



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

## MEMORANDUM

TO: Polk County

Date: October 20, 2009

Subject: Proposed Comprehensive Plan Amendment Review Objections,  
Recommendations and Comments Reports

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**Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):**

Polk County 09-2

**These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.**

**If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.**

**RE/lp**

**Enclosure**

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

October 19, 2009

The Honorable Sam Johnson, Chairman  
Polk County Board of County Commissioners  
Post Office Box 9005, Drawer TSO5  
Bartow Florida 33831-9005

Dear Mayor Johnson:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the Polk County (DCA No. 09-2), which was received on March 4, 2009. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The Department identified potential objections with the CPA 09B-04 (Mims property) land use map amendment relating urban sprawl and energy efficient land use patterns, demonstration of need, transportation, public facilities, and site suitability. The Department has also raised objections to amendment CPA 09B-08 pertaining to the adoption of a Joint Planning Area Map into the comprehensive plan, and amendment CPA 09B-13 as related to the definition of group homes.

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this report, please contact Dan Evans, AICP, Principal Planner, at (850) 922-1805.

Sincerely,

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/de

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council  
Mr. Aaron Flint, Planner III, Polk County Long Range Planning Division

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

## TRANSMITTAL PROCEDURES

Upon receipt of this letter, the Polk County has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.) The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2) (a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8) (c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department *when you transmit your adopted amendment package* for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**POLK COUNTY**  
**COMPREHENSIVE PLAN AMENDMENT 09-2**

October 19, 2009  
Division of Community Planning  
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

## **INTRODUCTION**

The following objections, recommendations and comments are based upon the Department's review of the Polk County proposed amendment to their comprehensive plan (DCA number 09-2) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

# **OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**

## **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

### **POLK COUNTY (DCA No. 09-2)**

#### **I. CONSISTENCY WITH CHAPTER 163, F.S., and RULE 9J-5, F.A**

The amendment consists of 8 FLUM amendments totaling more 1000 acres, and three text changes. The two largest amendments in the package, totaling over 800 acres, relate to lands previously designated for County Phosphate Mining. The text amendments involve changes relating to the use of density bonus points in the Ridge Special Protection Area., the clarification of policies and definitions relating to housing for special needs groups, and the amendment of the Intergovernmental Coordination Element to include a map of Joint Planning Areas (JPA). The Department has identified objections relating to amendments CPA 09B-04 (FLUM amendment, Phosphate Mining to Industrial and Business Park uses), CPA 09B-08 (JPA map incorporation), and CPA 09B-13 (definition of group homes).

#### **Objections:**

##### **A. TEXT AMENDMENTS**

###### **1. Joint Planning Area Map- CPA 09B-08**

The County proposes to amend Policy 4.102-A7 of the intergovernmental coordination element to incorporate a joint planning agreement map with the City of Haines City (included as Exhibit 1) as part of the Future Land Use Map series. The amendment, as proposed, allows the County to amend the JPA map in the future without a comprehensive plan amendment. In effect, the County is adopting future versions of the JPA map by reference without going through the plan amendment process as required by Section 163.3184, F.S. This violates Rule 9J-5.005(2)(g), F.A.C., which states that the adoption of a document may not include future amendments to the document because that would violate the statutory procedure for plan amendments and frustrate public participation on those amendments.

Section 163.3177(6)(a), 163.3184, F.S., and Rule 9J-5.005(2)(g) and (6), F.A.C.

#### **Recommendation**

The Department understands the intent behind the adoption of the JPA map is informational in order to show where the County has entered into JPAs with different municipalities. It is not intended that the map have any regulatory force and the County wishes to avoid having to go through the comprehensive plan amendment process each time a new JPA is created. However, we recommend the County not include the map in the adopted portion of the comprehensive plan, but instead include it in the data and analysis portion of the plan. This approach will avoid

the requirement to go through the amendment process each time the map changes, but still allow the map to serve the informational purpose.

## **2. Definition of Group Homes- CPA 09B-013**

The definition of group homes proposed in the amendment is inconsistent with the definition for Group Homes provided under Rule 9J5.003 (53), F.A.C. The Rule specifically prohibits the consideration of rooming and boarding homes, residential treatment facilities, and emergency shelters; all of which are included in the definition of group homes as proposed with this amendment.

