is located in the western right-of-way of US Highway 27.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use RL-1X				Maximum Permitted in Proposed OCX			
	0.94 ac	X	4 du/ac =	3 du	0.94 ac 40,946 sf	X	0.30 FAR =	12,283 sf
Potable Water Consumption	3 du	X	360 =	1,080 GPD	12,284 sf	X	0.24 =	2,948 GPD
Wastewater Generation	3 du	X	270 =	810GPD	2,948 sf	X	0.80 =	2,358 GPD

Source: Concurrency Manual: *RLX* single-family at 360 GPD in Potable Water and 270 in Wastewater GPD, *OCX* at 0.24 GPD in Potable Water per square foot for office and 0.80 of potable water for Wastewater.

B. Available Capacity

Since water and wastewater are going to be provided by the Northeast District for Polk County Utilities, there is sufficient capacity. Table 4.9 provides a scenario of the maximum buildout project of the subject site, as well as the impacts it may have on water and wastewater services based upon the maximum development potential in the current land use designation, RL-1X, and the proposed land use classification OCX. With a Planned Development within the TSDA the site could receive a density up to 8 dwelling units per acre. The Polk County Northeast Regional service area has enough capacity to service the property for water and wastewater.

C. Planned Improvements

No improvements are scheduled at this time.

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 analysis shown represents the subject site at maximum buildout and with the highest intensity use that could utilize a Type 1 drive access. This use would be for a Medical Clinic, which is permitted in OCX with just a Level 2 review. An AADT of 500 or more AADT or a PM Peak Hour rate of 41 Trips or more would require a Type 2 drive access. The proposed request will generate a more traffic than the current Future Land Use designation.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use RL-1X			Maximum Permitted in Proposed OCX		
0.94 Acres	0.94 ac	X 4 du/per ac	= 3 du	40,946 sf 12,284	X 0.30 FAR = /	12,284 sf 1,000 = 12
Average Annual Daily Trips (AADT)	3 du	X	7.81 AADT =	12	X 37.6 AADT	X 89% new = 402 Trips
PM Peak Hour Trips	3 du	X	1.00 AADT =	12	X 3.69 Peak	X 89% new = 39 Trips

Source: CPA Concurrency Analysis

B. Available Capacity

The roads, that are monitored by TPO, surrounding the subject site all have sufficient capacity availability. US HWY 27 to the east is a principal arterial road with a “C” Level of Service, a right turn lane into Laurel Estates adjacent to the subject site. To the south and on the west side of US 27 is Deen Still Road, a Rural Minor Collector, with a “B” Level of Service. To the south and on the east side of US 27 is CR 54 (Ronald Reagan Parkway), an Urban Collector, with a “C” Level of Service. Ogelthorpe Drive is a Local Residential road that is not monitored by TPO.

Table 6: Roadway Link Concurrency

Link #	Road Name	Lane Type*	Current LOS	Available Peak Hour Capacity	Minimum LOS Standard	Project 5 Year LOS
5112N 5112S	US 27 CR 54 (Ronald Reagan Pkwy) to Sand Mine Road	6D PA*	C	1,436 1,499	D	C
8403 E 8403W	Deen Still Road SR 33 to US 27	2U RMC	B	959 964	D	B
4039E 4039W	CR 54 (Ronald Reagan Pkwy) US 27 to Champions Gate Blvd)	4D UC	C	994 961	D	C

Source: 2022 Roadway Network Database, *PA – Principle Arterial

C. Roadway Conditions

US 27 is a Florida DOT maintained road and pavement condition is not monitored by the county. CR 54 (Ronald Reagan Parkway) is monitored by the county with a Pavement Condition Index (PCI) rating of “Good” east of US 27. Deen Still Road, west of US 27, was recently resurfaced between Sweet Hill Road and Main Street, approximately 0.2 mile west of US 27, and has a PCI rating of “Very Good”.

D. Sidewalk Network

The subject site is adjacent to the Laurel Estates residential Planned Development and on the north side of Ogelthorpe Drive. The Laurel Estates development has sidewalks on both sides of the roads throughout the development. The south side of Ogelthorpe Drive has a sidewalk that connects to the north/south sidewalk that is on the west side of US Highway 27. The north side of Ogelthorpe Drive has a partial sidewalk to US Highway 27 with a crosswalk to the south sidewalk on Ogelthorpe Drive. US 27 has a sidewalk to and south of Deen Still Road and north to and beyond Tuscan Ridge.

