

**POLK COUNTY
LONG RANGE PLANNING DIVISION
STAFF REPORT**

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| DRC Date: | April 16, 2009 | LEVEL: 4 |
| PC Date: | July 14, 2009 | TYPE: Large Scale Map Amendment |
| BOCC Date: | August 5, 2009 December 2, 2009 | CASE #: CPA 09B-04 |

Project Number: 54056

Request: Applicant initiated request to change approximately 300 ± acres from Phosphate Mining (PM) to Industrial (IND) and 32 ± acres from Phosphate Mining (PM) to Business Park Center (BPC) for a total of 332 ± acres in the Rural Development Area (RDA).

The Polk County BoCC voted to transmit the request removing two BPC parcels (Map Id 4 and 7) for a reduction 16.8 acres. The revised BPC acreage for transmittal now totals 14.4 acres.

Applicant: Tom Mims

Property Owner: Mims Alafia, LLC

Location: The site is located on the east side of State Road 37 and on the east and west sides of Old Highway 37, south of County Road 640 and north of Bradley Junction, Florida, In Sections 25, 26, 35 & 36, Township 30, Range 23 and Section 02, Township 31, Range 23.

Size: 331.5± acres **reduced to 314.4± acres**

Land Use Designation: Phosphate Mining (PM)

Development Area: Rural Development Area (RDA)

Nearest Municipality: City of Mulberry and the Phosphate Mining Review Group were notified via email on March 30, 2009

Case Planner: Ameé Bailey, Senior Planner

Summary of Analysis:

This is an applicant initiated request to change the Future Land Use designation on approximately 332 ± acres on twenty-one (21) parcels in the Rural Development Area (RDA). The applicant has requested two different Future Land Use designations. The majority of the request is a change from Phosphate Mining (PM) to Industrial on 300 ± acres. The remaining 32 ± acres is a requested change from Phosphate Mining (PM) to Business Park Center (BPC). The legal description provided describes eleven (11) Map ID parcels. These descriptions are used throughout the staff report and are detailed below and displayed in Exhibits 2-4. **The Polk County BoCC voted to transmit the request removing two BPC parcels (Map Id 4 and 7) for a reduction 16.8 acres. The revised BPC acreage for transmittal now totals 14.4 acres and a total acreage of 314.4.**

| Parcel ID | Parcel Acreage | Map ID | Map ID Acreage | FLU Request | BoCC Transmittal |
|---------------------------|----------------|----------|----------------|-------------|------------------|
| 233025000000031030 | 91.4 | 1 | 91.4 | IND | Transmit |
| 233036000000031010 | 14.8 | 2 | 26.8 | IND | Transmit |
| 233025000000044010 | 12.0 | 2 | | IND | Transmit |
| 233036000000033030 | 7.0 | 3 | 38.8 | IND | Transmit |
| 233036000000031010 | 6.0 | 3 | | IND | Transmit |
| 233026000000022070 | 6.2 | 3 | | IND | Transmit |
| 233035000000011040 | 8.9 | 3 | | IND | Transmit |
| 233035000000011030 | 4.4 | 3 | | IND | Transmit |
| 233025000000044010 | 6.3 | 3 | | IND | Transmit |
| 233035000000014030 | 5.3 | 4 | | 5.3 | BPC |
| 233035000000014020 | 0.5 | 5 | 11.3 | IND | Transmit |
| 233035000000014030 | 1.3 | 5 | | IND | Transmit |
| 233035000000014020 | 0.5 | 5 | | IND | Transmit |
| 233035000000014030 | 3.3 | 5 | | IND | Transmit |
| 233035000000014030 | 5.9 | 5 | | IND | Transmit |
| 233035000000011030 | 55.8 | 6 | 55.8 | IND | Transmit |
| 233035000000011030 | 11.8 | 7 | 11.8 | BPC | REMOVED |
| 233102000000011040 | 59.6 | 8 | 59.6 | IND | Transmit |
| 233102000000011040 | 7.6 | 9 | 7.6 | IND | Transmit |
| 233102000000011040 | 14.4 | 10 | 14.4 | BPC | Transmit |
| 233102000000011040 | 8.7 | 11 | 8.7 | IND | Transmit |
| TOTAL | 331.5 | | 331.5 | | 314.4 |

The site is located in the southwest portion of the County, within a large PM district. Staff recognizes that this area is transitioning as the mining industry moves south out of Polk County. Significant planning needs to be applied to this area to create a cohesive community with the appropriate infrastructure to support the transition.

Approximately 200,000 acres or 15.3 percent of Polk County have been mined for phosphate rock or used to support the mining industry. The industry's impact on the Polk County economy is in decline and will continue to decline in the 21st Century as phosphate mining moves south into Hardee and Desoto Counties. Some chemical manufacturing plants will continue to be located in Polk County and may convert to process new phosphate products. Currently approximately 188,000 acres or 14 percent maintains the Phosphate

Mining (PM) Land Use designation. Phosphate mining is a temporary use of the land and the majority of the PM district has been mined and is now very rural in nature. The water consumption and trip generation within the PM district will continue to decrease as mining and processing activities move further south into neighbouring counties. Currently the Future Land Use district is not divided in any way to differentiate between areas mined and process areas. The entire district is designated as Phosphate Mining (PM), with one set of development criteria. The development criteria are for the structural improvements and these have typically been industrial in nature. Therefore staff uses industrial as the highest potential use within the PM district for analysis and comparison. Analysis throughout the report, such as the generation tables, reference the build out of the PM district with industrial uses. Since the PM district is unique this comparison does not always represent the current existing rural conditions or a realistic future use of the PM land. Nor should it lead to the assumption that the entire 200,000 acres of mined land in Polk County could or should be developed as industrial.

Industrial (IND) and Business Park Center (BPC) districts are characterized by facilities for the processing, fabrication, manufacturing, assembly, recycling, and distribution centers, research and development parks, wholesaling activities and some retail uses. These districts are the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and other off-site impacts. The site meets some of the location criteria for IND and BPC, but it does not meet other criteria in the Comprehensive Plan. The location criteria for IND and BPC reference Policies in Section 2.102 and 2.110-L2. The Policies in 2.102 address **Compatibility (Policy 2.102-A1)**, **Timing (Policy 2.102-A3)**, **Location Criteria (Policy 2.102-A9)**, and **Urban Sprawl (Policy 2.102-A10)**.

Policy 2.110 L2 addresses **Activity Center Plans**: which are required for new IND districts. This Policy addresses the Activity Plan requirements, which at a minimum include addressing land uses designations for all property within the center, development criteria, development restrictions (if appropriate), traffic circulation plan, special transportation restrictions (if appropriate), and the identification of environmentally sensitive lands and endangered natural communities and outline proposals for the preservation and/or conservation of these areas. This policy helps address issues for large developments or developments that can have impacts beyond the adjacent properties. Specifically, the transportation portion of the plan is an area of concern for large Industrial Parks, such as this request. In addition, the applicant did not supply any demonstrated need for a large scale Industrial Park. Typically documentation addresses the minimum population to support a land use designation, the lack of available land with the needed Future Land Use designation, or the need for a specific end user.

Policy 2.102-A1 - Compatibility: This policy requires development be compatible to adjacent uses through buffering, limited intensity and scale of the more intense use, and a transition of intensity through gradual scaling of different land use activities. The Future Land Use proposal is requesting IND and BPC next to Agriculture/Residential-Rural (A/RR). The A/RR districts contain the communities of Oakdale/Oak Terrace, Pierce/ Rolling Hills, Pinedale, and Bradley Junction which are occupied by single-family residences. The applicant has made the argument that the PM district allows the same intense IND and BPC uses. Although these communities have experienced the impacts of mining operations, these activities were temporary in nature and are decreasing in quantity in Polk County as the mining industry moves south. Phosphate mining has already reached its peak and never developed at the intensity allowed nor did it develop with high amounts of allied uses. The PM district surrounding these communities is now very rural in nature and it is extremely unlikely the PM in this area would be re-mined, used for processing, or needed for allied industries.

Therefore, PM is not the same intensity as IND or BPC. Also there are many other Future Land Uses districts that could serve as a transition between the rural residents to an industrial type use.

Policy 2.102-A3 – Timing: This policy requires development to be “timed and staged in conjunction with the cost-effective and efficient provision of supporting community services” as related to Levels of Services.

Policy 2.102-A9 - Location Criteria: This policy requires that the County in approving development shall give consideration to the accessibility of transportation facilities, adequacy of water and sewer services, adequacy of emergency service response times, availability of recreational facilities, the location of schools, development limitations, environmental factors, and the proximity to incompatible land uses. Consideration should also include economic factors such as the cost of infrastructure, minimum population support and market area radius.

The proposed site is located within the Rural Development Area (RDA). According to Objective 2.108-A of the Polk County Comprehensive Plan, the RDA was designed to provide for rural activities such as agriculture uses, mining activities, rural residential uses, and for areas to be available for future long-range urban-expansion activities. The subject property is already limited to a floor-to-area ratio of 0.50 because the subject property is located in the Rural Development Area (RDA). Even with this reduction in the floor-to-area ratio, the infrastructure is not in place to support this request.

Infrastructure, such as potable water, fire water, and wastewater services, are limited within this area. The subject property does not have water and sewer available in quantities sufficient to support the request. Properties located in the RDA are not required to connect to centralized sewer and potable water. Although, large-scale development, such as this request, should be located on centralized water and sewer.

Some transportation tools are in place such as rail and a transit route. Although, the overall transportation roadway network system in this area is currently operating above the adopted Levels-of-Service (LOS), the request would consume all of the available capacity on the two access roads. The two access roads (Old Highway 37 and State Road 37) have a combined available capacity of 1,264 trips. The request includes the potential for 1,344 PM Peak Hour Trips, exceeding the capacity on both roads.

In addition, the infrastructure has not yet absorbed the potential impacts to the IND site approved by the BoCC in June 17, 2009. This site is located along CR 640 with intersections at SR 37 and Old 37. The site is shown in Exhibit 5 and displays the 44 ± acres site (CPA 09A-04), which is adjacent to Parcel 1 of the request. The maximum impact from this site could be 1,377 Average Annual Daily Trips and 189 PM Peak Hour Trips. In addition, the amount of available IND in the County is approximately 3,537 acres or 50% of the land designated as IND in the County.

The applicant has stated that the facility would support the proposed CSX Integrated Logistics Center. If this is the case then the proposal is premature. The County and the City of Winter Haven are currently participating in a Selected Area Study (SAS) to determine areas for appropriate land use changes to support the center and ensure proper growth. In addition to this SAS, the County has begun a SAS to develop a vision; create a Future Land Use plan for areas that previously supported the phosphate mining industry; establish a framework for quality growth and plan implementation; and recognize and protect existing resources. As part of the Phosphate Mining SAS the Redevelopment Districts along Old Highway 37 will be

evaluated and include public participation to determine the needs of communities and how their needs can be met. Exhibit 10 displays the Redevelopment districts in relation to the site.

Another timing issue associated with the proposed site is the reclamation status. Since the majority of the site was mined after 1975, reclamation is mandatory. Mosaic Fertilizer LLC is responsible for these reclamation obligations and is performing reclamation activities. The individual parcels within the request are numbered according to the legal description that was submitted and displayed on Exhibits 2-4. According to the Florida Department of Environmental Protection (FDEP) Bureau of Mine Reclamation (BOMR) the parcels in the application are in various stages of reclamation. Parcel 4 does not have any reclamation obligations. Parcels numbered 5, 8, 9, 10, and 11 are completely released. Parcels numbered 1 and 2 are part of a larger unit that is partially released. The uplands, lakes, and herbaceous wetlands are released while the forested wetlands are not released. The two areas not released are located south of Parcel 1 and east of Parcel 2. Parcel 1 was modified from its original acreage to remove a portion of the un-released wetland area. The areas of remaining concern are Parcels 3, most of 6, and part of 7. These areas are not released. The problem with changing the Future Land Use designation on parcels that have not yet been released from reclamation obligation is that a new owner would not necessarily know of the obligations or the fact that the property is not immediately developable. Nor does the County have a mechanism to track obligations to other agencies to determine when the property is available for development. PM Comprehensive Plan Amendment requests are reviewed by the Phosphate Mining Review Committee to identify issues unknown to the County such as reclamation obligations.

Policy 2.102-A10 Urban Sprawl—The Urban Sprawl policy states that “Polk County will discourage the proliferation of urban sprawl by use of the following criteria when determining the appropriateness of establishing or expanding any land use or development area.” Developments that “allow for land use patterns or timing which will disproportionately increase the cost in time, money and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government” are inconsistent with this policy. The policy also discourages development that “promotes, allows or designates for development substantial areas of jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.”

The proposed request can be considered sprawl for several reasons. The site would promote development in a radial, strip isolated or ribbon patterns generally that emanates from existing urban developments. This can be seen in the generally linear nature of land use requests along State Road 37 and Old Highway 37. This leads to the allowance of development in rural areas while leaping over undeveloped lands which are available and suitable for development. This type of development creates a land use patterns that disproportionately increases the cost in time, money and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement education health care, fire and emergency response, and general government. There is a general failure to provide a clear separation between urban and rural uses. As a result of premature or poorly planned conversion of rural land to other uses, there is a failure to adequately protect and conserve natural resources, such as, wetlands, floodplains, and other significant environmental systems.