Sections 163.3164, and 163.3177(6)(a), F.S., Rule 9J-5.003(53), and Rule 9J-5.005(5), F.A.C.

### *Recommendation*

Delete references to rooming and boarding homes, residential treatment facilities, and emergency shelters in order to ensure consistency with Rule 9J-5-003(53) F.A.C.

## **B. MAP AMENDMENT CPA 09B-04**

The amendment will change 314 acres from phosphate Mining (0.75 FAR) to Industrial use (FAR 0.50 in the RDA) for 300 acres, and Business Park Use for 14.4 acres (FAR 0.35). The Department has identified the following objections to the amendment;

## **3. Urban Sprawl and Energy Efficient Land Use Patterns**

The amendment could potentially allow more than 7 million square feet of Business Park Center (BPC) and Industrial development within an area that the comprehensive plan has designated as a Rural Development Area. The site is surrounded entirely by lands designated for phosphate mining or agriculture. The BPC land use would allow residential development at a density of up to 15 units/acre on 14.4 acres of the site and could allow as many as 216 residential units. The site is located more than three miles south of the City of Mulberry and is located roughly in the middle of an expanse of land formally mined for phosphate in the Southwestern corner of the County. While the area has already been mined and may eventually transition to some other type of land use, it has not been demonstrated that the proposed land use designation is appropriate for this site at this time.

The amendment does not discourage the proliferation of urban sprawl for various reasons. The amendment would allow urban development to occur in a rural area at a substantial distance from the nearest urban area while failing to adequately protect and conserve natural resources, promotes development in a linear pattern along State Road 37 and Old Highway 37, and fails to provide a clear separation between rural and urban land uses. Also, the area is currently not served by any public water and sewer, and the County does not have plans to serve the site in the near future. The amendment leap-frogs into the rural area and will allow development to occur in a sprawling energy inefficient pattern that will result in greater dependence on automobile use that will not reduce greenhouse gas emissions as required by state law.

Sections 163.3177(6)(a), (8), and (10)(e), F.S., Rules 9J-5.005(2), 9J-5.006(2)(a) and (b), (3)(b)1., and 8., and (5) and (3)(c)1., 3., and 6., and 9J-5.011(2)(b)3., F.A.C.

#### **4. Need**

The County has not demonstrated that it needs the additional business park, industrial, and residential uses in order to meet the projected needs of the County during the planning timeframe. According to the County Staff Report, the County is currently over allocated for Industrial and Business Park uses. Based on information provided with the amendment the County will require an additional 6,885 acres of Industrial and Business Park uses over the next 20 years to accommodate growth.. The existing allocation of Business Park and Industrial uses within the County is already at 9,203 acres. Thus, a substantial over allocation of Business Park and Industrial uses already exists within the County Also according information provided with the amendment, the County is also currently over allocated for most residential uses and has not justified the need for the additional 216 residential units associated with the BPC portion of the amendment. According to information provided in the amendment, the County is over allocated for Residential High (845 percent of its 20 year allocation), Residential Medium (1,247 percent) and Residential Low (211 percent). Thus, the County has failed to justify the need for the additional business center, industrial, and residential development proposed for this site.

Sections 163.3177 (6)(a), (8), and (10)(e),F.S., Rules 9J-5.005(2), 9J-5.006(2)(b), F.A.C.

#### **5. Transportation**

Although the existing land use has a higher FAR than the proposed land use, the misleading in the surrounding land uses are general agricultural or mine reclamation use, and the proposed land use, with more than 7 million square feet of business park and industrial uses, will have significant transportation impacts, The amendment is not supported data and analysis which indicates that adequate roadway capacity is available to serve the project site. According to the County Staff report, the amendment will generate 1,344 additional peak hour trips, exceeding the remaining capacity of the roadway system for SR 37 and Old Highway 37 which have a combined capacity of 1,264 peak hour trips. The amendment will consume all of the available capacity on these facilities, and is likely to cause degradation and LOS failures on both roadways. The site is also in close proximity to a recent 44-acre industrial comprehensive plan amendment (CPA-09A-04) which was part of the County's previous amendment Cycle. The cumulative impacts of both amendments will be greater on the roadway network. The amendment does not identify its impacts on roadways and the planned improvements needed to address any identified roadway failures.