E. Planned Improvements:

There are currently no planned County improvements along any of the traffic links. The traffic from this site will not cause any links to fail.

F. Mass Transit

The closest bus stops can be located to the north at Berry Town Center approximately 3.7 miles north, and at the Posner Center approximately 3.5 miles south of the subject site. The two stops are part of the Citrus Connection Route 18X – Posner Park / Four Corners Express.

Park Facilities:

The nearest park is Northeast Regional Park at 5.2 miles to the north of the subject site. The subject site is situated within the Green Swamp but is not in floodplain or wetland.

A. Location:

Northeast Regional Park is 5.2 miles north of the subject site off US Highway 27.

B. Services:

This park has athletic fields, baseball fields, basketball courts, fishing bank and pier, dog park, football fields, pavilions, picnic areas, playgrounds, racquetball courts, tennis courts and walking paths/trails.

C. Multi-use Trails:

The closest free hiking trail is in the Hilochee Wildlife Management Area which is 8 miles to the north of the subject site.

D. Environmental Lands:

The subject site is located in the Green Swamp Area of Critical State Concern. There are state and regional owned lands in the Green Swamp Area of Critical State Concern but county owned lands available for public access.

E. Planned Improvements:

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

Environmental Conditions

A. Surface Water:

There are no surface waters on the subject site. The site's highest elevation is at the east edge of the parcel along US 27, with an elevation of 204 feet and slopes downward to the west with an elevation of 200 feet along the western boundary. It is noted that there is a significant downward slope along the northern, western and southern boundaries of the parcel. These elevation differences are a result of the grading that was performed during the development of Laurel Estates PD west of the subject site.

B. Wetlands/Floodplains:

There are no wetlands or floodplains on the subject site.

C. Soils:

The subject site is comprised of 100% Candler Sand. According to the soil survey of Polk County, the site is entirely comprised of Candler Sand. While site grading and preparation will be necessary to support site development, these soils are generally suitable for development.

Table 7

SOIL NAME	SMALL COMMERCIAL BUILDINGS	SEPTIC TANK ABSORPTION FIELDS	PERCENTAGE OF SITE
Candler Sand, 0 to 5 percent slopes	Slight	Slight	100%
Source: Soil Survey of Polk County Florida 1990			

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 on a wellfield and does not have a well on site. The site will be connecting to water from Polk County Utilities.

G. Airports:

The site is not within an Airport Impact District.

Economic Factors:

The site has an existing Land Use designation of Residential Low-1X, this allows for residential development, up to 4 units per acre with a Level 2 Review and 8 units per acre with a Planned Development. With the inclusion into the Planned Development, the site could be graded and access to the new residential development could potentially be relocated from the current access easement onto Williamson Drive, representing the safest entrance to the site. The applicant has proposed a Land Use change request to Office Center-X (OCX). With this request the access to the site is limited. Ogelthorpe Drive has a classification of Local Residential, a waiver will be required at the time of a Level 2 Review to allow access to the non-residential use from a Local Residential road. The site is within the Florida Department of Transportation's (FDOT) purview for access consideration.

Without full knowledge and recorded access easement to the engineering access issues, it is premature to recommend approval. Approving a Land Use change on a property that does not meet the engineering standards for non-residential access cannot be analyzed in a safe manor. If the access is not agreed upon with the Laurel Estates HOA prior to the land use, an unsafe access may result that hurts the economics of the subject site and the residents of Laurel Oaks.

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 **not 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	The Comprehensive Plan permits Office Center to be designated in urban areas and contribute to the office needs of the surrounding residential uses. The adjacent use to the north, west and south is a common area for the Laurel Estates residential development. The depth of the HOA common area ranges from 40+/- feet on the north to 100+/- feet to the west and south. The subject site will require buffering according to LDC

Comprehensive Plan Policy	Consistency Analysis
gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	Section 720. For allowable non-residential uses for the request, a larger access easement frontage along Ogelthorpe Drive is required to accommodate the required entrance. Without the access easement this Land Use request is considered pre-mature.
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.	
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.	The timing is consistent with the growth in the area as the surrounding sites are already designated for a variety of uses. However, safety adds to a location crisis and improper location. The existing Access Easement allows for residential access and was originally approved for residential development. A change to non-residential indicates an increase in trips and would likely necessitate a greater distance from US Hwy 27 for stacking. The current access location is considered a safety concern that should be resolved prior to a Land Use change. There is ample connectivity to water, wastewater, reclaimed water, and electricity. Fire and Sheriff are close by with low response times. Schools that are zoned for the site are not at capacity. The subject site is not in a wetland or floodplain, and has readily available access to a main arterial road with US Highway 27.
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: 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.	

