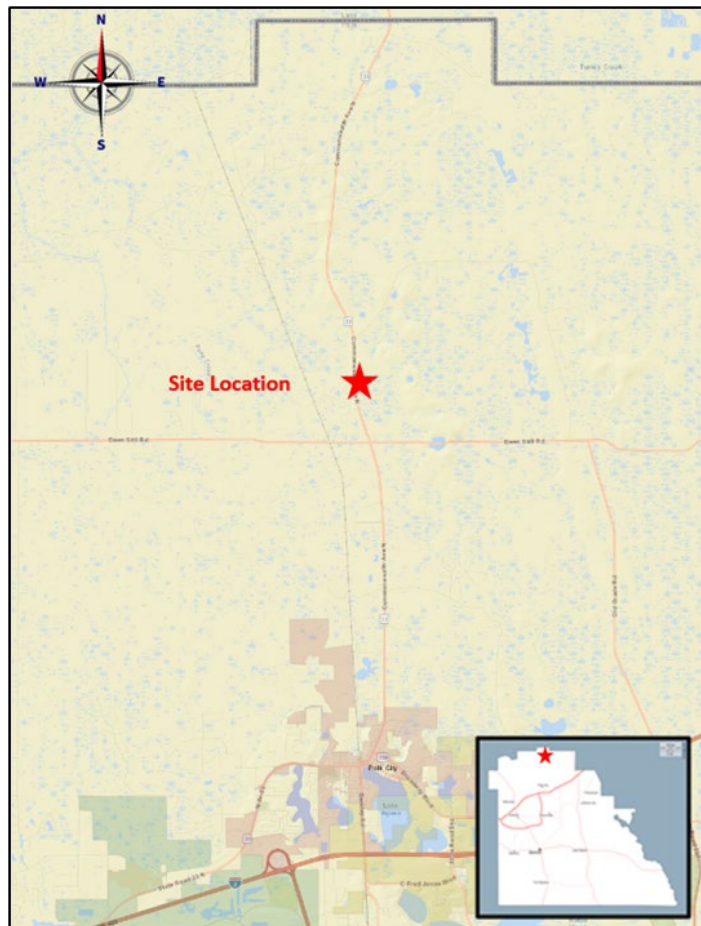


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

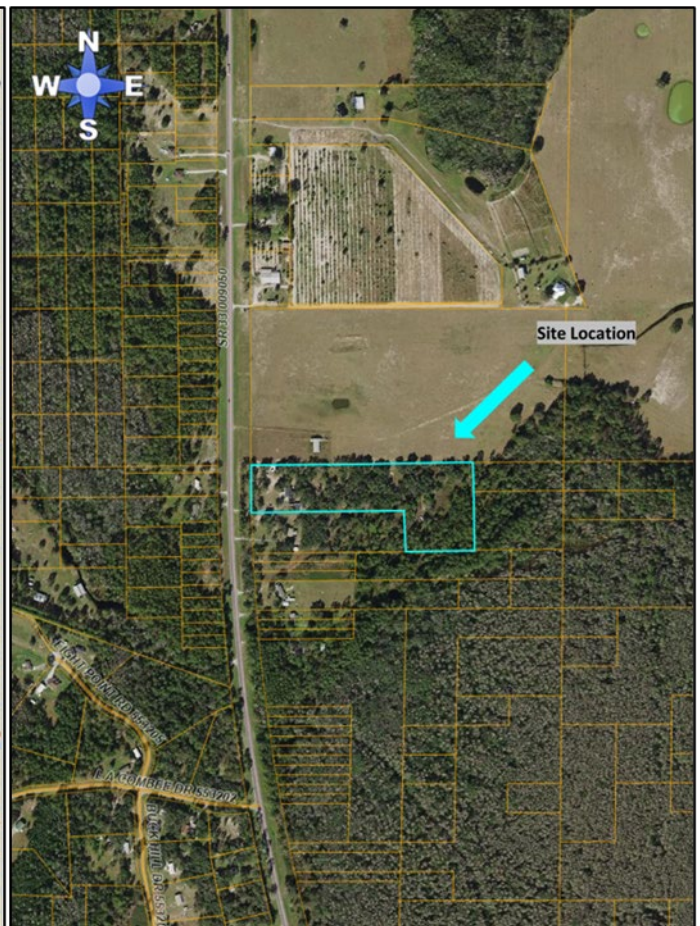
DRC Date:	March 16, 2023	Level of Review:	Level 4 Review
PC Date:	May 3, 2023	Type:	Conditional Use
BoCC Date:	June 6, 2023	Case Numbers:	LDCU-2023-3
Applicant:	Jarrold Davis	Case Name:	Tails of the Wild
		Case Planner:	Aleya Perreira, Planner I