Sections 163.3177(2), 163.3177(3)(a)5, 163.3177(6)(a),(b) and (j), 163.3177(8), 163.3177(10)(e), F.S., and Rules 9J-5.005(2), 9J-5.006(2), 9J-5.016(1)(a), 9J-5.016(2)(b) and (c); 9J-5.016(4)(a), 9J-5.019(3)(b), (4)(b)2., and (c)1., F.A.C.



## **6. Public Facilities**

The amendment is not supported by data and analysis which indicates that adequate sewer and water capacity are available to serve the project site. The amendment site is located in an area which has been designated in the County Comprehensive Plan as a Rural Development Area (RDA); RDAs generally are not serviced by sewer and water. Any development that occurs as a result of this amendment would be dependent on individual well and septic systems. According to information in the amendment, centralized sewer is not available, or planned for this area in the near future. The site is also located within the Southern Water Use Caution Area and due to increased demands for potable water throughout the County, and lack of growth in the southwest region, the County has no plans to increase potable water or wastewater capacity in the area. Thus, the amendment is not supported by a demonstration of adequate water supplies as well as water and sewer facilities to serve the site.

Sections 163.3167(13), 163.3177(2), 163.3177(6)(a),(c), and (d), 163.3177(8), 163.3177(10)(e), F.S., Rules 9J-5.005(2), 9J-5.006(2), 9J-5.011(1)(a)-(f), (2)(b) and (c), 9J-5.013(1 and 2), 9J-5.016(1)(a), 9J-5.016(2)(b),(c)(3)(b), 9J-5.016(4)(a), F.A.C.

## **7. Site Suitability**

The proposed amendment will intensify development on the site which may be incompatible with the environmentally sensitive nature of the site. According to information supplied with the amendment, the site contains man made wetlands which were created as part of the reclamation design for the site. The North Prong Alafia River also runs adjacent to the site. The property owner and County have not conducted a detailed analysis of the site to determine the presence of threatened and endangered species. According to the staff analysis, more than seven biodiversity hotspots have been identified on site. The Florida Fish and Wildlife Conservation Commission has established that there are 11 occurring or potentially occurring listed wildlife species associated with the site. The amendment also indicates that an eagle's nest is known to exist on parcel 1 of the site. Because the County has no plans to service the area with sanitary sewer in the near future, development will be dependent on the use individual on-site septic systems. This may cause degradation of the aquifer and nearby surface waters. Thus it has not been demonstrated that the subject site is suitable for the proposed use. State law requires that land uses be appropriately coordinated with the environmental conditions of the site.

Section 163.3177(6)(a) and (d), F.S., Rule 9J-5.006(2)(b), (3)(b)1. and (c)1. and 6., 9J-5.013(1)(a) and (b),(2)(b)3. and 4.,(2)(c)6., and (3)(a),(b), F.A.C.

### *Recommendation for objections 2-6*

The proposed land use change for Amendment CPA 09B-04 is premature at this time and lacks the planning necessary to help create a viable and compact community. In view of this, the Department recommends that the County not adopt this amendment until such time as adequate public facilities are either in place, or planned to be place so as to prevent leap frog development in rural areas, and the degradation of environmental resources through habitat encroachment and proliferation of onsite sewage disposal systems. Also, the Department supports the County

efforts to conduct a selected area study for former phosphate land, which comprises approximately 200,000 acres in the lower southeastern portion of the County. This effort will help determine the best use of the area as a whole, which is preferable to a series of future unplanned and uncoordinated piecemeal amendments to the comprehensive plan.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The proposed amendment does not adequately address the State Comprehensive Plan with regard to the following goals and policies;

Goal (7)(a), Water Resources (b)1.,5.,10., and 12.

Goal (9)(a) Natural Systems and Recreational Lands (b)1.,3., and 7.

Goal (11)(a) Energy (b)1., 3., and 4.

Goal (13) (a) Mining (b) 4.

Goal (15)(a), Land Use, Policies (b)1. and 3.

Goal (17)(a), Public Facilities, Policies (b)1. and 7.

Goal (19)(a), Transportation, Policy (b)3.

### **Recommendation**

Revise the amendment to address the objections contained in this report in order to be consistent with the provisions of Chapter 187, F.S.