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.104-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within TSDAs, in accordance with applicable criteria</p> <p>a. ACTIVITY CENTERS: Regional Activity Centers, Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, Employment Centers and High-Impact Commercial Centers. b. RESIDENTIAL: Residential-High, Residential-Medium, and Residential-Low Districts. c. OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure Recreation, Mixed Use, Institutional, Professional Institutional, Recreation and Open Space, Preservation.</p>	
<p>POLICY 2.104-A5: DEVELOPMENT CRITERIA - Development within the Transit Supportive Development Areas shall conform to the following criteria as further specified by the Land Development Code: a. provide access to transit facilities; b. connect to centralized potable water and sanitary sewer systems; c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element; d. implement "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element; e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings; f. provide access to civic space, parks, green areas, and open space and other amenities; g. be supported by public safety (i.e., fire, EMS and law enforcement); h. have access to public schools; i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas. j. encourage the inclusion of a variety of housing choices, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.</p>	<p>Office Center is allowed and encouraged to be built in the TSDA since that is where development is supposed to occur. There is ample access to utilities, mass transit is not far from the site, sidewalks are already placed in adjacent developments. The site is supported by all public safety services. At the time the adjacent Laurel Estates was developed the subject site was excluded from the original development; however, did not request a Land Use change at that time for a non-residential use. The requested change will provide for a greater mix of uses within this area of the TSDA.</p>
<p>POLICY 2.113-C3: LOCATION CRITERIA - The establishment of a new Office Center designation shall be located according to the following: a. at the intersection of a local and collector/arterial road, or at the intersection of two collector roads; or at the intersection of two arterial roads; b. along a collector or arterial roadway adjacent to an</p>	<p>The subject site is located at the northwest corner of US Hwy 27 and Ogelthorpe Drive. US Hwy 27 is a Principle Arterial road, Ogelthorpe Drive is a Local Residential road. These roads meet the type of roads need for the Office Center. However, the subject site currently has</p>