Request:	The applicant is requesting Conditional Use (CU) approval for a wild or exotic animal breeding, boarding, and rehabilitation facility.
Location:	The subject site is located north of Deen Still Rd E, east of Commonwealth Ave N, south of Van Fleet Rd, and north of the City of Polk City in Section 32, Township 25, Range 25.
Property Owners:	Tails of the Wild Inc.
Parcel Size (Number):	10.84+/- acres (252532-000000-013010)
Future Land Use:	Agriculture/Residential Rural-X (A/RRX), Green Swamp Area of Critical State Concern, Rural Special Protection Area
Development Area:	Rural Development Area (RDA)
Nearest Municipality:	City of Polk City
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	5-2 Approval

Site Location



2020 Aerial



Summary:

The applicant is requesting Conditional Use (CU) approval for a wild or exotic animal breeding, boarding, and rehabilitation facility on an approximately 10.84-acre lot within an Agriculture/Residential Rural-X (A/RRX) Future Land Use District in the Green Swamp Area of Critical State Concern (See Exhibit 2). Chapter 5, Table 5.2 (Use Table for Green Swamp ACSC) of the Land Development Code indicates the placement of a breeding, boarding, and rehabilitation facility within a A/RRX land use district requires Conditional Use approval via a Level 4 Review (Planning Commission and Board of County Commissioners). In order to meet current development approval conditions, requests are subject to the standards found in Section 303 of the LDC.

The minimum site area for a wild or exotic breeding facility shall be five acres, unless the site lies within the Green Swamp ACSC, then the site area shall be a minimum of ten acres. There shall be, at a minimum, a 100-foot building setback from all property boundaries, and adequate security measures shall be demonstrated at the time of site plan review and consistent with Florida Statutes.

According to Tails of the Wild website, “Tails of the Wild is a nonprofit organization that started as a way to give a home to unwanted, abused, and neglected wildlife and has turned into an organization focused on education of conservation and preservation issues worldwide. The animals at our facility are ambassadors for their species, many are even rescues. Our goal is to educate the public about conservation and preservation issues facing wildlife both locally and around the world.” Tails of the Wild is currently located in Frostproof, Florida and are looking to relocate to Polk City, Florida. There are other similar facilities in the Green Swamp such as the Ringling Brothers Barnum and Bailey Center for Elephant Conservation and Safari Wilderness Ranch.

This site is located in a Rural Development Area (RDA). Rural Development Areas (RDA) shall be all unincorporated areas within the County characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments. The subject site has limited availability of infrastructure and other community facilities and services. No environmental issues are located on the site which would hinder development.

There are no perceivable compatibility issues inherent to this request. The subject site is surrounded by single-family homes within an Agriculture/Residential Rural-X (A/RRX) land use district. The subject site will have parking and the surrounding trees will be used as buffering. The closest home to the subject site is located south approximately 95 feet from the property line. This facility will not have adverse effects on public infrastructure. The request is consistent with the Comprehensive Plan and Land Development Code. Staff recommends approval.

Findings of Fact

- *LDCU-2023-3 is a Conditional Use (CU) request for a wild or exotic animal breeding, boarding, and rehabilitation facility on Parcel No. 252532-000000-013010 (+/- 10.84 acres) within an Agriculture/Residential Rural (A/RRX) land use district in the Rural Development Area (RDA).*
- *According to Table 5.2 of the Land Development Code (LDC), "Breeding Facility, Wild or Exotic" is a "C4" conditional use in A/RRX land use districts which necessitates a Level 4 Review and public hearing before the Planning Commission and Board of County Commissioners.*
- *Section 204 of the Land Development Code states that "The purpose of the A/RR district is to provide lands for the continuation of productive agricultural uses and to provide for very low-density residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, multi-family dwelling units, farm labor housing, group living facilities, and community facilities."*
- *The site is located in the Rural Development Area (RDA) which, according to POLICY 2.108-A1 of the Polk County Comprehensive Plan, is an area "characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments."*
- *Section 303 of the LDC states Breeding, Boarding, and Rehabilitation Facilities, Wild or Exotic (Revised 01/30/03 - Ord. 03-14)*