Findings of Fact

- *This is an applicant initiated request for a Large Scale Comprehensive Plan Map Amendment to change the Future Land Use designation on twenty-one (21) parcel. The request includes approximately 332± acres changing from Phosphate Mining (PM) to 300± acres of Industrial (IND) and 32± acres of Business Park Center (BPC) within the Rural Development Area (RDA). The legal description provided describes eleven (11) parcels. These descriptions are used throughout the staff report and are displayed in Exhibits 2-4. **The Board removed Map Id 4 and 7 which were proposed to change from PM to BPC. Therefore, the revised total acreage for BPC requested is 14.4 acres.***
- *The City of Mulberry is approximately three miles north of the northern most portion of the site. Notification of this case was sent to the City of Mulberry and the Phosphate Mining Review Committee for comments.*
- *Adjacent Future Land Use districts include Phosphate Mining (PM) in all directions. Enclaves of Agriculture/Residential –Rural (A/RR) are located to the east and west of the site. IND and BPC are located to the east and north of the site. An enclave of Rural Cluster Center (RCC) with residential and commercial is located south of the site.*
- *The majority of the site and surrounding areas have been either mined or used for mine-related industries including offices, utilities, railroad, processing plants, and vacant mined land. There are several residential communities directly adjacent to the site.*
- *According to Policy 2.113-A1 and A4, Industrial districts are characterized by facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, distribution of goods, disposal yards, limited retail commercial, and may contain any use also found within a Business-Park Center. 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.*
- *According to Policy 2.113-B1 Business-Park Centers are intended to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, areas for light-industrial facilities, distribution centers, warehouses facilities, mixed-use employment parks, and High-Density Residential. Business-Park Centers are intended for land use activities that are conducted entirely within enclosed structures with the exception of loading and un-loading. These centers are not intended to accommodate major commercial or other similar high-traffic producing facilities. However, these centers often contain other minor commercial facilities, and wholesale facilities, within the Business-Park Center to support the businesses located there.*
- *According to Policy 2.113-A3 Industrial districts should be located where accessible to major air and ground transportation, including but not limited to arterial roadways, rail lines, and cargo airport terminals. Industrial facilities should be grouped together in planned industrial districts on sites capable of being expanded and developed in stages. According to Policy 2.113 B4 Business-Park Centers shall have frontage on, or direct access to, an arterial roadway, or a frontage road or service drive which directly serves an arterial roadway. Business-Park Centers shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.*

- *According to Policy 2.113-A3 and B3 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. The location criteria for Industrial and Business Park Centers districts should maximize access to the arterial road system and minimize the routing of commercial traffic through residential areas.*
- *Unlike other development areas, in the Rural Development Area (RDA), there is no expectation that urban services are available or planned. Urban services that are not generally available or available at the same standard in the RDA include centralized potable water, centralized wastewater, public safety, an urban-road network, developed parks, and schools.*
- *Section 2.102 of the Polk County Comprehensive Plan addresses the compatibility, distribution, timing, development policies and standards, topography considerations, soils, public facilities and utilities, location criteria, and Urban Sprawl criteria for development within unincorporated Polk County.*
- *The site is partially located within the Polk County Utilities potable water service area, however there are no plans to expand the capacity of the existing system. Polk County's Bradley Service Area supplies potable water to the communities of Pierce and Bradley Junction. Centralized sewer is not available in this area except for the community of Oak Terrace.*
- *The two main access roads are Old Highway 37 (Old 37) and State Road 37 (SR 37). Old 37 is a two-lane undivided road classified as a Major Rural Collector. SR 37 is a two-lane undivided road classified as a Minor Arterial with uninterrupted flow due to minimal driveways. Both roads are currently operating above their minimum Level-of-Service (LOS).*
- *Old 37 has 357 PM Peak Hour Trips available southbound and 343 PM Peak Hour Trips northbound (Total of 700). SR 37 has 261 PM Peak Hour Trips available southbound and 303 PM Peak Hour Trips northbound (Total of 564). The estimated trip generation for the proposed use could utilize 1,433 PM Peak Hour Trips with a total of 10,154 trips per day. **Based on the parcels removed at the Board hearing, the proposed trips would be reduced to 1,371 PM Peak Hour and to a 9,756 total trips per day.***
- *The site is located in the Polk County Sheriff's Southwest District Command, which is located approximately 15 miles from the project's location with an estimated response time of 12 to 15 minutes. The Sheriff's Office has no plans funded at this time for an additional station or additional deputies in this area of the County. Fire services are provided by Station 4 - Bradley. The station is located approximately two to three miles from the subject site, with an approximate response time of four to eight minutes. EMS services are provided ALS Station 7 – Mulberry approximately four to five miles from the site with a response time of six to seven minutes.*
- *The site is located in an endangered habitat and species one mile buffer zone as established by the Florida Natural Areas Inventory (FNAI) and seven or more focal species are associated with the site according to the Florida Game and Fish Commission.*

- *Wetlands and floodplains are located on the proposed site and are immediately adjacent to North Prong Alafia River.*
- *The soils on the site have been altered and significant removal and/or soil amendments may be necessary to support any type of development on the site.*
- *The majority of the site was mined after 1975 therefore, reclamation is mandatory. Mosaic Fertilizer LLC is responsible for these reclamation obligations and is performing reclamation activities. The individual parcels within the request are numbered according to the legal description that was submitted and displayed on Exhibits 2-4. According to the Florida Department of Environmental Protection (FDEP) Bureau of Mine Reclamation (BOMR) the parcels in the application are in various stages of reclamation. Parcels numbered 5, 8, 9, 10, and 11 are completely released. Parcels numbered 1 and 2 are part of a larger unit that is partially released. The uplands, lakes, and herbaceous wetlands are released while the forested wetlands are not released. The two areas not released are located south of Parcel 1 and east of Parcel 2. Parcel 1 was modified from its original acreage to remove a portion of the un-released wetland area. Parcels 3, most of 6, and part of 7 are not released. Parcel 4 does not have any reclamation obligations.*

Long Range Planning Division Recommendation: Based on the information provided by the applicant, recent site visits, and the staff report, the Long Range Planning Division finds that the proposed request **IS NOT CONSISTENT** with the surrounding land uses and general character of the area, and **IS NOT CONSISTENT** with the Polk County Comprehensive Plan therefore Long Range Planning Division recommends **DENIAL of CPA 09B-04.**

Staff acknowledges that request site meets some of the minimum criteria for the location IND or BPC and that the infrastructure could support a portion of the request. Therefore, it may be appropriate to consider a portion of the request for approval. The parcel that best meets the criteria is Parcel 1. The location of Parcel 1 is adjacent to the existing IND and BPC. Old Highway 37 could support the traffic generated from this one parcel. Potable water and fire water is available to support a portion of the site although not sufficient to serve development of the entire parcel. Parcel 1 also has some environmental restraints that would prevent the entire parcel from being developed. Lastly, this parcel is not directly adjacent to any of the residential areas. Staff has included the acreage for Parcel 1 in the analysis tables throughout the staff report.

Planning Commission Recommendation: Based upon the information provided, the staff report and staff presentation; the Planning Commission recommends **APPROVAL of CPA 09B-04 (Vote 6:1)** with one proposed change to the request. The Planning Commission proposed to remove a small portion of parcel 233035-000000-014030 (Map ID 4 - approximately 5.3 +/- acres south of Magnolia Avenue and Cherry Drive) from the request.

Board of County Commissioners Transmittal: Based upon the information provided, the staff report and staff presentation; the Planning Commission recommends **TRANSMITTAL of CPA 09B-04 (Vote 4:1)** with two proposed changes to the request. The BoCC voted to transmit the request removing two BPC parcels for a reduction 16.8 acres. The two parcels removed are parcel 233035-000000-014030 (Map ID 4 - approximately 5.3 +/- acres south of Magnolia Avenue and Cherry Drive) and 233035-000000-011030 (Map

ID 7 approximately 11.6 acres north of Jamison Road and west of Old Highway 37). The revised BPC acreage for transmittal now totals 14.4 acres.

***The staff report has been modified to add information based on the removal of the two BPC parcels. These notes are included at the end of each section.**

Surrounding Land Use Designations and Current Land Use Activity:

Table 1

| | | |
|--|--|--|
| <p>Northwest:</p> <p>PM, IND, A/RR Oakdale/Oak Terrace Community(SFR) Mined lands , pasture, wetlands</p> | <p>North:</p> <p>PM, IND, BPC, A/RR Pinedale Community (SFR) Light Manufacturing, Mined lands , pasture, wetlands</p> | <p>Northeast:</p> <p>PM, IND, A/RR Pebbledale Community(SFR) North Prong Alafia River Mined lands , pasture, wetlands</p> |
| <p>West:</p> <p>PM and A/RR Oakdale Community(SFR) Mined lands , pasture, wetlands</p> | <p>Subject Property:</p> <p>PM Mined lands , pasture, wetlands</p> | <p>East:</p> <p>PM, IND, A/RR Pierce Community(SFR) Mosaic Admin Offices North Prong Alafia River Mined lands , pasture, wetlands</p> |
| <p>Southwest:</p> <p>PM Mined lands , pasture, wetlands</p> | <p>South:</p> <p>PM, RCC Bradley Junction Community(SFR) Mined lands , pasture, wetlands</p> | <p>Southeast:</p> <p>PM,IND, A/RR Pierce Community(SFR) Mined lands , pasture, wetlands</p> |
| <p>Source: Future Land Use Map, Site visit, GIS/IT Data Viewer - Polk County Long Range Planning Division</p> | | |

Compatibility with the Surrounding Land Uses:

A. Land Uses:

The site is located south of Mulberry on State Road 37, which cuts through the heart of the Phosphate Mining (PM) Land Use District in Polk County. The subject property as well as the majority of the immediate surrounding area is comprised of the Phosphate Mining (PM) Future Land Use designation. The purpose of the 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. Current surrounding activities in the PM district include vacant mined land, clay settling ponds, pasture, and light manufacturing. Active mining and processing of mined materials has ceased in this portion of the PM district.

The proposed site is adjacent to two residential communities. Oakdale/Oak Terrace is located east of the site and Pierce/ Rolling Hills is located west of the site. Two other communities are in close proximally to the site. These are Pinedale to the north and Bradley Junction to the south. These communities consist of single-family residences. Although these communities have experienced mining operations, these activities were temporary

in nature. The PM district surrounding these communities is now very rural in nature. IND and BPC uses adjacent to these residential communities will be in extreme contrast to the current rural environment. An area of additional concern is Parcel 4, which has an extension that reaches into the Oak Terrace subdivision.

The proposed Future Land Use designation may be incompatible with the neighboring residential developments. Industrial (IND) Future Land Use districts 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 (BPC) Future Land Use district. IND and BPC districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and other off-site impacts. The purpose of the BPC-1 district is to provide areas for office and business park development including research and development parks, distribution centers and wholesaling activities. Some retail uses are also permitted to support the businesses and activities within the Business Park Center. The purpose of the BPC-2 district is to provide areas for light-industrial activities such as light manufacturing, fabrication, assembly, distribution and wholesaling activities and some retail uses to support the businesses and activities within the Business Park Center. This request includes BPC, a second application would be necessary to request the district change from BPC-1 to BPC-2. Below is a list of the permitted and conditional uses within the IND, BPC1 and BPC-2 districts according to Table 2.1 Use Table for Standard Land Use Districts within the Land Development Code (LDC).

*** The two BPC parcels that were removed by the BoCC were both adjacent to residential communities. The parcel labeled as Map ID 4 is adjacent to Oakdale/Oak Terrace and Map ID 7 is adjacent to Rolling Hills. The removal of these two parcels will help to maintain a vegetated buffering between the communities and the proposed Industrial Land Uses.**

| Industrial (IND) | |
|---|--|
| Permitted uses | Agricultural Support, Off-Site, Animal Grazing, Animal Farming, Aquiculture, Dairies, Equipment Repair (Major), General Farming, Government Facility, Kennels, Livestock Sales, Manufacturing (Light, General and Explosives/volatile Materials), Motor Freight Terminal, Nurseries and Greenhouses, Office, Outdoor Storage (Wholesale), Personal Services, Printing and Publishing, Recreation (Low Intensity), Research and Development, School (Technical/Vocational, and Training), Studio Production, Transit (Commercial and Facility), Utilities (Class I and II), Vehicle Repair, Vehicle Service, Warehousing and Wholesale (Enclosed) |
| Conditional Uses Staff Review (C1 or C2) | Alcohol Package Sales, Bars/Lounge/Tavern, Breeding/Boarding/Rehab Facility (wild or Exotic Species), Communication Towers, Community Center, Convenience Store, Cultural Facility, Financial Institution, Gas Station, Heliport, Helistop, Hotel/Motel, Nurseries (Retail), Religious Institution, Restaurant, Retail (less than 50,000), Self-Storage Facility, Utilities (Class III), and Veterinarian Service. |
| Conditional Uses Planning Commission Review (C3) | Planned Development, Landfill (Construction and Demolition Debris), Mining (Non-Phosphate), Railroad Yard, Retail (greater than 50,000), Salvage Yard, School (Leisure, College/University), Seaplane Base, and Water Ski School. |
| Conditional Uses BoCC Review (C4) | Airport, Hazardous Waste Transfer Storage, Power Plants |

| Business Park Center-1 (BPC-1) | |
|---|---|
| Permitted uses | Animal Grazing, General Farming, Government Facility, Nurseries and Greenhouses, Office, Office Park, Personal Services, Printing and Publishing, Recreation (Low Intensity), Research and Development, Studio Production, Transit (Facility), Utilities (Class I and II), Warehousing and Wholesale (Enclosed). |
| Conditional Uses Staff Review (C1 or C2) | Alcohol Package Sales, Bars/Lounge/Tavern, Commercial Vehicle Parking, Communication Towers (Monopole), Community Center, Convenience Store, Cultural Facility, Financial Institution, Gas Station, Heliport, Helistop, Hotel/Motel, Manufacturing (Light), Nurseries (Retail), Religious Institution, Restaurant, Retail (less than 50,000), School (Leisure, Technical/Vocational/Trade, Training and University/College), and Self-Storage Facility. |
| Conditional Uses Planning Commission Review (C3) | Multi-Family, Planned Development, Transitional Area Development, Agricultural Support (Off-Site), Animal Farming, Aquiculture, Communication Towers (Guyed and Lattice), Dairies, Mining (Non-Phosphate), and Water Ski School. |
| Conditional Uses BoCC Review (C4) | Airport, Power Plants (Low), and Utilities (Class III). |

| Business Park Center-2 (BPC-2) | |
|--|--|
| Permitted uses | Agricultural Support, Off-Site, Animal Grazing, Animal Farming, Aquiculture, General Farming, Government Facility, Manufacturing (Light), Motor Freight Terminal, Nurseries and Greenhouses, Office, Outdoor Storage (Wholesale), Personal Services, Printing and Publishing, Recreation (Low Intensity), Research and Development, Studio Production, Transit (Commercial and Facility), Utilities (Class I and II), Vehicle Repair, Vehicle Service, Warehousing and Wholesale (Enclosed). |
| Conditional Uses Staff Review (C1 or C2) | Alcohol Package Sales, Bars/Lounge/Tavern, Breeding/Boarding/Rehab Facility (wild or Exotic Species), Communication Towers, Community Center, Convenience Store, Cultural Facility, Dairies, Equipment Repair (Major), Financial Institution, Gas Station, Heliport, Helistop, Kennels, Livestock Sales, Hotel/Motel, Nurseries (Retail), Religious Institution, Restaurant, Retail (less than 50,000), School (Leisure, Technical/Vocational, Training, and College/University), Self-Storage Facility, , and Veterinarian Service. |
| Conditional Uses Planning Commission Review (C3) | Planned Development, Transitional Area Development, Landfill (Construction and Demolition Debris), Mining (Non-Phosphate), Retail (greater than 50,000), Utilities (Class III) and Water Ski School. |
| Conditional Uses BoCC Review (C4) | Airport, Hazardous Waste Transfer Storage, and Power Plants |

B. Infrastructure:

The proposed land use change is located within the Rural Development Area (RDA). The applicant is proposing private wells and a septic system on-site which are permitted in the RDA. The overall roadway network links servicing this area are adequate and operating within their adopted Levels-of-Service, although the request would consume all available trips. The proposed site also has access to a railroad system. Based on the permitted uses allowed within the IND and BPC Future Land Use, the demand for Sheriff's Office, Fire, and EMS services will increase in comparison to the existing uses associated with site.

Nearest Elementary, Middle, and High School

Generally the Industrial (IND) and Business Park Center (BPC) Future Land Uses do not support permanent residency. Multi-family residential (10 to 15 dwelling units/ acre) is permitted in BPC as part of a mixed use development. Although, most of the development permitted in BPC since the adoption of the Comprehensive Plan has been for non-residential. Based on the current student generation rates, 32 ± acres of BPC at 15 units per acre (432 units) could produce a maximum of 120 students (57 elementary students, 31 middle and 32 senior high). The developer would be required to pay the appropriate impact fees to partially mitigate the impact of new students to the school system. Table 2 shows the closest schools, their current and projected enrolment, along with their percent of capacity.

Table 2

| Name of School* | Permanent Capacity 2008-2009 | Actual Enrollment 2008-2009 | Projected Capacity 2010-2011 | Capacity % ** |
|----------------------|---------------------------------|--------------------------------|---------------------------------|---------------|
| Kingsford Elementary | 427 | 576 | 427 | 134 % |
| Mulberry Middle- | 797 | 880 | 951 | 110 % |
| Mulberry Senior | 1281 | 961 | 1281 | 75 % |

Source: Polk County School Board
 * The schools indicated here reflect the current zones and may be changed by the School Board.
 ** The capacity will change depending on proposed DOE changes.

