



Polk County Planning Commission

Meeting Agenda

November 06, 2024 Regular Planning Meeting

Call Agenda Workshop to Order 8:50 a.m.

A. Planning Commission (PC) will discuss agenda items and consider additions, deferments, withdrawals to published agenda. Planning Commission will discuss any particular agenda items of concern with any Planning Commission member.

B. Planning Commission will consider and review with staff any upcoming ordinance revisions, comprehensive plan recommendations or other matters of concern to the Planning Commission.

Note: This first part of the monthly Planning Commission agenda is a workshop. No official action on any item will be taken at the workshop. While the public is invited to attend, no public comment will be solicited during the workshop.

Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.

Roll Call / Attendance

Pledge of Allegiance

Approve Minutes

Meeting Minutes October 2, 2024

Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.

1) Reorder Agenda

a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.

2) Considerations of items to be withdrawn, deferred, or continued.

LDCT-2024-18 (Section 220 and Chap 3 Warehouse separation text amendment) - Request continuance to the December Planning Commission.

Explanation of General Procedures

Explanation of Quasi-Judicial Proceedings

Voir Dire of Expert Witnesses

Staff Resumes

Agenda Item

New Business

1. LDCU-2024-26 (Angel Roman MH)
2. LDCU-2024-28 (Pinecrest mine - LDCU-2019-9 Mod)
3. LDCU-2024-22 (Old Kissimmee Road MH CU)
4. LDCPAS-2024-20 (Mt. Pisgah Road ARR CPA)
5. LDCPAS-2024-21 (Parkview Christian CPA)
6. LDCT-2024-19 (North Prong IND Text Amendment)
7. LDCPAL-2024-12 (North Prong IND CPA)
8. LDPD-2024-14 (Thornhill Road PD Mod.)
9. LDCT-2024-23 (Non-Conforming Number of Units on One Property)

Adjournment



Polk County
Planning Commission

Agenda Item

11/6/2024

SUBJECT

Meeting Minutes October 2, 2024



Polk County Planning Commission

Meeting Minutes - Final

October 02, 2024 Regular Planning Meeting

Call Agenda Workshop to Order 8:50 a.m.

Minutes: The workshop of the Polk County Planning Commission was called to order at 8:50 a.m. by the Chair, Rennie Heath, on Wednesday, October 2, 2024, in the County Commission Boardroom, Administration Building. In attendance were the following members: Michael Schmidt, David Dalton, Mike Hickman, Brooke Agnini and Robert Beltran. Also, present were Randall Vogel, Deputy County Attorney, Joshua McLemore, Polk County School Board, Erik Peterson, Chanda Bennett, Mark Bennett, Aleya Inglima, Robert Bolton, Johnathan Sims, and Ian Nance of Land Development, and Lyndsay Yannone, recording secretary.

Chanda Bennett, Land Development, announced case LDCT-2024-18 has been continued to November.

Call Public Hearing to Order 9:00 a.m. Or as soon thereafter as the particular case may be heard 9:00 a.m.

Minutes: The Polk County Planning Commission was called to order at 9:00 a.m. by the Chair, Rennie Heath, on Wednesday, October 2, 2024, in the County Commission Boardroom, Administration Building. In attendance were the following members: Michael Schmidt, David Dalton, Brooke Agnini, Mike Hickman, and Robert Beltran. Also, present were Randall Vogel, Deputy County Attorney, Erik Peterson, Chanda Bennett, Mark Bennett, Kyle Rogus, Robert Bolton, Johnathan Sims, Aleya Inglima, Robert Bolton, and Ian Nance of Land Development, and Lyndsay Yannone, recording secretary.

Roll Call / Attendance

Approved

RESULT:	APPROVED
MOVER:	
SECONDER:	
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass
Excused:	Schultz, Beltran, and Bass

Pledge of Allegiance

Approve Minutes

September 4, 2024, Minutes

Approved

RESULT:	APPROVED
MOVER:	
SECONDER:	
Excused:	Schultz, Beltran, and Bass

Reordering of the Agenda - Prior to beginning the Business of the Planning Commission, the Commission may reorder the Agenda.

1) Reorder Agenda

a) At the discretion of the Planning Commission members, a lunch break may be called if the hearing of cases goes beyond 12:00 p.m.

2) Considerations of items to be withdrawn, deferred, or continued.

LDCT-2024-18 (Section 220 and Chap 3 Warehouse separation Text Amendment) - Continuance requested to the November Planning Commission.

Approved

Explanation of General Procedures

Voir Dire of Expert Witnesses

Approved

Staff Resumes

Explanation of Quasi-Judicial Proceedings

Agenda Item

New Business

1. LDCU-2024-27 (PRWC Southeast Water Treatment Plant and Water Well Network)

Minutes: Polk Regional Water Cooperative, applicant and owner, are requesting a Conditional Use approval of a 30 MGD potable water production facility, two ground storage tanks, and seven Lower Floridan Aquifer raw water wells within the Institutional-1 (INST-1) and Agricultural/Residential Rural (A/RR) located in the Rural Development Area (RDA). The facility is at 630 Boy Scout Road, north of State Road 60, in Section 8, Township 30, Range 29. Two wells are located on the north side of County Road 630, west of Walk-in-Water Road, in section 20 and 21, Township 31, Range 29. One well is on the west side of Walk-in-Water Road, south of Dixie Street, north of Mary Moser Lane in Section 5, Township 31, Range 29. One well is on the east side of Walk-in-Water Road, north of Dixie Street in Section 32, Township 30, Range 29. Another well is on the west side of Lake Walk-in-Water Road, south of Wakeford Road in Section 32, Township 30, Range 29. One will be located on the east side of Lake

Walk-in-Water Road, either north or south of Cypresswood Drive in Section 29, Township 30, Range 29. One is on the southeast corner of Lake Walk-in-Water Road and State Road 60 in Section 8, Township 30, Range 29.

Ian Nance, Land Development, introduced the case and reported 306 mailers sent to area property owners on September 13, 2024, eleven (11) signs posted on the property on September 16, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Mark Addison, applicant with Polk Regional Water spoke regarding the case and agrees with staff's recommendation.

Mr. Chair opened the public hearing.

Glenn Longhorn stated he was against this project.

Mr. Chair closed the public hearing.

Mary Thomas with Croll Engineering spoke and addressed the concerns.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Hickman
AYE:	Heath, Dalton, Hickman, and Bishop
NAY:	Agnini, and Schmidt
Excused:	Schultz, Beltran, and Bass

2. LDCU-2023-53 (Dove Meadow Event Facility)

Minutes: Dale McQuillen, applicant and owner is requesting a Conditional Use for an Event Facility and Outdoor Concert Venue in an Agricultural/Residential Rural (A/RR) land use district on 10.10 +/- acres in the Rural Development Area (RDA). The subject property is located south of Dove Meadow Ln, east of Dove Meadow Ct, north of 1st Street NW, northwest of the City of Lakeland, Florida in Section 18, Township 27, Range 23.

Aleya Inglima, Land Development, introduced the case and reported 25 mailers sent to area property owners on September 13, 2024, one (1) sign posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. Three (3) emails in opposition.

Aleya Inglima, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Dale McQuillen, applicant spoke regarding the case and agrees with staff's recommendation.

Mr. Chair opened the public hearing.

No one spoke for the public.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Schmidt
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

3. LDCU-2024-23 (Outdoor Shed Sales CU)

Minutes: Alberto Negron, applicant and owner is requesting a Conditional Use for Retail, Outdoor Sales & Display located in Commercial Enclave (CE) Future Land Use district, Residential Suburban (RS) on 3.99 +/- acres in Suburban Development Area (SDA). The subject property is located south of State Road 60, east of County Line Road, west of Bailey Road, north of Turner Road, west of the city limits of Mulberry, in Section 32, Township 29, and Range 23.

Aleya Inglima, Land Development, introduced the case and reported 34 mailers sent to area property owners on September 13, 2024, one (1) sign posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Aleya Inglima, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Matt Collins, applicant with Moody Engineering, spoke regarding the case and agrees with staff's recommendation.

Mr. Chair opened the public hearing.

No one spoke for the public.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Hickman
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

4. LDCPAS-2024-16 (Dinaco LLC CPA)

Minutes: Tom Wodrich, TDW Land Planning, applicant and Arthur Hill, owner, are requesting a Small Scale Comprehensive Plan map amendment from Residential Suburban (RS) to Linear

Commercial Corridor (LCC) on 0.8 of a total 2 +/- acres located in the Suburban Development Area (SDA). The subject property is located south of State Road 60, east of County Line Road, west of Bailey Road, north of Turner Road, west of the city limits of Mulberry, Florida in Section 32, Township 29, and Range 23.

Johnathan Sims, Land Development, introduced the case and reported 29 mailers sent to area property owners on September 13, 2024, one (1) sign posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Johnathan Sims, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Tom Woodrich, applicant, spoke regarding the case and agrees with staff's recommendation.

Mike Hickman asked Tom if they were planning to move their office onto that space, but then would have a permit to move that?

Johnathan stated that was correct.

Mr. Chair opened the public hearing.

No one spoke for the public.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Schmidt
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

5. LDCU-2024-24 (Non-Phosphate Borrow Pit - North Prong Mine CU)

Minutes: Carter and Kaye Engineering LLC., applicant and Diamondback Properties LLC, Mims Ranch LLC, Mims Property Investments LLC., owner, are requesting a Conditional Use approval for a Non-Phosphate Mining (Borrow Pit) on approximately 385 +/- acres within a Phosphate Mining (PM) and Agricultural Residential Rural (A/RR) land use district located within the Rural Development Area (RDA). The subject property is located north and west of Nichols Road, south of State Road (SR) 60, east of County Line Road, south of the City of Mulberry, Florida in Sections 6, 7 & 8, Township 30, Range 23.

Malissa Celestine, Land Development, introduced the case and reported 25 mailers sent to area property owners on September 13, 2024, nine (9) signs posted on the property on September 17, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Malissa Celestine, Land Development, presented a Power Point presentation with a

recommendation of approval with a condition.

Tom Mims, owner, presented a Power Point presentation regarding the case and agrees with staff's recommendation.

Mr. Chair opened the public hearing.

No one spoke for the public.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Hickman
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

6. LDPD-2024-11 (Watersong PD Modification)

Minutes: Evan Futch, applicant and CC Investment LLC, owner, are requesting a Planned Development for modification for 20,000 sq. ft. to provide neighborhood commercial use to the local community in the Urban Growth Development Area (UDA) located in the Residential Low-1X (RL-1X) and North Ridge Selected Area Plan (SPA) on 4.19 +/- acres. The subject property is located north of the City of Davenport, Florida, south of Ronald Reagan Parkway, east of Highway 547 N off Highway 17-92 North, west of Osceola County in Section 24, Township 26, Range 27.

Kyle Rogus, Land Development, introduced the case and reported 24 mailers sent to area property owners on September 13, 2024, two (2) signs posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Kyle Rogus, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Evan Futch, owner, spoke regarding the case and agrees with staff's recommendation.

Mr. Chair opened the public hearing.

Deborah Boyer spoke voiced concerns that her property will directly impact along with other from ger pond into creek.

Dave Adams spoke and agreed with Deborah Boyer.

Mr. Chair closed the public hearing.

Evan spoke and answered some of the concerns.

Mr. Bishop stated he would feel better if there was true internal capture.

Mr. Hickman asked about the entrance at Deer Run and his concerns. Mr. Futch stated they still need meetings with FDOT.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Merle Bishop
AYE:	Heath, Dalton, Agnini, Hickman, and Bishop
NAY:	Schmidt
Excused:	Schultz, Beltran, and Bass

7. LDCU-2024-25 (U.S. Hwy 27 Big Box Retail Center)

Minutes: Jeffry Satfield, CPH, applicant and Circus Inn Inc., owner, are requesting a Conditional Use for retail above 65,000 Sq. Ft (489,500 SF) and Gas Stations in an ECX district, Sign Plan, and time extension to five (5) years on 56.71 +/- acres in the Transit Supportive Development Area (TSDA) and Employment Center-X (ECX), Green Swamp Area of Critical State Concern, Ridge Special Protection Area, Northridge Selected Area Plan. The subject property is located west side of U.S. Highway 27, South of Holly Hill Grove Road #2, north of Ridgewood Lakes Boulevard, south of I-4, east and north of Haines City, in Section 30, Township 26, Range 27.

Erik Peterson, Land Development, introduced the case and reported 24 mailers sent to area property owners on September 13, 2024, two (2) signs posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Erik Peterson, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Mr. Bishop had some concerning questions. Erik answered.

Robert Volpe, behalf of applicant, spoke regarding the case and agrees with staff's recommendation. Addressed some of the concerns.

Mr. Chair opened the public hearing.

No one from the public spoke.

Mr. Chair closed the public hearing.

Mr. Bishop stated his concerns with the employment center.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Schmidt
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop

8. LDCPAS-2024-19 (Lakeland Highlands OC CPA)

Minutes: Coy Properties LLC, applicant and owner, are requesting a Future Land Use designation change from Residential Medium (RM) to Office Center (OC) on 1.40 +/- acres located in the Transit Supportive Development Area (TSDA). The subject property is located south of State Road 570 (Polk Parkway), east of County Road 37B (Lakeland Highlands Road), west of US Highway 98, north of Lake Miriam Drive, surrounded by the Lakeland city limits, in Sections 04, Township 29, and Range 24.

Robert Bolton, Land Development, introduced the case and reported 89 mailers sent to area property owners on September 13, 2024, one (1) sign posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Robert Bolton, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Danny Kovacs spoke for his client and agreed with staff.

Mr. Chair opened the public hearing.

No one from the public spoke.

Mr. Chair closed the public hearing.

9. LDCPAS-2024-22 (Lake Blue Park CPA)

Minutes: Polk County, applicant and owner, are requesting a County-initiated Small Scale Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation from Residential Medium (RM) to Recreation/Open Space (ROS) at the Lake Blue Park in the Urban Growth Development Area (UGA) on 10.85 +/- acres. The subject property is located, south of Havendale Boulevard Northwest, west of Lake Drive Northwest, north of Avenue U Northwest east and west of Auburndale, in Section 13, Township 28, Range 25.

Ian Nance, Land Development, introduced the case and reported 145 mailers sent to area property owners on September 13, 2024, seven (7) signs posted on the property on September 16, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Mr. Chair opened the public hearing.

No one from the public spoke.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Rennie Heath
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

10. LDCPAS-2024-23 (Lake Cannon Park CPA)

Minutes: Polk County, applicant and owner, are requesting a County-initiated Small Scale Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation from Residential Low-3 (RL-3) to Recreation/Open Space (ROS) at the Lake Cannon Park in the Urban Growth Development Area (UGA) on 4.38 +/- acres. The subject property is located at 1508 West Lake Cannon Drive, east of NW 26th Street, north of NW Avenue J, south of State Road 544, south and west of Winter Haven, Florida in Section 24, Township 28, Range 25.

Ian Nance, Land Development, introduced the case and reported 108 mailers sent to area property owners on September 13, 2024, three (3) signs posted on the property on September 16, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Mr. Chair opened the public hearing.

No one from the public spoke.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	Mike Hickman
SECONDER:	David Dalton
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

11. LDCPAS-2024-24 (Lake Rosalie Park CPA)

Minutes: Polk County, applicant and owner, are requesting a County-initiated Small Scale Comprehensive Plan Map Amendment to change the Future Land Use (FLU) designation from Agricultural/Residential Rural (A/RR) to Leisure/Recreation (LR) at the Lake Rosalie Park on 4.90 +/- acres. The subject property is located at 2925 Rosalie Lake Road, east of Shore Drive, west of Tupelo Lane, north of State Road 60, east of Lake Wales, in Section 35, Township 29, Range 29.

Ian Nance, Land Development, introduced the case and reported 12 mailers sent to area property owners on September 13, 2024, one (1) sign posted on the property on September 16, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. No response received from the public.

Ian Nance, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

Mr. Chair opened the public hearing.

No one from the public spoke.

Mr. Chair closed the public hearing.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Mike Schmidt
AYE:	Heath, Dalton, Agnini, Hickman, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass

12. LDCPAL-2024-6 (Grenelefe UEA Comprehensive Plan Text changes)

Minutes: Bart Allen, applicant and Grenelefe Resort Development LLC, and NC Real Estate Projects LLC, owner, are requesting a Large Scale Comprehensive Plan map amendment from Tourism-Commercial Center-X (TCCX), and Development of Regional Impact-X (DRIX) to Residential Low-X (RLX), Residential Medium-X (RMX), and Neighborhood Activity Center-X (NACX) on 526± acres located in the Utility Enclave Area (UEA). Related to LDCPAL-2024-6 a Comprehensive Plan Text Amendment, and LDCT-2024-10 a Land Development Code Text Amendment. The subject property is located south of HWY 544, west of Lake Marion Road, on both sides of Kokomo Road, north of Lake Hatchineha Road, southeast of and abutting the City of Haines City, in Sections 05, 06, 07, and 08, Township 28, Range 28.

Chanda Bennett, Land Development, introduced the case and reported 845 mailers sent to area property owners on September 13, 2024, twenty-two (22) signs posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. Fifteen (15) emails in support and one (1) phone call in support. One (1) email in opposition.

Robert Bolton, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

David Dalton asked if another traffic study will be needed. Chanda stated not necessarily. Level 2 might require one.

Mike Schmidt asked what the existing number of units in this area right now and what new total will be?

Chanda said at that time there were 1035 units. With this new development will be 1753 units.

Mr. Bishop asked when the DRI was first presented the number was 1753 units?

Chanda stated it was 1935 units in first DRI.

Bart Allen, applicant spoke and agreed with staff and answered some concerns. Also, presented a Power Point presentation.

Mr. Chair opened the public hearing.

Dennis Lezinski spoke in support.

Robert Lewis spoke in support.

Catherin Tidwell spoke in support.

Kevin Freeze, HOA member for Greneleft spoke in support.

Judy Torres spoke in support.

Don Fossack spoke in opposition.

Teresa Souls spoke in opposition.

Glenn Lawhorn spoke in opposition.

Lauren Brown spoke in support.

Ed Theron spoke in support.

Mr. Chair closed the public hearing.

Bart Allen spoke and addressed come of the concerns.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Merle Bishop
AYE:	Heath, Dalton, Agnini, Hickman, and Bishop
Excused:	Schultz, Beltran, and Bass
Absent:	Schmidt

13. LDCT-2024-10 (Grenelefe UEA LDC Text changes)

Minutes: Bart Allen, applicant and Grenelefe Resort Development LLC, and NC Real Estate Projects LLC, owner, are requesting a Large Scale Comprehensive Plan map amendment from Tourism-Commercial Center-X (TCCX), and Development of Regional Impact-X (DRIX) to Residential Low-X (RLX), Residential Medium-X (RMX), and Neighborhood Activity Center-X (NACX) on 526± acres located in the Utility Enclave Area (UEA). Related to LDCPAL-2024-6 a Comprehensive Plan Text Amendment, and LDCT-2024-10 a Land Development Code Text Amendment. The subject property is located south of HWY 544, west of Lake Marion Road, on both sides of Kokomo Road, north of Lake Hatchineha Road, southeast of and abutting the City of Haines City, in Sections 05, 06, 07, and 08, Township 28, Range 28.

Chanda Bennett, Land Development, introduced the case and reported 845 mailers sent to

area property owners on September 13, 2024, twenty-two (22) signs posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. Fifteen (15) emails in support and one (1) phone call in support. One (1) email in opposition.

Chanda Bennett, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

David Dalton asked if another traffic study will be needed. Chanda stated not necessarily. Level 2 might require one.

Mike Schmidt asked what the existing number of units in this area right now and what new total will be?

Chanda said at that time there were 1035 units. With this new development will be 1753 units.

Mr. Bishop asked when the DRI was first presented the number was 1753 units?

Chanda stated it was 1935 units in first DRI.

Bart Allen, applicant spoke and agreed with staff and answered some concerns. Also, presented a Power Point presentation.

Mr. Chair opened the public hearing.

Dennis Lezinski spoke in support.

Robert Lewis spoke in support.

Catherin Tidwell spoke in support.

Kevin Freeze, HOA member for Greneleft spoke in support.

Judy Torres spoke in support.

Don Fossack spoke in opposition.

Teresa Souls spoke in opposition.

Glenn Lawhorn spoke in opposition.

Lauren Brown spoke in support.

Ed Theron spoke in support.

Mr. Chair closed the public hearing.

Bart Allen spoke and addressed come of the concerns.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Merle Bishop
AYE:	Heath, Dalton, Agnini, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass
Absent:	Hickman

14. LDCPAL-2024-5 (Grenelefe DRI CPA)

Minutes: Bart Allen, applicant and Grenelefe Resort Development LLC, and NC Real Estate Projects LLC, owner, are requesting a Large Scale Comprehensive Plan map amendment from Tourism-Commercial Center-X (TCCX), and Development of Regional Impact-X (DRIX) to Residential Low-X (RLX), Residential Medium-X (RMX), and Neighborhood Activity Center-X (NACX) on 526± acres located in the Utility Enclave Area (UEA). Related to LDCPAL-2024-6 a Comprehensive Plan Text Amendment, and LDCT-2024-10 a Land Development Code Text Amendment. The subject property is located south of HWY 544, west of Lake Marion Road, on both sides of Kokomo Road, north of Lake Hatchineha Road, southeast of and abutting the City of Haines City, in Sections 05, 06, 07, and 08, Township 28, Range 28.

Chanda Bennett, Land Development, introduced the case and reported 845 mailers sent to area property owners on September 13, 2024, twenty-two (22) signs posted on the property on September 13, 2024, and a legal advertisement was published in Polk Sun on September 18, 2024. Fifteen (15) emails in support and one (1) phone call in support. One (1) email in opposition.

Chanda Bennett, Land Development, presented a Power Point presentation with a recommendation of approval with a condition.

David Dalton asked if another traffic study will be needed. Chanda stated not necessarily. Level 2 might require one.

Mike Schmidt asked what the existing number of units in this area right now and what new total will be?

Chanda said at that time there were 1035 units. With this new development will be 1753 units.

Mr. Bishop asked when the DRI was first presented the number was 1753 units?

Chanda stated it was 1935 units in first DRI.

Bart Allen, applicant spoke and agreed with staff and answered some concerns. Also, presented a Power Point presentation.

Mr. Chair opened the public hearing.

Dennis Lezinski spoke in support.

Robert Lewis spoke in support.

Catherin Tidwell spoke in support.

Kevin Freeze, HOA member for Greneleft spoke in support.

Judy Torres spoke in support.

Don Fossack spoke in opposition.

Teresa Souls spoke in opposition.

Glenn Lawhorn spoke in opposition.

Lauren Brown spoke in support.

Ed Theron spoke in support.

Mr. Chair closed the public hearing.

Bart Allen spoke and addressed come of the concerns.

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Merle Bishop
AYE:	Heath, Dalton, Agnini, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass
Absent:	Hickman

Elect Officers

Adjournment

Approved

RESULT:	APPROVED
MOVER:	David Dalton
SECONDER:	Rennie Heath
AYE:	Heath, Dalton, Agnini, Schmidt, and Bishop
Excused:	Schultz, Beltran, and Bass
Absent:	Hickman



Polk County
Planning Commission

Agenda Item

11/6/2024

SUBJECT

LDCT-2024-18 (Section 220 and Chap 3 Warehouse separation text amendment) - Request continuance to the December Planning Commission.

DESCRIPTION

County-initiated Land Development Code text amendment to change Section 220, Compatibility to add non-residential between all and development, add Agricultural/Residential Rural (A/RR) and Rural Cluster Center-R (RCC-R) for applicability of the 50-foot compatibility zone, and add additional requirements for warehouse/distribution and commercial vehicle parking uses.

RECOMMENDATION

Continue to the December 2024 Planning Commission

FISCAL IMPACT

None

CONTACT INFORMATION

Chanda Bennett, AICP, Comprehensive Planning Administrator

Land Development Division

863.534.6484

chandabennett@polk-county.net

LDCT-2024-18

(Warehouse distribution
separation Section 220 LDC
text change)

This is a county-initiated case
and is requested to be
continued until the
December Planning
Commission.



Polk County
Planning Commission

Agenda Item

11/6/2024

SUBJECT

Staff Resumes



Polk County
Planning Commission

Agenda Item 1.

11/6/2024

SUBJECT

LDCU-2024-26 (Angel Roman MH)

DESCRIPTION

Angel Roman requests a Conditional Use (CU) approval for a mobile home to be located in the Inwood Unit 6 subdivision, where fewer than 50% of developed lots have mobile homes in a Residential Medium district on +/- 0.10 acres. The property is located north of Avenue P NW, south of Avenue Q NW, east of 42nd St NW, west of Avenue 37th St NW in Section 13, Township 28, Range 25.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No Fiscal impact.

CONTACT INFORMATION

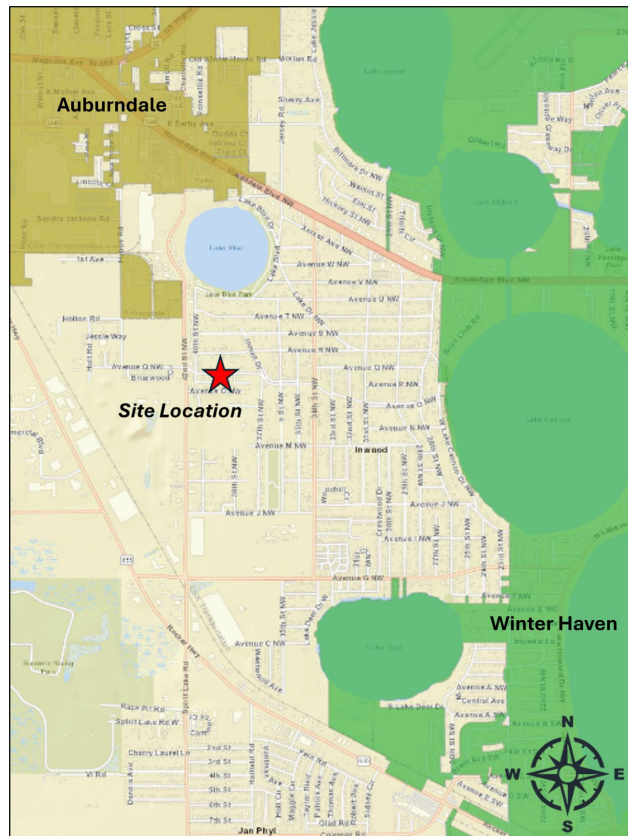
Kyle Rogus, Planner I
Land Development Division
863-534-7553
kylerogus@polk-county.net

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

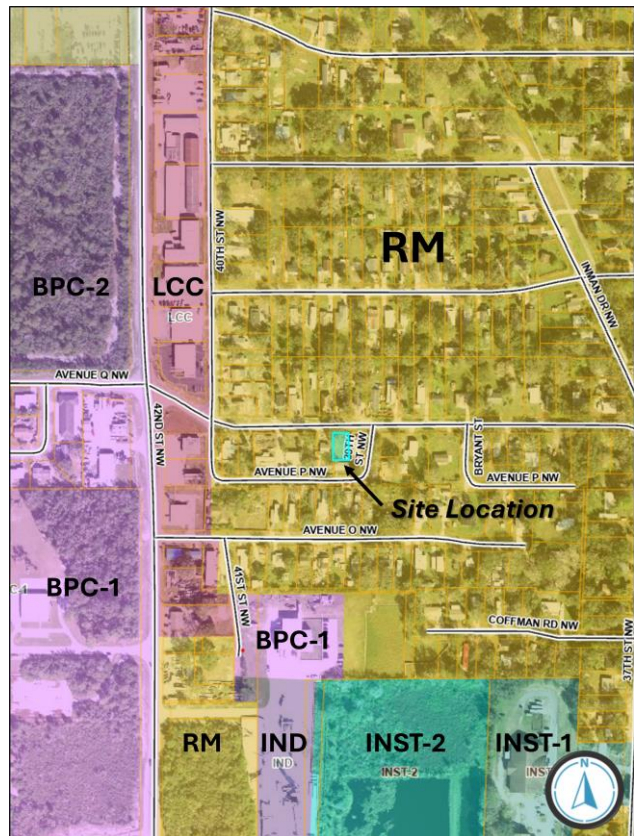
DRC Date:	August 29, 2024	Level of Review:	Level 3 Review
PC Date:	November 6, 2024	Type:	Conditional Use
BoCC Date:	N/A	Case Numbers:	LDCU-2024-26
Sign ID #	152	Case Name:	Angel Roman MH
Applicant:	Angel Roman	Case Planner:	Kyle Rogus, Planner I

Request:	The applicant is requesting a Conditional Use (CU) approval for a mobile home to be located in the Inwood Unit 6 subdivision, where fewer than 50% of developed lots have mobile homes.
Location:	The subject site is located north of Avenue P NW, south of Avenue Q NW, east of 42nd St NW, west of Avenue 37th St NW in Section 13, Township 28, Range 25.
Property Owners:	Angel Roman
Parcel Size (Number):	±0.10 acres Parcel IDs (#252813-343500-003591)
Future Land Use:	Residential Medium (RM)
Development Area:	Urban Growth Development (UGA)
Nearest Municipality:	City of Auburndale
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location



2023 Satellite Photo



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 0.10-acre lot within a Residential Medium (RM) Future Land Use District (*see Exhibit 2*) in the Urban Growth Development Area (UGA). Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the Land Development Code (LDC) indicates the placement of mobile homes within RM land use district requires Conditional Use Approval via a Level 1 Review (via staff only). In order to meet current development approval conditions, Mobile Home requests are subject to the standards found in Section 303 of the LDC, which states an individual mobile home is permitted within any platted residential subdivision in which fifty (50) percent or more of the developed lots contain mobile homes. According to current information from the Property Appraiser's website, the parcel is within the Inwood Plat. As this plat does not meet the fifty (50) percent threshold, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a mobile home on the subject property.

Staff recommends approval. This mobile home request is compatible with the surrounding area. The nearest mobile home to the subject site is approximately 50 feet to the west on lots 354-357. (Parcel No. 252813-343500-003540). The Inwood Plat was recorded in 1925 (Plat Book 14, Page 2) and has approximately 306 residential parcels. There are 56 lots with mobile homes and 250 lots with single-family homes. The proposed mobile home will meet the required setbacks for the Land Use District. The proposed request is consistent with the LDC and Comprehensive Plan.

Findings of Fact

- *LDCU-2024-26 is a Conditional Use request to allow a mobile home on Parcel No. 252813-343500-003591 (+/- 0.10 acres) within a Residential Medium (RM) land use district in the Urban Growth Area (UGA).*
- *This property is in the Inwood Plat (Plat Book 14, Page 2), recorded on September 26, 1925.*
- *The surrounding properties are within a Residential Medium (RM) Land Use District.*
- *Avenue Q NW (Road No 851402) is a County-maintained, paved local road with a width of 24 feet.*
- *Section 111.F.2 of the Land Development Code (LDC) states, "Subdivision plats which have been recorded prior to the effective date of this code shall be vested for any development standard which would apply to the subdivision."*
- *Section 204.A.8 of the LDC states, "The purpose of the RM district is to provide areas for medium density residential development within urban areas. The RM district permits single-family dwelling units, duplex units, multi-family units, group living facilities, and community facilities."*
- *Per Table 2.2 of the LDC, RM land use mandates right-of-way setbacks for the primary structure of 15 feet, side setbacks for the primary structure of 7 feet, and rear setbacks for the primary structure of 10 feet.*

- *Chapter 553 of the Florida Statutes states that “Mobile Homes” means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile Homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to standards set forth in Chapter 553 of Florida Statutes.*
- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that “Mobile homes shall be allowed in all areas of the County designated for residential development subject to siting and design criteria consistent with the County’s Land Development Code*
- *According to Section 303 of the LDC, Individual Mobile Homes are allowed in all the following locations:*
 - 1. Within any registered mobile home park that has been approved by Polk County;*
 - 2. Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
 - 3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
 - 4. On any un-platted parcel in the A/RR district;*
 - 5. On any un-platted parcel that is five acres or larger in the RS district;*
 - 6. On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
 - 7. On any un-platted parcel where at least one property abutting the subject property's side lot line has a mobile home;*
 - 8. On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
 - 9. On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 5 located at 333 American Spirit Rd, Winter Haven, FL 33880. This is located approximately 1.8 miles from the subject site with a response time of eight (8) minutes.*
- *Sheriff’s response to the site is served by the Central District located at 3635 Ave G NW in Winter Haven. The recent response times were: Priority 1 Calls – 9:23 and Priority 2 Calls – 21:33.*
- *The subject property will utilize an onsite treatment system for wastewater and City of Winter Haven for potable water.*

- *The development is zoned for Inwood Elementary, Westwood Middle, and Winter Haven High School. The site is 2 miles from Inwood Elementary; 0.9 miles from Westwood Middle; and 5.7 miles from Winter Haven High School.*
- *The subject parcel is not within one of the Wellhead-Protection Areas.*
- *The property is composed of Pomello-Urban Land Complex soils.*
- *The property has no wetland or floodplains.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *A Citrus Connection mass transit stop is available on Route 50 located at the Auburndale Health Department 0.5 miles away.*
- *The subject site has ingress and egress access Avenue Q NW. Avenue Q NW is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway SR 544 (6500E) has approximately 1,577 available PM Peak Hour trips; SR 544 (6500W) has approximately 1,539 available PM Peak Hour trips. SR 544 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".*
- *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 Section 111 and Section 303 of the LDC.*
- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.105 URBAN GROWTH AREA (UGA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

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 (DRC) 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 DRC recommends **APPROVAL of LDCU-2024-26.**

CONDITIONS OF APPROVAL

Based upon the findings of fact the Development Review Committee recommends APPROVAL of LDCU-2024-26 with the following Conditions:

1. LDCU-2024-26 is approved for no more than one (1) mobile home on Parcel No. 252813-343500-003591 as indicated in the site plan and staff report.

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: Residential Medium Lot 403, Inwood Unit 6 Site-built home 1,303 sq ft 0.21 acres	North: Residential Medium Lot 404, Inwood Unit 6 Site-built Home 640 sq ft 0.21 acres	Northeast: Residential Medium Lot 405, Inwood Unit 6 Site-built home 860 sq ft 0.21 acres
West: Residential Medium Lot 358, Inwood Unit 6 Site-built home 611 sq ft 0.19 acres	Subject Property: Residential Medium Lot 359-1, Inwood Unit 6 Residential Vacant 0.10 acres	East: Residential Medium Lot 360, Inwood Unit 6 Mobile home 1,484 sq ft 0.10 acres
Southwest: Residential Medium Lot 358, Inwood Unit 6 Site-built home 611 sq ft 0.19 acres	South: Residential Medium Lot 359-2, Inwood Unit 6 Site-built home 804 sq ft 0.18 acres	Southeast: Residential Medium Lot 359-2, Inwood Unit 6 Site-built home 804 sq ft 0.18 acres

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

The subject property was assigned an address of 3922 Avenue Q NW, Winter Haven, FL 33881. Property Appraiser shows the parcel has remained vacant since the Inwood Subdivision was recorded in Plat Book 14, Page 2B on September 26, 1925. The subject site is one lot divided in

two, hence the 359-1 designation for the subject site and 359-2 lot designation for the property to the south and southeast. Septic rules limit the property to one dwelling unit.

The surrounding homes range in size from 611 sq. ft. to 1,484 sq. ft. and aged 7 to 69 years. The surrounding properties are within Residential Medium (RM) Land Use District and are occupied with site-built single-family homes. This area is comprised of multiple subdivisions. In Inwood Unit 6, the Property Appraiser shows that of the 306 residential parcels in this subdivision, 56 have mobile homes while 250 have site-built homes. The other properties in this subdivision are vacant or used for non-residential purposes.

Compatibility with the Surrounding Land Uses and Infrastructure:

This request is compatible with surrounding land uses and available infrastructure. Approximately 18 percent of the Inwood Unit 6 Subdivision is comprised of mobile homes. The surrounding neighborhoods have similar compositions. Inwood Unit 5 Subdivision to the east is approximately 18 percent and the Oakwood Subdivision to the

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.”

southeast is approximately 17 percent. The Robinson Subdivision to the southwest is the only subdivision outside of this trend with approximately 37 percent. The Inwood Unit 6 Subdivision does not meet the 50 percent threshold of developed lots as mobile homes, however, combining the surrounding subdivisions creates a large cluster of mobile homes around the subjects site location. The impact from developing a single mobile home is minimal. As shown in Table 1, above, the surrounding uses are single-family in nature. Although the immediate surrounding properties are not mobile homes, there are a significant number of mobile homes that are interspersed throughout the plat. The closest mobile home to the subject site is approximately 50 feet to the west on lots 354-357. The nearest residential home is approximately six (6) feet east from the property line. Most of the surrounding homes were built around the 1950s. A few of the homes were built more recently in 2004 and 2017. Please refer to Table 1 and Exhibit 6 for the layout of the mobile homes in relation to the site-built homes.

Urban Services and Infrastructure Analysis:

The surrounding area has public safety service facilities that are operating within their adopted Level of Service (LOS) standard with no deficiencies. Placement of one mobile home will not trigger school concurrency requirements at Inwood Elementary or Westwood Middle; however, Inwood Elementary is at 98% capacity and Winter Haven High School is currently operating at 110% capacity. The subject property will utilize a septic tank for wastewater and City of Winter Haven for potable water.

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

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Inwood Elementary, Westwood Middle, and Winter Haven High School.
Sheriff	Sheriff’s response to the site is served by the Central District located at 3635 Ave G NW in

Urban Services and Infrastructure Summary	
	Winter Haven. The most recent response times were: Priority 1 Calls – 9:23 and Priority 2 Calls – 21:33.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 5 located at 333 American Spirit Rd, Winter Haven, FL 33880. This is located approximately 1.8 miles from the subject site with a response time of eight (8) minutes.
Water	City of Winter Haven
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Avenue Q NW. Avenue Q NW is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway SR 544 (6500E) has approximately 1,577 available PM Peak Hour trips; SR 544 (6500W) has approximately 1,539 available PM Peak Hour trips. SR 544 current Level-of-Service (LOS) is “C” with an adopted LOS standard of “D”.
Urban Sprawl	Site is located within the UGA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The site has approximately 50 feet of frontage along Avenue Q NW, using Winter Haven water and utilize an onsite treatment system. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary Proposed Conditional Use (One Mobile Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
215 GPD	180 GPD	7.81 AADT	1.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 215 GPD and generate 180 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i>			

Environmental Conditions Analysis:

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (See Table 4, below). The parcel has no FEMA flood hazards. The subject site is not located within any of the County’s identified Wellhead-Protection Areas. The subject property is located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property has remained vacant since the Inwood Subdivision was recorded in Plat Book 14, Page 2B on September 26, 1925. Many of the surrounding developments have been developed since 1957. The most recent development occurred on lot 403 to the northwest in 2017. This request should pose no threat to any endangered species. The property is composed of Pomello-Urban Land Complex soils. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is relatively flat and contains no surface water features. The subject property is not located within a Historical Preservation area. The subject site is located within an Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
Surface Water	There are no surface water ponds on the subject property. The subject property has contour elevations of 153 for the proposed location of the mobile home.
Wetlands/Floodplains	There are no wetlands on site and no floodplains.
Soils	The property is composed of Pomello-Urban Land Complex soils which provides moderately well drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
Protected Species	The subject site is located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located within an Airport Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

Table 5

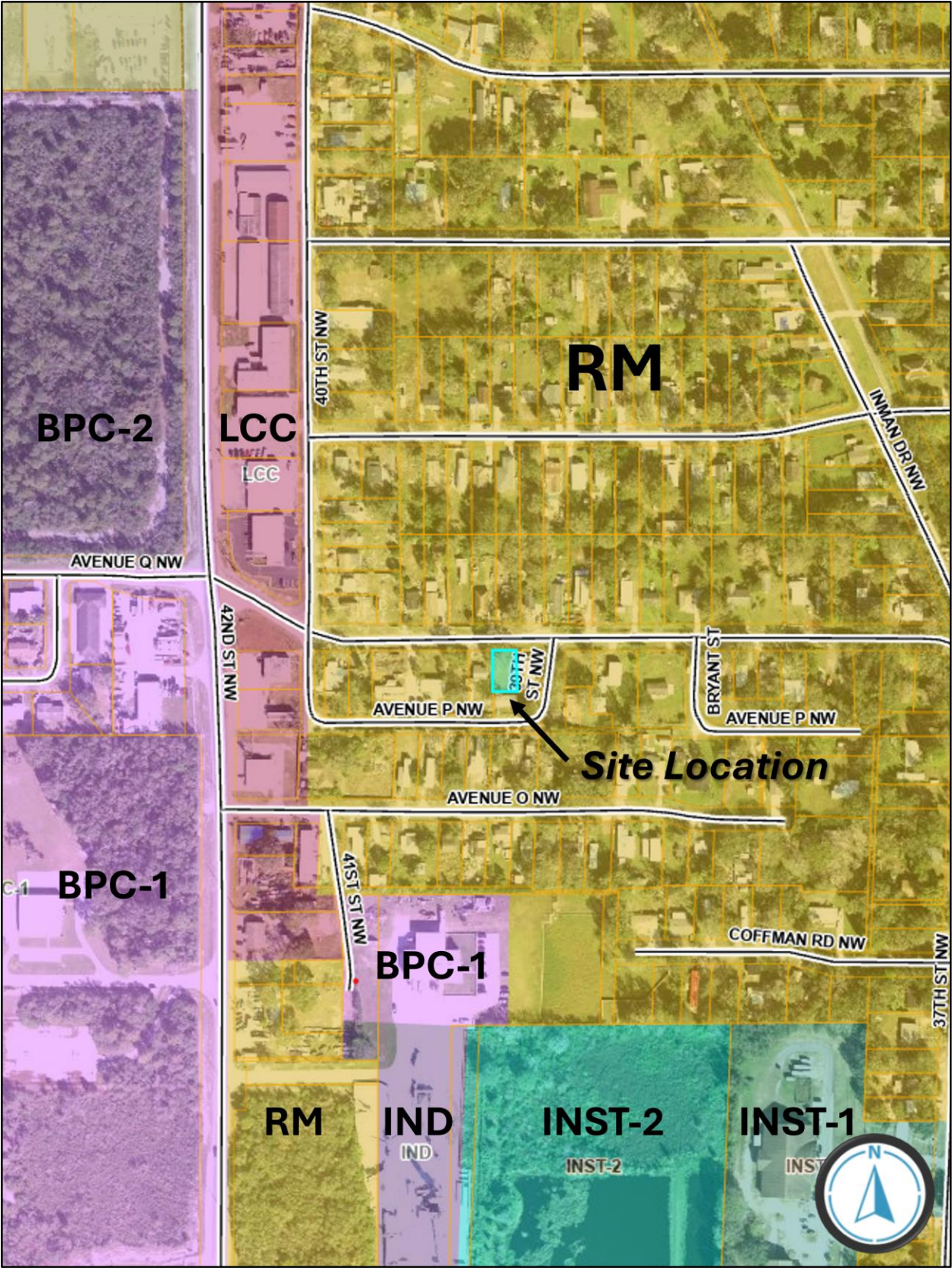
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2 - 4 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 for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.</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 5 & 6 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from utilities, the school board, or TPO. The impact on public services can be found in the analysis found on Pages 6-8 of the Staff Report.</i>

Comments from other Agencies: None

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (context)
- Exhibit 4 Aerial Imagery (close-up)
- Exhibit 5 Site Plan
- Exhibit 6 Surrounding Mobile Homes
- Exhibit 7 Inwood Plat

DRC Findings/Recommendation
Level 3/KSR



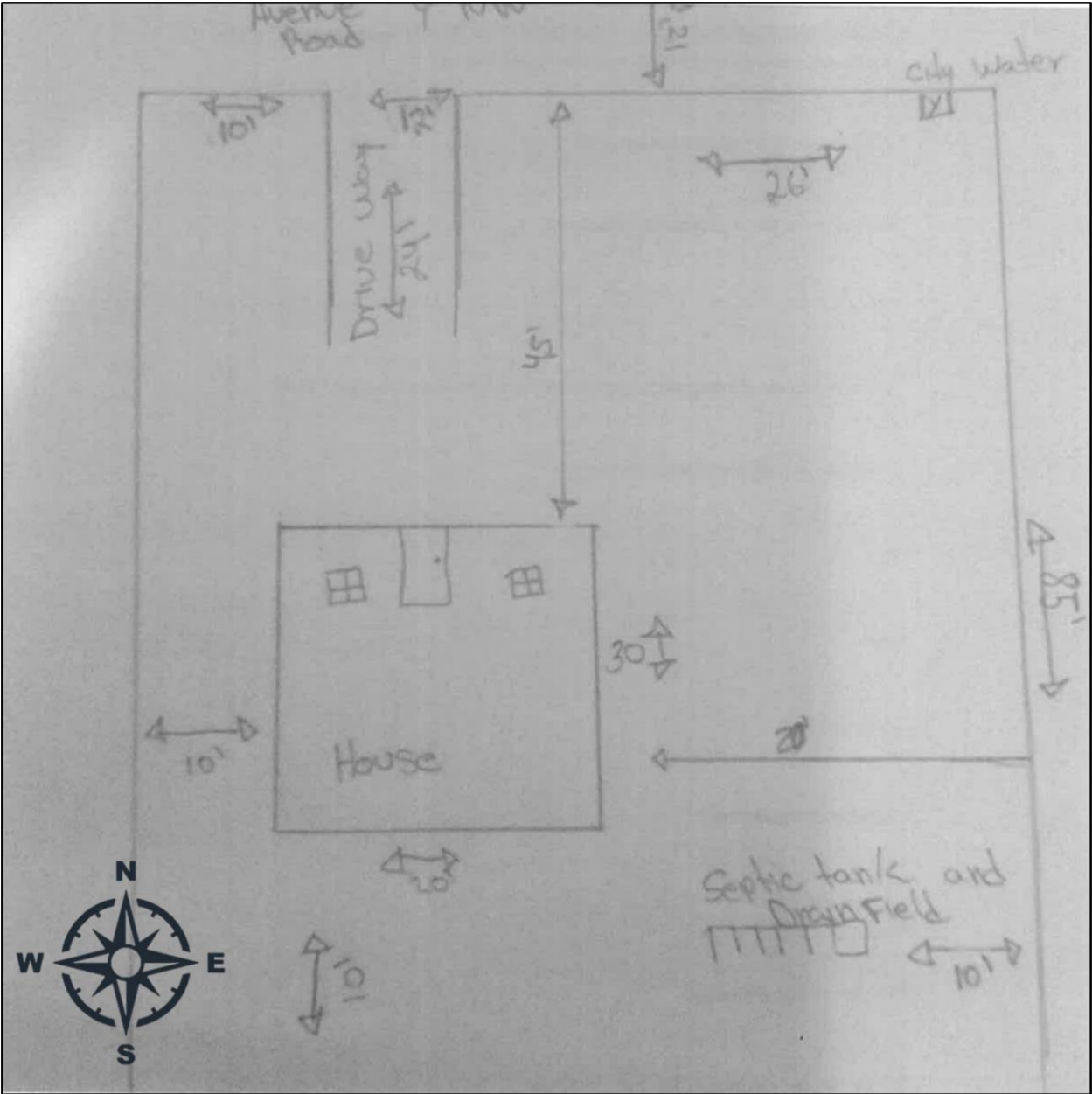
Future Land Use Map



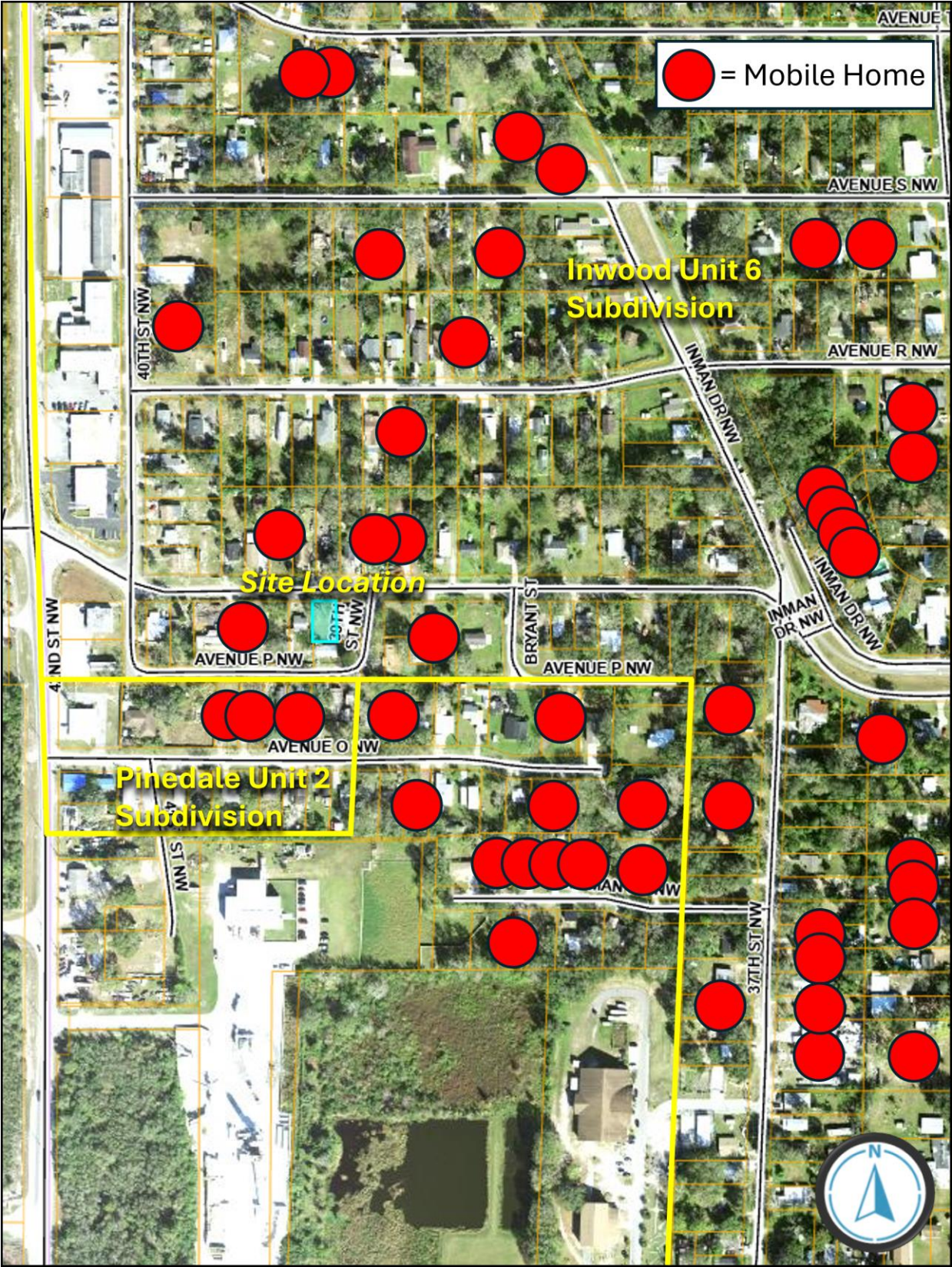
Aerial Imagery (Context)



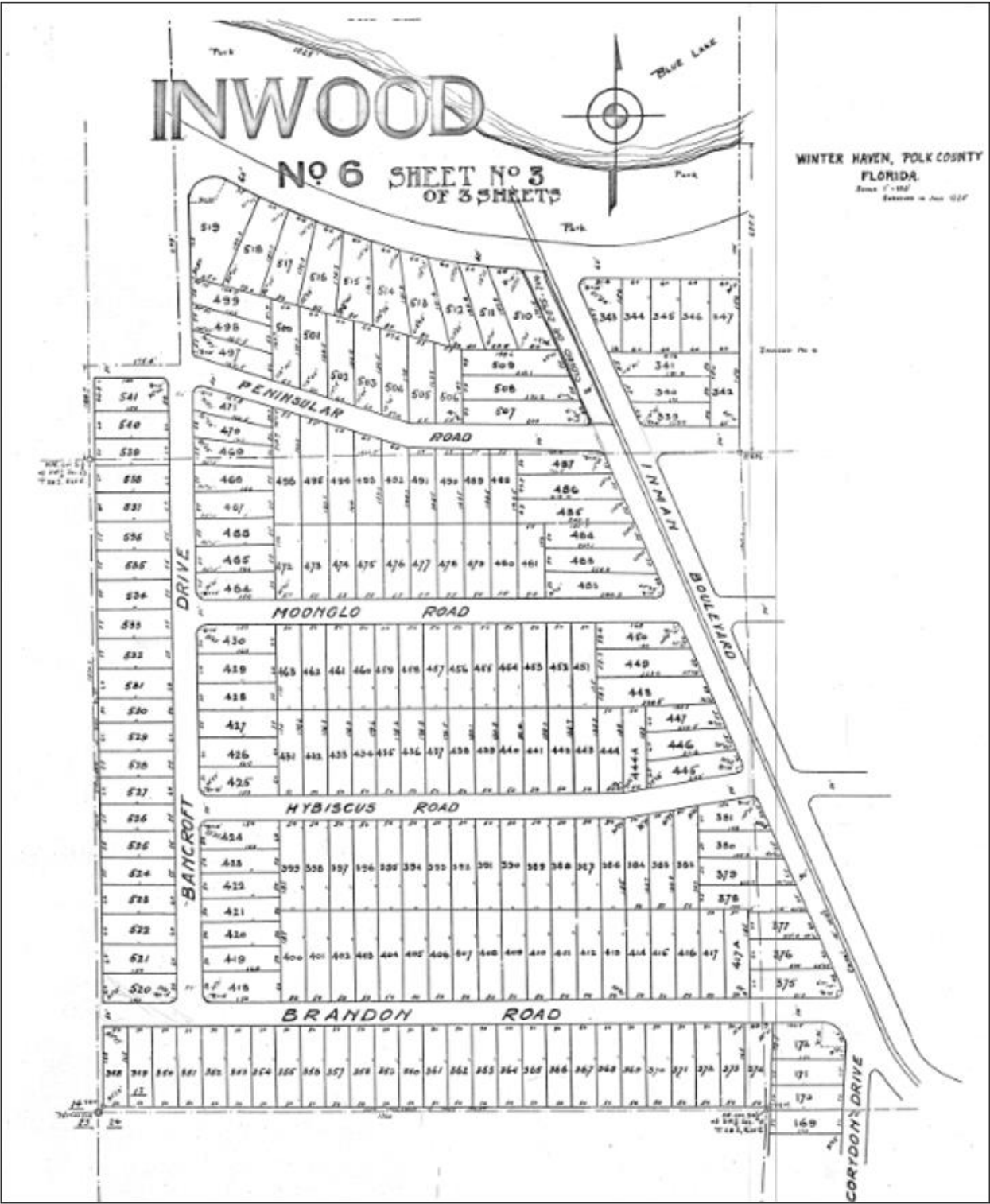
Aerial Imagery (Close-up)



Site Plan



Surrounding Mobile Homes



Inwood Plat

LDCU-2024-26 - Angel Roman

Menu

Reports

Help

Application Name:

Angel Roman

File Date:

07/24/2024

Application Type:

PC-Conditional Use-New Or Mobile Home

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

Steeps to apply for a conditional mobile home

Application Detail:

Detail

Address:

3922 NW AVENUE Q, WINTER HAVEN, FL 33881

Parcel No:

252813343500003591

Owner Name:

ZENO ANGEL ROMAN

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

angel roman

Individual

Active

Licensed Professionals Info:

Primary

License Number

License Type

Name

Business Name

Business License #

Job Value:

\$0.00

Total Fee Assessed:

\$966.00

Total Fee Invoiced:

\$966.00

Balance:

\$0.00

Custom Fields:

LD_GEN_PUB

PUBLIC HEARINGS

Development Type

Application Type

Planning Commission

Conditional Use

Mobile Home

Variance Type

Brownfields Request

N/A

Affordable Housing

Type of Acreage

GENERAL INFORMATION

Expedited Review

Number of Lots

Will This Project Be Phased

Acreage

1

DRC Meeting

DRC Meeting Time

08/29/2024

10:45

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

Green Swamp

Number of Units

No

1

Case File Number

Is this Polk County Utilities

Is this Application a result of a Code Violation

No

One Year Extension

FS 119 Status

Code Violation Case Number

Exempt

ADVERTISING

Legal Advertising Date

BOCC1 Advertising Date

BOCC2 Advertising Date

Advertising Board

Planning Commission

MEETING DATES

Community Meeting

Planning Commission Date

11/06/2024

Land Use Hearing Officer 3

1st BOCC Date

2nd BOCC Date

LUHO-Level 3

HEARING

PC Hearing Results

PC Vote Tally

BOCC 1st Hearing Results

BOCC 1st Vote Tally

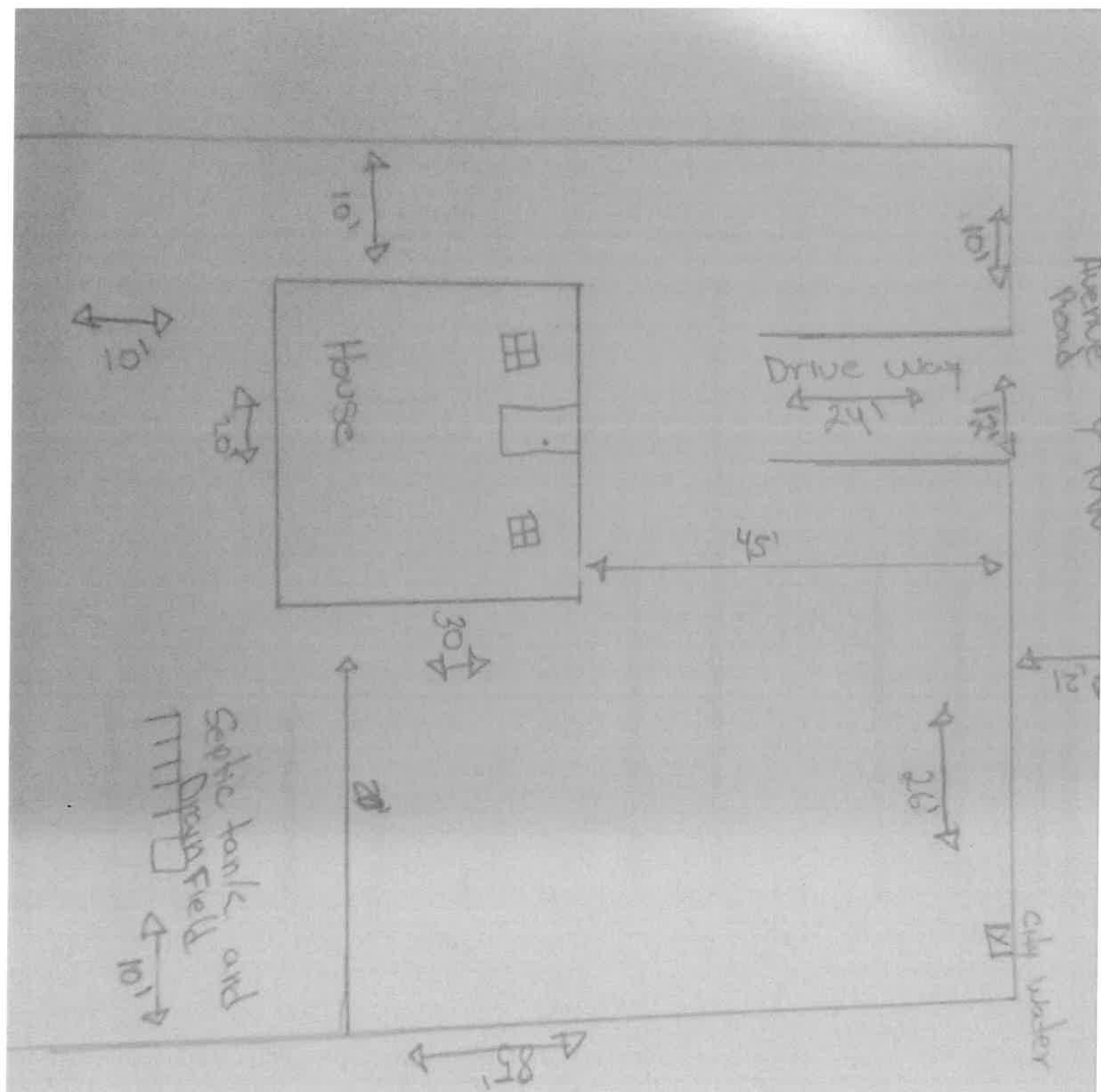
BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER	
Denovo Appeal	Denovo Results
Denovo Tally	
LD_GEN_PUB_EDL	
Opening DigEplan List...	
DigEplan Document List	
PLAN REVIEW FIELDS	
TMPRecordID	DocumentGroupforDPC
POLKCO-24EST-00000-35581	DIGITAL PROJECTS LD
RequiredDocumentTypesComplete	AdditionalDocumentTypes
Yes	Activate DPC
	Applications, AutoCad File, Binding, Site Plans, (PDs Yes and CUs), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion
Activate FSA	DigitalSigCheck
Yes	Yes
PLAN UPLOAD ACKNOWLEDGEMENT	
Upload Plans Acknowledgement	
SELECTED AREA PLANS	
Selected Area Plans	
LAND USE	
Selected Area Plan LU Code	
DEVELOPMENT AREA	
Development Area	
NOR	
Neighborhood Organization Registry (NOR)	
PUBLIC MAILERS	
Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR	
PC	1

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lyndsay Rathke	Application ...	08/06/2024	Lyndsay Rathke
	Engineering Review	Clinton Howerton	Approve	08/13/2024	Clinton Howerton
	Fire Marshal Review	Kim Turner	Approve	08/09/2024	Kim Turner
	Surveying Review	Steve McQuaig	Approve	08/08/2024	Steve McQuaig
	School Board Review	School District	Approve	08/21/2024	School District
	Roads and Drainage Review	Phil Irlen	Approve	08/08/2024	Phil Irlen
	Planning Review	Kyle Rogus	Approve	08/29/2024	Kyle Rogus
	Review Consolidation	Lyndsay Rathke	Approved for...	08/29/2024	Lyndsay Rathke
	Staff Report				
	Public Notice				
	Hearing				
	BOCC Hearing				
	Final Letter				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments	



Return to:

Angel Roman Zeno
810 Indian Blf
Winter Haven Fl 33880

Parcel I.D: 25-28-13-343500-003591



INSTR # 2022202805
EK 12353 Pg 447 PG(s)1
RECORDED 07/26/2022 10:07:28 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
DEED DOC \$0.70
RECORDING FEES \$10.00
RECORDED BY terrclin


QUIT CLAIM DEED



This Quit Claim Deed, made on this **08** day of **July 2022**, by **Polk Real Estate Partners LLC** hereinafter known as GRANTOR(s), whose address is **PO Box 312 Haines City Fl 33845** for and in consideration of **(\$1.00)** in hand paid by the GRANTEE, the receipt of which is acknowledged, does hereby convey, release and Quit Claim to **Angel Roman Zeno**, who lives at **810 Indian Blf Winter Haven Fl 33880**, hereinafter known as GRANTEE, all right, interest and title, which GRANTOR may have in the following described property located in the County of **POLK**, state of **FLORIDA**, and more specifically described as follows: **3922 Avenue Q NW Winter Haven Fl 33881**

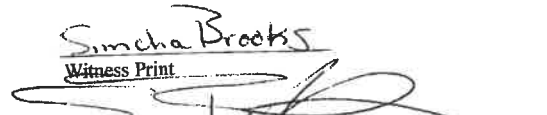
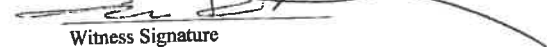
INWOOD UNIT 6 PB 14 PGS 2 2A 2B S13/24 T28 R25 LOT 359 N 85 FT

To have and to hold, the same, together with all and singular the appurtenances thereunto, of all right, interest, title, equity and claim whatsoever of the said first party, either in law or equity, for the proper use, benefit and behoof of the second party forever.

IN WITNESS WHEREOF, the grantors have signed and sealed this deed on the date set forth above.

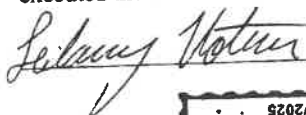

Polk Real Estate Partners LLC
(Owner) **Crystal Hernandez**

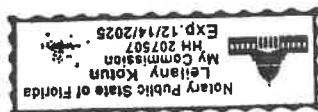

Witness Print

Witness Signature


Witness Print

Witness Signature

**STATE OF FLORIDA
COUNTY OF POLK**

I hereby certify that on this 13th Day July Month 2022 Year before me, an officer duly authorized to administer oaths and take acknowledgement, personally appeared **Crystal Hernandez**, who is personally known or produced driver's license as identification and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity and that by his/her/their signature(s) on the instrument, the person(s) executed the instrument. WITNESS my hand and official seal

 Signature of Notary [SEAL]



Page 1 of 1

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2024-28 (Angel Roman MH)

Applicant: Angel Roman

Property Owner: Angel Roman

Hearing Date: November 6, 2024

I. Request:

The Applicant is requesting a Conditional Use (CU) approval for a mobile home to be located in the Inwood Unit 6 subdivision, where fewer than 50% of developed lots have mobile homes.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. 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
 - d. How the concurrency requirements will be met, if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 906 and 303.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.

4. The Application is compatible with surrounding uses and the general character of the area.
5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 6th day of November **2024**, by the Polk County Planning Commission.

Polk County Planning Commission

ATTEST:

By: _____
Robert Beltran, Chair

By: _____
Lyndsay Yannone, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order

Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)



Polk County
Planning Commission

Agenda Item 2.

11/6/2024

SUBJECT

LDCU-2024-28 (Pinecrest mine - LDCU-2019-9 Mod)

DESCRIPTION

David Carter is requesting a modification to LDCU-2019-9 to increase the acreage of a non-phosphate borrow pit and reduce setbacks from property lines from 100' to 25' in an Industrial district on +/- 293.82 acres. The property is located north of Highway 640, south of Nichols Road, east of Hillsborough County, west of Highway 37 South in Section 20, Township 30, Range 23.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

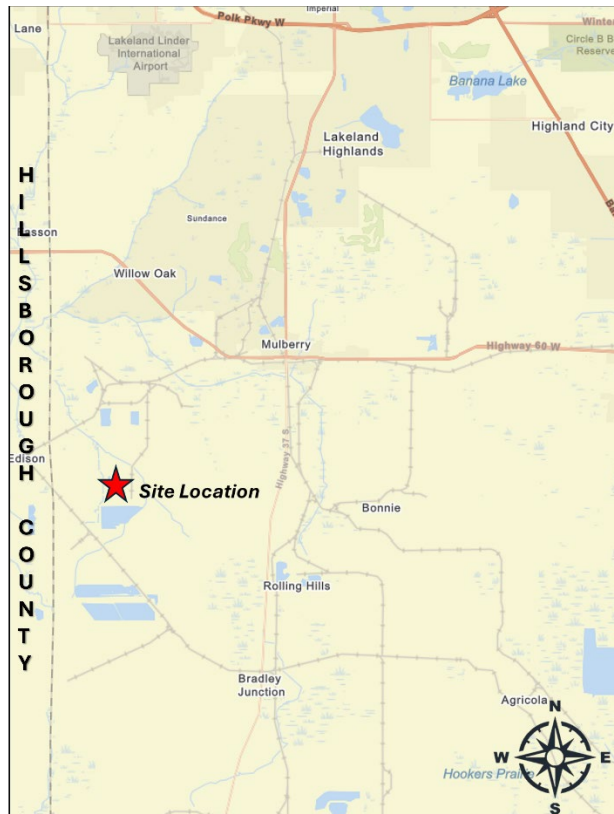
CONTACT INFORMATION

Kyle Rogus, Planner I
Land Development Division
863-534-7553
kylerogus@polk-county.net

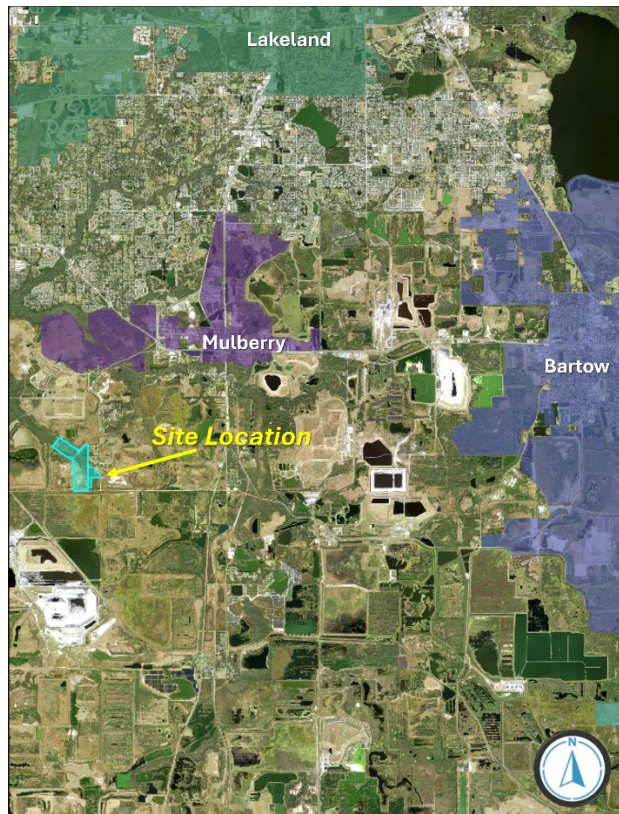
POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	August 29, 2024	Level of Review:	Level 3 Review
PC Date:	November 6, 2024	Type:	Conditional Use
BoCC Date:	N/A	Case Numbers:	LDCU-2024-28
Applicant:	David Carter	Case Name:	Non-Phosphate Borrow Pit (LDCU-2019-9 Mod)
		Case Planner:	Kyle Rogus, Planner I
Request:	The applicant is requesting a modification to LDCU-2019-9 to increase the acreage of a non-phosphate borrow pit and reduce setbacks from property lines from 100' to 25'.		
Location:	The subject site is located north of Highway 640, south of Nichols Road, east of Hillsborough County, west of Highway 37 South in Section 20, Township 30, Range 23.		
Property Owners:	Mims Industrial LLC		
Parcel Size (Number):	±293.82 acres Parcel IDs (#233020-000000-011010) (#233021-000000-043030)		
Future Land Use:	Industrial (IND)		
Development Area:	Rural Development Area (RDA)		
Nearest Municipality:	City of Mulberry approximately 1.8 miles northeast.		
DRC Recommendation:	Conditional Approval		
Planning Commission Vote:	Pending Public Hearing		

Site Location



2024 Satellite Photo



Summary:

LDCU-2019-9 was approved for sand mining and batch processing (sifting) on roughly ± 250 acres on the abutting property to the west (Exhibit 5). The applicant is requesting a modification to LDCU-2019-9 to increase the acreage of the non-phosphate borrow pit by ± 202 acres and reduce setbacks from property lines from 100' to 25' in the Industrial (IND) Future Land Use. Of the proposed ± 202 -acre expansion, approximately ± 174 acres will be mined. Mining will take place in phases ranging in size from 14 to 59 acres. The modified total mining/project area is located on the north side of CR 640, south of Nichols Road, east of Hillsborough County, and west of Anderson Road (Exhibit 4). According to the submitted application, ingress and egress will be directly from Pinecrest Road (CR 640). 83% of the traffic would then proceed to the east towards SR 37 and the remaining 17% would proceed west towards Hillsborough County (*Exhibit 7*).

Borrow pits are typically excavated to provide fill material, such as gravel or soil. This can be valuable as the material can be utilized in a variety of construction projects. Therefore, the applicant is requesting a reduction in setbacks from the property line from 100 feet to 25 feet to maximize the amount of material mined. In this case, the surrounding uses justify the reduction in the setbacks as the mine is surrounded by mainly vacant agricultural and mining lands. As a result, approximately ± 174 acres will be mined. There will be no buildings or structures within this project area. Access to the site will utilize the existing constructed driveway off CR 640, a County-maintained paved Rural Minor Collector (RNC) Roadway. A second proposed entrance will be added off CR 640 as the demand for the sand product increases.

Upon approval of the request, the sand mine will consist of approximately ± 452 acres, of which approximately ± 406 acres will be mined (± 233 acres from the pre-existing mine and ± 174 acres from the mine expansion).

Staff finds the request to be compatible. To the north, northwest, south, and southwest are vacant phosphate lands owned by Mosaic according to the Polk Property Appraiser's website. Abutting the subject sit to the northeast are residentially designated properties located in the Agricultural/Residential Rural land use district. The remaining properties to the southeast are vacant phosphate lands owned by Mosaic (*See Table 1*).