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

- 1. The minimum site area for a wild or exotic breeding facility shall be five acres, unless the site lies within the Green Swamp ACSC, then the site area shall be a minimum of ten acres.*
 - 2. There shall be, at a minimum, a 100-foot building setback from all property boundaries.*
 - 3. Adequate security measures shall be demonstrated at the time of site plan review and consistent with Florida Statutes.*
- *The property is designated Agriculture/Residential Rural-X (A/RRX) on the Future Land Use Map.*
 - *The surrounding Future Land Use and LDC Sub-district Map districts are A/RRX to the north, south, east, and west.*
 - *The existing land uses are single-family homes in the area.*
 - *The property is zoned for the closest schools, which are Polk City Elementary, Jere L. Stambaugh Middle School, and Tenoroc High School.*
 - *Fire Response is primarily from Polk County Fire Rescue Station 7, 200 Commonwealth Blvd, Polk City, 33868. The travel distance is 6.5 miles and travel time is estimated to be ten minutes.*
 - *Ambulance response is from Polk County Fire Rescue Station 7, 200 Commonwealth Blvd, Polk City, 33868. The travel distance is 6.5 miles, and the travel time is estimated to be ten minutes.*
 - *The site is served by the Polk County Sheriff's Office Northwest District Command Center, located at 1045 Wedgewood Estates Blvd in Lakeland, approximately 22 miles driving distance from the site.*

- *The site is not located within the County's water or wastewater service area.*
- *SR 33 is classified as a Minor Arterial Road in the Polk County Roadway Inventory and is tracked for traffic counts or concurrency on the Polk County Transportation Organization's Roadway Network Database.*
- *There are no wetlands but there is a flood zone A on the site.*
- *The site is comprised of Apopka Fine Sand, 0 to 5 percent slopes, Pomona Fine Sand, and Millhopper Fine sand, 0 to 5 percent slopes.*
- *The subject site is not located within any of the County's Wellhead Protection Districts.*
- *According to the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no archaeological sites at this location.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of a recent endangered animal species sighting.*
- *The site is not within an Airport flight path or height notification zones.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*
- *This request has been reviewed for consistency with Tables 5.2 and Section 303 of the LDC*

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 request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCU-2023-3**.

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2023-3 with the following conditions:

1. LDCU-2023-3 is approved for breeding, boarding, and rehabilitation facility, wild or exotic on Parcel # 252532-000000-013010 as indicated in the site plan and staff report. [PLG]
2. Overnight stay or camping for visitors shall be prohibited. [PLG]
3. There shall be no disturbance of the vegetation 25 feet off the property line. [PLG]

GENERAL NOTES

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

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

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

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

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

Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Table 1		
Northwest: A/RRX Vacant	North: A/RRX Pasture	Northeast: A/RRX Pasture
West: RL-3 Single-family Residence	Subject Property: A/RRX Single family residence	East: A/RRX Vacant
Southwest: RL-3 Mobile home	South: A/RRX Single-family Residence	Southeast: A/RRX Vacant

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

The property is surrounded by pasture and single-family dwellings. To the north, south, east, and west is Agriculture/Residential Rural-X (A/RRX) within the Green Swamp. One single-family residences about the property to the south.

Compatibility with the Surrounding Land Uses and Infrastructure:

The request is compatible with surrounding land uses and infrastructure. This breeding, boarding, and rehabilitation facility, wild or exotic is within a rural area. Due to the size, it will have few services. Traffic will peak at off times.

A. Land Uses:

This request is compatible with surrounding land uses and available infrastructure. The impact from a breeding, boarding, and rehabilitation facility is minimal. The dominant surrounding use is detached residential structures on large lots. The structure type is mostly site built homes and mobile homes. The closest home to the subject site is located south approximately 95 feet from the property line. The site will have parking and the surrounding trees will be used as buffering. A condition has been added stating there shall be no disturbance of the vegetation 25 feet off the property line. Wildlife living on the property include lemurs, deer, emus, wolves, felines, alligators, and macaques. The applicant states the property will have an 8 foot perimeter fence made of steel aligned with USDA and FWC rules and regulations.