Kingsford Elementary and Mulberry Middle are currently over capacity. Kingsford Elementary is land locked in such a way that prohibits expansion. The School Board has purchased a site for an elementary school on Bailey Road which would relieve Kingsford Elementary. Currently the School Board does not have funding in the five (5) year plan for the construction of a new elementary school. If residential was proposed for this site the development would be subject to school concurrency. Capacity improvements for Mulberry Middle are beyond the five year work plan.

*** The removal of the two BPC parcels will reduce the potential impact to the school system since half of the acreage that would allow residences is removed. The remaining 14.4 acres could generate 216 units and approximately 60 students rather than the 120 students referenced in the paragraph above Table 2.**

Nearest Sheriff, Fire, and EMS Station

Table 3

| | Name of Station | Distance from subject site | Response Time |
|---------|--|------------------------------------|-----------------|
| Sheriff | Southwest District Office 4120 US Highway 98S, Lakeland | 15 ± miles from district office | 12-15 ± minutes |
| Fire | Station # 4 Bradley Fire Station 6449 Old Highway 37 | 2-3 ± miles | 4-8 ± minutes* |
| EMS | ALS Station Mulberry 7 310 3 rd Street, Mulberry | 4-5 ± miles | 6-7 ± minutes* |

Source: Polk County Sheriff’s Office, EMS, and Public Safety; Response times vary depending on the type of call and location of patrolling service. *Response times are based on when the 911 call is received by the station not when the 911 call is made.

Sheriff’s Office services will be provided by the Southwest District Command. The command station is located at 4120 US Highway 98 South on the corner of the University of South Florida/Polk Community College off of US Highway 98 South in Lakeland. This station is approximately fifteen miles from the site and the average response time to calls for service is approximately twelve to fifteen minutes. Sheriff Office response times are not as much a function of the distance to the nearest sheriff’s station, but more a function of the overall number of patrol officers within the County. The nearest EMS station is the Mulberry EMS Station (ALS 7). This station is located approximately four to five miles away with a response time of six to seven minutes.

The Bradley Fire Station serves the Bradley Junction area, a remote area of southwest Polk County known for its power generation and phosphate industry. Back-up to the station comes from automatic aid partners including Mulberry Fire, Polk County Willow Oak fire station, or mutual aid from the cities of Fort Meade or Bartow. The Bradley fire station has been upgraded to 24 hour staffing with three career firefighters per shift, augmented by volunteer firefighters. The station is equipped with an engine, tanker and brush. Engine 4 was recently upgraded to paramedic level service with the addition of cross trained firefighters who provide advanced life support pre-hospital emergency care. Until all renovations at the station are complete, the firefighters will use the residence at 630 Main Street.

Water and Sewer Capacity and Service Provider:

A. Service Provider:

The site is located in the Rural Development Area (RDA). Properties located in the RDA are not required to connect to centralized sewer and potable water. The subject property will be required to develop with well and septic systems. The applicant will need to obtain the appropriate permits from the Polk County Health Department. The subject property is limited to a floor-to-area ratio of 0.50 because the subject property is located in the Rural Development Area (RDA). The Polk County Utilities and the City of Mulberry are the closest providers of water and wastewater services.

The site is partially located within the Polk County Utilities Southwest Regional Utility Service Area (PCU-SWRUSA). Specifically, the site is adjacent to Bradley Junction Public Water System. No central sewer is currently available or planned for this region.

B. Available Capacity:

Polk County Utilities has a twelve inch potable water main along the east side of Old Highway 37. The Bradley Junction Public Water System provides potable water and fire protection to the communities of Piece and Bradley Junction. The facility is currently operating at 70% capacity and potentially has approximately 20,000 GPD available for use.

Centralized sewer is not available in this area except for the community of Oak Terrace. The facility treats approximately 19,000 GPD, but does not have additional capacity for the proposed request.

According the PCU, development of large industrial parks or business parks should provide centralized wastewater treatment and effluent disposal in accordance with FAC 62-620. Geotechnical studies will be required to ensure that previously mined land is suited for wastewater effluent disposal or can be modified for such purposes.

C. Planned Improvements:

The site is located within the Southwest Florida Water Management District and the Southern Water Use Caution Area (SWUCA). Due to increased demands for potable water throughout the County, and lack of growth in the southwest regions, PCU has no plans to increase potable water or wastewater capacity in this area.

Table 4

| Proposed Site IND = 300± ac. BPC = 32± acres Total = 332± ac | Estimated Impact Analysis (Phosphate Mining / Industrial and Business Park Center) | | |
|---|--|--|--|
| | Existing Land Use Density /Usage Allowed | Maximum Land Use Density / Usage with Proposed Request | Staff Recommendation (Parcel 1 = 92 acres IND) |
| Generation Rates | PM in RDA 0.75 FAR = 32,670 sf | IND in RDA = 0.5 FAR or 21,780 sf BPC in RDA = 0.35 FAR or 15,246 sf | IND in RDA 0.5 FAR or 21,780 sf |
| Permitted Density/ Maximum Number of Lots | 249 ac or 10,846,440 sf | IND = 150 ac or 6,534,000 sf BPC = 12 ac or 487,872 sf TOTAL 162 ac or 7,021,872 sf | IND = 46 ac or 2,003,760 sf |
| Potable Water Consumption (GPD) | 2,603,146 GPD | IND = 1,568,160 GPD BPC = 117,090 GPD TOTAL = 1,685,250 GPD | 480,903 GPD |
| Wastewater Generation (GPD) | 2,082,517 GPD | IND = 1,254,528 GPD BPC = 93,672 GPD TOTAL = 1,348,200 GPD | 384,722 GPD |
| Source: Long Range Planning- Potable Water and Wastewater generation rates. GPD = gallons per day PM, IND and BPC: Potable Water = 0.24 GPD per sf; Sewer = 80% of water | | | |

The generation rates also show that water and wastewater are not available to support the current land use with a build out of industrial type uses in the PM and that the IND and BPC request is a perceived reduction in consumption. It is important to note that although Table 4 includes the potential generation rate for the PM district, these numbers do not accurately portray the existing or future use of the PM district. Phosphate mining has already reached its peak and never developed at the intensity listed in the generation tables. The water consumption within the PM district will continue to decrease as mining and processing activities move further south into neighbouring counties.

Based on the permitted values and the maximum usage shown in Table 4 the request will generate a considerable need for potable water and waste waster services, which are not currently available or planned. The difference in the generation rates are based not on the type of uses allowed, but instead on the reduction in the floor-area ratio between the industrial uses allowed in the PM district and those allowed in the IND and BPC district. Concurrency for water, fire flow, and wastewater services will have to be met prior to Level II approval. Adequate potable water, fire flow, and wastewater capacity necessary to accommodate the development of this site is not currently available.

*** The removal of the two BPC parcels will reduce the water and wastewater consumption proposed by this request. The potable water needs will be reduced by 64,399 GPD and 51,519 GPD for wastewater. Please note the revised Table 4 below.**

REVISED Table 4

| Proposed Site | Estimated Impact Analysis (Phosphate Mining / Industrial and Business Park Center) | | |
|---|--|--|--|
| | Existing Land Use Density /Usage Allowed | Maximum Land Use Density / Usage with Proposed Request | Staff Recommendation (Parcel 1 = 92 acres IND) |
| IND = 300± ac. BPC = 14.4± acres Total = 314.4± ac | | | |
| Generation Rates | PM in RDA 0.75 FAR = 32,670 sf | IND in RDA = 0.5 FAR or 21,780 sf BPC in RDA = 0.35 FAR or 15,246 sf | IND in RDA 0.5 FAR or 21,780 sf |
| Permitted Density/ Maximum Number of Lots | 249 ac or 10,846,440 sf | IND = 150 ac or 6,534,000 sf BPC = 5.04 ac or 219,543 sf TOTAL 162 ac or 6,753,543 sf | IND = 46 ac or 2,003,760 sf |
| Potable Water Consumption (GPD) | 2,603,146 GPD | IND = 1,568,160 GPD BPC = 52,691 GPD TOTAL = 1,620,851 GPD | 480,903 GPD |
| Wastewater Generation (GPD) | 2,082,517 GPD | IND = 1,254,528 GPD BPC = 42,153 GPD TOTAL = 1,296,681 GPD | 384,722 GPD |
| Source: Long Range Planning- Potable Water and Wastewater generation rates. GPD = gallons per day PM, IND and BPC: Potable Water = 0.24 GPD per sf; Sewer = 80% of water | | | |

Roadways/Transportation Network:

A. Capacity:

The subject site has frontage on County Road 640 (CR 640), Old Highway 37 (Old 37), State Road 37 (SR 37), Pebbledale Road, and Jameson Road. The two main access roads are Old 37 and SR 37. These along with CR 640 are monitored by the Transportation Planning Organization (TPO). The site has frontage along CR 640, although this frontage may not be accessible since it is along the overpass.

Table 5 indicates the roadway network segments directly impacted by the proposed request. The impacted and surrounding links are currently operating at adequate levels-of-service and currently have additional capacity. Table 6 indicates the projected number of Average Annual Daily Trips (AADT) and Peak Hour Trips (PPHT) for both the existing land use designation of PM and proposed land use change of IND and BPC at maximum activity use. The PM and IND districts are both described as industrial park, while the BPC is described as warehousing. The two access roads (Old 37 and CR 37) have a combined available capacity of 1,264 trips. The request includes the potential for 1,344 PPHT, exceeding the capacity on both roads.

In addition the roadway network has not yet absorbed the potential impacts to the IND site approved by the BoCC in June 2009. This site is located along CR 640 with intersections at SR 37 and Old 37. The site is shown in Exhibit 5 and displays the 43.63± acres site (CPA 09A-04). The maximum impact from this site could be 1,377 AADT and 189 PPHT.

The generation rates also show that both the PM district and the proposed request both have the potential to exceed the maximum capacity for the AADT. The tables also seem to indicate that the IND and BPC request is a perceived reduction in trip generation. Again, it is important to note that although Table 6 includes the potential generation rate for the PM district, these numbers do not accurately portray the existing or future use of the PM district. Phosphate mining has already reached its peak and never developed at the intensity listed

in the generation tables. The trip generation within the PM district will continue to decrease as mining and processing activities move further south into neighbouring counties. Also it is unlikely that the PM in this area would be re-mined, used for processing, or needed for allied industries.

Table 5

| Link # | Direction | Road Name | Current LOS | Available Capacity | Minimum LOS Standard |
|--------|-----------|---|-------------|--------------------|----------------------|
| 4128 | South | Old Highway 37 (CR 630 to CR 640) | A | 357 | C |
| 4128 | North | Old Highway 37 (CR 630 to CR 640) | A | 343 | C |
| 5801 | South | State Road 37 (SR 674 to 640) | B | 261 | C |
| 5801 | North | State Road 37 (SR 674 to 640) | B | 303 | C |
| 4069 | East | County Road 640 (Pinecrest Road) (Hillsborough County Line to SR 37) | C | 137 | C |
| 4069 | West | County Road 640 (Pinecrest Road) (Hillsborough County Line to SR 37) | C | 232 | C |

Source: Polk County Transportation Planning Organization, Roadway Network Database April 3, 2009.

Table 6

| Proposed Site | Estimated Impact Analysis (Phosphate Mining / Industrial and Business Park Center) | | |
|--|--|--|--|
| | Existing Land Use Density /Usage Allowed | Maximum Land Use Density / Usage with Proposed Request | Staff Recommendation (Parcel 1 = 92 acres IND) |
| IND = 300± ac. BPC = 32± acres Total = 332± ac | | | |
| Generation Rates | PM in RDA 0.75 FAR = 32,670 sf | IND in RDA = 0.5 FAR or 21,780 sf BPC in RDA = 0.35 FAR or 15,246 sf | IND in RDA 0.5 FAR or 21,780 sf |
| Permitted Density/ Maximum Number of Lots | 249 ac or 10,846,440 sf | IND = 150 ac or 6,534,000 sf BPC = 12 ac or 487,872 sf TOTAL 162 ac or 7,021,872 sf | IND = 46 ac or 2,003,760 sf |
| Average Annual Daily Trips (AADT) | 15,715 AADT | IND = 9,467 AADT BPC = 687 AADT TOTAL = 10,154 AADT | 2,904 AADT |
| PM Peak Hour Trips (PPHT) | 2,202 PPHT | IND = 1,326 PPHT BPC = 107 PPHT TOTAL = 1,433 PPHT | 408 PPHT |

Source: Polk County Transportation Planning Organization (TPO)
AADT and PM Peak Hour Trips trip generation assumptions for PM and IND are based on Industrial Park
Industrial Park (ITE 130) = 63.11 AADT/ac and 8.84 Peak Hour Trips per acre
Warehouse (ITE 150) = 57.23 AADT/ac and 8.86 Peak Hour Trips per acre

Based on the permitted values and the maximum usage shown in Table 6 the request will generate a considerable need for roadway trips, which are not all currently available or planned. The difference in the generation rates are based not on the type of uses allowed, but instead on the reduction in the floor-area ratio between the industrial uses allowed in the PM district and those allowed in the IND and BPC district. The applicant will be required to submit a more detailed traffic study during the Level II process so that staff can

evaluate the potential impacts caused by the proposed development upon submittal. Adequate trips necessary to accommodate the development of this site is not currently available.

The removal of the two BPC parcel will reduce the proposed traffic impacts. The Average Annual Daily Trips proposed will be reduced by 398 trips and the Peak Hour Trips will be reduced by 62 trips. See the revised Table 4 below.

REVISED Table 6

| Proposed Site | Estimated Impact Analysis (Phosphate Mining / Industrial and Business Park Center) | | |
|---|--|--|--|
| | Existing Land Use Density /Usage Allowed | Maximum Land Use Density / Usage with Proposed Request | Staff Recommendation (Map Id 1 = 92 acres IND) |
| IND = 300± ac. BPC = 14.4± acres Total = 314.4± ac | | | |
| Generation Rates | PM in RDA 0.75 FAR = 32,670 sf | IND in RDA = 0.5 FAR or 21,780 sf BPC in RDA = 0.35 FAR or 15,246 sf | IND in RDA 0.5 FAR or 21,780 sf |
| Permitted Density/ Maximum Number of Lots | 249 ac or 10,846,440 sf | IND = 150 ac or 6,534,000 sf BPC = 5.04 ac or 219,543 sf TOTAL 162 ac or 6,753,543 sf | IND = 46 ac or 2,003,760 sf |
| Average Annual Daily Trips (AADT) | 15,715 AADT | IND = 9,467 AADT BPC = 289 AADT TOTAL = 9,756 AADT | 2,904 AADT |
| PM Peak Hour Trips (PPHT) | 2,202 PPHT | IND = 1,326 PPHT BPC = 45 PPHT TOTAL = 1,371 PPHT | 408 PPHT |
| Source: Polk County Transportation Planning Organization (TPO) AADT and PM Peak Hour Trips trip generation assumptions for PM and IND are based on Industrial Park Industrial Park (ITE 130) = 63.11 AADT/ac and 8.84 Peak Hour Trips per acre Warehouse (ITE 150) = 57.23 AADT/ac and 8.86 Peak Hour Trips per acre | | | |

B. Roadway Conditions:

Old 37 and SR 37 are both two lane roads that run north and south with the property located between the two roads. Old 37 is a two-lane undivided road classified as a major rural collector and SR37 is a two-lane undivided road classified as a minor arterial with uninterrupted flow due to minimal driveways. CR 640 runs west to east at the northern end of the site. CR 640 is a two-lane undivided road classified as a Minor Arterial with uninterrupted flow due to minimal driveways. The roads in this area are categorized as in transition between the rural and urban area. Signalized intersections are located where CR 640 connects with Old 37 and SR 37. The northern most end of the site is located at the intersection of CR 640 and Old 37. This signalized intersection includes both right and left turn lanes on to Old 37 from CR 640 and onto CR 640 from Old 37.