Comprehensive Plan Policy	Consistency Analysis
<p>existing Activity Center that contains 10% or less in land area developed with professional offices; c. Policy 2.404-A1; and d. the total acreage for Office Center Districts within a two mile radius shall not exceed ten (10) acres unless one of the following can be met: 1. the total land area of the existing Office Centers within the two mile radius are 60 percent (60%) developed and the total land area of the existing Activity Centers within the two miles radius are also at least 60 percent (60%) developed with less than 10 percent (10%) of the land area developed as professional office uses; or 2. the remaining undeveloped acreage of the Office Centers within the two mile radius are owned by a single interest or have final, valid engineered construction plans (with building-permit application) or have a valid CU/PD approval; or 3. when item b above is met.</p> <p>When considering the establishment of a new Office Center designation or the expansion of an existing Office Center consideration shall be given to maximizing access to a collector or arterial road and to the guidelines outlined in Policy 2.404-A1. Polk County shall seek to minimize the routing of office traffic through residential areas.</p>	<p>access via an Access Easement across the Laurel Estates HOA property on the north side of Ogelthorpe Drive. The existing easement only accommodates a residential access drive entrance and currently has a concrete drive. For a non-residential Land Use designation, a minimum of a Type 1 entrance will be required; however, considerations for a non-residential access are not limited to driveway access types, other engineering and safety concerns are also considered for the proper access to the non-residential site. The existing drive location is approximately 70 feet west of US Highway 27, this proved limited stacking capacity for a non-residential drive access. While drive access is typically addressed during a Level 2 review it is considered significant in this application. Granting a non-residential Land Use designation to a parcel without known legal access, across a third party's land, allows for a non-residential access easement across the Laurel Estates HOA property not being granted at a future date. It is understood that the applicant is in negotiations with Laurel Estates HOA for an Access Easement that would be sufficient to allow for an appropriate non-residential access; however, an Access Easement has not been reach nor recorded.</p>
<p>POLICY 2.131-C 4g: OFFICE CENTER (OCX) — Polk County shall provide for needs of residents of the US 27 SAP through:</p> <ol style="list-style-type: none"> 1. the designation and mapping of OCX on the Future Land Use Map Series; and 2. the establishment of criteria applicable to the location and development of land within OCX. <p>In addition to other applicable provisions, the following shall apply:</p> <p>CHARACTERISTICS — Office Centers are intended to accommodate the office needs of the community they serve. They generally contain lawyer, real estate, engineering, and other professional services/offices.</p>	<p>The intended use of Office Center is to meet the needs of the community they serve. The subject site is located in an area that is predominantly residential in Land Use, with direct exposure and access from Ogelthorpe Drive to a Principle Arterial road. The site is a well located site for the typical uses established for Office Center.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>Medical offices and support offices are also allowable in this category.</p> <ul style="list-style-type: none"> (a) Gross Leasable Area (GLA): more than 3,000 square feet (b) Separation from other OCX districts: 1 mile (c) Other Typical Uses: The primary uses within the OCX district are, office-based service and professional office establishments that specifically include accounting firms, architects, personal services, medical offices/clinics, dental offices, veterinary services, financial institutions, educational institutions, legal offices, printing/copying services, publishing centers, government offices and real estate related offices. Residential units located above the office and retail are also typical uses and are encouraged within the OCX district. Live-work units shall also be encouraged. <p>3. DEVELOPMENT CRITERIA — Development within an OCX shall conform to the following criteria:</p> <ul style="list-style-type: none"> (a) Non-residential Floor-Area-Ratio (FAR) shall not exceed 0.75. Residential uses located over non-residential uses shall not count towards the FAR; (b) Residential densities shall be based on the total square footage of any proposed development. One dwelling units per 1,000 square feet of gross floor area of office or retail uses. (c) A minimum 50 % of the square footage of the total FAR in any OCX district shall be for office uses; (d) Retail uses that complement office center establishments, within an OCX shall not exceed 15 % of the total acreage of the OCX. If residential uses are located over non-residential uses, an additional 5 % of retail uses shall be permitted; (e) Prohibited uses: Convenience stores, Gas Stations, Fast-food Establishments w/ Drive-thru/Drive-in, Non-phosphate mining, Truck Stops, Class III Utilities; (f) Residential uses shall be located over non-residential uses; (g) Live-work units shall be encouraged within the OCX. Live-work units shall not count towards the allowed 15% of retail uses or overall density. Live-work units shall not exceed more than 15% of the total OCX acreage; (h) Detached residential dwellings and duplexes are prohibited in the OCX district; and (i) Development in OCX shall have frontage on, or direct access to, a collector or arterial roadway, or a frontage road or service drive which directly serves these roadways. Development within OCX shall 	

Comprehensive Plan Policy	Consistency Analysis
<p>incorporate the use of frontage roads or shared ingress/egress facilities wherever practical;</p> <p>(j) OCX expansions, new locations for OCX and development within OCX may front on or be accessed via local roads if the subject parcel(s) is within a one half mile of a collector or arterial road;</p> <p>(k) 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. Shared parking facilities shall be encouraged between office and retail uses;</p> <p>(l) Buffering shall be provided where the effects of lighting, noise, 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 which may require additional buffering provisions;</p> <p>(m) Lands shall only be divided as part of a master subdivision plan and all individual lots shall be accessible via internal local roadways;</p> <p>(n) No direct access to US Highway 27 shall be permitted for either driveway connections or parking areas located within the district;</p> <p>(o) All developments shall provide on-site pedestrian pathways connections to provide access from all parking areas and abutting residential development where appropriate, to the primary uses of the district;</p> <p>(p) Non-residential building entrances shall be oriented towards abutting rights-of-way in order to create a village like appearance along primary streets; furthermore, no more than two rows of parking shall be placed forward of the front building façade;</p> <p>(q) Off street parking areas for non-residential uses shall be designed to complement the building facade and emphasize the building appearance and relationship to abutting rights-of-way; and</p> <p>(r) Loading docks, utility facilities, and storage areas shall be designed to minimize their visibility from abutting collector and/or arterial rights-of-way without diminishing their utility of intended function.</p>	

Urban Sprawl Analysis

Polk County's Comprehensive Plan *Policy 2.102-A10* establishes review criteria intended to discourage the proliferation of urban sprawl. Specific characteristics of urban sprawl have been examined throughout this staff report and are summarized in Table 9 (below). Based on the findings of fact and analysis conducted, the proposed request does not meet the criteria to be considered as urban sprawl.