The LDC defines compatibility as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

The enclosures will be made of 9-gauge commercial chainlink fence in compliance with USDA and FWC rules and regulations. The applicant mentioned there will be no additional noise, air pollution, and they will have a daily cleaning regiment that will eliminate any odors. Please refer to Exhibit 3 for the layout of the single-family homes in relation to the breeding, boarding, and rehabilitation facility.

B. Infrastructure:

The access proposed is optimal and volume is low, water and wastewater must be self-supported, no public utilities. The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of a breeding, boarding, and rehabilitation facility will not trigger school concurrency requirements; however, there is available capacity for zoned schools. The subject property is not located within a service area for potable water and wastewater.

Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, this proposal is not anticipated to create any significant demand on these services.

Nearest and Zoned Elementary, Middle, and High School

The project is located an adequate distance away from surrounding schools so as not to impact the zoned Polk County schools or the busing of students to and from school. The site is zoned for Polk City Elementary, Jere L. Stambaugh Middle School, and Tenoroc High School. Table 2, to follow, illustrates the driving distances from the site to the zoned schools, in addition to the annual estimated demand for students and available capacity based on the 2022-23 utilization projections. All schools are operating at or below a level of 84% capacity.

Name of School	Distance from subject site	School Capacity
Polk City Elementary	±6.6 miles driving distance from entrance to entrance	84%
Jere L. Stambaugh Middle School	±15 miles driving distance from entrance to entrance	81%
Tenoroc High School	±17 miles driving distance from entrance to entrance	58%

Source: Polk County School Board, GIS

Nearest Sheriff, Fire, and EMS Station

Fire response to this project is from Fire Station 7, located at 200 Commonwealth Blvd, Polk City, 33868. The travel distance is approximately 6.5 miles, and response times are estimated to average ten (10) minutes. Response times can vary significantly based on many factors.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Northwest District (1045 Wedgewood Estates Blvd)	22 ± miles	P1 – 10:59 P2 – 26:45
Fire	Station 7 (200 Commonwealth Blvd)	6.5 ± miles	10 minutes

EMS	Station 7 (200 Commonwealth Blvd)	6.5 ± miles	10 minutes
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Source: Polk County Sheriff's Office and Public Safety

*Response times are based from when the station receives the call and not from when the call is made to 911.

The nearest Sheriff's substation is the Northwest District located at 1045 Wedgewood Estates Blvd in Lakeland approximately 22 miles driving distance from the site. Sheriff response times are not as much a function of the distance to the nearest sheriff's substation rather more a function of the overall number of patrol officers within the County.

Water and Wastewater Demand and Capacity:

The site is not located within the County's water or wastewater service area. The site will be using septic and well water on site.

A. Estimated Demand and Service Provider:

This facility will have less of an impact on utilities than compared to a religious institution. Both are similar in uses as they are only open a few times a week for a few hours at a time. At any rate, the number of units for either option would have a negligible impact. Religious Institution uses are estimated to demand 360 gallons per day (GPD) for water and generate 270 (GPD) for wastewater. The applicant expects to consume approximately 400-500 (GPD) for potable water and 250-300 (GPD) for wastewater. The consumption also can fluctuate varying on a day of a scheduled tour or not.

B. Available Capacity:

The site will be using septic treatment for wastewater treatment and well for potable water.

C. Planned Improvements:

There are no planned improvements by the County in the vicinity of the parcel.

Roadways/ Transportation Network

The surrounding roadway network is more than adequate to serve breeding, boarding, and rehabilitation facility. SR 33 is classified as a minor arterial road in the Polk County Roadway Inventory and is tracked for traffic counts or concurrency on the Polk County Transportation Organization's Roadway Network Database.

A. Estimated Demand:

As stated, this facility is similar to a religious institution for demand. A religious institution generates 6.95 Average Annual Daily Trips (AADT) and 0.49 Peak PM Hour Trips (ITE Code 560). The proposed breeding, boarding, and rehabilitation facility, wild or exotic is anticipated to generate 9 AADT and one (1) PM Trips. The facility will only be open 3-4 days a week. Table 5, to follow, shows the traffic that is projected for the proposed Breeding, boarding, and rehabilitation facility, wild or exotic.