Based on the Polk County Road Inventory Database, Old Highway 37 (CR 630 to CR 640) is in fair condition and has a Pavement Condition Index (PCI) rating of four (4), which means that the road is good structurally, but needs some repairs. The road width is twenty-two (22) feet from edge of pavement to edge of pavement for Old Highway 37. Some areas have shoulders extending the width to twenty-four (24) feet. State Road 37 is a state maintained road and the County does not collect data on road conditions. The road width varies along the project width from thirty-two (32) feet at Jamison Road to forty-one (41) feet at Oak Terrace with shoulders. CR 640 (Hillsborough County Line to SR 37) is good condition has a PCI rating of six (6), which

means the road is in sound structural condition, but show definite signs of aging. The road width for CR 640 is thirty-eight (38) feet from edge of pavement to edge of pavement where there are turn lanes, otherwise generally the width is twenty-four (24) feet with shoulders.

Other roads in the area include Jamison Road, Williams Street, Magnolia Avenue, and Pebbledale Road. Jamison Road runs east to west near the southern end of the site. The Road width varies for twenty (20) to twenty-three (23) feet. The road is in good condition with some shoulder where the width is greater. Williams Street and Magnolia Avenue are entrance roads into the adjacent communities of Pierce and Oak Terrace, respectively. Williams Street is twenty (20) feet wide in fair to good condition, and Magnolia Avenue is eighteen (18) feet wide in fair condition.

The Lakeland Area Mass Transit District Rout 37S runs along Old Highway 37 and has a 60 minute head way. The route runs from the Wal-Mart in Bartow to Bradley Junction with stops in Pinedale and Pierce.

C. Planned Improvements:

Currently, there are no additional planned improvements for the surrounding roadways as described in Table 5. Table 6 demonstrates the maximum transportation impact based on the developable acreage for each land use. As demonstrated in the table, the request has a great potential of impact on the roadway network. In the 2030 Long Range Transportation Plan, SR37 from CR640 to SR 60 is shown as an unfunded need to widen the road from 2 to 4 lanes.

Environmental Conditions:

The prior mining and reclamation activities on-site have significantly altered most of the natural soils, wetlands, vegetation, floodplain, and wildlife habitats. The existing wetlands on-site are all man-made as part of the post reclamation design. At this point in time all mining activities have been permanently shut down and the mining company (IMC/ Mosaic) and portions of the site have been released (approximately 225 acres) from reclamation obligations. The conceptual post-reclamation design is shown in Exhibit 6.

A. Surface Water:

There are surface waters on-site associated with the North Prong Alafia River. The river runs adjacent to the site. Generally the surface water flows to the wetland features in the post reclamation design. These wetland areas are shown in Exhibit 6 and are generally green. Parcel 1 flows south with a waterbody feature on the west side of the parcel. Parcel 2 generally flows eastward into the North Prong Alafia River tributary. Parcel 3 generally flows south to north and south to west into the wetland between parcel 3 and 6. Parcel 4 flows south into parcel 5 which flows south into the wetland off-site. Parcel 6 generally flows east ward, but at the south end flows north into the same wetland. Parcel 7 flows northward into the same wetland as parcels 3 and 6. Parcel 8 flows southward. Parcels 9, 10, and 11 flow into the same wetland with parcel 9 generally flowing south and parcels 10 and 11 flowing west.

Map Id 4 and 7 were not transmitted by the Board of County Commissioners.

B. Wetlands/Floodplains:

The wetlands and floodplains are shown in Exhibit 7. Generally the post –reclamation wetlands have been carved out of the proposed land use change. The remaining wetlands are located on Parcel 1. These wetlands are associated with the Integrated Habitat Network ("IHN") plan. While a portion of the wetlands were removed from the original request, it would be more appropriate for the remaining wetlands to be removed from Parcel 1. The environmental conditions on and near this portion of the site supports a habitat conducive to the presence of protected plant and animal species. The applicant stated that this parcel was not completely mined due to an eagle's nest and the floodplains for the North Prong Alafia River. The reclaimed lake and wetland system were created to mitigate for environmental losses due to mining. Another option is to considering the Preservation (PRESV) Future Land Use Designation for the large areas of wetlands, floodplains, and IHN areas. This could also create a natural buffer between the proposed development and the existing residential communities.

The Bureau of Mine Reclamation ("BMR") developed the Integrated Habitat Network ("IHN") plan to acts as a guide for the reclamation of mined lands and the enhancement of unmined lands within the southern phosphate district. With appropriate management, the IHN lands are expected to improve wildlife habitat, benefit water quality and quantity, and serve as connections between river systems in the mining region and significant environmental features outside the mining district. This management plan was developed to coordinate basic management activities for long-term protection of the greenways/wildlife corridors, wildlife habitat, and riparian buffers within the Integrated Habitat Network. The IHN was developed to be compatible with and is part of the Florida Statewide Greenways Plan. In keeping with the tenets of the Greenways System Implementation Plan and its enabling legislation, participation in the IHN concept is strictly voluntary. The BMR has been the leading force behind the presentation of the IHN concept to the public, industry, and other agencies to foster understanding, cooperation, and participation in the program. Through the BMR's efforts, the concept has gained wide acceptance and virtually unanimous implementation in the industry.

The majority of the floodplain is designated as Special Flood Hazard Zone A, which corresponds to the 100-year floodplain. Because detailed hydraulic analyses have not been performed in this area, no base flood elevation or depths have been established. Development in these areas would be required to provide a base flood and floodway study to ensure that new structures are built above the floodplain elevation to reduce the loss of life and property.

C. Wells (Public/Private):

The site does not fall within a Wellhead Protection Area. According to the applicant, there are private wells in the area that provide potable water to the site. All production and irrigation wells were removed as part of the reclamation process. A remaining production well is maintained on an adjacent parcel by the Mosaic Company for their administrative offices (Intersection of Old Highway 37 and Pebbledale Road). The other adjacent industries are assumed to be on private wells since they are not within the Polk County or City of Mulberry Service areas. Polk County Utility Production wells (Rolling Hills West and Bradley Junction) are located near the site to serve the communities of Pierce and Bradley Junction. Details on the public potable water wells on-site are detailed in the Water and Sewer Capacity and Service Provider Section of the Staff Report.

D. Airports:

The site is not located within an Airport Impact District (AID).

E. On-Site Soils Per Polk County Soil Survey

The soils on-site have been mined, reworked and are no longer in their original state. The Polk County Soil Survey was published in 1985 and may characterize some areas correctly, while other areas that have been reclaimed more recently may be inaccurately described. Exhibit 9 shows the soils labeled by Soil Id and includes the hydrogroup, percent coverage, and how appropriate the soil is for basements and septic tanks. Fill material or overburden has been added in wet areas to alleviate water problems, or soil material has been excavated to blend with the surrounding landscape. The application states that much of the reclamation was achieved with overburden. The soil conditions, the ability to engineer the site, and cost will be a major factor in the development of this site.

According to the Soil Survey of Polk County, the majority of the site is comprised of Pomona Fine Sand with less amounts of Neilhurst sand, Ona fine sand, and urban land. Other soils are found on less than 10% of the site. All of the soils are listed on Table 6. Pomona Fine Sand has severe limitations for urban development due to wetness. To overcome the problems caused by severe wetness of Pomona Fine Sands caused by wetness on sites for buildings or local roads and streets, a drainage system can be installed to lower the water table or fill material can be added to increase the effective depth to the high water table.

Soil conditions and surrounding impervious cover will play a roll in limiting development as well. Review of the soil hydrogroup shows the general characteristics of the soil types and their development limitations. The soil hydrogroups are shown on Exhibit 8. Approximately 50 % of the soils have limitations for development, since they are classified as B/D or D.

Table 6

| Proposed Site (332 ± acres) | | | | | |
|-----------------------------|-------------|-----------------------------------|-----------|-------------------------------|-------------------------------|
| Soil Id | Hydro-group | Soil Name Proposed Land Use | % of Site | Dwellings Without Basements | Septic Tank Limitations |
| 105007 | B/D | POMONA FINE SAND | 37.0 | Severe: wetness | Severe: ponding, percs slowly |
| 105012 | A | NEILHURST SAND 1 TO 5 % SLOPES | 15.5 | Severe: wetness | Severe: seepage |
| 105023 | B/D | ONA FINE SAND | 15.5 | Severe: wetness | Severe: wetness, poor filter |
| 105016 | UND | URBAN LAND | 11.4 | Not rated | Not rated |
| 105014 | C | SPARR SAND 0 TO 5 %SLOPES | 8.9 | Moderate wetness | Severe: wetness, poor filter |
| 105068 | C | ARENTS 0 TO 5 %SLOPES | 5.2 | Slight | Moderate: wetness |
| 105017 | B/D | SMYRNA AND MYAKKA FINE SANDS | 3.0 | Severe: wetness | Severe: wetness, poor filter |
| 105057 | D | HAPLAQUENTS/CLAYEY | 1.5 | Severe: ponding, shrink-swell | Severe: ponding, percs slowly |
| 105047 | C | ZOLFO FINE SAND | 0.7 | Moderate wetness | Severe: wetness, poor filter |

| | | | | | |
|--|-----|---|-----|----------------------------------|----------------------------------|
| 105025 | D | PLACID AND MYAKKA FINE SANDS DEPRESSIONAL | 0.4 | Severe: ponding | Severe: ponding, poor filter |
| 105058 | UND | UDORTHENTS EXCAVATED | 0.4 | Not rated | Not rated |
| 105033 | D | HOLOPAW FINE SAND DEPRESSIONAL | 0.3 | Severe: ponding | Severe: ponding, poor filter |
| 105008 | D | HYDRAQUENTS/CLAYEY | 0.2 | Severe: ponding, shrink-swell | Severe: ponding, percs slowly |
| Source: Polk County GIS and Soil Survey of Polk County, Florida (1986) | | | | | |

| Parcel 1 (92 ± acres) | | | | | |
|-----------------------|-------------|-----------------------------|---------------|----------------------------------|----------------------------------|
| Soil Id | Hydro-group | Soil Name Proposed Land Use | % of Parcel 1 | Dwellings Without Basements | Septic Tank Limitations |
| 105007 | B/D | POMONA FINE SAND | 94.3 | Severe: wetness | Severe: ponding, percs slowly |
| 105057 | D | HAPLAQUENTS/CLAYEY | 5.4 | Severe: ponding, shrink-swell | Severe: ponding, percs slowly |

Hydrogroup B/D and D have limitations on development. Although some soils on this site may be suitable for development, due to their nature and proximity to wetlands and floodplains, development on these soils could lead to increased stormwater and nutrient loads into the wetlands and floodplains. These soils are often found in swamp and marsh areas. This soil is subject to frequent flooding and ponding and provides wildlife habitat as well as a place for water storage. Parcels 1, 5, 8, and 11 are complete composed of soils within these two hydrogroups.

Hydrogroup A and C soils are often found on upland ridges and are characterized by their sandy texture and rapid permeability. These types of soils are well-drained and therefore suitable for urban development, but also provide for recharge and flow to the North Prong Alafia River. Typical vegetation found on these types of soils include the turkey oak, longleaf pine, and sand pine all of which are native to Florida scrub habitat. Parcels 2, 3, 4, 6, 7, 9, and 10 are primarily composed of these soils.

Map Id 4 and 7 were not transmitted by the Board of County Commissioners.

F. Endangered Habitat

According to the 2002 Florida Natural Areas Inventory (FNAI), the site contains and is located within a one mile radius of an endangered animal habitat and consists primarily of endangered plant, animal and communities. The Florida Fish and Wildlife Conservation Commission (FWC) have identified seven or more focal species biodiversity hotspots associated with the site. The FWC also has records of wading bird rookeries in the area. Although, the applicant has not completed an endangered habitat or species analysis, the application indicated that an eagle's nest was located on parcel 1. The Florida Department of Environmental Protection (FDEP) Bureau of Mine Reclamation (BOMR) has also noted that the eagle's nest remains located on Parcel 1. Due to the proximity to protected species a qualified professional will be required to conduct a site walkover and provide a protected species inventory list prior to any land development.

Park Facilities:

A land use change from PM to IND and BPC should not have an impact on the need for additional park facilities within this area.

Economic Factors:

The proposed land use change could help boost the local economy by providing employment opportunities in the southwest portion of Polk County and may provide spin off employment opportunities throughout the county. The proposed land use change could facilitate development that creates jobs that are above the average full-time employee in Polk County. Moreover, the proposed land use change could increase the tax base for Polk County as expenditures towards school and park facilities are negligible when developing industrial and/or commercial uses when compared to non-commercial uses. The proposed IND and BPC land use also allows for a variety of uses when compared to uses in the PM land use. In the PM land use, development is limited to uses associated with phosphate mining activity.

Consistency with Comprehensive Plan:

The site is located on land that has been previously mined and reclaimed with a Future Land Use designation of Phosphate Mining (PM). It is expected that the PM lands in Polk County will begin to transition into alternate uses as the mining industry moves south. This transition needs to be evaluated and coordinated. Staff has analyzed the following Comprehensive Plan Policies in reviewing this request:

Section 2.102 of the Polk County Comprehensive Plan addresses the compatibility, distribution, timing, development policies and standards, topography considerations, soils, public facilities and utilities, location criteria, and Urban Sprawl criteria for development within unincorporated Polk County. In addition, the specific characteristics, location criteria, and development criteria were reviewed for each proposed Future Land Use district.

- **POLICY 2.102-A1: 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 Future Land Use proposal is requesting IND and BPC next to Agriculture/Residential-Rural (A/RR). The A/RR districts contain the communities of Oakdale/Oak Terrace, Pierce/ Rolling Hills, Pinedale, and Bradley Junction which are occupied by single-family residences. The applicant has made the argument that the PM district allows the same intense IND and BPC uses. Although these communities have experienced the impacts of mining operations, these activities were temporary in nature and are decreasing in quantity in Polk County as the mining industry moves south. Phosphate mining has already reached its peak and never developed at the intensity allowed nor did it develop with high amounts of allied uses. The PM district

surrounding these communities is now very rural in nature and it is extremely unlikely the PM in this area would be re-mined, used for processing, or needed for allied industries. Therefore, PM is not the same intensity as IND or BPC. Also there are many other Future Land Uses districts that could serve as a transition between the rural residents to an industrial type use.

- *POLICY 2.102-A3: 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.*

- *POLICY 2.102-A9: LOCATION CRITERIA — The following factors shall be taken into consideration when determining the appropriateness of establishing or expanding any land use or development area:*
 - a. *nearness to incompatible land uses and future land uses, unless adequate buffering is provided;*
 - b. *nearness to agriculture-production areas;*
 - c. *distance from populated areas;*
 - d. *economic issues, such as minimum population support and market-area radius (where applicable);*
 - e. *adequacy of support facilities, or adequacy of proposed facilities to be provided by the time of development, including, but are not limited to:*
 - 1. *transportation facilities;*
 - 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;*
 - 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.*

This application has several timing and location issues that are associated with each other. First the infrastructure is not in place at this time to support such a large Industrial and Business Center district. The potable water, fire water, and wastewater facilities are not available to support the development. The scale of the development would also consume all available trips on the two access roads (Old 37 and SR 37). Without upgrades to the intersection there is also the possibility of additional accidents and reliance on emergency services. Although the generation tables seem to indicate that the IND and BPC request is a reduction in infrastructure demand, it is important to note that numbers do not accurately portray the existing or future use

of the PM district. Phosphate mining has already reached its peak and never developed at the intensity listed in the generation tables. The infrastructure needs within the PM district will continue to decrease as mining and processing activities move further south into neighbouring counties. Also it is unlikely that the PM in this area would be re-mined, used for processing, or needed for allied industries.