Findings of Fact

- *LDCU-2024-28 is a Conditional Use (CU) approval for a Non-Phosphate Mining (Borrow Pit) on approximately ±294 acres within an Industrial (IND) land use district, and the County's Rural Development Area (RDA).*
- *Per Chapter 2, Table 2.1 of the Land Development Code (LDC), Mining, Non-Phosphate requires a Level 3, Conditional Use (CU) approval from the Planning Commission.*
- *Per Chapter 2, Section 204.C.7 of the LDC, the purpose of the Phosphate Mining (PM) district is to "provide areas for phosphate mining operations, phosphate mining support facilities, and other uses that are compatible with and related to phosphate mining and its allied uses."*
- *LDC Chapter 10 defines Mining, Non-Phosphate as "extraction of limerock, sand, peat, clay, and soil from the earth for commercial purposes. The term also includes the reclamation of previously mined land; accessory transporting, washing, storage, drying, grinding, and shipping of mined materials; and all other accessory activities reasonably related to the mining process, but not chemical processing."*
- *According to POLICY 2.108-A1 of the Polk County Comprehensive Plan, the Rural Development Area (RDA) 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."*
- *Per POLICY 2.108-A3.c of the Comprehensive Plan, Phosphate Mining shall be permitted within Rural-Development Areas.*
- *Per POLICY 2.114-B1: DEVELOPMENT CRITERIA FOR PHOSPHATE MINING - Development within these districts shall conform to the following criteria:*
 - a. *All activities within lands designated as PM shall be conducted in a manner that will minimize adverse effects upon water quality, fish and wildlife, and adjacent land uses.*
 - b. *All mining activities shall require approval through the County's development review procedures. **This review will require the approval of a "Conceptual Mine Plan," which shall include, at a minimum:***
 - 1. *a "Mine-Area Map" to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features (e.g. topography, watersheds, and any endangered wildlife habitats);*
 - 2. *a "Mine-Area Layout" to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;*
 - 3. *a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and*
 - 4. *an "Operations Plan" to include, at a minimum:*
 - (a) *phasing plans,*
 - (b) *an Impact Mitigation Plan, and*
 - (c) *a Traffic Circulation Plan showing major access routes to the mine site.*

- c. *Once extraction activities are completed, the site shall be reclaimed (where reclamation is required by Chapter 16C-16, FAC) in accordance with the approved Reclamation Plan. Lands mined prior to reclamation requirements may be developed (reclaimed) without having to file a "reclamation plan."*
- *Per POLICY 2.125-G1 of the Comprehensive Plan, Non- Phosphate Mining permitted uses:*
 - "Mining of the following minerals shall be permitted throughout the County in all land use classifications, subject to County approval:*
 - a. *lime rock*
 - b. *sand*
 - c. *peat*
 - d. *clay*
 - e. *soil"*
- *Comprehensive Plan POLICY 2.125-G2: NON-PHOSPHATE MINING ACTIVITY DEVELOPMENT CRITERIA states Non-Phosphate Mining shall be subject to the following criteria:*
 - a. *Mineral extraction activities shall be conducted in a manner which will minimize adverse effects to water quality, fish and wildlife, and adjacent land uses. Non-phosphate mining shall be permitted only where compatible with existing land uses and Future Land Use designation.*
 - b. *All mining activities shall require Board approval through the County's development review procedures. This review will require the approval of a "Mine Plan" which shall include, at a minimum:*
 - 1. *a "Mine-Area Map" to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features to include topography, watersheds, and any endangered wildlife habitats;*
 - 2. *a "Mine-Area Layout" to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;*
 - 3. *a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and*
 - 4. *an "Operations Plan" to include, at a minimum, any phasing plans, an Impact Mitigation Plan, and a Traffic Circulation Plan showing major access routes to the mine site.*
 - c. *The decision to permit the mining activity shall be based on an evaluation of the **compatibility of the use with surrounding land uses**; and the ability to **mitigate adverse impacts, including noise, visual, airborne and waterborne pollutants, and traffic impacts.***
 - d. *Mineral extraction activities shall not be conducted so as to make the property impractical or impossible for other future uses. Once extraction activities are completed, the site shall be reclaimed in accordance with the approved Reclamation Plan.*
- *The property was a past mining site.*
- *Chapter 3, Section 303 of the LDC details the standards that need to be achieved for conditional approval of "Mining, Non-Phosphate" uses. **These include the requirements for the Mine Plan, Reclamation Plan, and Post-Closure Plan.***

- *Chapter 3, Section 303 of the LDC states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission, upon the certification by a professional engineer that no structural degradation will occur to the right-of-way as a result of the mining activity and a 30-foot minimum setback from the edge of pavement or travel land, in the case of unpaved roads, is maintained. **A reduction up to 75 feet of the setback from property lines may be granted by the Planning Commission** where the affected parcel is located within the Rural Development Area (RDA), the affected parcel does not include a residence, and meets at least one of the following:*
 - (1) *The parcel is vacant,*
 - (2) *The parcel is 10 acres or larger in size, or*
 - (3) *The parcel is recognized by the Property Appraiser as agricultural with a "greenbelt" tax exemption.*
- *Industrial (IND) land use designation was approved on the subject parcels under **LDCPAL-2024-3**.*
- *Per POLICY 2.113-A1 of the Comprehensive Plan, "Industrial lands are characterized by facilities for the processing, fabrication, manufacturing, recycling, and distribution of goods, and may contain any use also found within a Business-Park Center. However, land use activities that operate externally to enclosed structures may be permitted within an Industrial Future Land Use designation. Industrial districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and off-site that do not produce a physical product."*
- *The property is zoned for Purcell Elementary, Mulberry Middle, and Mulberry Senior High.*
- *Fire and ambulance response is from Polk County Fire Rescue Station 4, located at 6949 Old Hwy 37, Bradley, FL 33835. The estimated response time is eleven (11) minutes.*
- *Sheriff's response to the site is served by the Southwest District, located at 4120 US Hwy 98 South in Lakeland. The most recent response times were: Priority 1 – 10:23 minutes, Priority 2 – 23:37 minutes.*
- *The site is not located within the Polk County Utility Service Area.*
- *The subject request proposes two (2) access points along the frontage of Pinecrest Road (CR 640) (Road No. 033002). CR 640 is a County-maintained Minor Arterial Roadway with a surface width of 20.*
- *Wetlands and "A" Flood Zone are present on the subject site. The applicant's provided Impact Assessment Statement states that "the wetland and floodplain within the mine area may be impacted. Wetland mitigation will be provided within the pit area or by the use of wetland credits. Flood storage on the site will be greatly increased post development."*
- *Per Chapter 6, Section 620.C of the LDC, wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for mining uses which meet State and Federal regulations.*

- *The site is comprised of approximately 51 percent Arenas (0 to 5 percent slopes), 19.2 percent Millhopper Fine Sand (0 to 5 percent slopes), 9 percent Urban Land (0 to 2 percent slopes), 7.9 percent water, 7.1 percent Hydraquents, Clayey, 3.5 percent Lochloosa Fine Sand, 1.4 percent Basinger Mucky Fine Sand (0 to 5 percent slopes), and 0.6 percent Arenas, Clayey Substratum according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered animal species sighting; however, the occurrence has not been observed/reported within the last twenty years.*
- *This property is not within an Airport Impact District.*
- *The site is not within Any of the County's Wellfield-Protection Districts.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, there are no archeological resources found within the parcel boundaries.*
- *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 Chapter 2, Table 2.1, and Sections 303, and 620 of the LDC; POLICY 2.125 of the Comprehensive Plan.*

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 (DRC) 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 DRC recommends **APPROVAL of LDCU-2024-28.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2024-28 with the following conditions:

1. Previous conditions for LDCU-2019-9 are null and void.
2. This Conditional Use approval shall be for a non-phosphate mine (sand) on approximately 202± acres (174± to be mined). Setbacks from mining activity shall be reduced from 100 feet to 25 feet from property lines as shown on the Reclamation Plan (Exhibit 9).
3. The only batch processing permitted at the mine is for sifting to separate the soil material on site to remove any large amounts of clay and debris; further known as “sifting.”
4. This mine shall be limited to a 40-year time-frame commencing upon approval of Level 2 Review plans or November 6, 2064, whichever occurs first. The applicant shall be permitted six additional months after closure solely for reclamation purposes.
5. Traffic from this mine shall only use the portion of CR 640 from the project entrance west towards County Line Road and east towards State Road 37. This shall be known as the haul route.
6. Prior to Level 2 Review approval, the applicant shall provide a surety in an amount to be determined by the County Engineer, to guarantee the cost of repairing any damage to either CR 640 (the haul route per Condition #5) as a result of the mining operation. This shall include damage to the pavement, shoulders, curb, and sidewalks. This surety shall remain in place for the entire life of the mine as described in condition #3.
7. The applicant shall make every effort to minimize dust and particulate matter through watering and other similar techniques.
8. The mine’s hours of operation shall be Monday through Saturday from 6:30 AM to 5:30 PM.
9. The applicant shall be responsible to inspect adjacent roadway conditions on CR 640, County Line Road, and State Road 37 (the haul route per Condition #5) for material spillage and provide for the clean-up and removal at least once a day for each day of operation.
10. The stacking of vehicles shall not be permitted within the adjacent rights-of-way.

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 Phosphate Mining (PM) Vacant – Phosphate Lands Mosaic	North Phosphate Mining (PM) Vacant – Phosphate Lands Mosaic	Northeast Agricultural/Residential Rural (A/RR) Residentially designated Property Site-Built Homes
West Industrial (IND) LDCU-2019-9 ±250- acres Nichols Ranch LLC	Subject Site Industrial (IND) Project Area ±264-acres Mims Industrial LLC	East Industrial (IND) Project Area ±30- acres Mims Industrial LLC
Southwest Phosphate Mining (PM) Vacant – Phosphate Lands Mosaic	South Future Phosphate Mining (PM) Vacant – Phosphate Lands Mosaic	Southeast Future Phosphate Mining (PM) Vacant – Phosphate Lands Mosaic

The applicant is requesting a Major Modification to LDCU-2019-9 for the approval of Non-Phosphate Mining (Borrow Pit) expansion on approximately 294-acres. The project area is within an Industrial (IND) land use district and Rural Development Area (RDA) which permits mining activities. The proposed parcels are bordered by vacant phosphate lands, sand mine, and residential uses. The subject request proposes two (2) access points along the frontage of Pinecrest Road.

Compatibility with the Surrounding Land Uses and Infrastructure:

One of the main concerns with Non-Phosphate Mining (Borrow Pit) is the potential for significant off-site impacts, specifically material spillage. Another concern is the site's proximity to Mulberry's residentially designated property (*Exhibit 2 & Exhibit 4*). Overall, the request is compatible with the surrounding area as the residential density in this area is very sparse and the intensity of the non-phosphate mine is not anticipated adversely affect the citizens of the immediate surrounding area. This area has long been a crossroads of industrial and mining activity. A Future Land Use designation change (LDCPAL-

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.”

2024-3) was approved by the Planning Commission (7-0 vote) and the Board of County Commissioners (5-0 vote) for the non-phosphate mining operations on the subject parcels.

A. Land Uses:

The immediate land use districts in the vicinity of the proposed request includes Agricultural/Residential Rural (A/RR) and Phosphate Mining (PM). There is a handful of residences to the northeast abutting the project site with access off Anderson Road (*Exhibit 4*). To the west, is the mining operations approved under LDCU-2019-9. The north, northwest, south, southwest, and southeast is identified with phosphate lands according to the Polk Property Appraiser's website. To the east is the second parcel as part of the proposed expansion (Parcel No. 233021-000000-043030).

The request aligns the historical use. The submitted documents include an operation plan, traffic circulation, reclamation plan, and post-closure plan, as required by LDC Section 303. Past aeriels indicate the subject property was once a mining site. Within the CU application, the applicant has requested reductions in property line setbacks from 100' to 25' for majority of the site as identified on the Operations Site Plan (*Exhibit 5*). A reduction up to 75 feet of the setback from property lines may also be granted by the Planning Commission where the affected parcel is located within the RDA and is vacant. The reduction is to maximize the amount of sand mined on the subject properties. In both instances, these standards have been achieved.

While excavations will be within the limitation of mining requirements, approval of the conditional use request will allow for more flexibility. The submitted reclamation plan and post-closure plan proposes a Future Land Use designation of Industrial (IND). Stormwater retention is proposed within the IND area that results in ponds.

The proposed use has little need for urban services other than fire rescue and transportation access, both of which are available to the subject site. With the requirements of LDC Section 303, staff finds the request to be compatible with the surrounding area and consistent with the LDC and Comprehensive Plan.

B. Infrastructure:

The proposed parcels are located in the Rural Development Area (RDA) where the construction of sidewalks is not required. There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. There are existing buildings on site and if necessary, a well and private septic tank would be required for water and wastewater. There is adequate traffic capacity on surrounding roadways to support a Non-Phosphate Mining use at this location and emergency services are within a reasonable distance.

Nearest and Zoned Elementary, Middle, and High School

The closest schools to this location are Purcell Elementary, Mulberry Middle, and Mulberry High School. The nearest school to this location is Purcell Elementary located approximately six (6) miles away. The infrequent traffic into an out of the sand mine will not create any issues for the nearby school pick up and drop off times for students. Furthermore, mining operations by the applicant will not create additional demand on the Polk County education system.

Nearest Sheriff, Fire, and EMS Station

Fire and EMS Response is primarily from Polk County Fire Rescue Station 4, located at 6949 Old Hwy 37, Bradley, FL 33835. The travel distance is 7.3 miles, and response time is estimated to be 11 minutes.

This property is served by the Polk County Sheriff's Office's Southwest District substation located at 4120 US 98 South, Lakeland, FL 33801. The current response times for the SW District are Priority 1 – 10:23 & Priority 2 – 23:37. Priority 1 Calls are considered to be true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered. Sheriff's response times are not as much a function of the distance to the nearest Sheriff's substation but more a function of the overall number of patrol officers within the County.

Table 2, to follow, provides a breakdown of response times and travel distances for emergency services.

Table 2

	Name of Station	Distance	Response Time*
Sheriff	Southwest District, located at 4120 US Hwy 98 S, Lakeland, FL 33801	±16.9 miles	P1: 10:23 minutes P2: 23:37 minutes
Fire/ EMS	Polk County Fire Rescue Station 4, located at 6949 Old Hwy 37, Bradley, FL 33835	±7.3 miles	11 minutes

*Source: Polk County Sheriff's Office and Public Safety *Response times are based on when the station receives the call and not from when the call is made to 911.*

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

This site is located in an area of the Polk County Comprehensive Plan where utility services are not available. However, the applicant states that neither potable water nor sewer service will be needed for this project. As there are no structures associated with this request, there is no need to provide potable water or wastewater services. Therefore, this conditional use is not expected to create any additional demand on the County's utilities infrastructure.

B. Available Capacity:

There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. If necessary, a well and septic system will be required.

C. Planned Improvements:

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

Roadways/ Transportation Network

The surrounding roadway network has adequately served this mining facility and will continue to do so without causing a failure in service. The Annual Average Daily Traffic (AADT) trips are expected to fluctuate based on market demands for the mine's sand fill product. Traffic in and out of the mine is not expected to create any significant burden on the existing roadway conditions. There is one existing driveway on County Road 640 used as an entrance and exit for the current mine. Later on, a second access point will be added on County Road 640, as demand for the sand product increases, as shown on the site plans (See Exhibit 5). The applicant projects that based on export needs, truck traffic will be split 17/83 at the entrance of the mine on CR 640 with 17% of the trips heading west towards County Line Road and the remaining 83% heading east towards State Road 37.

A. Estimated Demand:

Due to the nature of the market in which non-phosphate mining takes place, there are no accurate means to estimate the average annual daily trips counts that may occur as their specialized industry is driven completely by a customer demand bias. However, the applicant submitted a Minor Traffic Study with this request and estimates that with current demand, the traffic generated by the mine shall be 84 Annual Average Daily Trips (AADT) and eight (8) Peak PM Hour Trips. Should the demand change in the future a traffic study will be conducted to obtain a better estimate of traffic figures. According to the applicant, proposed hours of operation are 6:30 am to 5:30 pm, assuming full operation. The site will be operated Monday through Saturday mining ± 9 acres per year.

The subject request proposes two (2) access points along the frontage of Pinecrest Road (CR 640). Based on location, the project will access link 4069 E CR 640 and 4069 W CR 640. 83% of the project trips will travel on east on CR 640 and 17% will head west on CR 640 towards Hillsborough County.

The surrounding roadway network has adequately served past mining facilities and will continue to do so without causing a failure in service. It is important to note that no truck traffic that is generated from this project will utilize local residential roadways. The adjoining road is either a Rural Minor Collector or Minor Arterial Roadway.

B. Available Capacity:

Although the request will have limited impact on the transportation system, it is still pertinent to be aware of available capacity when making land use decisions.

Table 3, below, charts the generalized available capacity of the most-affected links.

Table 3

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4069E	CR 640 (Pinecrest Road) From: Hillsborough County to SR 37	B	622	B
4069W	CR 640 (Pinecrest Road) From: Hillsborough County to SR 37	B	611	B

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023

As identified above, Pinecrest Road (CR 640) appears to have capacity for the proposed request.

C. Roadway Conditions

CR 640 is a County-maintained Minor Arterial Roadway with a surface width of 24 feet and Anderson Road is classified as a Rural Minor Collector (RNC) Roadway with a paved surface width of 20 feet. Due to the potential stacking of vehicles in the right-of-way and the proposed use can having adverse impacts on the conditions of the roadway, conditions are included within the staff report for preventative measures.

D. Planned Improvements:

There are no roadway improvements planned in the next five years for this area of the County.

E. Mass Transit

There is no transit within a reasonable distance of the site; however, the nature of this request does not demand the need for mass transit.

F. Sidewalks

There are no sidewalks along the parcel. Since this project is in the Rural Development Area (RDA), the construction of sidewalks is not required.

Park Facilities and Environmental Lands:

This property is located within close driving distance to various parks, including the Evelyn Bryant Park. The project will create little-to-no impact on the parks. The closest public park facility is Evelyn Bryant Park approximately five (5.2±) miles away in Mulberry. There are no facilities within walking distance, nor are they required for this type of use. Furthermore, this use will pose no conflicts with any park operations.

A. Location:

Loyce E. Harpe Park is located at 300 W Carter Rd, Mulberry, FL 33860.

B. Services:

Loyce E. Harpe Park, formerly known as Carter Road Park, is located off Carter Road, approximately ±8.6 miles to the northeast. The park's amenities include four softball fields, eight Little League baseball fields, and six soccer fields. In addition, there is a mountain bicycle trail, hiking trail, disc golf course, and fishing.

C. Multi-use Trails:

The Alafia River Trail is located 7.1 miles north of this property. This is a primitive trail through the Alafia Reserve.

Environmental Lands:

The subject site is south of the Alafia River's North Prong, which are the closest environmental lands to the site. The Alafia flows generally west of the subject site before emptying into the Hillsborough Bay.

Environmental Conditions

This is a former phosphate mining site. The site's upland habitat has been mined for decades (close to 100 years), therefore the uplands do not provide habitat for wildlife resources. The site has a high point (elevation 147') in the center that drains towards the north of the parcel (elevation 99'). Most of the site is existing from the Planning Commission Hearing Level 3 Review of LDCU-2019-9 October 2, 2019. Similar to LDCU-2019-9, the site will be excavated in phases or cells as a sand borrow pit, and the post-closure mining plan indicates that the parcels will have three (3) bodies of water with an Industrial land use designation as part of the mine post-closure plan. There are current water features on site. The post-closure plan indicates that there will be several ponds with a maximum depth of 45 feet. Currently, the hydrological characteristics of the parcel allow for the applicant's intent of conducting non-phosphate mining in the area.

A. Surface Water:

According to the applicant's Impact Assessment Statement (IAS), there are water features onsite which consist of floodplains remnant of the previous phosphate mining. The site has been mined, so the County topography maps may not be accurate in this area. However, review of the USGS Topography maps show that the center of the site is fairly flat. CR 640 appears to block flow to the south. The balance of the site drains northeasterly to Thirtymile Creek. There are surface water features onsite which consist of the Thirtymile Creek floodplain, which drains the site. There are also several wetland features on the north along the creek. Because much of the site was mined, the flood maps may not represent current conditions and therefore may not be accurate in all areas.

B. Wetlands/Floodplains:

The site contains Thirtymile Creek floodplain that will be disturbed by the mining activities. Wetlands exist to the north and south of the property.

C. Soils:

The site is comprised of various types of soils each with their own unique limitations as they related to development according to the U.S. Department of Agriculture, Soil Conservation Service, and Polk County Survey (see table 4). However, no residential developments are proposed for the future of this parcel so this will not be an issue for the applicant's proposed use.

Table 4, below, lists the soils associated with the subject site.

Table 4

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site (approximate)
Hydraquents, Clayey	Severe: ponding, percs slowly	Severe: ponding	7.1%
Urban land, 0 to 2 percent slopes	None	None	9%
Lochloosa Fine Sand	Severe: wetness	Slight	3.5%
Basinger Mucky Fine Sand, frequently ponded, 0 to 1 percent slope	Severe: wetness, poor filter	Severe: wetness	1.4%
Arents, Clayey substratum	None	None	0.6%
Arents, 0 to 5 percent slopes	None	None	51%
Millhopper Fine Sand, 0 to 5 percent slopes	Moderate: wetness	Slight	19.2%
Water	N/A	N/A	7.9%

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

According to the submitted documents, the applicant is proposing a Future Land Use designation of Industrial (IND). They intend to be strategic in the mining the project area to achieve mass grading in preparation for the ultimate use of the site. Any future development of the site will be subject to Section 2.303: “Soils” of the County’s Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection’s (DEP) Florida Development Manual.

D. Protected Species

According to Polk County Endangered Habitat Maps, the mining site is located within a one-mile radius of endangered species sighting. (Source: Florida Natural Areas Inventory Biodiversity Matrix). The Florida Department of Environmental Protection (FDEP) is the lead managing agency of this conservation land. Furthermore, according to the applicant, the upland portion of this property has been historically mined for phosphate. The uplands do not provide habitat for wildlife resources; however, prior to the start of mining activities, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state and local law.

E. Archeological Resources:

According to the Florida Department of State Division of Historical Resources, there are no archeological resources within the vicinity of this site.

F. Wells (Public/Private)

The site is not within a Wellfield Protection District.

G. Airports:

This property is not within an Airport Impact District.

Economic Factors:

Sand mines operate in a few different manners. One is a facility that excavates the sand and processes it into concrete and other construction materials. These typically maintain processing facilities or batch plants onsite; however, the applicant is not proposing any batch plants. Instead, the applicant is proposing another type of sand mine commonly known as a borrow pit. Borrow pits are typically excavated to provide fill material, such as gravel or soil. This can be valuable because the sand is extracted and shipped elsewhere to be utilized in a variety of construction projects including individual homes to create a stable base.

The use of this mine will serve as an employment source for mine operators, such as heavy equipment operators, truck drivers, and maintenance staff, as well as, those services that are mutually supporting. Sand mine operations in Florida are driven mostly in part by customer demand, for example if there is a large need for sand for residential or non-residential development such as for recreational purposes then operations will be functioning at higher levels. Conversely, there will be dormant periods between contracts and/or demand for sand when the mine will be operating at lower levels.

Consistency with the Comprehensive Plan, LDC, and other County Ordinances:

Non-phosphate mining is listed as one of the Specialized Uses allowed in PM and A/RR land use districts. The key to evaluating the proper location of a mine is the criteria listed in POLICY 2.125-G3 of the Comprehensive Plan. These require the Planning Commission to consider the following:

- a. Does the mining activity minimize adverse impact on environmentally sensitive lands;
- b. Does the mine plan maximize the ability to restore or mitigate environmentally sensitive lands;
- c. Does the operation plan minimize the adverse impacts of truck and heavy machinery traffic on residential streets; and

Yes, ingress/egress for the proposed project is along County-maintained Minor Arterial and Rural Minor Collector roadways.

- d. Does the operation plan minimize the extent of adverse external impacts, such as noise, dust, and visual impacts on non-industrial areas?

Yes, when extremely dusty conditions exist or when required by Polk County and/or state of Florida air pollution dust control rules, the active mine area and internal travel ways will be sprinkled as necessary to reduce airborne particulates

Table 5, to follow, provides an analysis of how the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 5

Comprehensive Plan Policy	Consistency Analysis
<i>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.</i>	Past aerials indicate the subject property was once a mining site. The Comprehensive Plan permits Phosphate Mining uses within the Rural Development Area (RDA). Staff finds the proposed use to be compatible with neighboring properties as identified in pages 8 and 9, above; and there is adequate infrastructure to support it as well.
<i>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.</i>	The site is within the RDA. There are no municipality water or wastewater lines directly available to the site. The applicant will a septic tank and if necessary, a potable well. Wetlands are present on the subject site. The subject site and lands surrounding the subject site have historically been used for mining.
<i>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.</i>	Borrow pits do not need many urban services. Public safety services are close enough to provide support.

Comprehensive Plan Policy	Consistency Analysis
<i>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.</i>	The request is not anticipated to create a Level-of-Service (LOS) deficiency upon existing services provided by the County. The proposed Industrial Future Land Use designation uses shall comply with relevant sections of the LDC, if approved.
<i>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).</i>	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 6 in accordance with Section 906.D.7 of the Land Development Code.

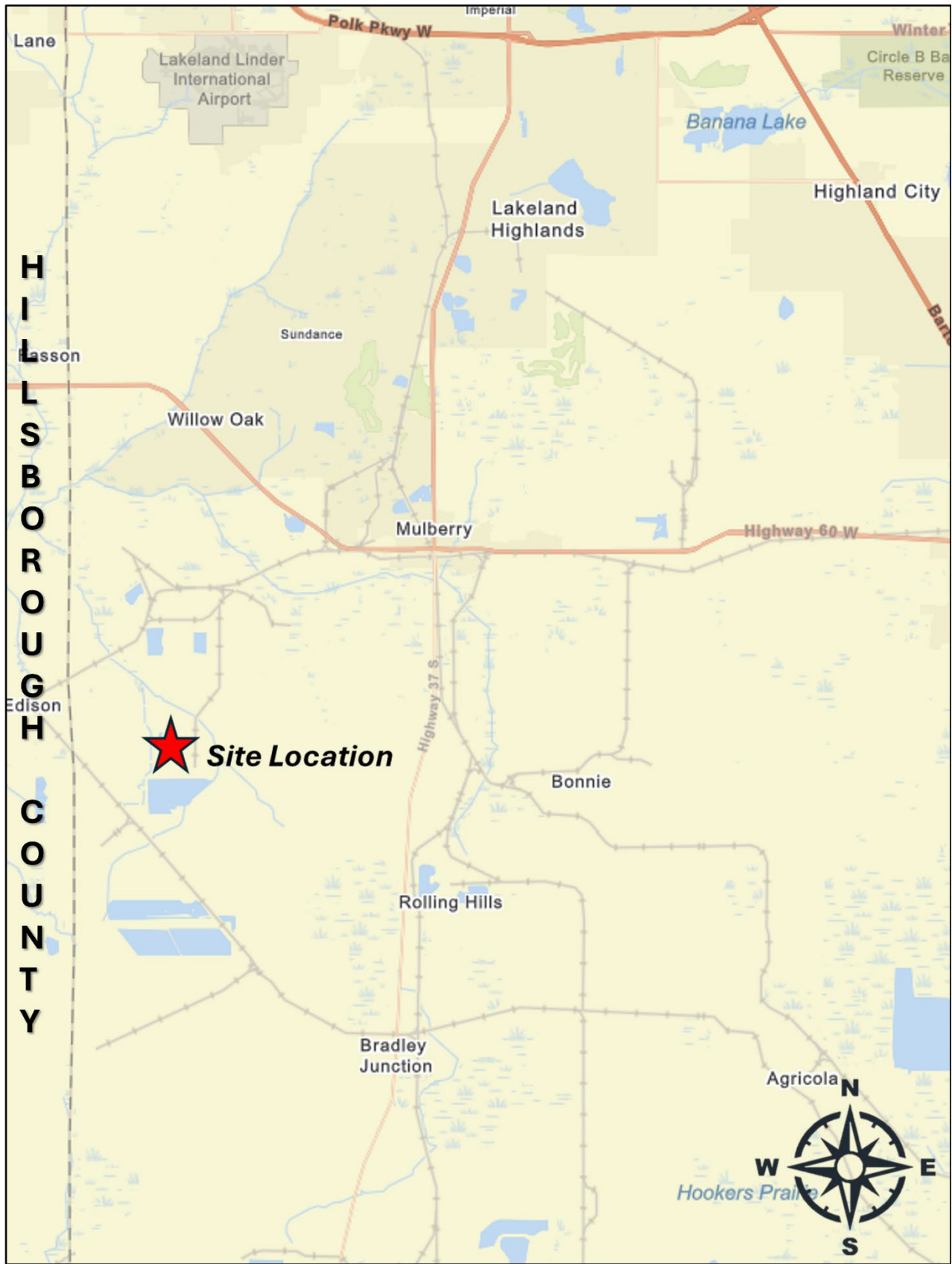
Table 6

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. Many of the conditions required in Section 303 will be enforced after a Level 3 Review. These can be found in the Findings of Fact on Pages 3 - 6 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this development 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 8 and 9 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from the School Board or TPO. Impacts on public services can be found in the analysis found on Pages 9-12 of the staff report.</i>

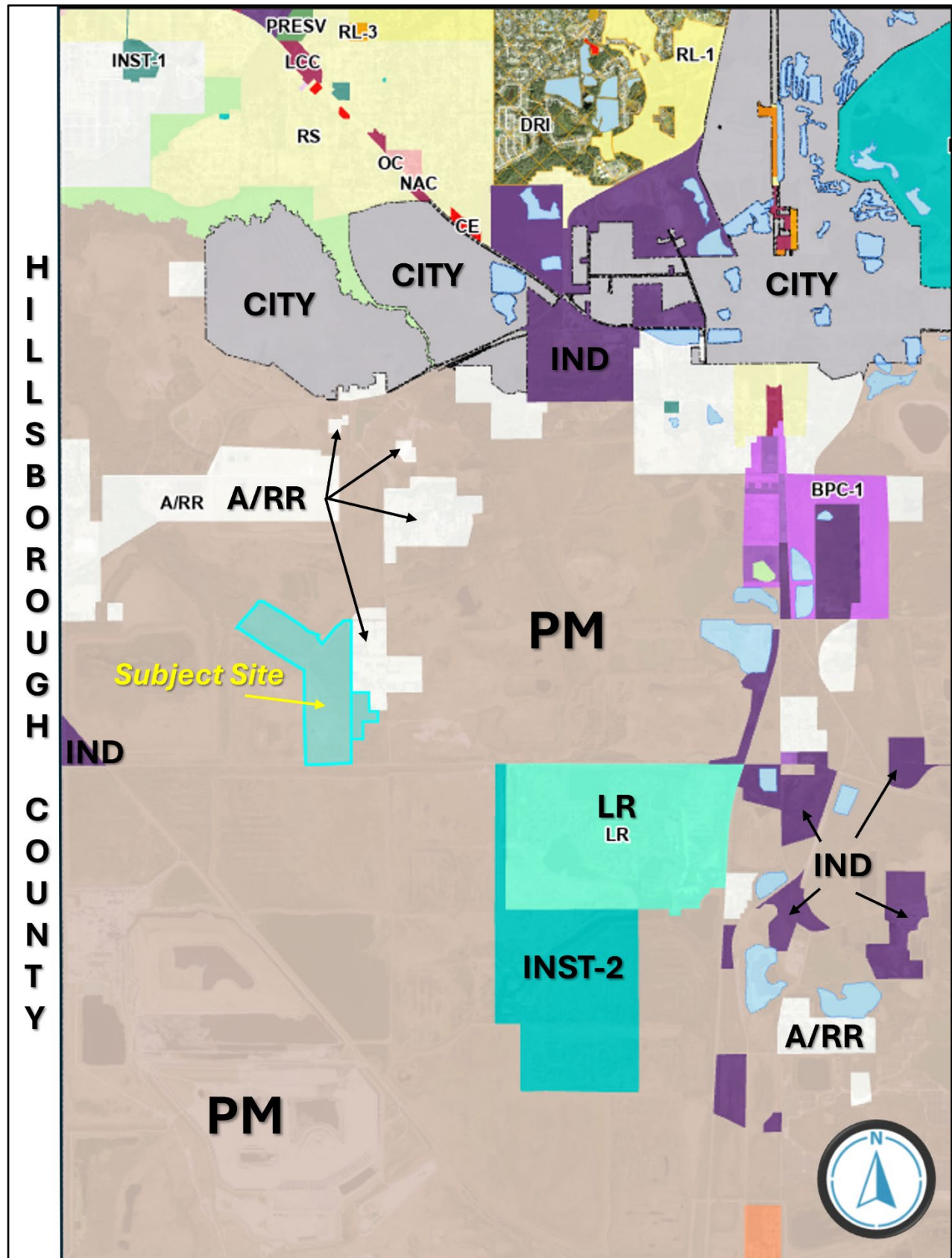
Comments from other Agencies: None

Exhibits:

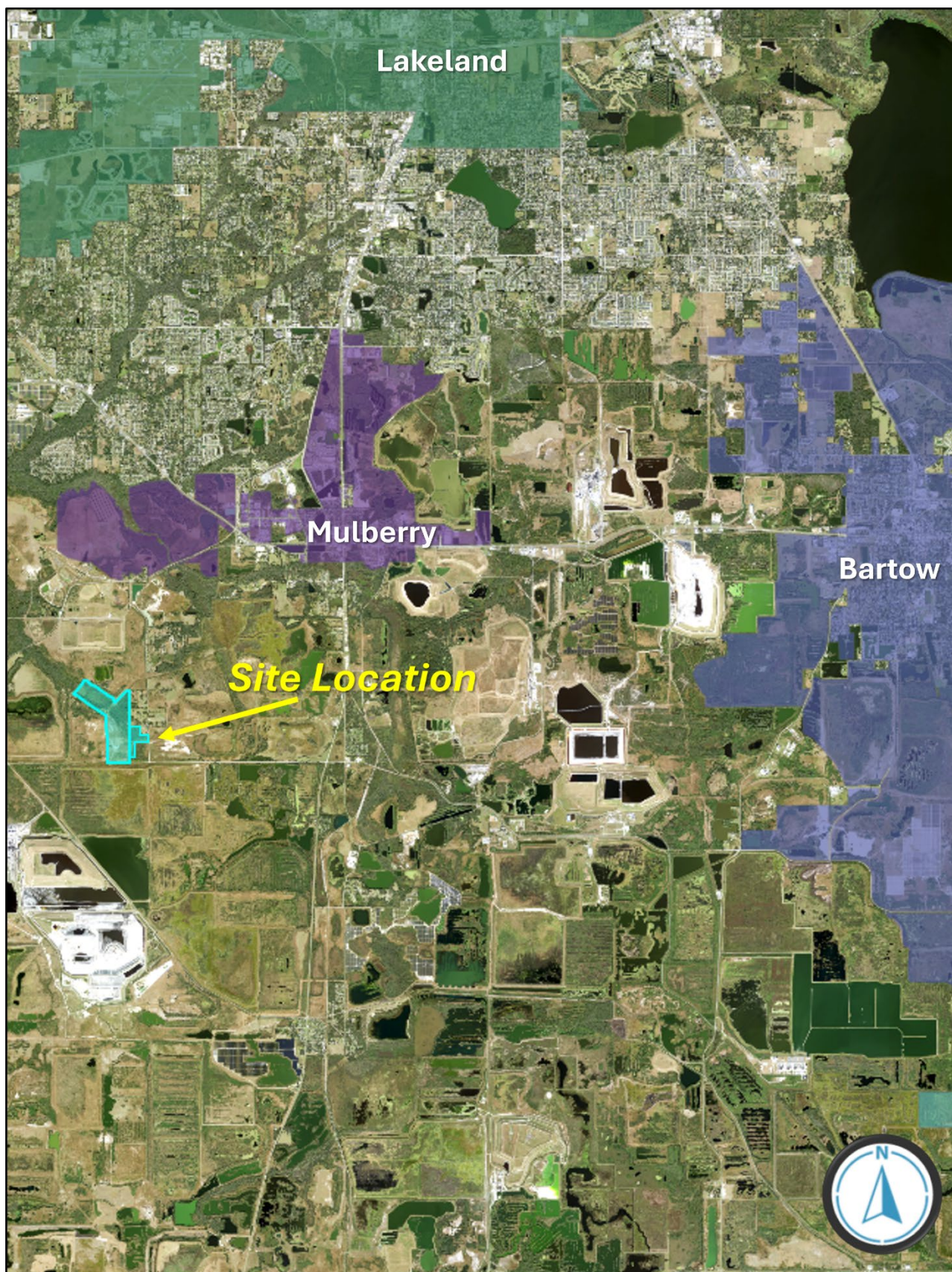
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	2023 Aerial Image (Context)
Exhibit 4	2023 Aerial Image (Close Up)
Exhibit 5	Operation Plan
Exhibit 6	Operation Plan Notes
Exhibit 7	Traffic Circulation Plan
Exhibit 8	Traffic Circulation Notes
Exhibit 9	Reclamation Plan
Exhibit 10	Reclamation Plan Notes
Exhibit 11	Post Closure Plan



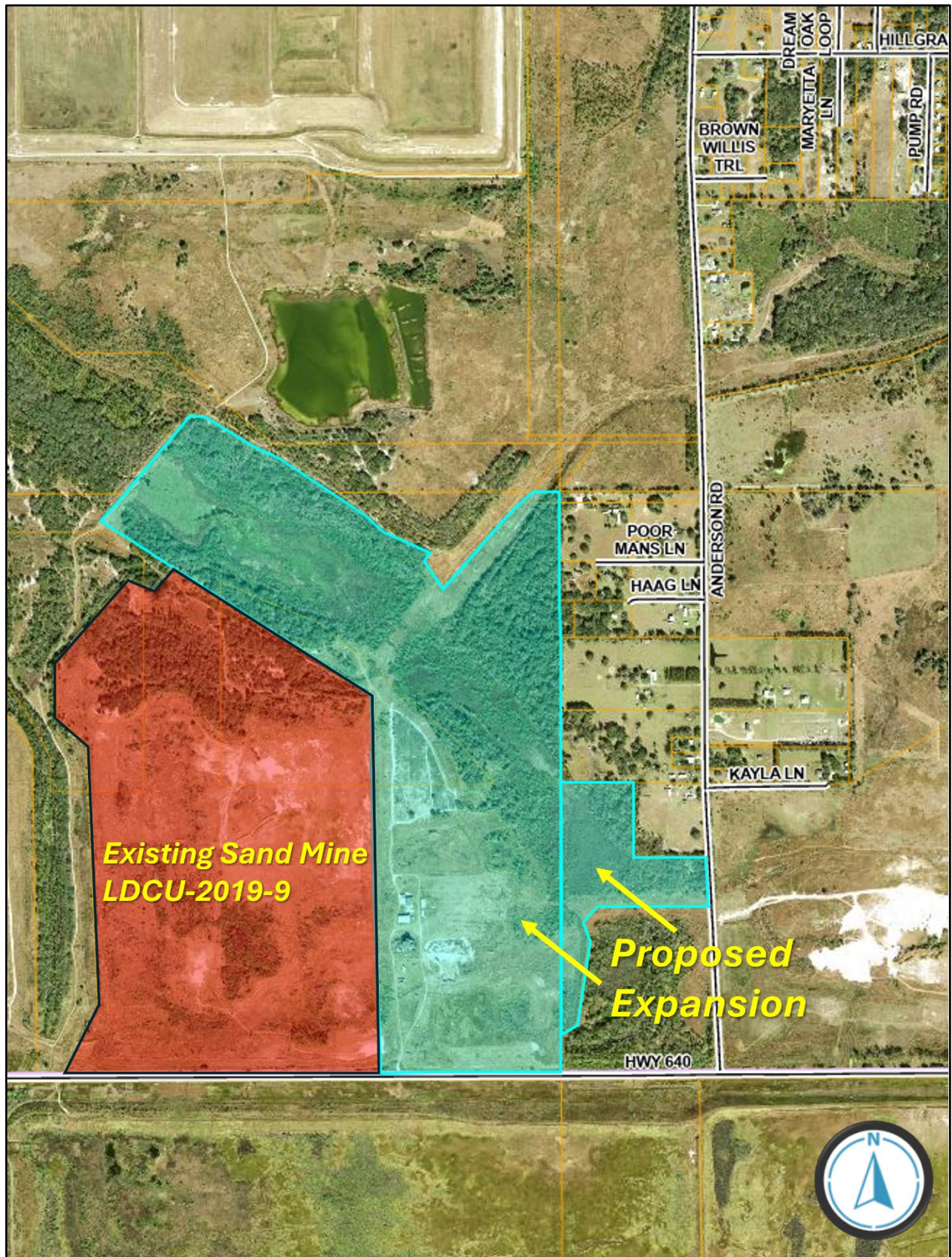
Location Map



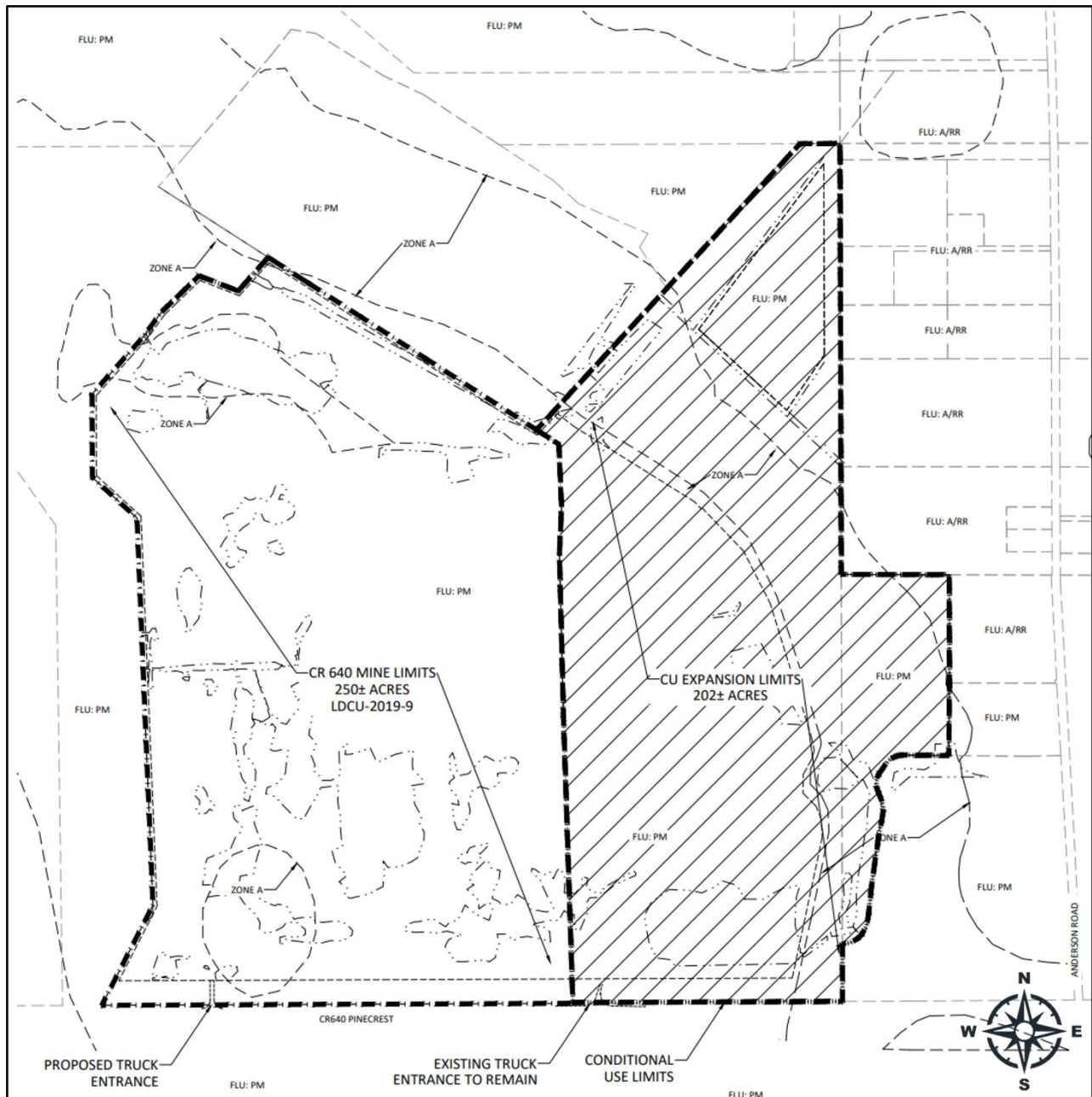
Future Land Use Map



2023 Satellite Photo (Context)



2023 Satellite (Close Up)



Operation Plan

GENERAL INFORMATION

APPLICANT: MIMS HAMMOCKS, LLC
439 S. FLORIDA AVE. SUITE 202
LAKELAND, FL 33801

PARCEL IDS: 233020-000000-014010, 233020-000000-011010,
233021-000000-043030
PROPERTY FLU: PM WITHIN THE RDA

ACREAGE: PROPERTY AREA: 455± AC.
WETLAND AREA: 37± AC.
MINING RECLAMATION AREA: 351± AC.

MINING SCHEDULE:
START: SPRING 2025
COMPLETION: MARKET DRIVEN (ESTIMATED 2065)
RECLAMATION COMPLETE: 2070
ANNUAL ACREAGE TO BE MINED: ESTIMATED 9± ACRES

HOURS OF OPERATION: MONDAY THROUGH SATURDAY
6:30 AM TO 5:30 PM

*ALL MINING SHALL BE RECLAIMED IN ACCORDANCE WITH STATE REGULATIONS, CHAPTER 62C OF THE FLORIDA ADMINISTRATIVE CODE

GENERAL OPERATIONS NOTES

1. MINING SETBACKS SHOWN HEREON ARE PER LDC CHAPTER 3 MINING - NON-PHOSPHATE 14. PROPOSED SETBACK REDUCTIONS SHOWN HEREON PER PER LDC CHAPTER 3 MINING - NON-PHOSPHATE 14. IV & V.
2. PROPOSED MINING DEPTH IS APPROXIMATELY 30' DEEP.
3. EXISTING BUILDINGS ONSITE TO REMAIN.
4. WHEN EXTREMELY DUSTY CONDITIONS EXIST OR WHEN REQUIRED BY POLK COUNTY AND/OR STATE OF FLORIDA AIR POLLUTION DUST CONTROL RULES, THE ACTIVE MINE AREA AND INTERNAL TRAVELWAYS WILL BE SPRINKLED AS NECESSARY TO REDUCE AIRBORNE PARTICULATES.
5. ALL EXCAVATED AND RECLAMATION MATERIAL TO BE TRANSPORTED BY TRUCK.

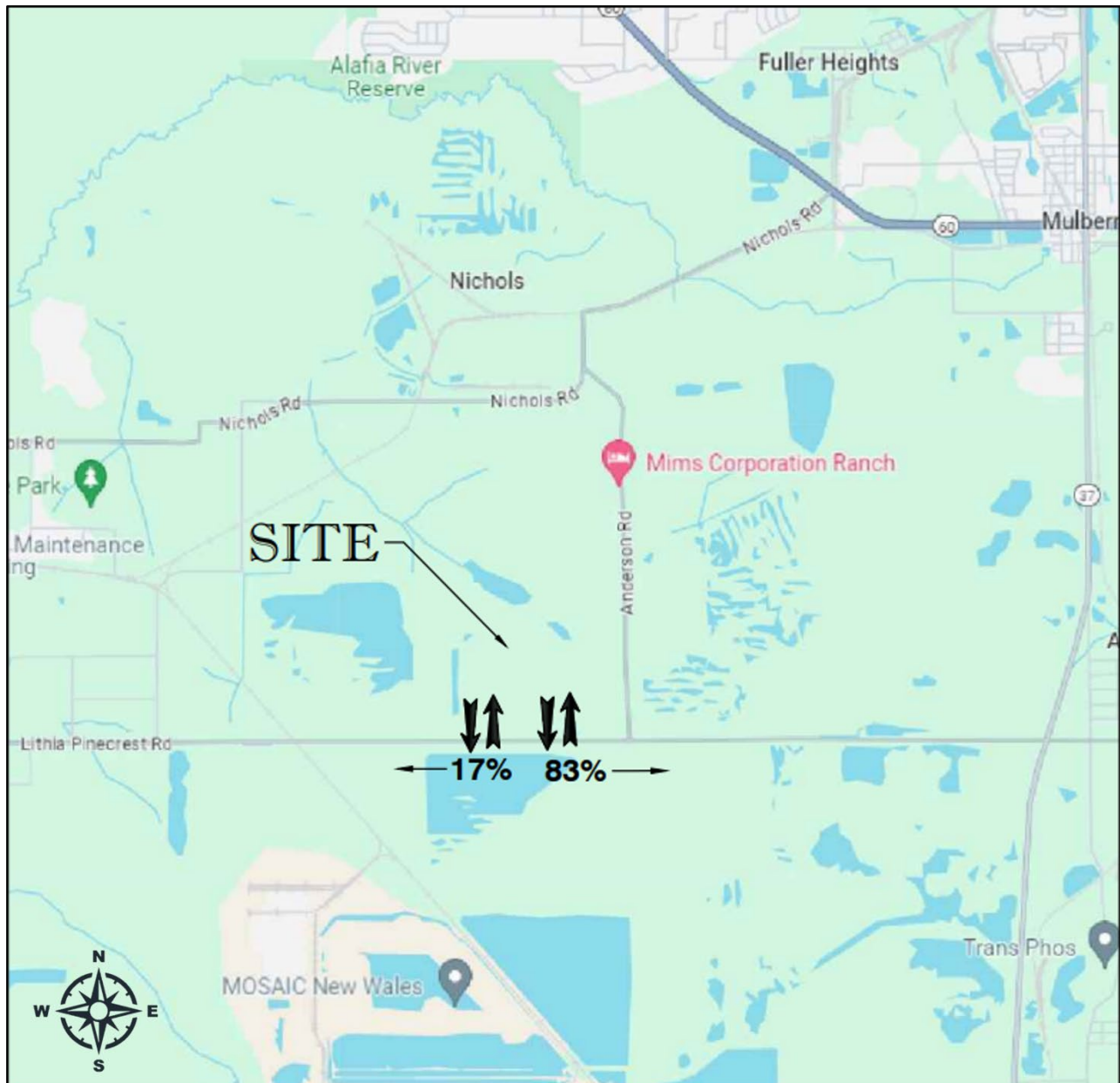
SILT FENCE EROSION NOTE

INSTALL TEMPORARY SILT FENCE EROSION PROTECTION ON AT MINING LIMITS LINE AS NEEDED TO EXTEND TO THE LIMITS OF EACH PHASE UNTIL SUCH TIME THAT THE PIT EXCAVATION OCCURS. ONCE THE PIT EXCAVATION OCCURS FOR EACH PHASE THEN THE SILT FENCE CAN BE REMOVED SINCE ALL RUNOFF WILL BE DIRECTED TO THE EXCAVATED PIT.

INDUSTRIAL USE NOTE

INDUSTRIAL USE IS PROPOSED FOR THE SITE, WITH OR WITHOUT THE COMPLETION OF MINING/RECLAMATION ACTIVITIES.

Operation Plan Notes



Traffic Circulation Plan

TRAFFIC CIRCULATION NOTES

1. TRAFFIC WILL ENTER AND EXIT ON CR 640 PINECREST ROAD.
2. NO IMPACTS EXPECTED ON LEVEL-OF-SERVICE FOR ANY COUNTY MAINTAINED ROADS.
3. SEE IMPACT ASSESSMENT STATEMENT FOR ESTIMATED DAILY VEHICULAR TRIPS.
4. OWNER TO INSPECT CR 640 FOR MATERIAL SPILLAGE DAILY AND REMOVE IF PRESENT.

INDUSTRIAL USE NOTE

INDUSTRIAL USE IS PROPOSED FOR THE SITE, WITH OR WITHOUT THE COMPLETION OF MINING/RECLAMATION ACTIVITIES.

Traffic Circulation Notes



Reclamation Plan

RECLAMATION NOTES

1. WHERE PRACTICAL, RECLAMATION WILL BE ONGOING DURING THE LIFE OF THE PROJECT AND FOLLOW ALONG WITH MINING OPERATIONS.
2. PROPOSED RECLAMATION WILL BE CONSISTENT WITH THE POLK COUNTY FLU DESIGNATION FOR THIS SITE.
3. UPLAND SOILS CLASSIFICATION SUPPORTS COMMON TREES AND GRASSES WITHOUT SOIL AUGMENTATION.

PROPOSED PLANTING INFO:

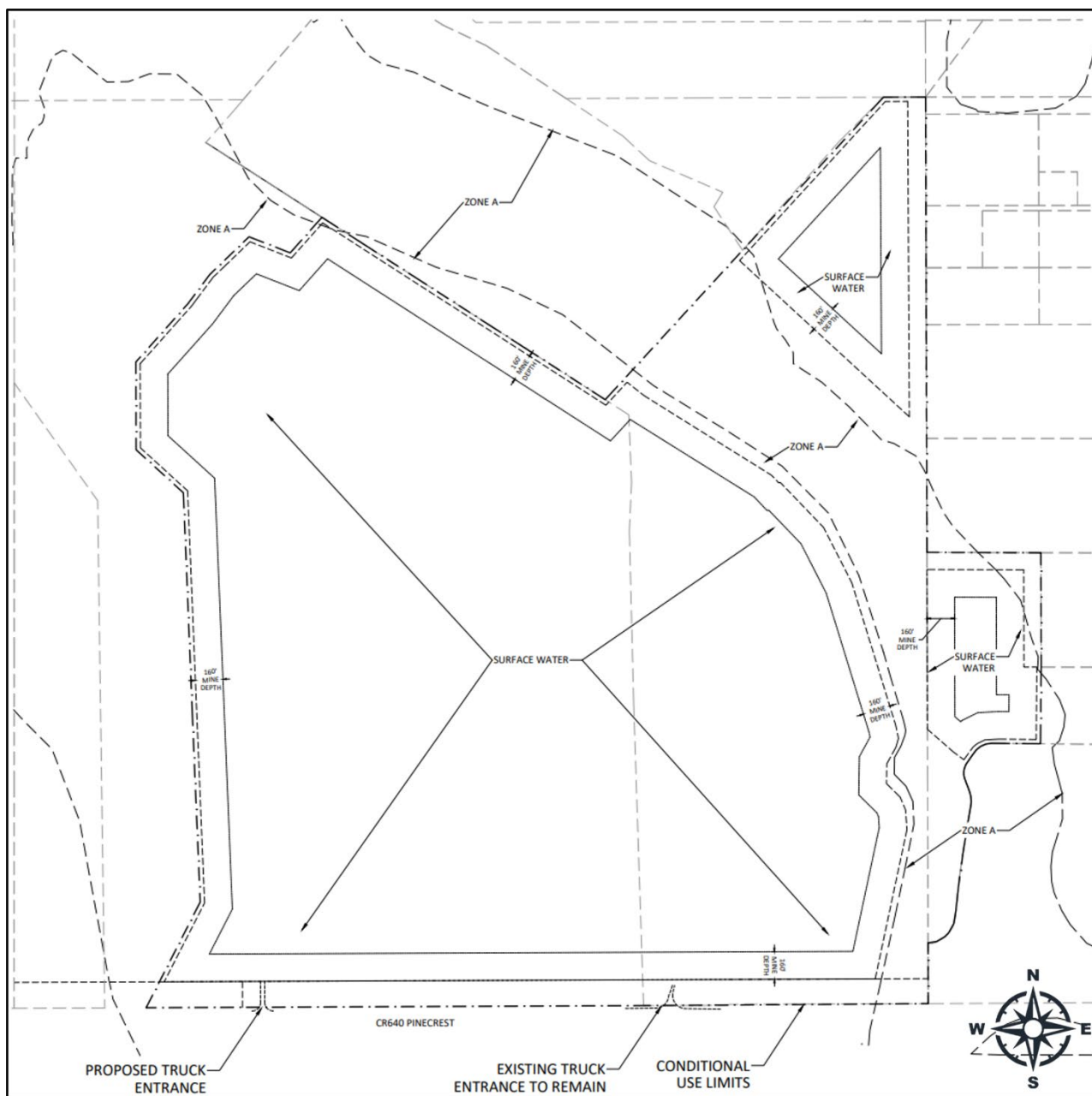
AREAS OF GRASSING/SEEDING FOR PASTURE
SUGGESTED TO HAVE A SEED MIX AT:

- | | |
|--------------------|--------------------|
| 1. PENSACOLA BAHIA | 50% |
| 2. BROWN MILLET | 50% (IF SUMMER) OR |
| 3. WINTER RYE | 50% (IF WINTER) |

GENERAL NOTES

1. ALL SIDE SLOPES TO BE GRADED AT 4:1 SLOPE. EXPOSED SIDE SLOPES OF SURFACE WATER ARE TO BE SEED AND MULCHED TO NORMAL POOL ELEVATION.
2. ALL TEMPORARY EROSION PROTECTION TO BE REMOVED AND PROPERLY DISPOSED OF.
3. NO MANMADE STRUCTURES/FACILITIES OR EQUIPMENT WILL BE LEFT ONSITE.
4. THE PROPOSED RECLAMATION SHALL BE LIMITED TO USES SPECIFIED IN WITH THE CU CONDITIONS OR ANY ACTIVITIES PERMITTED UNDER FLU DESIGNATION AS STATED IN THE LDC.

Reclamation Plan Notes



Post Closure Plan

LDCU-2024-28 - Pinecrest Mine (CR 640 Mine Expansion)

Menu

Reports

Help

Application Name: [Pinecrest Mine \(CR 640 Mine Expansion\)](#)

File Date: [07/08/2024](#)

Application Type: [PC-Major Modifications](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID

Comment

Date

Description of Work:

[We are requesting a major modification to LDCU 2019-9 to operate a non-phosphate borrow pit on approximately 455 acres. The request involves a CU area expansion approximately 202 acres on the east side of the existing mine. In addition, we are requesting property line setback reductions from 100' to 25' for portions of the mining ar](#)
[The mine will utilize the one proposed and an existing constructed driveway along CR 640. The project area is located on the north of CR 640, east of the County Line an](#)
[west of Anderson Road.](#)

Application Detail: [Detail](#)

Address: [ANDERSON RD, MULBERRY, FL 33860](#)

Parcel No: [23302100000043030](#)

Owner Name: [MIMS INDUSTRIAL LLC](#)

Contact Info: Name

Organization Name

Contact Type

Contact Primary Address

Status

[Kriss Kaye](#)

[Carter and Kaye...](#)

Applicant

[Mailing, 137 Fifth St ...](#)

Active

Licensed Professionals Info: Primary

License Number

License Type

Name

Business Name

Business License #

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$4,471.00](#)

Total Fee Invoiced: [\\$4,471.00](#)

Balance: [\\$0.00](#)

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development Type

[Planning Commission](#)

Application Type

[Conditional Use](#)

[Major Modification](#)

Brownfields Request

-

Affordable Housing

-

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[455](#)

DRC Meeting

[08/29/2024](#)

DRC Meeting Time

[11:00](#)

Rescheduled DRC Meeting

-

Rescheduled DRC Meeting Time

-

Green Swamp

[No](#)

Number of Units

-

Case File Number

[LDCU-2019-9](#)

Is this Polk County Utilities

Is this Application a result of a Code Violation

[No](#)

One Year Extension

-

FS 119 Status

[Non-Exempt](#)

Code Violation Case Number

-

ADVERTISING

Legal Advertising Date

BOCC1 Advertising Date

-

-

BOCC2 Advertising Date

Advertising Board

-

[Planning Commission](#)

MEETING DATES

Community Meeting

Planning Commission Date

-

[11/06/2024](#)

Land Use Hearing Officer 3

1st BOCC Date

-

-

2nd BOCC Date

LUHO-Level 3

-

-

HEARING

PC Hearing Results

PC Vote Tally

-

-

71

BOCC 1st Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

-

-

FINAL LETTER

Denovo Appeal

Denovo Results

-

-

Denovo Tally

-

LD_GEN_PUB_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

DocumentGroupforDPC

RequiredDocumentTypes

[POLKCO-24EST-00000-32611](#)

[DIGITAL PROJECTS LD](#)

-

RequiredDocumentTypesComplete

AdditionalDocumentTypes

Activate DPC

[Yes](#)

[Applications, AutoCad File, Binding, Site Plans, \(PDs Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)

Activate FSA

DigitalSigCheck

[Yes](#)

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[√](#)

SELECTED AREA PLANS

[Selected Area Plans](#)

LAND USE

[Selected Area Plan LU Code](#)

[Not in an SAP](#)

PM-Phosphate Mining

DEVELOPMENT AREA

[Development Area](#)

[Rural](#)

NOR

[Neighborhood Organization Registry \(NOR\)](#)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

[PC](#)

3

Workflow Status:

Task

Assigned To

Status

Status Date

Action By

[Application Submittal](#)

Lyndsay Rathke

Application ...

08/06/2024

Lyndsay Rathke

[Engineering Review](#)

Clinton Howerton

Approve

08/22/2024

Steve McQuaig

[Fire Marshal Review](#)

Kim Turner

Approve

08/09/2024

Kim Turner

[Surveying Review](#)

Steve McQuaig

Approve

08/08/2024

Steve McQuaig

[School Board Review](#)

School District

Approve

08/21/2024

School District

[Roads and Drainage Review](#)

Phil Irven

Approve

08/07/2024

Phil Irven

[Planning Review](#)

Kyle Rogus

Approve

09/20/2024

Kyle Rogus

[Review Consolidation](#)

Lyndsay Rathke

Approved for...

09/23/2024

Lyndsay Rathke

Staff Report

[Public Notice](#)

Hearing

BOCC Hearing

Final Letter

Archive

Condition Status:

Name

Short Comments

Status

Apply Date

Severity

Action By

Scheduled/Pending Inspections:

Inspection Type

Scheduled Date

Inspector

Status

Comments

Resulted Inspections:

Inspection Type

Inspection Date

Inspector

Status

Comments

PINECREST MINE EXPANSION
REQUEST FOR CU APPROVAL
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

- 1) How and why is the location suitable for the proposed uses?

The property is currently listed as Phosphate Mining (PM), but, if approved, will soon have a FLU of Industrial. The area is largely rural and undeveloped, mostly surrounded by other mines, industrial uses, or vacant land. Large portions of the site have previously been mined for phosphate, with sand tailings present. The site has 2 existing warehouses and a phosphate processing structure still onsite. In addition, there is an existing Phosphate Gypsum stack located adjacent to the property. The surrounding road system has been used for decades by trucks carrying phosphate to the Mosaic plant located south of the site on CR 640.

- 2) What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

The rural nature of the surrounding properties, phosphate mining and processing, and nearby borrow pit (the BB Mine to the northeast), minimize incompatibility. The site has had intensive use for over 100-years.

- 3) How will the requested district (if the request is a district change) influence future development patterns if the proposed change occurs?

Not a district change.

B. Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response.

- 1) What are the number of vehicle trips to be generated daily and at PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

See attached Minor Traffic Review

- 2) What modifications to the present transportation system will be required because of the proposed development?

Two entrances onto CR 640, Pinecrest Road, are proposed, the western most was approved on the mine plan for CU# 2019-9, the proposed eastern entrance is at the location of the existing entrance to the old mine processing plant. No other modifications are planned.

- 3) What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

No structures on site. No required paved parking.

- 4) What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, frontage roads)?

Access will be directly onto CR 640, Pinecrest Road, which per the Polk County Road Inventory data is a paved county Minor Arterial, 24 feet in width. Trucks would then proceed either east to SR 37 or west to Hillsborough County locations.

C. Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

- 1) What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (Response may be based on Section 703 of the LDC or the Impact Fee Ordinance)

No additional sewage generated if the proposed CU is granted.

- 2) What is the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed?

N/A

- 3) What is the relationship of the proposed sewage system to the service provider's plans and policies for sewage treatment systems (e.g., will it be integrated into a larger system)?

N/A

- 4) Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code*).

N/A

- 5) Who is the service provider?

N/A

- 6) What is the current provider's capacity?

N/A

- 7) What is the anticipated date of connection?

No connection anticipated.

D. Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

- 1) What is the proposed source of water supply?

No additional water consumption if the CU is granted.

- 2) What is the estimated volume of consumption in gallons per day (GPD)? (*Provide Methodology*).

No additional.

- 3) Where is the nearest potable water connection and gray water connection, including the distance and size of the line?

N/A

- 4) Who is the service provider?

N/A

- 5) What is the current provider's capacity?

N/A

- 6) What is the anticipated date of connection?

No connection anticipated.

- 7) Is there an existing well on the property(ies)?

NA

E. Surface Water Management and Drainage

Determine the impact of drainage on the ground water and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

- 1) Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

The site has been mined, so the county topo maps are questionable in this area. However, review of the USGS Topo maps show that the center of the site is fairly flat. CR 640 appears to block flow to the south, the balance of the site drains northeasterly to Thirtymile Creek.

There are surface water features onsite which consist of the Thirtymile Creek floodplain, which drains the site. There are also several wetland features on the north along the creek.

We should point out that because much of the site was mined, the flood maps may not represent current conditions and therefore may not be accurate in all areas.

- 2) What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

Much of the site not used for Industrial will be excavated for the borrow pit. The smaller wetland areas on the north may be impacted; wetland mitigation is planned either onsite, or by using wetland credits that the developer has available.

The floodplain areas may be excavated. Flood storage on the site will be greatly increased post development because of the pit areas created.

F. Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

- 1) Discuss the environmental sensitivity of the property and adjacent property by identifying any significant features of the site and the surrounding properties.

The site is located in a general area that has seen significant phosphate mining operations. In fact, the site itself has been mined previously under the Nichols mine operation. It is unlikely that environmentally sensitive areas exist on the site. Further environmental studies to be conducted at Level 2 approval.

- 2) What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

As mentioned above, the wetland and floodplain within the mine area may be impacted. Wetland mitigation will be provided within the pit area or by the use of wetland credits. Flood storage on the site will be greatly increased post development.

- 3) Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts) and;

N/A

- 4) Discuss the location of Airport Buffer Zones (if any) discuss the location, address potential impacts).

Project is not located in an Airport Buffer Zone.

- G. Population (Response is only required for district changes and uses generating more than 750 AADT based on the methodology of Appendix C of the Land Development Code)

AADT generated is less than 750. Minor Traffic Study is provided.

H. General Information

Determine if any special needs or problems will be created by the proposed development. At a minimum, address the following specific questions in your response:

- 1) What are the special features of the proposed development that contribute to neighborhood needs?

N/A

- 2) What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

A. Parks and Recreation;

No impact to these facilities.

- B. Educational Facilities (e.g., preschool, elementary, middle school, high school);

No impact to these facilities.

- C. Health Care (e.g., emergency, hospital);

Minimal

- D. Fire Protection;

Minimal

- E. Police Protection and Security;

Minimal

- F. Electrical Power Supply;

No impact to these facilities.

- G. Emergency Medical Services (EMS); and

Emergency Medical Services are provided by Polk County. No excessive demand on EMS are expected due to the proposed development.

- H. Solid Waste.

No impact to these facilities.

PINECREST MINE (CR 640 MINE EXPANSION)

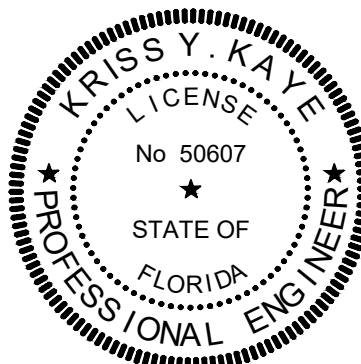
A NON-PHOSPHATE MINE CONDITIONAL USE MODIFICATION PLANS

LOCATION:
CR 640 PINECREST
MULBERRY, FLORIDA

PREPARED FOR:
NICHOLS RANCH, LLC

439 S. FLORIDA AVENUE SUITE 202
LAKELAND, FL 33801
(863) 683-9297

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KRISSE Y. KAYE, P.E., MS ENV, CFM, EOR
FL P.E. LIC. NO. 50607

GENERAL NOTES

- PRE-CONSTRUCTION MEETINGS** - COORDINATION A PRE-CONSTRUCTION MEETING WITH THE EOR, LOCAL GOVERNING AGENCIES SERVICE PROVIDER/UTILITY OWNERS IS REQUIRED PRIOR TO COMMENCING ACTIVITIES. THE PRE-CONSTRUCTION MEETING CANNOT BE SCHEDULED UNTIL ALL THE REQUIRED PERMITS, LOCAL, STATE, AND FEDERAL ARE ISSUED.
- APPROVED PLANS** - AN APPROVED, SIGNED BY THE AHI (E.G. CITY/COUNTY/FOOT) SET OF PLANS MUST BE ON THE SITE AT ALL TIMES DURING CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR TEMPORARY POWER, ACCESS AND GARBAGE/CONSTRUCTION DEBRIS STORAGE, REMOVAL AND DISPOSAL.
- UTILITY NOTIFICATION** - THE CONTRACTOR MUST LOCATE ALL ABOVE GROUND AND UNDERGROUND UTILITIES AND IS RESPONSIBLE FOR THE INSTALLATION COORDINATION, REMOVAL AND RELOCATION OF UTILITIES AS NECESSARY FOR THE PROPOSED IMPROVEMENTS. THERE IS A STATEWIDE UTILITY LOCATION SERVICE. THE CONTRACTOR MUST CALL 811 TWO FULL BUSINESS DAYS FOR REGULAR DIG SITES AND TEN FULL BUSINESS DAYS WHEN DIGGING UNDERWATER PRIOR TO COMMENCING WORK. THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY IF ANY CONFLICTS OCCUR SO THE DESIGN MAY BE ADJUSTED. THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY IF ANY CONFLICTS OCCUR SO THE DESIGN MAY BE ADJUSTED. ALL EXISTING UTILITIES SHOWN ARE APPROXIMATE LOCATIONS ONLY AND HAVE BEEN COMPILED FROM THE LATEST AVAILABLE MAPPING. THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
- GEOTECHNICAL REQUIREMENTS** - CONTRACTOR MUST COORDINATE WITH GEOTECHNICAL ENGINEER TO PERFORM TESTING, MONITORING AND GUIDANCE AGAINST ADJACENT STRUCTURE SETTLEMENT OR DAMAGE AS A RESULT OF ONSITE ACTIVITIES. THE CONTRACTOR MUST COORDINATE, AS APPLICABLE, WITH THE EOR AND GEOTECHNICAL ENGINEER TO WITNESS ALL TESTING AND OBSERVE ALL CONSTRUCTION PRIOR TO COMPLETION TO INCLUDE SUBSURFACE UTILITIES PRIOR TO TRENCH FILLING.
GEOTECHNICAL ENGINEER LETTER CONTRACTOR CONFORMANCE REQUIREMENTS - A LETTER OF CONFORMANCE MUST BE PROVIDED BY THE CONTRACTOR TO THE ENGINEER OF RECORD (EOR) OF THESE PLANS (BEFORE THE EOR CAN SUBMIT A FINAL PROJECT CERTIFICATION TO ANY REVIEWING AGENCIES) CERTIFIED BY THE CONTRACTOR'S GEOTECHNICAL ENGINEER. THE CONFORMANCE LETTER MUST READ THE FOLLOWING:
WE PROVIDED PROFESSIONAL MATERIALS TESTING AND SAMPLING SERVICES AND HAVE MADE EVERY REASONABLE EFFORT TO ASCERTAIN WHETHER THE GEOTECHNICAL ELEMENTS (E.G. UTILITY TRENCH BACKFILL, ROADWAY COURSES AND COMPACTION ON BUILDING PADS) WERE CONSTRUCTED IN GENERAL CONFORMANCE WITH THE APPROVED PROJECT SPECIFICATIONS AND THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS. TO THE BEST OF OUR KNOWLEDGE, THE CONSTRUCTION MATERIALS FIELD AND LABORATORY TESTS AND SAMPLING ARE IN GENERAL CONFORMANCE WITH THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS, FOOT SPECIFICATIONS, PROJECT PLANS AND SPECIFICATIONS. WE CONDUCTED INSPECTION AND TESTING OF THE ABOVE ONSITE GEOTECHNICAL ELEMENTS IN ACCORDANCE WITH INDUSTRY STANDARDS, FOOT'S STANDARD SPECIFICATIONS AND APPLICABLE ASTM GUIDELINES.
DURING CONSTRUCTION THE CONTRACTOR'S GEOTECHNICAL ENGINEER MUST PROVIDE OVERSIGHT OF THE PROJECT'S GEOTECHNICAL ELEMENTS (E.G. FOR DRIVEWAYS, STRUCTURES, TRENCHING, BERMS AND OTHER GEOTECHNICAL RELATED ELEMENTS) AND PROVIDE INSTALLATION RECOMMENDATIONS. IF NEEDED TO INCLUDE REVIEW OF ALL SITE ANOMALIES, SUBSURFACE CONDITIONS, THE PAVEMENT MIX DESIGN, SPECIFICATIONS. ALL COSTS RELATED BUT NOT LIMITED TO THE GEOTECHNICAL ENGINEERING OVERSIGHT, TESTING, LABORATORY WORK, RECOMMENDATIONS AND BORINGS MUST BE INCLUDED AS PART OF THE SITE WORK CONSTRUCTION CONTRACT BID/PRICE. IN LOCATIONS WHERE CONSTRUCTION TAKES PLACE WITHIN PUBLIC RIGHTS-OF-WAY, ALL SAMPLING AND TESTING MUST BE IN ACCORDANCE WITH AGENCY HAVING JURISDICTION'S (AHJ) REQUIREMENTS. THE GEOTECHNICAL ENGINEER'S REQUIREMENTS MUST BE ADHERED TO AND MUST TAKE PRECEDENCE OVER CONFLICTS OR OTHER SPECIFICATIONS/REQUIREMENTS CONTAINED HEREON.
- SCHEDULE** - THE CONTRACTOR MUST CONTINUALLY PROVIDE THE EOR AND OWNER (IF APPLICABLE) WITH AN UPDATED SCHEDULE AS NEEDED OF CIVIL SITE CONSTRUCTION PROJECT MILESTONES (AND CLEARLY DEFINED MILESTONES WHICH ARE PERTINENT TO AND APPROVED BY THE EOR) TO INCLUDE BUT NOT LIMITED TO A SCHEDULE (LISTED TYPES) FOR SHOP DRAWINGS FOR DEFINING CALLED FOR SHOP DRAWINGS, SYSTEM STARTUP, UTILITY CONNECTIONS, SYSTEMS TESTING, AGENCY APPROVALS) WITH SUFFICIENT DETAIL AND TIME TO ENABLE THE EOR TO BE AT THE SITE TO PERFORM CONSTRUCTION OBSERVATION ACTIVITIES IN CONSIDERATION OF FINAL CERTIFICATIONS. UNCALLED FOR SHOP DRAWINGS WILL BE RETURNED WITHOUT REVIEW.
- NOTIFICATIONS** - AT LEAST 14 BUSINESS DAYS PRIOR TO CONSTRUCTION, THE CONTRACTOR MUST NOTIFY THE EOR AND APPROPRIATE AGENCIES AND SUPPLY THEM WITH THE CONTRACTOR'S NAME, STARTING DATE, PROJECTED CONSTRUCTION SCHEDULE TO INCLUDE ALL PROJECT TEST DATES, MILESTONES, A SHOP DRAWINGS AND SUBMITTALS SCHEDULE, GEOTECHNICAL ENGINEER'S AND SURVEYOR'S CONTACT INFORMATION.
- SHOP DRAWINGS** - CONTRACTOR IS BE RESPONSIBLE FOR OBTAINING SHOP DRAWINGS FOR STRUCTURES (FROM PREFAB COMPANIES) WHICH ARE SIGNED AND SEALED BY THE VENDOR'S PROFESSIONAL STRUCTURAL ENGINEER FOR STRUCTURAL SUFFICIENCY. THE CONTRACTOR MUST REVIEW SHOP DRAWINGS AND APPROVE SAME FOR SUITABILITY RELATIVE TO INSTALLATION CONSTRAINTS AND COMPLIANCE WITH THE PLANS AFTER THE FIELD CONDITIONS ARE EXAMINED BY THE CONTRACTOR PRIOR TO SUBMITTING TO THE EOR. FIELD ADJUSTMENTS ARE TO BE PAID FOR AND ARE THE RESPONSIBILITY CONTRACTOR. IF THE CONTRACTOR IS GOING TO INSEST ON A QUICK REVIEW OF THE SHOP DRAWINGS, THE CONTRACTOR MUST PROVIDE A SCHEDULE OF SUBMITTALS THAT ALLOWS THE DESIGN TEAM REASONABLE TIME FOR REVIEW, I.E. 21 BUSINESS DAYS. SUBMITTALS CONCERNING THE PROPOSED IMPLEMENTATION OF MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, NON-PERMANENT WORK OF CONSTRUCTION ARE NOT THE RESPONSIBILITY OF THE EOR. CONTRACTOR MUST PROVIDE WRITTEN NOTICE OF DEVIATIONS FROM THE CONTACT DOCUMENTS. CONTRACTOR REMAINS LIABLE FOR ANY DEVIATIONS UNLESS REVIEWED BY THE EOR.
- PLAN COMPLIANCE AND CERTIFICATION** - THE CONTRACTORS WHOM BIDS ON THIS PROJECT UNDERSTANDS THAT BY ACCEPTING THESE PLANS (AS PART OF THE EJCDC CONTRACT DOCUMENTS (OR EQUIVALENT)) MUST WITHOUT EXCLUSION COMPLY WITH THESE PLANS AND MUST HOLD HARMLESS AND INDEMNIFY THE EOR AND THE OWNER OF ALL LIABILITY ASSOCIATED WITH THESE CONSTRUCTION PLANS. IF THE CONTRACTOR EXCLUDES ANY PART, IT MUST BE FIRST APPROVED BY THE EOR, ARCHITECT AND OWNER IN WRITING AND THE EXCLUSIONS MUST EXPLICITLY REFERENCE A SHEET, SECTION, AND PARAGRAPH IN THESE SPECIFICATIONS. USE OF THESE PLANS FOR CONSTRUCTION REQUIRES FULL COMPLIANCE UNLESS AUTHORIZED OTHERWISE IN WRITING BY THE ENGINEER OF RECORD. FINAL CERTIFICATION BY ENGINEER OF RECORD IS REQUIRED BY THE ENGINEER OF RECORD PRIOR TO THE DEMOBILIZATION AND RELEASE OF THE CONTRACTOR'S FINAL PAY REQUEST AND OBTAINMENT OF A CERTIFICATION OF OCCUPANCY.
- CROSS REFERENCES** - IF THE CONTRACTOR OBSERVES ANY ERRORS, DISCREPANCIES, OR OMISSIONS IN THE CONTRACT DOCUMENTS, HE MUST PROMPTLY NOTIFY THE EOR AND ARCHITECT. CONTRACTOR MUST CROSS REFERENCE OTHER DESIGN DISCIPLINES SUCH AS ARCHITECTURAL, STRUCTURAL, AND MEP. IF THE CONTRACTOR PROCEEDS WITH WORK AFFECTED BY SUCH ERRORS, DISCREPANCIES OR OMISSIONS WITHOUT RECEIVING CLARIFICATION, HE DOES SO AT HIS OWN RISK. ANY ADJUSTMENTS INVOLVING SUCH CIRCUMSTANCES MADE BY THE CONTRACTOR, PRIOR TO APPROVAL BY THE EOR AND ARCHITECT, ARE AT THE CONTRACTOR'S RISK AND ANY COMPLICATIONS OR DISPUTES ARISING THEREFROM ARE AT THE CONTRACTOR'S SOLE EXPENSE.
- SITE CONTROL** - CONTRACTOR ASSUMES FULL CONTROL AND LIABILITY OF ALL ACTIVITIES IN THE AREA OF CONSTRUCTION DURING THE LIFECYCLE OF CONSTRUCTION AND IS RESPONSIBLE FOR ALL IMPACTS AND ASSOCIATED REPAIRS IN AND AROUND THE AREA OF CONSTRUCTION.
- EXISTING UTILITY LINES** - E.G. POLES IN THE CONSTRUCTION AREA ARE TO BE BID AND PRICED FOR REMOVAL WITH NO EXCLUSIONS ON BID. EXCLUSIONS ARE NOT BINDING TO OWNER UNLESS IMPACTED BY APPROVED TO BY OWNER IN WRITING WITH REFERENCE TO THIS PARAGRAPH. USE OF THESE PLANS FOR CONSTRUCTION REQUIRES FULL COMPLIANCE UNLESS AUTHORIZED OTHERWISE IN WRITING BY THE ENGINEER OF RECORD.
- QUANTITIES** - CONTRACTOR IS RESPONSIBLE TO IDENTIFY AND VERIFY ALL NECESSARY QUANTITIES (REGARDLESS OF ANY QUANTITIES SHOWN HEREON) IN ORDER TO ADEQUATELY SUPPLY THE NECESSARY COMPONENTS ILLUSTRATED ON THESE PLANS AND TO HAVE FULLY FUNCTIONAL SYSTEMS.
- PLEASE REFERENCE THE PROJECT'S GEOTECHNICAL STUDY AND REQUIREMENTS PROVIDED IN THE GEOTECH REPORT.