Table 5

Subject Property	Demand as Currently Permitted A/RR (1 DU/ 5AC)	Proposed Plan
10.84± acres A/RRX		
Permitted Intensity	Religious Institution	Breeding, boarding, and rehabilitation facility, wild or exotic
Average Annual Daily Trips (AADT)	6.95	9
PM Peak Hour Trips	0.49	1

This request will not require either a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. This proposed breeding, boarding, and rehabilitation facility, wild or exotic will have no significant effect on the roadway system.

B. Available Capacity:

There is currently more than adequate capacity to serve this facility. Table 6 to follow displays the generalized capacity on the most affected transportation link. SR 33 currently has the capacity to assimilate the facility and not fall below the Level of Service standard set by the Board. SR 33 is operating at a “C” Level of Service, the minimum standard is “C”. It is estimated that an additional 101 more vehicles can travel northbound and 115 can travel southbound before the roadway exceeds its generalized level of service standard.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
5605N	SR 33 From: SR 559 To: Lake County Line	C	101	C
5605S	SR 33 From: SR 559 To: Lake County Line	C	115	C

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

C. Roadway Conditions:

SR 33 is a minor arterial road that is maintained by Florida Department of Transportation.

D. Planned Improvements:

This area does not have any planned improvements on the transportation system.

E. Mass Transit

There are currently no transit routes along SR 33 in close proximity of the site.

Park Facilities:

The closest parks to the site are Freedom Park within Polk City.

A. Location:

Freedom Park is located at 100-578 Berkley Rd, approximately 6.7 miles driving distance from the site.

B. Services:

The park offers picnic facilities, children's playground, and restroom facilities.

C. Planned Improvements

There are no planned improvements to either park in either the City's or the County's 5-year capital improvements plan.

Environmental Conditions

There are no environmental limitations with the development of this property for a breeding facility. There are no wetlands but there is a flood zone A on site. The proposed breeding facility will be on well water and septic. The soil onsite has moderate limitations, so a more advanced septic system may be required. Protected species and airports are not a concern.

A. Surface Water

There are no surface water ponds on or near the subject property.

B. Wetlands/Floodplains:

There are no wetlands but there is a flood zone A onsite. The closest wetland system is approximately 145 feet to the east of the property. The flood zone area is towards the southeast area of the property. However, the base flood elevation is approximately 137 -128 according to LIDAR information of the County's GIS system.

C. Soils:

The site is comprised of Apopka Fine Sand, 0 to 5 percent slopes, Pomona Fine Sand, and Millhopper Fine sand, 0 to 5 percent slopes. The moderate nature of the soil will support septic tanks. But, due to the wetness of the soil type and proximity to the surficial aquifer (water table), the percolation rate will be a concern for septic tanks.

Soil Name	Septic Tank Absorption Field Limitations	% of Site (approximate)
Apopka Fine Sand, 0 to 5 percent slopes	Slight: wetness	48.7%
Pomona Fine Sand	Severe: wetness	30.9%
Millhopper Fine sand, 0 to 5 percent slopes	Moderate: wetness	20.4%

D. Protected Species

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

E. Archeological Resources:

According to the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no archaeological sites.

F. Wells (Public/Private)

All of the homes in this area are on well water since there are no extended lines. The proposed breeding facility is not likely to have an adverse effect on the homes nearby.

G. Airports:

The site is not within any Airport Buffer Zones.

Economic Factors:

Being in the rural development, this area is a prime location for farms and wildlife conservation. In addition to wildlife conservation, this site will also provide private educational scheduled tours for school children, residents, and tourists. Development and uses within the Green Swamp are limited. Tails of the Wild proposes to use a vacant residential property for their future home. There are other similar facilities in the Green Swamp such as the Ringling Brothers Barnum and Bailey Center for Elephant Conservation, Bell Family Farm, and Safari Wilderness Ranch.

Consistency with the Comprehensive Plan and Land Development Code:

The site is located in the Rural Development Area (RDA), which, according to POLICY 2.108-A1 of the Polk County Comprehensive Plan, is an area "characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments." Due to the subject site being located in the Rural Development Area, there are no public water and wastewater services available, no mass transit, and no sidewalks. There is adequate traffic capacity on the affected roadways. The Public safety facilities are at rural service levels.