In addition, there are no plans to increase the capacities for these infrastructure services. Additionally the amount of available IND in the County is approximately 3,537 acres or 50% of the land designated as IND in the County. In addition to that a 44 ± acre parcel was recently approved adjacent to the site. Finally, the applicant has stated that the facility would support the proposed CSX Integrated Logistics Center. The County is performing a Selected Area Study (SAS) to determine areas for appropriate land use changes to support the center and ensure proper growth CSX Integrated Logistics Center, as well as an SAS on the PM Future Land Use districts within the County.

- **POLICY 2.113-A3: LOCATION CRITERIA** — *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 Urban-Development Area Urban-Growth Area, Suburban-Development Area, Rural-Development Area, or Utility-Enclave Area. [Revised by CPA-06A-05 (Ord. 06-041); Adopted by BoCC 26 JUL 06]*
 - b. *Accessibility to major air and ground transportation, including but not limited to arterial roadways, rail lines, and cargo airport terminals. [Revised by CPA-06A-05 (Ord. 06-041); Adopted by BoCC 26 JUL 06]*
 - c. *The locational criteria enumerated in Policy 2.102-A9 and Policy 2.109-A10. [Revised by CPA-99B-15 (Ord. 99-71); Adopted by BoCC 15 DEC 99]*
 - 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. [Revised by CPA-06A-05 (Ord. 06-041); Adopted by BoCC 26 JUL 06][Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
 - 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 [Added by CPA-06A-05 (Ord. 06-041);Adopted by BoCC 26 JUL 06]:*
 - 1. *arterial roads;*
 - 2. *collector roads, if the subject parcel is within ½ mile 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. [Added by CPA-06A-05 (Ord. 06-041); Adopted by BoCC 26 JUL 06]*

The site (Parcel Id 1-3, 5-6, 8-9, and 11) meets some of the location criteria for the Industrial Future Land Use designation (a, b, d, and f). This includes items such as access to rail, the separation from schools, and the road access. Items that that the sites does not meet are the Polices in 2.102 (in previous bullet) and the

application did not address the Policies in 2.110-L5. This Policy addresses the Activity Plan requirements, which at a minimum include addressing land uses designations for all property within the center, development criteria, development restrictions (if appropriate), traffic circulation plan, special transportation restrictions (if appropriate) and the identification of environmentally sensitive lands and endangered natural communities and outline proposals for the preservation and/or conservation of these areas. This policy helps address issues for large developments or developments that can have impacts beyond the adjacent properties.

- **POLICY 2.113-A4: DEVELOPMENT CRITERIA** —[Revised by CPA-97B-07 (Ord 97-49); Adopted by BoCC 18 NOV 97]; [Revised by CPA-99B-02 (Ord. 99-63); Adopted by BoCC 15 DEC 99]; [Revised by CPA2002B-15 (Ord. 02-106) Adopted by BoCC 18 Dec 02] *Development 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. [Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
 - 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 UDA, 0.65 in the UGA, 0.50 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development. [Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
 - 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. [Created by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
 - 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 UDA 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. [Added by CPA-06A-05 (Ord. 06-041); Adopted by BoCC 26 JUL 06]*

The site (Parcel Id 1-3, 5-6, 8-9, and 11) has the potential to meet the development criteria for IND. Most of these items would be addressed during a Level III or Level II review. One item that would need attention is item (f) above for areas where centralized water or wastewater services are not available. The site maximum impervious surface ratio would be reduced without the availability of centralized utilities to afford better protection and function of well and septic tank systems.

- POLICY 2.113-B-1: CHARACTERISTICS** —[Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]
Business-Park Centers are intended to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, areas for light-industrial facilities, distribution centers, and mixed-use employment parks. Business-Park Centers are intended for land use activities that are conducted entirely within enclosed structures with the exception of loading and unloading. These centers are not intended to accommodate major commercial or other similar high-traffic producing facilities. However, these centers often contain other minor commercial facilities, and wholesale facilities, within the Business-Park Center to support the businesses located there. General (approximate) characteristics of Business-Park Centers are:

| | |
|-----------------------------------|---|
| <i>Usable Area</i> | <i>10 acres or more</i> |
| <i>Gross Leasable Area (GLA)</i> | <i>500,000 to 2,000,000 sq. ft.</i> |
| <i>Minimum Population Support</i> | <i>150,000 or more people</i> |
| <i>Service-Area Radius</i> | <i>20 miles or more</i> |
| <i>Typical Leading Tenant</i> | <i>One or more light-assembly plants, or warehouse facilities</i> |
| <i>Other Typical Tenants</i> | <i>Offices, distribution centers, research and development firms, High-Density Residential (with proper buffering).</i> |

The site (Parcel Id 4, 7, and 10) has the potential to meet the characteristics of a BPC, although the application did not demonstrate the additional need for BPC within the request. Typically documentation addresses the minimum population to support a land use designation, the lack of available land with the needed Future Land Use designation, or the need for a specific end user.

Map Id 4 and 7 were not transmitted by the Board of County Commissioners.

- POLICY 2.113-B-3: LOCATION CRITERIA** —[Revised CPA 05B-15 (Ord. 05-092) Adopted by BoCC 07 DEC 2005]
Business-Park Centers shall be located with consideration being given to maximizing access to the arterial road system and with consideration given to the guidelines outlined in POLICY 2.404.-A1. In locating Business-Park Centers, Polk County shall seek to minimize the routing of commercial traffic through residential areas. Business-Park Centers shall be located on:

 - arterial roads;*
 - collector roads, if the subject parcel is within ½ mile of an intersecting arterial road; or*
 - local commercial roads or private roads under the following conditions:*
 - the road has full median access onto to an arterial road;*
 - the road does not serve existing or expected future residential traffic from the surrounding area;*
 - the road has a structural integrity and design characteristics suitable for truck traffic.*

The site (Map Id 4, 7, and 10) meets the location criteria for BPC with access to a commercial road. Map Id 4 has an extension into the residential subdivision, which is inappropriate for a BPC district.

Map Id 4 and 7 were removed by the BoCC to reduce the impact on the neighboring communities.

- **POLICY 2.113-B-4: DEVELOPMENT CRITERIA** — [Revised by CPA-97B-07 (Ord 97-49); Adopted by BoCC 18 NOV 97]; [Revised by CPA2002B-15(Ord. 02-106); Adopted by BoCC 18 DEC 02]; [Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02] *Development within a Business-Park Center shall conform to the following criteria:*

- a. Business-Park Centers shall have frontage on, or direct access to, an arterial roadway, or a frontage road or service drive which directly serves an arterial roadway. Business-Park Centers shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.*
- b. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.*
- c. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.*
- d. Commercial activities to support activity within a Business Park Center shall not exceed 15 percent of the total area of the Business Park.*
- e. The maximum floor area ratio for commercial activities shall not exceed 0.25. The maximum floor area ratio for non-commercial activities shall not exceed 0.75 in the UDA, 0.65 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.*
- f. Retail sale of goods manufactured on the site of a business located within a Business Park Center is allowed without affecting the fifteen percent (15%) of commercial activity permitted for the entire activity center 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.*
- g. New residential development within Business Park Centers shall be limited to High-Density Residential (with proper buffering). [Revised by CPA-2000A-13 (Ord. 00-43); Adopted by BoCC 20 JUN 2000]*
- h. All research and development, light-industrial, and distribution activities shall be conducted within enclosed structures with the exception of loading and unloading of transport and distribution vehicles. Outdoor storage shall be screened from off-site view and significantly limited in respect to the floor area provided within enclosed structures. [Revised by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
- i. 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 septic. [Created by CPA2002A-02 (Ord. 02-90); Adopted by BoCC 18 DEC 02]*
- j. Planned Developments within the Business Park Center 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 UDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the BPC district. [Created by CPA2002B-15(Ord. 02-106); Adopted by BoCC 18 DEC 02]*

The site (Parcel Id 4, 7, and 10) has the potential to meet the development characteristics of a BPC. Most of these items would be addressed during a Level III or Level II review. One item that would need attention is item (i) for areas where centralized water or wastewater services are not available. The site maximum impervious surface ratio would be reduced without the availability of centralized utilities to afford better protection and function of well and septic tank systems. Another item that would need attention is buffering, since the BPC areas are located next to residential areas.

Map Id 4 and 7 were not transmitted by the Board of County Commissioners.

In Addition, both Rolling Hills and Bradley Junction are designated as Redevelopment Districts per Policy 2.124-F. These areas are shown in relation to the proposed site in Exhibit 10. The Rolling Hills district is adjacent and contains a portion of the site, while the Bradley Junction district is located south of the site. The districts are intended to:

- utilize a comprehensive, strategic approach to identify the special needs of unincorporated communities comprised of predominantly low and moderate income residents;
- involve neighborhood residents in every phase of the planning process;
- develop action plans to meet the identified needs including, but not limited to, social and community services, infrastructure, transportation, economic development, law enforcement, and affordable housing;
- promote an enhanced living environment for the community, and a higher quality of life for community residents;
- promote the economic vitality of the community through the development of employment and business opportunities for community residents;
- encourage multi-modal transportation options, particularly pedestrian and bicycle travel; and
- encourage community cohesion by promoting opportunities for the interaction of community residents, thereby engendering community pride, empowerment of residents, identification with, ownership of and participation in revitalization efforts, and a "sense of place."

The Redevelopment District Revitalization Plans shall contain strategies developed with public input from those areas affected to preserve, rehabilitate, revitalize, and/or redevelop those areas. These strategies shall include, but not be limited to:

- a. targeting housing rehabilitation and code enforcement activities within designated Redevelopment Districts;
- b. removing dilapidated structures to create space for infill development;
- c. coordinating infrastructure improvements with rehabilitation and redevelopment activities;
- d. providing economic opportunities and neighborhood support services to encourage economic independence and self-sufficiency of residents;
- e. implementing programs to facilitate the development of affordable housing;
- f. developing special incentives, provisions, restrictions, or requirements in order to ensure that redevelopment and revitalization activities occur in accordance with sound planning principles and local community objectives;
- g. encouraging design features which promote public safety, create inviting streetscapes along public roadways, and emphasize a pedestrian-oriented environment;

- h. developing or providing incentives for development of needed community facilities such as neighborhood centers, day care centers, churches, schools, and community-oriented policing substations; and
 - i. most importantly, empowering residents so as to rekindle community pride and developing lasting partnerships between government and the community.
- **POLICY 2.124-F4: REDEVELOPMENT ACTIVITIES** -- *Redevelopment District Revitalization Plans shall implement the purpose and intent of Policy 2.124-F1 and shall conform to the following requirements: [Policy revised by CPA-96A-16 (Ord. 96-58); Adopted by BoCC 03 DEC 96]*
 - a. **PERMITTED USES:** *In keeping with the purpose and intent of this section, the following uses may be permitted within a Redevelopment District Revitalization Plan:*
 1. Residential (single-family and multi-family)
 2. Commercial
 3. Institutional
 4. Recreation and Open Space
 5. Preservation
 6. Specialized Uses, subject to the provisions of Section 2.125
 - b. **DEVELOPMENT CRITERIA:**
 1. *Non-residential uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. Where permitted by the Redevelopment District Revitalization Plan, non-residential uses may include, but are not limited to, grocery stores, personal service shops, gas stations, restaurants, specialized and general retail, medical and professional offices, and community facilities such as neighborhood centers, churches, schools, community-oriented policing substations, and day care centers.*
 2. *Non-residential uses should be centrally located within the community and within comfortable walking distance for a majority of the area's residents.*
 3. *Non-residential uses shall have direct access to a collector or arterial roadway.*
 4. *The Redevelopment District Revitalization Plan shall ensure that gross densities of the residential portions of the revitalization area do not exceed the densities permitted for the residential district within which the revitalization area is located. Appropriate mixes of housing types shall be permitted where such mixes will be compatible with immediate adjacent existing residential development.*
 5. *Commercial & office uses shall be permitted in Redevelopment District Revitalization Plans. Redevelopment District Revitalization Plans may include up to 10% of the total area of redevelopment district for commercial and office uses. Designation of an area exceeding the additional 10% shall require a Comprehensive Plan amendment.*
 6. *It is fundamental to all revitalization plans that commercial uses, if included in the land use design, shall be oriented toward the historically established town center, main street, or placed in isolated neighborhood market sites that are restricted to a very limited scale of commercial activity and located only at the intersection of major collector roads. Linear commercial development shall not be allowed, unless it is clearly evident that it is consistent with the traditional development pattern of the community.*
 7. *Appropriate buffering shall be provided between non-residential uses and residential uses.*

As part of the Phosphate Mining SAS the Redevelopment Districts along Old Highway 37 will be evaluated and include public participation to determine the needs of communities and how their needs can be met. The Redevelopment Districts for Bradley Junction and Rolling Hills are shown in relation to the site in Exhibit 10.

Consistency with the Polk Vision:

The site has the potential to create new economic development opportunities. The challenge is to incorporate the opportunities without diminishing the quality of life for the neighboring residential communities. Improving the quality of life is one of the long-term and mid-term strategies of the Polk Vision. The various strategies concerning quality of life are described on pages 28-29 in the Quality of Life and include the ideas that, “Polk County will have a quality of life that encourages diverse backgrounds to live in harmony while developing physically, spiritually, mentally, and culturally within a healthy and safe environment.” The proposed land use change could effect the quality of life for the surrounding residential neighborhoods. The request is an extreme change from the rural character that exists near these residents today which could substantially change their sense of community and safety.

The Polk Vision describes an economic development environment that attracts quality businesses with higher paying jobs, improves productivity, and retains youth. Some of the strategies involved include the development of aggressively competitive economic development programs, an inventory of both targeted job sectors and sites deemed favorable for land use changes or expansion, competitive incentives and tax exemption programs, and the creation of partnerships that will help to produce an environment that attracts a creative young work force in the county. The proposed request is consistent with this Polk Vision because it will help to redevelop PM lands that no longer contain PM uses so that other jobs could be brought into this area. Specifically, this amendment addresses an Economic Development strategy to “create and retain commercial and industrial certified real estate inventory countywide...”

Urban Sprawl Analysis:

Urban Sprawl is usually defined as the creation of areas or urban development or uses that fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided (*Source: American Planning Association’s definition of Sprawl*). After analyzing the primary indicators of Urban Sprawl per Rule 9J-5 of the Florida Administrative Code, the subject property does tend to contribute to sprawl. The site is located in an area of the County that is in transition and is subject to change over time due to the existing land use and development activity, but these changes need to occur in a systematic method rather than haphazardly. The Urban Sprawl policy states that “Polk County will discourage the proliferation of urban sprawl by use of the following criteria when determining the appropriateness of establishing or expanding any land use or development area.” Developments that “allow for land use patterns or timing which will disproportionately increase the cost in time, money and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government” are inconsistent with this policy. The policy also discourages development that “promotes, allows or designates for development substantial areas of jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.”