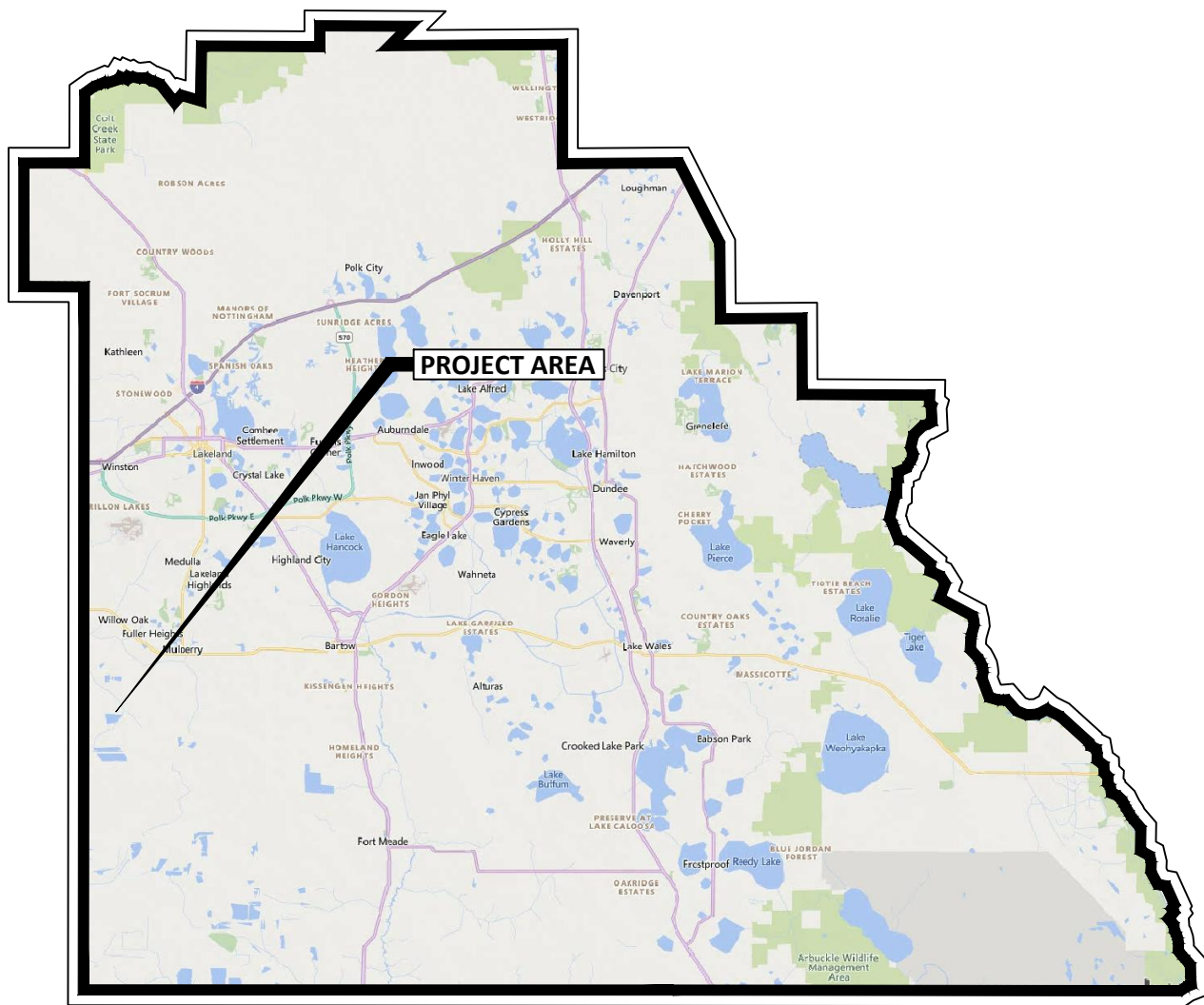
NPDES NOTE

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FILE A NOTICE OF INTENT (NOI) TO OBTAIN THE REQUIRED FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (FDEP) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT. THIS NOI MUST BE FILED AT LEAST TWO (2) DAYS BEFORE COMMENCEMENT OF CONSTRUCTION. PLEASE NOTE THAT IN ADDITION TO THE NOI, A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) MUST BE COMPLETED. THIS NOI AND SWPPP MUST BE KEPT ONSITE UNTIL CONSTRUCTION IS COMPLETED. ONCE THE SITE HAS BEEN FINALLY STABILIZED, A NOTICE OF TERMINATION (NOTI) MUST BE COMPLETED AND FILED TO D.E.P.. INFORMATION ABOUT NPDES STORM WATER PROGRAM CAN BE OBTAINED BY CALLING THE FDEP-NPDES STORM WATER PROGRAM AT 850.245.7532 OR VISITING THEIR WEBSITE AT: <http://www.dep.state.fl.us/water/stormwater/npdes/construction3.htm>.



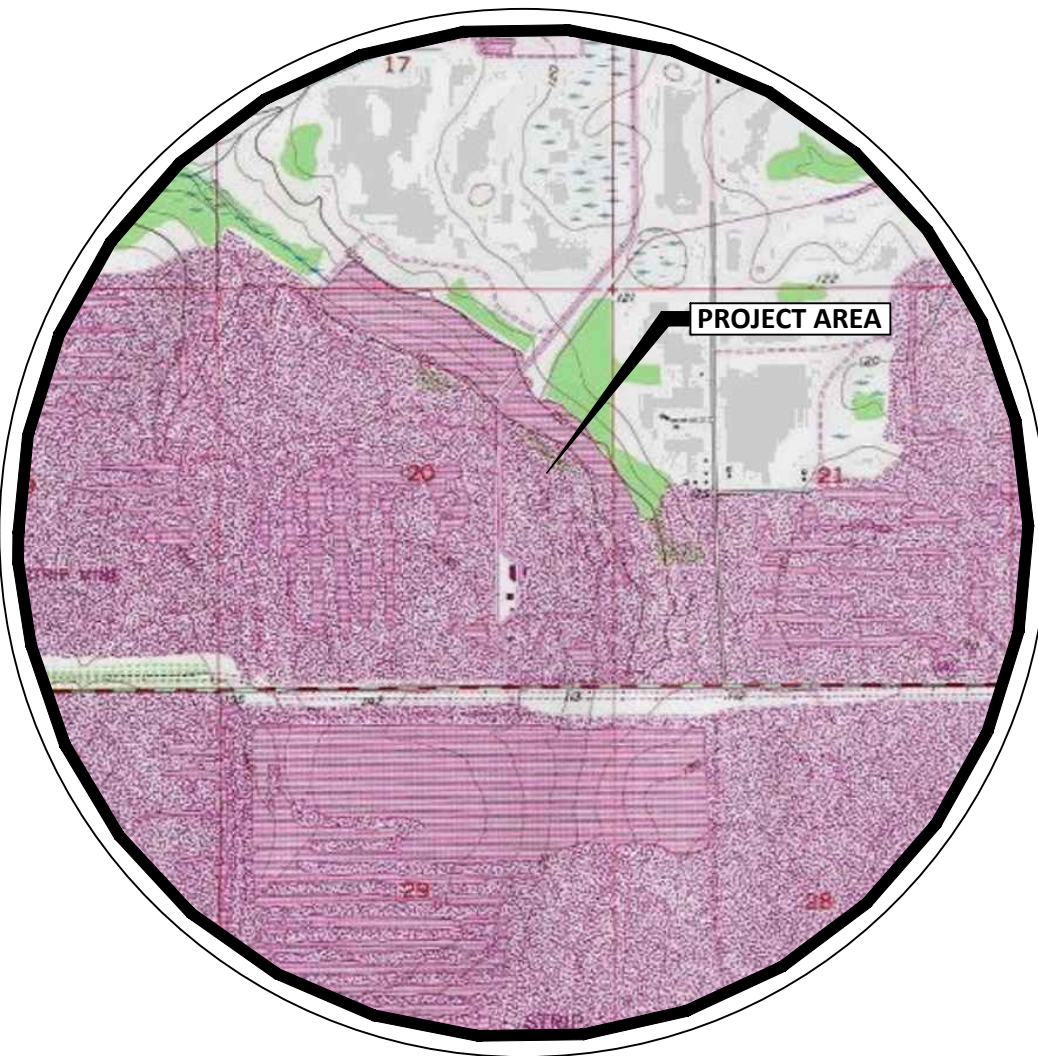
SOILS MAP

N.T.S.



LOCATION MAP

CR 640 PINECREST
MULBERRY, FLORIDA
LATITUDE: 27° 51' 24.77" N
LONGITUDE: 82° 01' 49.00" W



USGS MAP

N.T.S.



Sheet List Table

Sheet Number	Sheet Title
--	COVER
C1.0	OVERALL SITE PLAN
C2.0	TRAFFIC CIRCULATION PLAN
C3.0	OPERATIONS PLAN
C4.0	RECLAMATION PLAN
C5.0	CROSS SECTIONS
C6.0	POST CLOSURE PLAN

REVISIONS

NO.	DATE	REVISION DESCRIPTION	BY
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CARTER | KAYE
ENGINEERING

137 5th Street N.W. • Winter Haven, FL 33881
T: (863) 294-6965 • Web: www.carterkaye.com

PROJECT VERTICAL DATUM: NAVD 88 PROJECT NO. MIMSC23005

Sunshine811

Call 811 or visit sunshine811.com two full
business days before digging to have
buried facilities located and marked.
Check positive response codes before you dig!

CONTACTS

TOM MIMS
NICHOLS RANCH, LLC
439 S. FLORIDA AVENUE SUITE 202
LAKELAND, FL 33801
PHONE: (863) 683-9297

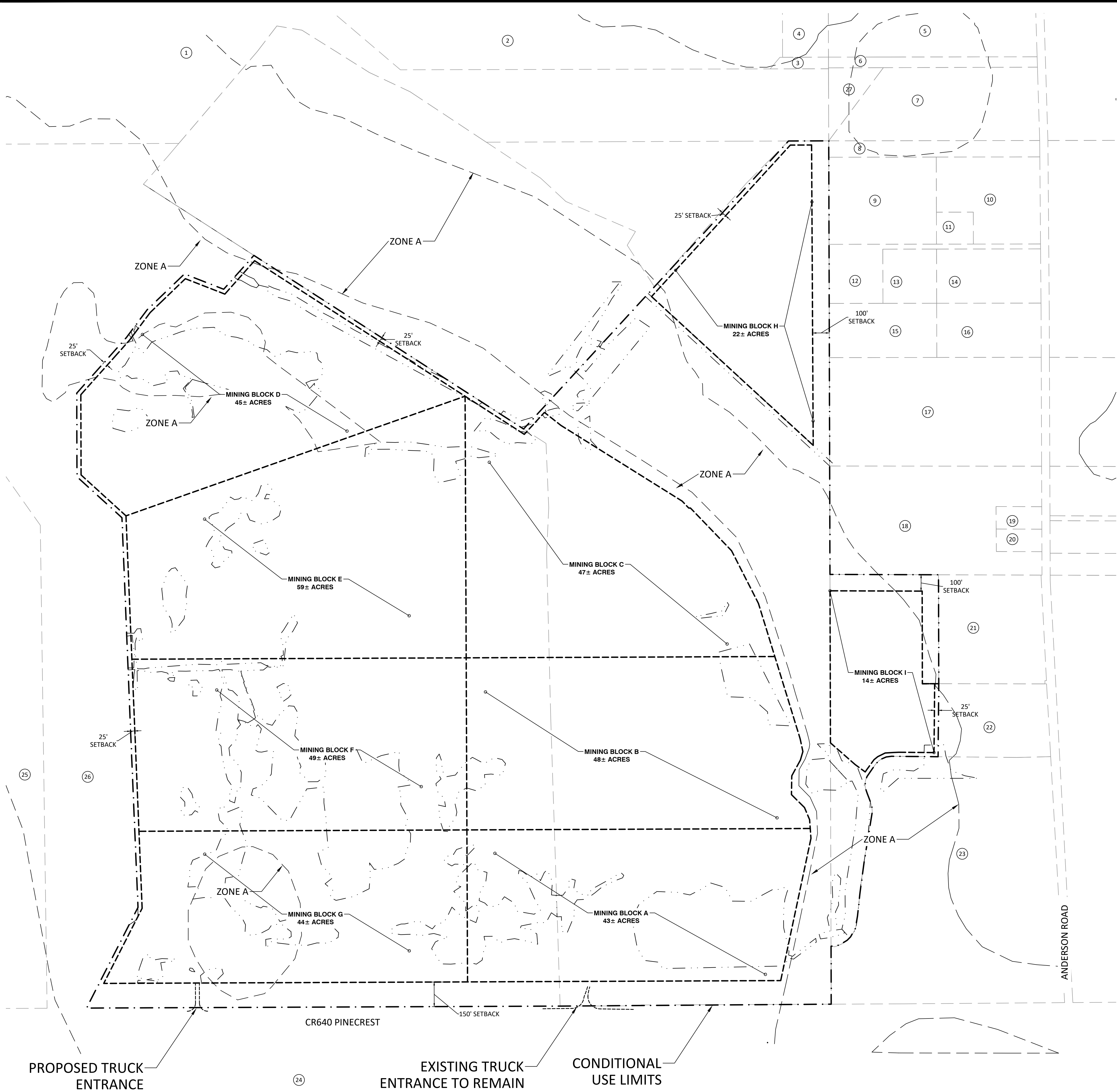
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KIM MCCRANIE, PM
CARTER AND KAYE ENGINEERING, LLC
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WINTER HAVEN, FL 33881
PHONE: (863) 294-6965

MARTY MCDOWELL
TAMPA ELECTRIC COMPANY
P.O. BOX 111
TAMPA, FL 33601
PHONE: (863) 224-9629

SCOTT WALLS
FRONTIER FLORIDA LLC
120 E. LIME STREET
LAKELAND, FL 33801
PHONE: (813) 978-2173

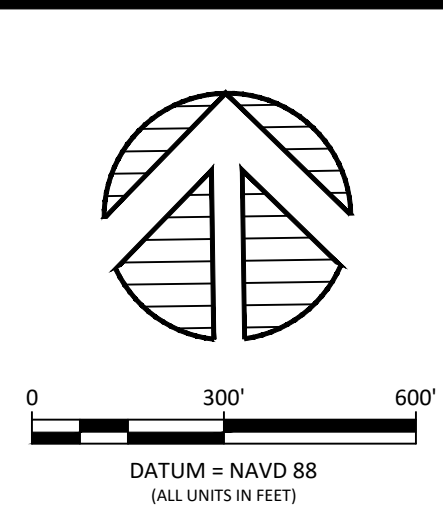
GARY HARDY
FLORIDA PUBLIC UTILITIES
1705 7TH STREET S.W.
WINTER HAVEN, FL 33880
PHONE: (863) 292-2933

Dwg: K:\Clients\JMISC - Tom Mims Corp\JMISC23005 Mims N 640 Industrial Park\KACAD_SHEETS\OPERATIONS.dwg; Layout: C3.0 OPERATIONS PLAN; Sep 12, 2024; 10:42



LEGEND

EXISTING PROPERTY BOUNDARY
EXISTING CONDITIONS TEXT
EXISTING SPOT ELEVATIONS
EXISTING CONTOURS
EXISTING POTABLE WATER
EXISTING STORM SEWER
EXISTING FENCE LINE
EXISTING SANITARY LINE
EXISTING OVERHEAD WIRES
EXISTING BURIED TELEPHONE LINE
EXISTING BURIED FORCE MAIN
PROPOSED RIGHT-OF-WAY
PROPOSED CONDITIONS TEXT
PROPOSED POTABLE WATER
PROPOSED FORCE MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
JURISDICTIONAL WETLAND LINE
25' WETLAND BUFFER
100-YR FIRM
PROPOSED PARKING SPACE COUNT
CAUTION!! VERTICAL CLEARANCE IS CRITICAL. DEFLECT PIPE AS NECESSARY PER CONFLICT DETAIL.



GENERAL INFORMATION

APPLICANT: MIMS HAMMOCKS, LLC
439 S. FLORIDA AVE. SUITE 202
LAKELAND, FL 33801

PARCEL IDS: 233020-000000-014010, 233020-000000-011010,
233021-000000-043030
PROPERTY FLU: PM WITHIN THE RDA

ACREAGE: PROPERTY AREA: 455± AC.
WETLAND AREA: 37± AC.
MINING RECLAMATION AREA: 351± AC.

MINING SCHEDULE:
START: SPRING 2025
COMPLETION: MARKET DRIVEN (ESTIMATED 2065)
RECLAMATION COMPLETE: 2070
ANNUAL ACREAGE TO BE MINED: ESTIMATED 9± ACRES

HOURS OF OPERATION: MONDAY THROUGH SATURDAY
6:30 AM TO 5:30 PM

*ALL MINING SHALL BE RECLAIMED IN ACCORDANCE WITH STATE REGULATIONS, CHAPTER 62C OF THE FLORIDA ADMINISTRATIVE CODE

GENERAL OPERATIONS NOTES

- MINING SETBACKS SHOWN HEREON ARE PER LDC CHAPTER 3 MINING - NON-PHOSPHATE 14. PROPOSED SETBACK REDUCTIONS SHOWN HEREON PER PER LDC CHAPTER 3 MINING - NON-PHOSPHATE 14. IV & V.
- PROPOSED MINING DEPTH IS APPROXIMATELY 30' DEEP.
- EXISTING BUILDINGS ONSITE TO REMAIN.
- WHEN EXTREMELY DUSTY CONDITIONS EXIST OR WHEN REQUIRED BY POLK COUNTY AND/OR STATE OF FLORIDA AIR POLLUTION DUST CONTROL RULES, THE ACTIVE MINE AREA AND INTERNAL TRAVELWAYS WILL BE SPRINKLED AS NECESSARY TO REDUCE AIRBORNE PARTICULATES.
- ALL EXCAVATED AND RECLAMATION MATERIAL TO BE TRANSPORTED BY TRUCK.

SILT FENCE EROSION NOTE

INSTALL TEMPORARY SILT FENCE EROSION PROTECTION ON AT MINING LIMITS LINE AS NEEDED TO EXTEND TO THE LIMITS OF EACH PHASE UNTIL SUCH TIME THAT THE PIT EXCAVATION OCCURS. ONCE THE PIT EXCAVATION OCCURS FOR EACH PHASE THEN THE SILT FENCE CAN BE REMOVED SINCE ALL RUNOFF WILL BE DIRECTED TO THE EXCAVATED PIT.

INDUSTRIAL USE NOTE

INDUSTRIAL USE IS PROPOSED FOR THE SITE, WITH OR WITHOUT THE COMPLETION OF MINING/RECLAMATION ACTIVITIES.

ADJACENT PROPERTY OWNERS

1	233017000000022020	MOSAIC FERTILIZER LLC
2	233017000000012010	MOSAIC FERTILIZER LLC
3	233017000000022050	MOSAIC FERTILIZER LLC
4	233017000000011010	MOSAIC FERTILIZER LLC
5	233016000000033020	MOSAIC FERTILIZER LLC
6	233016000000044010	MOSAIC FERTILIZER LLC
7	233016000000044020	MIMS PROPERTIES LLC
8	233021000000033100	AGRIFOS MINING L L C
9	233021000000033080	ZELLNER TODD A
10	233021000000033070	CHAUDHRY SHAFIQ M REVOCABLE TRUST
11	233021000000033050	TICE WILLIAM A
12	233021000000033030	TREJO MICHAEL
13	233021000000033010	YGNACIO MARTIN
14	233021000000033060	SEGREE MICHAEL B
15	233021000000033040	FORD KIMBERLY
16	233021000000033020	ZELLNER VICKI
17	2330210000000334010	STRICKLAND DIEN KIM DUONG
18	2330210000000334020	STRICKLAND DIEN KIM DUONG
19	2330210000000334040	HOOKER SHARON H
20	2330210000000334030	BURNHAM JAMES
21	233021000000043010	SUAREZ JUAN MIGUEL
22	233021000000043030	AGRIFOS MINING L L C
23	233021000000044010	MIMS PROPERTIES LLC
24	233029000000011010	MOSAIC FERTILIZER LLC
25	2330200000000334010	MOSAIC FERTILIZER LLC
26	2330200000000331010	MOSAIC FERTILIZER LLC
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KRISSE Y. KAYE
LICENSE
No 50607
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

KRISSE Y. KAYE, P.E., MS ENV. CFM, EOR
FL P.E. LIC. NO. 50607



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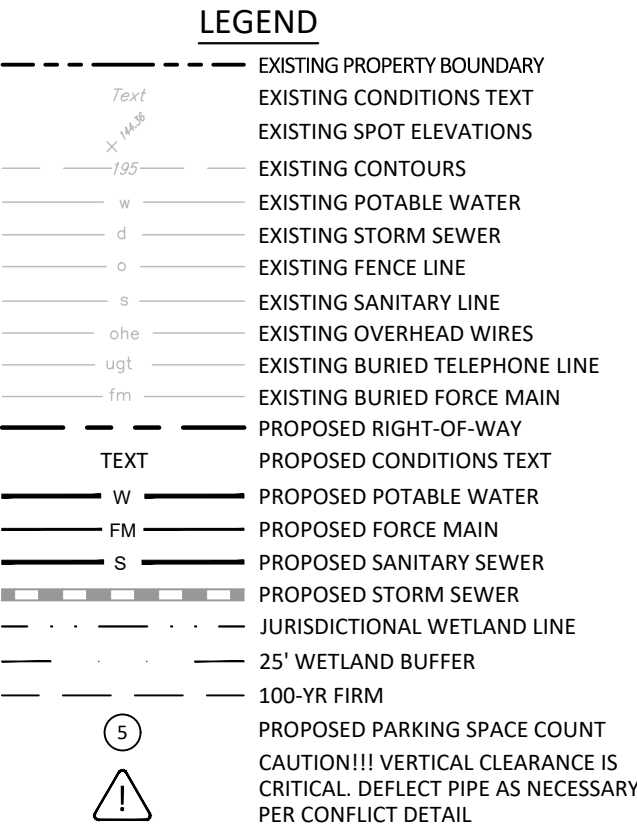
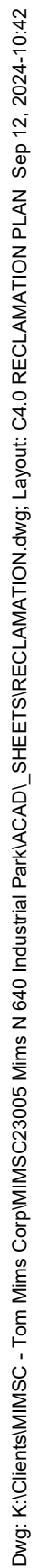
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PINECREST MINE (CR 640 MINE EXPANSION)
NICHOLS RANCH, LLC

OPERATIONS PLAN

PROJECT NO: MIMSC23005
DRAWN BY: KKM
APPROVED BY: DCC
THESE PLANS ARE PRELIMINARY PRIOR TO PERMIT ISSUANCE
SHEET NO:
C3.0



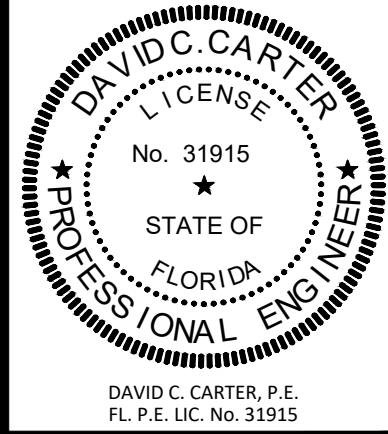
1. WHERE PRACTICAL, RECLAMATION WILL BE ONGOING DURING THE LIFE OF THE PROJECT AND FOLLOW ALONG WITH MINING OPERATIONS.
2. PROPOSED RECLAMATION WILL BE CONSISTENT WITH THE POLK COUNTY FLU DESIGNATION FOR THIS SITE.
3. UPLAND SOILS CLASSIFICATION SUPPORTS COMMON TREES AND GRASSES WITHOUT SOIL AUGMENTATION.

AREAS OF GRASSING/SEEDING FOR PASTURE
SUGGESTED TO HAVE A SEED MIX AT:

- | | |
|--------------------|--------------------|
| 1. PENSACOLA BAHIA | 50% |
| 2. BROWN MILLET | 50% (IF SUMMER) OR |
| 3. WINTER RYE | 50% (IF WINTER) |

1. ALL SIDE SLOPES TO BE GRADED AT 4:1 SLOPE. EXPOSED SIDE SLOPES OF SURFACE WATER ARE TO BE SEED AND MULCHED TO NORMAL POOL ELEVATION.
2. ALL TEMPORARY EROSION PROTECTION TO BE REMOVED AND PROPERLY DISPOSED OF.
3. NO MANMADE STRUCTURES/FACILITIES OR EQUIPMENT WILL BE LEFT ONSITE.
4. THE PROPOSED RECLAMATION SHALL BE LIMITED TO USES SPECIFIED IN WITH THE CU CONDITIONS OR ANY ACTIVITIES PERMITTED UNDER FLU DESIGNATION AS STATED IN THE LDC.

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**Sunshine811**

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PINECREST MINE (CR 640 MINE EXPANSION)

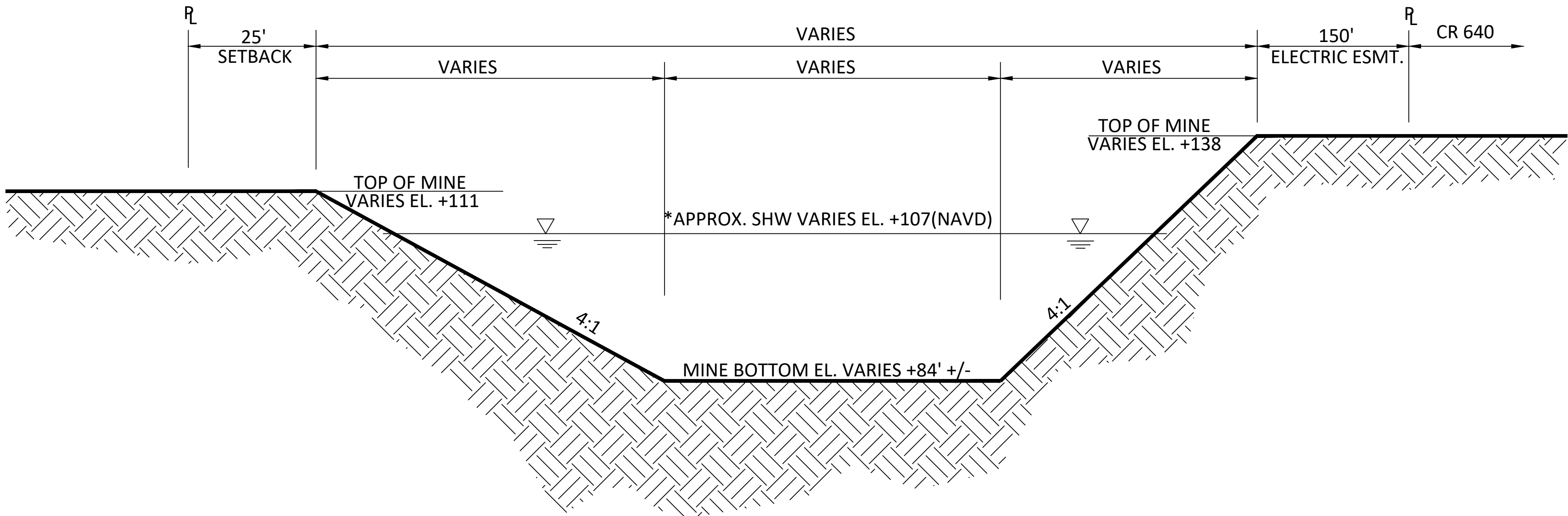
NICHOLS RANCH, LLC

PROJECT NO:	MIMSC23005
DRAWN BY:	KKM
APPROVED BY:	DCC
THESE PLANS ARE PRELIMINARY PRIOR TO PERMIT ISSUANCE	

SHEET NO:

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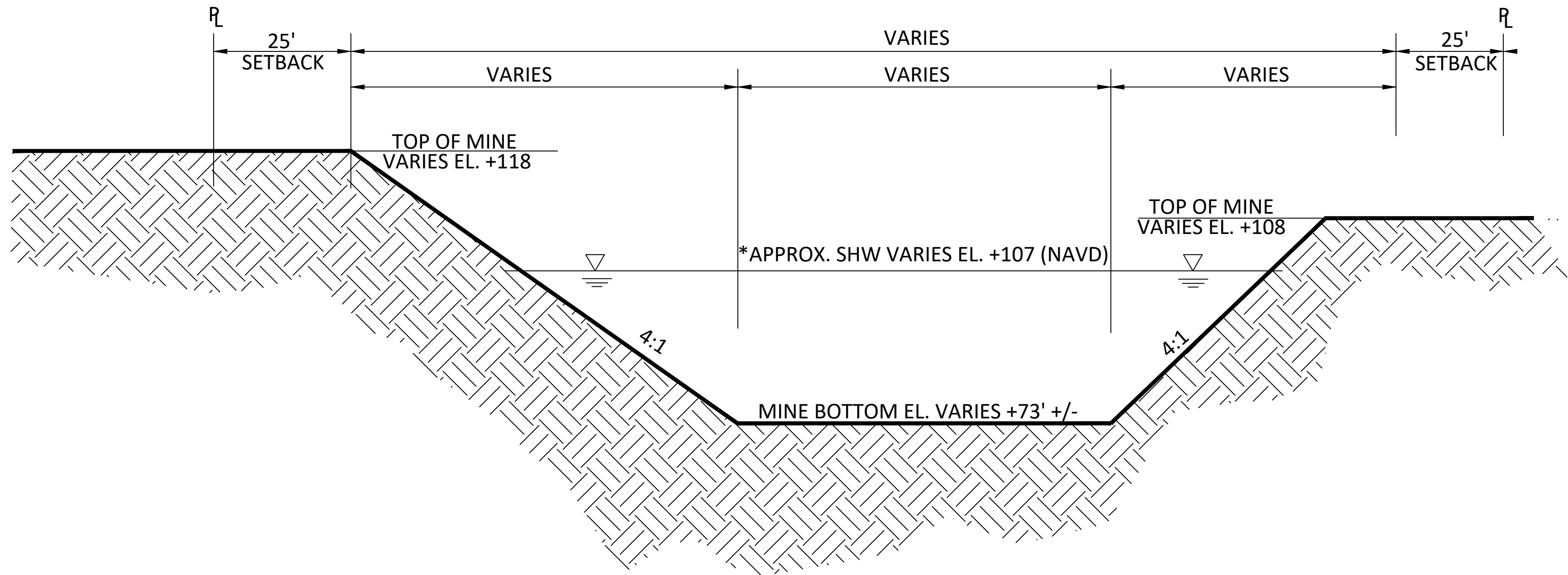
Dwg: K:\Clients\MMSC - Tom Mins Corp\MMSC23005 Mins N 640 Industrial Park\CADD_SHEETS\CROSS SECTIONS\mgp Layout_24x36 Landscape Sep 12, 2024-10:42



TYPICAL MINING CROSS SECTION A-A
N.T.S.

* NOTE THAT THE SEASONAL HIGH IS APPROXIMATE AND VARIES.

THE SEASONAL HIGH WILL BE DETERMINED UPON GEOTECHNICAL REVIEW AND ENGINEERING DESIGN OF THE MINING BLOCKS.



TYPICAL MINING CROSS SECTION B-B
N.T.S.

PRINTED COPIES OF THIS DOCUMENT WHICH DO NOT HAVE A SEAL OVER AN ORIGINAL SIGNATURE & DATE ARE NOT CONSIDERED SIGNED AND SEALED. A DIGITAL SIGNATURE, IF APPLICABLE, MUST BE VERIFIED TO BE VALID ON ANY ELECTRONICALLY SIGNED COPIES.

KRISS Y. KAYE
LICENSE
No 50607
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

KRISS Y. KAYE, P.E., MS ENV, CFM, EOR
FL P.E. LIC. NO. 50607

Sunshine 811

NO.	DATE	REVISIONS	BY

CARTER KAYE
ENGINEERING

137 5th Street N.W. • Winter Haven, FL 33881
T: (863) 294-6965 • Web: www.carterkaye.com

PINECREST MINE (CR 640 MINE EXPANSION)
NICHOLS RANCH, LLC

CROSS SECTIONS

PROJECT NO: MIMCS23005
DRAWN BY: KKM
APPROVED BY: DCC
THESE PLANS ARE PRELIMINARY
PRIOR TO PERMIT ISSUANCE

SHEET NO:
C5.0



www.polk-county.net

TRAFFIC CONCURRENCY MINOR TRAFFIC REVIEW FEE \$50.00

Growth Management Department

Land Development Division

330 W. Church St.

P.O. Box 9005, Drawer GM03

Bartow, FL 33831-9005

Telephone: (863) 534-6792

Fax: (863) 534-6407

This procedure should be followed when applying for a Final or Conditional Concurrency Determination. These trips can then be assigned to the "Directly Accessed Segment" on the "Concurrency Determination Network."

(Note: The requirements for the completion of a Minor Traffic Review can be found in Appendix C of the Polk County Land Development Code, "Traffic Impact Study Methodology and Procedures".)

Project Name: Pinecrest Mine (CR 640 Mine Expansion) **Project Number:** _____

- A. Developments generating more than 50 and less than or equal to 750 average daily trips will be required to submit a Minor Traffic Review with any application for a Final or Conditional Concurrency Determination.
- B. Submit four copies of the completed Minor Traffic Review to Land Development Division with any application for a Concurrency Determination.
- C. Complete the following information (for help filling out this form refer to the Institute of Transportation (ITE) Manual or Table 1 "Polk County Traffic Impact Study, " attached below):

- A. Provide a description and location of the project: Request is for a Conditional Use to operate a non-phosphate mine on approximately 455 +/- acres. This area located north of CR 640 and west of SR 37 and Anderson Road.

Note: Because the intended use does not fit any of the Polk ITE designations, an individual

Project calculation is Attached.

Identify the Directly Accessed Segment from the proposed project onto the Concurrency Determination Network. (Note: Road segments on the Concurrency Determination Network can be obtained from the Polk County Roadway Network Database. The Directly Accessed Segment is the first road on the Concurrency Determination Network which is accessed by a vehicle leaving the project site.)

4069

Link #

CR 640 Pinecrest (From Hillsborough County Line to SR 37)

Road Segment Name including the From Road to the To Road

B. Identify each use category and number of units by using the ITE or Column B of Table 1 below.

- | | |
|----------------------|--|
| • Land use category: | **SEE LAST PAGE FOR PROJECT INFORMATION** |
| • Number of units: | N/A |

C. Estimate of the number of daily and peak hour trips generated (use ITE or Table 1) by multiplying the number of units from above, times the daily trip rate and peak hour trip rate,

- Number of units (above) N/A X daily trip rate (ITE or Table 1, Column D) N/A
 = 84 daily trips (*SEE ASSUMPTION PAGE)
- Number of units (above) N/A X peak hour trip rate (ITE or Table 1, Column E) N/A
 = 8 (See Assumption Page) peak hour trips

D. Indicate the Peak Hour Directional Capacity number of the Directly Accessed Segment and percent of capacity consumed by the project traffic. (See Polk County Transportation Planning Organization's (TPO's) Roadway Network Database.)

Peak Hour Directional Capacity of the Directly Accessed Segment **900**

To calculate the percent of capacity consumed by the project traffic, divide the number of peak hour trips by the answer above.

Peak hour trips (from Step 3.C. above) 8 ÷ peak hour directional capacity Directly Accessed Segment

900 = 0.01 X 100 = 1 percent (%) consumed

E. Determine the number of net external peak hour trips that will impact each Directly Accessed Segment for both the peak and off-peak directions (e.g. after internal capture and/or adjacent street capture is considered).

1. Each road segment consists of two (2) directional links, i.e. east and west, or north and south. The direction factor is the percentage (%) of the total traffic traveling a given direction during the peak hour. Identify the direction factor which accompanies each directional link.

4069 E
Link # (E, W, N, S)

0.490
D-Factor

4069 W
Link # (E, W, N, S)

0.510
D-Factor

To locate the Direction Factor (D-Factor) see (TPO's) Roadway Network Database.)

2. Steps to Determine Peak Hour Trips by Direction:

a) Multiply the number peak hour trips times the "Percent New Trips" factor **(ITE or Table 1, Column F)**

- 8 peak hour trips **(Step 3.C.)** X "Percent New Trips" factor 100 %
= 8 peak hour trips ("new trips")

b) Identify the greater of the two: the number of vehicle trips entering or exiting the site during the peak hour. For the land use category identified under Step 3.A., identify the percentage (%) of trips entering and exiting the site during the peak hour **(ITE or Table 1, Column G)**. Multiply the higher percentage (%) times the number of peak hour trips calculated under Step 3.E.2.a. (Always round this number up to the next whole number.)

(%) of trips entering the site: 50 (%) of trips exiting the site: 50

greater percentage 0.50 X 8 peak hour trips **(Step 3.E.2.)** = 4 peak hour trips (round up)

c.) Identify the peak hour trips the project will add to each directional link on the Directly Accessed Segment.

Multiply the number of peak hour trips obtained from Step 3.E.2.B. time the direction factors identified under Step 3.E.1 for each directional link on a segment. These are the peak hour trips for both the peak and off-peak direction. (Round these numbers to the nearest whole number. Peak and off-peak trips should equal the total trips.) These trips can be assigned to each link on the Directly Accessed Segment.

Segment/Link # 4069 E : 0.490 Direction Factor **(Step 3.E.1.)** X 4 peak hour trips **(Step 3.e.2.b.)**
= 2 peak hour trips (round to nearest whole number)

Segment/Link # 4069 E : 0.510 Direction Factor **(Step 3.E.1.)** X 4 peak hour trips **(Step 3.e.2.b.)**
= 2 peak hour trips (round to nearest whole number)

D. The impact of project traffic on the first Directly Accessed Segment on the Concurrency Determination Network, shall be evaluated relative to its adopted level of service. Additional impacted segments may be added by the Land Development Division when it would be in the best interest of Polk County to do so in order to maintain the adopted level of service standards. Based upon this information, a determination shall be made by the Land Development Division whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed development. A Certificate of Concurrency may then be issued according to the procedures identified in the Polk County Land Development Code.

- E. If the information submitted pursuant to Chapter 7, Section 703 of the Polk County Land Development Code indicates the level of service will fall below the adopted standard, then the applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions (see Appendix C, Section R. Segment Analysis), or the applicant may propose roadway improvements to restore acceptable conditions.
- F. The appeals process for a Minor Traffic Review shall be governed by the procedure set forth in the Polk County Land Development Code.

Approval of this application does not waive any other applicable provisions of the Polk County Land Development Code, the Polk County Comprehensive Plan, the Polk County Utility Code which are not part of the request for this application, nor does approval waive any applicable Florida Statutes, Florida Building Code, Florida Fire Prevention Code, or any other applicable laws, rules, or ordinances, whether federal, state or local. The applicant has the obligation and responsibility to be informed of and be in compliance with all applicable laws, rules, codes and ordinances.

I, **David C. Carter, Authorized Representative** (print name), the owner of the property which is the subject of this application, or the authorized representative or owner of the property which is the subject of this application, hereby authorize representatives of Polk County to enter onto the property which is the subject of this application to perform any inspections or site visits necessary for reviewing this application. I understand that representatives of Polk County are not authorized to enter any structures dwellings which may be on the property.



Property owner or property owner's authorized representative

July 31, 2024
Date

NOTE: Because the intended use does not fit any of the Polk ITE designations, an individual project calculation is shown below.

MINOR TRAFFIC STUDY

Traffic Impact - Detailed methodology and calculations

Assumptions:

1. Based on the predicted demand, the site will be operated with one excavator/operator per day. The hours of operation for the mine are 6:30 a.m. to 5:30 p.m. (11 hours with one hour for operator's lunch).
2. At peak operation, the mine will be able to load 4 trucks per hour (one truck per 15 minutes).
3. Based on location, the project will access link 4069 E & W. 83% of the project trips will travel east on CR 640 to SR 37 and 17% will head west on CR 640 towards Hillsborough County.

Trip Calculation:

4 trucks/hour x 10 hours = 40 loads

1 operator arriving/leaving

1 operator leaving/arriving for lunch

(Must multiply load by 2 since entering & exiting) = $42 \times 2 = 84$ AADT (Total Trips Entering/Exiting the Site Entrance)

$84 \times 83\% = 70$ AADT (Total Trips Traveling East on CR 640)

$84 \times 17\% = 14$ AADT (Total Trips Traveling West on CR 640)

$70 \text{ ADT}/11 \text{ HRS} = 7 \text{ PHT}$ (East ADT/Daily hours mining is operational)

$28 \text{ ADT}/11 \text{ HRS} = 3 \text{ PHT}$ (West ADT/Daily hours mining is operational)

POLK COUNTY PLANNING COMMISSION

FINAL ORDER

Case Number: LDCU-2024-26 Pinecrest Mine (LDCU-2019-9 Mod)

Applicant: David Carter (Carter and Kaye Engineering)

Property Owner: Mims Industrial LLC

Hearing Date: November 6, 2024

I. Request:

The Applicant is requesting a major modification to LDCU-2019-9 to operate a non-phosphate borrow pit and a reduction in property line setbacks from 100' to 25'.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a level 3 application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. 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
 - d. How the concurrency requirements will be met, if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, sections 906 and 303.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.

5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 6th day of November **2024**, by the Polk County Planning Commission.

Polk County Planning Commission

ATTEST:

By: _____
Robert Beltran, Chair

By: _____
Lyndsay Yannone, Recording Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order

Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)



Polk County
Planning Commission

Agenda Item 3.

11/6/2024

SUBJECT

LDCU-2024-22 (Old Kissimmee Road MH CU)

DESCRIPTION

The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes. The subject site is located South of Old Kissimmee Road, west of Hwy 17/92, north of Parker Road, north of the City of Davenport in Section 06, Township 26, Range 28.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

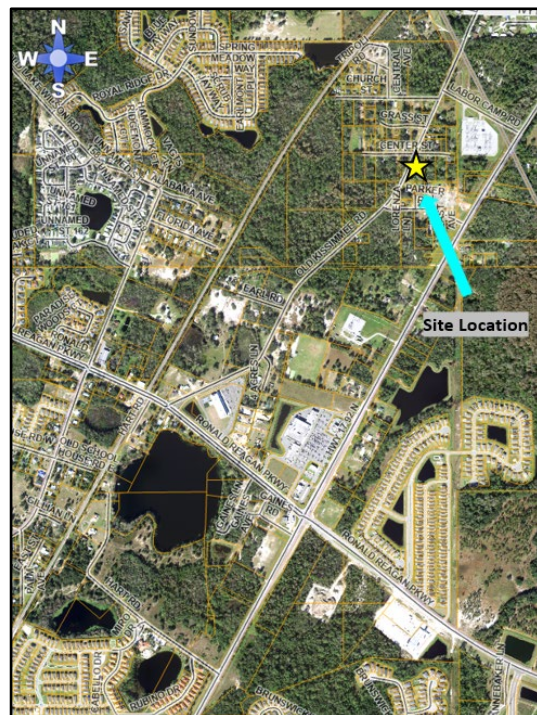
POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	September 5, 2024
Planning Commission Date:	November 6, 2024
BoCC Dates:	N/A
Applicant:	Tarik Asbar
Level of Review:	Level 3 Review, Conditional Use
Case Number and Name:	LDCU-2024-22 Old Kissimmee Road MH CU
Request:	The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes
Location:	South of Old Kissimmee Road, west of Hwy 17/92, north of Parker Road, north of the City of Davenport in Section 06, Township 26, Range 28.
Property Owner:	Tissir LLC
Parcel Size:	±0.98 acres (282606-932800-006042)
Development Area/Overlays:	Transit Supportive Development Area (TSDA)
Future Land Use:	Residential Low-4X (RL-4X), Ronald Reagan Parkway SAP
Nearest Municipality	Davenport
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending
Case Planner:	Aleya Inglima, Planner II

Location



2023 Aerial



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 0.98-acre lot within a Residential Low-4X (RL-4X) Future Land Use District (*See Exhibit 2*). Chapter 4, Table 4.3 (Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan) of the Land Development Code indicates the placement of mobile homes within a RL-4X land use district requires Conditional Use approval via a Level 1 Review (via Staff only). In order to meet current development approval conditions, Mobile Home requests are subject to the standards found in Section 303 of the LDC which states an individual mobile home is permitted within any platted residential subdivision in which 50 percent or more of the developed lots contain mobile homes. According to current information from the Property Appraiser's website, the parcel is within the Tripoli Plat. As this parcel does not meet the 50% threshold, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a mobile home on the subject property.

Staff recommends approval. This mobile home request is compatible with the surrounding area. The nearest mobile home is approximately 90 feet away. Tripoli Plat was recorded in 1919 (Plat Book 4B, Page 59) and has 58 total residential parcels. There are twenty-one single family detached homes, twenty-eight vacant lots, eight mobile homes, and one duplex. The proposed mobile home will meet the required setbacks for the land use district. The proposed request is consistent with the LDC and Comprehensive Plan.

Findings of Fact

- *LDCU-2024-22 is a Conditional Use request to allow a mobile home on Parcel No. 282606-932800-006042 (+/- 0.98 acres) within a Residential Low-4X (RL-4X) land use district in the Transit Supportive Development Area (TSDA).*
- *This property is in the Tripoli Plat (Plat Book 4B, Page 59) recorded on March 8, 1919.*
- *The surrounding properties are within Residential Low-4X (RL-4X) land use district.*
- *Old Kissimmee Road (Road No 671203) is a County-maintained, paved local road with a width of 18 feet.*
- *Section 111.F.2 of the Land Development Code (LDC) states, "Subdivision plats which have been recorded prior to the effective date of this Code shall be vested for any development standard which would apply to the subdivision."*
- *Section 204.A.7 of the LDC states, "The purpose of the RL-4 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet."*
- *Per Table 2.2 of the LDC, RL-4 land use mandates right-of-way setbacks for the primary structure of 15 feet, side setbacks for the primary structure of seven (7) feet, and rear setbacks for the primary structure of 10 feet.*
- *This subject property is located in the Transit Supportive Development Area (TSDA). According to POLICY 2.104-A5 of Polk County's Comprehensive Plan, "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."*
- *Chapter 553 of the Florida Statutes states that "Mobile Homes" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*
 - *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that "Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County's Land Development Code."*

- *According to Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*
 1. *Within any registered mobile home park that has been approved by Polk County;*
 2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
 3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
 4. *On any un-platted legal residential lot or parcel in the A/RR district;*
 5. *On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;*
 6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
 7. *On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;*
 8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
 9. *On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 20 located at 510 Ronald Reagan Pkwy, Loughman, FL 33858. This is located approximately 2 miles from the subject site with a response time of seven (7) minutes.*
- *Sheriff's response to the site is served by the Northeast District located at 100 Dunson Rd, Davenport. The response times in August 2024 were: Priority 1 Calls – 10:57 and Priority 2 Calls – 30:37.*
- *The subject property will utilize an onsite treatment system for wastewater and well for potable water.*
- *The development is zoned for Loughman Oaks Elementary, Shelley S. Boone Middle, and Davenport High School. The site is 2.5 miles from Loughman Oaks Elementary; 12 miles from Shelley S. Boone Middle; and 3 miles from Davenport High School.*
- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*

- *The property is composed of Placid and Myakka fine sands, Immokalee sand, and Satellite sand.*
- *The property has wetlands and no floodplains.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *A Citrus Connection mass transit stop is not available.*
- *The subject site has ingress and egress access through Old Kissimmee Road. Old Kissimmee Road is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway CR 54 (7305E) has approximately 600 available PM Peak Hour trips; CR 54 (7305W) has approximately 552 available PM Peak Hour trips. CR 54 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".*
- *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 Section 111 and Section 303 of the LDC.*
- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2024-22 with the following Conditions:

1. LDCU-2024-22 is approved for no more than one (1) mobile home on a Parcel # 282606-932800-006042 as indicated in the site plan and staff report.

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: Residential Low-4X Lot 4 Tripoli Plat Single family home	North: Residential Low-4X Lot 7 Tripoli Plat Single family home	Northeast: Residential Low-4X Lot 4 Tripoli Plat Single family home
West: Residential Low-4X Lot 1 Tripoli Plat Single family home	Subject Property: Residential Low-4X Lot 4 & 5 Tripoli Plat Religious Institution	East: Residential Low-4X Lot 3 Tripoli Plat Single family home
Southwest: Residential Low-4X Lot 10 Tripoli Plat Vacant	South: Residential Low-4X Lot 6 Tripoli Plat Mobile home	Southeast: Residential Low-4X Lot 7 Tripoli Plat Single family home

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

The adjacent lots are within Residential Low-4X (RL-4X) land use districts and are occupied with site-built single-family homes and mobile homes. There are also vacant lots throughout the plat. This lot has been vacant since 2000.

Compatibility with the Surrounding Land Uses and Infrastructure:

This request is compatible with surrounding land uses and available infrastructure. The impact from a single mobile home is minimal. The dominant surrounding use is single-family residential which are compatible. There are mobile homes that are interspersed throughout the plat. The nearest mobile home is about 90 feet away to the south. The nearest residential home is approximately 25 feet east to the property line. Many of the homes within this neighborhood were built before 1940. A nonconforming religious institution has been located on the subject site since the 1970s. Please refer to Table 1 and Exhibit 6 for the layout of the mobile homes in relation to the site-built homes.

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.”

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one mobile home will not trigger school concurrency requirements; however, there is available capacity for zoned schools. The subject property will utilize a septic tank for wastewater and well for potable water.

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.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Loughman Oaks Elementary, Shelley S. Boone Middle, and Davenport High School. <i>School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.</i>
Sheriff	Sheriff's response to the site is served by the Northeast District located at 100 Dunson Rd, Davenport. The response times in August 2024 were: Priority 1 Calls – 10:57 and Priority 2 Calls – 30:37.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 20 located at 510 Ronald Reagan Pkwy, Loughman, FL 33858. This is located approximately 2 miles from the subject site with a response time of seven (7) minutes.
Water	Well
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Old Kissimmee Road. Old Kissimmee Road is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway CR 54 (7305E) has approximately 600 available PM Peak Hour trips; CR 54 (7305W) has approximately 552 available PM Peak Hour trips. CR 54 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D"..
Urban Sprawl	Site is located within the TSDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The lot is using Lakeland water and utilize an onsite treatment system. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary Proposed Conditional Use (One Mobile Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
360 GPD	270 GPD	7.81 AADT	1.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a mobile home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i>			

Environmental Conditions Analysis

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The parcel has no FEMA flood hazards. The subject site is not located within any of the County's identified Wellhead-Protection Areas. The subject property is located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed of Placid and Myakka fine sands, Immokalee sand, and Satellite sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property has contour elevations ranging of 83-79. The subject property is not located within a

Historical Preservation area. The subject site is located within an Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
Surface Water	There are no surface water ponds on the subject property. The subject property has contour elevations of 83-79 for the proposed location of the mobile home.
Wetlands/Floodplains	There are wetlands on site and no floodplains
Soils	The property is composed of Placid and Myakka fine sands, Immokalee sand, and Satellite sand which provides some limitations for drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
Protected Species	The subject site is located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located within an Airport Height Notification and In-Flight Visual Interference Zones.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Table 2.1 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 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.</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 Page 6 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 6-7 of the staff report and waiver requirements in the Conditions of Approval.</i>

Comments from other Agencies: None

Exhibits:

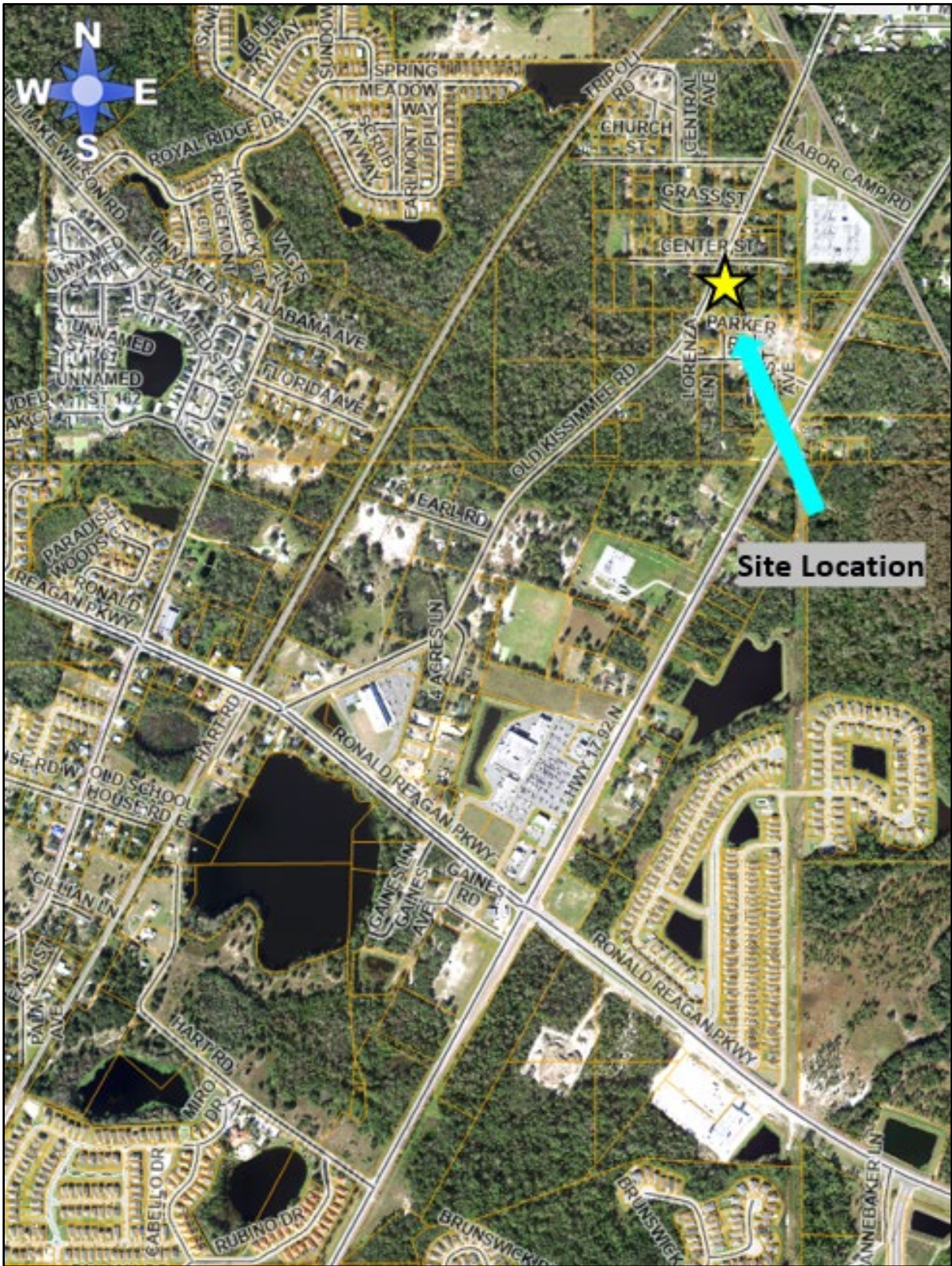
Exhibit 1	Location Map	Exhibit 5	Site Plan
Exhibit 2	Future Land Use Map	Exhibit 6	Adjacent Homes
Exhibit 3	Aerial Image (Context)	Exhibit 7	Plat
Exhibit 4	Aerial Image (Close)		



LOCATION MAP



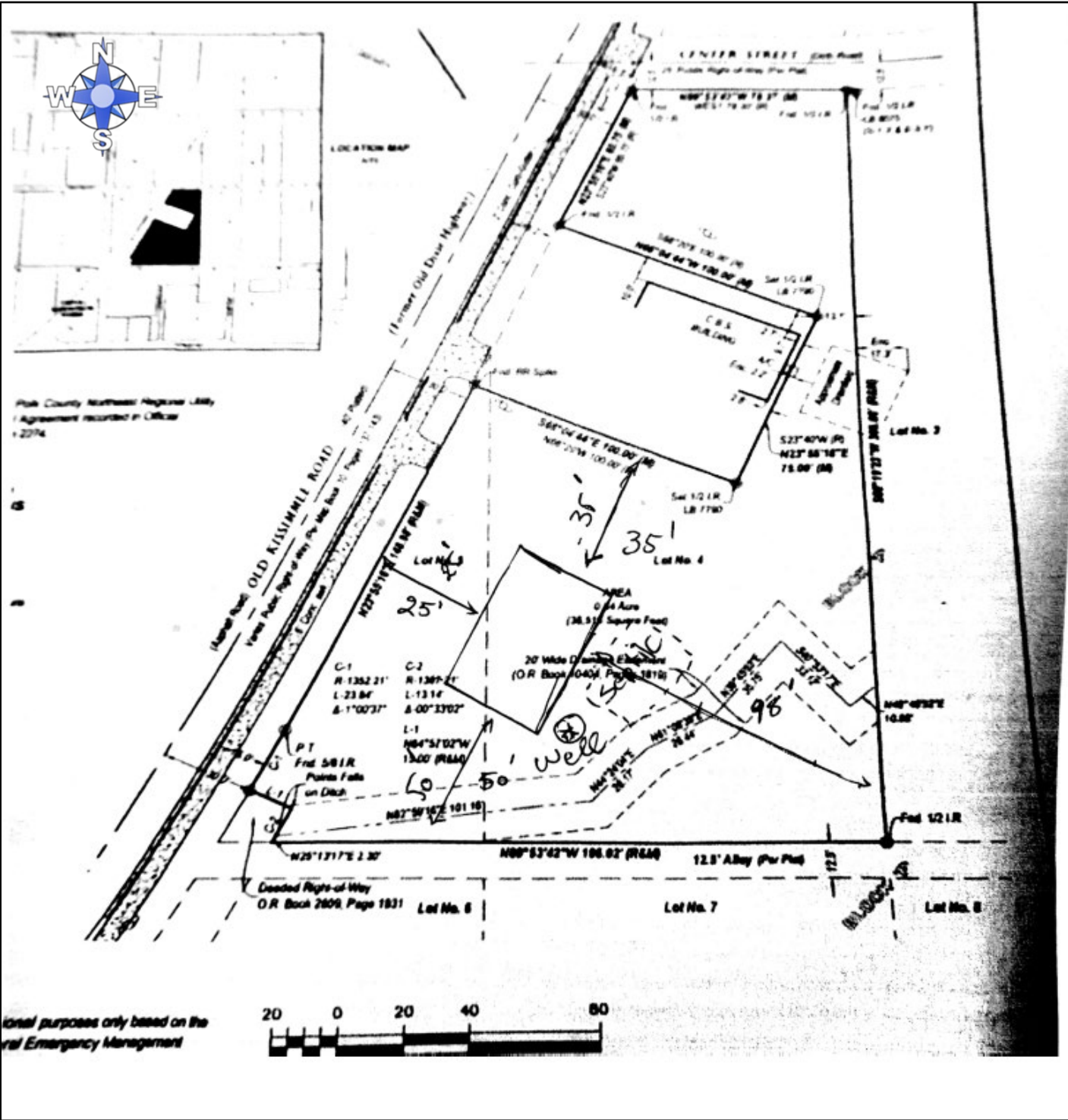
FUTURE LAND USES



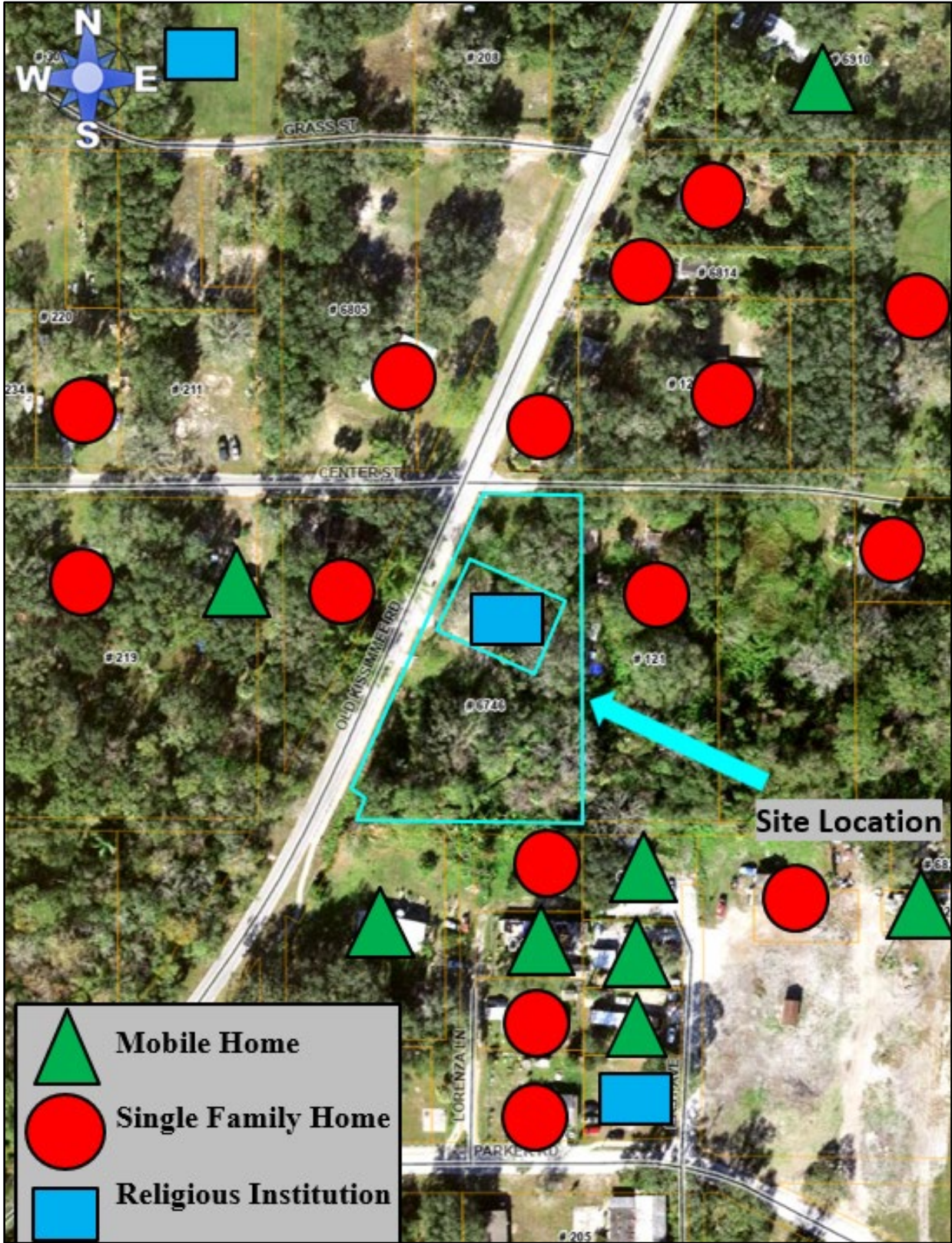
2023 AERIAL PHOTO (Context)



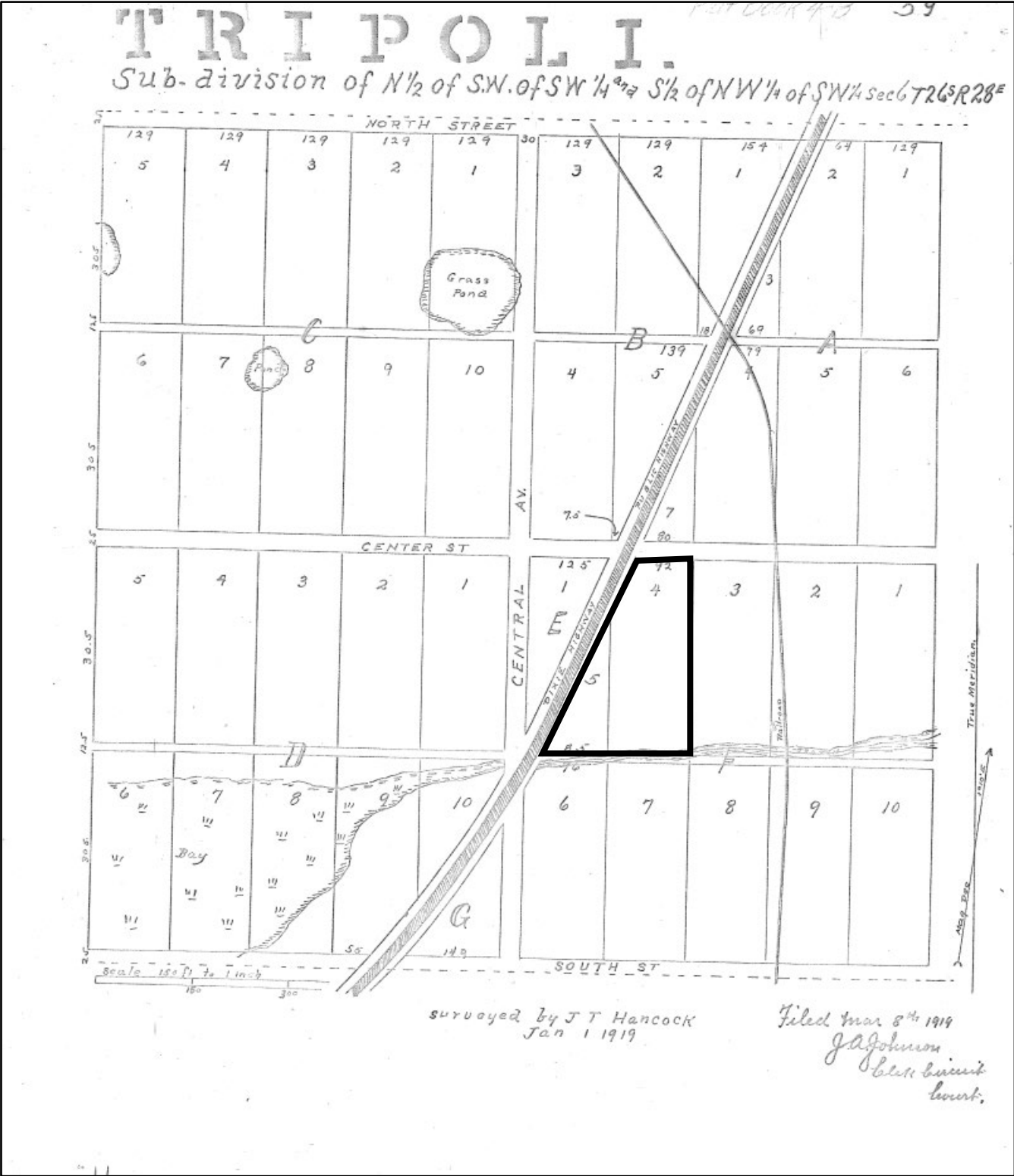
2023 AERIAL PHOTO (Close-Up)



SITE PLAN



ADJACENT HOMES



TRIPOLI PLAT



IMPACT ASSESSMENT STATEMENT FORM

www.polk-county.net

Growth Management Department
Land Development Division
330 W. Church St.
P.O. Box 9005, Drawer GM03
Bartow, FL 33831-9005
(863)534-6792
FAX (863) 534-6407

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following (*Note: N/A is an insufficient comment, if N/A an explanation must be included*):

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?
2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses? *other mobile Homes in the area*
3. How will the request influence future development of the area?

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations. *N/A*
2. What modifications to the present transportation system will be required as a result of the proposed development? *N/A*

A minor traffic study will suffice for a detailed methodology and calculations for most applications.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land *N/A*

Development Code?

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?

NOTE: *Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for "Infrastructure Impacts" items 3 through 9 above.*

Sewage

septic tank

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*)
2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?
3. If offsite treatment, who is the service provider?
4. Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code*)
5. What is the provider's general capacity at the time of application?
6. What is the anticipated date of connection?
7. What improvements to the providers system are necessary to support the proposed request (*e.g., lift stations, line extensions/expansions, interconnects, etc.*)?

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider? well
2. What is the estimated volume of consumption in gallons per day (GPD)? (*Response may be based on Section 703 of the LDC*) 3606 GPD/Day

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?
4. Who is the service provider?
5. What is the anticipated date of connection?
6. What is the provider's general capacity at the time of application?
7. Is there an existing well on the property(ies)?

Yes

What type? _____

Permit Capacity _____

No

Location: _____

Water Use Permit #: _____

Constructed prior to Water Management District Permitting: Yes _____ No _____

Type of Use: __Ag __Public __Industrial or Commercial

__Recreation or Aesthetic __Mining

Permitted Daily Capacity: _____

Average Peak Monthly Withdrawal Rate: _____

Location: _____

Casing Diameter: _____

Mainline Diameter: _____

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues); *N/A*

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

N/A

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.
2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.
3. Discuss location of potable water supplies, private wells, public well fields (*discuss the location, address potential impacts*), and;
4. Discuss the location of Airport Buffer Zones (if any) (*discuss the location and address, potential impacts*).
5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;
2. Educational Facilities (e.g., preschool, elementary, middle school, high school);
3. Health Care (e.g., emergency, hospital);
4. Fire Protection;
5. Police Protection and Security;
6. Emergency Medical Services (EMS);
7. Solid Waste (collection and waste generation); and

8. How may this request contribute to neighborhood needs?

LD 204-707
2024-2027

Maps

Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scale shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall 8 1/2" x 11" and accompany Impact Assessment Statements:

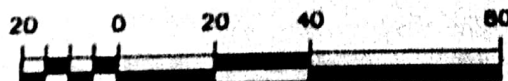
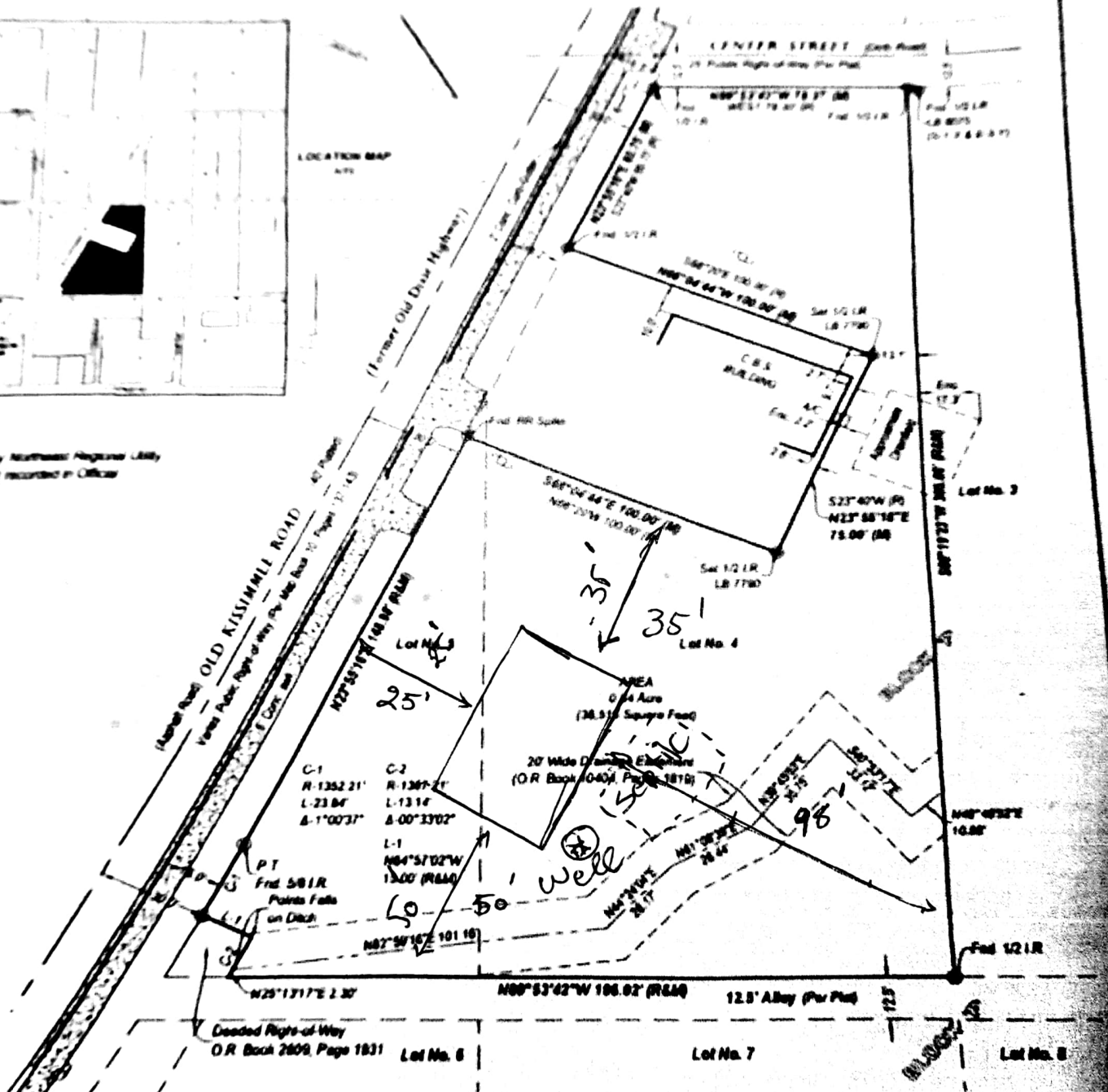
- Map A: A location map (center the site on the map) showing the relationship of the development to cities, highways, and natural features;
- Map B: Map depicting the site boundary (properties included in the request)
- Map C: A site plan consistent with *Site Plan Standards*² (multiple sheets may be used). In addition to the required number of copies please include an 8½" x 11" copy. Applications for district changes alone are not required but are encouraged to submit a Development Plan; and

NOTE: Applications for text amendments are not required to submit a complete Impact Assessment Statement, however, all relevant information requested must be addressed. Use this form and the "Demonstration of Need" form as a guide for assessing the impact of a text amendment.

² See *Site Plan Standards* checklist form (GM LDD 11).



Pike County Northwest Regional Utility
Agreement recorded in Office
1-2274



LDCU-2024-22 - tay mobile home

Menu Reports Help

Application Name: [tay mobile home](#)
File Date: [06/19/2024](#)
Application Type: [PC-Conditional Use-New Or Mobile Home](#)
Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [apply for mobile home since there is multiple mobile homes surrounding the property](#)
Application Detail: [Detail](#)
Address: [6746 OLD KISSIMMEE RD. DAVENPORT, FL 33896](#)
Parcel No: [282606932800006042](#)
Owner Name: [TISSIR LLC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Tarik Asbar		Applicant	Mailing_4182 lake ave...	Active
	TISSIR LLC	TISSIR LLC	Property Owner		Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: [\\$0.00](#)
Total Fee Assessed: [\\$966.00](#)
Total Fee Invoiced: [\\$966.00](#)
Balance: [\\$0.00](#)

Custom Fields: LD_GEN_PUB
PUBLIC HEARINGS
Development Type
[Planning Commission](#)
Application Type
[Conditional Use](#)
[Mobile Home](#)
[Brownfields Request](#)
[N/A](#)
Affordable Housing

GENERAL INFORMATION			
Expedited Review		Number of Lots	
		1	
Will This Project Be Phased		Acreage	
		0.84	
DRC Meeting		DRC Meeting Time	
09/05/2024		9:45	
Rescheduled DRC Meeting		Rescheduled DRC Meeting Time	
-		-	
Green Swamp		Number of Units	
No		-	
Case File Number		Is this Polk County Utilities	Is this Application a result of a Code Violation
-			No
One Year Extension		FS 119 Status	Code Violation Case Number
-		Exempt	-

ADVERTISING	
Legal Advertising Date	BOCC1 Advertising Date
-	-
BOCC2 Advertising Date	Advertising Board
-	Planning Commission

MEETING DATES	
Community Meeting	Planning Commission Date
-	11/06/2024
Land Use Hearing Officer 3	1st BOCC Date
-	-
2nd BOCC Date	LUHO-Level 3
-	-

HEARING	
PC Hearing Results	PC Vote Tally
-	-
BOCC 1st Hearing Results	BOCC 1st Vote Tally
-	-

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Results

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID

POLKCO-24EST-00000-29916

RequiredDocumentTypesComplete

Yes

DocumentGroupforDPC

DIGITAL PROJECTS LD

AdditionalDocumentTypes

Applications, AutoCad File, Binding, Site Plans, (PDs Yes

and CUs), CSV, Calculations, Correspondence, Desi

gn Drawings, Flood/Traffic Studies, Impact Stateme

nt, Inspections, Miscellaneous, Plats, Record Drawin

gs, Response Letter Resubmittal Complete, Staff R

eport/Approval Letter, Survey, Title Opinion

DigitalSigCheck

Yes

RequiredDocumentTypes

-

Activate DPC

Activate FSA

Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

✓

SELECTED AREA PLANS

Selected Area Plans

LAND USE

Selected Area Plan LU Code

DEVELOPMENT AREA

Development Area

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

PC

2

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal		Application ...	08/15/2024	Lyndsay Rathke
	Engineering Review	Clinton Howerton	Approve	08/22/2024	Steve McQuaig
	Fire Marshal Review	Kim Turner	Approve	08/15/2024	Kim Turner
	Surveying Review	Steve McQuaig	Approve	08/16/2024	Steve McQuaig
	School Board Review	School District	Approve	08/20/2024	School District
	Roads and Drainage Review	Phil Irven	Approve	08/26/2024	Phil Irven
	Planning Review	Aleya Inglima	Approve	09/17/2024	Aleya Inglima
	Review Consolidation		Approved for...	09/17/2024	Lyndsay Rathke
	Staff Report				
	Public Notice				
	Hearing				
	BOCC Hearing				
	Final Letter				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments	

POLK COUNTY PLANNING COMMISSION FINAL ORDER

Case Number: LDCU-2024-22 (Old Kissimmee Road MH CU)

Applicant: Tarik Asbar

Property Owner: Tissir LLC

Hearing Date: 11/6/2024

I. Request:

The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. 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
 - d. How the concurrency requirements will be met if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 303 and 906.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.
5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 6th day of November **2024**, by the Polk County Planning Commission.