This request is not a given or it would not require Level 4 Review. The Planning Commission and Board of County Commissioners must still evaluate the proposal for compatibility with neighboring land uses, infrastructure, and surrounding environmental resources. Table 9, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 9

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	Staff finds the proposed breeding, boarding, and rehabilitation facility, wild or exotic compatible with neighboring properties.
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.	The site is located in the RDA which has limited transit, retail goods and services, and infrastructure.
POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.	The proposed breeding, boarding, and rehabilitation facility, wild or exotic is consistent with services available in the Rural Development Area (RDA).
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 site is located within an area that has limited amount of urban infrastructure and services. Most of the area is rural. This request is filling in one of the vacant properties in the area.
POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 4 in accordance with Section 906.D.7 of the LDC.

Table 4

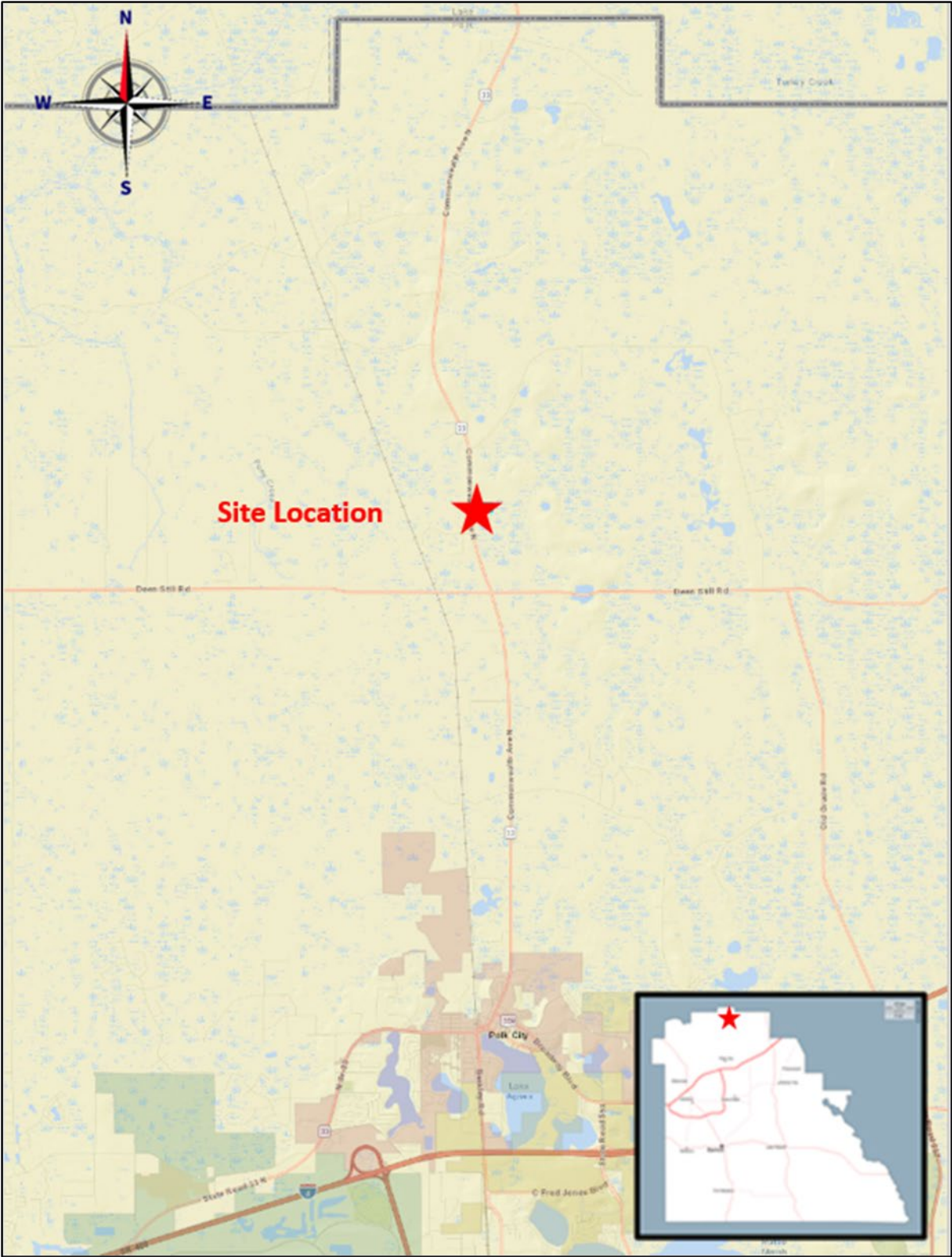
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-3 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>

Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 4 & 5 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 5-7 of the staff report.</i>

Comments from other Agencies: None

Exhibits

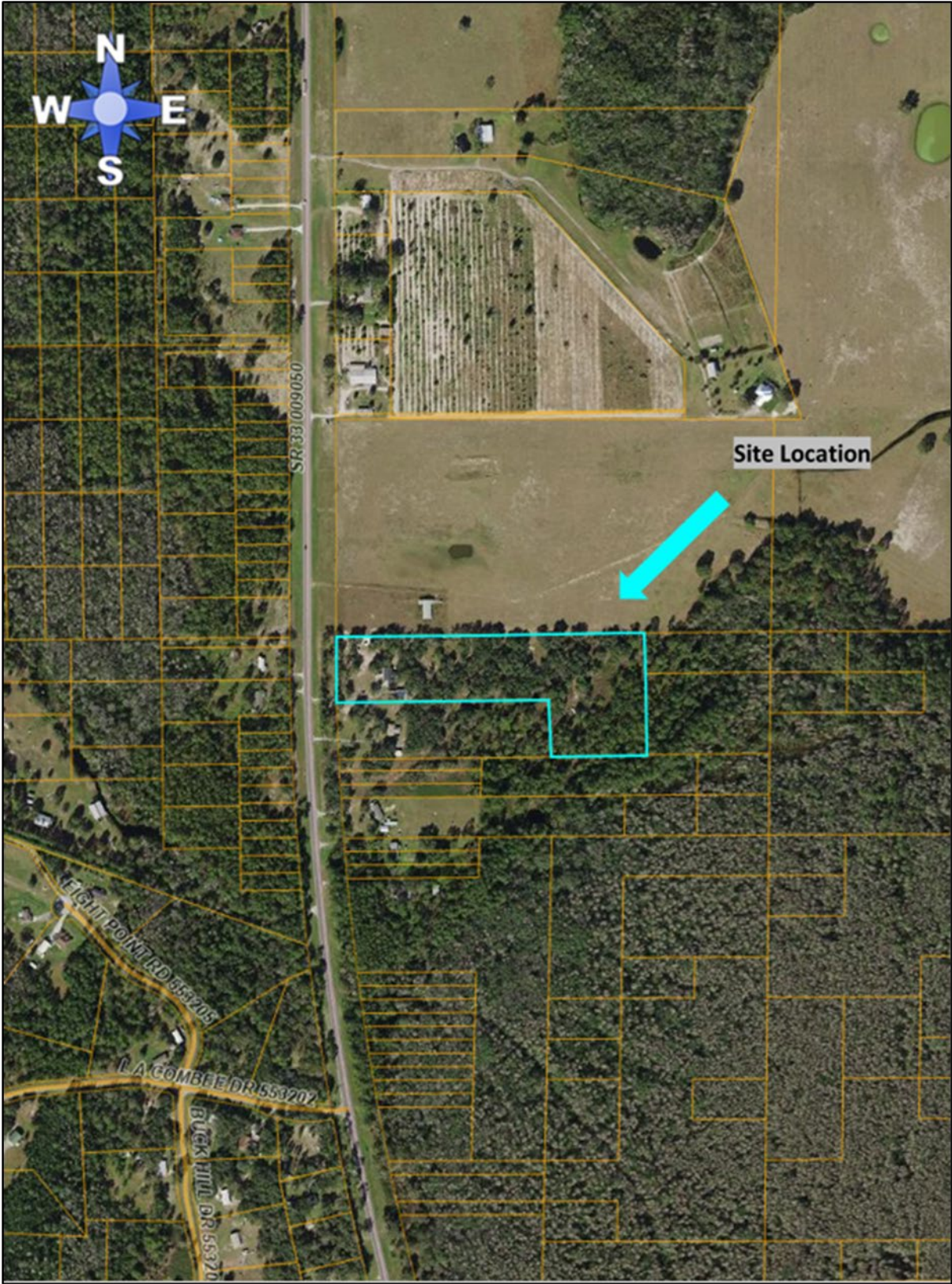
- Exhibit – 1 Location Map
- Exhibit – 2 Future Land Uses
- Exhibit – 3 2020 Satellite Photo (Context)
- Exhibit – 4 2020 Satellite Photo (Close-up)
- Exhibit – 5 Site Plan