The proposed request can be considered sprawl for several reasons. The site would promote development in a radial, strip isolated or ribbon patterns generally that emanates from existing developments. This can be seen in the generally linear nature of land use requests along State Road 37 and Old Highway 37. This leads to the allowance of intense development in rural areas while leaping over undeveloped lands which are available and suitable for development. This type of development creates a land use patterns that disproportionately increases the cost in time, money and energy, of providing public facilities and services including roads, potable water, sanitary sewer, stormwater management, law enforcement education health care, fire and emergency response, and general government. There is a general failure to provide a clear separation between urban and rural uses. As a result of premature or poorly planned conversion of rural land to other uses, there is a failure to adequately protect and conserve natural resources, such as, wetlands, floodplains, and other significant environmental systems.

| Urban Sprawl Criteria: The following criteria are the primary indicators of urban sprawl per Rule 9J-5 of the Florida Administrative Code. | |
|---|--|
| Rule 9J-5 Urban Sprawl Criteria | Page(s) 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> | 1 – 10 |
| b. <i>Allows a significant amount of urban development to occur in rural areas.</i> | 1 – 15 |
| c. <i>Designates an urban development in radial, strip isolated, or ribbon patterns emanating from existing urban developments.</i> | 1 – 5, 8 - 19; 20 -26 |
| d. <i>Fails to adequately protect and conserve natural resources and other significant natural systems.</i> | 8, 16-19 |
| e. <i>Fails to adequately protect adjacent agricultural areas.</i> | 1 - 15 |
| f. <i>Fails to maximize existing public facilities and services.</i> | 2 - 15 |
| g. <i>Fails to minimize the need for future facilities and services.</i> | 2 -15, 20 -26 |
| h. <i>Allows development patterns that will disproportionately increase the cost of providing public facilities and services.</i> | 1 – 15, 20 -26 |
| i. <i>Fails to provide a clear separation between urban and rural uses.</i> | 1 – 15, 20 -26 |
| j. <i>Discourages infill development or redevelopment of existing neighborhoods.</i> | 1 – 15 |
| k. <i>Fails to encourage an attractive and functional mixture of land uses.</i> | 1 – 15, 20 -26 |
| l. <i>Will result in poor accessibility among linked or related land uses.</i> | 1 – 15, 20 -26 |
| m. <i>Results in the loss of a significant amount of open space.</i> | 1 – 19 |

Future Land Use Allocation

The applicant has proposed a Future Land Use change for approximately 332± acres from PM to 300± acres of IND and 32± acres of BPC. **Map Id parcels 4 and 7 were not transmitted therefore, the acreage is reduced to only 14.4 acres of BPC.** The PM district is not tracked, but assumed to transition into other uses as the mining industry moves out of the County. Polk County is currently over allocated in IND/BPC and the request will increase the over allocation. Staff is currently conducting an analysis of these land uses for the Comprehensive Plan Evaluation and Appraisal Report (EAR). The trend for IND that has surfaced is that the county has almost 7,000 acres of IND allocated, while over 3,500 acres of IND remain vacant or available for IND development. This equates to over half of the allocated IND being available for development today. In addition to this acreage, 43.63± acres of IND were recently approved (adopted June 17, 2009) adjacent to this site with CPA 09A-04 at the southeast corner of CR 640 and SR 37.

The table below has been amended to subtract the acreage of the parcels (Map Id 4 and 7) that were not transmitted by the Board.

| | FUTURE LAND USE MAP ALLOCATION | | |
|--|-----------------------------------|--------------------|---------------------|
| | 20 YEAR DEVELOPABLE ACREAGE NEEDS | CURRENT ALLOCATION | PROPOSED ALLOCATION |
| Phosphate Mining (PM) | Not tracked | | |
| Industrial (IND)/ Business Park Center (BPC) | 6,885 | 9,203 | 9,518 |

Comments From Other Agencies:

Florida Institute of Phosphate Research

This would seem to me to be a very good use for this land. It is in an area of somewhat mixed housing and industrial now. How do the present residents feel about having more industrial neighbors?

Florida Fresh Water Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FFWCC) reviewed the from a fish and wildlife standpoint looking for three things: 1) whether the property overlaps a portion of the Integrated Habitat Network (IHN), 2) whether the property contains a designated wildlife refuge, and/or 3) whether the property is currently being used or is likely to be used for nature-based public recreation. The application does not contain any known wildlife refuge nor does it have any apparent existing or potential recreation sites. It is, however, crossed at its northern end by a wildlife corridor identified on the FDEP’s IHN plan map. The applicant should consult with the FDEP BOMR to ascertain how the proposed change from PM to Industrial land use can best be implemented without compromising the intent of the IHN concept.

Florida Department of Environmental Protection Bureau of Mine Reclamation

There are several mandatory reclamation parcels. A large percentage of the application has reclamation obligations under Chapter 62C-16, FAC. Mosaic Fertilizer, L.L.C. is responsible for these reclamation obligations and is performing reclamation activities.

- Parcel IMC-PD-NPA(2)
 - Released
 - Covers area # 5, 8, 9, 10, 11 of the application.
- Parcel IMC-PD-NPA(3)
 - Not released
 - Covers areas 3, most of 6, and part of 7.
- Parcel IMC-PD-NPA(4)
 - Partially released; the uplands, lakes, and herbaceous wetlands are released, and the forested wetlands are not released
 - Covers areas 1 and 2
 - Please note the eagle's nest that has been active since the 1990s if not earlier.
- AGR-PP-G
 - nonmandatory reclamation parcel - does not have mandatory reclamation requirements
 - Covers area 4



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June 25, 2009

Ameé Nicole Bailey GISP, CFM
Senior Planner
Long Range Planning Division
Comprehensive Planning Section
Polk County Board of County Commissioners
PO Box 9005
Drawer TS05
Bartow, FL 33831-9005

RE: CPA 09B-04

Dear Ms. Bailey,

Thank you for the opportunity to review the amended request of CPA 09B-04 located south of the City of Mulberry. The CFRPC, which serves as the City of Mulberry planners, has reviewed this amendment and has no objections.

The CFRPC does however cite the issue of the timing of this amendment. Polk County currently is facilitating a Phosphate Mining Selected Area Study (SAS) in an effort to create a Future Land Use plan for areas that in the past, supported the phosphate mining industry. The subject property supported phosphate mining operations in the past and it is located within the Study Area. The Study is in the early stages. We recommend that the applicant participate in the SAS process.

Sincerely,

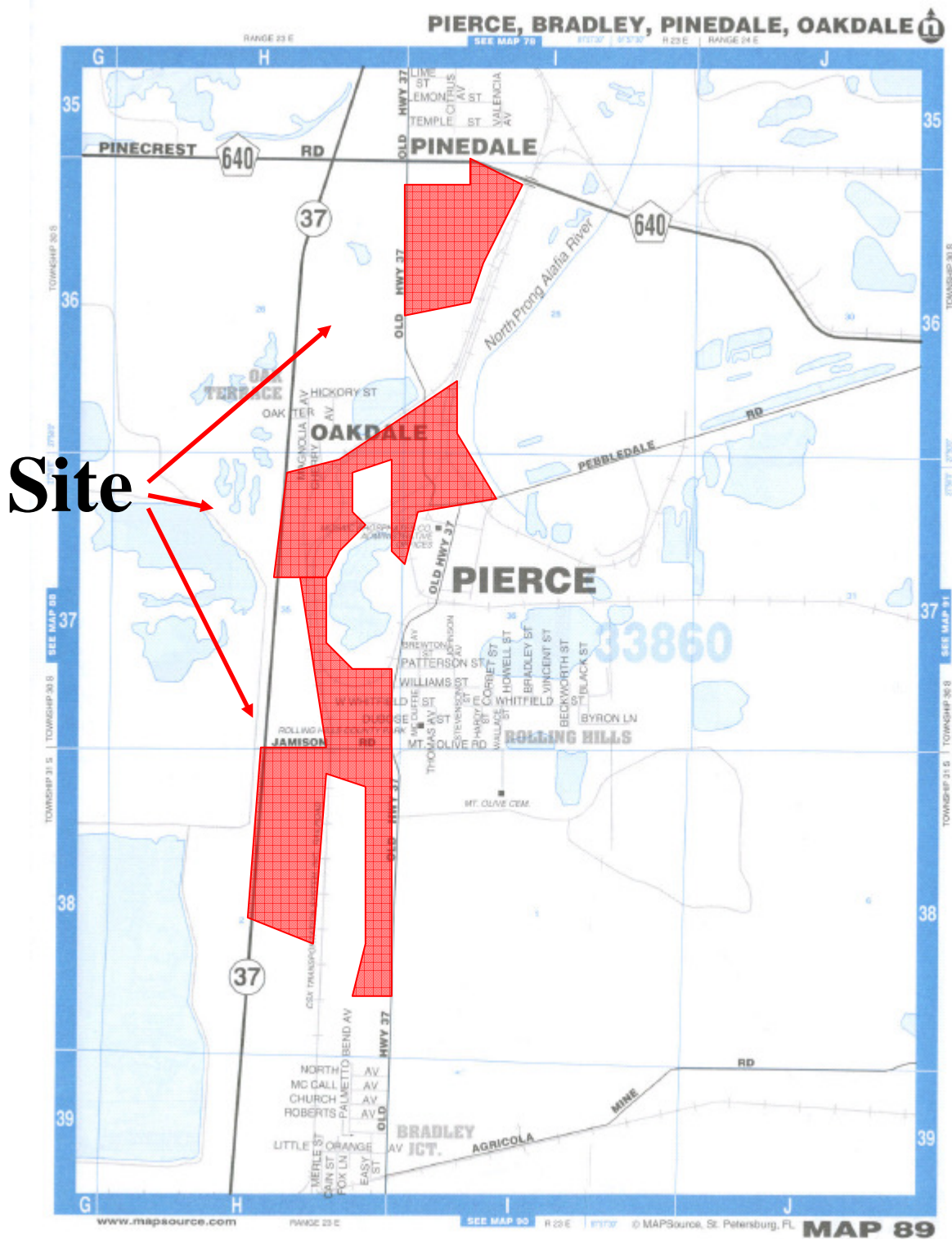
A handwritten signature in cursive script that reads "Jennifer Codo-Salisbury, MPA, AICP".

Jennifer Codo-Salisbury, MPA, AICP

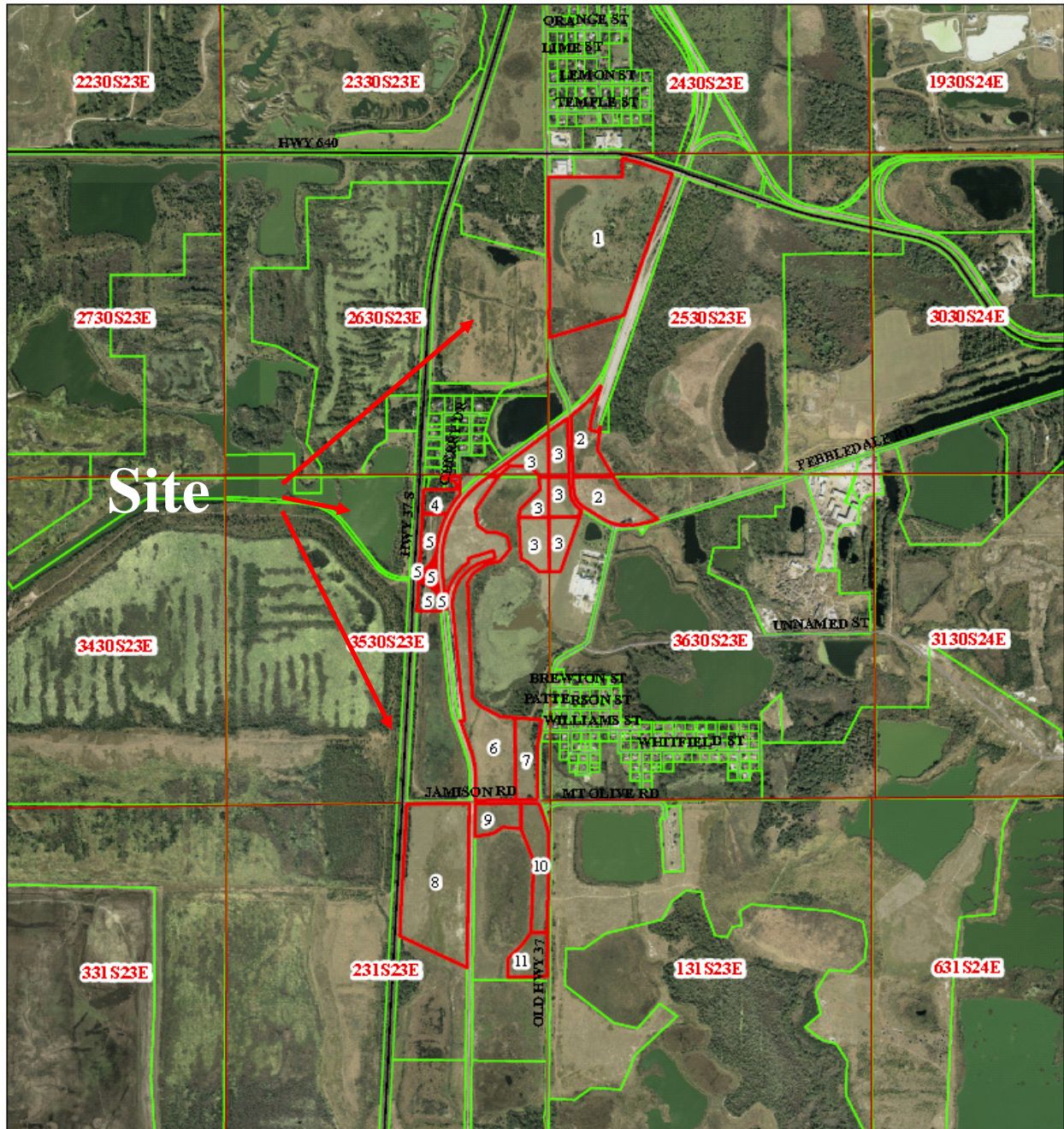
CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
555 EAST CHURCH STREET, BARTOW, FL 33830-3931; P.O. BOX 2089 BARTOW, FL 33831-2089
(863) 534-7130 • FAX (863) 534-7138 • TOLL FREE (800) 297-8041 • WEBSITE WWW.CFRPC.ORG

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 2008 Aerial Photograph
- Exhibit 3 Existing Future Land Use Map
- Exhibit 4 Proposed Future Land Use Map
- Exhibit 5 CPA 09A-04
- Exhibit 6 Post Mining Reclamation Design
- Exhibit 7 Wetlands and Floodplains
- Exhibit 8 Soils by Soil Id
- Exhibit 9 Soil Hydrogroups
- Exhibit 10 Redevelopment Districts