Polk County Planning Commission

ATTEST:

By: _____
Robert Beltran, Chair

By: _____
Lyndsay Yannone, Recording
Secretary

Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order

Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)



Polk County
Planning Commission

Agenda Item 4.

11/6/2024

SUBJECT

LDCPAS-2024-20 (Mt. Pisgah Road ARR CPA)

DESCRIPTION

Small Scale Comprehensive Plan map amendment from Phosphate Mining (PM) to Agricultural/Residential Rural (A/RR) on 15.54± acres. Located on the east side of Mt. Pisgah Road, north of County Line Road E, west of Manley Road, south of Mount Pisgah Cemetery Road, and south of the City of Fort Meade.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Robert Bolton

Planner III

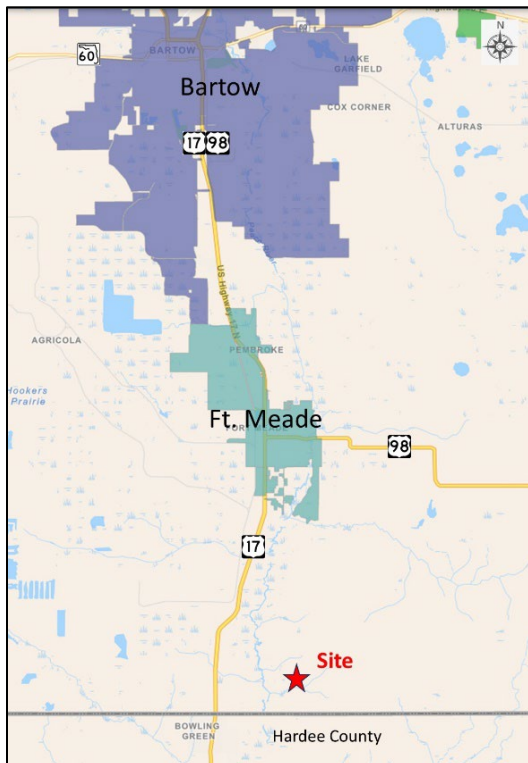
Land Development

863-534-6468

RobertBolton@polk-county.net

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE CASE OVERVIEW

DRC Date:	August 29, 2024
Planning Commission Date:	November 6, 2024
BoCC Dates:	December 17, 2024
Applicant:	John Paris
Level of Review:	Level 4 Review, Comprehensive Plan Map Amendment
Case Number and Name:	LDCPAS-2024-20 Mt Pisgah Road ARR CPA
Request:	Small Scale Comprehensive Plan map amendment from Phosphate Mining (PM) to Agricultural/Residential Rural (A/RR) on 15.54± acres.
Location:	East side of Mt. Pisgah Road, north of County Line Road E, west of Manley Road, south of Mount Pisgah Cemetery Road, and south of the City of Fort Meade, in Section 35, Township 32, Range 25.
Property Owner:	John & Wilma Kay Paris; May Morgan
Parcel Size:	15.54± acres (253235-000000-031010, 253235-000000-031020)
Development Area/Overlays:	Rural Development Area (RDA)
Future Land Use:	Phosphate Mining (PM)
Nearest Municipality	Fort Meade
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Case Planner:	Robert Bolton, Planner III



Location



Current Future Land Use

Summary

This is an applicant-initiated request for a Comprehensive Plan Map amendment to change the Future Land Use designation from Phosphate Mining (PM) to Agricultural Residential Rural (A/RR). The subject site is located on the east side of Mt. Pisgah Road, north of County Line Road E, west of Manley Road, south of Mount Pisgah Cemetery Road, and south of the City of Fort Meade, in Section 35, Township 32, Range 25. This property has not been mined and has historically been a citrus grove, with two (2) residential dwellings constructed in the mid 1970's. Ownership of the property has gone back and forth between Mosaic (and its predecessors) and private ownership over the past several decades. The site has been acquired by the applicant and another party. Staff recommends approval.

This land use change request is consistent with Policy 2.114-A3 that allows for the reclaimed PM land to be remapped for several different Future Land Use districts, A/RR is one of the uses and therefore meets the policy. This request is consistent with that policy and in line with the other A/RR in the RDA.

Compatibility Summary

Section 2.114 of the Comprehensive Plan lists A/RR as one of the land uses for the conversion of PM lands. The surrounding uses are previously mined lands and are compatible with five-acre residential lots. The A/RR maximum density of one dwelling unit per five acres is typical of the surrounding area.

Infrastructure Summary

The infrastructure is rural in nature. The Agricultural/Residential Rural (A/RR) allows for a density of one dwelling unit per five acres or three (3) potential five-acre residential lots. Currently two (2) residential dwellings are on the site. There is anticipated available capacity on Mt. Pisgah Road and public safety services are available nearby.

Environmental Summary

There are very few environmental limitations to the development of this site for single-family residences. Any concerns will be handled in accordance with the requirements of the Comprehensive Plan and Land Development Code.

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
- Section 2.114 Phosphate Mining
- Section 121-A Agricultural/Residential Rural

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for a Comprehensive Plan Map amendment to change the Future Land Use designation from Phosphate Mining (PM) to Agricultural Residential Rural (A/RR) on 15.54± acres.
- The applicant initiated this request is consistent with Comprehensive Plan Policy 2.114-A3 which states that activities permitted and appropriate for the redevelopment of lands located within a phosphate mining plan and which demonstrate compliance with the Comprehensive Plan criteria may request a Comprehensive Plan amendment for Agricultural Residential Rural (A/RR)

Compatibility

- The existing uses surrounding the site are
 - North – PM, Agricultural non-phosphate mined land
 - East – PM, Agricultural non-phosphate mined land
 - South – PM, Restricted access to South Ft. Meade Mine & CSX rail line, and agricultural non-phosphate mined land
 - West – PM, Agricultural non-phosphate mined land
- The subject site was not phosphate mined land and has historically been a citrus grove with two (2) residential dwelling constructed in the mid 1970's.
- The subject site has been within the South Fort Meade Mine Plan area as well as the South Fort Meade Mine Development of Regional Impact.

Infrastructure

- The property has enough road frontage to permit three access points for three lots in accordance with Section 705 and Section 822 of the LDC.
- The property fronts Mt. Pisgah Road and no other public roadway facility.
- The site has no access to centralized potable water or wastewater services. The closest water line is on the west side of the Peace River in the city of Fort Meade.
- The subject property is zoned for Purcell Elementary School, Fort Meade Middle/Senior, and Fort Meade Senior High School.
- The Sheriff's Regional Command that serves the area is the Polk County Sheriff's Southwest Command Center at 4120 US Hwy 98 South near Lakeland approximately 26 miles to the northeast.

- Fire rescue response from Polk County Fire Rescue Station #10 at 1235 9th St NE, Fort Meade. It is approximately 8 miles driving distance.
- There are no sidewalks, within the county, along Mt. Pisgah Road.
- The nearest transit route is Rt25 that stops in Fort Meade and has a transfer point in Bartow.
- The nearest neighborhood park is the Fort Meade Park. The Bone Valley ATV Park is about eleven (11) miles away.

Environmental

- The site has historically been a citrus grove with residences constructed in the mid 1970's.
- The subject site does contain wetlands and floodplains.
- The subject is comprised of Tavares fine sand, and Fort Meade sand.
- There are no endangered species sighting near the property. (Source: Florida Natural Areas Inventory 2002, 2006, 2011, & 2015).
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- There are two residential dwellings that have private wells for potable water use. The nearest Wellfield is about six and a half (6½) miles north in Fort Meade.
- The site is not within an Airport Impact District.

Comprehensive Plan Policies

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

- POLICY 2.102-A3 Distribution states that development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.
- POLICY 2.102-A4 Timing states that development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.
- POLICY 2.102-A10 Location Criteria states the following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:
 - a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided;
 - b. nearness to agriculture-production areas;
 - c. distance from populated areas;
 - d. economic issues, such as minimum population support and market-area radius (where applicable);
 - e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:
 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways;
 2. sanitary sewer and potable water service;
 3. storm-water management;
 4. solid waste collection and disposal;
 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment;
 6. emergency medical service (EMS) provisions; and
 7. other public safety features such as law enforcement;
 8. schools and other educational facilities
 9. parks, open spaces, civic areas and other community facilities
 - f. environmental factors, including, but not limited to:
 1. environmental sensitivity of the property and adjacent property;
 2. surface water features, including drainage patterns, basin characteristics, and flood hazards;
 3. wetlands and primary aquifer recharge areas;
 4. soil characteristics;
 5. location of potable water supplies, private wells, public well fields; and
 6. climatic conditions, including prevailing winds, when applicable.
- According to POLICY 2.108-A1 of the Comprehensive Plan, the subject property is in a Rural Development Area (RDA). The RDA “is 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 property is in a Phosphate Mining (PM) Future Land Use Map district. The Comprehensive Plan permits only Phosphate mining and allied industries, land reclamation, agriculture, and Farmworker housing.
- **POLICY 2.114-A2: DESIGNATION AND MAPPING** - Phosphate Mining areas shall be designated and mapped on the Future Land Use Map Series as "Phosphate Mining" (PM), and shall include:
 - a. all existing phosphate-mining areas and support facilities for which a "Conceptual Mine Plan" has been accepted by the County, and
 - b. any non-reclaimed inactive mining areas for which foreseeable development is unlikely, as of the adoption date of the Comprehensive Plan.

Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map Series, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 (Rural Mixed Use Developments) will be used; and, the applicant must show documentation proving the property was not owned by a phosphate mining company prior to May 1, 1991, the Plan's adoption date. Property purchased from a phosphate company after this date will not be considered an error.

- **Policy 2.114-A3: Permitted Activities** allows for redevelopment of lands formerly utilized for phosphate mining operation to change to the Agricultural/Residential Rural (A/RR) district.
- Per Table 2.2 of the Land Development Code (LDC), the minimum residential lot size in an A/RR district is five (5) acres. Single-family residences are a permitted use in A/RR.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS-2024-20**.

Planning Commission Recommendation: On November 6, 2024, in an advertised public hearing, the Planning Commission voted 0:0 to **recommend APPROVAL or DENIAL of LDCPAS-2024-20**.

***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. This property was previously owned and mined by Mosaic. It has never been mined and has a history of private ownership and phosphate company ownership. The site currently has two (2) residential dwellings that were constructed in the mid 1970's.

Table 1

Northwest: PM South Ft Meade Partnership LP (Mosaic) Agricultural non-phosphate mined land	North: PM South Ft Meade Partnership LP (Mosaic) Agricultural non-phosphate mined land	Northeast: PM South Ft Meade Partnership LP (Mosaic) Agricultural non-phosphate mined land
West: PM South Ft Meade Partnership LP (Mosaic) Agricultural non-phosphate mined land	Subject Property: PM 15.54±-acre site (2 parcels) Two residential homes	East: PM South Ft Meade Partnership LP (Mosaic) Agricultural non-phosphate mined land
Southwest: PM South Ft Meade Partnership LP (Mosaic) Restricted access to South Ft. Meade Mine and CSX rail line	South: PM South Ft Meade Partnership LP (Mosaic) Restricted access to South Ft. Meade Mine and CSX rail line	Southeast: PM South Ft Meade Partnership LP (Mosaic) Restricted access to South Ft. Meade Mine and CSX rail line
<i>Source: Polk County Geographical Information System and site visit by County staff</i>		

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.”

The subject property, while located in a phosphate mining plan area for the South Fort Meade Mine, it was never mined. The existing two (2) residential dwellings were built in the mid 1970’s with the property historically utilized as citrus groves. The surrounding property is owned by South Ft Meade Partnership LP a Mosaic subsidiary. Approximately a quarter of a mile north of the subject site is the Mt. Pisgah Baptist Church and associated cemetery along with another residential property. Approximately three quarters of a mile west of the site is the Peace River and river basin. The Hardee County/Polk County line is approximately a mile south of the site. Also adjacent to the south of the site is a CSX rail line and restricted access to Mosaic’s South Fort Meade Mine which is approximately 1.5 miles east northeast of the site. The site is generally located northeast of Bowling Green in Hardee County, and is developed with scattered residential properties.

A. Land Uses

Section 2.114-A3 of the Comprehensive Plan lists A/RR as one of the land uses for the conversion of PM lands. The surrounding uses are previously mined lands and are compatible with five-acre residential lots. The A/RR maximum density of one dwelling unit per five acres is typical of the surrounding area.

B. Infrastructure

The infrastructure is rural in nature. The Agricultural/Residential Rural (A/RR) allows for a density of one dwelling unit per five acres or three (3) potential five-acre residential lots, two (2) existing residences currently exist, one (1) possible new residential dwelling is possible. There is assumed available capacity on Mt Pisgah Road and County Line Road (Hardee/Highlands) and public safety services are available nearby.

Nearest Elementary, Middle, and High School

The schools zoned for the subject property are the zoned schools listed in Table 2 below. The additional potential student count would not impact the service level of the zoned schools.

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2023-2024 School Year	Average driving distance from subject site
Lewis Anna Woodbury Elementary	1 students	87%	6.8 ± miles driving distance
Ft Meade Middle/Sr	1 students	66%	8.0 ± miles driving distance
Fort Meade Senior High	1 students	64%	8.0 ± miles driving distance

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

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	Southwest Command Center (4120 US Hwy 98 S in Lakeland.)	26± miles Priority 1 – 10:23 Priority 2 – 23:37
Fire/ EMS	Station #10 (1235 9 th Street NE, Ft. Meade)	8.0± miles Response – 13:00

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

Water and Wastewater

The subject site is in the RDA and is not within any utility service area. Water and sewer lines are not near the subject site. The closest water line is on the south side of the city of Fort Meade on Mt. Pisgah Road near Oak Street. Potable water will be provided by a well, and an onsite septic treatment system will be utilized to handle wastewater for each individual lot.

A. Estimated Demand

Table 4, following this paragraph, shows the potable water needs and the wastewater generation rates being less for the proposed request. However, it is not automatic and not even common that the alternative use for PM is industrial. In fact, most of the land use changes from PM are to A/RR, which is the context of the request. The changes to IND have been along railroad lines. The subject site is not along a railroad and is adjacent to the city limits of Fort Meade. Therefore, it is more realistic that the proposed use will require more water and generate more wastewater than the historical agricultural use of the subject site. However, IND uses tend to be more impactful in terms of noise, vibrations, and odors. So, the analysis below is based on PM having industrial uses.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity 15.54± acres 676,922 sq ft @0.75 FAR = 507,691	Current PM	Maximum Permitted in A/RR
	507,691 sf	15.54/5 = 3 units
Potable Water Consumption	507,691 * 0.24 = 121,847 GPD	3 X 540 = 1,620 GPD
Wastewater Generation	121,847 * 80% Water = 97,478 GPD	8 X 270 = 810 GPD

Source: Concurrency Manual: PM@ IND rates @ 0.24 per sq ft and 80% for wastewater, single family @ 360 GPD Potable water and 270 Wastewater.

B. Service Provider

The subject site is not within any utility service area. Therefore, all development on the subject site will require wells and septic tanks.

C. Available Capacity

The subject site is not within any utility service areas. Therefore, all development on the subject site will require wells and septic tanks. The capacity of these systems will be based on the parameters of the permitting agency.

D. Planned Improvements

There are no utility improvements near the subject site.

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 being less for the proposed request. However, it is not automatic and not even common that the alternative use for PM is industrial. In fact, most of the land use changes from PM are to A/RR. The changes to IND have been along railroad lines. While the subject site is adjacent to a rail line the configuration of the site is not conducive to utilizing the rail. The subject has historically been citrus grove. The subject site is developed with two (2) single-family residential dwellings constructed in 1977 and 1978. Therefore, it is more realistic that the proposed use will generate more traffic than the historical agricultural use of the subject site. However, IND uses tend to be more impactful in terms of noise, vibrations, and odors. So, the traffic analysis below is based on PM having industrial uses.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity 15.54± acres 676,922 sq ft @0.75 FAR = 507,691	Current PM	Maximum Permitted in A/RRX
	$507,692 / 1,000 = 507 \text{ sf}$	$15.54/5 = 3 \text{ units}$
Average Annual Daily Trips (AADT)	$507 * 3.93 * 92\% \text{ new trips} =$ 1,834 AADT	$3 * 7.81 \text{ AADT} =$ 24 AADT
PM Peak Hour Trip	$507 * 0.67 * 92\% \text{ new trips} =$ 313 AADT	$3 * 1 = 3 \text{ PM Peak Hour}$

Source: Concurrency Manual and Table for Minor Traffic Study –PM @ IND rates ITE Code 140 @ 3.93 AADT per 1,000 square feet and 0.67 PM Peak Hour Trip per 1,000 square feet and 92% new trips, single family @ one house per five acres – 7.81 AADT per unit and 1 PM Peak Hour per unit 100% new trips

B. Available Capacity

Mt. Pisgah Road is a north / south Rural Minor Collector Road that extends north/south 6.8± miles) from County Line Road (Hardee/Highlands) northward to the city limits of Fort Meade at 9th Street SE, extends into the city of Fort Meade as S Orange Avenue. This road is not monitored by the Polk County TPO. County Line Road (Hardee/Highlands) is located approximately $\frac{3}{4}$ of a mile south of the site via Mt. Pisgah Road. County Line Road (Hardee/Highlands) is an east/west Rural Minor Collector Road located on the southern border of Polk County and is not monitored by the Polk County TPO. The Mt. Pisgah Road and County Line Road (Hardee/Highlands) intersection is approximately 2 miles east of the intersection with US Highway 17 at Bowling Green. US Highway 17 in this and is not monitored by the Polk County TPO. It is noted that the Polk County Roads and Drainage Division does maintain Pavement Condition Index (PCI) for these roads, Mt. Pisgah Road has a PCI rating of Very Poor with County Line Road (Hardee/Highlands) having a PCI rating of Fair to Good. Table 6 is Not Applicable for this analysis.

Table 6 Roadway Link Concurrency, is Not Applicable.

The density of one (1) house per five acres may generate 3 homes, with 2 already existing, and this is expected to generate a total of 24 AADT and 3 PM Peak Hour Trips, or 8 additional AADT Trips and 1 PM Peak Hour Trip. This will not have any significant impact on the roadway capacity.

C. Roadway Conditions

Mt. Pisgah Road and County Line Road (Hardee/Highlands) are two-lane undivided Rural Minor Collector Roads that appear in good condition.

D. Sidewalk Network

Mt. Pisgah Road and County Line Road do not have any sidewalks. The subject site is in the Rural Development Area (RDA) which does not require sidewalks within the right of way on a public road.

E. Planned Improvements

There are currently no planned improvements along any of the traffic links.

F. Mass Transit

The nearest transit route is Rt25 that stops in Fort Meade and has a transfer point in Bartow.

Park Facilities:

The following analysis is based on public recreation facilities. The nearest neighborhood park is the Bradley Junction Park. The Bone Valley ATV Park is about eleven (11) miles away. The closest County Regional Park is Loyce Harpe Park.

A. Location:

Fort Meade Park is located in the northeast part of Fort Meade. Its current hours of operations are from 5 a.m. to 10 p.m. The park's amenities include baseball Fields, basketball Court(s), picnic tables, playground, and softball facilities.

Loyce E. Harpe Park is located in North Mulberry. Its current hours of operations are from 5 a.m. to 10 p.m. and includes the following amenities:

- Baseball
- Bicycling/Cycling
- Boat Launching Site
- Disc Golf
- Dog Park
- Leagues
- Mountain Biking
- Multi-purpose Fields
- Picnic Shelters
- Picnic Tables
- Playground
- Restrooms
- Skate Park
- Soccer
- Softball

Bone Valley ATV Park is on the south side of County Road 630 and east of State Road 37. It is a 200-acre tract of land with 15 trails, hill climbs and free riding areas. Below are the hours and fees for the park, along with important safety and registration information. The address is 10427 County Road 630 W. in Mulberry.

B. Environmental Lands:

There are no County owned Environmental Lands in this part of the County.

C. Planned Improvements:

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

Environmental Conditions

Any impact to surface water, wetlands, and storm water management will be in accordance with the requirements of the Comprehensive Plan and Land Development Code.

A. Surface Water:

The highest point is 107 feet above sea level, along the northern side of the property; the lowest is 94 feet above MSL along the southern side of the property. The site has no indicated wetlands or floodplains. The subject site has historically been utilized as a citrus grove.

B. Wetlands/Floodplains:

The site has no indicated wetlands or floodplains.

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. Future development of the site will be subject to Section 2.303: "Soils" of the County's Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual. The reported soils are based on the United States Department of Agriculture (USDA) Soils Survey.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares fine sand, 0 to 5% slopes	Slight	Moderate	62%
Fort Meade sand, 0 to 5% slopes	Severe: flooding, wetness	Slight	38%

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

D. Protected Species

The subject property is not located within a one-mile radius of a protected plant or animal species sighting since 2006 (Source: Florida Natural Areas Inventory 2002, 2006, 2011, & 2015).

E. Archeological and Historical Resources:

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

F. Wells (Public/Private):

The subject site is not located on a wellfield. The two residential dwelling have private wells for potable water use. The nearest Wellfield is about six and a half (6½) miles north in Fort Meade.

G. Airports:

The site is not within any Airport Height Notification or In-Flight Visual Interference Zones.

Economic Factors:

The subject site is only 15.54± acres, the requested Land Use designation change is to Agricultural/Residential Rural (A/RR) and would have short term economic impact if the site were developed into single-family residential.

Consistency with the Comprehensive Plan

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

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.	The neighboring Future Land Use Map designations are predominantly PM and A/RR. Phosphate mining in the area has predominantly been generally east of the site and west of US Highway 17. Approximately 1.5 miles east of the site is Mosaic's South Ft. Meade mine. Southwest of the site, in Hardee County is the town of Bowling Green. Within the site's general location are a number of residential properties that have A/RR designations.
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 requested Agricultural/Residential Rural (A/RR) Future Land Use is intended for low-density use and 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.	One home per five acres does not need many services other than the potential need for public safety services and access for visitors. Future homeowners' expectations for urban services should be low this far from the nearest municipality. A/RR is the main residential and agricultural designation in the

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <p>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable);e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:</p> <ol style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, 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. 	<p>RDA. Therefore, this request is consistent with these policies.</p>
<p>POLICY 2.114-A3: PERMITTED ACTIVITIES - The following activities shall be permitted within the Phosphate Mining land use category as mapped pursuant to Policy 2.114-A2:</p> <p>a. Phosphate mining and allied industries; b. Land reclamation; c. Agriculture and Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acre; d. Other land uses with conditional approval which are compatible and related with the extraction and processing of phosphate; and e. Subject to the adoption of a Comprehensive Plan amendment, any activities permitted within the following land use designations, which are appropriate for the redevelopment of lands formally utilized for phosphate mining operations and which demonstrate compliance with the Comprehensive Plan criteria for each use: 1. Preservation. 2. Recreation and Open</p>	<p>The site was not previously mined for phosphate and has historically been utilized as a citrus grove and residential home sites with the dwelling having been constructed in the mid 1970's. This Policy allows for the land to be remapped for several different Future Land Use districts, A/RR is one of the uses and therefore meets the policy.</p>

Comprehensive Plan Policy	Consistency Analysis
Space. 3. Leisure/Recreation. 4. Institutional. 5. Rural Cluster Centers. 6. Tourism Commercial Centers. 7. Business Park Centers. 8. Industrial. 9. Rural Mixed-Use Developments. 10. New Communities. 11. Agricultural/Residential Rural only.	

Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

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

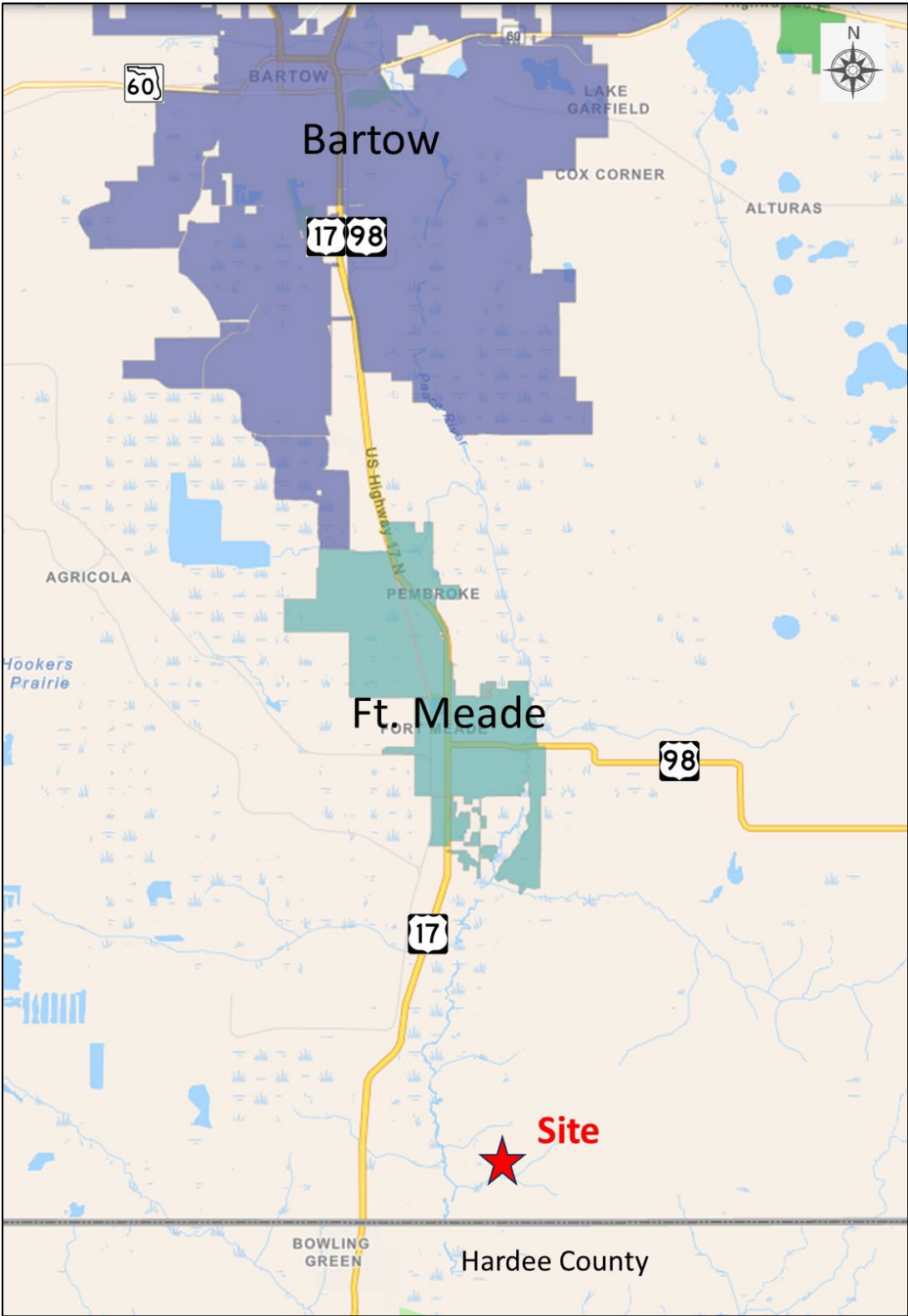
Comments from other agencies

No comments

Exhibits

Exhibit 1 Location Map
Exhibit 2 Aerial Map – Context (2023)
Exhibit 3 Aerial Map – Close-up (2023)
Exhibit 4 Current Future Land Use Map
Exhibit 5 Proposed Future Land Use Map
Exhibit 6a&b Permitted and Conditional Uses in PM and A/RR

Applicant's submitted documents and ordinance as separate files



LOCATION MAP



AERIAL MAP CONTEXT 2023



AERIAL MAP – CLOSE UP 2023



CURRENT FUTURE LAND USE MAP



PROPOSED FUTURE LAND USE MAP

Phosphate Mining (PM)				
Technical Staff Review -Level 1& 2			Public Hearing (s) Required-Level 3 & 4	
Residential Uses:	Family Farm; Farm Worker Dormitory, Apartment Style, C2		Farm Worker Dormitory, Barrack Style, C3	
			Mixed Uses:	Planned Development, C3
	All Other Uses:	Animal Farm, Intensive, C1 Communication Towers, Guyed and Lattice, C2 Communication Tower, Monopole, C2 Community Center, C2 Convenience Stores, Isolated, C2 Cultural Facility, C2 Farming General, P Heavy Machinery Equipment Sales and Services, P Heliports, C2 Helistops, C2 Kennels, Boarding and Breeding, P Livestock Sale, Auction, P Manufacturing, Explosives/Volatile Material, C2 Manufacturing, General, C2 Manufacturing, Light, C2 Medical marijuana Dispensaries, C2 Motor Freight Terminal, C2 Nurseries and Greenhouses, P Recreation, Passive, C1 Recreation, Low Intensity, C2 Recreation Vehicle Storage, C2 Religious Institution, C2 Research and Development, C2 Riding Academies, C1 School, Technical/Vocational/Trade & Training, C2 Solar Electric-Power Generation Facility, C2 Utilities, Class I, P Utilities, Class II, P Utilities, Class III, C2 Veterinary Service, C2		All Other Uses:

PERMITTED AND CONDITIONAL USES IN PM

Future Land Use Designation	Technical Staff Review -Level 1 & 2	Public Hearing (s) Required-Level 3 & 4
Agricultural/Residential Rural (A/RR)	<p>Residential Uses: Family Farm, C1 Group Home, Small (6 or less residents), C1 Farm Worker Dormitory, Apartment Style, C2 Mobile Homes, Individual, C1 Single-family Detached Home & Subdivision</p> <p>All Other Uses: Animal Farm, Intensive Cemetery, C2 Communication Towers, Guyed and Lattice C2 Communication Tower, Monopole, C2 Convenience Stores, Isolated, C2 Emergency Shelter, Small (6 or less residents), C1 Farming General, Golf Course, C1 Heliports, C2 Helistops, C2 Kennels, Boarding and Breeding Livestock Sale, Auction Nurseries and Greenhouses Recreation, Passive, C1 Recreation, Low Intensity, C2 Riding Academies, C1 Solar Electric-Power Generation Facility, C2 Utilities, Cass I Utilities, Cass II, C1 Veterinary Service</p>	<p>Residential Uses: Fly-in Community, C3 Group Home, Large (7-14 residents), C3 Group Living Facility (15 or more residents), C3 Farm Worker Dormitory, Barrack Style, C3 Mobile Home Park & subdivision, C3 Rural Residential Development (RRD), C3</p> <p>Mixed Uses: Planned Development, C3 Residentially Based Mixed Development (RBMD), C3 Rural Mixed Development (RMD), C3</p> <p>All Other Uses: Adult Day Care Center (7 or more clients), C3 Agricultural Support, Off-Site, C3 Airport, C4 Bed and Breakfast, C3 Breeding, Boarding, and Rehabilitation Facility Wild or Exotic, C3 Childcare Center, C3 Community Center, C3 Correctional Facility, C4 Cultural Facility, C3 Emergency Shelter, Medium (7-14 residents), C3 Emergency Shelter, Large (15 or more residents), C3 Event Facility, C3 Government Facility, C3 Institutional Campground, C3 Lime Stabilization Facility, C3 Lodges and Retreats, Private, C3 Marinas and Related Facilities, C3 Outdoor Concert Venue, C3 Recreation, High Intensity C3 Recreation, Vehicle Oriented, C3 Religious Institution, C3 Residential Treatment Facility, C4 School, Elementary, C3 School, Leisure/Special Interest C3 School Technical/Vocational/Trade & Training, C3 Seaplane Base, C3 Utilities, Cass III, C3 Water Ski Schools, C4</p>

PERMITTED AND CONDITIONAL USES IN A/RR

ORDINANCE NO. 19 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2024-20**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 15.54± ACRES FROM PHOSPHATE MINING (PM) TO AGRICULTURAL/RESIDENTIAL RURAL (A/RR), LOCATED EAST SIDE OF MT. PISGHA ROAD, NORTH OF COUNTY LINE ROAD E, WEST OF MANLEY ROAD, SOUTH OF MOUNT PISGHA CEMETERY ROAD, AND SOUTH OF THE CITY OF FORT MEADE, IN SECTION 35, TOWNSHIP 32, RANGE 25; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on November 6, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on December 17, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on a five (5) acre site from Residential Suburban (RS) to Institutional (INST) in the Suburban Development Area (SDA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel 253235-000000-031010

COM NW COR SEC N89-54-49E ALONG N LINE SEC 1352.24 FT TO INTER WITH E MAINT R/W LINE MT PISGAH RD S00-20-49E ALONG SD R/W 3.31 FT TO POB CONT S00-20-49E 84.92 FT S00-16-21E 100 FT S00-17-44E 100 FT S00-15-19E 100 FT S00-18-46E 100 FT S00-15-19E 100 FT S00-15-19E 100 FT S01-27-31E 100 FT S00-05-01E 100 FT S00-15-19E 100 FT S00-22-12E 10.18 FT N82-39-14E 675.95 FT N00-07-28W 908.62 FT N89-59-49W 675.01 FT TO POB LESS COM NW COR SEC N89-54-49E ALONG N LINE SEC 1352.24 FT TO INTER WITH E MAINT R/W LINE MT PISGAH RD S00-20-49E ALONG SD R/W 3.31 FT TO POB S89-59-49E 360 FT S00-07-28E 309 FT N89-59-49W 359.07 FT TO E MANT R/W LINE N00-15-19W 24.07 FT N00-17-44W 100 FT N00-16-21W 100 FT N00-20-49W 84.92 FT TO POB

Parcel 253235-000000-031020

COM NW COR SEC N89-54-49E ALONG N LINE SEC 1352.24 FT TO INTER WITH E MAINT R/W LINE MT PISGAH RD S00-20-49E ALONG SD R/W 3.31 FT TO POB S89-59-49E 360 FT S00-07-28E 309 FT N89-59-49W 359.07 FT TO E MANT R/W LINE N00-15-19W 24.07 FT N00-17-44W 100 FT N00-16-21W 100 FT N00-20-49W 84.92 FT TO POB

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

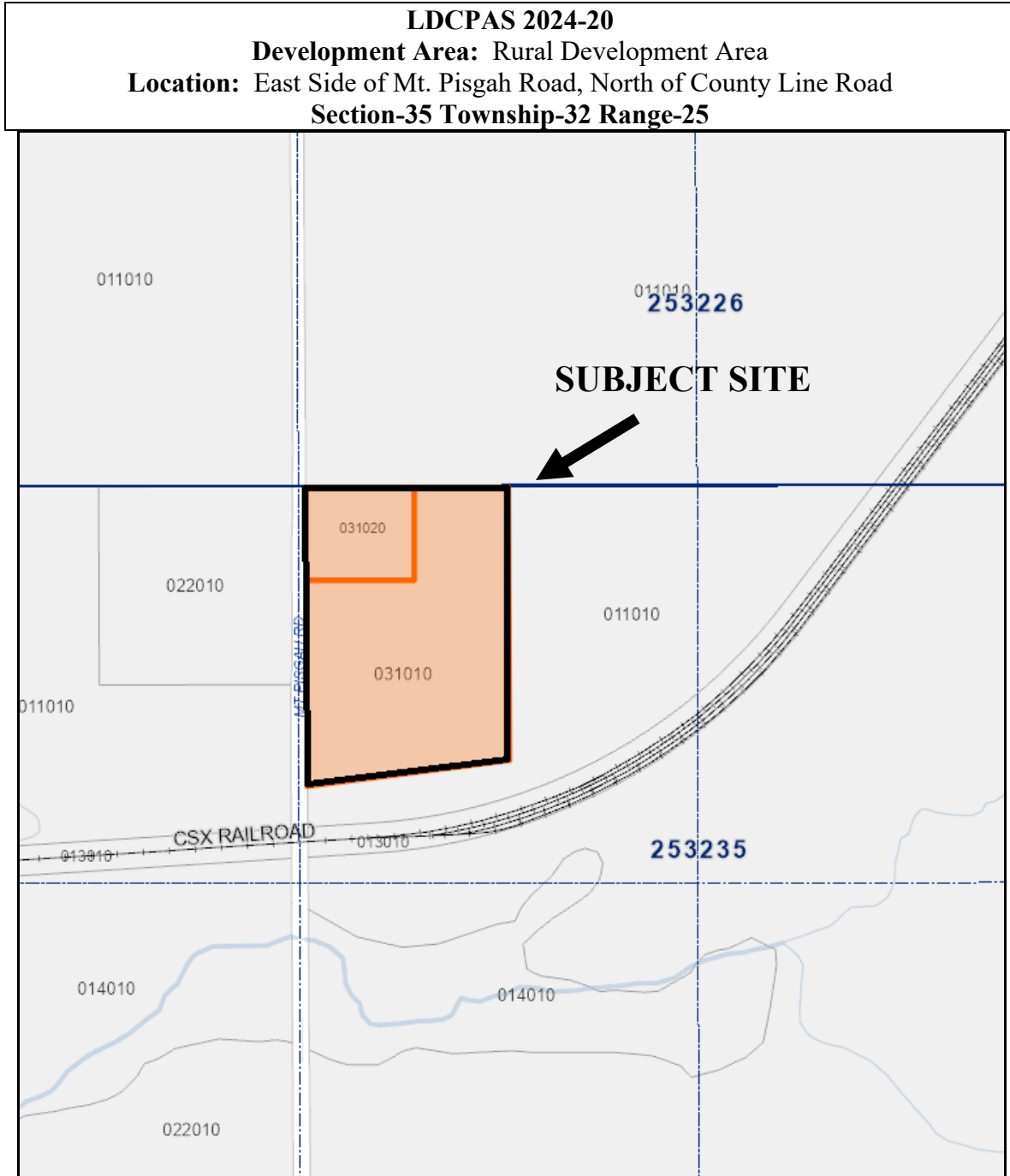
This ordinance shall be effective on January 17, 2025 (31 days after adoption), unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with

Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 17th day of December 2024.



PARCEL DETAIL

Note: Not to Scale

John Paris
Wilma Paris
6595 Mt. Pisgah Rd.
Ft. Meade, FL 33841
25-32-35-000000-031010

Mary Morgan
6505 Mt. Pisgah Rd.
Ft. Meade, FL 33841
25-32-35-000000-031020

DEMONSTRATION OF NEED

1. Could the proposed amendment promote substantial amounts of low-density, low intensity, or single use development in excess of demonstrated need?

This amendment is not for development. It is to return the rightful zoning for the property considering its use.

2. Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?

This amendment will not allow for urban development. By changing the zoning to ARR only two homesites will be added on the parcel.

3. Does the proposed amendment create or encourage urban development in radial, strip, isolated, or ribbon patterns emanating from existing urban development?

The amendment does not allow for urban development. By changing the zoning to ARR only two homesites will be added on the parcel.

4. Does the proposed amendment fail to adequately protect adjacent agriculture areas?

The amendment eliminates phosphate mining and encourages agricultural production.

5. Could the proposed amendment fail to maximize existing public facilities and services?

The amendment will not affect existing public facilities and services because it is only allowing for a single-family household.

6. Could the proposed amendment fail to minimize the need for future public facilities and services?

No, the property will not have water or sewer from a public source.

7. Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?

There will be no development patterns generated from this amendment.

8. Does the proposed amendment fail to provide clear separation between urban and rural uses?

This amendment is only related to rural uses. The closest urban center is 3 miles away.

9. Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?

No, there will be no effect on development or redevelopment of existing neighborhoods. It is a rural ARR zoning that does not allow for conventional neighborhoods.

10. Does the proposed amendment fail to encourage an attractive and functional mixture of land uses?

This amendment will help create a more attractive land use than mining.

11. Could the proposed amendment result in poor accessibility among linked or related land uses?

No, the amendment does not affect accessibility among linked or related land uses.

12. As a result of approval of this amendment, how much open space will be lost?

Approximately 4,000 square feet

Respectfully submitted by:

Robert Paul Paris
Sarina U. Paris
1244 Kelly Ct.
Wauchula, FL 33873
863-781-0795



Polk County
Planning Commission

Agenda Item 5.

11/6/2024

SUBJECT

LDCPAS-2024-21 (Parkview Christian CPA)

DESCRIPTION

The applicant, Jerry Carter, is requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, Parkview Christian Center Inc, to change the Future Land Use Designations from Residential Suburban (RS) to Institutional (INST) on 17.75 +/- acres of property in the Suburban Development Area (SDA). Site is located south of Mystery House Road, west of Power Line Road, east of US Highway 92, and north of Baker Dairy Road, west of Haines City limits, in Sections 22, Township 27, and Range 27. If this request is approved, the Land Development District will be INST-1.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Johnathan (JP) Sims

Planner II

Polk County BoCC

863-534-7515

johnathansims@polk-county.net

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE CASE OVERVIEW

ID #:	149
DRC Date:	August 29, 2024
Planning Commission Date:	November 6, 2024
BoCC Dates:	December 17, 2024
Applicant:	Jerry Carter, DR Horton Inc
Level of Review:	Level 4 Review, Comprehensive Plan Map Amendment
Case Number and Name:	LDCPAS-2024-21 Parkview Christian CPA
Request:	Small Scale Comprehensive Plan map amendment from Residential Suburban (RS) to Institutional (INST) on 17.75 acres.
Location:	South of Mystery House Road, west of Power Line Road, north of Baker Dairy Road, east of US Highway 92 (State Road 600), and west of Haines City, in Section 22, Township 27, Range 27.
Property Owner:	Parkview Christian Center Inc.
Parcel Size:	± 17.75 acres (272722-757000-010180, 272722-757000-010291, 272722-757000-010293)
Development Area/Overlays:	Suburban Development Area (SDA)
Future Land Use:	Residential Suburban (RS)
Nearest Municipality	Haines City
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Case Planner:	Johnathan (JP) Sims, Planner II

Location



Current Future Land Use



Summary

The applicant, Jerry Carter, is requesting a Small-Scale Comprehensive Plan Amendment on behalf of the property owners, Parkview Christian Center Inc, to change the Future Land Use Designations from Residential Suburban (RS) to Institutional (INST) on 17.75 +/- acres of property in the Suburban Development Area (SDA). Site is located south of Mystery House Road, west of Power Line Road, east of US Highway 92, and north of Baker Dairy Road, west of Haines City limits, in Sections 22, Township 27, and Range 27. If this request is approved, the Land Development District will be INST-1.

Compatibility Summary

This request will be compatible with the surrounding area as Institutional uses are allowable anywhere in the County and are compatible with residential uses. It has ingress/egress onto an Urban Collector Road in Baker Dairy Road. It has Residential Suburban (RS) to the north of the site, Residential Suburban (RS) to the west, and Residential Suburban (RS) to the south. There is CITY future land use to the east which has a multi-family development on site. There is currently a non-denominational church on the subject site, so the conversion to Institutional (INST) would not be out of context. The change in future land use would allow for a future expansion of a School to be added on site for the church.

Infrastructure Summary

The subject site has access to water from Haines City Utilities already established. The site does use septic for wastewater and is not connected to sewage with Haines City Utilities. This was confirmed by the service map from Haines City utilities and our own Utilities GIS. There is sufficient road capacity on all surrounding road networks. Mass transit is available nearby, but there is not a stop directly adjacent to the site. Public safety response times are normal for this part of the County, but school capacity will be an issue. Fortunately, there is a church already on site so no student generation should occur unless something different is built on this site in the future. The request is compatible with the available infrastructure.

Environmental Summary

The nearest neighborhood park is the East Park 1.62 miles west of the site and the nearest regional Park is the Lake Confusion Boat Ramp 3.34 miles to the southwest of the subject site. There are wet soils on the subject as well as sandy soils. There are no wetlands on site, but there is Flood Zone A on the east corner and in the central part of the site. The wet soils on site will not be an issue as the area that is being used will be entirely on the sandy soils.

Comprehensive Plan

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

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.102-A10 Location Criteria
- Policy 2.106(A1-A7): Suburban Development Area (SDA)
- Policy 2.116(A3-A4): Institutional (INST)
- Policy 2.120(A1-A4): Residential Suburban (RS)

Findings of Fact

Request and Legal Status

- This is an applicant-initiated request for the Future Land Use designation change from Residential Suburban (RS) to Institutional (INST).
- The subject site has an existing religious institution, Parkview Christian Center, that is currently in operation. This building was constructed in 1995 per Property Appraiser.
- If this request is approved, the Land Use district will be Institutional-1 (INST-1).

Compatibility

- The existing uses surrounding the site are:
 - North – RS; single-family residential.
 - West – RS; undeveloped.
 - East – CITY; Congdon Townhomes.
 - South – RS/CITY; single-family residential and some undeveloped.
- The general area to the west, north, and south of the subject site includes mostly single family detached or undeveloped area. To the east is a multi-family development in Congdon Townhomes, which is within Haines City city limits.
- The subject site has some vacant area for expansion to allow for a K-5 church school.

Infrastructure

- The zoned schools for the site are Eastside Elementary, Boone Middle, and Haines City High School.
- Polk County Fire Rescue Station 1 will be the response unit for fire and EMS for this site. It is located at 112 Palmetto Street West in Davenport, with an approximate travel distance of 4.2 miles.
- The subject site is within the Sheriff Department's Northeast District. The Northeast District Office is located at 1100 Dunson Road in Davenport.
- The subject site will be serviced by Haines City's Utility Service Area for potable water, but per Polk County GIS information, wastewater is unknown. A service area map from Haines City Utilities and our internal Utilities GIS confirmed that this site uses septic and is not connected to wastewater.
- Baker Dairy Road has sidewalks adjacent to the subject site along its entire property frontage to the south, running west to east.

- The closest mass transit route is Route 15, the Winter Haven/Haines City route with the closest stop being Stop 1609 at South 22nd Street and East Hinson Ave in Haines City, which is 1.52 miles northeast from the subject site.
- The nearest neighborhood park is the East Park 1.62 miles west of the site and the nearest regional Park is the Lake Confusion Boat Ramp 3.34 miles to the southwest of the subject site.

Environmental

- There is a low elevation of 120 on the north side of the site, 114 feet at the west side, and 117 feet at south end of the site, but the lowest point of the site is on the east side at just 110 feet. The highest point is 120 on the north side of the church already constructed on site.
- There are no wetlands on site, but there is E flood zone on portions of the overall parcel, including on the portion of the site where there is vacant area for development expansion.
- The soil types for the subject site include Tavares fine sand (0-5% slope), Candler Sand (0-5% slope), and Adamsville fine sand, (0 to 2% slope).
- According to Polk County Endangered Habitat Maps, the subject site is not located within a one-mile radius of an observation of a protected animal species (Source: Florida Department of Environmental Protection, 2015).
- There are no known archeological or historical resources on the subject site per data from the Florida State Historical Commission.
- There are no wells on the subject site and it is not located in a wellfield.
- The site is not within an Airport Impact District.

Comprehensive Plan Policies

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

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

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

- **POLICY 2.106-A2: DESIGNATION AND MAPPING** - The Future Land Use Map Series shall designate and map SDAs, for those areas of the County meeting the general characteristics of this Section 2.106.
- **POLICY 2.106-A3: LAND USE CATEGORIES** - The following land use categories shall be permitted within the Suburban Development Areas:
 - **a. ACTIVITY CENTERS:** Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.
 - **b. RESIDENTIAL:** Residential-Suburban.
 - **c. OTHER:** Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers, Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.
 - Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.
- **POLICY 2.106-A4: OVERLAY DISTRICTS** - All Overlay Districts shall be permitted within the SDA in accordance with applicable criteria.
- **POLICY 2.106-A5: DEVELOPMENT CRITERIA** - Development within the Suburban Development Areas shall conform to the following criteria as further specified in the Land Development Code:
 - a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;
 - b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;
 - c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;
 - d. provide access to civic space, parks, green areas, and open space and other amenities;
 - e. be supported by public safety (i.e., fire, EMS and law enforcement);
 - f. have access to elementary schools;
 - g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and
 - h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS)

land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.

- **POLICY 2.106-A6: SEWER EXTENSIONS** - Sanitary sewer shall not be extended into the SDA, except as allowed by Policy 2.132-C10 or the Board deems it necessary given one of the following circumstances:
 - a. It is in the interest of on site and/or nearby environmental features;
 - b. It is in the interest of public health; or
 - c. The area has been designated a redevelopment district under Policy 2.124-F. Provided the development density of land served by the sewer lines does not exceed the amount allowed under the current land use designation.
- **POLICY 2.106-A7: TIMING OF DEVELOPMENT** - When evaluating non-residential projects within the Suburban Development Area the relative timeliness of the proposal shall be considered. The following factors shall indicate whether a project is premature:
 - a. there is not functional and proximate relationship between the proposed development and other development;
 - b. there is considerable displacement of ongoing economically viable agricultural activities;
 - c. there is a lack of urban services, including but not limited to police, fire, and EMS; and
 - d. the condition and adequacy of the collector and arterial road network is deficient.
 - If a project is determined to be premature it shall not be approved.
- **POLICY 2.116-A3: LOCATION CRITERIA** - Institutional development may occur within the lands designated Institutional on the Future Land Use Map Series, and in any other land use designation throughout the County, unless further prohibited by the Land Development Code the County in accordance with Section 163.3201(1), FS. The following factors shall be taken into consideration when determining the appropriateness of establishing new Institutional areas on the Future Land Use Map Series, or in approving the location for an institutional use not located within lands classified as Institutional:
 - a. Accessibility to roadways, with consideration being given to regional transportation issues for largescale institutional developments having a regional market.
 - b. Proximity to incompatible land uses, which is dependent upon the intensity of the institutional use (buffering may be provided to mitigate adverse impacts).
 - c. The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.
 - d. Proximity to similar and compatible uses providing opportunities for shared facilities.
 - e. Plans of the School Board and other public service agencies with jurisdiction in the County.
 - The placement of institutional uses in other than lands classified as Institutional shall be subject to County approval through a Conditional Use Permit, or in accordance with land-development regulations adopted and/or amended by the County in accordance with Section 163.3201(1), FS.

- Educational facilities will be allowed in lands designated as Institutional, or in all other land uses, except Industrial as a community facility in accordance with policies of this Plan.
- POLICY 2.116-A4: DEVELOPMENT CRITERIA - Institutional development shall conform to the following criteria:
 - a. Institutional uses include, but are not limited to: private and public-service structures. These commonly include:
 - 1. public and private educational facilities;
 - 2. government-administration buildings;
 - 3. public-safety structures (e.g. police and fire);
 - 4. cultural facilities (e.g. libraries, museums, and performing-arts theaters);
 - 5. health-care facilities e.g. hospitals, medical centers, clinics, nursing homes, adult day care centers, group homes, group living facilities, emergency shelters, residential treatment facilities [1].
 - b. Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.
 - c. Prior to site planning, the School Board, independent special districts and other governmental entities shall communicate to one another to pursue potential colocation of government services.
 - d. Commercial uses within institutional areas mapped on the Future Land Use Map Series shall be primarily for the purpose of serving the institutions within the area and shall be limited to a scale appropriate for that purpose.
 - e. Institutional sites shall be designed to provide for: 1. Adequate parking to meet the present and future demands of the use. 2. Buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.
 - f. Multi-family residential uses may be permitted at densities up to and including 15 dwelling units per acre as part of a Planned Development. Residential uses may be permitted according to the following:
 - 1. Residential uses shall only be established adjacent to or in conjunction with a university, college, vocational school or other similar educational institution.
 - 2. Residential development shall be intended to primarily meet the housing needs for students and facility members of the nearby educational institution
 - g. Recreational uses accessory to the institutional use or compatible with the location of the institutional district.
- POLICY 2.120-A1: CHARACTERISTICS - Densities up to, and including, 1 DU/5 AC, unless permitted through SPD, RRD, RMD or the criteria established within the SR 17 Ridge Scenic Highway Provision of Section 2.124-H. The Residential-Suburban classification is characterized by single-family dwelling units and duplex units.
- POLICY 2.120-A2: DESIGNATION AND MAPPING - Residential-Suburban districts shall be located within the SDA as designated on the Future Land Use Map Series as "RS."

- **POLICY 2.120-A3: LOCATION CRITERIA** - Residential-Suburban areas shall be located only within the SDA and new Residential-Suburban development shall not be located within Activity Centers.
- **POLICY 2.120-A4: DEVELOPMENT CRITERIA** - Development within designated RS areas shall be limited to:
 - a. Residential development containing single-family dwelling units, duplex units, and family-care homes, at a density of up to, and including, one dwelling unit per five acres (1 DU/5 AC). Density may be adjusted based on the actual size of the section. A property outside of the Green Swamp Area of Critical State of Concern, may be considered five acres if it is one one-hundred and twenty-eighth (1/128) the section size for sections less than six hundred forty acres (640 acres). This includes counting to the centerline of local and collector roads.
 - b. The "permitted uses" of Suburban Planned Development (SPD), Rural-Residential Development (RRD), or Rural Mixed-Use Development (RMD). (See Sections 2.120-B, 2.121-B, and 2.121-C.)
 - c. Properties adjacent to SR 17 shall be allowed densities and/or intensities up to the maximum allowed in this land use category (3 dwelling units per acre) as a permitted use without requiring a public hearing provided the development meets all the criteria established in Section 2.124-H for Scenic Highways and the Scenic Highway development regulations within the Land Development Code. At a minimum, all development shall:
 - 1.Connect to a centralized potable water supply, and
 - 2.Provide no less than 30% open space throughout the development with at least 70% of that open space dedicated to scenic vista preservation, either along the highway or through the property to a distant view beyond the property boundary. This open space shall be set aside as conservation in perpetuity via a binding legal instrument which prohibits future development within the established boundaries.
 - d. Community Facilities, in accordance with policies of this Plan and the provisions of the Land Development Code.
 - e. Residential Infill Development (RID) that contains single-family or duplex-style development and is located amongst an existing residential community (See Section 2.125-N).
 - f. Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acres.
 - NOTE: All SDA policies also apply.

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions, the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCPAS 2024-21**.

Planning Commission Recommendation: On November 6, 2024, in an advertised public hearing, the Planning Commission voted ?? to **recommend ? of LDCPAS-2024-21.**

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

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

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

Analysis

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

Surrounding Uses

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

Table 1 Surrounding Uses

Northwest RS; undeveloped	North RS; single-family residential	Northeast RS; single-family residential
West RS; single-family residential	Subject Site RS; Parkview Christian Center	East CITY; Congdon Townhomes.
Southwest RS; single-family residential	South RS and CITY; single family home and undeveloped	Southeast CITY; affordable housing

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 SDA's is to provide for areas of suburban-intensity growth. SDA's are those areas within the County that are not located within a TSDA or UGA and have developed predominantly in a suburban residential pattern with County-owned, municipal or County-franchised potable water systems, but generally without centralized sewer facilities.

The request is a Future Land Use designation that is reflective of the current use on site. While the land has been designated Residential Suburban, it currently has a large church on site (Parkview Christian Center). This use is more closely in line with the requested land use change of Institutional. The majority of the surrounding uses are single family residential with townhomes to the east and affordable housing to the southeast of the subject site.

B. Infrastructure

The subject site will be serviced by Haines City’s Utility Service Area for potable water, but per Polk County GIS information, wastewater is unknown. A service area map of Haines City Utilities confirmed that this site uses septic and is not connected to wastewater. The site is directly accesses on to Baker Dairy Road, an Urban Collector, while also having close access to Power Line Road to the east, an Urban Collector and US Highway 17/92 to the west. There is available transportation capacity on all road links. Public safety response times are normal for this part of the County. While there is capacity within the schools, this site is not expected to generate students. The request is compatible with the available infrastructure.

Nearest Elementary, Middle, and High School

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

Table 2 School Information

Name of School	Annual Estimated Demand	% Capacity 2022-2023 School Year	Average driving distance from subject site
Eastside Elementary School	0 students	74%	1.8 miles
Shelly S. Boone Middle School	0 students	63%	2.6 miles
Haines City High School	0 students	111%	2.4 miles

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

It is important to note that the site currently has a church that is in service, so no students are anticipated to be generated. In addition, the policies in the Comprehensive Plan limits any residential to multifamily associated with a university or college.

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., Davenport)	12 +/- miles Priority 1 – 11:39 Priority 2 – 27:51
Fire/ EMS	Fire Station 1 , 112 Palmetto St W, Davenport, FL 33837	4.2 +/- miles

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

Water and Wastewater

A. Estimated Demand

The subject site is within the Haines City Utility Service Area for potable water, but wastewater will be handled by on-site septic as confirmed by the Haines City Service Area Map. The proposed INST has the potential to require more water and generate more wastewater than the current land use and more. The church that is currently on site does want to expand to include a K-5 school and install signage.

Table 4 Estimated Water and Sewer Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use Residential Suburban (RS)	Maximum Permitted in Proposed Institutional (INST-1)
17.75 +/- acres	17.75 +/- acres X 1 du/ 5 ac = 3 du	17.75 +/- acres (773,190 sq ft) X 0.75 FAR = 579,893 sq ft
Potable Water Consumption	3 du X 360 GPD = 1,080 GPD	579,893 sq ft X 0.24 = 139,174 GPD
Wastewater Generation	3 du X 270 GPD = 810 GPD	139,174 GPD X 80% = 111,339 GPD

Source: Concurrency Manual: RS for single family residence is 360 GPD for water and 270 GPD for wastewater. INST-1 uses 0.75 FAR, 0.24/sf for water, and 80% of water for wastewater.

B. Service Provider

The subject site is within the Haines City Utility Service Area for water, but wastewater will be handled by on-site septic as was confirmed by Haines City Utilities service area map and our internal Polk County Utilities GIS. There is a Distribution Main Line for water that runs along the front of the subject property on Baker Dairy Road.

C. Available Capacity

Information is not available for capacity as the water is handled by Haines City Utilities.

D. Planned Improvements

There are no improvements planned 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 Future Land Use change may result in higher trips. However, it is already developed with a religious institution.

Table 5 Estimated Transportation Impact Analysis

Permitted Intensity	Maximum Permitted in Existing Land Use Residential Suburban (RS)	Maximum Permitted in Proposed Institutional 1 (INST-1)
17.75 +/- acres	17.75 +/- acres X 1 du/ 5 ac = 3 du	17.75 +/- acres (773,190 sq ft) X 0.75 FAR = 579,893 sq ft
Average Annual	3 du X 7.81 AADT = 23 Trips (100% New Trips)	579,893 sq ft / 1000 = 580 sq ft X 7.60 AADT = 4,408 Trips (89% New Trips)
PM Peak	3 du X 1 AADT = 3 Trips	580 sq ft X 0.49 AADT = 284 Trips
<i>Source: Concurrency Manual and Table for Minor Traffic Study –Residential Suburban (RS) Single-family detached residential 7.81 AADT and 1 PM Peak Hours (100% new trips), and INST-1 for Church uses 7.60 AADT and 0.49 AADT at PM Peak Hours</i>		

B. Available Capacity

The roads surrounding the subject site have sufficient PM Peak capacity available for a religious institution. The site is developed with a religious institution and a school could be added to the site in the future. Since services do not take place every day of the week, capacity should not be a problem. The table after this paragraph provides the current PM Peak Hour capacities of the nearby road links. It is also relevant to consider the distribution of traffic as it leaves a development site. As traffic leaves a site the impact is not at the same intensity the farther away from the site as it is at the driveway.

Table 6					
Link #	Road Name	Current LOS	Available Capacity	Minimum LOS Standard	Projected Five Year LOS
8304E	Baker Dairy Road (US 17/92 to Power Line Road)	C	601	E	C
8304W		C	594	E	C
Source: Polk Transportation Planning Organization, Roadway network Database 2023					

C. Roadway Conditions

Baker Dairy Road is an Urban Collector with available capacity in both directions. The Pavement Condition Index (PCI) for Baker Dairy Road is Good. The condition of the roadways and the LOS change over time. The conditions are addressed when development accesses a road during the Level 2 Review. LOS is a tool that can limit the intensity of a development.

D. Sidewalk Network

Baker Dairy Road has sidewalks adjacent to the subject site along its entire property frontage from west to east.

E. Planned Improvements:

There is currently an in-house agreement regarding improvements to be made along Power Line Road from Hinson Avenue all the way up to South Blvd. This road section will go from a two-lane design to a four-lane design.

F. Mass Transit

The closest mass transit route is Route 15, the Winter Haven/Haines City route with the closest stop being Stop 1609 at South 22nd Street and East Hinson Ave in Haines City, which is 1.52 miles northeast from the subject site.

Park Facilities:

The following analysis is based on public recreation facilities.

A. Location:

The nearest neighborhood park is the East Park 1.62 miles west of the site and the nearest regional Park is the Lake Confusion Boat Ramp 3.34 miles to the southwest of the subject site.

B. Services:

Ben Graham Park has a playground, open pavilions with game tables, a walking path, fitness stations, and a pool. Lake Confusion Boat Ramp has a dock that leads out into the lake.

C. Multi-use Trails:

The closest free hiking trail is in the Snell Creek Hiking Trail which is 2.59 +/- miles to the east of the subject site.

D. Environmental Lands:

This site contains no County owned environmental lands. The closest environmental lands to the site is the Upper lake Marion Creek Watershed, which is 1.66 miles to the east of the subject site on the north side of Baker Dairy Road.

E. Planned Improvements:

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

Environmental Conditions

The site is primarily composed of Tavares Sand, which is suitable for building. It also has Candler Sand and Adamsville fine sand on the site.

A. Surface Water:

There is no surface water on the subject site. There is a low elevation of 120 on the north side of the site, 114 feet at the west side, and 117 feet at south end of the site, but the lowest point of the site is on the east side at just 110 feet. The highest point is 120 on the north side of the church already constructed on site.

B. Wetlands/Floodplains:

There are no wetlands on site, but there is a partial flood zone A on the south and east parts of the subject site.

C. Soils:

The subject site is comprised of a mix of soil types as listed in Table 8 following this paragraph. According to the soil survey of Polk County, the soil types range in good permeable soils as well as soils associated with wetlands.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares fine sand, 0 to 5% slopes (15)	Moderate: wetness	Slight	48.1%
Candler sand, 0 to 5% slopes (3)	Slight	Slight	13.9%
Adamsville fine sand, 0 to 2% slopes (31)	Severe: wetness, poor filter.	Moderate: wetness	38%

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

D. Protected Species

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

E. Archeological Resources:

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

F. Wells (Public/Private)

The subject site is not located in a Wellfield Protection District and does not have any wells on site. The site will be connecting to water from Haines City Utilities. The nearest Wellfield is about 1.65 miles to the southwest of the subject site.

G. Airports:

The site is not within an Airport Impact District.

Economic Factors:

There are no known economic factors that would impact the development of this site. This land use change would act as a good economic impact on the area as it will allow for the already present religious institution to expand and provide a school for the community.

Consistency with the Comprehensive Plan

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

Table 8 Comprehensive Plan and Land Development Code

Comprehensive Plan Policy	Consistency Analysis
<p>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:</p> <p>a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.</p>	<p>The Comprehensive Plan permits a variety of different Future Land Use designations in urban areas and contribute to a combination of mixed uses. Institutional would not be out of context with the surrounding area as religious institutions are meant to be in residential areas along collector roads.</p>
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The lands surrounding the subject site are a combination of single-family homes, townhomes, and a multi-family development. Haines City Utilities are readily available in this area for water but will use septic for wastewater. This request is consistent with this policy.</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The timing is consistent with the growth in the area as the surrounding sites are already designated for a variety of residential uses. There is ample connectivity to water and electricity. Fire and Sheriff are close by with low response times. Schools that are zoned for the site are not anticipating on being impacted. The overall parcel does not contain wetlands but does have partial Flood Zone A. The site already has a large church constructed on site which is consistent with the land use change.</p>
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <p>a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable); e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:</p> <ol style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational 	

Comprehensive Plan Policy	Consistency Analysis
<p>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.</p>	
<p>POLICY 2.106-A1: DESCRIPTION - SDAs shall be those areas within the County which are, in most cases, located between municipalities, TSDA or UGA and the Rural Development Areas (RDAs). In the SDA, agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses. Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.</p>	<p>Institutional is allowed in the SDA. There are sidewalks on the front of the property along Baker Dairy Road. The change from Residential Suburban to Institutional will complement the surrounding land uses.</p>
<p>POLICY 2.106-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within the Suburban Development Areas:</p> <p>a.ACTIVITY CENTERS: Community Activity Centers, Neighborhood Activity Centers, Convenience Centers, Tourism Commercial Centers, and High-Impact Commercial Centers shall be permitted within SDAs in accordance with applicable criteria.b.RESIDENTIAL: Residential-Suburban.c.OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Business-Park Centers. Office Centers, Leisure/Recreation, Institutional, Recreation and Open Space, and Preservation.</p> <p>Note: Some land use categories are only allowed in adopted Selected Area Plans, special areas or neighborhood plans as specified in Section 2.109.</p>	<p>The proposed Institutional Future Land Use designation is permitted in the SDA. The site is connected to water through Haines City Utilities. It has septic on site it uses for wastewater. The sidewalks fronting the property promote walkability in the surrounding area. Public Safety is readily available nearby. The zoned high school does have a capacity issue, but as Institutional does not allow Single Family Residential uses in nature, there should be no student generation caused by the Future Land Use Change.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.106-A5: DEVELOPMENT CRITERIA - Development within the Suburban Development Areas shall conform to the following criteria as further specified in the Land Development Code:</p> <p>a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;b.protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;c.incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;d.provide access to civic space, parks, green areas, and open space and other amenities;e.be supported by public safety (i.e., fire, EMS and law enforcement);f.have access to elementary schools;g.encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; andh.in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.</p>	<p>The development on site is already established with the religious institution and may expand in the future with a school on site. The front of the subject site which accesses directly onto Baker Dairy Road has sidewalks that run west to east along the entire frontage. There is public safety available in the area. The schools zoned for this site should be largely unaffected. Baker Dairy Road has close proximity to both US Highway 17/92 and Power Line Road.</p>
<p>POLICY 2.116-A1: CHARACTERISTICS - Institutional areas are primarily characterized by private and public-service structures.</p> <p>POLICY 2.116-A2: DESIGNATION AND MAPPING -Institutional areas shall be designated and mapped on the Future Land Use Map Series as "Institutional" (INST) and shall include all major existing institutional areas which are not</p>	<p>The site being changed to Institutional will make the large religious institution constructed on site, in Parkview Christian Center, consistent. Baker Dairy Road is an Urban Collector which is suitable for the Institutional land use. The site will be required to provide adequate buffering for the residential uses abutting it.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>included within an Activity Center, Linear Commercial Corridor, or Commercial Enclave.</p> <p>POLICY 2.116-A3: LOCATION CRITERIA - Institutional development may occur within the lands designated Institutional on the Future Land Use Map Series, and in any other land use designation throughout the County, unless further prohibited by the Land Development Code the County in accordance with Section 163.3201(1), FS. The following factors shall be taken into consideration when determining the appropriateness of establishing new Institutional areas on the Future Land Use Map Series, or in approving the location for an institutional use not located within lands classified as Institutional:</p> <p>a.Accessibility to roadways, with consideration being given to regional transportation issues for largescale institutional developments having a regional market.b.Proximity to incompatible land uses, which is dependent upon the intensity of the institutional use (buffering may be provided to mitigate adverse impacts).c.The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.d.Proximity to similar and compatible uses providing opportunities for shared facilities.e.Plans of the School Board and other public service agencies with jurisdiction in the County.</p> <p>The placement of institutional uses in other than lands classified as Institutional shall be subject to County approval through a Conditional Use Permit, or in accordance with land-development regulations adopted and/or amended by the County in accordance with Section 163.3201(1), FS.</p> <p>Educational facilities will be allowed in lands designated as Institutional, or in all other land uses, except Industrial as a community facility in accordance with policies of this Plan.</p> <p>POLICY 2.116-A4: DEVELOPMENT CRITERIA - Institutional development shall conform to the following criteria:</p>	

Comprehensive Plan Policy	Consistency Analysis
<p>a. Institutional uses include, but are not limited to: private and public-service structures. These commonly include: 1. public and private educational facilities; 2. government-administration buildings; 3. public-safety structures (e.g. police and fire); 4. cultural facilities (e.g. libraries, museums, and performing-arts theaters); 5. health-care facilities e.g. hospitals, medical centers, clinics, nursing homes, adult day care centers, group homes, group living facilities, emergency shelters, residential treatment facilities [1].</p> <p>b. Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.</p> <p>c. Prior to site planning, the School Board, independent special districts and other governmental entities shall communicate to one another to pursue potential colocation of government services.</p> <p>d. Commercial uses within institutional areas mapped on the Future Land Use Map Series shall be primarily for the purpose of serving the institutions within the area and shall be limited to a scale appropriate for that purpose.</p> <p>e. Institutional sites shall be designed to provide for:</p> <ol style="list-style-type: none"> 1. Adequate parking to meet the present and future demands of the use. 2. Buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions. <p>f. Multi-family residential uses may be permitted at densities up to and including 15 dwelling units per acre as part of a Planned Development. Residential uses may be permitted according to the following:</p> <ol style="list-style-type: none"> 1. Residential uses shall only be established adjacent to or in conjunction with a university, college, vocational school or other similar educational institution. 2. Residential development shall be intended to primarily meet the housing needs for students and facility members of the nearby educational institution. <p>g. Recreational uses accessory to the institutional use or compatible with the location of the institutional district.</p>	

Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

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

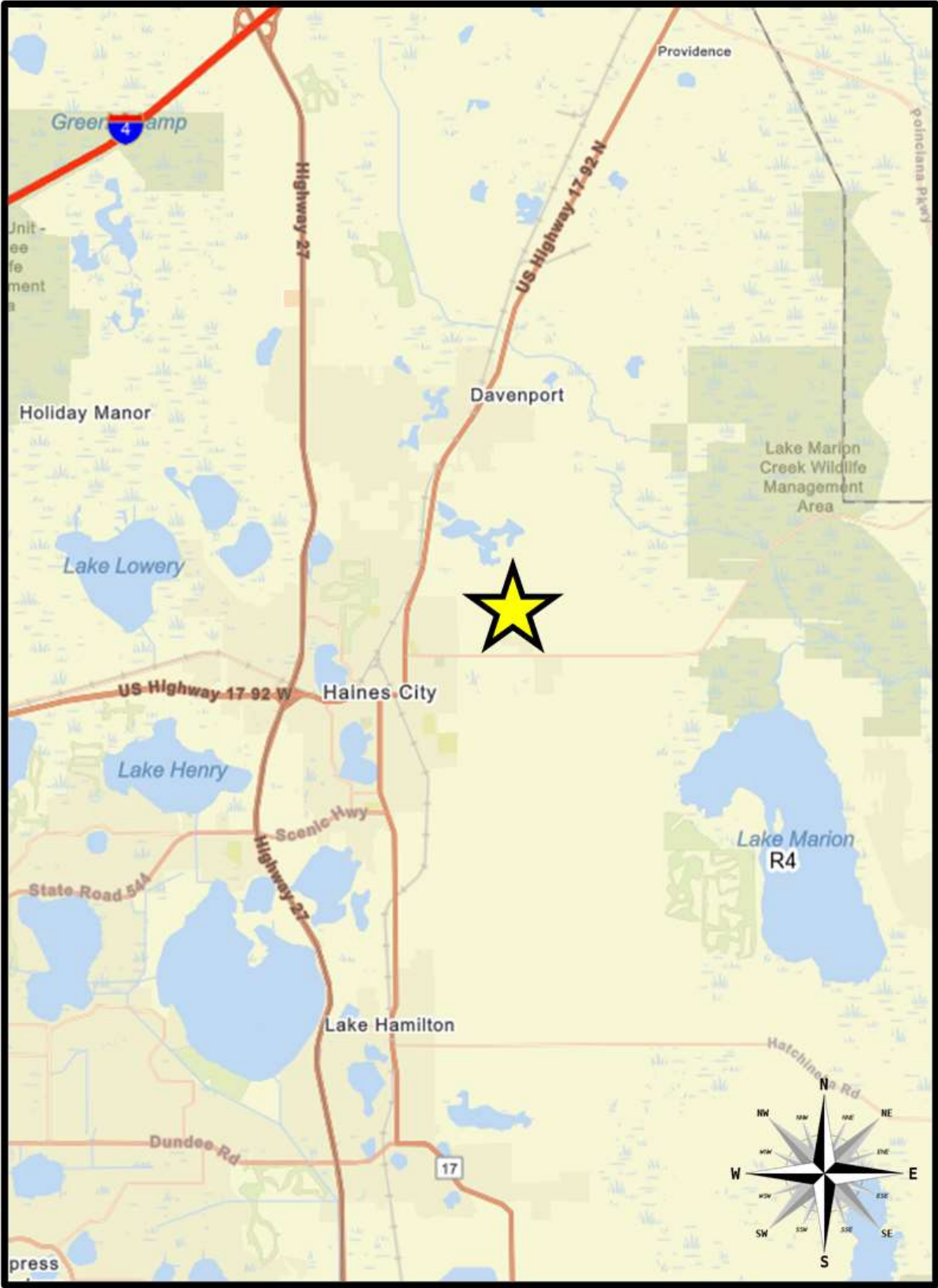
Comments from other agencies

No comments

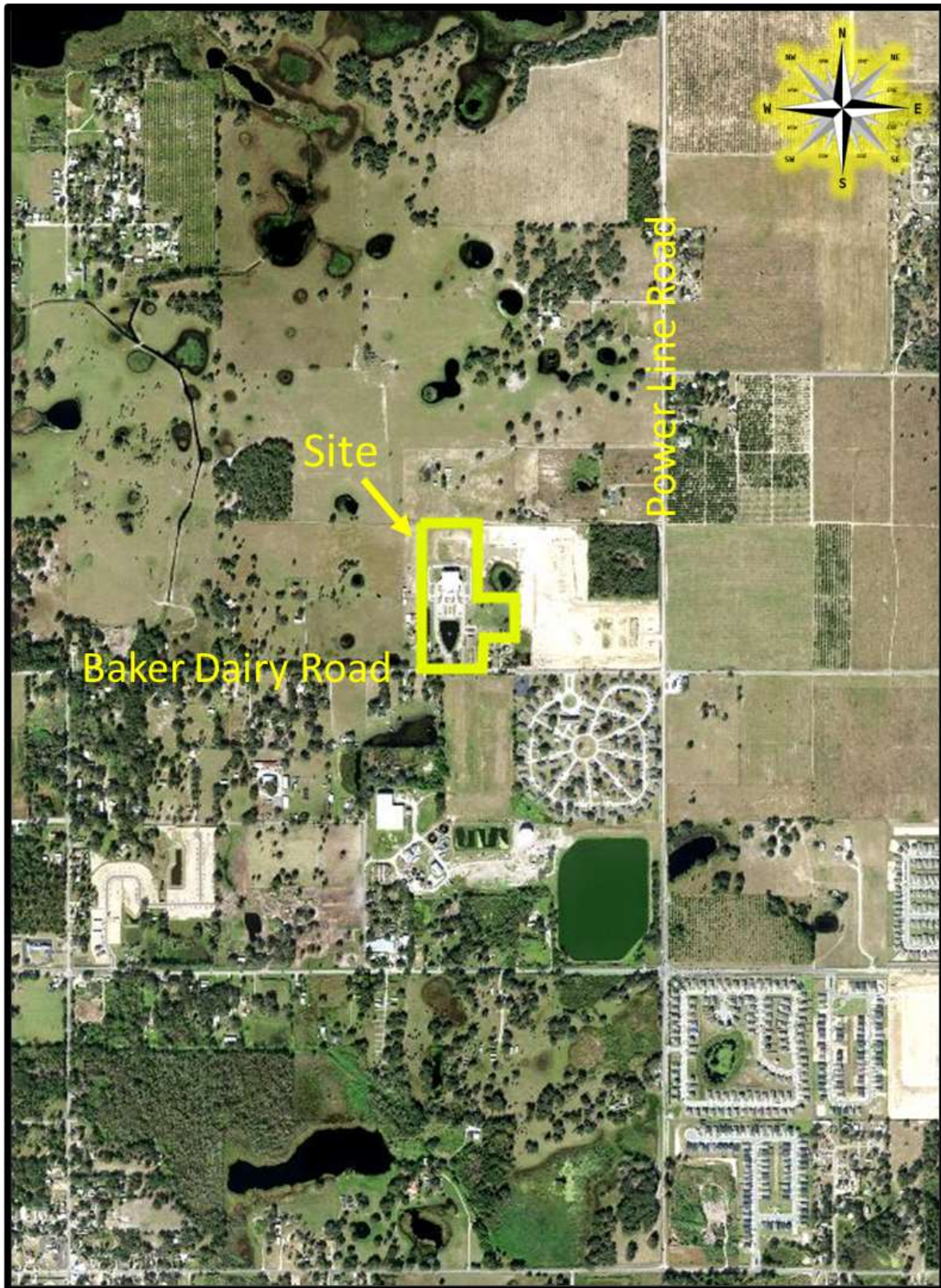
Exhibits:

Exhibit 1	Location Map
Exhibit 2	2023 Aerial Context Map
Exhibit 3	2023 Aerial Close Up
Exhibit 4	Current Future Land Use Map
Exhibit 5	Proposed Future Land Use Map
Exhibit 6a	RS Permitted and Conditional Uses
Exhibit 6b	INST-1 Permitted and Conditional Uses

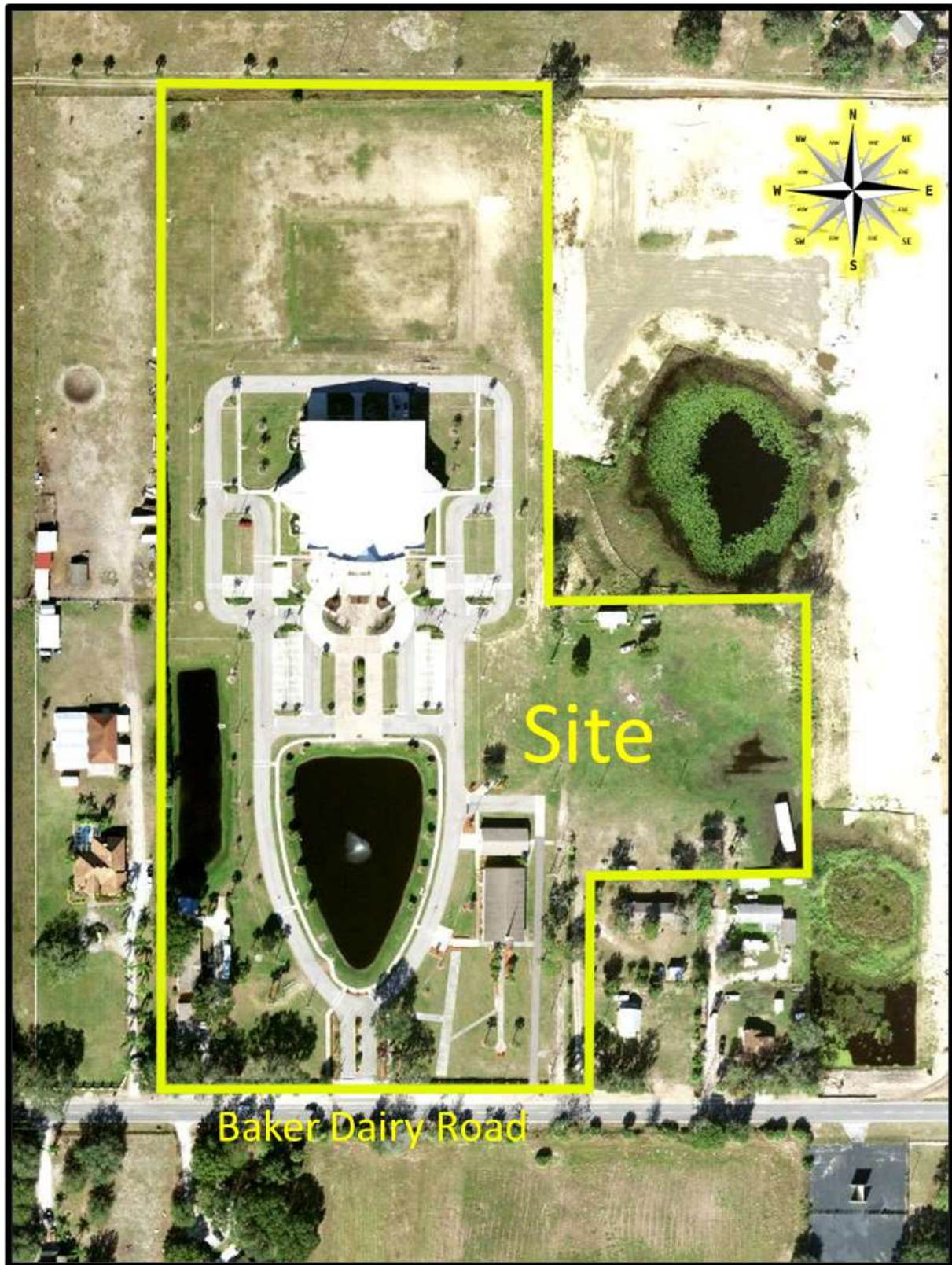
Applicant's submitted documents and ordinance as separate files



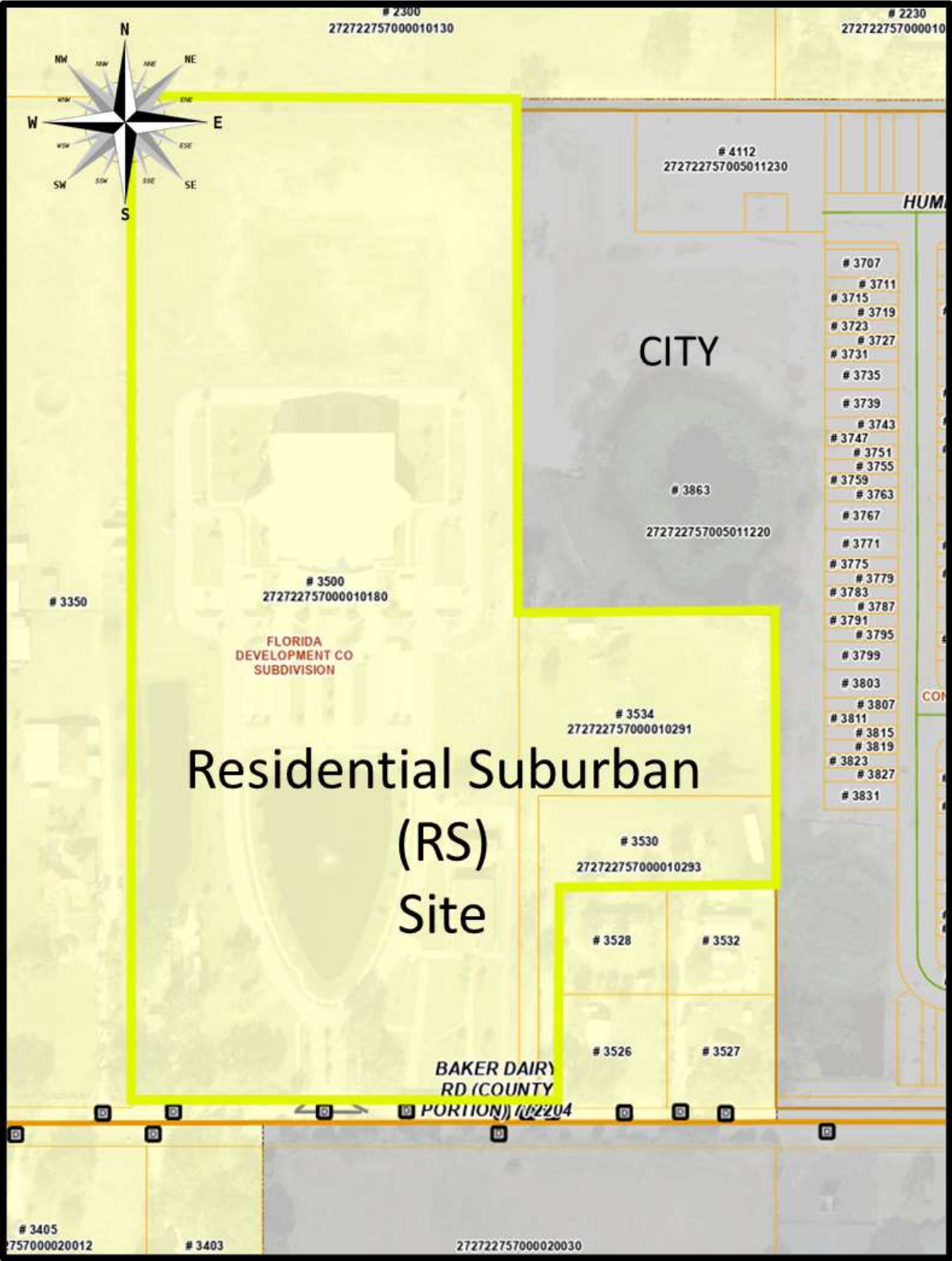
LOCATION MAP



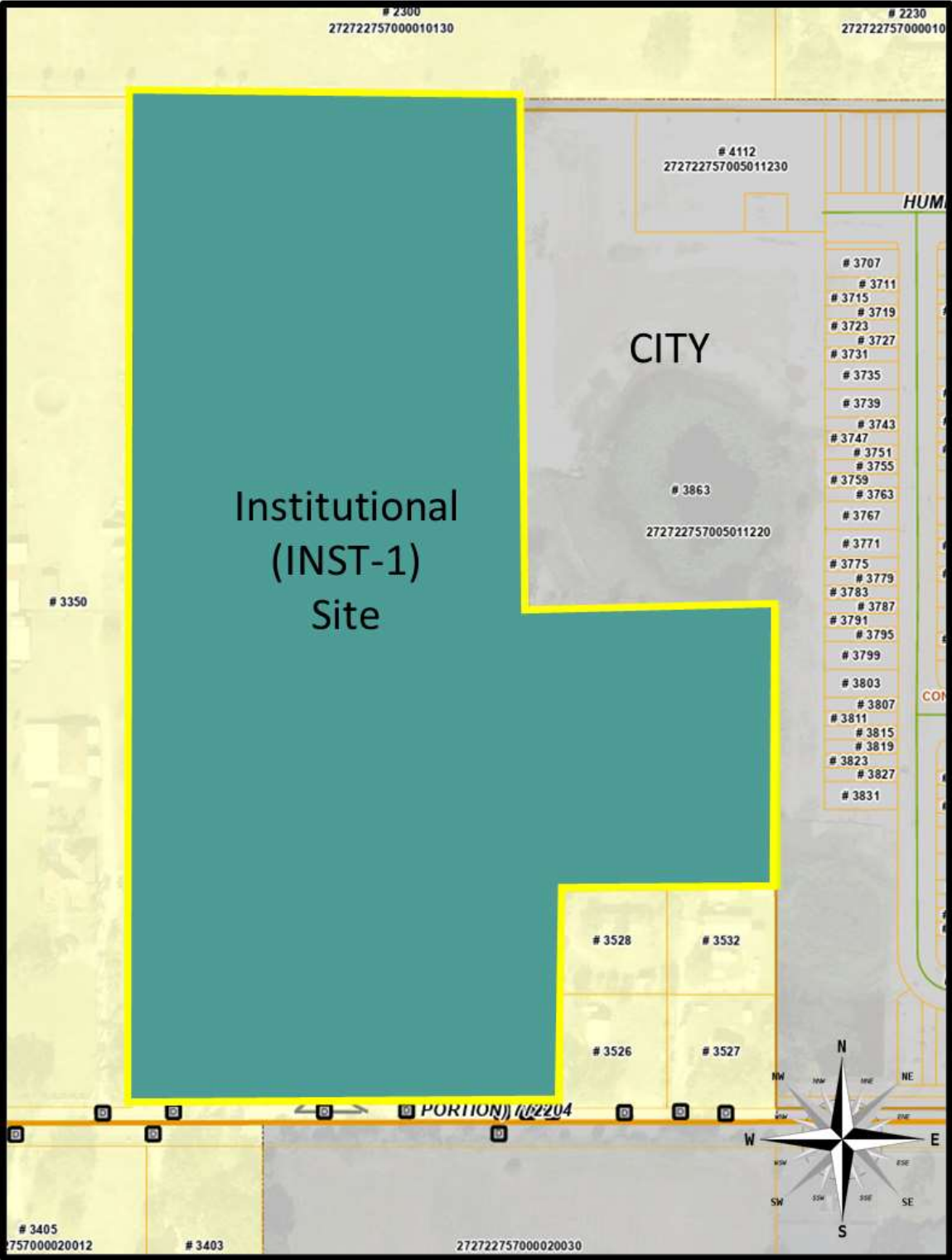
2023 AERIAL PHOTO CONTEXT



2023 AERIAL PHOTO CLOSE UP



CURRENT FLUM
Residential Suburban (RS)



PROPOSED FLUM Institutional (INST-1)

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
RS	Single-family Detached Home & Subdivision, Farming General, Utilities- Class I	Family Farm, Group Home- Small (6 or less residents), Mobile Homes- Individual, Animal Farm- Intensive, Emergency Shelter- Small (6 or less residents), Golf Course, Livestock Sale- Auction, Nurseries and Greenhouses, Recreation- Passive, Riding Academies, Utilities- Class II, Farm Worker Dormitory- Apartment Style, Residential Infill Development, Convenience Stores- Isolated, Recreation- Low Intensity, School- Elementary, Veterinary Service	Duplex- Two-family Attached, Farm Worker Dormitory- Barrack Style, Fly-in Community, Group Home- Large (7-14 residents), Group Living Facility (15 or more residents), Rural Residential Development (RRD), Suburban Planned Development, Planned Development, Residentially Based Mixed Development (RBMD), Rural Mixed Development (RMD), Transitional Area Development, Adult Day Care Center (7 or more clients), Agricultural Support- Off-Site, Bed and Breakfast, Cemetery, Childcare Center, Communication Tower- Monopole

Residential Suburban (RS)

PERMITTED AND CONDITIONAL USES

FLU	PERMITTED (By Right)	CONDITIONAL USE Level 1 or 2 Review (Technical Staff Review)	CONDITIONAL USE Level 3 or 4 Review (Public Hearing)
INST1	Childcare Center, Farming General, Government Facility, Lodges and Retreats, School- Elementary, School- Leisure/Special Interest, School- Middle, Studio- Production, Transit- Facility, Utilities- Class I, Utilities- Class II	Group Home- Large (7-14 residents), Emergency Shelter- Medium (7-14 residents), Golf Course, Recreation- High Intensity, Recreation- Low Intensity, Recreation- Passive, Group Living Facility (15 or more residents), Adult Day Care Center (7 or more clients), Cemetery, Clinics & Medical Offices, Communication Tower- Monopole, Communication Towers- Guyed and Lattice, Community Center, Cultural Facility, Emergency Shelter- Large (15 or more residents), Heliports, Helistops, Nursing Home, Office, Office Park, Recreation- Vehicle Oriented, Religious Institution, Research & Development, Solar Electric-Power Generation Facility	Multi-family, Planned Development, Gas Station, Hospitals, Lime Stabilization Facility, Mining- Non-phosphate, School- High, School- Technical/Vocational/Trade & Training, School- University/College, Seaplane Base, Utilities- Class III, Water Ski Schools, Residential Treatment Facility

Institutional (INST-1) PERMITTED AND CONDITIONAL USES

ORDINANCE NO. 24 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS-2024-21**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON +/- 17.75 ACRES SITE FROM RESIDENTIAL SUBURBAN (RS) TO INSTITUTIONAL (INST-1), IN THE SUBURBAN DEVELOPMENT AREA (SDA). THE SUBJECT SITE IS LOCATED SOUTH OF MYSTERY HOUSE ROAD, EAST OF US HIGHWAY 92, WEST OF POWER LINE ROAD, NORTH OF BAKER DAIRY ROAD, AND WEST OF THE CITY OF HAINES CITY, IN SECTION 22, TOWNSHIP 27, RANGE 27, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the proposed Plan revisions on November 6th, 2024; and

WHEREAS, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on December 17th, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on a +/- 17.75 acres site from Residential Suburban (RS) to Institutional (INST-1), in the Suburban Development Area (SDA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel Identification Number 272722-757000-010180, 272722-757000-010291, 272722-757000-010293)

Legal Description:

Parcel # 272722-757000-010180

FLA DEVELOPMENT CO SUB PB 3 PG 60 THRU 63 E 168.91 FT OF TRACT 18 & ALL OF 19 & 30 & E 168.91 FT OF TRACT 31 IN NE1/4 & LESS RD R/W & LESS ADDL RD RW FOR BAKER DAIRY RD AS DESC IN OR BK 8628 PG 24

Parcel # 272722-757000-010291

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 LOT 29 IN NE1/4 DESC AS BEG 25 FT E OF SW COR RUN N 426 FT E 306.61 FT N 234.58 FT W 331.42 FT S 661.11 FT E 25 FT TO POB LESS S 20 FT FOR RD R/W BEING LOT BD-1 OF UNREC SURVEY

Parcel # 272722-757000-010293

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 LOT 29 IN NE1/4 DESC AS BEG 50 FT E OF SW COR RUN N 309 FT E 281.94 FT N 117 FT W 306.61 FT S 426 FT E 25 FT TO POB LESS RD R/W BEING LOT BD-2 OF UNREC SURVEY

SECTION 2: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall be effective on January 18th, 2025 (31 days after adoption), unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 4: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

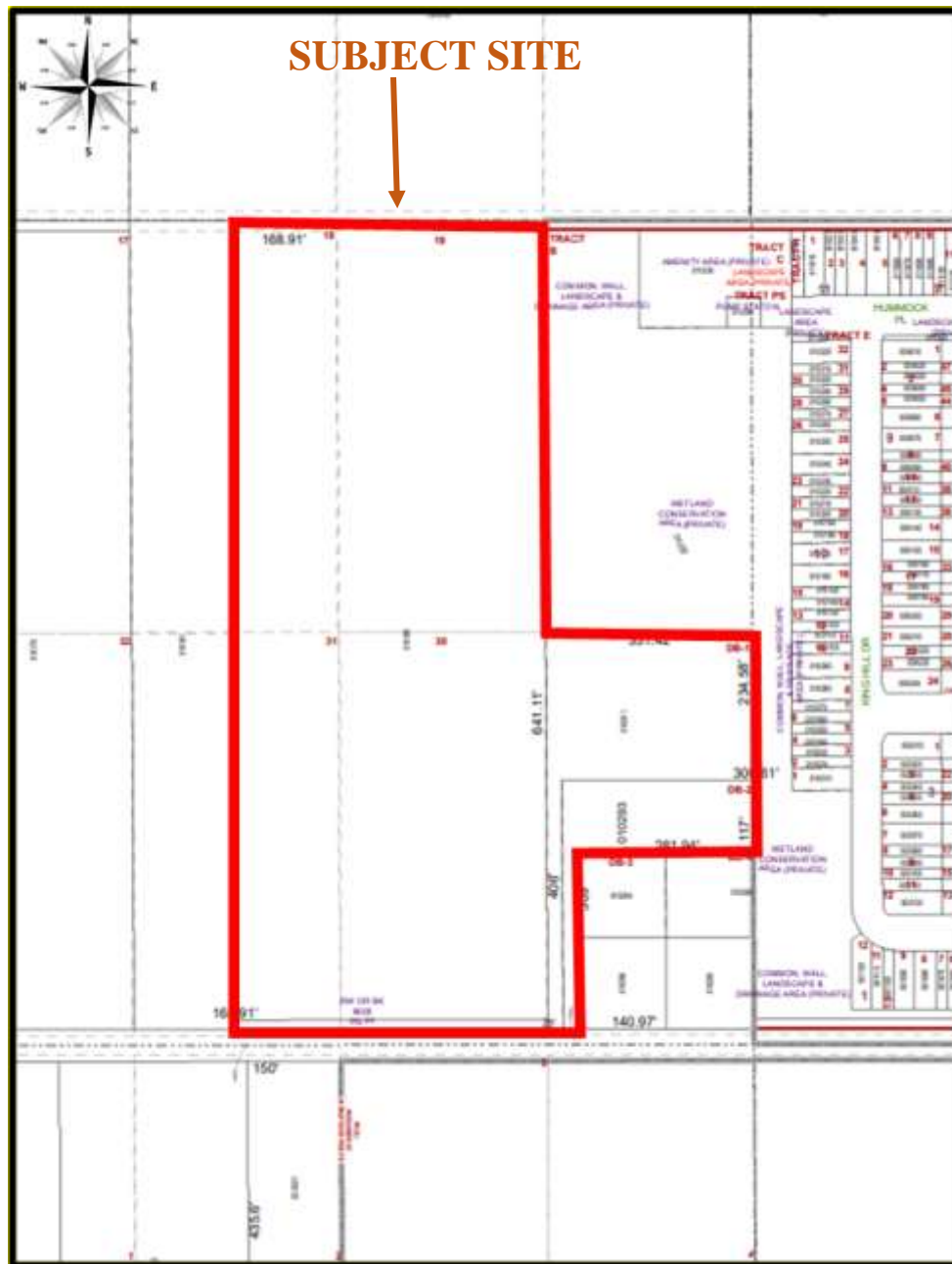
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 17th day of December, 2024.

LDCPAS-2024-21

Development Area: Suburban Development Area (SDA)

Location: South of Mystery House Road, east of US Highway 92, west of Power Line Road, north of Baker Dairy Road, and west of the city of Haines City.

Section-22 Township-27 Range-27



PARCEL DETAIL

Note: Not to Scale

LDCPAS-2024-21 - Parkview Christian CPA

Menu

Reports

Help

Application Name: [Parkview Christian CPA](#)

File Date: [07/11/2024](#)

Application Type: [BOCC-CPA Small](#)

Application Status: [Revisions Required](#)

Application Comments: View IDCommentDate

Description of Work: [Request to change land use classification from Residential/Suburban to Institutional One](#)

Application Detail: [Detail](#)

Address: [3520 BAKER DAIRY RD, Haines City, FL 33844](#)

Parcel No: [272629279509000110](#)

Owner Name:

Contact Info: NameOrganization NameContact TypeContact Primary AddressStatus

[PARKVIEW CHRISTIAN CEN...](#)Applicant[Mailing, 3500 Baker Av...](#)Active

Licensed Professionals Info: PrimaryLicense NumberLicense TypeNameBusiness NameBusiness License #

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$4,608.00](#)

Total Fee Invoiced: [\\$4,608.00](#)

Balance: [\\$0.00](#)

Custom Fields: LD_GEN_PUB

PUBLIC HEARINGS

Development TypeApplication Type

[Planning Commission](#)[CPA Small Scale Or](#)

Variance Type[EAB](#)

[Brownfields Request](#)

Affordable Housing[Individual](#)

Type of Acreage

GENERAL INFORMATION

Expedited ReviewNumber of Lots

[3](#)

Will This Project Be PhasedAcreage

[17.75](#)

DRC MeetingDRC Meeting Time

[08/29/2024](#)[12:00](#)

Rescheduled DRC MeetingRescheduled DRC Meeting Time

[No](#)

Green SwampNumber of Units

[No](#)

Case File NumberIs this Polk County UtilitiesIs this Application a result of a Code Violation

[No](#)

One Year ExtensionFS 119 StatusCode Violation Case Number

[Exempt](#)

ADVERTISING

Legal Advertising DateBOCC1 Advertising Date

[No](#)

BOCC2 Advertising DateAdvertising Board

[Board of County Commissioners](#)

MEETING DATES

Community MeetingPlanning Commission Date

[11/06/2024](#)

Land Use Hearing Officer 31st BOCC Date

[12/17/2024](#)

2nd BOCC DateLUHO-Level 3

[No](#)

HEARING

PC Hearing ResultsPC Vote Tally

[No](#)

BOCC 1st Hearing ResultsBOCC 1st Vote Tally

[No](#)

BOCC 2nd Hearing Results

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Results

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-24EST-00000-33306](#)

RequiredDocumentTypesComplete

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans, \(PDs Yes](#)[and CUs\), CSV, Calculations, Correspondence, Desi](#)[gn Drawings, Flood/Traffic Studies, Impact Stateme](#)[nt, Inspections, Miscellaneous, Plats, Record Drawin](#)[gs, Response Letter Resubmittal Complete, Staff R](#)[eport/Approval Letter, Survey, Title Opinion](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

[-](#)

Activate DPC

Activate FSA

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[y](#)

SELECTED AREA PLANS

Selected Area Plans

LAND USE

Selected Area Plan LU Code

[In an SAP](#)

RSX -Residential Suburban In Sap

DEVELOPMENT AREA

Development Area

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lyndsay Rathke	Application ...	08/07/2024	Lyndsay Rathke
	Surveying Review	Steve McQuaig	Approve	08/20/2024	Steve McQuaig
	Roads and Drainage Review	Phil Irven	Approve	08/12/2024	Phil Irven
	Engineering Review	Clinton Howerton	Approve	08/13/2024	Clinton Howerton
	Fire Marshal Review	Kim Turner	Not Required	08/08/2024	Kim Turner
	Planning Review	Johnathan Sims	Resubmittal ...	08/08/2024	Johnathan Sims
	School Board Review	School District	Approve	08/21/2024	School District
	Review Consolidation	Lyndsay Rathke	Resubmittal ...	08/21/2024	Lyndsay Rathke
	Public Notice				
	Staff Report				
	Planning Commision				
	BOCC Hearing				
	Final Letter				
	DEO Review				
	Second BOCC Hearing				
	Archive				

Condition Status: Name Short Comments Status Apply Date Severity Action By

Scheduled/Pending Inspections: Inspection Type Scheduled Date Inspector Status Comments

Resulted Inspections: Inspection Type Inspection Date Inspector Status Comments

**POLK COUNTY LAND DEVELOPMENT
PARKVIEW CHRISTIAN LIFE CENTER INC, LDCPAS2024 21**

TABLE OF CONTENT

1. Project Notes ✓
2. Authorization Form ✓
3. Request for Extension of Processing Time ✓
4. Boundary Survey – A ✓
5. Included Parcels ✓
6. Property Description ✓
7. Demonstration of need ✓

PROJECT DESCRIPTION

NOTES

To facilitate the future (5 years) development of a K-5 Church school and install the proper signage, we are requesting a Zoning land use from RS (Residential/Suburban) to Institutional One. This change will allow us to proceed with future designed for our Church growth and property development. These plans include a Banquet facility, (including a gymnasium) commercial Kitchen, outdoor recreation area and storage facility.

Our plan is to first obtain the required land use change, prior to engaging the expensive services of Architects and Engineers to develop the necessary construction plans to bring our vision into reality.

330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005



PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, PARKVIEW Christian Life Center (print owner's name), as the owner of the real property described as follows, 272722757000 010180, do hereby authorize to act as my/our agent Jerry M. CARTER (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.

Henry L. Babers
Property Owner Signature

PASTOR H.L. Babers, President 5-30-2024
Property Owner Printed Name Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

272722757000 010291, 272722757000 010293

State of Florida County of POLK

I certify that the forgoing instrument was acknowledged before me this 30th day of May, 2024, by Henry L. Babers

Personally known ☒ Produced Identification ☐ Type of Identification produced and verified: _____

M. Herrington
Notary Public Signature



Notary Stamp

Mekos Herrington
Notary Public Printed Name

April 25, 2025
My Commission Expires

3.

Request for Extension of Processing Time

Polk County
Office of Planning and Development

For Official Use Only:	
Date Received: _____	Meeting Date: _____
Project Number: _____	Approved/Denied: _____

Contact Information:

Name of Applicant/Property Owner/Agent: Jerry M CARTER
 Mailing Address: 3520 Baker Ave Haines City, FL 33844
 Phone: 863 422-9222 Email: JMC573@Aol.com
630 639-8163
 Location of Property: 3500 BAKER AVENUE HAINES CITY, FL 33844

Per F.S. 125.022(1), the County must process applications for development orders and development permits pursuant to the time frames set forth in the statute. Specifically, the County must review and issue a letter to each applicant indicating the application is complete or specifying deficiencies within 30 days after receipt of the application. If deficiencies are identified, applicants have 30 days to submit the required additional information. Within 120 days after an application is deemed complete, or 180 days for an application that requires final action through a quasi-judicial or public hearing, the County must approve, approve with conditions or deny each application. These limits may be reasonably extended by mutual agreement of the applicant and the County, and it is the policy of the OPD to automatically agree to any reasonable extension. Additionally, per F.S. 125.022(2), when reviewing an application for a development permit or development order that is certified by a professional listed in F.S. 403.0877, the County may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

To request an extension of processing time and waiver of the limitation on requests for additional information, please fill out and sign this form and return it to OPD staff. Applicants may request an extension of processing time at the time of filing an initial application or at any time an application is pending before final action. Please be advised that the Applicant may incur additional advertising fees.

As the Applicant/Agent for Applicant for a development order or development permit from Polk County, I hereby request (check all that apply):

- ☒ A complete waiver of all statutory processing time limits
- ☐ An extension of _____ days for the County to issue final action approving, approving with conditions or denying an application for development permit or development order (up to 180 additional days)
- ☐ A waiver of the limitation on requests for additional information per F.S. 125.022(2)
- ☐ Decline the waiver and agree to comply with the time frames set forth in F.S. 125.022(1)

Jerry M Carter
 Signature of Applicant/Agent for Applicant

5/14/2024
 Date

*Not applicable to Comprehensive Plan Amendments, LDC text amendments, or the Green Swamp Area of Critical State Concern

PROJECT PARCELS

INCLUDED PARCELS:

- 1. 27-27-22-757000-010180**
- 2. 27-27-22-757000-010291**
- 3. 27-27-22-757000-010293**

6-1

Property Description

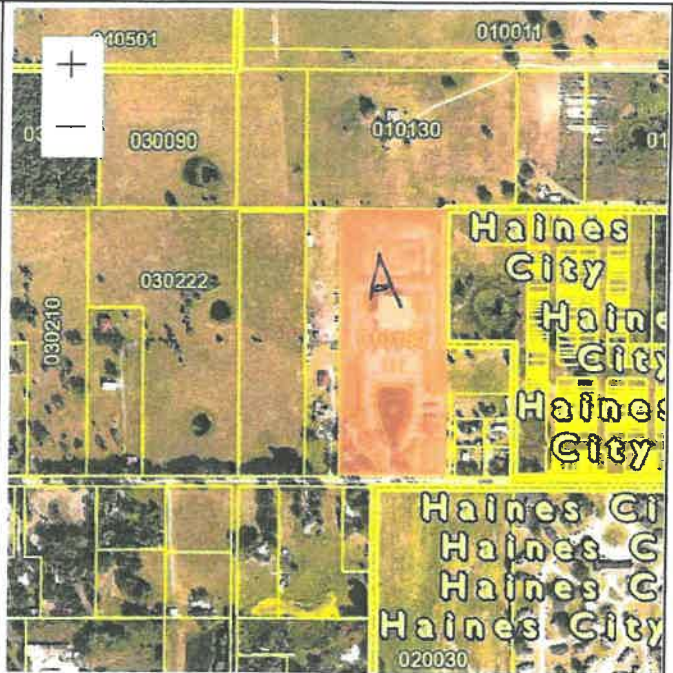
Parcel ID: 272722757000010180
Owner1: PARKVIEW CHRISTIAN CENTER INC
Physical Street Address: 3500 BAKER DAIRY RD
Postal City/St/Zip: HAINES CITY FL 33844

MAP DISCLAIMER:

All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is."

PROPERTY DESC DISCLAIMER:

This property description is a condensed version of the original legal description recorded in the public records of Polk County, FL. It does not include the section, township, range, or the county where the property is located. The property description should not be used when conveying property. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

**Property Description:**

FLA DEVELOPMENT CO SUB PB 3 PG 60 THRU 63 E 168.91 FT OF TRACT 18 & ALL OF 19 & 30 & E 168.91 FT OF TRACT 31 IN NE1/4 & LESS RD R/W & LESS ADDL RD RW FOR BAKER DAIRY RD AS DESC IN OR BK 8628 PG 24

A

Total Acreage

A 14.74

B 2.02

C .99

 17.75

6-2

Property Description

Parcel ID: 272722757000010291
Owner1: PARKVIEW CHRISTIAN CENTER INC
Physical Street Address: 3534 BAKER DAIRY RD
Postal City/St/Zip: HAINES CITY FL 33844

MAP DISCLAIMER:

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**Property Description:**

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 LOT 29 IN NE1/4 DESC AS BEG 25 FT E OF SW COR RUN N 426 FT E 306.61 FT N 234.58 FT W 331.42 FT S 661.11 FT E 25 FT TO POB LESS S 20 FT FOR RD R/W BEING LOT BD-1 OF UNREC SURVEY

B

6-3

Property Description

Parcel ID: 272722757000010293
Owner1: PARKVIEW CHRISTIAN LIFE CENTER INC
Physical Street Address: 3530 BAKER DAIRY RD
Postal City/St/Zip: HAINES CITY FL 33844

MAP DISCLAIMER:

All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is."

PROPERTY DESC DISCLAIMER:

This property description is a condensed version of the original legal description recorded in the public records of Polk County, FL. It does not include the section, township, range, or the county where the property is located. The property description should not be used when conveying property. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

**Property Description:**

FLA DEVELOPMENT CO SUB PB 3 PG 60 TO 63 LOT 29 IN NE1/4 DESC AS BEG 50 FT E OF SW COR RUN N 309 FT E 281.94 FT N 117 FT W 306.61 FT S 426 FT E 25 FT TO POB LESS RD R/W BEING LOT BD-2 OF UNREC SURVEY

C

Demonstration of Need

1. Could the proposed amendment promote substantial amounts of low-density, low intensity, or single use development in excess of demonstrated need?

No

2. Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?"

No- NOT AS A RESULT OF THIS ACTION

3. Does the proposed amendment create or encourage urban development in radial, strip, isolated, or ribbon patterns emanating from existing urban development?

No.

4. Does the proposed amendment fail to adequately protect adjacent agriculture areas?

No

5. Could the proposed amendment fail to maximize existing public facilities and services?

No

6. Could the proposed amendment fail to minimize the need for future public facilities and services?

No

7. Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?

No

8. Does the proposed amendment fail to provide clear separation between urban and rural uses?

No

9. Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?

No

10. Does the proposed amendment fail to encourage an attractive and functional mixture of land uses? No
11. Could the proposed amendment result in poor accessibility among linked or related land uses? No
12. As a result of approval of this amendment, how much open space will be lost?
Approximately 30%

Impact Assessment Statement
Parkview Christian life Center
Polk County, Florida

Land and Neighborhood Characteristics:

1. Location Suitable for Proposed use: The property site is an existing Church Facility with an area of approximately 15.0 acres located in a Residential area of Haines City, Polk County with street address of 3520 Baker Dairy Road, Haines City, Florida 33844. The current improvements consist of 28,000 square feet of Sanctuary building with 800 seating capacity, a small sanctuary building with an area of approximately 4,320 square feet, an annex building with an area of approximately 1,850 square feet, paved driving isles/parking spaces, grassed parking spaces, sidewalk and an on-site stormwater management system (retention/detention-Dry & wet ponds). Therefore, the proposed land use change appears to be suitable for surrounding residential properties, in fact, it will benefit the neighborhood.
2. Incompatibility and Special Effort Needed: It is our opinion that there is no incompatibility when a church facility is providing worship services to the neighboring residents. Current land use does not allow use of the property for the purpose of establishing private classroom teaching in a small scale.
3. It is our opinion that the proposed land change for the intended use will NOT influence future development of the area, if any. It should be noted that additional information will be provided to the County for review and approval when a facility design becomes available.

Access To Roads and Highways:

1. Number of Vehicle trips: It should be noted that there is no specific design in hand currently to analyze the number of vehicles that will be generated for the site. However, a minor traffic study, if number of vehicle warrants, will be provided to your office for review once a detailed design becomes available.
2. Modification to the Present Transportation System: There is No anticipation for any modification to the existing Transportation system since any proposed building addition and/or modification to the existing site development will be a minor in nature.
3. Total Parking Space Required: Again, as stated in item #1 above, currently there is no specific design that could be utilized to calculate the required number of parking spaces. The required number of parking spaces will be calculated in accordance with the County Land Development Code and submitted to the County for review and approval at the time of preliminary design phase, as applicable.
4. Method of Access To Existing Public Roads: It should be noted that the site is abutting Baker Dairy Road, and access to and from the site will be via the current direct frontage drive entrance.

Sewage:

1. Sewage Flows: As stated previously elsewhere, the actual amount of sewage flow cannot be calculated at this time since there is no specific design in hand. Once a preliminary design of a facility becomes available, detailed sewage flow calculations will be provided to the county for review and approval. However, for the purpose of addressing the question, any future modification to the existing site development may not generate additional sewage flows more than it is currently generating in the amount of approximately 2,400 gallons Per Day (GPD) at the time of usage for an existing facility with an area of approximately 28,000 square feet.
2. On-Site Treatment: Currently the project site provides an on-site sewage treatment system. Any future site development will also provide an on-sit sewage treatment system consisting of a holding Septic tank, dosing tank, and a low-pressure trench system in accordance with FAC, chapter 64E.6.
3. Off-Site System: It should be noted that there is no public sewage system available within the vicinity of the subject property.
4. Nearest Sewer Line: The requested information is not available since there is No Off-Site sewage System available within the site vicinity. However, if a public collection system becomes available in the near future, the project site will connect to it accordingly.
5. Provider's General Capacity: The requested information is not available since there is No public sewer collection system available within the site vicinity.
6. Anticipated date of Connection: The anticipated date of connection is NOT known currently, since there is no public sewage collection system available within the subject site vicinity.
7. Improvements to the Provider system: It should be noted that extension of a public sewage connection will be necessary for the purpose of sewer connections for any development within the area.

Water Supply:

1. Proposed Source of Water: Public water supply by Haines City is currently providing source of water supply to the current and future development of the subject site.
2. Estimated Volume of Consumption: As stated previously elsewhere, actual amount of water consumption cannot be calculated at this time since there is no specific design development in hand. Once a preliminary design of a development becomes available, detailed related water consumption calculations will be provided to the county for review and approval. However, based an assumption and for the purpose of addressing the question, any future modification to the existing site development may not require additional water consumption more than its current consumption of approximately 2,400 gallons Per Day (GPD) at the time

of usage for an existing facility with an area of approximately 28,000 square feet.

3. Nearest Portable Water: The nearest portable water main owned and maintained by Haines City is along the property frontage on Baker Dairy Road.
4. Public water Provider: The current public water provider within the vicinity of the site is Haines City.
5. Anticipated Date of Connection: It should be noted that the subject site is currently connected to the city provided water main supply system.
6. Provider's General Capacity: The requested information is not available at the time.
7. Presence of Existing on-Site Well: Currently, there is no well on the property.

Surface Water Management and Drainage:

1. Surface water feature: The project site is an existing Church Facility with an area of approximately 15.0 acres located in a Residential area of Haines City, Polk County. Currently, the site has an on-site stormwater management system (retention/detention -Dry & wet ponds) for collection of surface water run-off from the site, and partially from neighboring property to the west via sheet flows over land. Any future addition and/or expansion of the site will provide an additional on-site stormwater management system for collection and treatment of stormwater run-off from the site in compliance with SWFWMD.
2. Alteration to the site natural Drainage: any future site alteration will provide the necessary site grading and drainage, and additional on-site retention/detention system in compliance with requirement of water management district for collection and treatment of stormwater run-off from the site.

Environmental Analysis:

4. Environmental Sensitivity: The property site is an existing Church Facility with an area of approximately 15.0 acres located in a Residential area of Haines City, Polk County with street address of 3520 Baker Dairy Road, Haines City, Florida 33844. The current improvements consist of 28,000 square feet of Sanctuary building with 800 seating capacity, a small sanctuary building with an area of approximately 4,320 square feet, an annex building with an area of approximately 1,850 square feet, paved driving isles/parking spaces, grassed parking spaces, sidewalk and an on-site stormwater management system (retention/detention-Dry & wet ponds).

Based on the available information, there is no wetland on site, no aquifer Recharge area, no scrub or other threatened habitat, and no historic resources. It should be noted that an environmental study will be obtained, if deemed necessary, at the time of new facility proposal and permitting. Therefore, the proposed land use change will not have any negative impact on surrounding residential properties. In fact, it will benefit the neighborhood.

5. Wetland & Floodplain Condition: Based on the best available information, there are no wetland, and/or floodplain conditions on site.
6. Location of portable water Supplies: The nearest portable water main owned and maintained by Haines City is along the property frontage on Baker Dairy Road.
7. Location of Airport Buffer Zone: To the best of knowledge, there is no airport round the subject property. The nearest airport relative to the subject site is Orlando International Airport (MCO) which is far away, and to the best of our knowledge there is no potential impact.
8. Analysis of Soil types: Based on information from the USDA-SCS, the surficial shallow geology of the project site is predominated by Candler sand, 0 to 5 percent slopes (Map Unit "3"), Tavares fine sand, 0 to 5 percent slopes (Map Unit "15"), Adamsville fine sand (Map Unit "31"), and Water (Map Unit "99"). Regarding the Seasonal High-Water Level (SHWL) for these soils is at a depth of 24.0 to 78.0 in.



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Polk County, Florida**

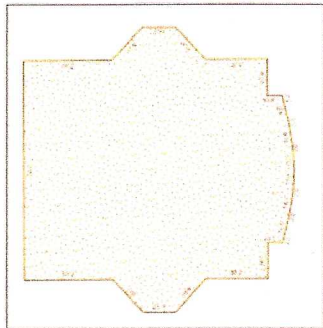
**3500 Baker Dairy RD. Parkview
Christian Center**



LOCATED IN SECTION 22, TOWNSHIP 27 SOUTH,
RANGE 27 EAST, POLK COUNTY, FLORIDA



VICINITY MAP
(NOT TO SCALE)



SURVEY NOTES

[illegible]

LEGAL DESCRIPTION

PAGE 1

MCCLE 2

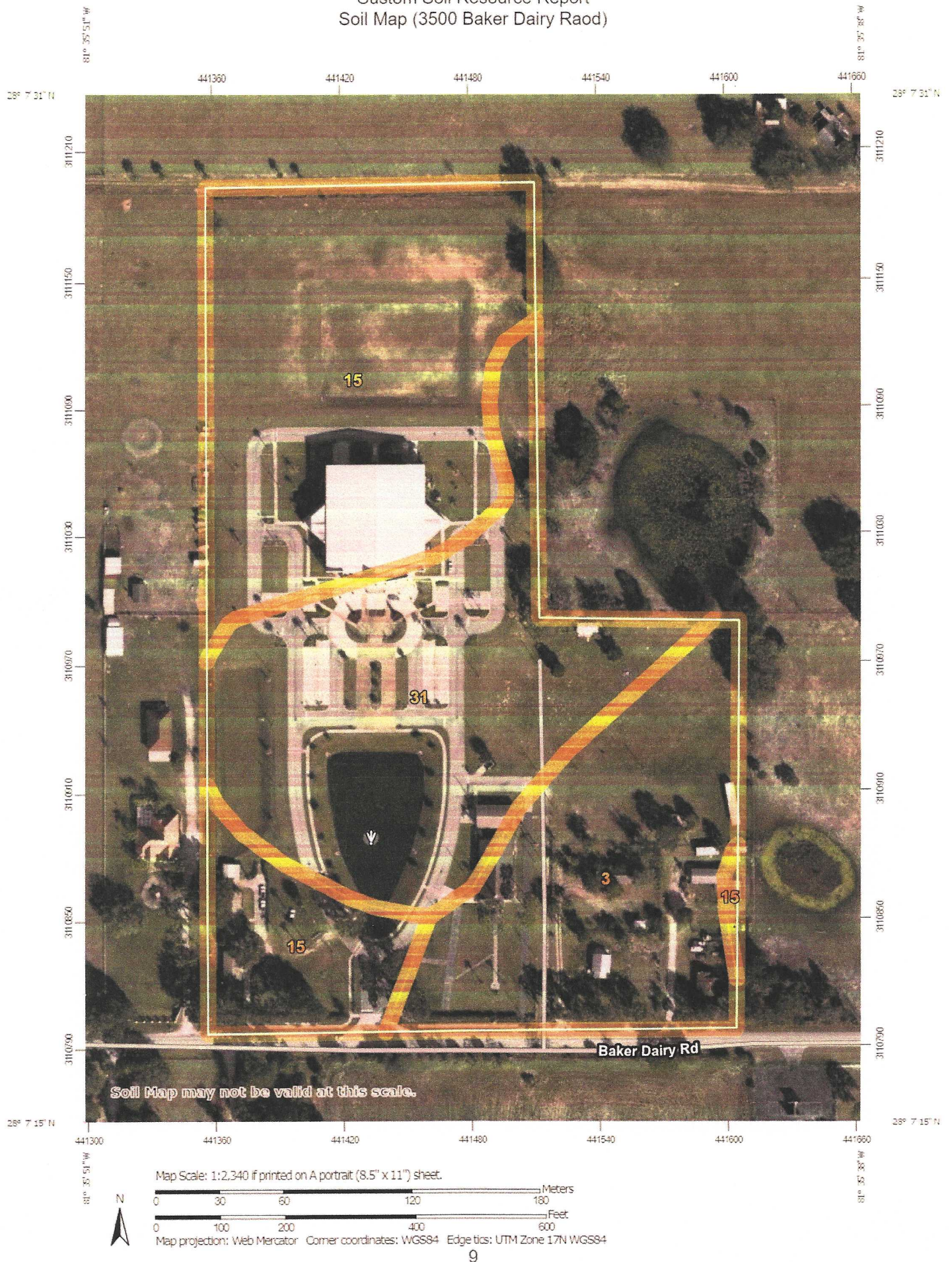
[illegible]

NEW PARCEL LEGAL DESCRIPTION

IN RESPONDING TO THE CONSUMER COMPLEX OF TRAVEL IN EUROPE, DEVELOPMENT COMPANY, INCORPORATED, HAS INTRODUCED A NEW TRAVEL SERVICE TO THE TRAVELER. DEVELOPMENT COMPANY, INCORPORATED, HAS INTRODUCED A NEW TRAVEL SERVICE TO THE TRAVELER. DEVELOPMENT COMPANY, INCORPORATED, HAS INTRODUCED A NEW TRAVEL SERVICE TO THE TRAVELER.

[illegible]

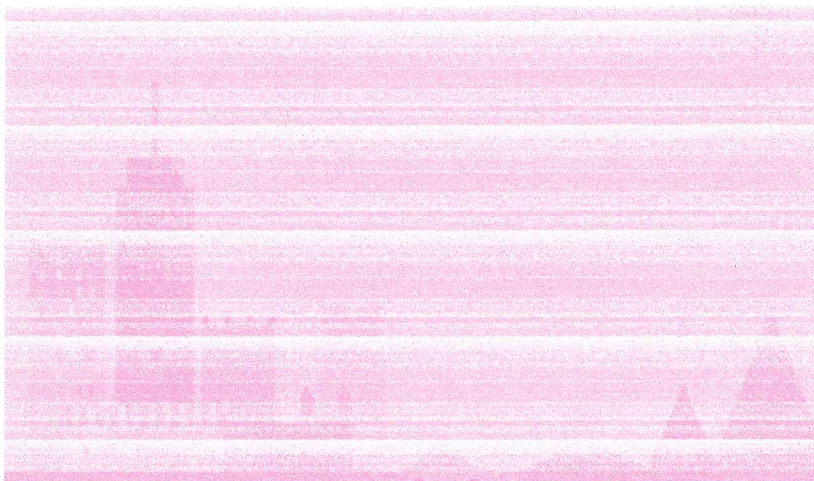
Custom Soil Resource Report Soil Map (3500 Baker Dairy Raod)



Site Location Map



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 200 ft



3520 Baker Dairy Rd

Building



Directions



Save



Nearby



Send to
phone



Share



3520 Baker Dairy Rd, Haines City, FL 33844

At this place

Parkview Christian Center

4.8 (123)

Baptist church · Floor 1





Polk County
Planning Commission

Agenda Item 6.

11/6/2024

SUBJECT

LDCT-2024-19 (North Prong IND Text Amendment)

DESCRIPTION

Change the text of the Land Development Code Appendix E, Section E105, to limit the intensity of the IND on certain areas of the property, subject to LDCPAS-2024-12, which is a request for a Comprehensive Plan Amendment to change 420 acres from Agricultural/Residential-Rural (A/RR) and Phosphate Mining (PM) to Industrial (IND).

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Mark J. Bennett, AICP, FRA-RA

Senior Planner

Markbennett@polk-county.net <mailto:Markbennett@polk-county.net>

(863) 534-6455

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: September 26, 2024	Level of Review: Level 4 Review
PC Date: November 6, 2024	Type: Land Development Code Text Amendment
BoCC December 17, 2024	Case Numbers: LDCT-2024-19
Dates: February 18, 2025	Case Name: North Prong IND Text Amendment
Applicant: David C. Carter, PE	Case Planner: Mark J. Bennett, AICP, FRA-RA, Senior Planner

Request:

Change the text of the Land Development Code Appendix E, Section E105, to limit the intensity of the IND on certain areas of the property, subject to LDCPAS-2024-12, which is a request for a Comprehensive Plan Amendment to change 420 acres from Agricultural/Residential-Rural (A/RR) and Phosphate Mining (PM) to Industrial (IND).

Location:

North and west sides of Nichols Road, south of State Road (SR) 60, east of County Line Road, south of the City of Mulberry, in Sections 6, 7 & 8, Township 30, Range 23

Property Owners:

Diamondback Properties, LLC, Mims Ranch LLC, Mims Properties Investments, LLC, and Alafia Industrial, LLC.

Parcel Size (Number):

420 acres

Future Land Use:

Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR)

Development Area:

Rural Development Area (RDA)

Nearest Municipality:

Mulberry

DRC Recommendation:

Approval

Planning Commission Vote:

Pending

Florida Commerce:

N/A

Proposed Change to the LDC:

Change Appendix E Section E105, Parcel Specific Comprehensive Plan Amendments with Conditions, to limit the intensity of the proposed Industrial (IND) activity on the site.

Summary:

The applicant seeks a change to the Land Development Code Appendix E, Section E105, to limit the intensity of the IND activity on certain areas of the 420-acre parcel. The specific limitations are as follows:

- Establishment of a 200-foot-wide buffer zone on certain portions of the site
- Limitations on uses within the buffer zone
- Special Landscaping Requirements

Findings of Fact

- *LDCT-2024-19 is an applicant-initiated request to amend Appendix E, Section E105, Parcel Specific Comprehensive Plan Amendments with Conditions, to limit the intensity of the Industrial (IND) activity on the site.*
- *This case is related to LDCPAL-2024-12. That request is for a Comprehensive Plan Amendment to change 420 acres from Agricultural/Residential-Rural (A/RR) and Phosphate Mining (PM) to Industrial (IND).*
- *LDCPAL-2024-12 also includes a text change to Appendix 2.135 - Parcel Specific Future Land Use Map Amendments with Conditions to reference that the subject site has conditions in the Land Development Code to limit the proposed intensity of the proposed Industrial (IND) activity on the site.*
- *The subject property is located North and west sides of Nichols Road, south of State Road (SR) 60, east of County Line Road, south of the City of Mulberry, in Sections 6, 7 & 8, Township 30, Range 23.*
- *The subject site was previously used for phosphate mining and has vacant buildings related to the manufacturing of phosphate.*
- *The applicant's Project Narrative, contained in the Impact Assessment Statement for the corresponding Comprehensive Plan Amendment, states that "Changing the land use from PM to IND is a logical and practical progression of land use. Other land use districts would not fit in with the character of the vicinity. The area has very few homes near and many of them have worked directly or indirectly for the mining industry. The site has a rail line running through it, so industrial uses that require rail access can be served, with minimal change to the rail lines."*
- *The unincorporated community of Nichols, northeast of the site, consists of primarily residential uses.*
- *North of the site, within the city of Mulberry, there is a proposed residential planned development.*
- *Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that are allowed.*
- *The primary concern with this request is the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development north of the site in the City of Mulberry.*
- *The proposed text change contains additional provisions, such as buffering and restrictions on uses, within 200 feet of the site's boundary with the proposed residential development in the City of Mulberry.*

- *The proposed text change will allow for redevelopment of the site for industrial uses, while ensuring compatible development occurs next to the existing and planned residential uses adjacent to the site.*

Development Review Committee Recommendation:

The Land Development Division, based on the Findings of Fact, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of **LDCT-2024-19**.

Analysis:

This amendment was submitted currently with LDCPAL-2024-12. That request is for a Comprehensive Plan Amendment to change 420 acres from Agricultural/Residential-Rural (A/RR) and Phosphate Mining (PM) to Industrial (IND). The same Plan Amendment also includes a text change to Appendix 2.135 - Parcel Specific Future Land Use Map Amendments with Conditions. The changes to the text of both the Comprehensive Plan and the Land Development Code are necessary to implement specific requirements.

During the review of the corresponding plan amendment, staff identified a concern regarding compatibility. More specifically, the concern is about the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development north of the site in the City of Mulberry. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that are allowed. To address these concerns, this text amendment to the Land Development Code (along with a text amendment to the Comprehensive Plan) are proposed.

This text amendment will provide for additional restrictions on uses and buffering to ensure compatibility. A 25-foot-wide landscaping buffer is proposed where the site is adjacent to the Nichols community. For the portions of the site are next to the City of Mulberry's Residential Planned Unit Development that are not already buffered by wetlands, a 200-foot buffer zone is proposed. The 200-foot standard was selected because that the setback requirement for construction aggregate processing, an intensive, industrial use. Within this buffer zone, a 25-foot-wide landscape buffer will be required. Within 100 feet of the property line, there are significant restrictions on allowed uses, with primarily low-intensive uses, such as landscaping, stormwater management, and other similar types of uses. Between 100 to 200 feet, limitations of certain types of industrial uses are proposed, with the intent of minimizing impacts onto adjoining properties. These provisions, if approved, will ensure that this site will be compatible with the existing and proposed residential uses nearby.

Limits of the Proposed Ordinance

The focus of this amendment is to restrict the allowable uses within certain portions of the Industrial (IND) land use district to limit the intensity of the IND activity. This is necessary to ensure that the proposed redevelopment of a former phosphate mining activity will be compatible with the existing residential uses in the unincorporated community of Nichols, and the proposed residential planned development in the City of Mulberry north of the site.

Consistency with the Comprehensive Plan

This change is in conjunction with LDCPAL-2024-12. This amendment will designate the subject property as Industrial. The proposed text change to limit the intensity of the IND activity will ensure that the proposed on-site development is consistent with the levels of existing and planned infrastructure, as well as ensure compatibility with the existing and planned residential uses adjacent to the site.

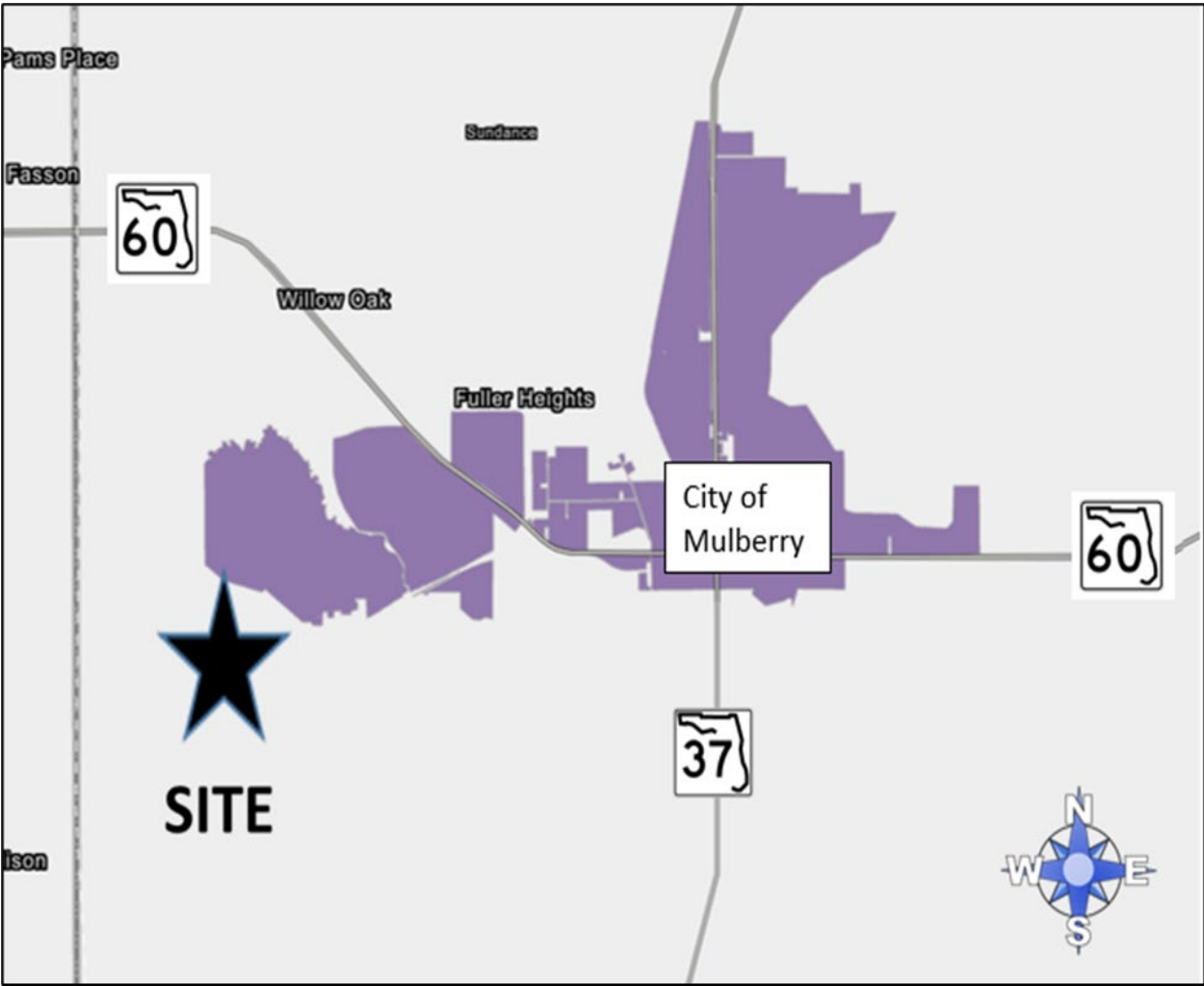
Comments from Other Agencies: None

Draft Ordinance: Under separate attachment

Exhibits:

Exhibit 1 - Location Map

Exhibit 2 - Proposed Text Change



Location Map

R. LDCPAL-2024-12 Parcel numbers 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120,

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 23, Township 30, Sections 6, 7 & 8. The site is legally described as:

A PARCEL OF LAND LYING IN SECTIONS 6, 7 & 8 TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N 00°31'21" W ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 40.80 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HIGHWAY 676 (NICHOLS ROAD) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 16570-2603; THENCE S 89°47'53" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1341.19 FEET; THENCE N 01°36'26" W ALONG THE WEST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8109, PAGE 1092 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR A DISTANCE OF 731.25 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SOUTH 770 FEET OF SAID SECTION 7 ALSO BEING ON THE BOUNDARY OF PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6599, PAGE 1374 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N 89°52'34" E ALONG SAID LINE A DISTANCE OF 1205.05 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL PER OFFICIAL RECORDS BOOK 6599, PAGE 1374 FOR THE FOLLOWING TWO COURSES; (1) N 70°25'03" W A DISTANCE OF 571.56 FEET; (2) N 58°07'50" W A DISTANCE OF 841.52 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4365, PAGE 708 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING EIGHT COURSES; (1) N 00°29'56" W A DISTANCE OF 1100.00 FEET; (2) N 54°26'52" E A DISTANCE OF 1500.00 FEET; (3) N 20°31'38" W A DISTANCE OF 1499.96 FEET; (4) N 50°30'08" W A DISTANCE OF 350.03 FEET; (5) S 89°39'34" W A DISTANCE OF 600.31 FEET; (6) N 00°25'24" W A DISTANCE OF 850.00 FEET; (7) S 54°20'01" E A DISTANCE OF 680.34 FEET; (8) N 89°38'35" E A DISTANCE OF 1000.00 FEET TO THE EAST LINE OF SAID SECTION 6; THENCE S 00°20'32" E A DISTANCE OF 149.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S 00°31'21" E ALONG THE WEST BOUNDARY OF SAID SECTION 8 A DISTANCE OF 306.94 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7424, PAGE 1395 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING THREE COURSES; (1) S 64°44'45" E A DISTANCE OF 80.71 FEET; (2) S 52°34'43" E A DISTANCE OF 851.75 FEET; (3) S 74°52'26" E A DISTANCE OF 1657.71 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5373, PAGE 511 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING SEVEN COURSES; (1) N 45°44'25" E A DISTANCE

OF 169.92 FEET; (2) S 49°50'22" E A DISTANCE OF 282.89 FEET; (3) S 52°10'14" E A DISTANCE OF 1688.35 FEET; (4) N 87°15'28" E A DISTANCE OF 312.79 FEET; (5) S 43°10'16" E A DISTANCE OF 177.06 FEET TO THE MAINTAINED RIGHT OF WAY OF OLD NICHOLS ROAD AS SHOWN ON MAINTAINED RIGHT OF WAY MAP BOOK 10, PAGES 134-135 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; (6) S 00°14'20" E ALONG SAID RIGHT OF WAY A DISTANCE OF 34.14 FEET; (7) S 89°35'59" W A DISTANCE OF 303.75 FEET; THENCE S 52°51'26" E A DISTANCE OF 165.08 FEET TO THE NORTHEAST CORNER OF THE WEST 298 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE S 00°33'22" E ALONG THE EAST LINE OF SAID WEST 298 FEET A DISTANCE OF 668.87 FEET TO THE NORTH LINE OF A PARCEL BEING THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE ALONG SAID PARCEL FOR THE FOLLOWING 3 COURSES; (1) S 89°46'18" W A DISTANCE OF 100.29 FEET; (2) S 00°33'21" E A DISTANCE OF 219.70 FEET; (3) N 89°46'18" E A DISTANCE OF 100.29 FEET TO A POINT ON SAID EAST LINE OF THE WEST 298 FEET; THENCE S 00°33'21" E ALONG SAID EAST LINE AND THE EAST LINE OF THE WEST 298 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8 A DISTANCE OF 848.74 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3404, PAGE 1719 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES: (1) S 89°51'44" W A DISTANCE OF 328.29 FEET; (2) N 00°32'37" W A DISTANCE OF 199.55 FEET; (3) S 89°49'41" W A DISTANCE OF 3461.83 FEET TO A POINT ON THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES; (1) S 17°50'46" W A DISTANCE OF 600.80 FEET; (2) N 72°09'14" W A DISTANCE OF 90.00 FEET; (3) S 89°50'46" W A DISTANCE OF 131.56 FEET; THENCE CONTINUE S 89°50'46" W A DISTANCE OF 65.85 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 215.80 FEET TO THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING TWO COURSES: (1) S 17°13'28" W A DISTANCE OF 141.27 FEET; (2) S 67°07'48" E A DISTANCE OF 46.92 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 166.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND LESS AND EXCEPT: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N89°49'36"E ALONG THE SOUTH LINE OF SAID SECTION 8 A DISTANCE OF 1585.08 FEET; THENCE N00°10'24"W A DISTANCE OF 1328.09 FEET TO THE POINT OF BEGINNING; THENCE N03°49'08"W A DISTANCE OF 455.34 FEET; THENCE N33°36'33"E A DISTANCE OF 609.37 FEET; THENCE N48°16'13"E A DISTANCE OF 212.04 FEET; THENCE N79°38'45"E A DISTANCE OF 532.36 FEET; THENCE S55°21'54"E A DISTANCE OF 256.35 FEET; THENCE S32°32'18"E A DISTANCE OF 584.83 FEET; THENCE S57°26'47"W A DISTANCE OF 1030.09 FEET; THENCE S89°29'58"W A DISTANCE OF 646.16 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT LANDS WITHIN THE CSX RAILROAD RIGHT OF WAY.

AND

THAT PART OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET AND LYING NORTH AND WEST OF THE RIGHT OF WAY OF COUNTY ROAD 676 (NICHOLS ROAD),

LESS THAT PART OF THE SOUTH 920 FEET LYING WEST OF THE EAST 280 FEET,

AND

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET,

LESS THE NORTH 50 FEET OF THE EAST 867 FEET,

AND LESS THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET,

AND LESS THE MAINTAINED RIGHT OF WAY OF NIXON ROAD AS RECORDED IN MAINTAINED RIGHT OF WAY MAP BOOK 3, PAGE 210 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, LYING WEST OF COUNTY ROAD 676 (NICHOLS ROAD) AND LYING SOUTH OF THE CSX RAILROAD RIGHT OF WAY.

2. Applicability – 200-Foot-Wide Buffer Zone

The provisions and requirements of this subsection apply to a 200-foot-wide strip along a portion of the north side of the subject site as shown in Figure “A”, more particularly that area legally described as:

A parcel of land lying in Sections 6, 7 & 8 Township 30 South, Range 23 East, Polk County, Florida, described as follows:

Begin at the Northwest corner of said Section 8; thence S 00°31'21" E along the west boundary of said Section 8 a distance of 306.94 feet to a point on the boundary of a parcel of land described in Official Records Book 7424, page 1395 of the public records of Polk County, Florida; thence along said parcel for the following three courses; (1) S 64°44'45" E a distance of 80.71 feet; (2) S 52°34'43" E a distance of 851.75 feet; (3) S 74°52'26" E a distance of 1092.21 feet; thence S 15°05'26" W a distance of 200.00 feet; thence N 74°52'26" W a distance of 1131.75 feet; thence N 52°34'43" W a distance of 869.85 feet; thence N 64°44'22" W a distance of 184.91 feet; thence N 00°31'21" W a distance of 433.01 feet to the south line of said Section 6; thence N 00°20'32" W a distance of 149.88 feet to the boundary of a parcel of land described in Official Records Book 4365, page 708 of the public records of Polk County, Florida; thence N 89°38'35" E along said

boundary a distance of 200.00 feet to the east line of said Section 6; thence S 00°20'32" E along the east line of said Section 6 a distance of 149.88 feet to the Point of Beginning.

3. Allowable uses within the phased setback

- a. The first 100 feet shall allow for passive activities such as, but not limited to Landscaping, Stormwater management, Floodplain compensation, open spaces, natural habitat and restoration, utility easements, mitigation and buffer zones.
- b. Within 100 to 200 feet, industrial activities including, but not limited to such as Non-Phosphate Mining, Off-site Agricultural support, General Farming, Solar Electric – Power Generation Facilities, Commercial Vehicle Parking, Light Assembly, Light Manufacturing, Light Repair, and other uses similar in intensity and activity, but do not have any outdoor storage or operations, shall be allowed in this area. Additionally, the uses allowed by LDCU 2024-24, as approved by the Planning Commission on October 2, 2024, shall be allowed in this area. Light and General Manufacturing and all other uses permitted in Industrial listed in the Land Development Code Section 205 Table 2.1.
- c. Outside of 200 feet shall allow activities including Aggregate Storage and Processing along with Salvage Yards activities, and all other uses permitted in Industrial listed in Section 205 Tables 2.1. & 2.2, subject to the requirements of the Land Development Code.
- d. In addition to the foregoing, these uses must comply with the location and review criteria in Section 205, Tables 2.1 & 2.2 for Standard Land Use Districts.

4. Landscape Buffers

- a. The required 25-foot-wide landscaped buffer shall be planted when site development activity occurs within the 200-foot-wide strip as legally described in this Section, or when site development activity occurs within the adjoining Residential Planned Unit Development property in the City of Mulberry.
- b. The required 25-foot-wide landscaped buffer to be located next to the CSX railroad, on the eastern side of the subject property, shall be planted when site development activity occurs within 200 feet.

Proposed Text Change



ORDINANCE NO. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2024-19, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, MODIFYING APPENDIX E, SECTION E105 PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS. THIS CASE IS RELATED TO LDCPAL 2024-12. THE SUBJECT SITE IS LOCATED ON THE NORTH AND WEST SIDES OF NICHOLS ROAD, SOUTH OF STATE ROAD (SR) 60, EAST OF COUNTY LINE ROAD, SOUTH OF THE CITY OF MULBERRY, IN SECTIONS 6, 7 & 8, TOWNSHIP 30, RANGE 23; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on November 6, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: APPENDIX E, Parcel Specific Future Land Use Designation with Conditions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be amended in the following manner:

R. LDCPAL-2024-12 Parcel numbers 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120,

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 23, Township 30, Sections 6, 7 & 8. The site is legally described as:

A PARCEL OF LAND LYING IN SECTIONS 6, 7 & 8 TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N 00°31'21" W ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 40.80 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HIGHWAY 676 (NICHOLS ROAD) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 16570-2603; THENCE S 89°47'53" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1341.19 FEET; THENCE N 01°36'26" W ALONG THE WEST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8109, PAGE 1092 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR A DISTANCE OF 731.25 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SOUTH 770 FEET OF SAID SECTION 7 ALSO BEING ON THE BOUNDARY OF PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6599, PAGE 1374 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N 89°52'34" E ALONG SAID LINE A DISTANCE OF 1205.05 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL PER OFFICIAL RECORDS BOOK 6599, PAGE 1374 FOR THE FOLLOWING TWO COURSES; (1) N 70°25'03" W A DISTANCE OF 571.56 FEET; (2) N 58°07'50" W A DISTANCE OF 841.52 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4365, PAGE 708 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING EIGHT COURSES; (1) N 00°29'56" W A DISTANCE OF 1100.00 FEET; (2) N 54°26'52" E A DISTANCE OF 1500.00 FEET; (3) N 20°31'38" W A DISTANCE OF 1499.96 FEET; (4) N 50°30'08" W A DISTANCE OF 350.03 FEET; (5) S 89°39'34" W A DISTANCE OF 600.31 FEET; (6) N 00°25'24" W A DISTANCE OF 850.00 FEET; (7) S 54°20'01" E A DISTANCE OF 680.34 FEET; (8) N 89°38'35" E A DISTANCE OF 1000.00 FEET TO THE EAST LINE OF SAID SECTION 6; THENCE S 00°20'32" E A DISTANCE OF 149.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S 00°31'21" E ALONG THE WEST BOUNDARY OF SAID SECTION 8 A DISTANCE OF 306.94 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL

RECORDS BOOK 7424, PAGE 1395 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING THREE COURSES; (1) S 64°44'45" E A DISTANCE OF 80.71 FEET; (2) S 52°34'43" E A DISTANCE OF 851.75 FEET; (3) S 74°52'26" E A DISTANCE OF 1657.71 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5373, PAGE 511 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING SEVEN COURSES; (1) N 45°44'25" E A DISTANCE OF 169.92 FEET; (2) S 49°50'22" E A DISTANCE OF 282.89 FEET; (3) S 52°10'14" E A DISTANCE OF 1688.35 FEET; (4) N 87°15'28" E A DISTANCE OF 312.79 FEET; (5) S 43°10'16" E A DISTANCE OF 177.06 FEET TO THE MAINTAINED RIGHT OF WAY OF OLD NICHOLS ROAD AS SHOWN ON MAINTAINED RIGHT OF WAY MAP BOOK 10, PAGES 134-135 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; (6) S 00°14'20" E ALONG SAID RIGHT OF WAY A DISTANCE OF 34.14 FEET; (7) S 89°35'59" W A DISTANCE OF 303.75 FEET; THENCE S 52°51'26" E A DISTANCE OF 165.08 FEET TO THE NORTHEAST CORNER OF THE WEST 298 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE S 00°33'22" E ALONG THE EAST LINE OF SAID WEST 298 FEET A DISTANCE OF 668.87 FEET TO THE NORTH LINE OF A PARCEL BEING THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE ALONG SAID PARCEL FOR THE FOLLOWING 3 COURSES; (1) S 89°46'18" W A DISTANCE OF 100.29 FEET; (2) S 00°33'21" E A DISTANCE OF 219.70 FEET; (3) N 89°46'18" E A DISTANCE OF 100.29 FEET TO A POINT ON SAID EAST LINE OF THE WEST 298 FEET; THENCE S 00°33'21" E ALONG SAID EAST LINE AND THE EAST LINE OF THE WEST 298 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8 A DISTANCE OF 848.74 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3404, PAGE 1719 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES: (1) S 89°51'44" W A DISTANCE OF 328.29 FEET; (2) N 00°32'37" W A DISTANCE OF 199.55 FEET; (3) S 89°49'41" W A DISTANCE OF 3461.83 FEET TO A POINT ON THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES; (1) S 17°50'46" W A DISTANCE OF 600.80 FEET; (2) N 72°09'14" W A DISTANCE OF 90.00 FEET; (3) S 89°50'46" W A DISTANCE OF 131.56 FEET; THENCE CONTINUE S 89°50'46" W A DISTANCE OF 65.85 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 215.80 FEET TO THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING TWO COURSES: (1) S 17°13'28" W A DISTANCE OF 141.27 FEET; (2) S 67°07'48" E A DISTANCE OF 46.92 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 166.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND LESS AND EXCEPT: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N89°49'36"E ALONG THE SOUTH LINE OF SAID SECTION 8 A DISTANCE OF 1585.08 FEET; THENCE N00°10'24"W A DISTANCE OF 1328.09 FEET TO THE POINT OF BEGINNING; THENCE N03°49'08"W A DISTANCE OF 455.34 FEET; THENCE N33°36'33"E A DISTANCE OF 609.37 FEET; THENCE N48°16'13"E A DISTANCE OF 212.04 FEET; THENCE N79°38'45"E A DISTANCE OF 532.36 FEET; THENCE S55°21'54"E A DISTANCE OF 256.35 FEET; THENCE S32°32'18"E A DISTANCE OF 584.83 FEET; THENCE S57°26'47"W A DISTANCE OF 1030.09 FEET; THENCE S89°29'58"W A DISTANCE OF 646.16 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT LANDS WITHIN THE CSX RAILROAD RIGHT OF WAY.

AND

THAT PART OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET AND LYING NORTH AND WEST OF THE RIGHT OF WAY OF COUNTY ROAD 676 (NICHOLS ROAD),

LESS THAT PART OF THE SOUTH 920 FEET LYING WEST OF THE EAST 280 FEET,
AND

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET,
LESS THE NORTH 50 FEET OF THE EAST 867 FEET,

AND LESS THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET,

AND LESS THE MAINTAINED RIGHT OF WAY OF NIXON ROAD AS RECORDED IN MAINTAINED RIGHT OF WAY MAP BOOK 3, PAGE 210 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, LYING WEST OF COUNTY ROAD 676 (NICHOLS ROAD) AND LYING SOUTH OF THE CSX RAILROAD RIGHT OF WAY.