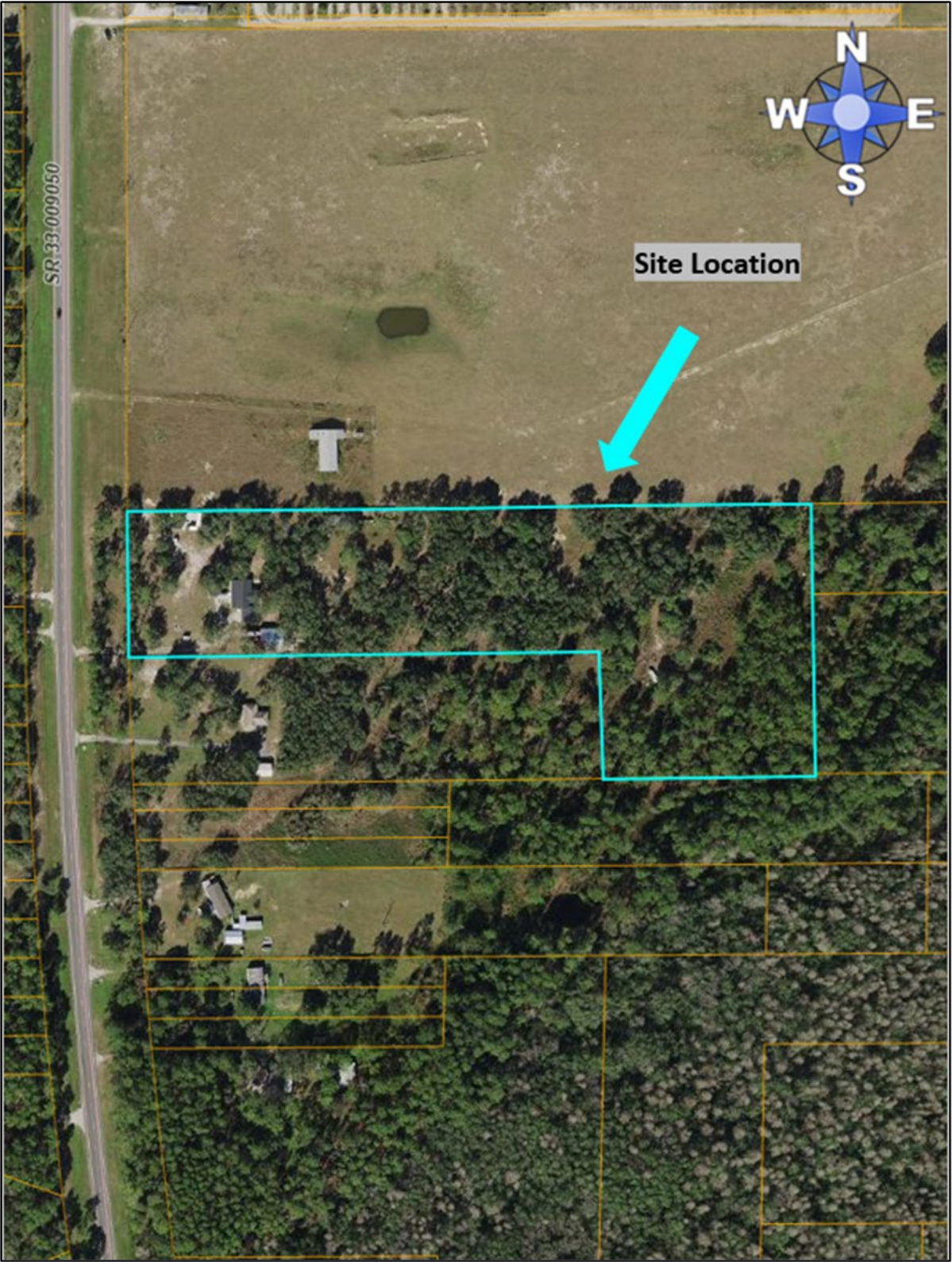
LOCATION MAP



FUTURE LAND USES



2020 SATELLITE PHOTO (Context)



2020 AERIAL PHOTO (Close-up)



SITE PLAN