Table 9: Urban Sprawl Criteria (This table stays static)

Rule 9J-5 Urban Sprawl Criteria	Page(s) within report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>	Surrounding Land Uses Section
b. <i>Allows a significant amount of urban development to occur in rural areas.</i>	Surrounding Land Uses Section
c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i>	Surrounding Land Uses Section
d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i>	Environmental Conditions
e. <i>Fails to adequately protect adjacent agricultural areas.</i>	Surrounding Land Uses Section
f. <i>Fails to maximize existing public facilities and services.</i>	Schools, Public Facilities and Water/Sewer Sections
g. <i>Fails to minimize the need for future facilities and services.</i>	Schools, Public Facilities and Water/Sewer Sections
h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i>	Surrounding Land Uses Section
i. <i>Fails to provide a clear separation between urban and rural uses.</i>	Surrounding Land Uses Section
j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i>	Surrounding Land Uses Section
k. <i>Fails to encourage an attractive and functional mixture of land uses.</i>	Surrounding Land Uses Section
l. <i>Will result in poor accessibility among linked or related land uses.</i>	Surrounding Land Uses Section
m. <i>Results in the loss of a significant amount of open space.</i>	Surrounding Land Uses and Environmental Conditions Sections
Source: The following criteria are the primary indicators of urban sprawl per Rule 9J-5 of the Florida Administrative Code.	

Comments from other agencies

No comments

Exhibits:

Exhibit 1	Location Map
Exhibit 2	2020 Aerial Context Map
Exhibit 3	2020 Aerial Close Up
Exhibit 4	Current Future Land Use Map
Exhibit 5	Proposed Future Land Use Map
Exhibit 6	RL-1X Future Land Uses
Exhibit 7	OCX Future Land Uses