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

7 BP  
9/15/09

September 11, 2009

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Polk County 09-2 Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Polk County Comprehensive Plan.

We reviewed eight proposed amendments to the Future Land Use Map, and three text amendments to various elements of the Polk County Comprehensive Plan, some of which are merely to correct errors, to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor  
Compliance Review Section  
Bureau of Historic Preservation

xc: Mr. Bernard Piawah

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

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# Florida Department of Transportation

CHARLIE CRIST  
GOVERNOR

801 NORTH BROADWAY AVENUE  
BARTOW, FLORIDA 33830

STEPHANIE KOPELOUSOS  
SECRETARY

September 8, 2009

Mr. Ray Eubanks  
Regional Planning Administrator  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

**RE: Polk County Comprehensive Plan Amendment Transmittal for CPA-09B Package  
(Polk County 09-2) – FDOT Comments and Recommendations**

Dear Mr. Eubanks:

The Florida Department of Transportation, District One, has reviewed the Polk County 09-2 Package in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.). The Department offers DCA the following comments and recommendations for your consideration in reviewing the amendments.

**CPA 09B-01:**

The subject property is located on the west side of District Line Road, south of CR 630 and east of Fort Green Road in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation, from Phosphate Mining (PM) to Agricultural / Residential Rural (A/RR) for a total of 521.39 acres. According to the Existing Future Land Use designation, the maximum development that can occur on the 521.39 acres of PM is 17,033,811 square feet of general light industrial (0.75 FAR), which will result in 127,141 daily trips and 24,201 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 521.39 acres of A/RR is 104 single family dwelling units (1 DU / 5 Acres), which will result in 1,078 daily trips and 109 p.m. peak hour trips. **The proposed amendment will result in a net decrease of 126,063 less daily trips and 24,092 less p.m. peak hour trips. We have no further comments.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	PM	0.75 FAR	110	521.39	17,033,811 sf	127,141	24,201
Proposed	A/RR	1 DU/5 Acres	210	521.39	104	1,078	109
<b>Change in Trips</b>						<b>-126,063</b>	<b>-24,092</b>

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).

**CPA 09B-02:**

The subject property is located southwest of the intersection of Green Road and West Daughtery Road and north of Gibsonia Galloway Road in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation, from Residential Low (RL) to Recreation and Open Space (ROS) for a total of 28.57 acres in the Urban Development Area (UDA). According to the Existing Future Land Use designation, the maximum development that can occur on the 28.57 acres of RL is 143 single family dwelling units (5 DUs / Acre), which will result in 1,445 daily trips and 148 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 28.57 acres of ROS is 28.57 acres of County Park, which will result in 65 daily trips and 2 p.m. peak hour trips. **The proposed amendment will result in a net decrease of 1,380 less daily trips and 146 less p.m. peak hour trips. We have no further comments.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	RL	5 DUs/Acre	210	28.57	143	1,445	148
Proposed	ROS	NA	412	28.57	28.57 acres	65	2
<b>Change in Trips</b>						<b>-1,380</b>	<b>-146</b>

1. Trip generation based on FDOT TIPS Software.

**CPA 09B-04:**

The subject property is located on the east side of SR 37 and on the east and west sides of Old Highway 37, south of CR 640 and north of Bradley Junction in Polk County. The applicant requested large scale map amendment for this location proposing a change of the Existing Future Land Use designation, from Phosphate Mining (PM) to Industrial (IND) and Business Park Center (BPC) for a total of 331.50 acres. It should be noted that the Polk County BOCC voted to transmit the request by removing two (2) parcels for a reduction of 17.1 acres. The revised acreage for this transmittal now totals 314.4 acres. According to the Existing Future Land Use designation, the maximum development that can occur on the 314.4 acres of PM is 10,271,448 square feet of general light industrial (0.75 FAR), which will result in 76,625 daily trips and 14,524 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 300.00 acres of IND is 6,534,000 square feet of industrial park (0.50 FAR), and the maximum development that can occur on the 14.40 acres of BPC is 313,632 square feet of Business Park Center (0.50 FAR) which will result in 37,275 daily trips and 5,505 p.m. peak hour trips. **The proposed amendment will result in a net decrease of 39,350 less daily trips and 9,019 less p.m. peak hour trips. We have no further comments.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	PM	0.75 FAR	110	314.40	10,271,448 sf	76,625	14,524
Proposed	IND	0.50 FAR	130	300.00	6,534,000 sf	33,156	5,073
Proposed	BPC	0.50 FAR	770	14.40	313,632 sf	4,119	432
<b>Change in Trips</b>						<b>-39,350</b>	<b>-9,019</b>

2. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).