2. Applicability – 200-Foot-Wide Buffer Zone

The provisions and requirements of this subsection apply to a 200-foot-wide strip along a portion of the north side of the subject site as shown in Figure "A", more particularly that area legally described as:

A parcel of land lying in Sections 6, 7 & 8 Township 30 South, Range 23 East, Polk County, Florida, described as follows:

Begin at the Northwest corner of said Section 8; thence S 00°31'21" E along the west boundary of said Section 8 a distance of 306.94 feet to a point on the boundary of a parcel of land described in Official Records Book 7424, page 1395 of the public records of Polk County, Florida; thence along said parcel for the following three courses; (1) S 64°44'45" E a distance of 80.71 feet; (2) S 52°34'43" E a distance of 851.75 feet; (3) S 74°52'26" E a distance of 1092.21 feet; thence S 15°05'26" W a distance of 200.00 feet; thence N 74°52'26" W a distance of 1131.75 feet; thence N 52°34'43" W a distance of 869.85 feet; thence N 64°44'22" W a distance of 184.91 feet; thence N 00°31'21" W a distance of 433.01 feet to the south line of said Section 6; thence N 00°20'32" W a distance of 149.88 feet to the boundary of a parcel of land described in Official Records Book 4365, page 708 of the public records of Polk County, Florida; thence N 89°38'35" E along said boundary a distance of 200.00 feet to the east line of said Section 6; thence S 00°20'32" E along the east line of said Section 6 a distance of 149.88 feet to the Point of Beginning.

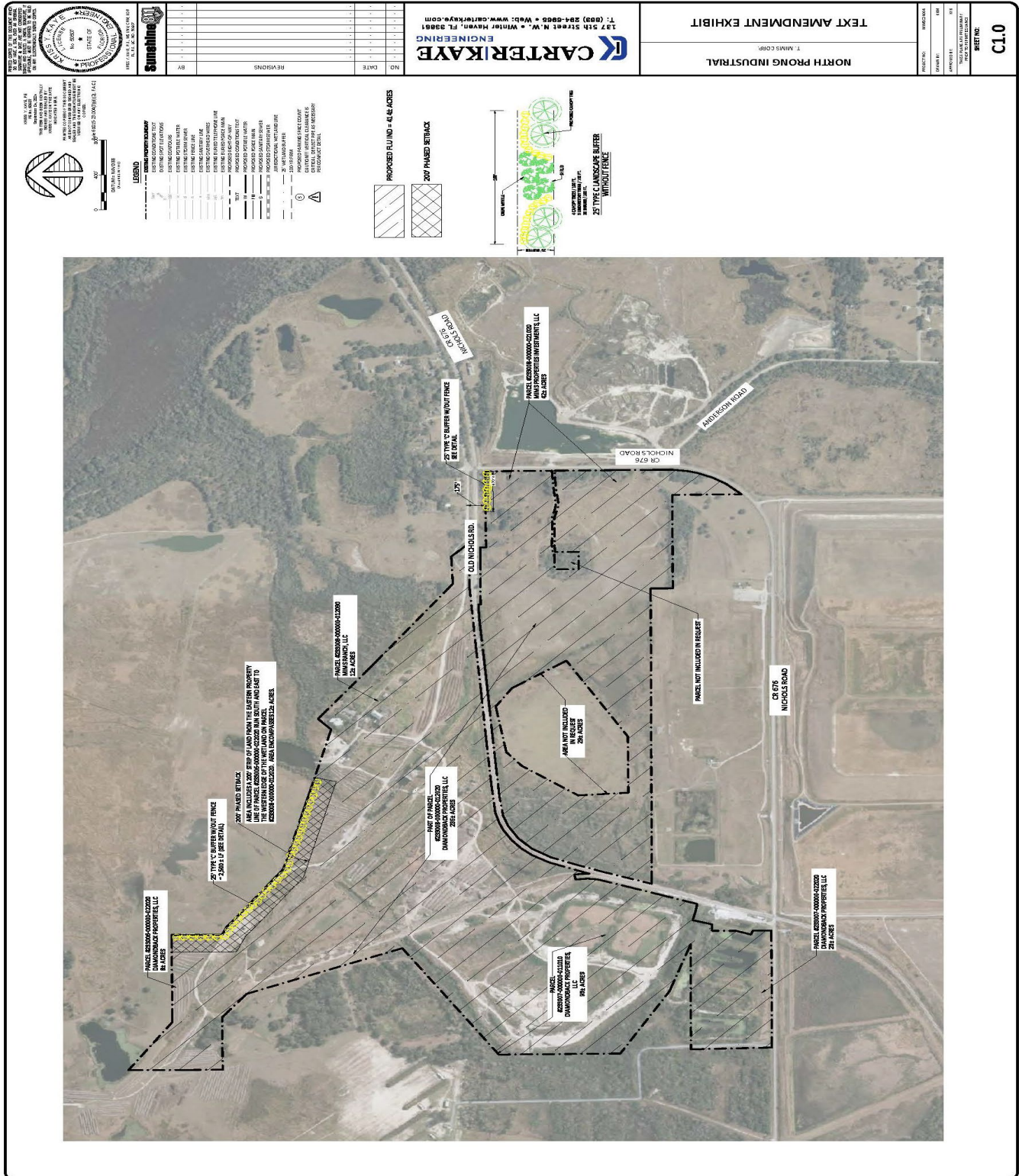
3. Allowable uses within the phased setback

- a. The first 100 feet shall allow for passive activities such as, but not limited to Landscaping, Stormwater management, Floodplain compensation, open spaces, natural habitat and restoration, utility easements, mitigation and buffer zones.
- b. Within 100 to 200 feet, industrial activities including, but not limited to such as Non-Phosphate Mining, Off-site Agricultural support, General Farming, Solar Electric – Power Generation Facilities, Commercial Vehicle Parking, Light Assembly, Light Manufacturing, Light Repair, and other uses similar in intensity and activity, but do not have any outdoor storage or operations, shall be allowed in this area. Additionally, the uses allowed by LDCU 2024-24, as approved by the Planning Commission on October 2, 2024, shall be allowed in this area. Light and General Manufacturing and all other uses permitted in Industrial listed in the Land Development Code Section 205 Table 2.1.
- c. Outside of 200 feet shall allow activities including Aggregate Storage and Processing along with Salvage Yards activities, and all other uses permitted in Industrial listed in Section 205 Tables 2.1. & 2.2, subject to the requirements of the Land Development Code.
- d. In addition to the foregoing, these uses must comply with the location and review criteria in Section 205, Tables 2.1 & 2.2 for Standard Land Use Districts.

4. Landscape Buffers

- a. The required 25-foot-wide landscaped buffer shall be planted when site development activity occurs within the 200-foot-wide strip as legally described in this Section, or when site development activity occurs within the adjoining Residential Planned Unit Development property in the City of Mulberry.
- b. The required 25-foot-wide landscaped buffer to be located next to the CSX railroad, on the eastern side of the subject property, shall be planted when site development activity occurs within 200 feet.

Figure “A”



SECTION 2: SEVERABILITY

If any provisions of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall be effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA THIS 18th DAY OF FEBRUARY 2025.

North Prong Industrial LDC Text Amendment

In assisting with the County's efforts to balance industrial activities with nearby residential areas and the importance of appropriate setbacks, we propose a solution that addresses both the County's objectives and the practical use of the site.

Key Points:

- **Existing Conditional Use Allowance:** The current Conditional Use Plans depicts a 25-foot setback from the northern property which is located within the City of Mulberry having PUD zoning. Mining operations must be setback 200-feet from any residential dwelling unit or platted subdivision. Neither of those exists today. We believe a similar approach, with safeguards, can be effective here.
- **Impact of the 200-Foot Setback:** The 200-foot setback affects site usability by covering approximately 12 acres. We propose a 100-foot setback with a 25-foot landscape buffer to provide effective noise and visual mitigation.

Proposed Compromise:

- **Temporary Flexibility:** Given the absence of adjacent residential development, we suggest temporarily reducing or waiving the 200-foot setback, with the commitment to implement the following restrictions if residential development occurs on the adjacent property:
- **Phased Setback Use:**
 - **First 100 Feet:** We propose using this area for passive activities such as, but not limited to:
 - Landscaping
 - Stormwater management
 - Floodplain compensation
 - Open spaces
 - Natural habitat
 - Habitat restoration
 - Environmental conservation and mitigation
 - Buffer zones
 - Utility easements

- **100 to 200 Feet:** We propose this area be used generally for non-passive industrial activities, including but not limited to:
 - Light composting facilities
 - Mining
 - Low-impact agricultural use
 - Solar panel installations
 - Storage facilities
 - Other industrial such as light manufacturing

- **200 Feet:** We propose this area to allow rock crushing and salvage yard activities beyond the 200-foot mark.

This approach balances the County's goals with practical land use, ensuring current functionality while being prepared for future development.



Polk County
Planning Commission

Agenda Item 7.

11/6/2024

SUBJECT

LDCPAL-2024-12 (North Prong IND CPA)

DESCRIPTION

Request to change 420 acres from Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR) to Industrial (IND) and change the text of Section 2.135 of the Comprehensive Plan to limit the intensity of the IND activity on certain areas of the site. The subject site is located north and west sides of Nichols Road, south of State Road (SR) 60 , east of County Line Road, south of the City of Mulberry, in Sections 6, 7 & 8, Township 30, Range 23. The case is related to LDCT-2024-19 which is a text amendment to Appendix E of the Land Development Code to add conditions for the subject site.

RECOMMENDATION

Approval

FISCAL IMPACT

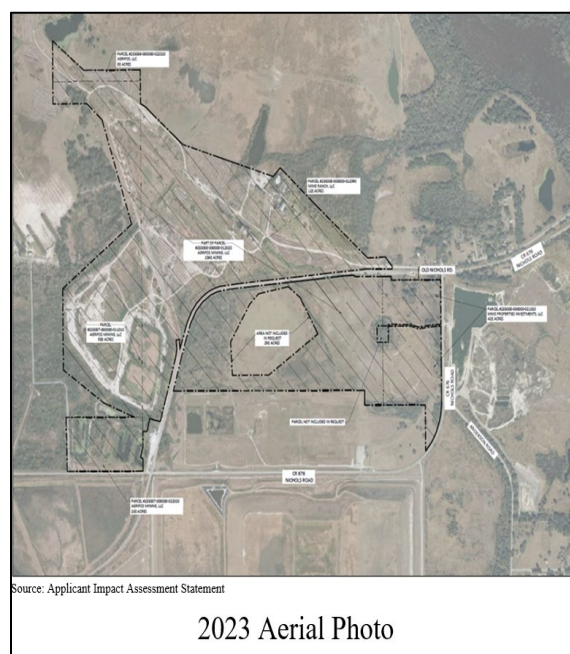
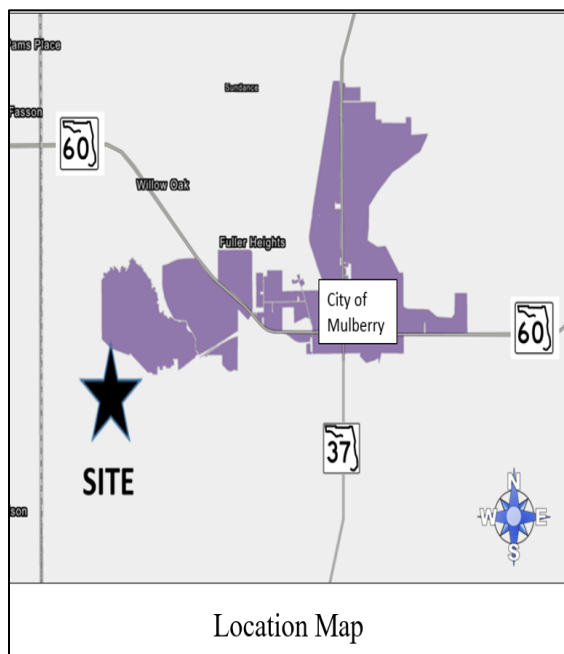
No Fiscal Impact

CONTACT INFORMATION

Mark J. Bennett, AICP, FRA-RA
Senior Planner
markbennett@polk-county.net
(863) 534-6455

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	July 25, 2024
Planning Commission Date:	November 6, 2024
BoCC Dates:	December 17, 2024 and February 18, 2025
Applicant:	David C. Carter, P.E.
Level of Review:	Level 4 Review, Large-Scale Comprehensive Plan Amendment
Case Number and Name:	LDCPAL-2024-12 (North Prong Industrial)
Request:	Change 420 acres from Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR) to Industrial (IND) and change the text of Section 2.135 of the Comprehensive Plan to limit the intensity of the IND activity on certain areas of the site.
Location:	North and west sides of Nichols Road, south of State Road (SR) 60 , east of County Line Road, south of the City of Mulberry, in Sections 6, 7 & 8, Township 30, Range 23
Property Owner:	Diamondback Properties, LLC, Mims Ranch LLC, Mims Properties Investments, LLC, and Alafia Industrial, LLC.
Parcel Size:	420 acres
Development Area:	Rural Development Area (RDA)
Future Land Use:	Phosphate Mining (PM) & Agricultural/Residential-Rural (A/RR)
Nearest Municipality	Mulberry
DRC Recommendation:	Approval
Planning Commission Vote:	Pending
Case Planner:	Mark J. Bennett, AICP, FRA-RA, Senior Planner



Summary:

This is an applicant-initiated Comprehensive Plan map amendment to change 420 acres from Phosphate Mining (PM) and Agricultural/Residential-Rural (A/RR) to Industrial (IND) on the Future Land Use Map. and to change the text of Section 2.135 of the Comprehensive Plan to limit the intensity of the IND activity on certain areas of the site. The subject site is adjacent to residentially zoned property in the City of Mulberry and a cluster of residential uses in Nichols, an unincorporated residential community. The subject site was previously used for phosphate mining and has vacant buildings related to the manufacturing of phosphate.

Compatibility Summary

The proposed request is for an Industrial (IND) use. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the types of uses that are allowed. In reviewing this request, there were significant concerns about the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development next to the site in the City of Mulberry. To address these concerns, the corresponding text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-12) provide for additional restrictions on uses and buffering. These additional requirements should minimize any additional impacts to adjoining residential uses and will ensure a more compatible use.

Infrastructure Summary

Because the site is in the Rural Development Area, connection to public water and wastewater services is not required. There is sufficient roadway capacity. Public safety facilities and services are available.

Environmental Summary

There are wetlands and floodplains on the site, with past land alternation occurring as a result of phosphate mining and related activities.

Comprehensive Plan

Listed below are the relevant sections of the Comprehensive Plan that are applicable to this request:

- Policy 2.102(A1-A15): Growth Management Policies
- Policy 2.108(A1-A6): Rural Development Areas
- Policy 2.113(A1-A5): Industrial
- Section 2.123B(B1-B5): Floodplain-Protection Areas
- Section 2.123C(C1–C6): Wetland-Protection Areas
- Section 2.124-B Airport-Impact Districts

Findings of Fact

Request and Legal Status

- LDCPAL-2024-12 is a applicant initiated request for a Comprehensive Plan Amendment (CPA) to designate approximately \pm 420 acres within a Phosphate Mining (PM) and Agricultural Residential Rural (A/RR) land use district to Industrial (IND) in the County's Rural Development Area (RDA). This request also includes a proposed change to the text of Section 2.135 of the Comprehensive Plan to limit the intensity of IND uses on certain areas of the site.
- This case has a companion Land Development Code text amendment (LDCT-2024-19), which will provide for additional restrictions on uses and buffering to minimize additional impacts to adjoining residential uses.
- According to POLICY 2.108-A1 of the Polk County Comprehensive Plan, the Rural Development Area (RDA) 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."
- POLICY 2.109-A4 states that "The purpose of the Agriculture/Residential-Rural (A/RR) land use district is to provide lands for the continuation of productive agricultural uses and for compatible residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, single-family dwelling units, farm labor housing, group living facilities, and community facilities."
- POLICY 2.109-A18 describes the Phosphate Mining land use district as follows: "The purpose of the Phosphate Mining (PM) land use district is for phosphate mining operations, phosphate mining support facilities, and other uses that are compatible with and related to phosphate mining and its allied uses."
- POLICY 2.109-A11 states that "The purpose of the Industrial (IND) land use district is to provide areas for general manufacturing, processing, and distribution of goods. General commercial uses necessary to support the industrial area are also permitted."
- The property was previously used for phosphate mining.

Compatibility

- 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."
- The proposed request is for an Industrial (IND) use. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that area allowed.

- There are significant concerns about the potential impact of industrial activities on the adjacent Nichols community,
- There are also significant concerns about the potential impact of industrial activities on the planned residential development north of the site in the City of Mulberry.
- The planned residential development north of the site is shown on the City of Mulberry Future Land Use Map as Residential Planned Unit Development and is zoned PD – Planned Development.
- The corresponding text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-19) will provide for additional restrictions on uses and buffering to ensure compatibility.

Infrastructure

- The property is zoned for Purcell Elementary, Mulberry Middle, and Mulberry Senior High.
- Fire and ambulance response is from Polk County Fire Rescue Station 8, located at 4210 Willis Rd, Mulberry. The estimated response time is eight (8) minutes.
- Sheriff's response to the site is served by the Southwest District, located at 4120 US Hwy 98 S in Lakeland. The response times for August 2024 were: Priority 1 – 10:02 minutes, Priority 2 – 25:29 minutes.
- The site is not located within the Polk County Utility Service Area.
- The subject property is adjacent to Nichols Road (CR 676) (Road No. 031804) and Old Nichols Road (Road No. 030804). CR 676 is a County-maintained Collector Roadway with a surface width of 24 feet and Old Nichols Road is classified as a Local Commercial (LC) Roadway with a paved surface width of 26 feet.

Environmental

- There are Wetlands and Zone “A” Floodplains on the site.
- The site is comprised of approximately 23 percent Tavares fine sand (0 to 5 percent slopes), 18 percent Urban land (0 to 2 percent slopes), 1 percent Ona wet fine sand (0 to 2 percent slopes), 21 percent Zolfo fine sand (0 to 2 percent slopes), 1 percent Udorthents, excavated, 28 percent Arents (0 to 5 percent slopes), 2 percent Felda fine sand (0 to 2 percent slopes), frequently flooded, and 6 percent water according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.
- According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered animal species sighting.
- This property is within Height Notification Zone of South Lakeland Airpark Airport Impact District.
- The site is not within a Wellfield-Protection District.

- According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, the Seaboard Coast Line Railroad Grade is found within the parcel boundaries.

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 2.108-A1, Description, states that Rural-Development Areas (RDAs) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is 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.
 - POLICY 2.108-A3: Land Use Categories, lists the following land use categories shall be permitted within Rural-Development Areas:
 - a. Activity Centers: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria.
 - b. Residential: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDAs in accordance with applicable criteria.
 - c. Other: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.

- POLICY 2.113-A1: Characteristics, describes Industrial lands as characterized by facilities for the processing, fabrication, manufacturing, recycling, and distribution of goods, and may contain any use also found within a Business-Park Center. However, land use activities that operate externally to enclosed structures may be permitted within an Industrial Future Land Use designation. Industrial districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and off-site that do not produce a physical product.
- POLICY 2.113-A3: Location Criteria, states that Industrial development within the County shall occur within lands designated as Industrial on the Future Land Use Map Series. The following factors shall be taken into consideration when determining the appropriateness of establishing new Industrial areas:
 - a. Industrial development shall be located within an Transit Supportive Development Area Urban-Growth Area, Suburban-Development Area, Rural-Development Area, or Utility-Enclave Area.
 - b. Accessibility to major air and ground transportation, including but not limited to arterial roadways, rail lines, and cargo airport terminals.
 - c. The locational criteria enumerated in Policy 2.102-A9 and Policy 2.102-A10.
 - d. Industrial facilities should group together in planned industrial districts on sites capable of being expanded and developed in stages.
 - e. Industrial districts shall be separated significant distances from schools and developed residential areas through a combination of physical separation and screening and/or buffering in accordance with standards in the County's Land Development Code.
 - f. The location criteria for Industrial Districts shall serve to maximize access to the arterial road system and minimize the routing of commercial traffic through residential areas by requiring access be limited to:
 - 1. arterial roads;
 - 2. collector roads, if the subject parcel is within 2 miles of an intersecting arterial road; or
 - 3. local commercial roads or private roads under the following conditions:
 - (a) the road has full median access onto to an arterial road;
 - (b) the road does not serve existing or expected future residential traffic from the surrounding area;
 - (c) the road has a structural integrity and design characteristics suitable for truck traffic.
 - g. Applications for establishment of an Industrial district shall include a plan consistent with Policy 2.110-L5.
- POLICY 2.113-A4: Development Criteria within an Industrial area shall conform to the following criteria:
 - a. Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, and distribution of goods, disposal yards, and limited retail commercial in accordance with Policy 2.113-A4.b. Other non-residential uses that produce significant amounts of noise, odor, vibration, dust, and lighting on and off-site may be permitted within an industrial district through conditional approval. Permitted uses also include any use found within a Business-Park Center.
 - b. Retail commercial uses within an industrial area shall be sized for the purpose of serving just the employees of, and visitors to, the industrial area, and shall be limited to a scale

appropriate for that purpose. The maximum floor area ratio for commercial uses within an industrial area shall not exceed 0.25.

- c. Industrial sites shall be designed to provide for:
 - 1. adequate parking to meet the demands of the use; and
 - 2. buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.
 - d. The maximum floor area ratio for non-commercial uses within an Industrial area shall not exceed 0.75 in the TSDA, 0.65 in the UGA, 0.50 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.
 - e. Retail sale of goods manufactured on the site of a business located within an Industrial area is allowed provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.
 - f. Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank systems.
 - g. Planned Developments within the Industrial district may be permitted a maximum floor area ratio up to 1.5 for innovative and attractive employment centers. Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for the County and its residents. Intensity increases shall only be granted to parcels within the TSDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the Industrial district.
 - h. Industrial districts shall be separated from existing schools and developed residential areas through physical separation, screening, buffering, or a combination thereof, consistent with the standards in the County's Land Development Code.
 - i. Workforce housing for unaccompanied workers in barrack, dormitory, or apartment units under specific design parameters listed in the Land Development Code not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser.
- POLICY 2.123-B2: Development Criteria within a "Floodplain-Protection Area" shall conform to the following criteria:
 - a. Development shall be encouraged to locate on the non-floodplain portions of a development site and density may be transferred from undeveloped floodplain areas to contiguous non-floodplain areas per the Land Development Code.
 - b. Development or redevelopment shall meet the requirements of the Polk County Land Development Code, and shall not:
 - 1. enlarge the off-site floodplain;
 - 2. alter the natural function of the floodplain; nor
 - 3. result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the applicable Water Management District pursuant to Titles 40D and 40E, F.A.C.

- **POLICY 2.123-C2: Development Criteria within a wetland, as determined by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated shall conform to the following criteria:**
 - a. Every reasonable effort shall be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. Mitigation will only be permitted in accordance with applicable state standards.
 - b. Wetland impacts where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for:
 - 1. Resource-Based Recreational Uses as defined by this Plan that are compatible with wetland functions;
 - 2. access to the site;
 - 3. necessary internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
 - 4. utility transmission and collection lines;
 - 5. pre-treated storm-water management;
 - 6. mining that meets state and federal regulations; or
 - 7. expansion of an existing use or a new use where upon consultation with the appropriate regulatory agency (prior to permitting) it is determined that the proposed mitigation implements all or part of an agency or jurisdiction's plan and provides greater long term ecological value than the impact.
 - c. Commercial and industrial development shall locate on the non-wetland portion of a development site.
 - d. If a site is such that all beneficial use of the property is precluded due to wetland restrictions, then the parcel shall be allowed to develop as follows:
 - 1. a maximum of one dwelling unit per Lot of Record; or
 - 2. at a gross density of one dwelling unit per ten acres (1 DU/10 AC). No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.
 - e. Development shall be required to locate on the non-wetland portions of a development site. The Land Development Code shall permit residential densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the provisions of Policy 2.123-C3.
 - f. In accordance with Section 163.3184(6)(c), F.S., the County shall defer the delineation of jurisdictional wetland limits and wetland mitigation amounts to the applicable federal, state or regional permitting agency.
 - g. All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the County issuing a final development order.
 - h. Polk County will coordinate with regulatory agencies to identify and implement procedures to support compliance with permit terms and conditions as part of the County's building inspection and code enforcement activities.
- **OBJECTIVE 2.124-B (Airport Impact Districts):** The Polk County Plan shall provide for aviation-compatible land uses around airports licensed for public use, by limiting or restricting incompatible land uses and activities, as defined by the Polk County Airport Zoning

Regulations of the Joint Airport Zoning Board (JAZB), consistent with the objectives and policies of the Transportation Element, Section 3.200.

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 (DRC) 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 DRC recommends **APPROVAL of LDCPAL-2024-12.**

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: 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.

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 Rural Development Areas (RDAs) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is 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 site is within a Phosphate Mining (PM) land use district, with a small portion (8+/- acres) designated as Agricultural/Residential-Rural (A/RR). The immediate land use districts in the vicinity of the proposed request includes A/RR, PM and vacant residentially designated land located in the City of Mulberry. South of the site, a Comprehensive Plan map amendment (LDCPAL-2024-11) has received recommendation of approval by the Planning Commission to change property from A/RR to PM to recognize existing phosphate mining operations. The adoption hearing is scheduled for January 7, 2025.

Mining operations are to the east, south, and southeast. To the west and southwest is identified with light manufacturing according to the Polk Property Appraiser's website. To the north and northwest is the City of Mulberry Residential Planned Unit Development and PM land use. There is existing natural vegetation along portions of the northern boundary that will provide buffering for the site. Also north of the site is the Nichols community, comprising several residences and a post office to the north of Old Nichols Road. There is a CSX Rail spur on Polk County Road 676, less than one mile south of SR60. The CSX railroad borders the northern property line.

The primary concern with this request is the potential impact of industrial activities on the adjacent Nichols community, and the planned residential development north of the site in the City of Mulberry. Industrial uses have the potential to cause adverse impacts upon adjoining properties, due to the potential types of activities and uses that are allowed. To address these concerns, a text amendment to both the Comprehensive Plan and the Land Development Code are proposed.

These text amendments to both the Comprehensive Plan and the Land Development Code (LDCT-2024-19) will provide for additional restrictions on uses and buffering to ensure compatibility. A 25-foot-wide landscaping buffer is proposed where the site is adjacent to the Nichols community. For the portions of the site are next to the City of Mulberry's Residential Planned Unit Development that are not already buffered by wetlands, a 200-foot buffer zone is proposed. The

200-foot standard was selected because that the setback requirement for construction aggregate processing, an intensive, industrial use. Within this buffer zone, a 25-foot-wide landscape buffer will be required. Within 100 feet of the property line, there are significant restrictions on allowed uses, with primarily low-intensive uses, such as landscaping, stormwater management, and other similar types of uses. Between 100 to 200 feet, limitations of certain types of industrial uses are proposed, with the intent of minimizing impacts onto adjoining properties. The corresponding LDC text amendment (LDCT-2024-19) contains the details of the request. These provisions, if approved, will ensure that this site will be compatible with the existing and proposed residential uses nearby.

B. Infrastructure:

According to Comprehensive Plan 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 proposed parcels are located in the Rural Development Area (RDA) where the construction of sidewalks is not required. There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. There are existing buildings on site and if necessary, a well and private septic tank would be required for water and wastewater. There is adequate traffic capacity on surrounding roadways to support industrial uses at this location and emergency services are within a reasonable distance.

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 Phosphate Mining (PM)	North Phosphate Mining (PM) Agricultural/Residential Rural (A/RR) Nichols Post Office City of Mulberry – Vacant Residentially designated Property	Northeast Agricultural/Residential Rural (A/RR) Site-Built Homes City of Mulberry - Vacant Residentially designated Property
West Phosphate Mining (PM) Light Manufacturing	Subject Site Phosphate Mining (PM) Agricultural/Residential-Rural (A/RR) Industrial and Storage Buildings Debris Storage, Pasture	East Phosphate Mining (PM) Sand Mine, Pasture
Southwest Phosphate Mining (PM) Phosphate Land	South Agricultural/Residential Rural (A/RR) Future Phosphate Mining (PM) (LDCPAL-2024-11) Phosphate Land	Southeast Phosphate Mining (PM) Phosphate Land

Nearest and Zoned Elementary, Middle, and High School

The schools zoned for the subject property are listed in Table 2 below. Because the request is for a non-residential use, the request will not impact school concurrency.

Table 2: School Information

School	Annual Estimated Demand	Average driving distance from subject site
Purcell Elementary	0	3.6 miles
Mulberry Middle	0	4 miles
Mulberry High	0	4.5 miles

Source: Polk County School Board website

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Sherriff 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. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered.

Table 3 provides a breakdown of response times and travel distances for emergency services.

Table 3 Public Safety Information

	Name of Station	Distance	Response Time*
Sheriff	Southwest District, located at 4120 US Hwy 98 S, Lakeland	±15 miles	P1: 10:02 minutes P2: 25:29 minutes
Fire/ EMS	Polk County Fire Rescue Station 8, located at 4210 Willis Rd, Mulberry	±4.3 miles	8 minutes

Source: Polk County Sheriff's Office and Public Safety *Response times are based on when the station receives the call and not from when the call is made to 911.

Water and Wastewater

Because development in the Rural Development Area is not required to connect to public water and sewer facilities, nor are there any public utilities in the area, the proposed Comprehensive Plan Amendment will not have an impact on these systems.

A. Estimated Demand

The development of the property under the proposed land use designation will not negatively impact the minimum LOS for the existing facilities. The analysis is based on an estimate for 13,721,400 square feet (SF) of industrial use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .75 for IND by 420 acres (18,295,200 SF). For this analysis, the same ITE use code (140) was used for both the PM and IND properties, due to both land uses having the same maximum FAR of .75.

Table 4 Estimated Water and Sewer Impact Analysis

Maximum Allowable Use: 420± acres of industrial 18,295,200 sq ft @0.75 FAR = 13,721,400	Estimated Impact Analysis <i>Development Area: RDA</i>	
	Current Land Use designation A/RR, PM	Maximum Permitted Use in Proposed IND
Current Maximum Allowable Use	A/RR - 8 acres (1 single-family dwelling unit (DU)) PM – 412 acres	13,721,400 square feet (SF)
Potable Water Consumption	A/RR - 1 DU * 360 GPD/DU = 360 GPD PM – 13,460,040 SF * .24 GPD/SF = 3,230,409 GPD	13,721,400 SF * .24 GPD/SF = 3,293,136 GPD
Wastewater Generation	A/RR - 1 DU * 270 GPD/DU = 270 GPD PM – 3,230 GPD * .80 2,584,327 GPD	3,293 GPD * .8 = 2,634,508 GPD
<i>GPD – Gallons Per Day; Source: Polk County Concurrency Manual and Polk County Utilities: PM@ IND rates @ 0.24 per sq ft and 80% for wastewater, single family @ 360 GPD Potable water and 270 Wastewater</i>		

B. Available Capacity:

There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area. If necessary, a well and septic system will be required to support any future redevelopment of the site.

C. Planned Improvements:

No information is known currently for any planned improvements to utilities in this area.

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The data identifies both daily and peak hour traffic volumes. The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

The proposed Comprehensive Plan Amendment is not anticipated to affect surrounding roadways or transportation network. The Amendment will not change the LOS below the minimum established standards

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 is based on an estimate for 13,721,400 square feet (SF) of industrial use. This number is derived by multiplying the maximum Floor Area Ratio (FAR) of .75 for IND by 420 acres (18,295,200 SF). For this analysis, the same ITE use code (140) was used for both the PM and IND properties, due to both land uses having the same maximum FAR of .75.

Table 5 Estimated Transportation Impact Analysis

Maximum Allowable Use: 420± acres of industrial 18,295,200 sq ft @0.75 FAR = 13,721,400	Estimated Impact Analysis Agricultural/Residential-Rural (A/RR) & Phosphate Mining (PM) to Industrial (IND) Development <i>Area: RDA</i>	
	Current Land Use designation A/RR, PM	Maximum Permitted Use in Proposed IND
	A/RR - 8 acres (1 single-family dwelling unit (DU)) PM – 412 acres	13,721,400 square feet (SF)
Average Annual Daily Trips (AADT)	A/RR - 1 DU * 7.81 trips/DU = 8 AADT PM – 13,460,040 SF/1,000 13,460 * 3.93 * .92 (new trips) 48,666 AADT	13,721,400/1,000 SF – 13,721 13,721 SF * 3.93 * 92% new trips = 49,610 AADT
PM Peak Hour Trips	A/RR - 1 DU * 1 trip/DU = 1 AADT PM – 13,460,040 SF/1,000 13,460 * .67 * .92 (new trips) 8,296 AADT	13,721,400/1,000 SF – 13,721 13,721 SF * .67 * 92% new trips = 8,458 AADT

Source: Concurrency Manual and Table for Minor Traffic Study –PM @ IND rates ITE Code 140 @ 3.93 AADT per 1,000 square feet and 0.67 PM Peak Hour Trip per 1,000 square feet and 92% new trips, single family @ one house per five acres – 7.81 AADT per unit and 1 PM Peak Hour per unit 100% new trips

B. Available Capacity:

The roads surrounding the subject site should have sufficient capacity available, depending on the eventual use and full build out of the site. The Polk Transportation Planning Organization (TPO) monitors certain roadways based on maximum approved traffic in comparison to current vehicle trips to determine what capacity is available.

Table 6, below, charts the generalized available capacity of the most-affected links.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard	5-Year Peak Hour Projected LOS
4075E	CR 676 (Nichols Road) From: Hillsborough County to SR 60	C	635	C	C
4075W	CR 676 (Nichols Road) From: Hillsborough County to SR 60	C	631	C	C

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023

As identified above, Nichols Road (CR 676) has sufficient PM peak hour capacity to support future development activity.

C. Roadway Conditions

CR 676 is a County-maintained Collector Roadway with a surface width of 24 feet and Old Nichols Road is classified as a Local Commercial (LC) Roadway with a paved surface width of 26 feet. Due to the potential stacking of vehicles in the right-of-way and the proposed use can have adverse impacts on the conditions of the roadway, conditions are included within the staff report for preventative measures.

D. Planned Improvements:

There are no roadway improvements planned in the next five years for this area of the County.

E. Mass Transit

There is no transit within a reasonable distance of the site; however, the nature of this request does not demand the need for mass transit.

F. Sidewalks

There are no sidewalks along the parcel. Since this project is in the Rural Development Area (RDA), the construction of sidewalks is not required.

Park Facilities and Environmental Lands:

Rolling Hills Park is ±9.4 miles to the southeast, and Fuller Heights Park is ±2.8 miles to the northeast. Alafia River Reserve is ±5 miles also to the northwest. The proposed use is not expected to impact these facilities.

A. Location:

Alafia River Reserve is located at 4872 Indian Oak Dr., Mulberry. Rolling Hills Park is located at 120 Duboe Street, Bartow. Fuller Heights Park is located at 2205 4th Street, Mulberry.

B. Services:

Alafia River Reserve amenities include walking trails and a pavilion. Rolling Hills Park has a picnic area and an open field that can be used for various activities. Fuller Heights Park is a community park featuring a playground and a basketball court.

C. Multi-use Trails:

Multi-use trails can be found at Alafia River Reserve.

Environmental Lands:

The subject site is south of the Alafia River's North Prong, which are the closest environmental lands to the site. The Alafia flows generally west of the subject site before emptying into the Hillsborough Bay east of MacDill Air Force Base.

Environmental Conditions

The site is in an area that has seen significant phosphate mining operations. The Mosaic Nichols mine (and part of the LDCPAL-2024-11), is south of the site. Large portions of the proposed project area were partially mined in the past. According to the applicant's Impact Assessment Statement (IAS) Wetlands and flood zones may be impacted. The site is comprised of severely limited soils for typical forms of development.

A. Surface Water:

There are surface water features onsite which consist of a pond system remnant of the previous phosphate mining on the southwest mining area. According to the applicant's IAS large portions of the site have previously been mined for phosphate, with sand tailings present. The southwestern portion of the site drains westerly to Thirtymile Creek, and the northeastern portion of the site drains to the North Prong of the Alafia River. The elevation of the site is generally level, with elevations ranging from 112 to 123 feet.

B. Wetlands/Floodplains:

Wetlands and "A" Flood Zones are present on the subject site because of the previous phosphate mining operation. The submitted site plans recognizes the wetland and flood zone areas identifying them as Block A, B, C, and E (Exhibit 5). The applicant will be required to demonstrate compliance with LDC Chapter 6 (*Resource Protection*) during the Level 2 review process for any site development.

C. Soils:

The site is comprised of severely limited soils for typical forms of development, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey.

Table 7, below, lists the soils associated with the subject site.

Table 7

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site (approximate)
Tavares fine sand, 0 to 5 percent slopes	Moderate: wetness	Slight	23%
Urban land, 0 to 2 percent slopes	None	None	18%
Ona wet fine sand, 0 to 2 percent slopes	Severe: wetness, poor filter	Severe: wetness	1%
Zolfo fine sand, 0 to 2 percent slopes	Severe: wetness, poor filter	Moderate: wetness	21%
Udorthents, excavated	None	None	1%
Arents, 0 to 5 percent slopes	None	None	28%
Felda fine sand, 0 to 2 percent slopes, frequently flooded	Severe: flooding, wetness	Severe: wetness	2%
Water	N/A	N/A	6%

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

According to the submitted documents, the applicant is proposing a Future Land Use designation of Industrial (IND). They intend to be strategic in the mining the project area to achieve mass grading in preparation for the ultimate use of the site. Any future development of the site will be subject to Section 2.303: “Soils” of the County’s Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection’s (DEP) Florida Development Manual.

D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered animal species sighting. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state, and local law.

E. Archeological Resources:

According to a preliminary report from the Secretary of State’s Department of Historical Resources Florida Master Site File, the Seaboard Coast Line Railroad Grade is found within the parcel boundaries. The result of this report has no bearings on the proposed use as the site was previously used for mining.

F. Wells (Public/Private)

The site is not within a Wellfield Protection District.

G. Airports:

This property is within Height Notification Zone of South Lakeland Airpark Airport Impact District.

Economic Factors:

Construction of buildings and site development activities create temporary jobs. Any new business activity that occurs at this site will need more goods and services, thereby generating more economic activity.

The redevelopment of this site as a result of the proposed IND designation has the potential to create permanent jobs. A unique feature of this property is the location of existing rail, which will provide additional opportunities for economic development.

The close proximity of this site next to Nichols also represents a potential opportunity to facilitate the revitalization of this community thru the provision of jobs from this site.

Consistency with the Comprehensive Plan

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

Table 8 Comprehensive Plan

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.	Some of the adjacent properties are either planned or developed with residential uses. The proposed Text change to the Comprehensive Plan and corresponding Land Development Code Text change will include provisions to ensure compatibility by including use restrictions and additional buffering requirements.
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.	Fire protection and EMS service is available approximately 3 miles to the southwest of the site. The non-residential use should not create demand on schools and parks.

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A10: LOCATION CRITERIA - The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:</p> <ul style="list-style-type: none"> a. nearness to incompatible land uses and future land uses, unless adequate buffering is provided, b. nearness to agriculture-production areas; c. distance from populated areas; d. economic issues, such as minimum population support and market-area radius (where applicable); e. adequacy of support facilities or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to: <ul style="list-style-type: none"> 1. transportation facilities, including but not limited to, mass transit, sidewalks, trails and bikeways; 2. sanitary sewer and potable water service; 3. storm-water management; 4. solid waste collection and disposal; 5. fire protection with adequate response times, properly trained personnel, and proper fire-fighting equipment; 6. emergency medical service (EMS) provisions; and 7. other public safety features such as law enforcement; 8. schools and other educational facilities 9. parks, open spaces, civic areas and other community facilities, f. environmental factors, including, but not limited to: <ul style="list-style-type: none"> 1. environmental sensitivity of the property and adjacent property; 2. surface water features, including drainage patterns, basin characteristics, and flood hazards; 3. wetlands and primary aquifer recharge areas; 4. soil characteristics; 5. location of potable water supplies, private wells, public well fields; and 6. climatic conditions, including prevailing winds, when applicable. 	
<p>POLICY 2.108-A1: DESCRIPTION - Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is 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.</p> <p>POLICY 2.108-A3: LAND USE CATEGORIES - The following land use categories shall be permitted within Rural-Development Areas:</p> <ul style="list-style-type: none"> a. ACTIVITY CENTERS: Rural-Cluster Centers, and Tourism Commercial Centers shall be permitted within RDAs in accordance with applicable criteria. b. RESIDENTIAL: Rural Residential Districts (Section 2.121) and Rural Cluster Center (RCC) shall be permitted within RDA's in accordance with applicable criteria. 	<p>The proposed request for an Industrial land use designation is allowed in the RDA.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>c.OTHER: Linear Commercial Corridors, Commercial Enclaves, Industrial, Agri-related Business-Park Centers, Office Centers, Phosphate Mining, Leisure/Recreation, Agricultural/Residential-Rural, Recreation and Open Space, Preservation, Institutional.</p>	
<p>SECTION 2.124-B - AIRPORT-IMPACT DISTRICTS.</p> <p>OBJECTIVE 2.124-B: The Polk County Plan shall provide for aviation-compatible land uses around airports licensed for public use, by limiting or restricting incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations of the Joint Airport Zoning Board (JAZB), consistent with the objectives and policies of the Transportation Element, Section 3.200.</p>	<p>The site is located in the Height Notification Zone for the South Lakeland Airpark. Due to the distance of the subject property away from the airport, no adverse impacts upon airport operations are expected.</p>

Urban Sprawl Analysis

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

Table 9 Urban Sprawl Criteria

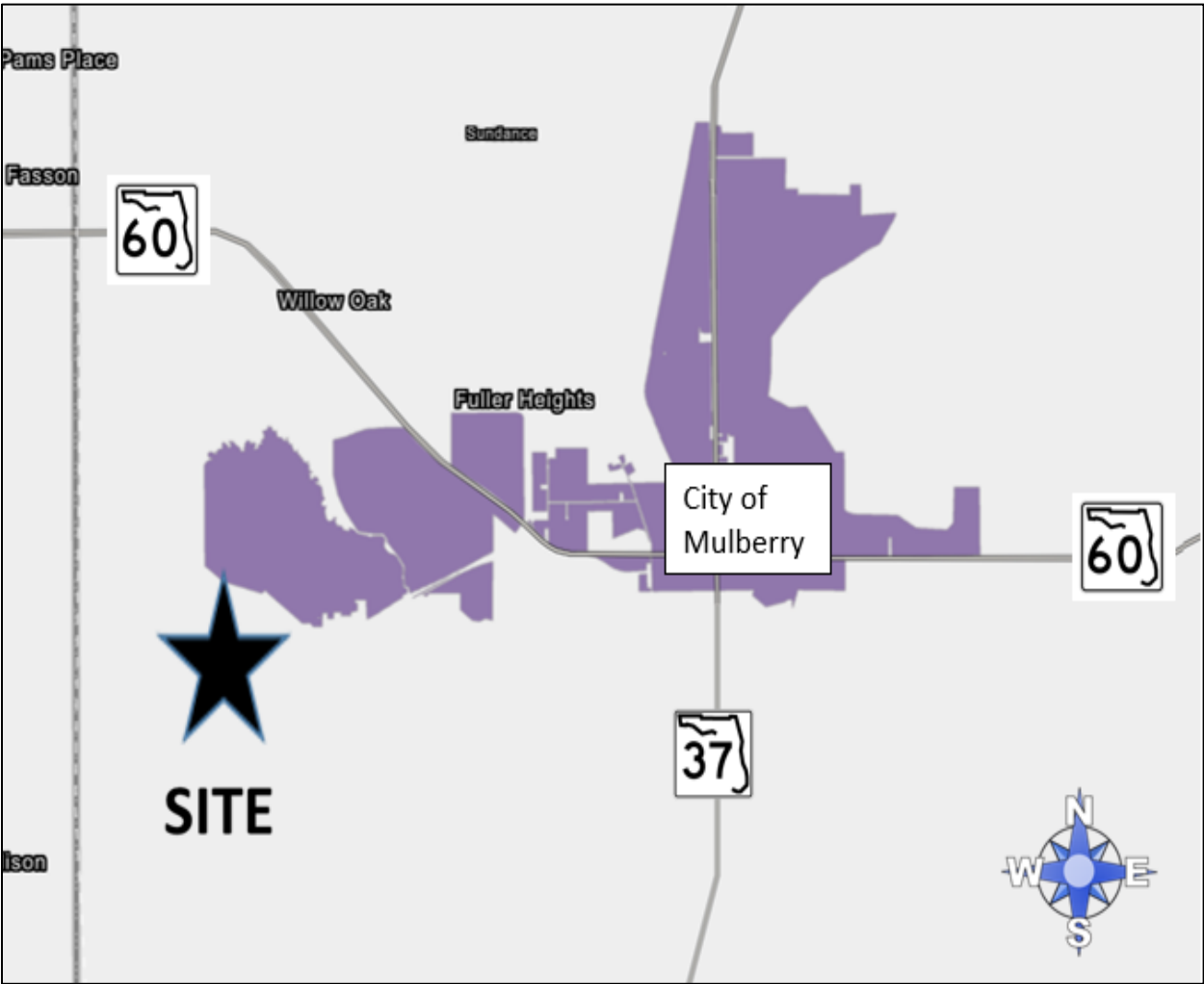
Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Florida Statutes	
Urban Sprawl Criteria	Sections where referenced in this report
a. <i>Promotes substantial amounts of low-density, low-intensity, or single use development in excess of demonstrated need.</i>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

Comments from other agencies

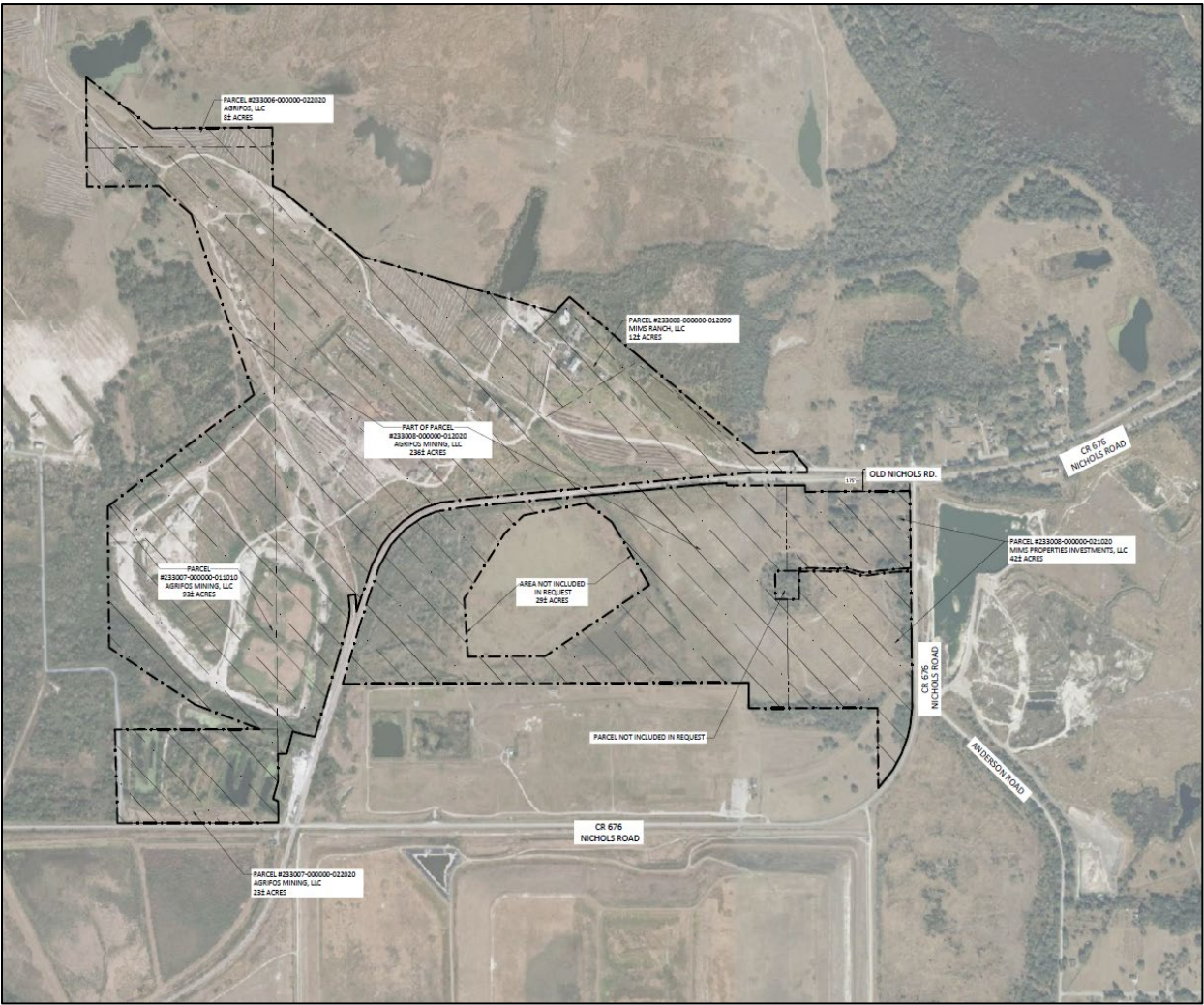
None

Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 2023 Aerial Photo
- Exhibit – 3 Current Future Land Use Map
- Exhibit – 4 Proposed Future Land Use Map
- Exhibit – 5 Proposed Text Change

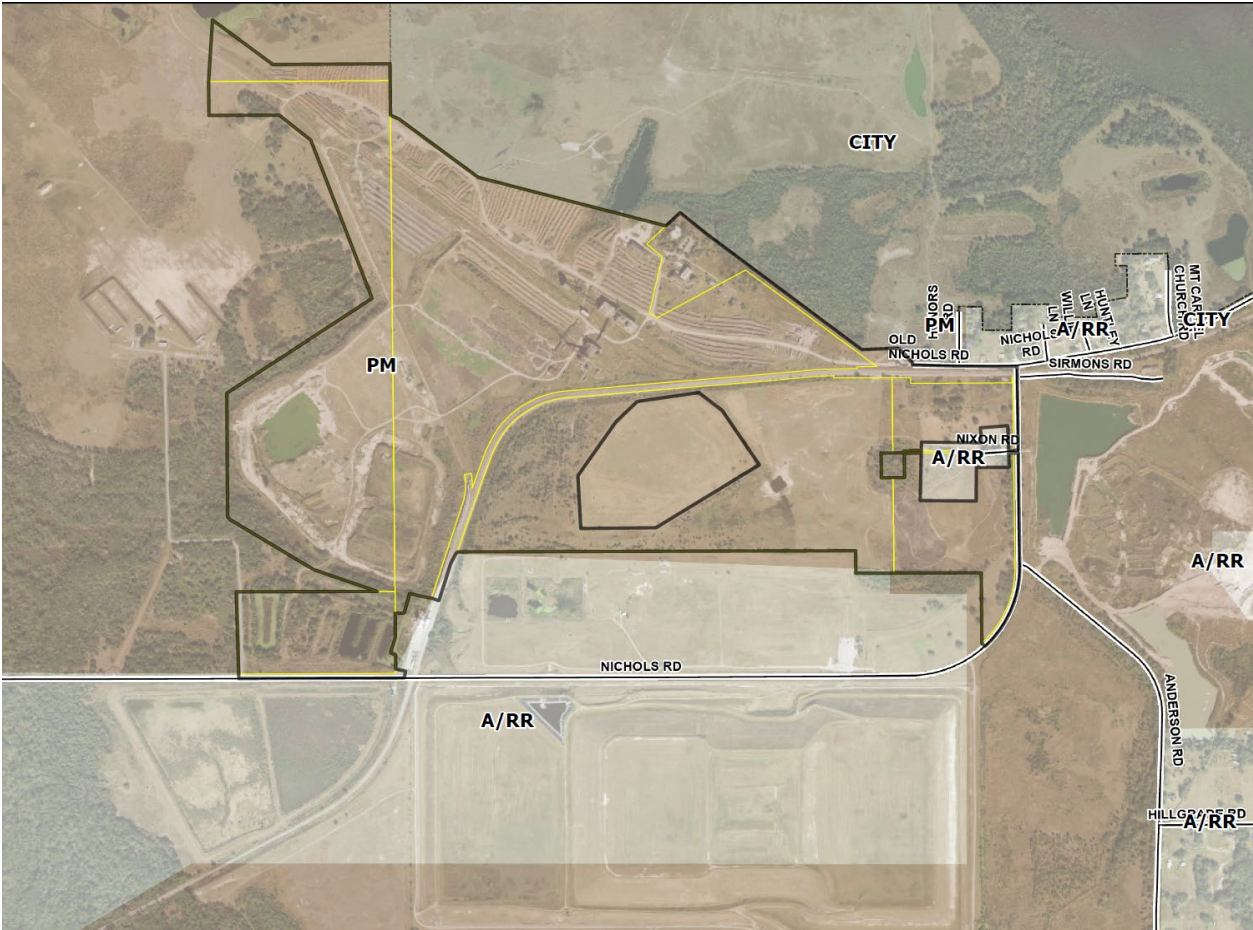


Location Map

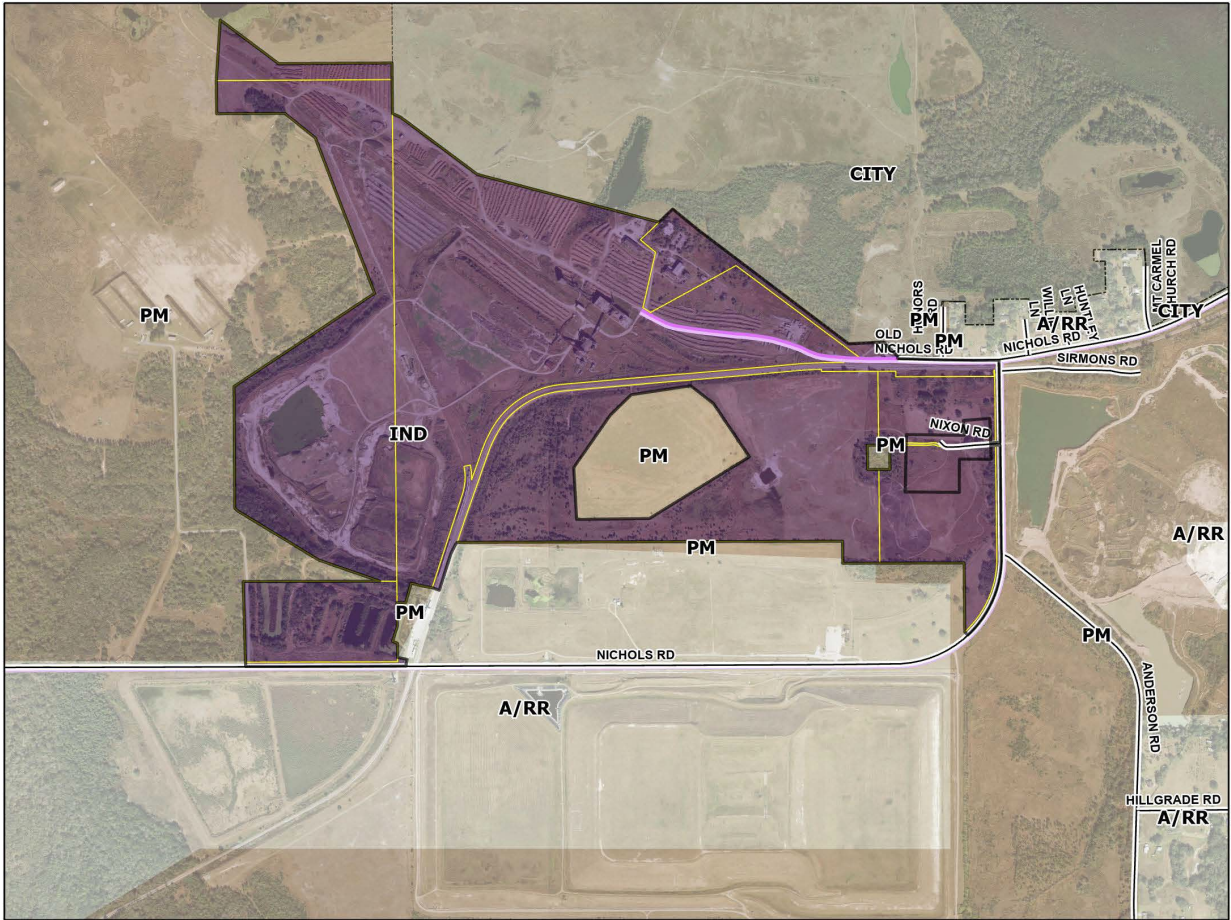


Source: Applicant Impact Assessment Statement

2023 Aerial Photo



Current Future Land Use Map



Proposed Future Land Use Map

SECTION 2.135-S - Development Guidelines for Parcel numbers 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120.

OBJECTIVE 2.135-S: Through the adoption of LDCPAL-2024-12, this section of the plan enables this specific property to be developed with Industrial - (IND) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDCT-2024-19.

POLICY 2.135-S1: DESIGNATION AND MAPPING – Land use for this parcel shall be designated and mapped on the Future Land Use Map Series as Industrial - (IND).

POLICY 2.135-S2: LOCATION CRITERIA – This section applies to the property legally described as:

A parcel of land lying in Sections 6, 7 & 8 Township 30 South, Range 23 East, Polk County, Florida, described as follows;

Commence at the southwest corner of said Section 8; thence N 00°31'21" W along the west line of said Section 8 a distance of 40.80 feet to a point on the north right of way line of Highway 676 (Nichols Road) as shown on State Road Department Right of Way Map Section 16570-2603; thence S 89°47'53" W along said right of way line a distance of 1341.19 feet; thence N 01°36'26" W along the west boundary of a parcel of land described in Official Records Book 8109, page 1092 of the public records of Polk County, Florida for a distance of 731.25 feet to a point on the north boundary of the South 770 feet of said Section 7 also being on the boundary of parcel of land described in Official Records Book 6599, page 1374 of the public records of Polk County, Florida; thence N 89°52'34" E along said line a distance of 1205.05 feet; thence along the boundary of said parcel per Official Records Book 6599, page 1374 for the following two courses; (1) N 70°25'03" W a distance of 571.56 feet; (2) N 58°07'50" W a distance of 841.52 feet to a point on the boundary of a parcel of land described in Official Records Book 4365, page 708 of the public records of Polk County, Florida; thence along said parcel for the following eight courses; (1) N 00°29'56" W a distance of 1100.00 feet; (2) N 54°26'52" E a distance of 1500.00 feet; (3) N 20°31'38" W a distance of 1499.96 feet; (4) N 50°30'08" W a distance of 350.03 feet; (5) S 89°39'34" W a distance of 600.31 feet; (6) N 00°25'24" W a distance of 850.00 feet; (7) S 54°20'01" E a distance of 680.34 feet; (8) N 89°38'35" E a distance of 1000.00 feet to the east line of said Section 6; thence S 00°20'32" E a distance of 149.88 feet to the northwest corner of said Section 8; thence S 00°31'21" E along the west boundary of said Section 8 a distance of 306.94 feet to a point on the boundary of a parcel of land described in Official Records Book 7424, page 1395 of the public records of Polk County, Florida; thence along said parcel for the following three courses; (1) S 64°44'45" E a distance of 80.71 feet; (2) S 52°34'43" E a distance of 851.75 feet; (3) S 74°52'26" E a distance of 1657.71 feet to a point on the boundary of a parcel of land described in Official Records Book 5373, page 511 of the public records of Polk County, Florida; thence along said

boundary for the following seven courses; (1) N 45°44'25" E a distance of 169.92 feet; (2) S 49°50'22" E a distance of 282.89 feet; (3) S 52°10'14" E a distance of 1688.35 feet; (4) N 87°15'28" E a distance of 312.79 feet; (5) S 43°10'16" E a distance of 177.06 feet to the maintained right of way of Old Nichols Road as shown on Maintained Right of Way Map Book 10, pages 134-135 of the public records of Polk County, Florida; (6) S 00°14'20" E along said right of way a distance of 34.14 feet; (7) S 89°35'59" W a distance of 303.75 feet; thence S 52°51'26" E a distance of 165.08 feet to the northeast corner of the West 298 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 8; thence S 00°33'22" E along the East line of said West 298 feet a distance of 668.87 feet to the north line of a parcel being the East 198 feet of the West 396 feet of the North 220 feet of the South 660 feet of said Northeast 1/4 of the Southeast 1/4; thence along said parcel for the following 3 courses; (1) S 89°46'18" W a distance of 100.29 feet; (2) S 00°33'21" E a distance of 219.70 feet; (3) N 89°46'18" E a distance of 100.29 feet to a point on said East line of the West 298 feet; thence S 00°33'21" E along said East line and the East line of the West 298 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 8 a distance of 848.74 feet to a point on the boundary of a parcel of land described in Official Records Book 3404, page 1719 of the public records of Polk County, Florida; thence along said boundary for the following three courses: (1) S 89°51'44" W a distance of 328.29 feet; (2) N 00°32'37" W a distance of 199.55 feet; (3) S 89°49'41" W a distance of 3461.83 feet to a point on the east boundary of a parcel of land described in Official Records Book 8284, page 273 of the public records of Polk County, Florida; thence along said boundary for the following three courses; (1) S 17°50'46" W a distance of 600.80 feet; (2) N 72°09'14" W a distance of 90.00 feet; (3) S 89°50'46" W a distance of 131.56 feet; thence continue S 89°50'46" W a distance of 65.85 feet to the west line of said Section 8; thence S 00°31'21" E along said west line a distance of 215.80 feet to the boundary of a parcel of land described in Official Records Book 8284, page 273 of the public records of Polk County, Florida; thence along said parcel for the following two courses: (1) S 17°13'28" W a distance of 141.27 feet; (2) S 67°07'48" E a distance of 46.92 feet to the west line of said Section 8; thence S 00°31'21" E along said west line a distance of 166.64 feet to the Point of Beginning.

LESS AND EXCEPT lands described in Official Records Book 8284, page 273 of the public records of Polk County, Florida.

AND LESS AND EXCEPT: Commence at the Southwest corner of said Section 8; thence N89°49'36"E along the South line of said Section 8 a distance of 1585.08 feet; thence N00°10'24"W a distance of 1328.09 feet to the Point of Beginning; thence N03°49'08"W a distance of 455.34 feet; thence N33°36'33"E a distance of 609.37 feet; thence N48°16'13"E a distance of 212.04 feet; thence N79°38'45"E a distance of 532.36 feet; thence S55°21'54"E a distance of 256.35 feet; thence S32°32'18"E a distance of 584.83 feet; thence S57°26'47"W a distance of 1030.09 feet; thence S89°29'58"W a distance of 646.16 feet to the Point of Beginning.

AND LESS AND EXCEPT lands within the CSX Railroad Right of Way.

AND

That part of Section 8, Township 30 South, Range 23 East, Polk County, Florida, described as follows:

That part of the Southeast 1/4 of the Southeast 1/4 lying East of the West 298 feet and lying north and west of the right of way of County Road 676 (Nichols Road),

LESS that part of the South 920 feet lying West of the East 280 feet,

AND

The Northeast 1/4 of the Southeast 1/4 lying East of the West 298 feet,

LESS the North 50 feet of the East 867 feet,

AND LESS the East 198 feet of the West 396 feet of the North 220 feet of the South 660 feet,

AND LESS the Maintained Right of Way of Nixon Road as recorded in Maintained Right of Way Map Book 3, page 210 of the public records of Polk County, Florida.

AND

That part of the Southwest 1/4 of Section 9, Township 30 South, Range 23 East, Polk County, Florida, lying West of County Road 676 (Nichols Road) and lying South of the CSX Railroad Right of Way.

POLICY 2.135-S3: Development within this IND area shall conform to the criteria adopted for this parcel in the Polk County Land Development Code.

Proposed Text Change

ORDINANCE NO. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF LDCPAL 2024-12; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 420 ACRES FROM PHOSPHATE MINING (PM) AND AGRICULTURAL/RESIDENTIAL-RURAL (A/RR) TO INDUSTRIAL (IND), AND TO MODIFY SECTION 2.135.L PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS. THIS CASE IS RELATED TO LDCT-2024-19. THE SUBJECT SITE IS LOCATED ON THE NORTH AND WEST SIDES OF NICHOLS ROAD, SOUTH OF STATE ROAD (SR) 60, EAST OF COUNTY LINE ROAD, SOUTH OF THE CITY OF MULBERRY, IN SECTIONS 6, 7 & 8, TOWNSHIP 30, RANGE 23; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, LDCPAL 2024-12 is an applicant-initiated amendment to change 420 acres from Phosphate Mining (PM) and Agricultural/Residential-Rural (A/RR) to Industrial (IND), plus modify Section 2.135.S a Parcel Specific Future Land Use Map Amendment with Conditions in the Industrial (IND) Future Land Use in the Rural Development Area (RDA) (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning commission) conducted a public hearing, with due public notice having been provided, on the Amendment on November 6, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on December 17, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Department of Commerce for written comment, and

WHEREAS, FLORIDA COMMERCE, by letter dated [REDACTED], 2024, transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on February 18, 2025; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearings, and provided for necessary revisions, if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained with the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN TEXT AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended (the “Polk County Comprehensive Plan”), is hereby amended to reflect a change in the Future Land Use District of portions of parcels 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120, and as legally described below and graphically depicted as referenced in Attachment “A” of this ordinance, from Phosphate Mining (PM) and Agricultural/Residential-Rural (A/RR) to Industrial (IND) in the Rural Development Area (RDA), legally described as:

A PARCEL OF LAND LYING IN SECTIONS 6, 7 & 8 TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N 00°31'21” W ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 40.80 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HIGHWAY 676 (NICHOLS ROAD) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 16570-2603; THENCE S 89°47'53” W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1341.19 FEET; THENCE N 01°36'26” W ALONG THE WEST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8109, PAGE 1092 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR A DISTANCE OF 731.25 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SOUTH 770 FEET OF SAID SECTION 7 ALSO BEING ON THE BOUNDARY OF PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6599, PAGE 1374 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N 89°52'34” E ALONG SAID LINE A DISTANCE OF 1205.05 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL PER OFFICIAL RECORDS BOOK 6599, PAGE 1374 FOR THE FOLLOWING TWO COURSES; (1) N 70°25'03” W A DISTANCE OF 571.56 FEET; (2) N 58°07'50” W A DISTANCE OF 841.52 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4365, PAGE 708 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING EIGHT COURSES; (1) N 00°29'56” W A DISTANCE OF 1100.00 FEET; (2) N 54°26'52” E A DISTANCE OF 1500.00 FEET; (3) N 20°31'38” W A DISTANCE OF 1499.96 FEET; (4) N 50°30'08” W A DISTANCE OF 350.03 FEET; (5) S 89°39'34” W A DISTANCE OF 600.31 FEET; (6) N 00°25'24” W A DISTANCE OF 850.00 FEET; (7) S 54°20'01” E A DISTANCE OF 680.34 FEET; (8) N 89°38'35” E A DISTANCE OF 1000.00 FEET TO THE EAST LINE OF SAID SECTION 6; THENCE S 00°20'32” E A DISTANCE OF 149.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S 00°31'21” E ALONG THE WEST BOUNDARY OF SAID SECTION 8 A DISTANCE OF 306.94 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7424, PAGE 1395 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING THREE COURSES;

(1) S 64°44'45" E A DISTANCE OF 80.71 FEET; (2) S 52°34'43" E A DISTANCE OF 851.75 FEET; (3) S 74°52'26" E A DISTANCE OF 1657.71 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5373, PAGE 511 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING SEVEN COURSES; (1) N 45°44'25" E A DISTANCE OF 169.92 FEET; (2) S 49°50'22" E A DISTANCE OF 282.89 FEET; (3) S 52°10'14" E A DISTANCE OF 1688.35 FEET; (4) N 87°15'28" E A DISTANCE OF 312.79 FEET; (5) S 43°10'16" E A DISTANCE OF 177.06 FEET TO THE MAINTAINED RIGHT OF WAY OF OLD NICHOLS ROAD AS SHOWN ON MAINTAINED RIGHT OF WAY MAP BOOK 10, PAGES 134-135 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; (6) S 00°14'20" E ALONG SAID RIGHT OF WAY A DISTANCE OF 34.14 FEET; (7) S 89°35'59" W A DISTANCE OF 303.75 FEET; THENCE S 52°51'26" E A DISTANCE OF 165.08 FEET TO THE NORTHEAST CORNER OF THE WEST 298 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE S 00°33'22" E ALONG THE EAST LINE OF SAID WEST 298 FEET A DISTANCE OF 668.87 FEET TO THE NORTH LINE OF A PARCEL BEING THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE ALONG SAID PARCEL FOR THE FOLLOWING 3 COURSES; (1) S 89°46'18" W A DISTANCE OF 100.29 FEET; (2) S 00°33'21" E A DISTANCE OF 219.70 FEET; (3) N 89°46'18" E A DISTANCE OF 100.29 FEET TO A POINT ON SAID EAST LINE OF THE WEST 298 FEET; THENCE S 00°33'21" E ALONG SAID EAST LINE AND THE EAST LINE OF THE WEST 298 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8 A DISTANCE OF 848.74 FEET TO A POINT ON THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3404, PAGE 1719 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES: (1) S 89°51'44" W A DISTANCE OF 328.29 FEET; (2) N 00°32'37" W A DISTANCE OF 199.55 FEET; (3) S 89°49'41" W A DISTANCE OF 3461.83 FEET TO A POINT ON THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING THREE COURSES; (1) S 17°50'46" W A DISTANCE OF 600.80 FEET; (2) N 72°09'14" W A DISTANCE OF 90.00 FEET; (3) S 89°50'46" W A DISTANCE OF 131.56 FEET; THENCE CONTINUE S 89°50'46" W A DISTANCE OF 65.85 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 215.80 FEET TO THE BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID PARCEL FOR THE FOLLOWING TWO COURSES: (1) S 17°13'28" W A DISTANCE OF 141.27 FEET; (2) S 67°07'48" E A DISTANCE OF 46.92 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE S 00°31'21" E ALONG SAID WEST LINE A DISTANCE OF 166.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8284, PAGE 273 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND LESS AND EXCEPT: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE N89°49'36"E ALONG THE SOUTH LINE OF SAID SECTION 8 A

DISTANCE OF 1585.08 FEET; THENCE N00°10'24"W A DISTANCE OF 1328.09 FEET TO THE POINT OF BEGINNING; THENCE N03°49'08"W A DISTANCE OF 455.34 FEET; THENCE N33°36'33"E A DISTANCE OF 609.37 FEET; THENCE N48°16'13"E A DISTANCE OF 212.04 FEET; THENCE N79°38'45"E A DISTANCE OF 532.36 FEET; THENCE S55°21'54"E A DISTANCE OF 256.35 FEET; THENCE S32°32'18"E A DISTANCE OF 584.83 FEET; THENCE S57°26'47"W A DISTANCE OF 1030.09 FEET; THENCE S89°29'58"W A DISTANCE OF 646.16 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT LANDS WITHIN THE CSX RAILROAD RIGHT OF WAY.

AND

THAT PART OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET AND LYING NORTH AND WEST OF THE RIGHT OF WAY OF COUNTY ROAD 676 (NICHOLS ROAD),

LESS THAT PART OF THE SOUTH 920 FEET LYING WEST OF THE EAST 280 FEET,
AND

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF THE WEST 298 FEET,
LESS THE NORTH 50 FEET OF THE EAST 867 FEET,

AND LESS THE EAST 198 FEET OF THE WEST 396 FEET OF THE NORTH 220 FEET OF THE SOUTH 660 FEET,

AND LESS THE MAINTAINED RIGHT OF WAY OF NIXON ROAD AS RECORDED IN MAINTAINED RIGHT OF WAY MAP BOOK 3, PAGE 210 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

AND

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, LYING WEST OF COUNTY ROAD 676 (NICHOLS ROAD) AND LYING SOUTH OF THE CSX RAILROAD RIGHT OF WAY.

And referencing this amendment in Appendix 2.135 and modifying Section 2.135-S as shown in Attachment "B" of this Ordinance.

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

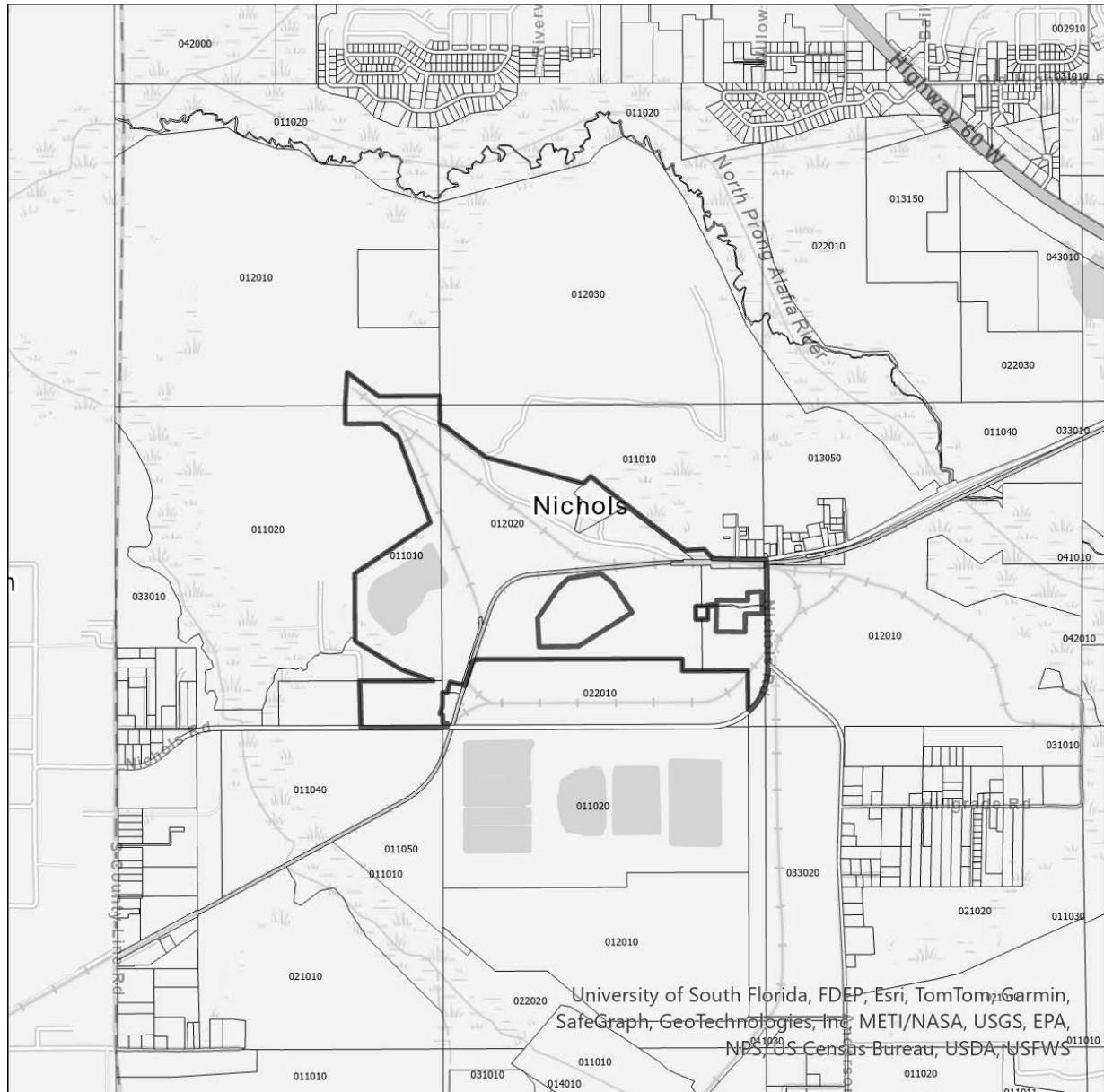
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 18th day of February 2025.

ATTACHMENT “A”

LDCPAL 2024-12

Development Area: Rural Development Area (RDA)

Location: The North and West Sides of Nichols Road, South of State Road (SR) 60, East of County Line Road, South of The City of Mulberry
Sections 7 & 8, Township 30, Range 23



ATTACHMENT “B”

APPENDIX 2.135 PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS

SECTION 2.135-S - Development Guidelines for Parcel numbers 233006-000000-022020, 233007-000000-011010, 233007-000000-022020, 233008-000000-012020, 233008-000000-021020, 233008-000000-012090, and 233008-000000-021120.

OBJECTIVE 2.135-S: Through the adoption of LDCPAS 2024-12, this section of the plan enables this specific property to be developed with Industrial (IND) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDCT-2024-19.

POLICY 2.135-S1: DESIGNATION AND MAPPING - Land use for this parcel shall be designated and mapped on the Future Land Use Map Series as Industrial - (IND).