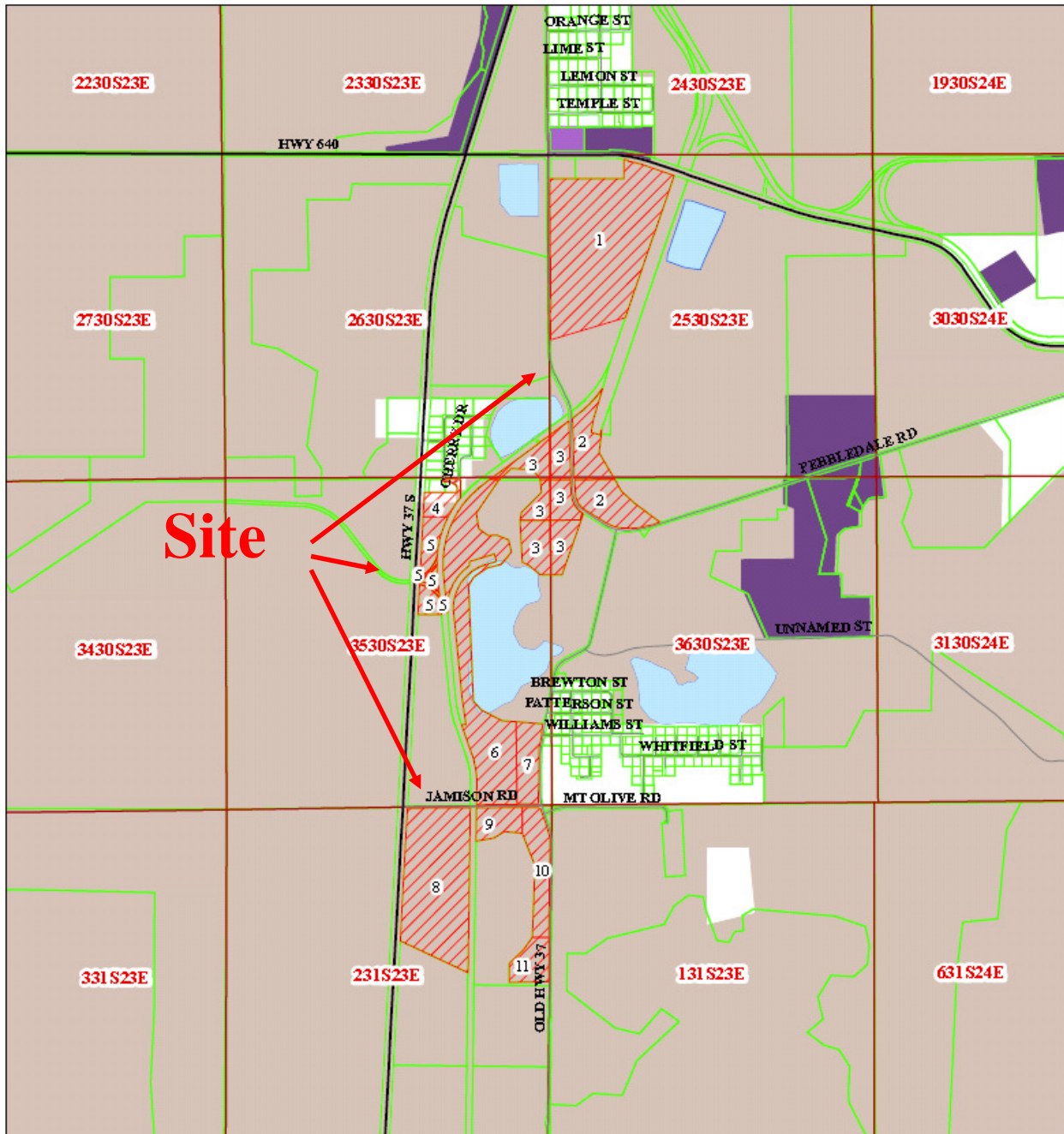


LOCATION MAP



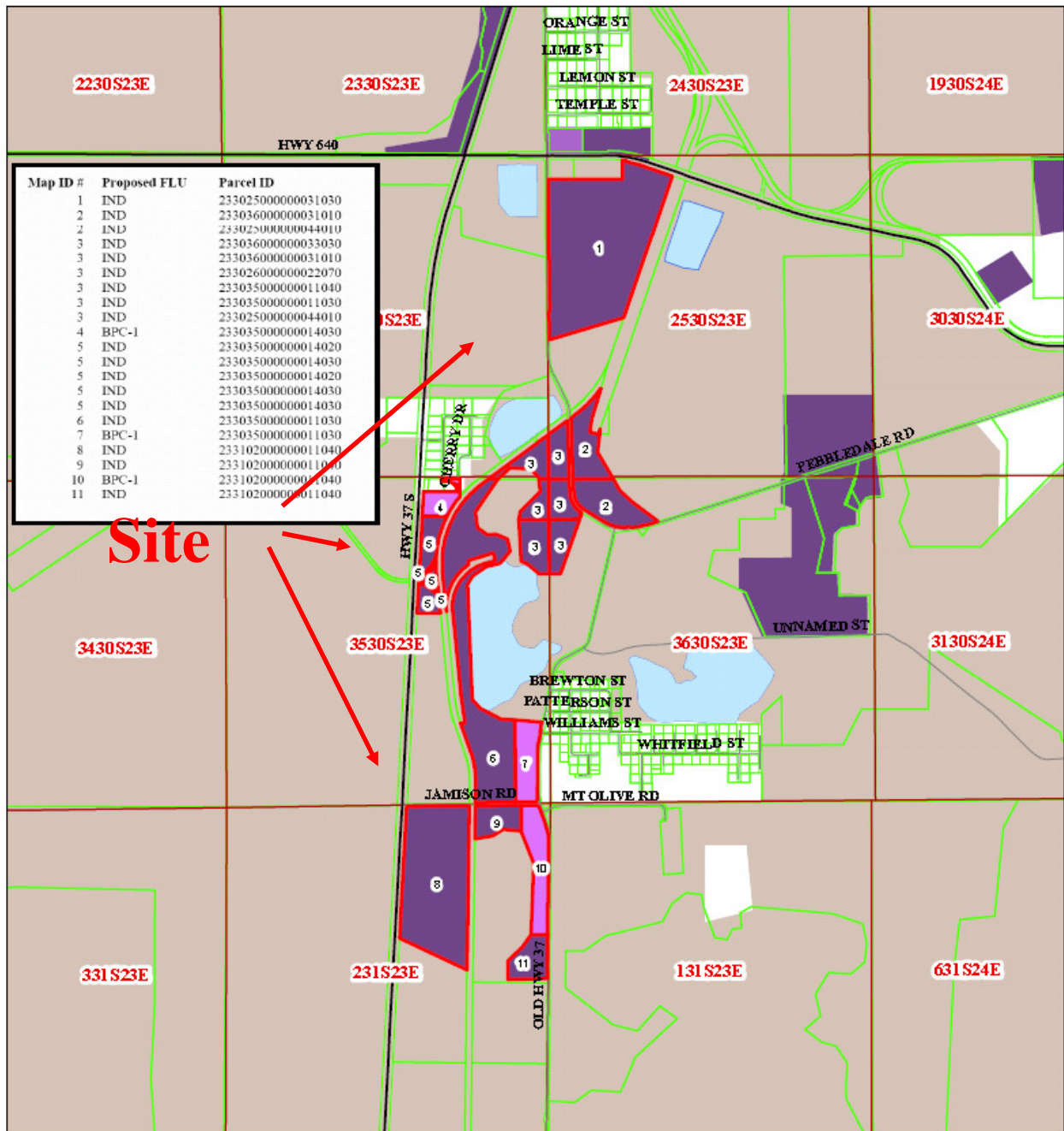
* Map ID # matches the legal description. Parcels with the same Map ID # are described in the legal with one description. Map Id 4 and 7 were not transmitted by the Board of County Commissioners.

2008 AERIAL PHOTOGRAPH



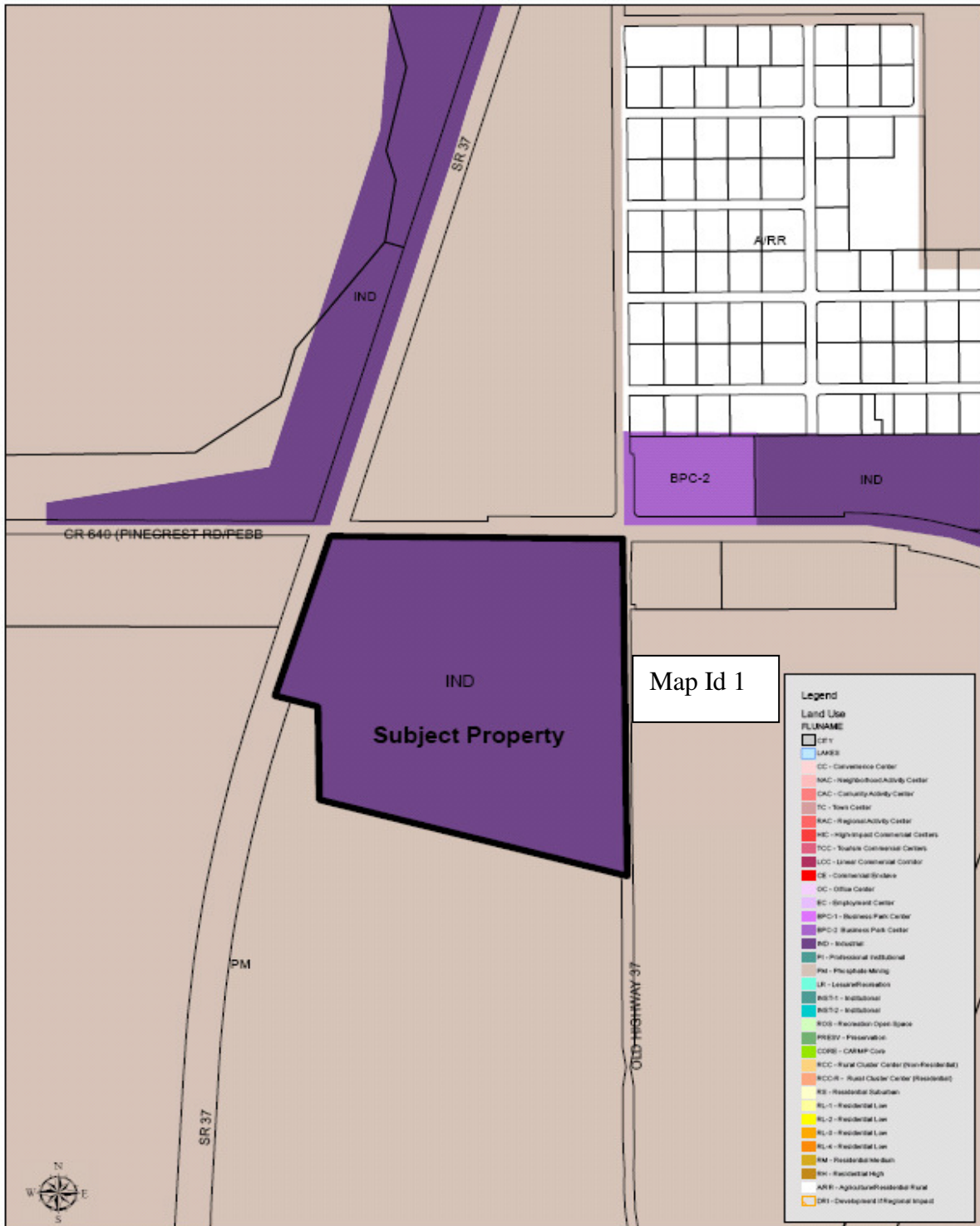
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CURRENT FUTURE LAND USE MAP

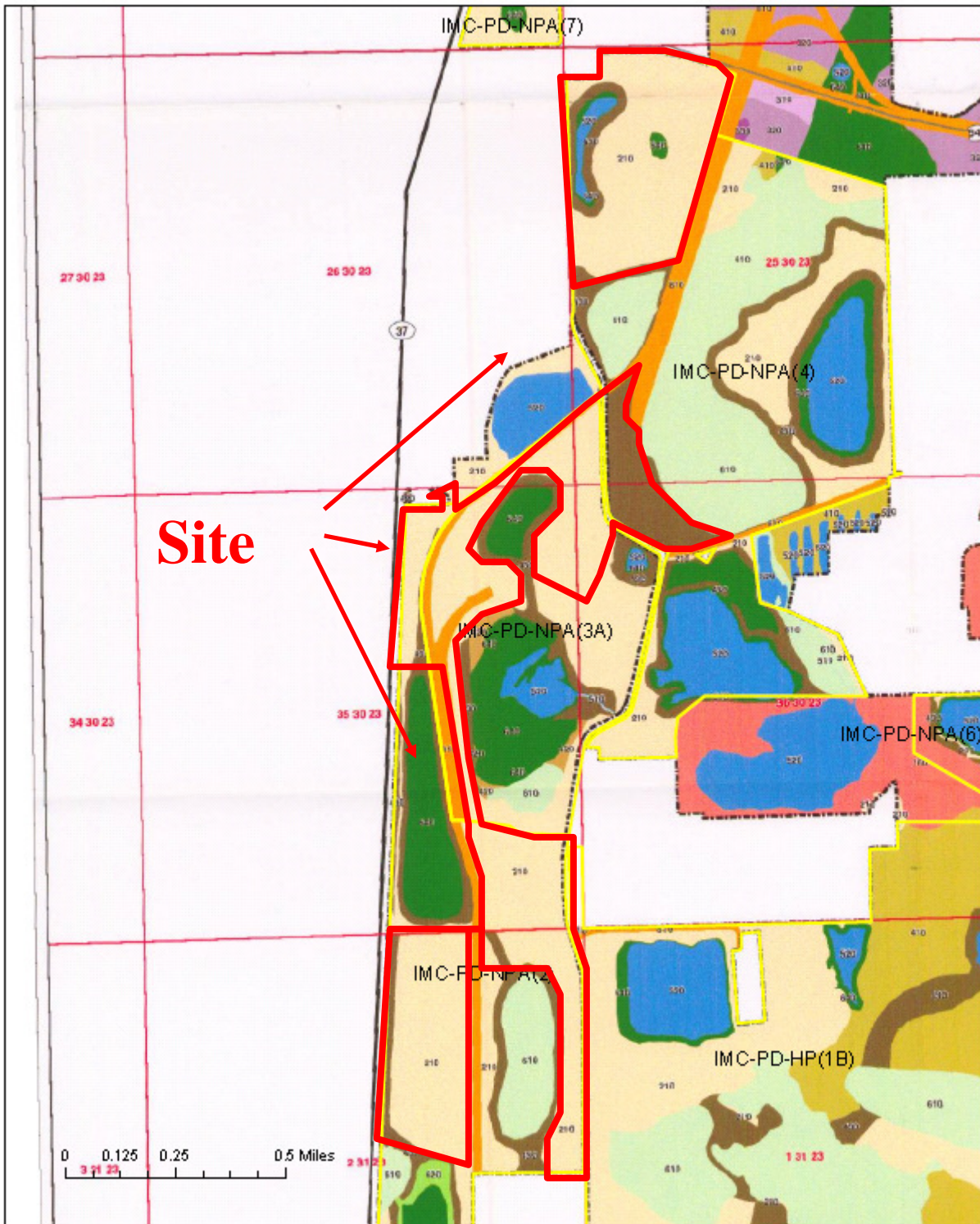


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PROPOSED FUTURE LAND USE MAP