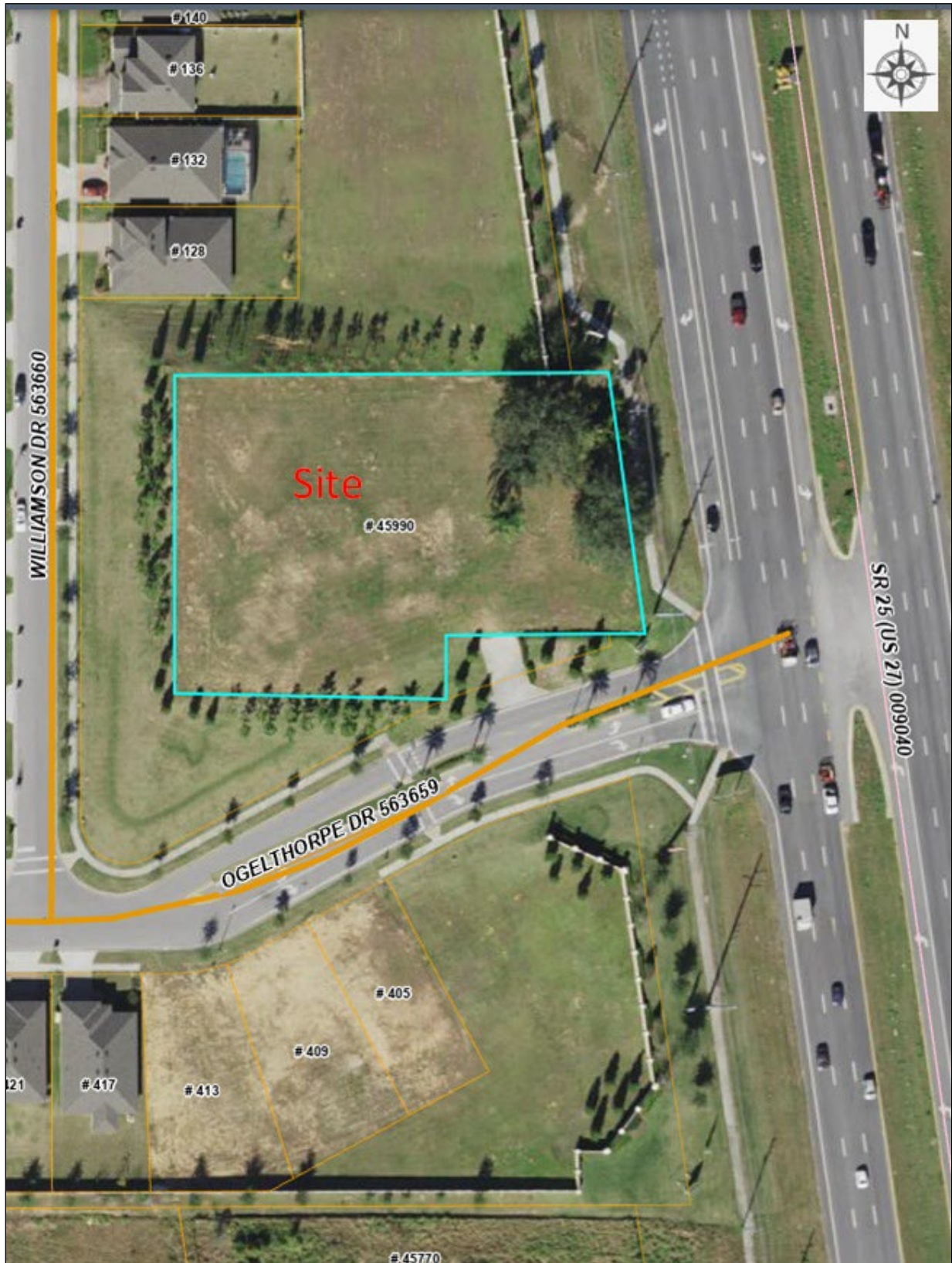
LOCATION MAP

Exhibit 2

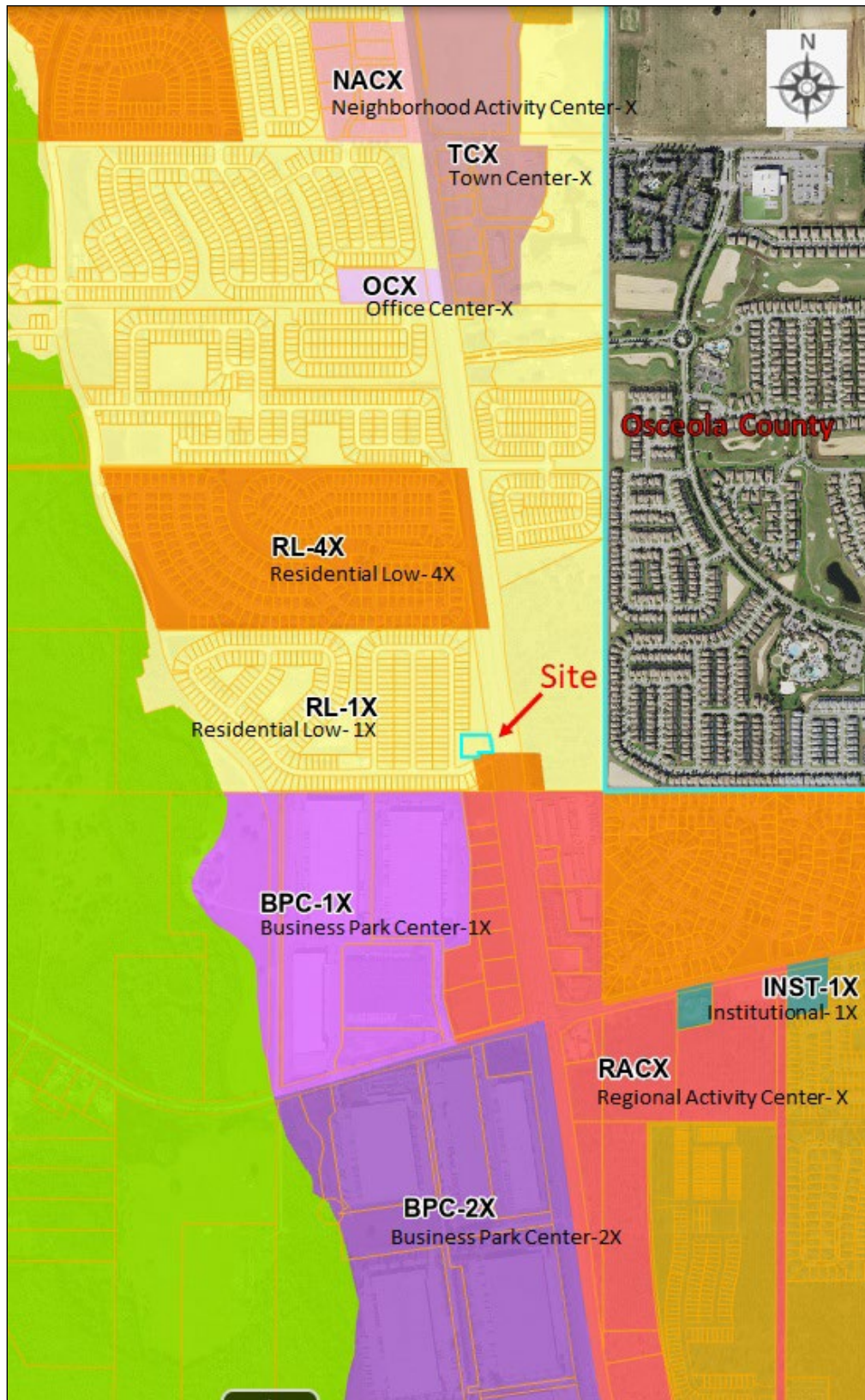


AERIAL CONTEXT MAP

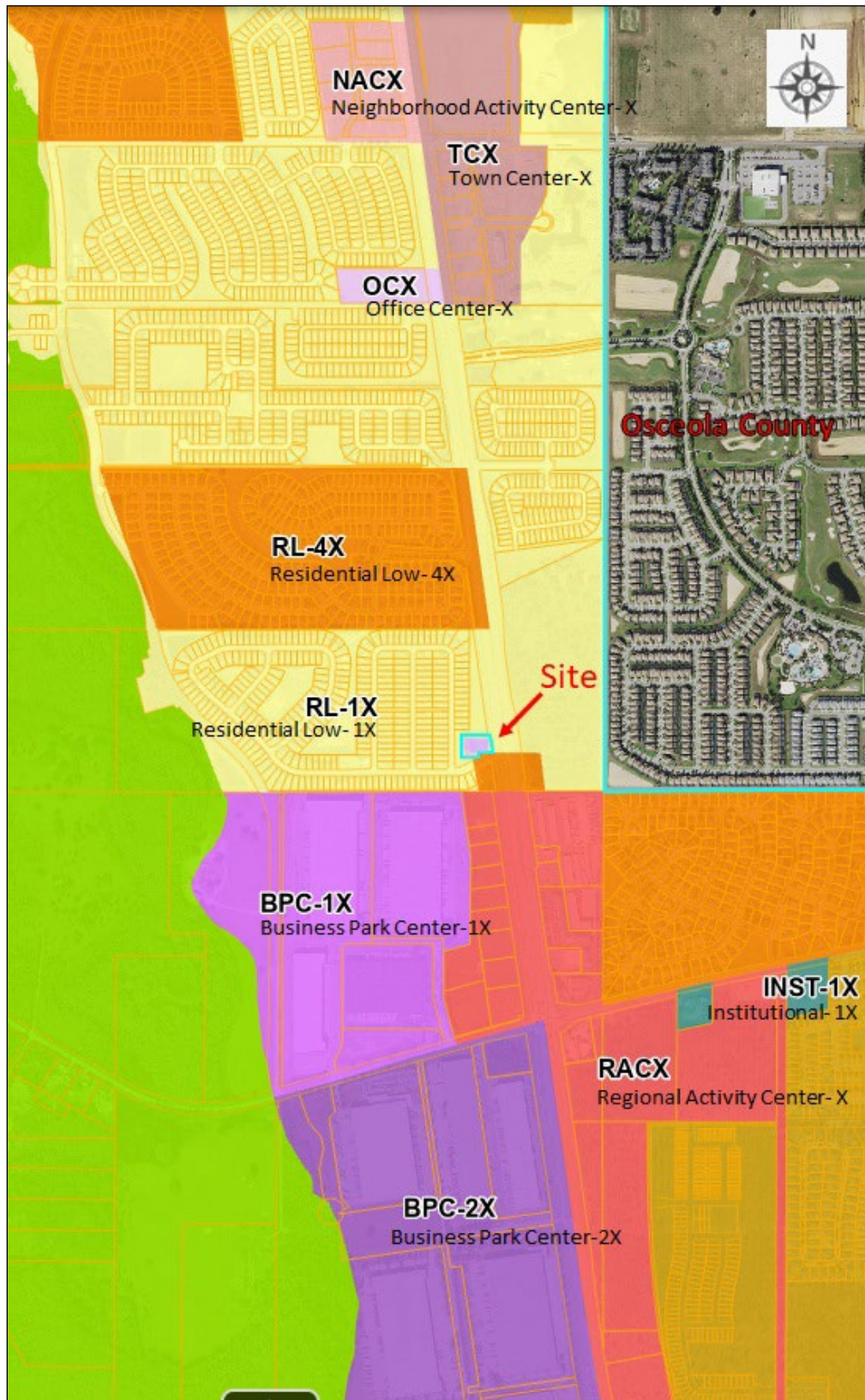
Exhibit 3



2020 AERIAL MAP



EXISTING FUTURE LAND USE



PROPOSED FUTURE LAND USE

Residential Low (RL-1)			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
Residential Uses:	Group Home, Small (6 or less residents), C1	Residential Uses:	Group Living Facility (15 or more residents), C3
	Group Home, Small (6 or less residents), C1		Mobile Home Park, C4
	Mobile Homes, Individual, C1		Mobile Home Subdivision, C4
All Other Uses:	Residential Infill Development, C2	Mixed Uses:	Multi-family, C3
	Single-family Detached Home & Subdivision, P		Short-Term Rental unit, C3
		All Other Uses:	Planned Development, C3
	Animal Farm, Intensive, C1		Residentially Based Mixed Development (RBMD), C3