POLICY 2.135-S2: LOCATION CRITERIA – This section applies to the property legally described as:

233006-000000-022020 - BEG SE COR OF SEC RUN W 1550 FT N 550 FT S 55 DEG E 650 FT E 1000 FT TO E BNDRY OF SAID SEC S 150 FT TO POB

233007-000000-011010 - THAT LAND LYING E OF E BNDRY OF THIRTY MILE CREEK'S 25-YR FLOOD PLAIN & S OF S BNDRY OF UNNAMED TRIBUTARY'S 25 YR FLOOD PLAIN IN S1/2 OF SEC LESS THAT PT LYING WITHIN S 300 FT OF SE1/4 OF SW1/4 & E 248.24 FT OF S 300 FT OF SE1/4 OF SW1/4 & BEG NE COR OF SEC W 1550 FT S 300 FT E 600 FT S 50 DEG E 350 FT S 20 DEG E 1500 FT S 55 DEG W 1500 FT S 1100 FT TO INTER OF S BNDRY OF 25-YR FLOOD PLAIN OF UNNAMED TRIBUTARY ELY FOLL S BNDRY OF 25-YR FLOOD PLAIN OF UNNAMED TRIBUTARY 1600 FT TO ITS INTER WITH E BNDRY OF SEC N 4550 FT TO POB LESS HWY R/W & LESS COMM AT SE COR OF SEC RUN N 770.02 FT TO N LN OF S 770 FT OF SEC RUN W 150 FT TO POB RUN N 70 DEG

24'51"W 571.90 FT RUN N 58 DEG 07'52"W 841.52 FT TO PT ON APPROXIMATE 25 YEAR FLOOD PLAIN ON S SIDE OF UNNAMED TRIBUTARY RUN ALONG SAID 25 YEAR FLOOD PLAIN THE FOLLOWING 19 COURSES: N 44 DEG 11'51"W 119.70 FT RUN S 38 DEG 49'32"W 149.55 FT RUN S 24 DEG 18'22"W 157.03 FT RUN S 84 DEG 18'03"W 187.69 FT RUN N 84 DEG 09'07"W 169.87 FT RUN S 41 DEG 08'20"W 59.96 FT RUN S 89 DEG 17'29"W 38.15 FT RUN S 46 DEG 21'27"W 194.82 FT RUN S 05 DEG 34'48"E 77.93 FT RUN S 56 DEG 19'42"W 75.52 FT RUN N 33 DEG 27'36"W 72.58 FT RUN S 63 DEG 50'27"W 79.50 FT RUN N 80 DEG 20'08"W 127.23 FT RUN S 85 DEG 18'27"W 176.84 FT RUN S 32 DEG 45'31"W 128.69 FT RUN S 02 DEG 05'37"W 89.37 FT RUN S 33 DEG 23'27"W 201.95 FT RUN S 08 DEG 34'02"W 154.23 FT RUN S 20 DEG 19'47"W 161.17 FT TO W LN OF E 248.24 FT OF E1/2 OF W1/2 OF SEC RUN S 300.14 FT TO S LN OF SEC RUN E 272.58 FT TO W LN OF E 2685.44 FT OF SEC 7 RUN N 770.02 FT TO N LN OF S 770 FT OF SEC 7 RUN E 2535.51 FT TO POB

233007-000000-022020 - COM SE COR OF SEC N00-31-21W ALG E BNDRY OF SEC 40.00 FT FOR POB S89-52-34W PARALLEL WITH S BNDRY OF SEC 591.07 FT S89-47-53W ALONG N BNDRY OF R/W FOR CR 676 750.12 FT N01-36-26W 731.26 FT TO N BNDRY OF S 770 FT OF SEC N89-52-34E ALG SAID BNDRY PARALLEL WITH S BNDRY OF SEC 1355.05 FT TO E BNDRY OF SEC S00-31-21E ALG E BNDRY 730.01 FT TO POB LESS R/W FOR CR 676 & LESS FOLL DESC PROP: COM SE COR OF SEC N00-31-21W ALG E BNDRY OF SEC 207.44 FT FOR POB N00-31-21W ALG E BNDRY 153.18 FT S17-13-28W 141.27 FT S67-07-48E 46.92 FT TO POB

233008-000000-012020 - ALL SEC 8 LESS BEG SE COR OF NE1/4 RUN N 418.3 FT FOR POB RUN W 248.36 FT N 209.93 FT W 199.95 FT S 26 DEG 03'23"W 10.37 FT S 01 DEG 21'48"W 209.83 FT S 285.11 FT TO PT ON N R/W LN OF NICHOLS RD (SR 676) RUN ALONG SAID N R/W LN N 88 DEG 00'23"W 84.82 FT N 89 DEG 09'17"W 100 FT N 89 DEG 23'02"W 100 FT N 88 DEG 41'47"W 100 FT RUN S 34.14 FT RUN W 304.20 FT RUN N 52 DEG 35'39"W 1411.13 FT RUN S 60 DEG 37'21"W 864.10 FT RUN N 58 DEG 25'28"W 80 FT RUN N 12 DEG 29'27"E 514 FT RUN N 49 DEG 33'07"W 175 FT RUN N 45 DEG 46'48"E 228.85 FT RUN N 74 DEG 53'29"W 1658.51 FT N 52 DEG 33'28"W 851.72 FT N 64 DEG

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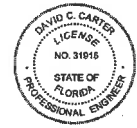
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POLICY 2.135-R3: DEVELOPMENT CRITERIA - Development within this IND area shall conform to the criteria established in Section 2.113-A of this Comprehensive Plan consistent with the development standards adopted for this parcel in the Polk County Land Development Code.



This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
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NORTH PRONG INDUSTRIAL

IMPACT ASSESSMENT STATEMENT FORM

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?

This request, North Prong Industrial, is to change the Future Land Use from Phosphate Mining (PM) to Industrial (Ind).

The site is in close proximity to US Highway 60, (about 1 ½ miles) allowing access to the existing state roadway network via Nichols Road (CR 676), a 24 foot Rural Major Collector.

Until recently, the property was the Nichols Mine, which for over 100-years has been a mining operation for and owned by Mobil Chemical and Agrifos Mining. The area already has had significant phosphate mining, processing, and dirt mining, as well as industrial development nearly surrounding it.

The exception is the area to the north which is in the City of Mulberry and is vacant. That land has a wetland system on approximately the eastern half of the adjacent parcel, so is unlikely to be developed. The A/RR area to the south was a significant processing plant, and is now largely vacant.

Changing the land use from PM to Ind is a logical and practical progression of land use. Other land use districts would not fit in with the character of the vicinity. The area has very few homes near and many of them have worked directly or indirectly for the mining industry.

The site has a rail line running through it, so industrial uses that require rail access can be served, with minimal change to the rail lines.

2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

The only possible incompatibility is the adjoining property to the north. As mentioned above, the eastern half of that site is a large wetland system, unlikely to be developed. The balance of that border, about 1,800 feet, would be buffered with a Type C Buffer, the county's most robust, as required during the Level 2 site plan approval process.

3. How will the request influence future development of the area?

It is not anticipated that there will be any influence on future development of the area because most of the surrounding area is or has already been developed or used very intensely.

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

The overall site trip generation below is based upon the proposed maximum allowable buildout at a FAR of 0.50. We believe that high of density is unachievable because of a number of factors: The irregular parcel shapes make rectangular building layout inefficient. The addition of rail access spur lines will tend to chop up the layout. Environmental considerations will also make achieving the 0.50 FAR almost impossible. So we believe that actual construction will result in much lower trip numbers. Notwithstanding these considerations, for purposes of answering the question directly, we offer the following:

Industrial --The ITE Trip Generation Manual, lists 1.5 ADT/0.68 PHT per 1,000 SF of manufacturing. Using the maximum FAR of 0.50 for the 420 acres gives an ADT of 13,783 and PHT of 6,248.

We would point out that the current FLU of PM would allow about 50% more trips than the proposed Industrial district. Also, any site development will require meeting concurrency reference the adjoining roadway network. So the roads system may be the limiting factor for site development intensity. We intend to prepare more realistic traffic projections and roadway network limitations in the re-submittal process.

2. What modifications to the present transportation system will be required as a result of the proposed development?

County approved driveways will be constructed onto the property from the adjoining county roads. Other improvements may become necessary as the site develops, based on concurrency analysis at Level 2.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

Additional parking may be provided as required or needed by the owner during Level 2 permitting.

4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?

There will be at least one entrance on the east side of the site to Old Nichols Road or Nichols Road, and possibly an entrance on the south to Nichols Road.

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the

proposed development?

The sewerage generation will vary depending on the uses developed on the property.

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage?

All proposed on-site treatment will be in accordance to the State of Florida Department of Health, Chapter 64E, Standards for Onsite Sewage Treatment and Disposal Systems.

3. If offsite treatment, who is the service provider? **N/A**

4. Where is the nearest sewer line (in feet) to the proposed development (Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code).

The project resides in a rural area removed from existing centralized utilities.

5. What is the provider's general capacity at the time of application? **N/A**

6. What is the anticipated date of connection? **N/A**

7. What improvements to the providers system are necessary to support the proposed request (e.g., lift stations, line extensions/expansions, interconnects, etc.)?

Owner is not requesting connection to county sewer services.

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider?

The project will be served by private well.

2. What is the estimated volume of consumption in gallons per day (GPD)?

The water demand will vary depending on the uses developed on the property, and required fire flows.

3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line?

The project resides in a rural area removed from existing centralized utilities.

4. Who is the service provider? **Polk County**

5. What is the anticipated date of connection? **N/A**

6. What is the provider's general capacity at the time of application? **N/A**

7. Is there an existing well on the property(ies)? **Yes**

If yes, What type?

A non-production well that was used by previous mining operation for their processes. We plan to use this well for our fire protection system onsite. The well is an 18"-800 foot deep well.

Permit Capacity: **N/A**

Water Use Permit #: **N/A**

Constructed prior to Water Management District Permitting: Yes _____ No _____

Type of Use: _____Public _____Industrial or Commercial _____Recreation or Aesthetic _____Mining

Permitted Daily Capacity:

Average Peak Monthly Withdrawal Rate:

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

1. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

The project will provide onsite drainage facilities which will retain the required volume and rate of flow per county and SWFWMD regulations.

2. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

None currently proposed.

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.

The site was previously mined and has limited environmental features.

2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

There are limited wetland and floodplain features on site.

3. Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts), and;

Potable water is provided to the residential uses in this area by Polk County. There are no anticipated impacts to wells from this project.

4. Discuss the location of Airport Buffer Zones (if any) (discuss the location and address, potential impacts).

None in this area.

5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.

The site was previously mined, so soil analysis is impossible without detailed onsite geotechnical research, to be acquired at Level 2. The most noticeable effect is that the stormwater ponds will likely all be wet ponds.

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

1. Parks and Recreation;

This is an industrial project and does not generate a demand for parks and recreation.

2. Educational Facilities (e.g., preschool, elementary, middle school, high school);

This is an industrial project and does not generate a demand for public education facilities.

3. Health Care (e.g., emergency, hospital); **The closest hospital is several miles to the north.**

4. Fire Protection; **Polk County Fire provides fire protection.**

5. Police Protection and Security; **Polk County Sheriff provided**

6. Emergency Medical Services (EMS); **Polk County EMS provided**

7. Solid Waste (collection and waste generation);

Contract with Republic Services. Pick-up on regular schedule for dumpster.

8. How may this request contribute to neighborhood needs?

This facility provides manufacturing jobs to the local community. In addition, the finished products are often needed by local business and agricultural operations.

Maps

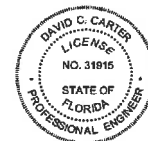
Maps shall be used to give the public agencies a clear graphic illustration and visual

understanding of the proposed development and the potential positive and negative impacts resulting from the development. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scale shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall 8 1/2" x 11" and accompany Impact Assessment Statements:

Map A: A location map (center the site on the map) showing the relationship of the development to cities, highways, and natural features; **See attached Vicinity Map**

Map B: Map depicting the site boundary (properties included in the request) **See attached site boundary map.**

Map C: A site plan consistent with **Site Plan Standards 2** (multiple sheets may be used). In addition to the required number of copies please **include an 8 1/2" x 11" copy. N/A to map amendment**



This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
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NORTH PRONG INDUSTRIAL DEMONSTRATION OF NEED

Meeting Marked Demands & Outweighing Adverse Impacts

A number of sites in the vicinity have changed from PM to Industrial starting around 10 years ago. Because of either site conditions limiting short term development, or those sites already being developed/in process of sales, only few of those Industrial sites remain available. This indicates a strong demand for these types of development sites. In addition, the owner reports a number of requests for new industrial sites in this area. The close proximity to Hillsborough County is an additional benefit to the site.

This proposed change outweighs adverse impacts to public facilities and environmental resources primarily by avoiding those impacts in the first place. The sites will utilize existing improved infrastructure for access. Fire protection, water and sanitary sewer treatment (septic) will be provided onsite. There are limited proposed wetland impacts currently. By avoiding such impacts, the amendment will meet the market demands for the business expansion without adverse effects on the County. The Mims/McKay Family developed Prairie Industrial Park in the City of Mulberry which is approximately 350-acres and all properties have been sold.

Excess Vacant Land Analysis

There is a limited number of industrial site in the immediate area available for sale or short term development, particularly with rail access. We reviewed all nearby Industrial sites with this developer and he indicates a strong market demand exists for this type use with very little offerings for potential users.

We feel the above demonstrates that the County has a healthy development history of this designation. Furthermore, the change from PM to IND is a logical, practical progression for old mine lands. This change will have minimal effect on the County overall. The discernable impacts will only be to the immediate vicinity of the site.

Why Now and Why at This Location

The change is needed at this time because market demands indicate that additional space is not sufficient to serve the expanding manufacturing and warehousing customer base.

This location has excellent access to the state highway system and is in a remote area for the most part. There are few environmental concerns.

For Text Amendments, please provide a narrative discussing why the text amendment is needed and what other alternatives besides the request have been or could be sought as a remedy?

N/A, this is a map amendment request.

An Analysis of Economic Issues [*Minimum population support and market area radius (where applicable)*] is required when requesting a Land Use amendment from Residential to a Non-Residential Land Use designation.

This is a change from PM to Industrial.

This is a manufacturing designation that does not typically feature common retail commercial establishments visited by the general public. As such, the Comprehensive Plan features a relatively large Service-Area Radius of “20 miles or more” with a Minimum Population Support of “150,000 or more people”.

Urban Sprawl Analysis (Only for CPA Map Amendments)

Address the following statements with regard to the proposed land use amendment:

1. Could the proposed amendment promote substantial amounts of low-density, low intensity, or single use development in excess of demonstrated need?

No, the proposed amendment would allow for a relatively high intensity development near the intersection of a collector and major arterial roadway, US Highway 60. A large part of the property has been previously mined. The existing site still has large industrial buildings which may be used for additional future industrial uses.

2. Will passage of the proposed amendment allow a significant amount of urban development to occur in rural areas?

No, because the area already has had significant phosphate mining and processing, and dirt mining, as well as industrial development.

3. Does the proposed amendment create or encourage urban development in radial, strip, isolated, or ribbon patterns emanating from existing urban development?

The amendment will focus additional intensity into an area nearly surrounded by significant phosphate mining and processing, and dirt mining.

4. Does the proposed amendment fail to adequately protect adjacent agriculture areas?

There will be no adverse impacts to adjacent agriculture areas

5. Could the proposed amendment fail to maximize existing public facilities and services?

No public facilities affected.

6. Could the proposed amendment fail to minimize the need for future public facilities and services?

The change as proposed will minimize the need for future public facilities by providing onsite private water and sewer.

7. Will the proposed amendment allow development patterns that will disproportionately increase the cost of providing public facilities and services?

There is no anticipated changes to existing facilities, and therefore no additional cost of providing those services from this amendment.

8. Does the proposed amendment fail to provide clear separation between urban and rural uses?

The amendment will focus additional intensity into an area nearly surrounded by significant phosphate mining and processing, and dirt mining.

9. Will the proposed amendment discourage infill development or redevelopment of existing neighborhoods?

N/A

10. Does the proposed amendment fail to encourage an attractive and functional mixture of land uses?

As the surrounding area is largely developed or has been used for very intensive mining and industrial, a mixture of land uses is not ideal for this area.

11. Could the proposed amendment result in poor accessibility among linked or related land uses?

The site would have direct access to both Nichols Road (a Rural Major Collector) and then access to Anderson Road (a Rural Minor Collector), and SR #60. Accessibility would not be an issue.

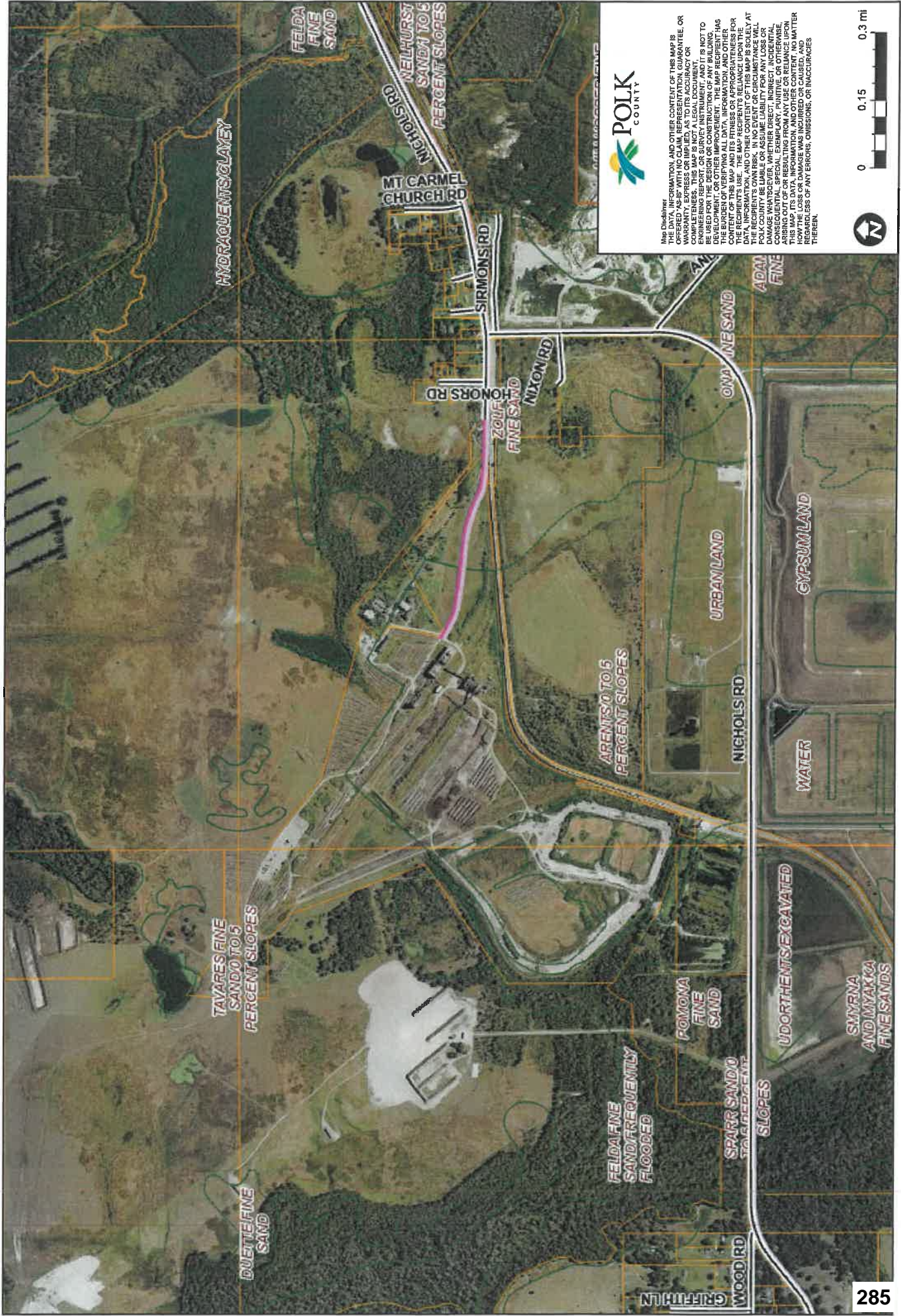
12. As a result of approval of this amendment, how much open space will be lost?

Minimal open space will be lost, because almost all of the site was part of the Nichols Mine at one point. Large manufacturing facilities for phosphate processing and drier plants operations have existed on this site for over 100-years. The plants were operated by both Mobil Chemical and Agrifos Mining Company.





Soils Map



August 6, 2024

Lyndsay Yannone
Development Coordinator
Polk County Land Development Division
330 W. Church St.
Bartow, Florida 33831

RE: Response to Request for Additional Information – LDCPAL-2024-12 – North Prong Industrial

Dear Ms. Yannone:

This letter is in response to Polk County's request for additional information regarding the above-referenced project:

Planning Comments:

Comment 1: Demonstration of Need – The subject property is located next to Nichols, which is an existing neighborhood. As such, the applicant needs to explain whether the proposed amendment will discourage redevelopment of the exiting neighborhoods. (Criteria #9)

Response 1: The existing neighborhood is on the tip of the subject property and is across Old Nichols road and on the other side of a railroad track. Additionally, the FLU request area has been setback from the nearest residential parcel a distance of 175 feet.

The BB mine is across the street from the residential properties. The subject site had intensive mining and processing occurring for decades, so the change to Industrial is in keeping with the traditional uses that have been near the surrounding the residential parcels.

So the request will not materially affect the uses currently in existence near the subject site.

Comment 2: IAS – Land and Neighborhood Characteristics #2 - The subject property north of the site, within the City of Mulberry, is designated on the City's Future Land Use Map as Residential Planned Unit Development, with a maximum dwelling unit count of 4.3 units per acre. Given the significant amount of acreage proposed for industrial and the potential impacts caused by certain types of industrial uses, staff is concerned that a maximum 20-foot-wide buffer may not be sufficient. Additionally, portions of the site are near the unincorporated community of Nichols. Although the FLU exhibit shows a dimension of 175 feet from the project boundary to Old Nichols Road, surface

roads and railroads are within the 175 feet distance. Staff is concerned about the potential impact of industrial activities next to this community, and requests that the applicant provide further data and analysis to address compatibility.

Response 2: See response #1 above regarding the Nichols community. Additionally, referencing the road traffic, the Industrial designation's trip generation is expected to be significantly less than that for Phosphate mining. The AADT per square feet for phosphate mining and industrial are the same, 4.87/1,000 SF, but the FAR for phosphate mining is 0.75 versus Industrial which is 0.50, yielding a 1/3 reduction in potential trips.

Reference the adjoining lands inside the Mulberry limits, the eastern half of that property boundary is wetlands and floodplain. Mulberry's LDC, Part III, Section 5.03.06 (A), states "*No activities other than those listed below shall be undertaken in a wetland zone.*" Residential uses are not contained in the list of allowable uses that follows. So it's highly unlikely that homes would be built in that eastern area.

As to the western section of adjoining city limits that are upland, residential development is certainly allowed. But we would point out that Mulberry is not a very fast-growing community, and those lands are part of a large development area that stretches about a mile north before touching any existing development. So with normal development patterns, growth would begin at the existing development and works its way south (about a mile) before getting near to the subject site. That growth would take decades before occurring.

Much like the situation with the Nichols area, the subject site had intensive mining and processing occurring for decades, so the change to Industrial is in keeping with the traditional uses that have been onsite. So the request will not materially change the affect on the future adjoining residential uses.

We understand that a representative of the city planning has indicated "No objection" to the land use change.

Comment 3: IAS - Environmental Analysis #4 - The subject property is in the Airport Impact District for the South Lakeland Airpark. Please provide an analysis of how this request may impact the airport activities.

Response 3: FAA Regulations require filing a notice for construction of any building exceeding 200 feet above AGL, or for construction of a building piercing an envelope exceeding a height measured at a 100:1 ratio from the end of the runway. Given our distance to the runway of 11,500 feet, that would mean that any building constructed at a height of 115 feet AGL (11 stories) would require notice.

Comment 4: IAS - G. General Information - Please provide the information on the nearest location (travel distance), provider, capacity or general response time, and estimated demand for the following services: Health Care, Fire Protection, Police Protection and EMS (Section 910.G.).

Response 4: Any new facilities built onsite would meet current fire codes and be constructed in a manner to limit theft and accidents. So demand for these services would be minimal and only be needed on rare occasions.

Healthcare – Bartow Regional Medical Center (13 Miles) 16 Minute Response Time

Fire Protection – Polk County Fire Rescue Station 721 (3 Miles) 4 Minute Response Time

Police Protection – Mulberry Police Department (3 Miles) 4 Minute Response Time

EMS - Polk County Fire Rescue Station 721 (3 Miles) 4 Minute Response Time

Comment 5: IAS - Maps - Please provide the following maps per Section 910.H.: Map C: FLU Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density. Map E: Traffic Circulation Map.

Response 5: See attached FLU Map and Traffic Circulation Map.

Comment 6: IAS - Population - Please provide the applicable information for commercial/industrial uses as outlined in Section 910.F.

Response 6: No specific users of the project have been identified yet. So no analysis of the items in that section is possible.

Comment 7: Consistency with Comprehensive Plan - Please provide analysis of how this request is consistent with the following sections: 2.113A - Industrial 2.124-F Redevelopment Districts (NOTE: Nichols is listed in this section as a Redevelopment District).

Response 7: 2.113-A – Industrial:

The subject site is in a Rural Development Area, and is 420 acres, so is a sizeable area for industrial uses. The will allow ample buffering and internal setbacks from any of the existing or future neighboring developments. This will help mitigate any odor, noise, or lighting that may emanate from the development. It has direct access to Nichols Road, a Rural Major Collector, which is only a mile and a half south of SR 60, a major arterial.

2.124-F-Redevelopment District

Section e. states: *promote the economic vitality of the community through the development of employment and business opportunities for community residents.*

Development of industries nearby will greatly enhance the number of quality jobs available to the residents.

Comment 8: Ownership - Although the applicant has submitted deeds and purchase agreements, it is not clear which properties are under what ownership and which deed applies to the respective parcels. It would be helpful if a summary sheet could be prepared that lists the parcel, previous owner, and current owner. Additionally, staff is willing to meet with the applicant to discuss further.

Response 8: See attached Ownership Table.

Comment 9: 29 Acre Enclave - Please provide a narrative explaining why this acreage is not included.

Response 9: This area contains soft, non-structural soils that are of questionable hazardous nature. The applicant did not purchase that area for these reasons.

Comment 10: Letter of Authorization - It is not clear whether William T. Mims is authorized to act on behalf of Agrifos, LLC and Agrifos Mining, LLC. Please clarify.

Response 10: William T. Mims has a Sales and Purchase Agreement to purchase the properties owner by Agrifos Mining, LLC and Agrifos, LLC included in the CPA submittal. The Letter of Authorization is authorizing David Carter and Kriss Kaye to act on behalf of those entities.

Surveying Comments:

Comment 11: Please provide a legal description of only the property associated with the Land Use change.

Response 11: See attached legal description associated with the FLU change.

We appreciate your cooperation and assistance with this project. If there is anything further you need, please let us know.

Carter and Kaye Engineering, LLC



David C. Carter, P.E.
P.E. License No. 31915



This item has been digitally signed and sealed by David C. Carter, P.E., on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
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Polk County
Planning Commission

Agenda Item 8.

11/6/2024

SUBJECT

LDPD-2024-14 (Thornhill Road PD Mod.)

DESCRIPTION

The applicant is requesting a modification to LDPD-2018-48 to change from a 247-lot mobile home park to a 262-lot single-family detached-unit subdivision. The request includes reduced setbacks and additional acreage. The subject site is located north and east of Thornhill Road, west of Spirit Lake Road, south of Winter Lake Road, west of Eagle Lake in Sections 2 & 3, Township 29, Range 25.

RECOMMENDATION

Approval with the companion development order

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

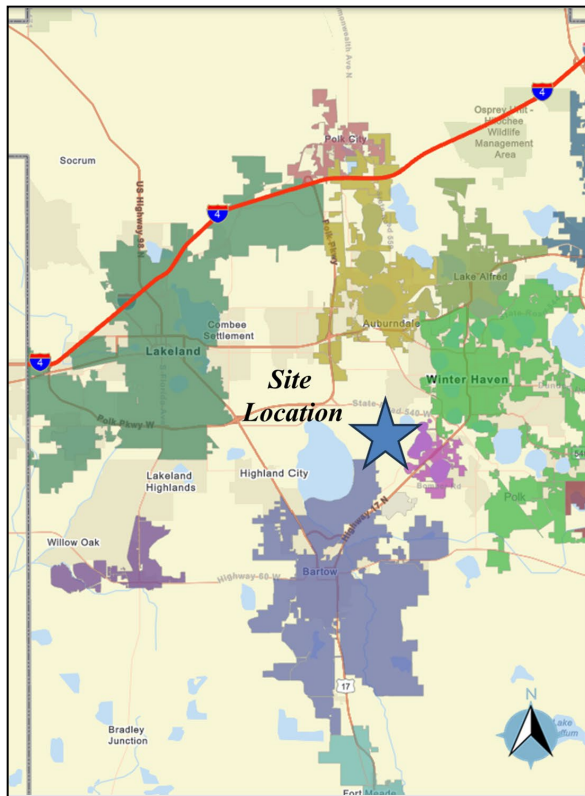
Ian Nance
Land Development
(863) 534-7621
ivannance@polk-county.net

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	August 29, 2024	Level of Review:	Level 3
PC Date:	November 6, 2024	Type:	PD Modification
BoCC Date:	N/A	Case Numbers:	LDPD-2024-14
Applicant:	Wood & Associates	Case Name:	Thornhill Road PD Mod.
		Case Planner:	Ian Nance

Request:	Modification to LDPD-2018-48 to change from a 247-lot mobile home park to a 262-lot single-family detached-unit subdivision. The request includes reduced setbacks and additional acreage.
Location:	North and east of Thornhill Road, west of Spirit Lake Road, south of Winter Lake Road, west of Eagle Lake in Sections 2 & 3, Township 29, Range 25.
Property Owner:	LBB863 LLC, Chester Rasnake
Parcel Number (Size):	252903-357010-000020 (+/- 58.81 ac.); 252903-000000-022030 (+/- 0.14 ac.); 252903-000000-022040 (+/- 1.64 ac.); 252902-000000-043030 (+/- 1.69 ac.); 252902-000000-044010 (+/- 2.60 ac.)
Future Land Use:	Residential Low-2 (RL-2); Residential Low-3 (RL-3); Residential Medium (RM)
Development Area:	Urban Growth Area (UGA)
Nearest Municipality:	City of Eagle Lake
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing

Location



Site Plan



Summary of Analysis:

The applicant is requesting a modification to LDPD-2018-43 to change the number of units and unit type from 247 mobile homes to 262 site-built homes; to add acreage to the project (+/- 58.95 to +/- 64.91 acres); and to formally establish minimum lot sizes and setbacks. The layout of the site is largely unchanged since the BoCC approved the original concept in 2019, but the plan has incorporated new residential development standards adopted by the County since then, including 25-foot setbacks for garages; internal sidewalks on both sides of the road; increasing Open Space from 10 to 20%; providing 500 sq. ft. of Recreation Space per Unit; Landscaped & Curvilinear Stormwater Ponds; Shielded Pedestrian & Street Lighting; and One Tree per Lot.

This site is within Residential Low-2 (RL-2), Residential Low-3 (RL-3), and Residential Medium (RM) future land use designations and in what one could consider a classic Urban Growth Area (UGA) as characterized by the presence of most urban features, minus a complete sidewalk network and mass transit. Employment centers, commercial, medical, and personal services are also lacking directly around the site but are available in the surrounding municipalities which are easily accessible by multiple nearby arterial and collector roadways. Traffic from the site will access directly onto an Urban Collector roadway. Utilities, schools, and emergency services are all in the area and operating under expected levels of service. The site is in proximity to the Central Polk Parkway (CPP) being constructed to the west.

The minimum lot size is 5,500 sq. ft., though this will vary throughout the development with 50 and 55-foot-wide lot widths. Side yard setbacks will be five (5) feet, while rear yard setbacks are 10 feet. These dimensions are similar to surrounding development, and the applicant has presented a layout that staff finds compatible with existing homes. Enhanced buffering and the location of the stormwater ponds will buffer and screen the property from offsite. Throughout most of the site, lot width ratios will not exceed two proposed lots abutting an existing lot. In addition, little has changed about this layout from the original approval which the BoCC determined to be compatible with surrounding uses.

In summary, the site is well-suited for a single-family development of this size with available utilities and public services. No environmental impacts are evident that would impact building homes here. Ultimately, this request is more about changing unit types from Mobile Homes to Site-Built Homes from what had already been approved. The request is consistent with the Comprehensive Plan and LDC. Staff recommends approval of this application.

Findings of Fact

- *The applicant is requesting a modification to LDPD-2018-43, originally approved by the Board of County Commissioners on March 5, 2019, to change the number of units and unit type from 247 mobile homes to 262 site-built homes; to add acreage to the project (+/- 58.95 to +/- 64.91 acres); and to establish minimum lot sizes and setbacks.*
- *The proposed minimum lot size is 5,500 sq. ft. The requested setbacks are as follows:*
 - *Side: 5 ft.*
 - *Rear: 10 ft.*
 - *Front: 15 ft.*
 - *Garage: 25 ft.*
 - *Corner Side: 15 ft.*
 - *Accessory: 5 ft.*
- *The proposed site is in Residential Low-2 (RL-2), Residential Low-3 (RL-3), Residential Medium (RM) land use districts. Minimum lot sizes in each district are as follows:*
 - *RL-2: 15,000 sq. ft.*
 - *RL-3: 10,000 sq. ft.*
 - *RM: 6,000 sq. ft.*
- *The subject site is located in the Urban Growth Area (UGA), which are “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 in close proximity to the development in the adjacent TSDAs,” according to Policy 2.105-A1 of the Polk County Comprehensive Plan.*
- *Polk County Comprehensive Plan Policy 2.102-A3 states, “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.”*
- *Polk County Comprehensive Plan Policy 2.102-A4 states, “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.”*
- *Chapter 10 of the LDC defines “Planned Development” as “A land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.”*

- *LDC Section 303 provides conditions for Planned Developments, including requiring 20% Open Space and 500 sq. ft. of recreation for each residential unit.*
- *One access point onto Thornhill Road (Road No. 951107) has been identified on the Site Plan. Thornhill Road is classified as an Urban Collector roadway and is tracked for concurrency by Polk County's Transportation Planning Organization (Link 4170 N/S).*
- *Fire/EMS response is primarily from Polk County Fire Rescue Station 17, located at 185 South 3rd Street, Eagle Lake.*
- *According to the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no resources at this location.*
- *The subject site is not located within any of the County's Wellhead Protection Districts.*
- *The zoned schools are Eagle Lake Elementary, Westwood Middle, and Lake Region Senior High School.*
- *This property is served by Polk County Sheriff's Office's Central District, located at 3635 Ave G NW, Winter Haven.*
- *The property is located within Polk County Utilities Central Region. A 12-inch potable water main is located along the frontage of the site in the southern right-of-way of Thornhill Road. A six-inch wastewater main is located to the east.*
- *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.*
- *Limited wetlands and flood hazard areas are found onsite.*
- *The site is within a Height Notification Zone and In-Flight Visual/Electronic Interference Zone of the Bartow Municipal Airport.*
- *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 2.1 and Sections 303 and 906 of the LDC.*

Development Review Committee Recommendation: Based on the information provided by the applicant, the findings of fact, recent site visits, and the staff report, the Development Review Committee (DRC) finds that the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Polk County Comprehensive Plan; therefore, the DRC recommends **APPROVAL of LDPD-2024-14.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDPD-2024-14 with the following Conditions:

1. This PD modification to LDPD-2018-48 shall be for a 262-lot single-family detached-unit subdivision with a minimum lot size of 5,500 sq. ft. and to increase the acreage (+/- 58.95 to +/- 64.91 acres), as demonstrated on the site plan and detailed in the staff report. All previous conditions of approval from LDPD-2018-48 shall be null and void. [PLG]
2. Approval of this request shall include the following setbacks [PLG]:
 - Side: 5 ft.
 - Rear: 10 ft.
 - Front: 15 ft.
 - Garage: 25 ft.
 - Corner Side: 15 ft.
 - Accessory: 5 ft.
3. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDPD-2024-14, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]
4. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state and local law. [PLG]

GENERAL NOTES

- NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*
- NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*
- NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*
- NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning 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. All references are from the boundary of the mining area as shown on the site plan.

Table 1

Northwest: RL-1 Undeveloped Areas	North: RL-1 Single-Family Homes	Northeast: RL-4 County Water Treatment Facility Country Place Estates Condos
West: RL-1 Thornhill Estates Mobile Home Subdivision (> 1.0 Acre lots)	Subject Property: RL-2, RL-3, & RM Vacant Property	East: RL-1 Oakwood Estates Mobile Home Subdivision (+/- 3,680 sq. ft. lots) & Queens Cove Single-Family Subdivision (+/- 6,000 sq. ft. lots)
Southwest: RL-1 Thornhill Road Single-Family Residences & Religious Institution	South: RL-1 & RM Thornhill Road Nursery and Single-Family Residences	Southeast: RL-3 & RM: Sunridge Village West Single- Family Subdivision (+/- 9,000 to 11,500 sq. ft. lots)

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

The subject site is located east of Lake Hancock. Staff has reviewed aerial photographs of the property dating to 1941. The surrounding area was undeveloped at this time except for Citrus Groves to the east and closer to Eagle Lake. Mining took place through the 1960's on the eastern shore of Lake Hancock, but residential development did not arrive until 1980 when the Oakwood Estates Mobile Home subdivision was developing.

By 2002, the various phases of Queens Cove (PUD 85-13) were under development to the east, and Thornhill Estates was nearly built-out. Sun Ridge Village was underway by 2005 and completed by 2007. Since then, little residential development in this area has occurred. However, the site is near the extension of the Central Polk Parkway which will link US 17 and State Road 60 to I-4. No interchange with Thornhill Road is noted at this time, but it is anticipated that growth and infill developments will occur here in the coming years.

The subject property has remained vacant, to present. On March 5, 2019, it was subject to LDPD-2018-48, a request to develop a 247-lot mobile home park on approximately 58.95. This was ultimately approved by the BoCC.

Though Mobile Home Parks do not have fee-simple lots, the proposed lots were 6,000 sq. ft. with side setbacks of five (5) feet; rear setbacks of 15 feet; and front setbacks of 15 feet.

Compatibility with the Surrounding Land Uses and Infrastructure:

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.”

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit,

parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

A. Land Uses:

The applicant is requesting a modification to LDPD-2018-43 to change the number of units and unit type from 247 mobile homes to 262 site-built homes; to add additional acreage to the project (+/- 58.95 to +/- 64.91 acres); and to establish minimum lot sizes and setbacks as follows:

Minimum Lot Size – 5,500 sq. ft.

Side Setbacks – 5 feet

Rear Setbacks – 10 feet

Front Setbacks – 15 feet

Side Street Setbacks – 15 feet

Accessory Structures – 5 feet

One noteworthy change to setbacks not listed above is to that for garages. The original plans called for a 20-foot setback. Since the approval of the original PD, the LDC has since required 25-foot setbacks for garages to prevent parking over sidewalks and into the rights-of-way. This is one of many changes to residential developments adopted by the County since the original approval and which will be incorporated into this site plan:

- Internal sidewalks on both sides of the road.
- Increase in Open Space from 10 to 20%
- 500 sq. ft. of Recreation Space per Unit
- Landscaped & Curvilinear Stormwater Ponds
- Shielded Pedestrian & Street Lighting
- One Tree per Lot

Regarding the Open Space and Recreation standards, the site plan shows 27.5% of the property (17.72 acres) dedicated to Open Space, including passive and active recreation areas which incorporate landscaped and curvilinear ponds. Walking trails around these ponds are connected to the internal sidewalk network.

The site plan also provides for landscaped Type “C” buffers that exceed County standards in terms of their width, the number of plantings, and for what is required next to the adjacent uses. The layout of the site, including these buffers, is nearly identical to what the BoCC approved for compatibility with the original plan.

Minimum lot sizes will be 5,500 sq. ft., but there will be a mixture of larger lots throughout the site, the smaller ones needed to accommodate stormwater designs and buffers. Typical lot widths will range from 50-55 feet. To the northeast of the site, the 50-foot-wide lots abut 45-foot-wide mobile home lots on the western perimeter of Oakwood Estates. Moving south along the eastern border, 60-foot-wide lots in Queens Cove Phase IV are comparable to the lots within the proposed development. At no point is there a lot width ratio that exceeds two proposed lots to an existing one (2:1). Along the entire length of this side of the subject site there will be a 15-foot-wide Type “C” landscaping buffer. Stormwater ponds are also used to buffer the subject site from existing lots.

To the west, a 25-foot-wide Type “C” landscaping buffer will provide screening from the Thornhill Estates mobile home subdivision. The existing lot widths here are 100 feet wide, but again, the lot width ratio does not surpass 2:1 for most of this side. There are large-acreage lots to the northeast corner, but these are buffered by stormwater ponds and the landscaping.

Comprehensive Plan POLICY 2.102-A2 states, “Land shall be developed so that adjacent uses are compatible with each other” and provides three options to ameliorate incompatibilities.

The tools for accomplishing higher standards of compatibility, as outlined in the Comprehensive Plan, are as follows:

- Buffering
- Limiting Scale & Intensity
- Transition using innovative techniques

In this instance, the site plan has accomplished these tasks, as detailed above. Given the additional acreage of the site, the overall density has decreased from 4.20 DU/AC to 4.04 DU/AC. The maximum density allowed onsite is 5 DU/AC.

B. Infrastructure:

This site is within what one could consider a classic Urban Growth Area (UGA) as characterized by the presence of most urban features minus a complete sidewalk network and mass transit. Employment centers, commercial, medical, and personal services are also lacking nearby but are found in the surrounding municipalities. The site is close to multiple arterial and collector roadways that provide short commutes to the cities. Road traffic from the site will access directly onto an Urban Collector roadway. Utilities, schools, and emergency services are all in the area and operating under expected levels of service.

Still, despite the lack of immediate access to those features described above, this surrounding infrastructure is supportive of the proposed density. One final change to County policy that has occurred since the original PD was approved was how increased in density are achieved. At that time, the LDC required attaining a particular number of Density Bonus Points. This system was scrapped in February 2024 in favor of a system that awards density based on Locational Criteria built upon the proximity of the site to the urban necessities as detailed here.

To acquire the requested density, 16 points must be achieved, according to LDC Section 303. Staff has determined this has been met, though given that this is a modification of an existing approval under the old system, either measurement will suffice. In any event, the location score is derived from the site’s access to a collector road; proximity of potable water and wastewater line and a lift station; distance to the fire station and elementary school; distance to general mercantile and an NAC district; proximity to a community park; and that there will be no adverse effects to wetlands or drainage.

On a final note, one objective of this modification is to add more property for the dedication of right-of-way for a safer intersection onto Thornhill Road. This will allow right and left turn lanes into the project from this roadway.

Nearest Elementary, Middle, and High School

The zoned schools are Eagle Lake Elementary (+/- 2.0 miles); Westwood Middle (+/- 5.0 miles); and Lake Region Senior High School (+/- 6.0 miles).

Table 2, to follow, provides a breakdown of the estimated demand for student seats for each level of schooling at the requested number of lots, in addition to the current school capacity.

Table 2

Name of School	Annual Estimated Demand	Driving Distance	2023-24 School Capacity
Eagle Lake Elementary	54 students	±2 miles	87%
Westwood Middle	23 students	±5 miles	59%
Lake Region Senior	38 students	±6 miles	61%

*Source: Polk County School Board, GIS, Google Maps
Demand rates based on 2019 School Impact Fee Study (Ord. 2019-056)*

Currently, the surrounding schools appear to have capacity to accommodate this request; however, these numbers are always fluid. At the time of the Level 2 Review, the applicant will need to apply for school concurrency.

Nearest Sheriff, Fire, and EMS Station

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to all of unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Fire/EMS response is primarily from Polk County Fire Rescue Station 17, located at 185 South 3rd Street, Eagle Lake. This property is served by Polk County Sheriff's Office's Central District, located at 3635 Avenue G NW in Winter Haven.

The response times from September 2024 for emergency services are shown in Table 3, below.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	PCSO Central District 3635 Avenue G NW in Winter Haven	±4.4 miles	P1: 9:23 P2: 21:33
Fire/EMS	Polk County Fire Rescue Station 17 185 South 3rd Street in Eagle Lake	±3.0 miles	7 minutes

*Source: Polk County Sheriff's Office and Public Safety *Response times are based from when the station receives the call, not from when the call is made to 911.*

Priority 1 Calls are true emergencies such as in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered. At any rate, response times are not as much a function of the distance to the nearest substation but more a function of the overall

number of patrol officers within the County. Table 2, to follow, provides a breakdown of response times and travel distances for emergency services.

The PCSO is always trying to improve response times, especially for Priority 1 Calls, by employing new technologies such as Emergency 1 Dispatch (E1D) and Live911. E1D is a program designed to alert deputies at the earliest possible moment of a call for service that is being classified as a true emergency. E1D alert notifications are sent to deputies via their agency-issued smart phones as text messages, alerting deputies of the call type and address of the emergency. Similarly, Live911 technology allows deputies to hear emergency calls in real-time as the dispatcher is receiving the information. Both E1D and Live911 enable deputies to self-dispatch to these in-progress, high-risk incidents as dispatchers collect additional information about the call, thus reducing our response time to emergency situations.

Patrol staff in each district also monitors the response times for their areas and tries to manage their shifts according to manpower, hotspots, traffic obstructions/construction sites, etc. Areas that are more spread out tend to have slightly longer response times because of the vast land mass of their district and time of travel. Since patrol deputies are not sitting in the office waiting on a call, it is easier for patrol staff to assign them to certain sectors or beats based on areas with higher call volume to reduce response time; however, this cannot be predicted precisely.

Water and Wastewater Demand and Capacity:

A. Estimated Demand and Service Provider:

The property is located within the Polk County Utilities Central Region. In the UGA, connection to potable water and wastewater services are required. A 12-inch potable water main is located along the frontage of the site in the southern right-of-way of Thornhill Road. A six-inch wastewater main is located approximately 880 feet from the property line and in the northern Thornhill Road right-of-way and will require an extension to the site. A lift station (LS 94) is located on the southside of Thornhill at the entrance to the Varner Heights subdivision.

Table 4, to follow, provides generalized estimates of the anticipated water and wastewater demands if the property was developed under its current approval; one that is utilized to its maximum intensity for a single-family development; and the proposed plan. These calculations assume a demand of 360 gallons per day (GPD) of potable water and will generate 270 GPD for wastewater.

Table 4

Subject Property	Current Approval	Max. Density 5 DU/AC	Proposed Plan (4.02 DU/AC)
+/- 64.91 upland acres RL & UGA			
Permitted Intensity	247 SF Units	324 SF Units	262 SF Units
Potable Water Consumption (GPD)	88,920 GPD	116,640 GPD	94,680 GPD
Wastewater Generation (GPD)	66,690 GPD	87,480 GPD	70,740 GPD

Further analysis and binding capacity determinations for potable water and wastewater will be required during the Level 2 Review process. The proposed development represents approximately a 6% increase in utility demands over the existing plan.

B. Available Capacity:

According to PCU's Water and Wastewater Capacity Summary as of June 30, 2022, the Central Public Water System has 522,000 gallons per day of Uncommitted Capacity. It will be over 20 years before permitted flow capacity is exceeded, at the current growth rate. The PWS is in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources. If the Southwest Florida Water Management District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the authorized withdrawals, the District may reduce permitted quantities.

The Central Regional Wastewater Collection System has 97,000 gallons per day of Uncommitted Capacity. It will be 10.2 years before the transfer agreement flows with the city of Bartow are exceeded, at the current growth rate.

C. Planned Improvements:

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

Roadways/ Transportation Network

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

A. Estimated Demand:

Table 5, to follow, provides preliminary, generalized estimates of the anticipated traffic demands if the property was developed through its current approval; one that could be developed to its maximum intensity for a single-family development; and the proposed plan. These numbers assumed that single-family detached housing creates 7.81 AADT and 1.0 Peak PM Trip per unit.

Table 5

Subject Property			
+/- 64.91 upland acres RL & UGA	Current Approval	Max. Density 5 DU/AC	Proposed Plan 4.02 DU/AC
Permitted Intensity	247 SF Units	324 SF Units	262 SF Units
Average Annual Daily Trips (AADT)	1,929 AADT	2,530 AADT	2,046 AADT
Peak PM Hour Trips	247 Peak PM	324 Peak PM	262 Peak PM

Of the Peak PM trips, 37% - or 97 vehicles - are expected to exit the development during the busiest driving periods and diffused across the roadway links described below. Since the number of trips exceeds 750 AADT, a Major Traffic Study will be required during the Level 2 Review

process to provide an analysis of the potential transportation impacts that may result from this development at this location. A Type IV intersection with Thornhill Road is anticipated. The site plan shows right-of-way dedication and right and left turns lanes into the development. A boulevard entrance to the development is proposed for fire access.

B. Available Capacity:

One access point onto Thornhill Road (Road No. 951107) has been identified on the Site Plan. Thornhill Road is classified as an Urban Collector roadway. The segments of this roadway abutting the subject site are not tracked for concurrency by Polk County's Transportation Planning Organization. However, segments of Thornhill Road to the north of the subject site (Link 4170 N/S) are counted.

Table 6, below, provided a generalized estimate of the available capacity on other nearby roadway links.

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4170N	Thornhill Road SR 540 to SR 655	C	1,211	E
4170S	Thornhill Road SR 655 to SR 540	C	1,199	E
6302E	SR 540 Polk Parkway to Spirit Lake Road	B	2,132	D
6302W	SR 540 Spirit Lake Road to Polk Parkway	B	2,092	D
4149N	Spirit Lake Road US 17 to SR 540	C	249	D
4149S	Spirit Lake Road SR 540 to US 17	C	224	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023

As shown in the table above, there is capacity available to serve the amount of traffic that will be generated by this project.

C. Roadway Conditions:

Thornhill Road (Road No. 951107) is an Urban Collector roadway with a paved surface width of 22 feet, where adjacent to the subject site. Right-of-way dedication and road improvements will be required, as detailed above.

D. Sidewalk Network

There are no sidewalks along the parcel, and none are located along Thornhill Road from Spirit Lake Road to SR 540. The surrounding development took place prior to LDC requirements for sidewalks; however, they will be required along the frontage of this development and on both sides of the internal road network.

E. Planned Improvements

Florida's Turnpike Enterprise is constructing the Central Polk Parkway/State Road (SR) 570B, a new, four-lane tolled roadway just to the west of the subject site. This new stretch of roadway

will begin at Polk Parkway/SR 570 and Winter Lake Road/SR 540 and extend approximately 6.5 miles south to US 17/SR 35. It is estimated the project will cost \$257 million, and construction is expected to continue through 2029. A later 2.1-mile section of this roadway will extend from U.S. 17 to S.R. 60.

According to FDOT, the CPP is anticipated to accommodate increased future travel demand expected from projected residential and employment growth within the County and throughout the entire region. The facility will also provide a new multi-lane limited access freeway that will improve connectivity to the regional transportation network, enhance freight mobility and economic competitiveness, and improve emergency evacuation capabilities. The addition of an alternative route to the existing network will reduce traffic congestion on several corridors in central Polk County and redistribute truck traffic in the region.

F. Mass Transit

The closest Citrus Connection mass transit stop (Route # 4044, Spirit Lake and County Place) is located on Spirit Lake Road approximately 1.5 miles east of the subject a site.

Park Facilities and Environmental Lands:

This project is near environmental lands and other lakes with boat ramps. The nearest Regional County Park is Simmers-Young Park.

A. Location:

Simmers - Young Park is in Winter Haven at 339 American Spirit Road, approximately 3.7 miles to the north.

B. Services:

Simmers-Young Park offers the following amenities: soccer, baseball, dog park, fishing, multi-purpose fields, picnic shelters & tables; and a playground.

C. Multi-use Trails:

Circle B Bar Reserve consists of multiple hiking trails along Lake Hancock.

D. Environmental Lands:

Circle B Bar Reserve is located on the northwest shore of Lake Hancock. This former cattle ranch is popular area attraction featuring a wide variety of plants and animals in several distinct ecosystems in this reserve of 1,267 acres. Lake Hancock is considered the headwaters of the Peace River, which flows more than 100 miles from Polk County southwest to the Gulf of Mexico. Polk County and the Southwest Florida Water Management District acquired Circle B Bar Reserve in December 2000 to protect the valuable water and wildlife resources and to restore the Banana Creek marsh system.

Environmental Conditions

The Polk County Comprehensive Plan has a Conservation Element. Division 2.300 of the Comprehensive Plan mentions, “The goal, objectives, and policies of the Conservation Element

are designed to protect the natural resources which make Polk County a special place while preventing degradation of the environment and allowing development and economic expansion to occur.” There should be no serious environmental conditions that need to be addressed with this subject site.

A. Surface Water:

The topography of the site is relatively flat with the highest point at 136 feet and the lowest point at 124 feet. The highest point of the site is in the southern section, therefore surface water flows in a northerly direction. There will be no significant number of alterations to the natural drainage features, and the design will facilitate water runoff into retention areas. The site plan indicates retention on site to facilitate a 100-year/24-hour storm event. Dinner Lake is the nearest waterbody, located approximately $\frac{3}{4}$ of a mile east of the subject property.

B. Wetlands/Floodplains:

The subject site does contain some areas of floodplains and wetland areas. However, no structures will be constructed on these areas and no wetland impacts are anticipated. Treatment of stormwater from new impervious areas shall be properly permitted through the County and SWFWMD. Dinner Lake is the closest flood hazard area or wetland formation.

C. Soils:

The soils onsite are a combination of Tavares Fine Sand; Smyrna and Myakka Fine Sand; Immokalee Sand; Pomello Fine Sand; Placid and Myakka Fine Sand: and St Lucie Fine Sand.

The soils are suitable for the proposed PD. The proposed development will be developed around the natural features of the property. Tavares and Smyrna & Myakka Fine Sands are an excessively drained soil located on dune-like ridges and isolated knolls. All future development is required by the Land Development Code to implement best management practices for erosion-control, and the soils are not of such that would limit compliance with applicable Land Development Code regulations for the proposed use.

D. Protected Species

No endangered species are noted onsite; however, prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state and local law.

E. Archeological Resources:

There are no known historical or archeological resources onsite, according to the Secretary of State’s Department of Historical Resources Florida Site File.

F. Wells (Public/Private)

This site is not within any of the County’s Wellhead Protection Districts. The applicant indicates no private wells are onsite.

G. Airports:

The site is within a Height Notification Zone and In-Flight Visual/Electronic Interference Zone of the Bartow Municipal Airport, located approximately three miles to the southeast.

Economic Factors:

This area of the County is located between the municipalities of Winter Haven, Bartow, Auburndale, and Eagle Lake with a reasonable commute to Lakeland. Development activity over the last decade has not been as intense as elsewhere in the County, but this could change in the coming years with the construction of the Central Polk Parkway as larger properties interspersed with long-existing neighborhoods begin to infill. An interchange is not proposed on Thornhill Road, but the proximity of this site near this roadway – in addition to its close access to US 17 and SR 540 - will make this site attractive to homebuyers who work in the surrounding cities.

For Polk County, the number of proposed homes represents a return on the investment in local roadways, potable water, and wastewater services. The sewer availability makes this project feasible. Without it, lot sizes would not be permitted to be smaller than 10,890 square-feet per Health Department regulations. The housing market in Polk County is strong, and the housing trend has been for bigger houses on smaller lots.

Consistency with the LDC & Comprehensive Plan:

As noted, this request is consistent with the Land Development Code. Development criteria for Planned Developments are detailed under Section 303 of the LDC. Open Space requirements are shown to have been met and will be analyzed again at the Level 2 Review. There are no indications that this development would be premature in the area.

In addition, this project is consistent with the Comprehensive Plan. Table 7, to follow, outlines the pertinent Comprehensive Plan policies.

Table 7

Comprehensive Plan Policy	Consistency Analysis
<i>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.</i>	The proposed PD Modification is surrounded by residential land use districts. There are residential subdivisions and unplatted lots around the subject site, which include site-built and mobile homes. The layout has provided buffering and transitions for existing uses.
<i>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.</i>	The applicant has demonstrated that this development is not premature in the UGA. The project will connect to centralized potable water and wastewater. The cluster design promotes compact growth and contiguous growth.
<i>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</i>	The PD is being proposed in an area of the County that contains public utilities and community services which meet what is typically located in the UGA.

Comprehensive Plan Policy	Consistency Analysis
<i>available.</i>	
<i>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.</i>	There are existing services and physical infrastructure in place to accommodate such development therefore reducing the financial burden of the County. The development is in a location where adequate services are available.
<i>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).</i>	The subject property is located within an area of the County that has adequate public safety services as identified in the Staff Report.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 8, in accordance with Section 906.D.7 of the LDC.

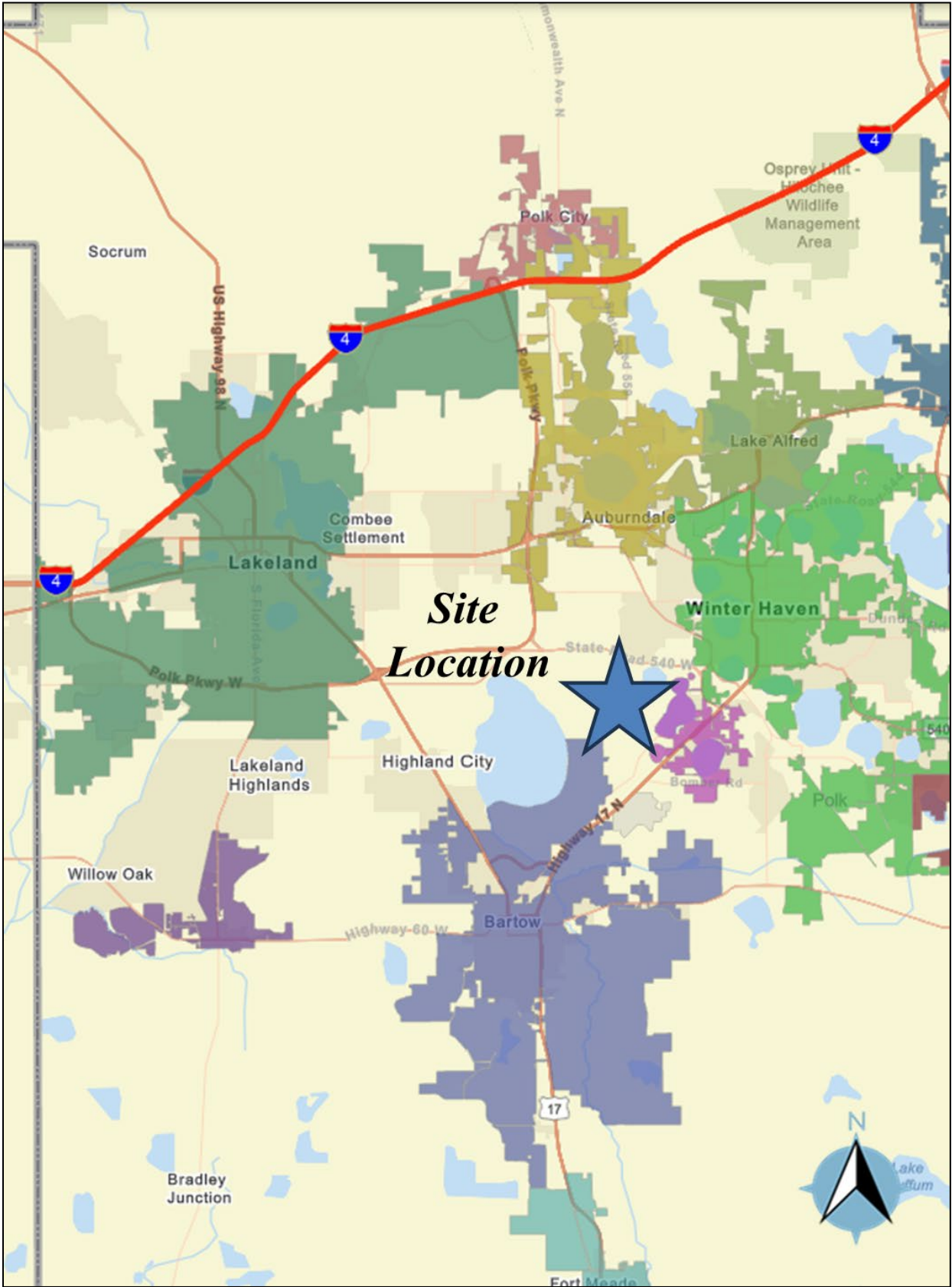
Table 8

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. Many of the conditions required in Section 303 will be enforced after a Level 3 Review.</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.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will require concurrency determinations from utilities, the School Board, and TPO. The impact on public services can be found in the analysis found in the staff report.</i>

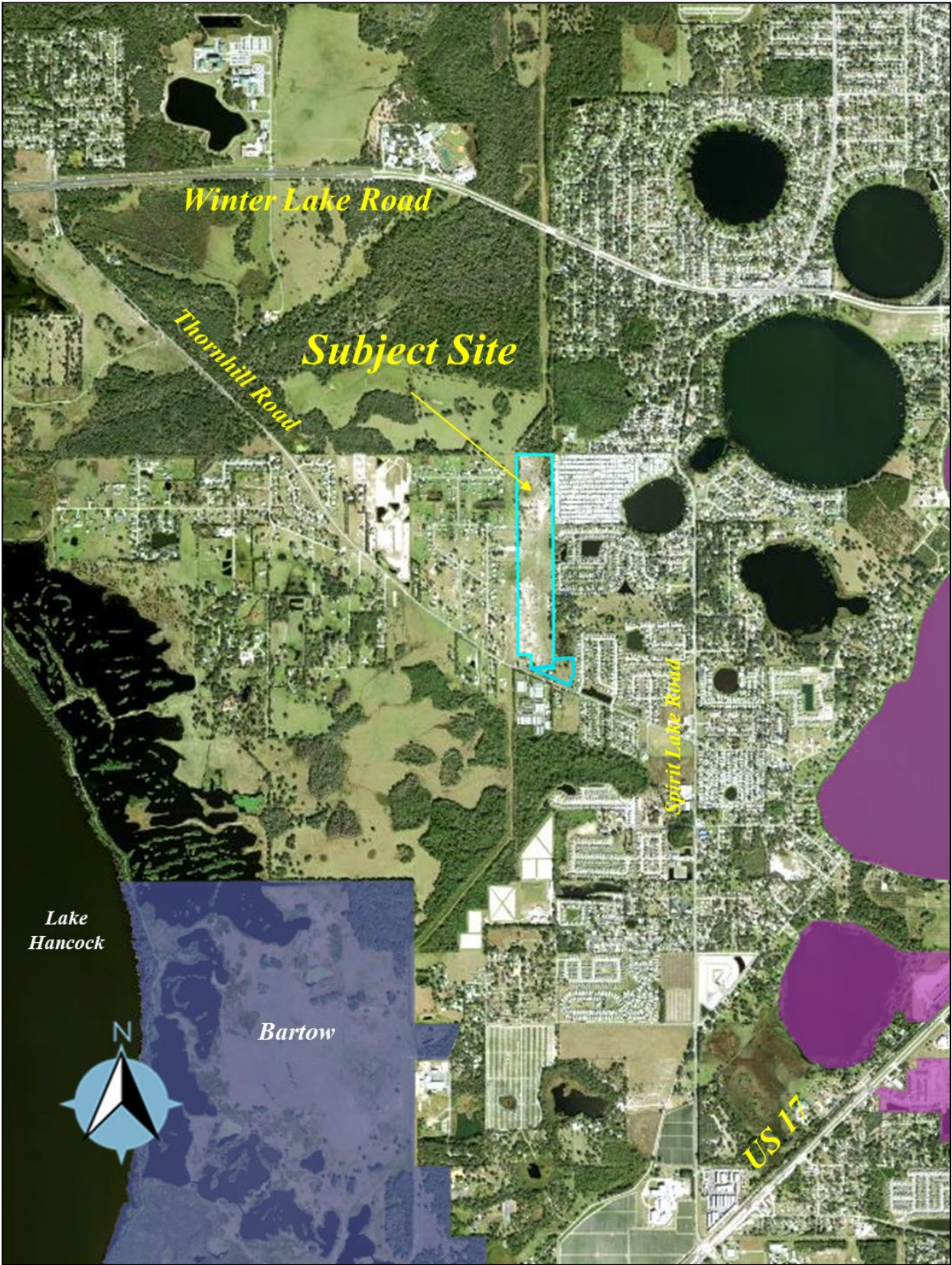
Comments from other Agencies: None

Exhibits:

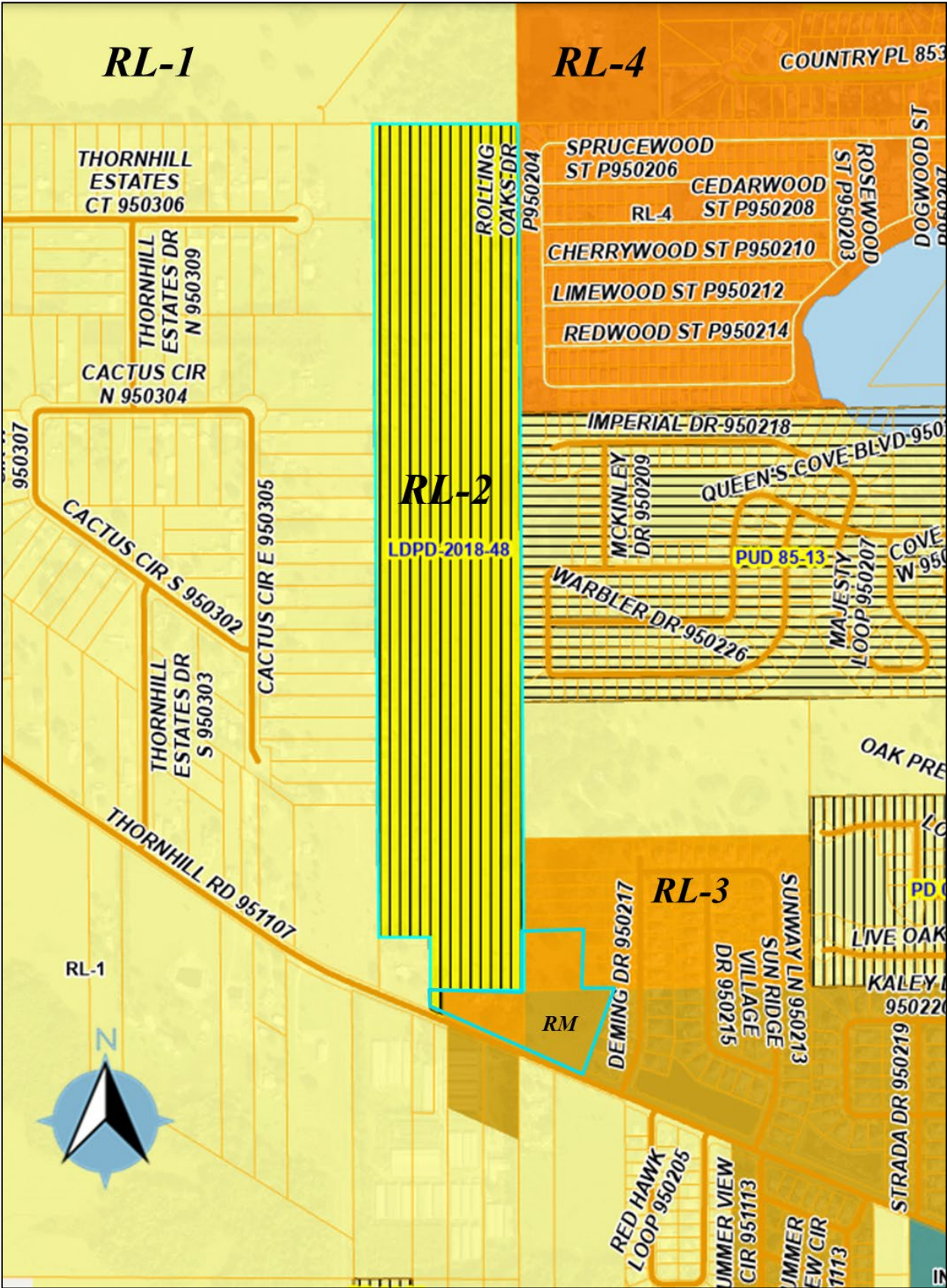
- Exhibit 1 Location Map
- Exhibit 2 Aerial Image (Context)
- Exhibit 3 Future Land Use Map
- Exhibit 4 Aerial Image (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Typical Lot Sizes
- Exhibit 7 Central Polk Parkway



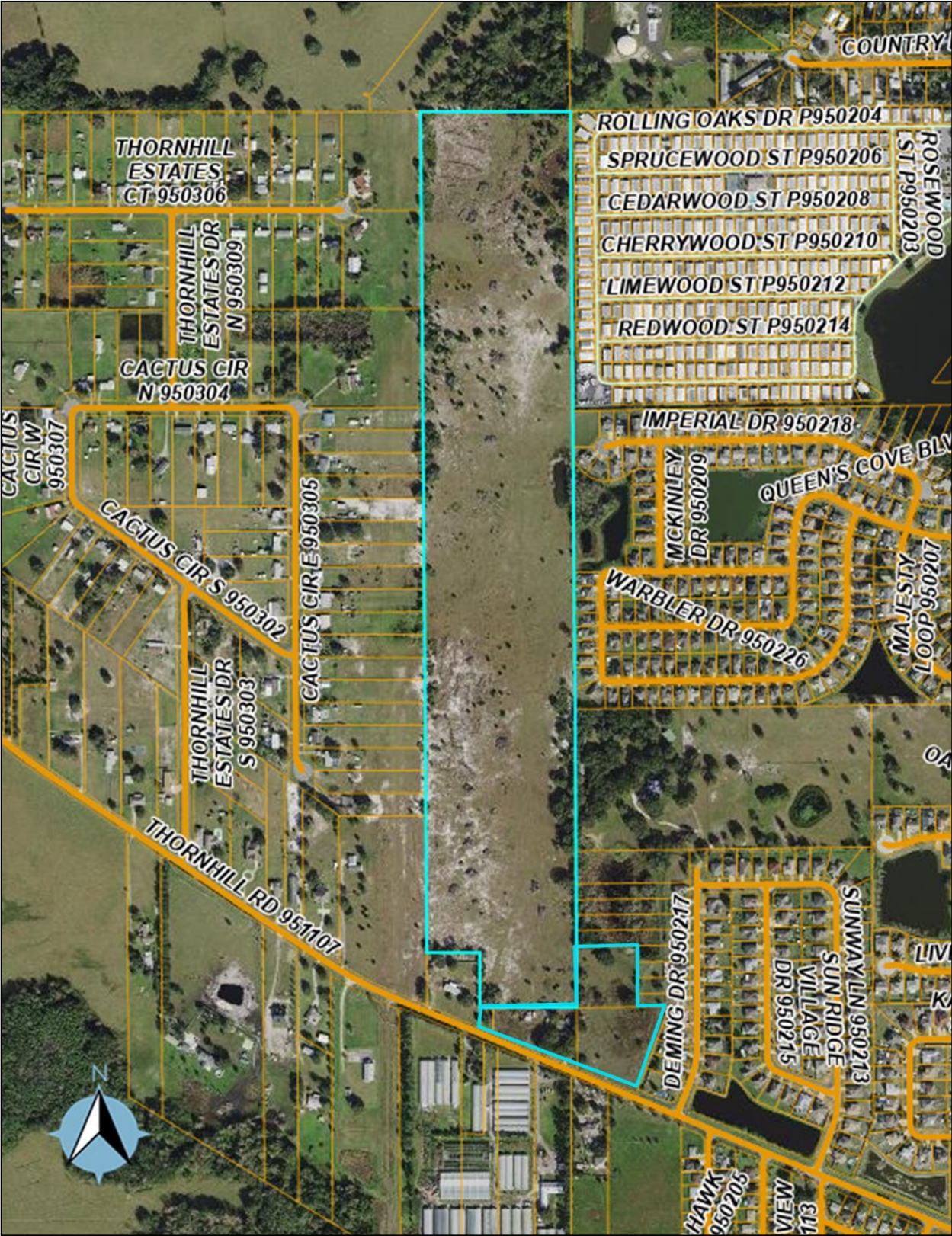
Location Map



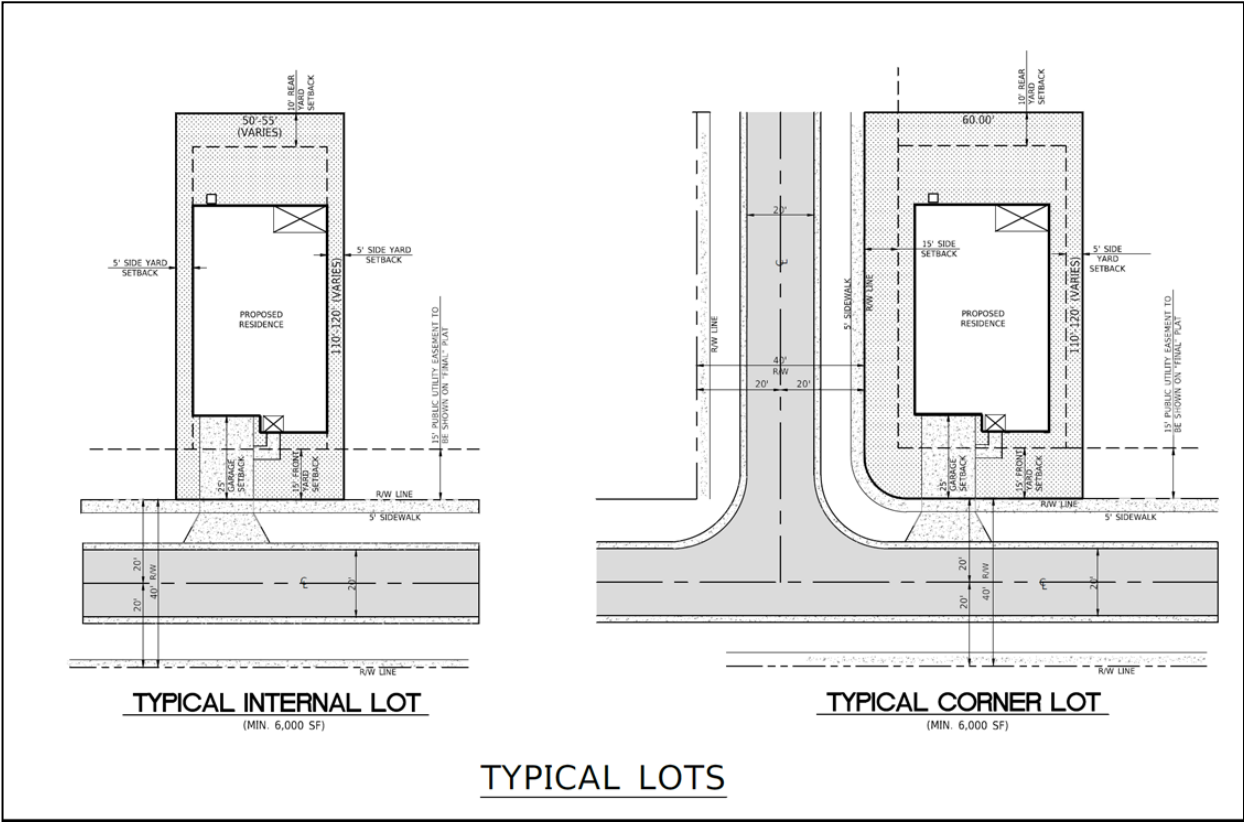
Aerial Image - Context



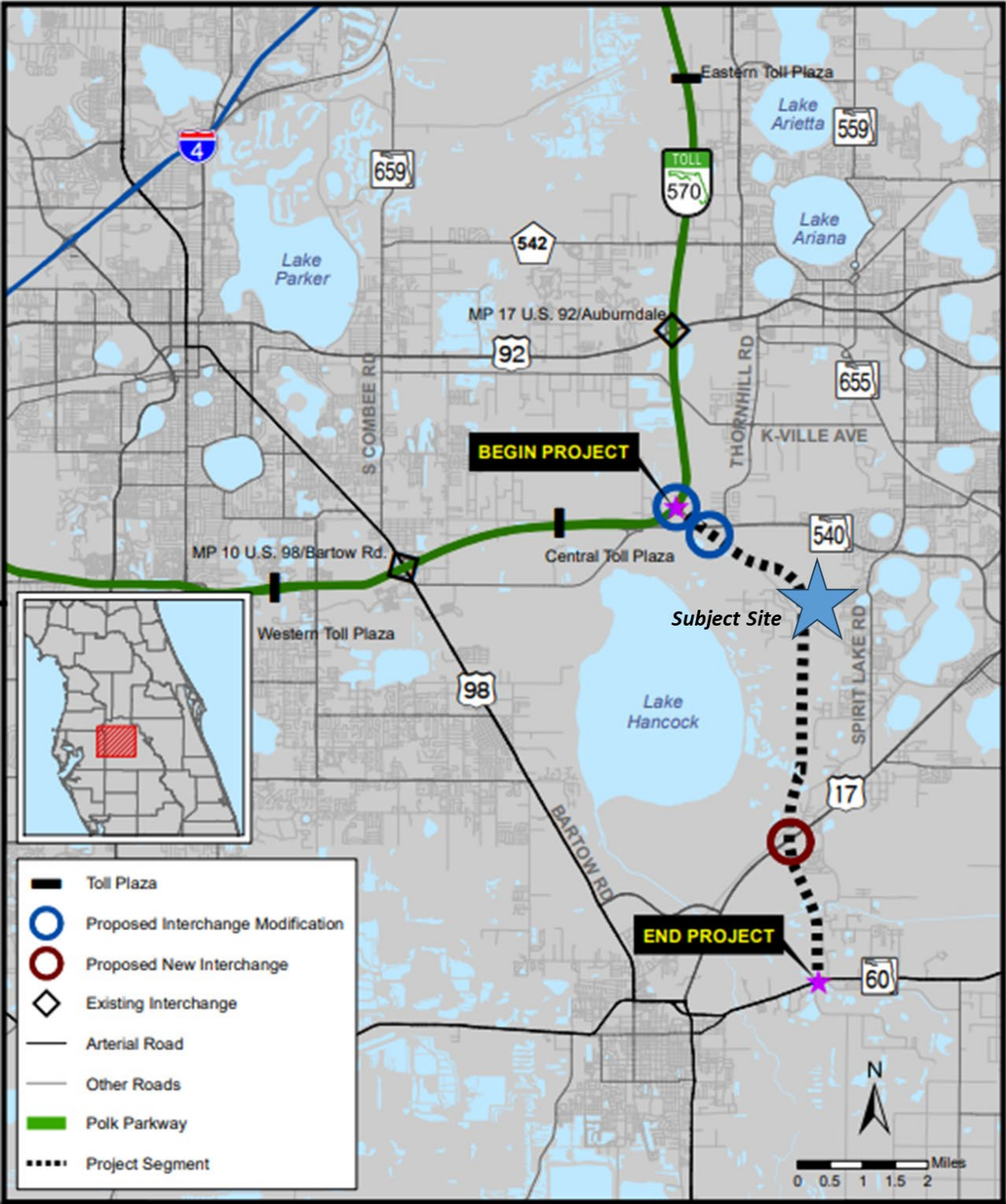
Future Land Use Map



Aerial Image - Close



Typical Lot Sizes



Central Polk Parkway

THORNHILL ROAD PROPERTY (SUN HAVEN LDPD-2018-48)
PD MODIFICATION
PROJECT NARRATIVE

The owner is requesting a proposed PD modification to add additional parcels to the existing PD and to change the use from mobile home park to single family residential. LDPD-2018-48 included Parcels 252903-000000-022030 and 252903-357010-000020 consisting of 58.95 +/- acres. Parcels 252902-000000-043030, 252902-000000-044010, 252903-000000-022040 shall be added to the PD and the total acreage will be approximately 64.91 +/- acres. The additional parcels are needed to provide adequate space for ROW dedication and anticipated turn lanes. The future land use is designated as RL-2, RL-3 and RM. The subject site is surrounded by residential land use districts of RL-1, RL-3, RL-4, and RM which includes mobile home and single-family residential subdivisions. The proposed PD modification to single family residential is compatible with the adjacent uses.