CPA 09A-04



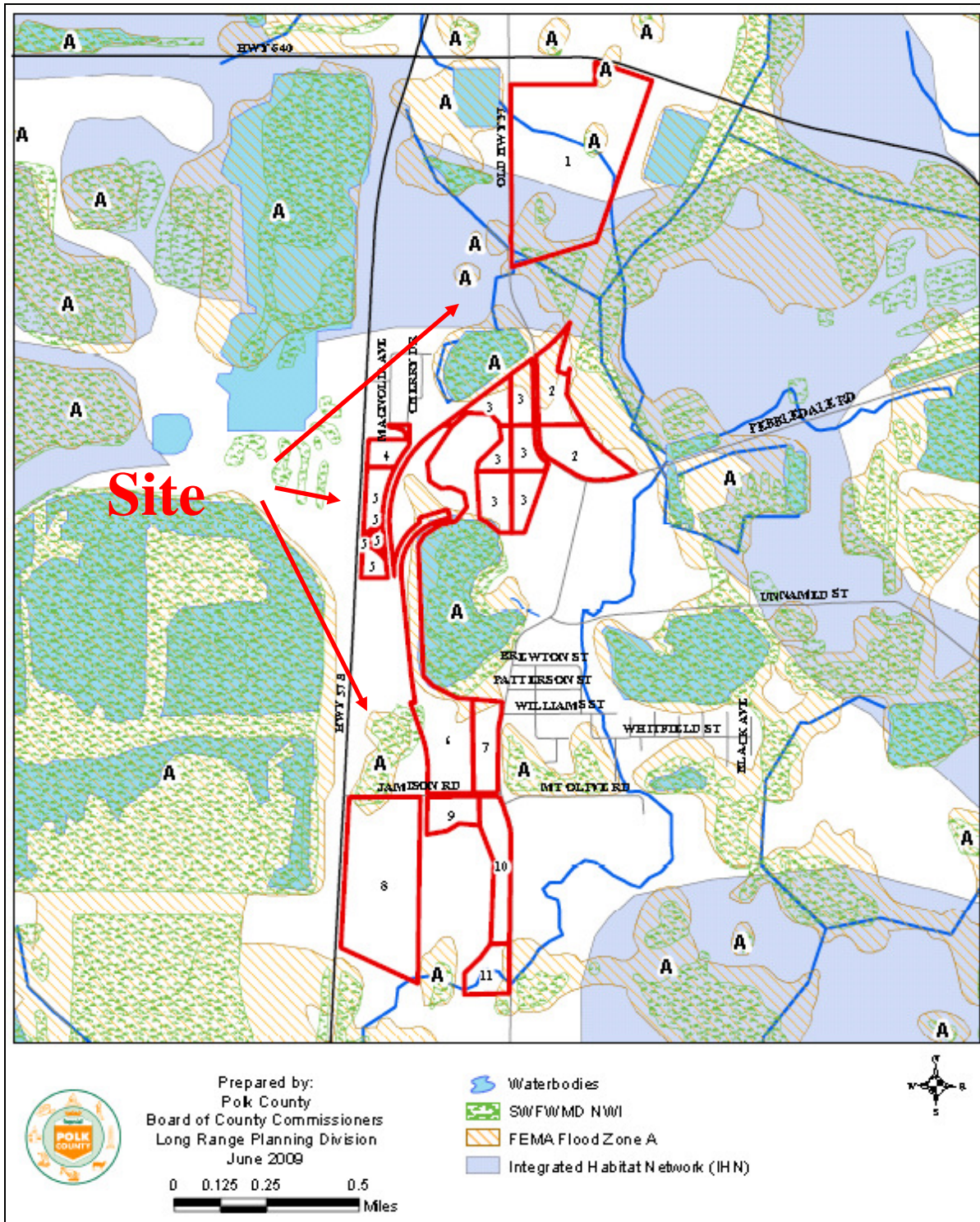
POST MINING RECLAMATION CONCEPTUAL DESIGN

Legend

| | | | |
|---|----------------------------------|---|--|
|  | Boundary of Proposed Change |  | 420 - Hardwood Forest |
|  | BOMR_GYPSUMSTACKS |  | 430 - Mixed Forest |
|  | 000 - Error |  | 440 - Planted Forest |
|  | 007 - Unknown |  | 460 - Succ. Woody 2nd Growth |
|  | 110 - Residential - Low Density |  | 510 - Streams and Canals |
|  | 130 - Residential - High Density |  | 520 - Lakes |
|  | 140 - Commercial and Services |  | 530 - Reservoirs |
|  | 150 - Industrial |  | 560 - Other Water Areas |
|  | 160 - Extractive |  | 600 - Wetlands |
|  | 190 - Open Land |  | 610 - Wetland - Hardwood Forest |
|  | 200 - Agriculture |  | 620 - Wetland - Coniferous Forest |
|  | 210 - Cropland and Pastureland |  | 630 - Wetland - Mixed Forest |
|  | 220 - Tree Crops |  | 640 - Wetland - Vegetated Non-Forested |
|  | 230 - Feeding Operations |  | 650 - Wetland - No-Vegetated |
|  | 240 - Nurseries and Vineyards |  | 660 - Wetland Shrub |
|  | 260 - Other Agriculture |  | 740 - Altered Lands |
|  | 310 - Herbaceous Rangeland |  | 750 - Barren |
|  | 320 - Shrub and Brushland |  | 810 - Transportation |
|  | 330 - Mixed Rangeland |  | 820 - Communications |
|  | 400 - Upland Forest |  | 830 - Utilities |
|  | 410 - Coniferous Forest |  | 999 - Out Parcel |

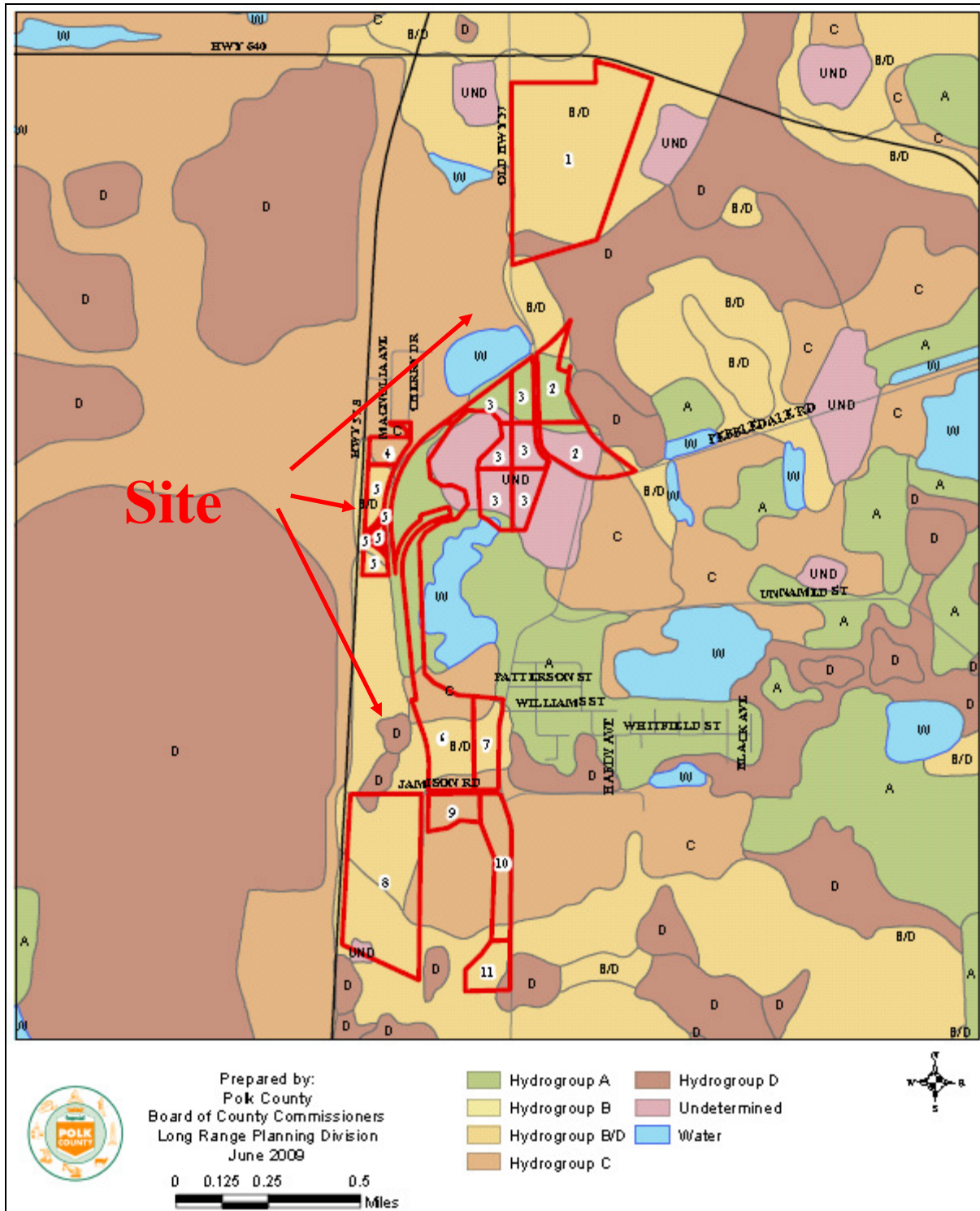
Data from:
Florida Department of Environmental Protection
Bureau of Mine Reclamation

POST MINING RECLAMATION CONCEPTUAL DESIGN



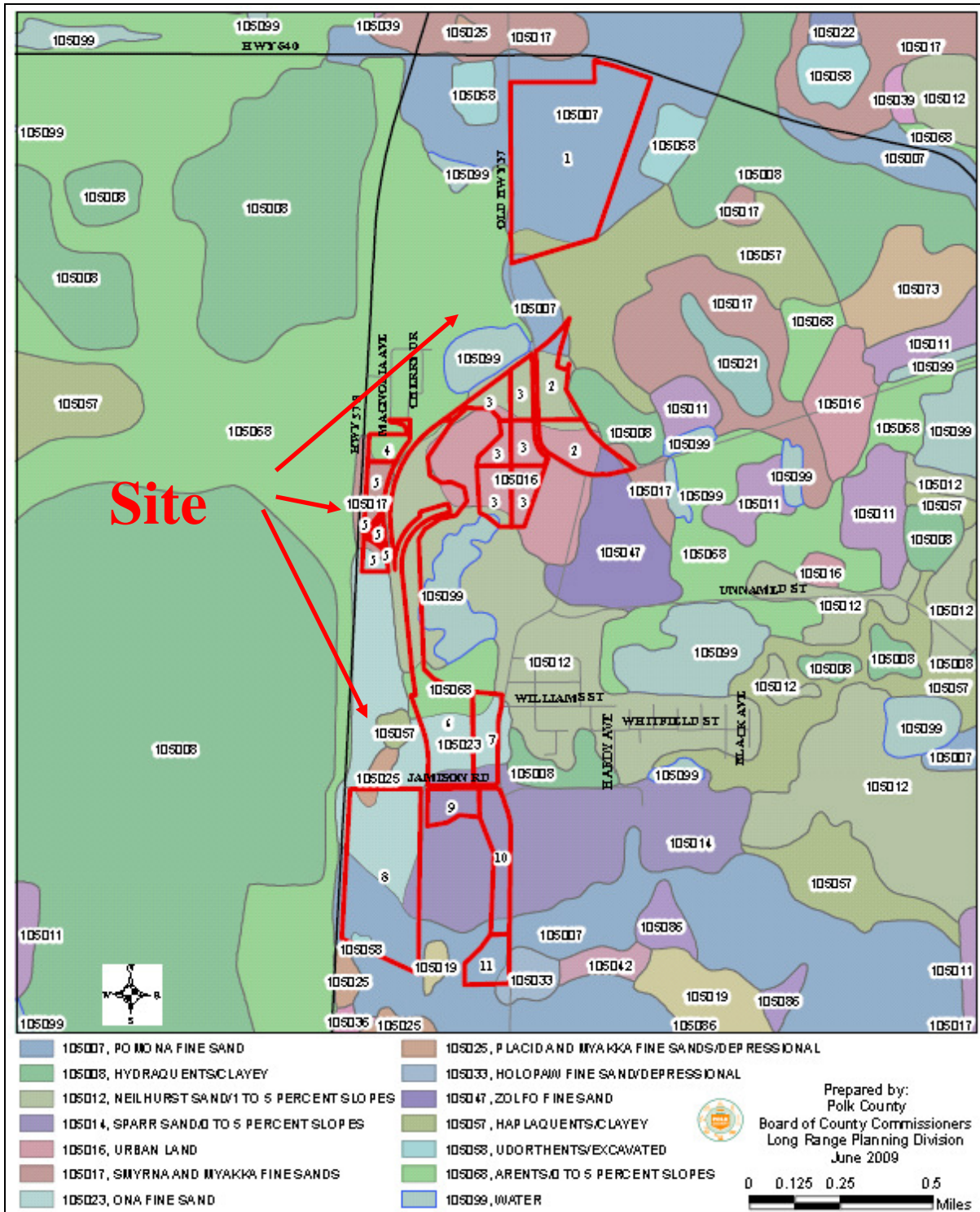
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WETLANDS AND FLOODPLAINS



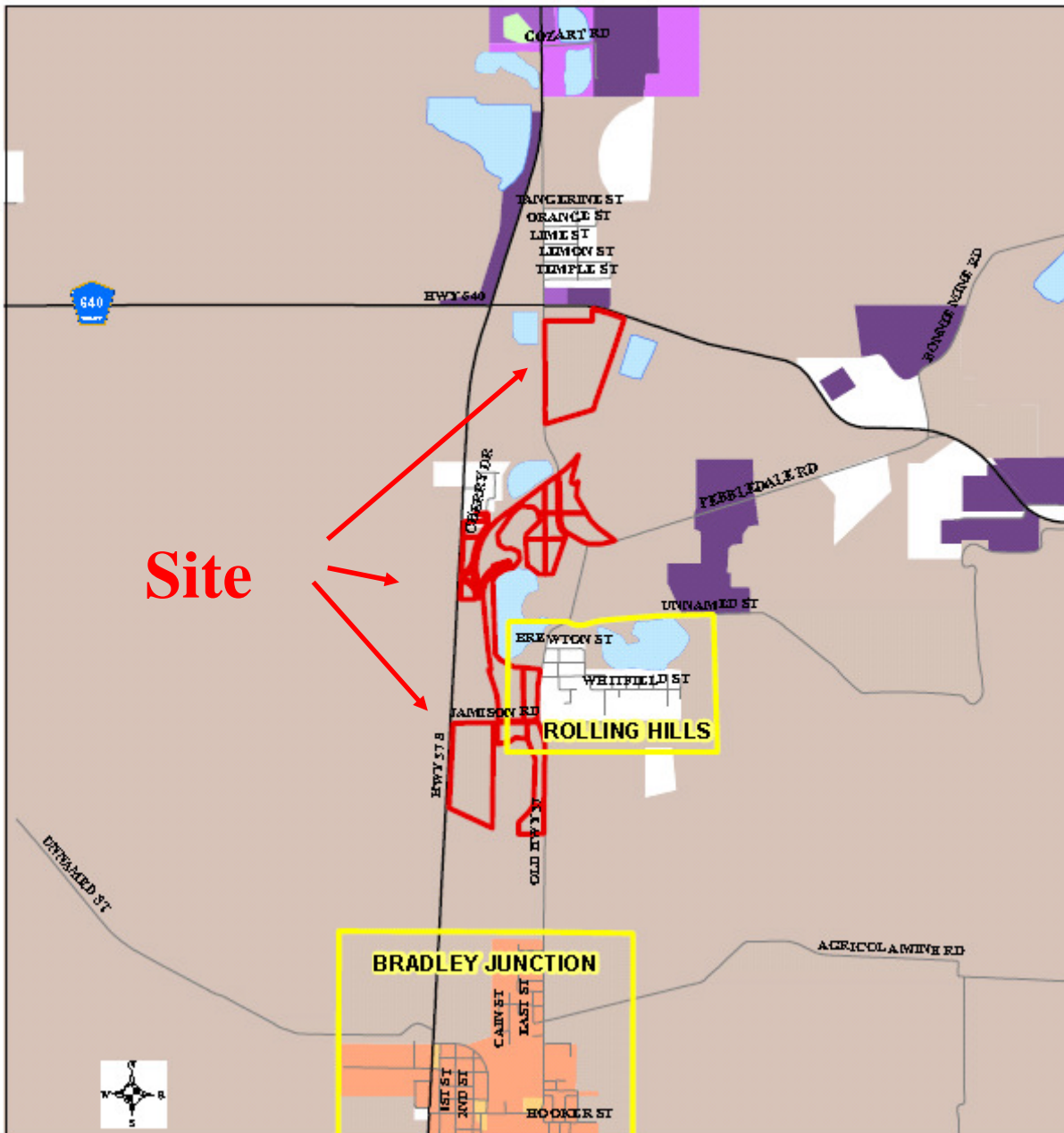
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SOIL HYDROGROUPS



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SOILS BY SOIL ID



REDEVELOPMENT DISTRICTS