	Emergency Shelter, Small (6 or less residents), C1		Transitional Area Development, C3
	Farming General, P		Adult Day Care Center (7 or more clients), C3
	Golf Course, C1		Agricultural Support, Off-Site, C3
	Livestock Sale, Auction, C1		Bed and Breakfast, C3
	Nurseries and Greenhouses, C1		Childcare Center, C3
	Recreation, Passive, C1		Community Center, C3
	Recreation, Low Intensity, C2		Emergency Shelter, Large (15 or more residents), C3
	School, Elementary, C2		Government Facility, C3
	Utilities, Class I, P		Helistops, C3
	Utilities, Class II, C1		Mining, Non-phosphate, C3
	Veterinary Service, C2		Recreation, High Intensity, C3
			Recreation, Vehicle Oriented, C3
			Religious Institution, C3
			Riding Academies, C3
			School, High, C3
			School, Leisure/special Interest, C3
			Utilities, Class III, C3

EXISTING PERMITTED AND CONDITIONAL USES RESIDENTIAL LOW-1X (RL-1X)

Office Center (OC)			
Technical Staff Review -Level 1& 2		Public Hearing (s) Required-Level 3 & 4	
All Other Uses:	Clinics & Medical Offices; Community Center; Cultural Facility; Farming General; Financial Institution; Office; Office Park; Printing & Publishing; Recreation, Passive; Religious Institution; School, Technical/Vocational/Trade & Training; Studio, Production; Utilities, Class II; Veterinary Service	Residential Uses:	Multi-Family
		Mixed Uses:	Planned Development
		All Other Uses:	Agricultural Support, Off-Site; Childcare Center; Financial Institution, Drive Through; Government Facility; Helistops; Hospitals; Medical Marijuana Dispensaries; Mining, Non-phosphate; Research & Development; Retail, 10,000-34,999 sq. ft.; Retail, Less than 10,000 sq. ft.; School, Leisure/Special Interest; Utilities, Class III

PROPOSED PERMITTED AND CONDITIONAL USES OFFICE CENTER-X (OCX)