Density

As discussed with Polk County Planning Department, the PD modification will not be required to meet the new recreation and scoring requirements to achieve density. The density shall be reduced from 4.20 units/acre to 4.04 units/acre to allow for approximately 262 single family residential homes. Minimum lot size of 6,000 SF shall be maintained. Setbacks shall be maintained per the approved PD and the front yard garage setback shall be increased to 25'.

Open Space*

Open space shall be designed in accordance with the new PD requirements as indicated in Ordinance No. 2024-007.

Required Open Space: 20% x 64.49 acres = 12.90 acres

Proposed Open Space: 27.5% x 64.49 acres = 17.72 acres

*Open Space calculations based on the site area after ROW Dedication (Total Site 64.91 ac – 0.42 ROW Dedication = 64.49 ac net site area)

Offsite Improvements

Access to the site is proposed via one full access driveway on Thornhill Road. The development is projected to generate 2,448 daily trips, of which 179 trips occur during the AM peak hour, and 246 trips occur during the PM peak hour. A Type IV intersection connection is anticipated. A separate detailed Traffic Impact Analysis will be prepared at Level 2 permitting to identify the full impacts of the project. Please refer to the traffic statement prepared by Traffic & Mobility Consultants for a detailed report.

IMPACT ASSESSMENT STATEMENT FORM

An Impact Assessment Statement is required for all Level 3 and Level 4 Reviews, with the exception of text amendment requests. The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A sufficient Impact Assessment Statement must address all of the following (*Note: N/A is an insufficient comment, if N/A an explanation must be included*):

Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

1. How and why is the location suitable for the proposed uses?
The existing zoning of the property is currently an approved PD (LDPD-2018-48) with an underlying future land use of RL-2. The dominance of the surrounding area is residential. The proposed site is surrounded by a land use designation of RL-1, RL-2, RL-3 and RM. The location is suitable for the proposed PD modification and will be compatible with the residential patterns in the area. (See Exhibit C – Future Land Use Map)
2. What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?
There is no incompatibility between the proposed use and adjacent uses. Surrounding properties are designated residential. The owner is requesting a proposed PD modification to add additional parcels to the PD and to change the use from Mobile Home Park to Single Family Residential. Density shall be reduced from 4.20 units/acre to 4.04 units/acre. Minimum lot size of 6,000 SF shall be maintained. Buffering required by the LDC will be adhered to.
3. How will the request influence future development of the area?
The growth pattern in the area is for residential development. The proposed PD modification will continue this pattern.

Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response:

1. What is the number of vehicle trips to be generated daily and at the PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations. *A Minor Traffic Study shall be submitted during the Level 2 Review. Please see the enclosed traffic statement prepared by Traffic & Mobility Consultants: Below is a summary of trips:*

$$\text{Daily Trips} = 262 \text{ units} \times 9.34 = 2448 \text{ trips}$$

$$\text{PM Trips} = 262 \text{ units} \times .94 = 246 \text{ trips}$$

2. What modifications to the present transportation system will be required as a result of the proposed development?. *Access to the site will be along Thornhill Road via a standard driveway connection and turn lanes as dictated by Section 705 of the LDC. See enclosed Traffic Statement. A Type IV intersection is anticipated.*

A minor traffic study will suffice for a detailed methodology and calculations for most applications.

3. What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code? N/A
4. What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, and frontage roads)?
Access to the site will be provided via a driveway off Thornhill Road.

NOTE: *Applications for projects attributing 50 or fewer Average Annual Daily Trips (AADT) according to the latest Institute of Transportation Engineers (ITE) manual may provide a written explanation and justification of why impacts will not be significant in lieu of the required information for “**Infrastructure Impacts**” items 3 through 9 above.*

Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

1. What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (*Response may be based on Section 703.F of the LDC*)
The typical estimate daily sewage will be 70,740 GPD (262 units x 270 GPD) for the proposed single-family subdivision.

2. If on-site treatment is proposed, what are the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage? No, onsite sewage treatment proposed. *N/A*
3. If offsite treatment, who is the service provider? *N/A*
4. Where is the nearest sewer line (in feet) to the proposed development (Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code). *8" Gravity main on the south side near the intersection of Thornhill Rd and Redhawk Loop*
5. What is the provider's general capacity at the time of application? *Sewer Capacity is available*
6. What is the anticipated date of connection? *2025*
7. What improvements to the providers system are necessary to support the proposed request (e.g., lift stations, line extensions/expansions, interconnects, etc.)? *A central lift station with force main east of the subject site.*

Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

1. What is the proposed source of water supply and/or who is the service provider? *Polk County Utilities Central Regional Water System will be the service provider.*
2. What is the estimated volume of consumption in gallons per day (GPD)? (Response may be based on Section 703 of the LDC)
The typical estimated volume of consumption will be 94,320 GPD (262 units x 360 GPD) for the proposed single-family subdivision.
3. Where is the nearest potable water connection and re-claimed water connection, including the distance and size of the line? *There is an existing 12" water main along the southside of Thornhill Road*
4. Who is the service provider? *Polk County Utilities*
5. What is the anticipated date of connection? *2025*
6. What is the provider's general capacity at the time of application? *Water Capacity is available.*
7. Is there an existing well on the property(ies)?

Yes ☐

What type?

Permit Capacity

No ☒

Location: N/A

Water Use Permit #: N/A

Constructed prior to Water Management District Permitting: Yes ☐ No ☒

Type of Use: ☐ Ag ☐ Public ☐ Industrial or Commercial

☐ Recreation or Aesthetic ☐ Mining

Permitted Daily Capacity: N/A

Average Peak Monthly Withdrawal Rate: N/A

Location: N/A

Casing Diameter: N/A

Mainline Diameter: N/A

Surface Water Management and Drainage

Determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

8. Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);
There are some wetland and floodplain areas in Flood Zone A. There shall be no impacts to the wetlands. The design will facilitate water runoff into retention areas. Existing drainage patterns shall be maintained. (See Exhibit D – Floodplain & Wetlands Map)
9. What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?
There are no planned changes to the natural drainage features on site. No impacts to wetland areas are proposed. Treatment of stormwater from new impervious areas shall be properly permitted through the County and SWFWMD.

Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

1. Discuss the environmental sensitivity of the property and adjacent property in basic terms by identifying any significant features of the site and the surrounding properties.
The site is not environmentally sensitive. The site is designated as pasture with residential. There is an existing mobile home on parcel 252903-000000-022040 A demo plan shall be included with the Level 2 review. There will be no impacts to the adjacent properties. A environmental study shall be completed and if any endangered or threatened species are found, the proper agencies shall be notified.
2. What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.
There are some wetland and floodplain areas in Flood Zone A. There shall be no impacts to the wetlands. Stormwater treatment will be properly permitted with the County and SWFWMD.
3. Discuss location of potable water supplies, private wells, public well fields (*discuss the location, address potential impacts*), and; *There is an existing 12" water main along Thornhill Road. There are no known wells onsite based on a review of the SWFWMD WMIS Database.*
4. Discuss the location of Airport Buffer Zones (if any) (*discuss the location and address, potential impacts*). *N/A*
5. Provide an analysis of soil types and percentage of coverage on site and what effect it will have on development.
The soils onsite are a combination of Tavares Fine Sand, Smyrna and Myakka Fine Sand, Immokalee sand, Pomello Fine Sand, Placid and Myakka fine Sand, and St Lucie Fine Sand. The soils are suitable for the proposed PD. The proposed development will be developed around the natural features of the property. No additional improvements are anticipated. If additional improvements are planned in the future, they will be properly permitted through the County and SWFWMD. (See Exhibit E – Soils Map).

Infrastructure Impact Information

What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

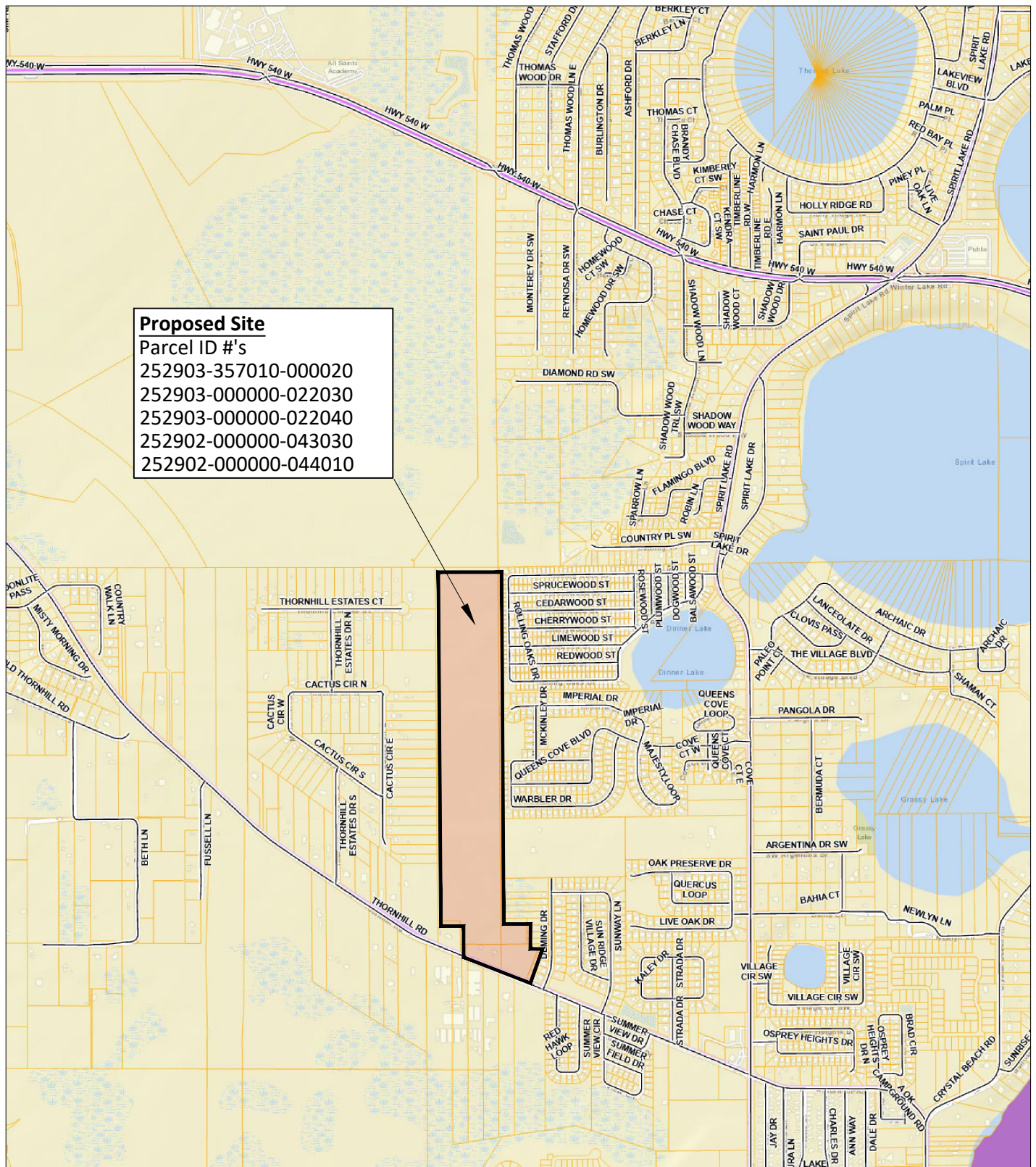
1. Parks and Recreation;
Sertoma Park, 1650 Lake Shipp Drive Green Rd, approximately 4 miles from site.
Marshall Hampton Reserve, 3115 Thornhill Rd approximately 3 miles from site
2. Educational Facilities (e.g., preschool, elementary, middle school, high school);
Eagle Lake Elementary School, approximately 4 miles from site
Westwoodl Middle School, approximately 3.5 miles from site.
Lake Region Senor High, approximately 6 miles from site
3. Health Care (e.g., emergency, hospital);
Winter Haven Hospital, , approximately 7 miles from site.
4. Fire Protection;
Polk County Fire Rescue Station # 460, approximately 3.5 miles from site; 4 minutes response time
5. Police Protection and Security;
Polk County Sheriff's Central District, 3635 Ave G NW approximately 4 miles from site; 12-15 minute response time
6. Emergency Medical Services (EMS);
Polk County Fire Rescue Station # 460, approximately 3.5 miles from site; 4 minutes response time
7. Solid Waste (collection and waste generation); and *Polk County*
8. How may this request contribute to neighborhood needs?

There is a growing need for additional residential home sites in the area, and the proposed PD modification will meet the demand.

Maps

Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scale shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following **maps shall 8 1/2" x 11"** and accompany Impact Assessment Statements:

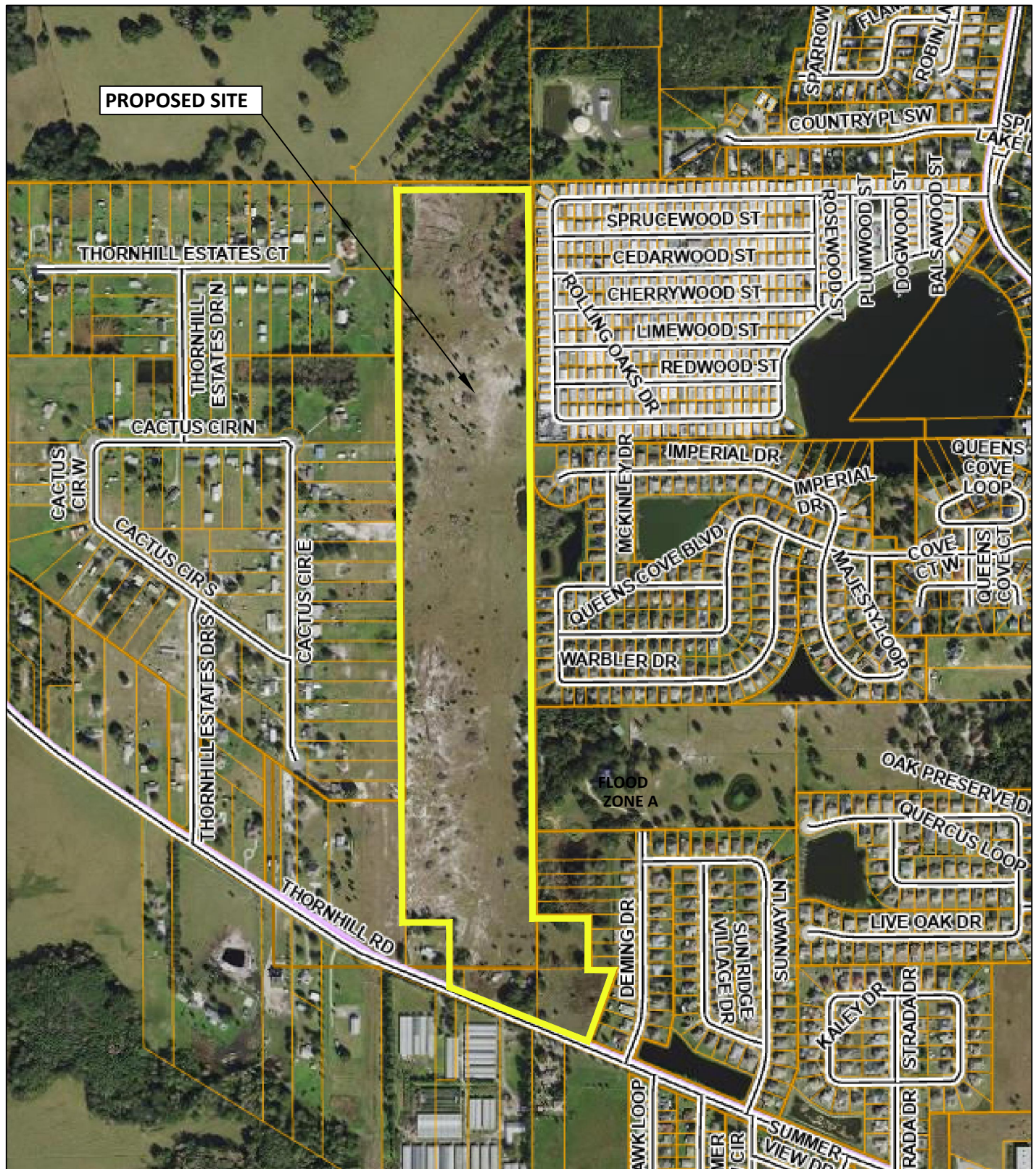
- Map A: A location map (center the site on the map) showing the relationship of the development to cities, highways, and natural features;
- Map B: Map depicting the site boundary (properties included in the request)
- Map C: A site plan consistent with *Site Plan Standards*² (multiple sheets may be used). In addition to the required number of copies please include an 8 1/2" x 11" copy. Applications for district changes alone are not required but are encouraged to submit a Development Plan; and



1925 BARTOW ROAD LAKELAND, FL 33801
OFFICE: (863) 940-2040 FAX: (863) 940-2044 CELL: (863) 662-0018
EMAIL: INFO@WOODCIVIL.COM

EXHIBIT A LOCATION MAP THORNHILL RD PROPERTY (SUN HAVEN)





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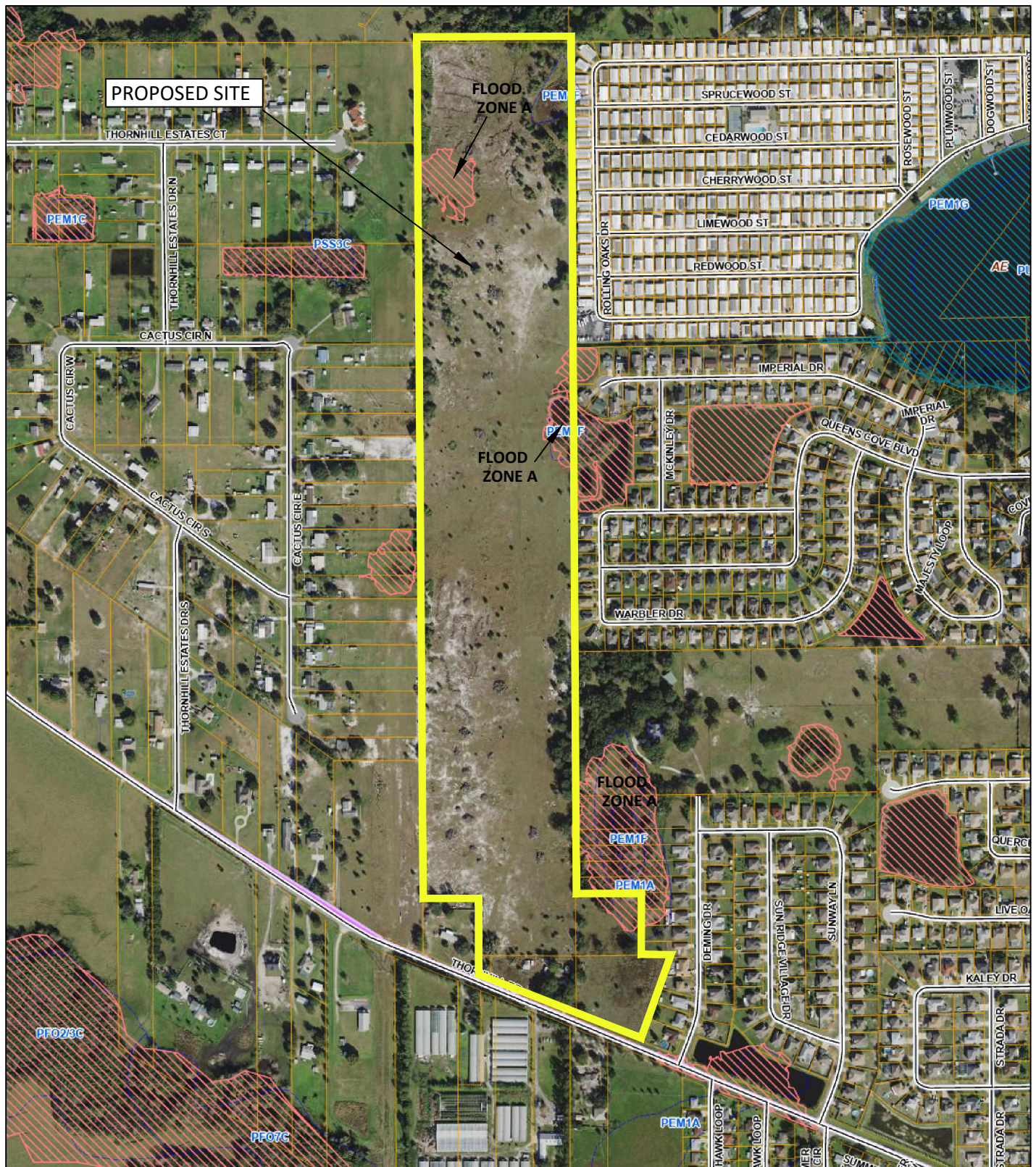
EXHIBIT B

AERIAL

THORNHILL RD PROPERTY

(SUN HAVEN)





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OFFICE: (863) 940-2040 FAX: (863) 940-2044 CELL: (863) 662-0018
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EXHIBIT D

FLOODPLAIN & WETLANDS MAP THORNHILL RD PROPERTY (SUN HAVEN)



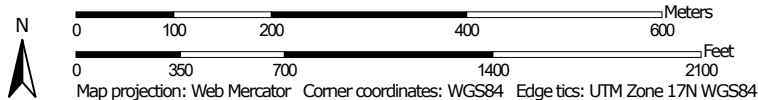
EXHIBIT E - SOILS MAP

Soil Map—Polk County, Florida
(THORNHILL RD SOILS MAP)



Soil Map may not be valid at this scale.

Map Scale: 1:7,740 if printed on A portrait (8.5" x 11") sheet.



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

7/22/2024
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Polk County, Florida

Survey Area Data: Version 21, Sep 6, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 6, 2022—Mar 21, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15	Tavares fine sand, 0 to 5 percent slopes	24.6	39.2%
17	Smyrna and Myakka fine sands	20.1	31.9%
21	Immokalee sand	5.0	7.9%
22	Pomello fine sand	2.9	4.6%
25	Placid and Myakka fine sands, depressional	5.5	8.8%
29	St. Lucie fine sand, 0 to 5 percent slopes	4.8	7.6%
Totals for Area of Interest		62.9	100.0%

LDPD-2024-14 - SUN HAVEN PD MODIFICATION

Menu

Reports

Help

Application Name: [SUN HAVEN PD MODIFICATION](#)

File Date: [08/01/2024](#)

Application Type: [PC-Planned Development](#)

Application Status: [In Review](#)

Application Comments:

View	ID	Comment	Date
------	----	---------	------

Description of Work:

The owner is requesting a proposed PD modification to LDPD-2018-48 to add additional parcels to the existing PD and to change the use from mobile home park to single family residential. LDPD-2018-48 included Parcels 252903-000000-022030 and 252903-357010-000020 consisting of 58.95 +/- acres. Parcels 252902-000000-043030, 252902-000000-044010, 252903-000000-022040 shall be added to the PD and the total acreage will be approximately 64.91 +/- acres. Please see Narrative for additional information.

Application Detail:

Address: [THORNHILL RD, WINTER HAVEN, FL 33880](#)

Parcel No: [252903357010000020](#)

Owner Name: [LBB863 LLC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Nicki Rowan	Wood & Associat...	Applicant	Mailing, 1925 Bartow R...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #
---------	----------------	--------------	------	---------------	--------------------

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$4,471.00](#)

Total Fee Invoiced: [\\$4,471.00](#)

Balance: [\\$0.00](#)

Custom Fields:

LD_GEN_PUB

PUBLIC HEARINGS

Development Type

[Planning Commission](#)

Application Type

[Planned](#)

[Development Major Modification](#)

Brownfields Request

-

Affordable Housing

GENERAL INFORMATION

Expedited Review

Number of Lots

[262](#)

Will This Project Be Phased

Acreage

[64.91](#)

DRC Meeting

[08/28/2024](#)

DRC Meeting Time

-

Rescheduled DRC Meeting

-

Rescheduled DRC Meeting Time

-

Green Swamp

[No](#)

Number of Units

-

Case File Number

[LDPD-2018-48](#)

Is this Polk County Utilities

-

Is this Application a result of a Code Violation

[No](#)

One Year Extension

-

FS 119 Status

[Non-Exempt](#)

Code Violation Case Number

-

ADVERTISING

Legal Advertising Date

-

BOCC1 Advertising Date

-

BOCC2 Advertising Date

-

Advertising Board

[Planning Commission](#)

MEETING DATES

Community Meeting

-

Planning Commission Date

[11/06/2024](#)

Land Use Hearing Officer 3

-

1st BOCC Date

-

2nd BOCC Date

-

LUHO-Level 3

-

HEARING

PC Hearing Results

PC Vote Tally

BOCC 1st Hearing Results

BOCC 2nd Hearing Results

BOCC 1st Vote Tally

BOCC 2nd Vote Tally

FINAL LETTER

Denovo Appeal

Denovo Tally

LD_GEN_PUB_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID

POLKCO-24EST-00000-36952

RequiredDocumentTypesComplete

Yes

DocumentGroupforDPC

DIGITAL PROJECTS LD

AdditionalDocumentTypes

Applications, AutoCad File, Binding, Site Plans, (PDs, Yes and CUs), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion

RequiredDocumentTypes

Activate DPC

Activate FSA

Yes

DigitalSigCheck

Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

Y

SELECTED AREA PLANS

Selected Area Plans

N/A

LAND USE

Selected Area Plan LU Code

Not in an SAPRL-2 - Residential Low

Not in an SAPRL-3 -Residential Low

Not in an SAPRM - Residential Medium

DEVELOPMENT AREA

Development Area

Urban Growth

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

Workflow Status:	Task	Assigned To	Status	Status Date	Action By		
	Application Submittal	Lyndsay Rathke	Application ...	08/06/2024	Lyndsay Rathke		
	Engineering Review	Clinton Howerton					
	Fire Marshal Review	Kim Turner	Approve	08/13/2024	Kim Turner		
	Planning Review	Ivan Nance	Approve	08/14/2024	Ivan Nance		
	Surveying Review	Steve McQuaig					
	School Board Review	School District					
	Roads and Drainage Review	Phil Irven	Approve	08/07/2024	Phil Irven		
	Review Consolidation	Lyndsay Rathke					
	Staff Report						
	Public Notice						
	Hearing						
	BOCC Hearing						
Final Letter							
Archive							
Condition Status:	Name	Short Comments		Status	Apply Date	Severity	Action By
	Disclaimer	Note: The applicant/ow...		Informati...	08/14/2024		
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments		

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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**POLK COUNTY PLANNING COMMISSION
FINAL ORDER**

Case Number: LDPD-2024-14 (Thornhill Road PD Mod.)

Applicant: Wood & Associates

Property Owner: LBB863 LLC, Chester Rasnake

Hearing Date: November 6, 2024

I. Request:

The applicant is requesting approval of a modification to LDPD-2018-48 to change from a 247-lot mobile home park to a 262-lot single-family detached-unit subdivision. The request includes reduced setbacks and additional acreage.

II. Findings:

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of this Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. 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
 - d. How the concurrency requirements will be met if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 303 and 906.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.
5. Concurrency requirements can be met if the development is built.

III. Incorporation of the Record

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

IV. Planning Commission's Decision:

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report.

V. Effective Date, Appeals:

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 6th day of November **2024**, by the Polk County Planning Commission.

Polk County Planning Commission

ATTEST:

By: _____
Robert Beltran, Chair

By: _____
Lyndsay Yannone, Recording Secretary

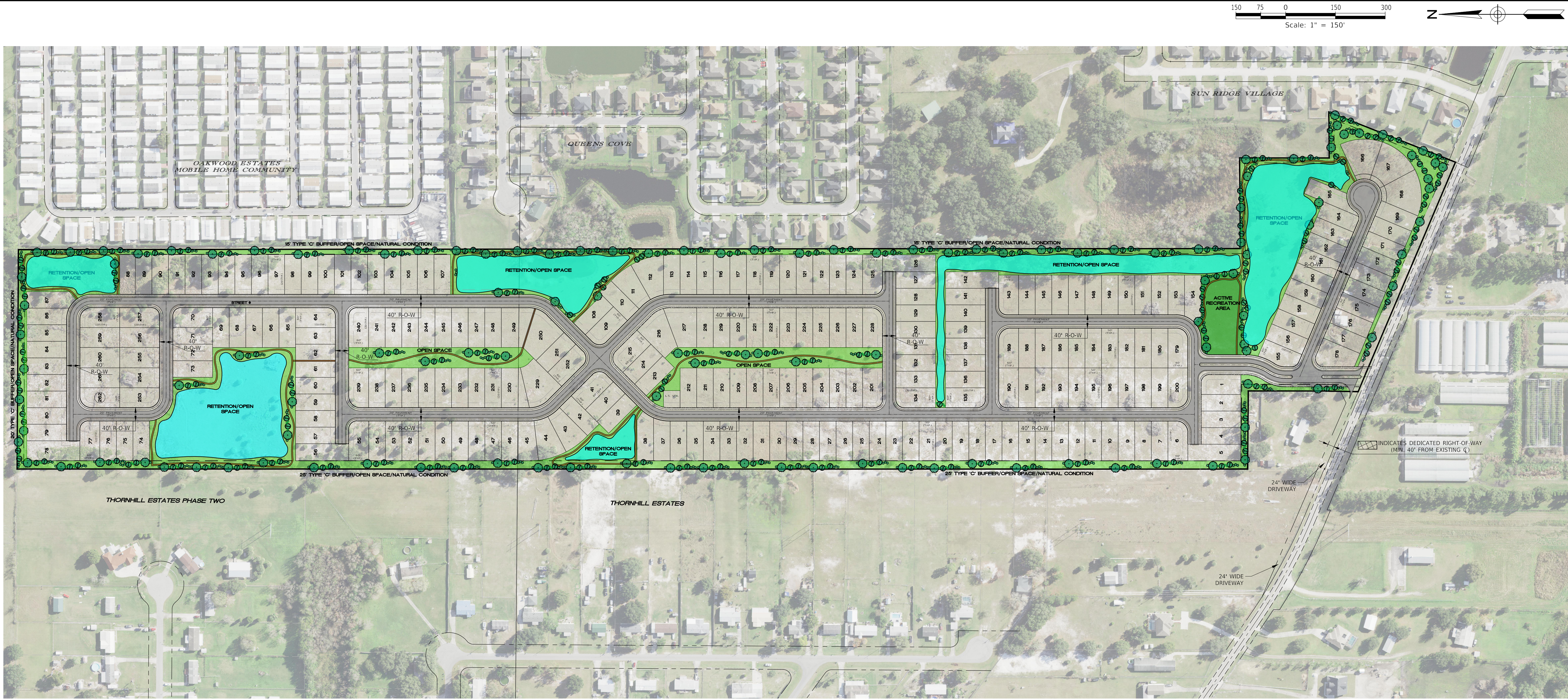
Date rendered to the Clerk: _____

Exhibits to Planning Commission's Order

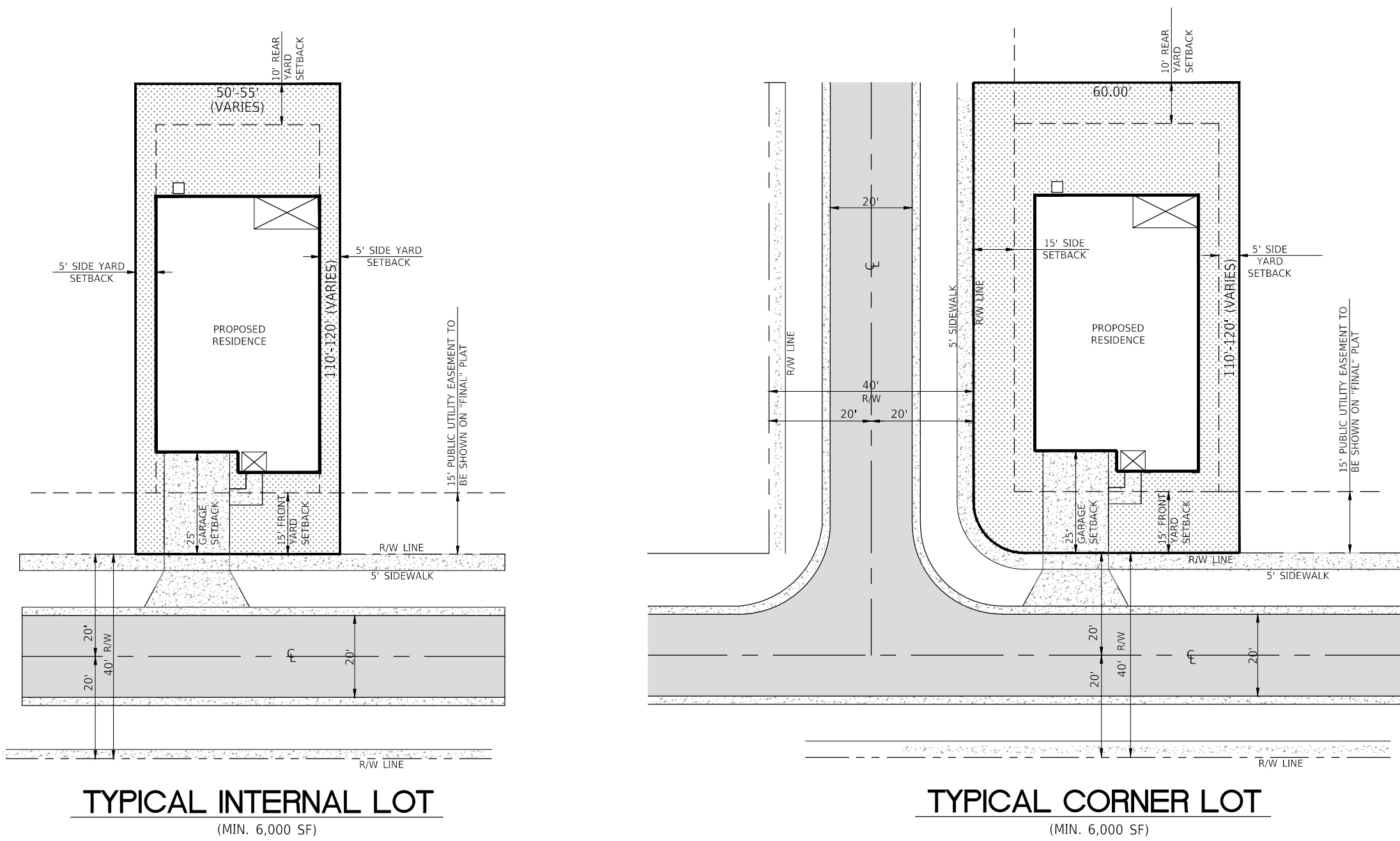
Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File
Erin Valle, Clerk of Court (under separate cover)

Z:\Drawing Files\SUN HAVEN PROPERTY\REF DWG\Sun Haven - Layout 7.dwg Renee Cartwright\Plot Date:10/4/2024



PD PLAN (MODIFICATION OF LDPD-2018-48)



TYPICAL LOTS

PROPOSED SETBACKS:
FRONT = 15' BUILDING / 25' GARAGE
REAR = 10'
SIDE = 5'
SIDE STREET = 15'
15' PUBLIC UTILITY EASEMENT
ACCESSORY STRUCTURE = 5' (REAR / SIDE)

UTILITY PROVIDERS
WATER: POLK COUNTY UTILITIES
SANITARY: POLK COUNTY UTILITIES
TELEPHONE: FRONTIER COMMUNICATIONS
CABLE: SPECTRUM
ELECTRIC: TECO ELECTRIC

PROJECT AREA CALCULATIONS

TOTAL PROJECT AREA = 64.91 AC.
PROPOSED R-O-W DEDICATION = 0.42 AC.
NET PROJECT AREA = 64.49 AC.

ACTIVE RECREATION AREA = 0.74 AC.
OPEN SPACE AREAS = 1.90 AC.
LANDSCAPE BUFFER / NATURAL AREAS = 4.94 AC.
TOTAL GREEN / BUFFER / NATURAL AREA = 7.58 AC. = 11.8%

RETENTION AREAS* / OPEN SPACE = 10.14 AC.
TOTAL OPEN SPACE / RETENTION AREAS = 17.72 AC. = 27.5%

* NOTE: RETENTION AREAS SHALL BE DESIGNED TO BE CURVILINEAR WITH NATURAL SHAPING AND LANDSCAPED TO MEET THE CANOPY AND UNDERSTORY TREE REQUIREMENTS OF A 'TYPE C' LANDSCAPE BUFFER, SECTION 720 OF POLK COUNTY LDC.

LEGAL DESCRIPTION:
SEE ATTACHED IN APPLICATION

SITE DATA:

PARCEL ID:

- 252903-357010-000020
- 252903-000000-022030
- 252903-000000-022040
- 252902-000000-043030
- 252902-000000-044010

PROPOSED UNITS = 262 SINGLE FAMILY LOTS
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
CURRENT PD DENSITY = 4.20 UNITS / ACRE
PROPOSED PD DENSITY = 4.04 UNITS / ACRE
MINIMUM LOT SIZE = 6,000 S.F.

REVISIONS

DATE NO.

WOOD & ASSOCIATES
Engineering, LLC
1505 BARTON ROAD LAKELAND, FL 33801
OFFICE (863) 940-2040 FAX (863) 940-2044
CERTIFICATE OF AUTHORIZATION NO. 23048

**SUN HAVEN
HIGHLAND HOMES**

CITY OF WINTER HAVEN,
POLK COUNTY, STATE OF FLORIDA

JOHN R. BANNON
P.E. #84128 (FL)
PROFESSIONAL ENGINEER
NOT VALID WITHOUT SEAL

PD PLAN

SHEET:
1 OF 1



Polk County
Planning Commission

Agenda Item 9.

11/6/2024

SUBJECT

LDCT-2024-23 (Non-Conforming Number of Units on One Property)

DESCRIPTION

A County initiated LDC text amendment to Chapter 1, Section 120, Non-Conformities, Subsection 120.I Expansion of Residential Uses, to allow lots with multiple units in existence for over 20 years to subdivide regardless of the minimum lot size provided certain conditions can be met; amending Subsection 120.J Expansion of Non-Residential Development to correct a section reference; providing for severability; providing an effective date.

RECOMMENDATION

Recommend approval to the Board of County Commissioners

FISCAL IMPACT

No Fiscal Impact.

CONTACT INFORMATION

Erik Peterson, AICP
Planning Administrator
Land Development Division
(863) 534-6470
erikpeterson@polk-county.net

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	October 17, 2024	Level of Review:	4
PC Date:	November 6, 2024	Type:	LDC Text Amendment
BoCC Date:	November 19, 2024	Case Numbers:	LDCT-2024-23
	December 3, 2024	Case Name:	Non-Conforming Number of Units on One Property
Applicant:	Polk County	Case Planner:	Erik Peterson, AICP

Request:	An LDC text amendment to Chapter 1, Section 120, Non-Conformities, Subsection 120.I Expansion of Residential Uses, to allow lots with multiple units in existence for over 20 years to subdivide regardless of the minimum lot size provided certain conditions can be met; amending Subsection 120.J Expansion of Non-Residential Development to correct a section reference; providing for severability; providing an effective date.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing

The changes to Chapter 1, Section 120.I, Expansion of (non-conforming) Residential Uses are:

- Adding “or Subdivision” to the title.
- Deleting the current text referring to multiple units on one lot and replacing it with specific language to enable lots with multiple units on them to subdivide regardless of minimum lot size so long as they adhere to strict criteria:
 - Existed for more than 20 years,
 - Necessary for financing or grant funding,
 - Not in a mobile home park,
 - Not an accessory dwelling unit,
 - Meets side and rear setbacks, and,
 - Does not share a well or septic with another property.
- Land Development Director makes the determination and can grant setback relief administratively.

The changes to Chapter 1, Section 120.J, Expansion of (non-conforming) Non-Residential Uses are:

- Changing the reference of Section 120 I.1.c. to Section 120 J.1.c. because a previous amendment reordered the section without making adjustment to the references cited in the section.

Summary:

The purpose of this ordinance is to provide acceptance of some non-conforming dwelling unit and property ownership situations that were created in the distant past due to varied code interpretations or mistakes by unknowing property owners. There are many properties throughout the County where there are multiple detached dwellings on a property, either single-family or mobile home, that are inconstant with Section 221.A of the Land Development Code (LDC) that states, “*In a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code.*” This standard has existed since the first zoning ordinance was amended in 1971, but not equally administered to all residential districts and in all situations throughout the many iterations of the ordinance. This policy change offers forgiveness to those who may have not been aware of the County zoning rules as well as accounting for inconsistencies of past ordinances with current regulations.

This amendment provides a very limited exception to the minimum lot size of a land use district and other subdivision regulations for units older than 20 years that have a need to subdivide to obtain a loan or grant for home improvements or unit replacement. It does not apply to mobile home parks or residences permitted as an accessory dwelling unit. Also, the units on the new and parent lots must be able to meet the setback requirements for the district and not share well or septic tank with separate lot.

Data and Analysis Summary

Staff have reviewed past ordinances dating back to November 4, 1970, and noted ambiguities and inconsistencies with current regulations. Staff has reviewed past building permits and mobile home park permitting. Staff has researched the non-conforming use sections in the land development regulations of 12 similar or abutting counties and Polk’s two largest cities for how multiple units on one lot is addressed.

This amendment applies to residential and non-residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern. Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection.

There are no conflicts with the Comprehensive Plan or Florida Statutes in the implementation of this amendment. POLICY 2.128-C1 of the Comprehensive Plan defers both nonconformities and subdivision standards to the Land Development Code. Chapter 163 and 177 of the Florida Statutes address state regulations and the process for subdividing land. Staff found no inconsistencies with these statutes.

Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 1, Section 120, Non-Conformities, Subsection 120.I Expansion of Residential Uses, to allow lots with multiple units in existence for over 20 years to subdivide regardless of the minimum lot size provided certain conditions can be met, and amending Subsection 120.J Expansion of Non-Residential Development to correct a section reference.*
2. *This amendment applies to parcels in the unincorporated area that have had multiple detached residential dwellings for more than 20 years.*
3. *POLICY 2.128-C1 of the Comprehensive Plan states “Through the implementation of its Land Development Code, Polk County shall regulate the subdivision of land in a manner consistent with the requirements of Florida Statutes to ensure:*
 - a. *Legal access to public rights-of-way;*
 - b. *Proper designation of rights-of-way and easements for roads, public utilities, and other public uses;*
 - c. *The orderly provision of community services including police, fire, and emergency medical services, and;*
 - d. *Compliance with local land use policies and regulations.”*
4. *POLICY 2.128-C5 of the Comprehensive Plan states “except for multiple-family structures either under one ownership or as a condominium or plat or detached residential structures under one management company used for rental purposes, there shall be no more than one dwelling unit permitted per parcel or lot.”*
5. *Section 221.A of the Land Development Code states “in a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code.”*
6. *Chapter 163.3179 of the Florida Statutes states that “a local government may include in its comprehensive plan a provision allowing the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan. Such a provision shall apply only once to any individual.”*
7. *POLICY 2.132-E12 of the Critical Area Resource Management Plan states that “all development within the TSDA, UGA, and UEA shall be required to connect to a centralized regional sewer system at the time of development, with lots of record being exempt from this requirement. Where septic tanks are permitted within the CARMP, the minimum lot size shall be no smaller than 40,000 sq. ft”*
8. *This amendment changes the regulations of residential properties in the Green Swamp Area of Critical State Concern but does not permit a lot smaller than 40,000 square feet unless connected to a public wastewater service.*
9. *Planning staff has reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County. Staff found only one jurisdiction that allowed for a non-conforming subdivision if there were multiple units on a property, and that was only under an agricultural family estate. Only two jurisdictions gave exception for substandard lots that resulted from imminent domain.*

Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2024-23.

Analysis

Introduction

Section 120.I of the Land Development Code addresses almost every question regarding the expansion non-conforming residential uses, structures, and properties. However, the regulations regulating multiple units on one property are contradictory and do not address the potential for subdividing. The policy states that properties with multiple units on them can add more units if the land use district permits but it must be consistent with Section 221.A and Chapter 8 which specifically prohibit multiple units on one property. It also requires any lots created to meet the minimum standards of the district. Therefore, staff recommends this section of the code be removed and replaced with new language that is meaningful and fulfills the direction of the Board.

The County has many properties with multiple detached dwellings on them that have been in existence prior to the codes that prohibit them. Staff is recommending new language that provides a remedy for these properties so that the extra units can be maintained and improved in the future. Many lending institutions and government grant and loan programs will not provide funds to properties with multiple dwellings on them. However, many times the owner cannot legally subdivide the property due to the Future Land Use Map designation minimum lot size requirements. The units on these properties have often aged significantly since they were originally allowed. Therefore, repairs and sometimes replacement is needed. To afford repairs or replacement, financing or sometimes grants are needed. Many grant and loan programs require the home to be on a separate parcel. Without use of these financial mechanisms, the units may fall into disrepair and dilapidation. Since such blight is never in the County's best interest, staff believes that it is furthering the County's higher goals to accommodate a better process for remedy than what currently is provided in the code.

Homes that have thrived for over 20 years on a property are assimilated into the existing infrastructure and have been excepted by the surrounding property owners. Merely recording deeds and drawing lot lines does not change that reality. The homes are there. People live in them. They are not a burden to the community. It is in the public's best interest that they are given the opportunity for improvement. A narrow exception should be made to allow the subdividing of these properties so that they are able to qualify for needed grants and loans to be maintained and improved.

It is equally important that this proposed amendment not condone problematic subdivision of mobile home parks or enable accessory dwelling units to become primary units. It is also important that any lots created be in compliance with district setbacks and have the necessary roadway easement access or roadway frontage in accordance with current codes. Most of all, it is vital that these new lots are able to function independently through their own water and wastewater source or connected to a public source. Therefore, six standards are recommended to assure that this amendment serves the residents it is intended to serve and not be a caveat for circumventing other land development codes and rules. These six criteria are as follows:

- Multiple units have been present on the property for at least 20 years.
- Subdividing of the property is necessary to secure financing or qualify for grants for improvement or replacement of the dwelling.
- The property is not part of a mobile home park.
- The unit in question was not originally permitted as an accessory dwelling unit.
- Interior side and rear setbacks of the Future Land Use Map district are met by all properties (residual and created).
- Each property created has public road frontage or access easement, source of potable water, and septic waste disposal or be able to connect to public sources.
- No lot created in the Green Swamp Area of Critical State Concern may be less than 40,000 square feet unless it can connect to a public wastewater system.

These criteria are intentionally narrow to provide assurance that all other Comprehensive Plan, Land Development Code, state and regulatory agency rules will be followed. Each request will be reviewed by the Land Development Director, or a staff member directly assigned to assure that all criteria are met.

Benefit-cost Analysis of the Amendment

Who does it help?

This ordinance will help homeowners with multiple dwelling units on their property that need financial assistance to improve one or more of their dwellings. It will also assist family members living on parcels with multiple dwelling units who desire to have independent ownership of a dwelling they share with their relative. Throughout Polk County there are an extensive number of properties where families have housed their children, parents, or siblings on their property in an independent separate dwelling without subdividing. This practice was once permitted in certain residential districts and under past land use codes.

Who does it hurt?

This exception will only apply to properties with multiple residential dwellings that have historically existed on a property for over 20 years which is a point where the community and neighboring property owners around them have accepted their existence. Twenty years is considered a generation. It will not create a new burden on public infrastructure.

What is the cost?

A Business Impact Estimate pursuant to FS 125.66 (3)(a) has been prepared as an attachment to the casefile. Staff has analyzed potential costs to the public, environment, and visual aesthetics. It does not appear that any individual or organization will be burdened by creating this exception in the code.

Regulatory History

The first zoning restriction limiting the number of units on a single-family lot became effective on May 20, 1971 (Ord. 1971-001). Prior to that, it was not uncommon for some areas to have more than one home on a single property. Also, this provision only applied to Residential certain “RD” districts later to be referred to as RE-1, RE-2, R-1, R-2, and R-3 districts, The Rural Conservation (RC) or R-4 districts allowed multiple units on one property provided the density limits were not exceeded. This multiple units per lot exception continued through to the 1983 rewrite of the zoning

ordinance (Ord. 1983-002) with the addition of the multifamily districts which was in effect until September 1, 2000. Also, there was another exception created with the adoption of the Minimum Development Standards Ordinance for Mobile Home, Recreational Vehicle, and Camping Accommodations Ordinance 72-13 in December of 1972. This ordinance established development and operational standards for a mobile home park of four or more units. Therefore, it was assumed that any accumulation of three or fewer mobile homes on a single property was acceptable.

Limits of the Proposed Ordinance

This amendment applies to all properties located in the unincorporated area of the County with multiple residential dwelling units on them that have existed for more than twenty (20) years regardless of the Future Land Use Map district. It does not apply to mobile home parks or parcels where an accessory dwelling unit had been permitted in accordance with LDC Section 206.A.

Since this amendment applies to residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, it includes the Green Swamp Area of Critical State Concern. Staff has observed that there are some properties that may qualify for this proposed exemption in the Green Swamp. However, a condition remains that no property may be less than 40,000 square feet unless it is served by a public wastewater system. Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the Florida Commerce Community Planning Department Areas of Critical State Concern Program. Staff believes that this amendment will have no impact on the Critical Area since it does not allow the creation of new dwelling units.

Comparisons to other Jurisdictions:

Staff commonly survey counties on the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. Staff found only one jurisdiction that allowed for a non-conforming subdivision if there were multiple units on a property, and that was only under an agricultural family estate. Only two jurisdictions gave exception for substandard lots that resulted from imminent domain.

Table 1

Jurisdiction <i>(Code citation)</i>	Are non-conforming multiple units on one lot addressed?	Is subdivision of the lot allowed?	What other exceptions to lot size are allowed?
Alachua County <i>Section 408.22</i>	Yes.	Yes, if it is in Agriculture and part of a family estate.	Imminent Domain
Brevard County <i>Sub. II</i>	No.	No.	The owner may make application for a waiver of up to but not exceeding ten percent of the required lot size.
Duval County <i>Section 656.7</i>	No.	No.	None.
Hardee County <i>Sec. 7.16.00</i>	No.	No.	None.
Highlands County <i>Section 12.06</i>	No.	No.	Imminent Domain

Table 1

Jurisdiction <i>(Code citation)</i>	Are non-conforming multiple units on one lot addressed?	Is subdivision of the lot allowed?	What other exceptions to lot size are allowed?
Hillsborough County <i>Section 11.03</i>	Yes.	No.	Certification of mobile home park is now required regardless of how many but does not mean that it can get proper zoning. Connection to sewer required.
Lake County <i>Sec. 1.08.00</i>	No.	No.	Non-conforming lots without 40' of public road frontage are not replaceable unless the property owner(s) agrees to be subject to a special assessment for road improvements.
Manatee County <i>Section 107</i>	No.	No.	Vacant lot(s) may be separated from the lot with a structure provided the lot with the structure maintains minimum district setbacks adjacent to the lot being separated.
Orange County <i>Article 3, Section 38</i>	No.	No.	No.
Osceola County <i>Article 1.4</i>	Yes.	No.	Land that accommodates nonconforming uses may only be subdivided if the subdivision does not increase or intensify the extent or size of the nonconforming use.
Seminole County <i>Sec. 30.3.10</i>	No.	No.	Mobile homes may not be replaced more than two time unless in a mobile home park.
Volusia County <i>Section 72-206</i>	Yes.	No.	Nonconforming lots must apply for a variance to build or rebuild.
City of Lakeland <i>Article 13Fi</i>	Yes.	No.	Lots and parcels created prior to July 18, 1950, that do not meet the minimum lot area, lot width and/or lot depth requirements of this Code, may be built upon without recourse to a variance, provided that all height, setback and other applicable dimensional requirements are met.
City of Winter Haven <i>Sec. 21-435</i>	No.	Only with Special Magistrate Review.	No.

While a few more jurisdictions addressed multiple units on a single parcel, they were not accommodating to subdivision of them. In all cases the extra unit cannot be replaced if a calamity occurs. Staff believes this to be a rather harsh policy and not in keeping with the Board's intentions for growth management.

Consistency with the Comprehensive Plan

Throughout the Comprehensive Plan overall density is addressed for each Future Land Use Map and Overlay District. However, minimum lot size is not directly addressed in any future land use map district except in reference to the Family Farm minimum lot area in the Agricultural/Residential Rural (A/RR) districts and in reference to the Family Homestead density exception provided under Chapter 163.3179 of the Florida Statutes.

OBJECTIVE 2.128-C and its six policies address the subdivision of land. POLICY 2.128-C5 states *“there shall be no more than one dwelling unit permitted per parcel or lot”* with the exception of

multifamily structures, fractional ownership, or condominium. Allowing the subdivision of land for lots with multiple dwelling units will result in greater conformance with this policy.

Consistency with the Florida Statutes

The Florida Statutes designates the minimum lot size of a residential dwelling to the local jurisdiction in most cases unless there is a public health and safety reason. This request does not run afoul with Chapter 163 of the Florida Statutes or the Green Swamp Area of Critical State Concern rules in the Florida Administrative Code because it requires a minimum of 40,000 square feet of land for any parcel that is supported by a septic tank.

Comments from Other Agencies: None.

Draft Ordinance: under separate attachment

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-23**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 1, SECTION 120, NON-CONFORMITIES, SUBSECTION 120.I EXPANSION OF RESIDENTIAL USES, TO ALLOW LOTS WITH MULTIPLE UNITS IN EXISTENCE FOR OVER 20 YEARS TO SUBDIVIDE REGARDLESS OF THE MINIMUM LOT SIZE PROVIDED CERTAIN CONDITIONS CAN BE MET; AMENDING SUBSECTION 120.J EXPANSION OF NON-RESIDENTIAL DEVELOPMENT TO CORRECT A SECTION REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on November 6, 2024; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to allow lots with multiple units in existence for over 20 years to subdivide regardless of the minimum lot size provided certain conditions can be met; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on November 6, 2024. to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
 - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
 - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

SECTION 2: Section 120 Non-conformities, subsection 120.I Expansion of Residential Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

I. Expansion or Subdivision of Residential Uses (Rev. 2/21/12 - Ord. 12-006)

Non-conforming residential development may not be intensified, enlarged, or expanded except as provided in this Section.

1. One and Two Family Residential including Mobile Homes

- a. Expansion - Expansion of a single-family, duplex, or mobile home development may not exceed the maximum density limits of the Future Land Use Map district. In districts where a minimum density is required and the legally non-conforming development does not meet the minimum density, additional units may be developed even if the resulting density remains below the minimum provided that all other required development standards are met. Individual residential units may be expanded provided such units meet district setback, height limits, and the standards in Chapter 6 of the Code.
- b. Planned Approval Status - Planned Development and Planned Unit Developments that have constructed a portion, or phase may be expanded consistent with the provisions in Section 906 E. and F. of this Code and the Future Land Use Map district densities. In the event that the development does not meet the minimum density of the district, additional units may be developed even if the resulting

density remains below the minimum provided that all other required development standards are met, and the PD or PUD is modified or abrogated.

- c. ~~Multiple Units (on one lot) — Properties with more than one detached dwelling unit may be permitted to add additional units if the Future Land Use Map district allows such density; however,~~

~~i. — The land for which the additional units are placed shall be consistent with Section 221 A. and Chapter 8 of this Code; and,~~

~~ii. — The residual parent parcel shall meet the minimum lot size standards.~~

Subdivision — properties with multiple detached units on one parcel may be subdivided below the district minimum lot size under the review of the Land Development Director (or designee) and meeting all of the following conditions:

i. the number of units on the parent parcel has been consistent for over 20 years;

ii. subdividing is necessary to secure financing or qualify for grants for improvement or replacement of the dwelling;

iii. is not part of a mobile home park;

iv. was not permitted as an accessory dwelling unit;

v. interior side and rear setbacks* of the district are met by all properties (residual and created); and,

vi. each property created, and any residual lot, shall have its own public road frontage or access easement meeting Section 705, source of potable water, and septic waste disposal or be able to connect to public sources.

vii. Properties located in the Green Swamp Area of Critical State Concern may not be less than 40,000 square feet unless connected to a public wastewater system.

* At the discretion of the Land Development Director, setbacks may be reduced but to no less than five (5) feet from a property line.

- d. Accessory Uses - On any property where a legally non-conforming single-family, duplex, or mobile home is located, accessory structures and uses customary to a residence may be permitted as well. Such uses and structures include, but are not limited to, swimming pools, sheds, and home occupations.

- f. Individual Unit Expansion - Whether single-family, two-family or mobile home, an individual unit may be expanded so long as it does not change the unit type or violate the development standards of the district including, but not limited to setbacks, height limits, and flood zone requirements.

SECTION 3: Section 120 Non-conformities, subsection 120.I Expansion of Non-Residential Development, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

J. Expansion of Non-residential Development *(Rev. 2/21/12 - Ord. 12-006)*

1. Onsite Expansion - Legal non-conforming non-residential establishments may expand under the following parameters:
 - a. The addition or expansion of structures, impervious surface, or outdoor storage or display areas less than 20% (cumulatively) of the total amount existing onsite since the September 1, 2000, effective date of the Land Development Code may be approved administratively through Level 2 Review.
 - b. The total or cumulative addition or expansion of structures, impervious surface, or outdoor storage or display areas of more than 20% of the total amount existing onsite since the September 1, 2000, effective date of the Land Development Code may be approved by the Planning Commission through a through Level 3 Review as a conditional use. The Planning Commission shall consider the evaluation criteria listed in ~~Section 120 I.1.c.~~ Section 120 J.1.c. to follow.
 - c. Evaluation Criteria.

The Planning Commission shall evaluate the expansion of legal non-conforming use rights with consideration of the following criteria:

 - i. The degree to which the non-conformity can become more conforming;
 - ii. The extent of a government's obligation or liabilities including, but not limited to, infrastructure improvement, infrastructure maintenance, and public safety;
 - iii. The potential impact that the expansion may pose to neighboring properties;
 - iv. The extent of the use's longevity (i.e., how long has it been there and how long is it to continue at its location);
 - v. The applicant's future plans for the property relative to the County's plans; and,
 - vi. The improved development standards or infrastructure that may result from expansion of the use.
2. Land Expansion - The addition of land to support an addition or expansion of structures, storage, or activity of a legally non-conforming use shall require a Level 4 Review. The Planning Commission shall make recommendation, and the Board shall render a decision based on the evaluation criteria set forth in ~~Section 120 I.1.c.~~ Section 120 J.1.c. Land expansions are allowed for the purpose of meeting local, state or federal requirements that do not expand or introduce activities, vertical structures, or storage area onto the property addition. Such development including drainage structures, stormwater ponds and wastewater lift stations may be approved administratively through Level 2 Review.
3. Effect of Approval - Legally non-conforming uses, once approved for expansion by the Planning Commission or the Board of County Commissioners, are considered Conditional Uses and may be modified consistent with the provisions in Section 906 E. and F. of this Code provided that such expansion is consistent with the Future Land Use Map district floor-area-ratio (FAR) requirements or limitations. If final approval of the legally non-conforming use expansion was granted by the Board of County Commissioners either through Level 4 Review or De Novo appeal, expansion of such

use beyond a minor modification (see Section 906 E.) shall require Board of County Commissioner approval through a Level 4 Review. This shall apply to all non-conforming use expansions approved through a public hearing process since the adoption of the first zoning ordinance (11/4/70).

4. Addition of Permitted Uses - The addition of uses otherwise permitted by right in the Future Land Use Map district, as well as uses that are conditional through administrative approval (C1 or C2 in Table 2.1 et al.), may be approved onsite of a legally non-conforming use without jeopardizing the development entitlements of the property.

SECTION 4: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,

FLORIDA this _____ day of _____, 2024.



www.polk-county.net

TRAFFIC CONCURRENCY MINOR TRAFFIC REVIEW FEE \$50.00

Growth Management Department

Land Development Division

330 W. Church St.

P.O. Box 9005, Drawer GM03

Bartow, FL 33831-9005

Telephone: (863) 534-6792

Fax: (863) 534-6407

This procedure should be followed when applying for a Final or Conditional Concurrency Determination. These trips can then be assigned to the "Directly Accessed Segment" on the "Concurrency Determination Network."

(Note: The requirements for the completion of a Minor Traffic Review can be found in Appendix C of the Polk County Land Development Code, "Traffic Impact Study Methodology and Procedures".)

Project Name: Pinecrest Mine (CR 640 Mine Expansion) **Project Number:** _____

- A. Developments generating more than 50 and less than or equal to 750 average daily trips will be required to submit a Minor Traffic Review with any application for a Final or Conditional Concurrency Determination.
- B. Submit four copies of the completed Minor Traffic Review to Land Development Division with any application for a Concurrency Determination.
- C. Complete the following information (for help filling out this form refer to the Institute of Transportation (ITE) Manual or Table 1 "Polk County Traffic Impact Study, " attached below):

- A. Provide a description and location of the project: Request is for a Conditional Use to operate a non-phosphate mine on approximately 455 +/- acres. This area located north of CR 640 and west of SR 37 and Anderson Road.

Note: Because the intended use does not fit any of the Polk ITE designations, an individual

Project calculation is Attached.

Identify the Directly Accessed Segment from the proposed project onto the Concurrency Determination Network. (Note: Road segments on the Concurrency Determination Network can be obtained from the Polk County Roadway Network Database. The Directly Accessed Segment is the first road on the Concurrency Determination Network which is accessed by a vehicle leaving the project site.)

4069

Link #

CR 640 Pinecrest (From Hillsborough County Line to SR 37)

Road Segment Name including the From Road to the To Road

2. Steps to Determine Peak Hour Trips by Direction:

a) Multiply the number peak hour trips times the “Percent New Trips” factor **(ITE or Table 1, Column F)**

- 8 peak hour trips **(Step 3.C.)** X “Percent New Trips” factor 100 %
= 8 peak hour trips (“new trips”)

b) Identify the greater of the two: the number of vehicle trips entering or exiting the site during the peak hour. For the land use category identified under Step 3.A., identify the percentage (%) of trips entering and exiting the site during the peak hour **(ITE or Table 1, Column G)**. Multiply the higher percentage (%) times the number of peak hour trips calculated under Step 3.E.2.a. (Always round this number up to the next whole number.)

(%) of trips entering the site: 50 (%) of trips exiting the site: 50

greater percentage 0.50 X 8 peak hour trips **(Step 3.E.2.)** = 4 peak hour trips (round up)

c.) Identify the peak hour trips the project will add to each directional link on the Directly Accessed Segment.

Multiply the number of peak hour trips obtained from Step 3.E.2.B. time the direction factors identified under Step 3.E.1 for each directional link on a segment. These are the peak hour trips for both the peak and off-peak direction. (Round these numbers to the nearest whole number. Peak and off-peak trips should equal the total trips.) These trips can be assigned to each link on the Directly Accessed Segment.

Segment/Link # 4069 E : 0.490 Direction Factor **(Step 3.E.1.)** X 4 peak hour trips **(Step 3.e.2.b.)**

= 2 peak hour trips (round to nearest whole number)

Segment/Link # 4069 E : 0.510 Direction Factor **(Step 3.E.1.)** X 4 peak hour trips **(Step 3.e.2.b.)**

= 2 peak hour trips (round to nearest whole number)

D. The impact of project traffic on the first Directly Accessed Segment on the Concurrency Determination Network, shall be evaluated relative to its adopted level of service. Additional impacted segments may be added by the Land Development Division when it would be in the best interest of Polk County to do so in order to maintain the adopted level of service standards. Based upon this information, a determination shall be made by the Land Development Division whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed development. A Certificate of Concurrency may then be issued according to the procedures identified in the Polk County Land Development Code.

- E. If the information submitted pursuant to Chapter 7, Section 703 of the Polk County Land Development Code indicates the level of service will fall below the adopted standard, then the applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions (see Appendix C, Section R. Segment Analysis), or the applicant may propose roadway improvements to restore acceptable conditions.
- F. The appeals process for a Minor Traffic Review shall be governed by the procedure set forth in the Polk County Land Development Code.

Approval of this application does not waive any other applicable provisions of the Polk County Land Development Code, the Polk County Comprehensive Plan, the Polk County Utility Code which are not part of the request for this application, nor does approval waive any applicable Florida Statutes, Florida Building Code, Florida Fire Prevention Code, or any other applicable laws, rules, or ordinances, whether federal, state or local. The applicant has the obligation and responsibility to be informed of and be in compliance with all applicable laws, rules, codes and ordinances.

I, **David C. Carter, Authorized Representative** (print name), the owner of the property which is the subject of this application, or the authorized representative or owner of the property which is the subject of this application, hereby authorize representatives of Polk County to enter onto the property which is the subject of this application to perform any inspections or site visits necessary for reviewing this application. I understand that representatives of Polk County are not authorized to enter any structures dwellings which may be on the property.



Property owner or property owner's authorized representative

July 31, 2024
Date

NOTE: Because the intended use does not fit any of the Polk ITE designations, an individual project calculation is shown below.

MINOR TRAFFIC STUDY

Traffic Impact - Detailed methodology and calculations

Assumptions:

1. Based on the predicted demand, the site will be operated with one excavator/operator per day. The hours of operation for the mine are 6:30 a.m. to 5:30 p.m. (11 hours with one hour for operator's lunch).
2. At peak operation, the mine will be able to load 4 trucks per hour (one truck per 15 minutes).
3. Based on location, the project will access link 4069 E & W. 83% of the project trips will travel east on CR 640 to SR 37 and 17% will head west on CR 640 towards Hillsborough County.

Trip Calculation:

4 trucks/hour x 10 hours = 40 loads

1 operator arriving/leaving

1 operator leaving/arriving for lunch

(Must multiply load by 2 since entering & exiting) = $42 \times 2 = 84$ AADT (Total Trips Entering/Exiting the Site Entrance)

$84 \times 83\% = 70$ AADT (Total Trips Traveling East on CR 640)

$84 \times 17\% = 14$ AADT (Total Trips Traveling West on CR 640)

$70 \text{ ADT}/11 \text{ HRS} = 7 \text{ PHT}$ (East ADT/Daily hours mining is operational)

$28 \text{ ADT}/11 \text{ HRS} = 3 \text{ PHT}$ (West ADT/Daily hours mining is operational)

PINECREST MINE EXPANSION
REQUEST FOR CU APPROVAL
IMPACT ASSESSMENT STATEMENT

A. Land and Neighborhood Characteristics

Assess the compatibility of the requested land use with adjacent properties and evaluate the suitability of the site for development. At a minimum, address the following specific questions in your response:

- 1) How and why is the location suitable for the proposed uses?

The property is currently listed as Phosphate Mining (PM), but, if approved, will soon have a FLU of Industrial. The area is largely rural and undeveloped, mostly surrounded by other mines, industrial uses, or vacant land. Large portions of the site have previously been mined for phosphate, with sand tailings present. The site has 2 existing warehouses and a phosphate processing structure still onsite. In addition, there is an existing Phosphate Gypsum stack located adjacent to the property. The surrounding road system has been used for decades by trucks carrying phosphate to the Mosaic plant located south of the site on CR 640.

- 2) What are, if any, the incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses?

The rural nature of the surrounding properties, phosphate mining and processing, and nearby borrow pit (the BB Mine to the northeast), minimize incompatibility. The site has had intensive use for over 100-years.

- 3) How will the requested district (if the request is a district change) influence future development patterns if the proposed change occurs?

Not a district change.

B. Access to Roads and Highways

Assess the impact of the proposed development on the existing, planned and programmed road system. At a minimum, address the following specific questions in your response.

- 1) What are the number of vehicle trips to be generated daily and at PM peak hour based on the latest Institute of Traffic Engineers (ITE)? Please provide a detailed methodology and calculations.

See attached Minor Traffic Review

- 2) What modifications to the present transportation system will be required because of the proposed development?

Two entrances onto CR 640, Pinecrest Road, are proposed, the western most was approved on the mine plan for CU# 2019-9, the proposed eastern entrance is at the location of the existing entrance to the old mine processing plant. No other modifications are planned.

- 3) What is the total number of parking spaces required pursuant to Section 708 of the Land Development Code?

No structures on site. No required paved parking.

- 4) What are the proposed methods of access to existing public roads (e.g., direct frontage, intersecting streets, frontage roads)?

Access will be directly onto CR 640, Pinecrest Road, which per the Polk County Road Inventory data is a paved county Minor Arterial, 24 feet in width. Trucks would then proceed either east to SR 37 or west to Hillsborough County locations.

C. Sewage

Determine the impact caused by sewage generated from the proposed development. At a minimum, address the following specific questions in your response:

- 1) What is the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development? (Response may be based on Section 703 of the LDC or the Impact Fee Ordinance)

No additional sewage generated if the proposed CU is granted.

- 2) What is the proposed method, level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed?

N/A

- 3) What is the relationship of the proposed sewage system to the service provider's plans and policies for sewage treatment systems (e.g., will it be integrated into a larger system)?

N/A

- 4) Where is the nearest sewer line (in feet) to the proposed development (*Sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station is located within an easement or right-of-way under certain conditions listed in Section 702E.3 of the Land Development Code*).

N/A

- 5) Who is the service provider?

N/A

- 6) What is the current provider's capacity?

N/A

- 7) What is the anticipated date of connection?

No connection anticipated.

D. Water Supply

Determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area. At a minimum, address the following specific questions in your response:

- 1) What is the proposed source of water supply?

No additional water consumption if the CU is granted.

- 2) What is the estimated volume of consumption in gallons per day (GPD)? (*Provide Methodology*).

No additional.

- 3) Where is the nearest potable water connection and gray water connection, including the distance and size of the line?

N/A

- 4) Who is the service provider?

N/A

- 5) What is the current provider's capacity?

N/A

- 6) What is the anticipated date of connection?

No connection anticipated.

- 7) Is there an existing well on the property(ies)?

NA

E. Surface Water Management and Drainage

Determine the impact of drainage on the ground water and surface water quality and quantity caused by the proposed development. At a minimum, address the following specific questions in your response:

- 1) Discuss the surface water features, including drainage patterns, basin characteristics, and flood hazards, (describe the drainage of the site and any flooding issues);

The site has been mined, so the county topo maps are questionable in this area. However, review of the USGS Topo maps show that the center of the site is fairly flat. CR 640 appears to block flow to the south, the balance of the site drains northeasterly to Thirtymile Creek.

There are surface water features onsite which consist of the Thirtymile Creek floodplain, which drains the site. There are also several wetland features on the north along the creek.

We should point out that because much of the site was mined, the flood maps may not represent current conditions and therefore may not be accurate in all areas.

- 2) What alterations to the site's natural drainage features, including wetlands, would be necessary to develop the project?

Much of the site not used for Industrial will be excavated for the borrow pit. The smaller wetland areas on the north may be impacted; wetland mitigation is planned either onsite, or by using wetland credits that the developer has available.

The floodplain areas may be excavated. Flood storage on the site will be greatly increased post development because of the pit areas created.

F. Environmental Analysis

Provide an analysis of the character of the subject property and surrounding properties, and further assess the site's suitability for the proposed land use classification based on soils, topography, and the presence of wetlands, floodplain, aquifer recharge areas, scrub or other threatened habitat, and historic resources, including, but not limited to:

- 1) Discuss the environmental sensitivity of the property and adjacent property by identifying any significant features of the site and the surrounding properties.

The site is located in a general area that has seen significant phosphate mining operations. In fact, the site itself has been mined previously under the Nichols mine operation. It is unlikely that environmentally sensitive areas exist on the site. Further environmental studies to be conducted at Level 2 approval.

- 2) What are the wetland and floodplain conditions? Discuss the changes to these features which would result from development of the site.

As mentioned above, the wetland and floodplain within the mine area may be impacted. Wetland mitigation will be provided within the pit area or by the use of wetland credits. Flood storage on the site will be greatly increased post development.

- 3) Discuss location of potable water supplies, private wells, public well fields (discuss the location, address potential impacts) and;

N/A

- 4) Discuss the location of Airport Buffer Zones (if any) discuss the location, address potential impacts).

Project is not located in an Airport Buffer Zone.

- G. Population (Response is only required for district changes and uses generating more than 750 AADT based on the methodology of Appendix C of the Land Development Code)

AADT generated is less than 750. Minor Traffic Study is provided.

H. General Information

Determine if any special needs or problems will be created by the proposed development. At a minimum, address the following specific questions in your response:

- 1) What are the special features of the proposed development that contribute to neighborhood needs?

N/A

- 2) What is the nearest location (travel distance), provider, capacity or general response time, and estimated demand of the provision for the following services:

A. Parks and Recreation;

No impact to these facilities.

- B. Educational Facilities (e.g., preschool, elementary, middle school, high school);

No impact to these facilities.

- C. Health Care (e.g., emergency, hospital);

Minimal

- D. Fire Protection;

Minimal

- E. Police Protection and Security;

Minimal

- F. Electrical Power Supply;

No impact to these facilities.

- G. Emergency Medical Services (EMS); and

Emergency Medical Services are provided by Polk County. No excessive demand on EMS are expected due to the proposed development.

- H. Solid Waste.

No impact to these facilities.