The subject property is located east of SR 37. Any access to SR 37 will be subject to FDOT permitting process as described in Rule 14-96 FAC. The anticipated trip generation is such that should access be granted, significant operational impacts could occur. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management class code for SR 37 is 4 (from Manatee County line M.P. 0.000 to Bluff Drive M.P. 16.520). Standards for class 4 require minimum spacing of a one half mile for signals and minimum spacing of one eighth mile (*at greater than or equal to 45 MPH*) between access points for any single parcel.

**CPA 09B-05:**

The subject property is located at the northeast corner of Forty-Second Street NW and Avenue G NW intersection in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation, from Business Park Center (BPC) to Neighborhood Activity Center (NAC) (within the Inwood Redevelopment District Overlay) for a total of 5.50 acres within the UDA. According to the Existing Future Land Use designations, the maximum development that can occur on the 5.50 acres of BPC is 179,685 square feet of Business Park Center (*0.75 FAR*), which will result in 2,679 daily trips and 259 p.m. peak hour trips.. Per the Proposed Future Land Use designation, the maximum development that can occur on the 5.50 acres of NAC is 59,895 square feet of commercial uses (*0.25 FAR*), which will result in 4,867 daily trips and 451 p.m. peak hour trips. **The proposed amendment will result in a net increase of 2,188 more daily trips and 192 more p.m. peak hour trips**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	BPC	0.75 FAR	770	5.50	179,685 sf	2,679	259
Proposed	NAC	0.25 FAR	820	5.50	59,895 sf	4,867	451
<b>Change in Trips</b>						<b>+2,188</b>	<b>+192</b>

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).

**Existing Roadway Conditions**

Roadway	Location	Section Number	Site ID	FIHS or SIS?	2008 Conditions				
					LOS Standard	Service Volume at LOS Standard	2008 AADT	Acceptable?	No. of Lanes
SR 555/US 17	South of SR 544/Havendale Blvd./Ave. T NW	16030000	165148	N	D	32,700	27,000	Yes	4
SR 544/Havendale/Ave. T	West of SR 555/US 17/8 <sup>th</sup> St. N	16140000	165150	N	D	53,500	31,500	Yes	6
SR 600/US 92	East of SR 559/Main St.	16020000	165002	N	D	44,700	34,500	Yes	6
SR 559/Main St.	North of SR 600/US 92	16160000	165003	N	D	15,400	9,300	Yes	2
SR 655	South of CR 542/K-Ville Rd.	16120000	160157	N	D	16,400	19,800	No	2
SR 620	East of SR 540/Winterlake Rd.	16121000	165232	N	D	61,800	5,600	Yes	4
SR 540	West of SR 620	16119000	165231	N	D	35,700	20,500	Yes	4

We recommend a traffic study to establish adequate capacity being available for project trips that will impact the above mentioned state roads in the horizon year of 2030 and interim year of 2014. This traffic study should include mitigation measures for the affected state roads. Funding sources must be identified for improvements required to alleviate all short term failures. For long term failures appropriate policies should be identified in the Capital Improvement Element or Transportation Element of the Polk County Comprehensive Plan and the needed improvements should be added to the appropriate plans and programs.

**CPA 09B-06:**

The subject property is located southeast of I-4, north of US 92 (Memorial Boulevard), south of Crutchfield Road and west of Chestnut Road North in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation, from Residential Low (RL) to Institutional (INST) for a total of 42.50 acres within the Urban Growth area (UGA). It should be noted that the applicant indicates that the 42.50 acres of the Institutional Land Use will likely serve as an expansion of the existing Kathleen High School. According to the Existing Future Land Use designation, the maximum development that can occur on the 42.50 acres of RL is 212 single family dwelling unit (5 DUs / Acre), which will result in 2,076 daily trips and 211 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 42.50 acres of INST is 1,388,475 square feet of high school (0.75 FAR), which will result in 17,897 daily trips and 1,347 p.m. peak hour trips. **The proposed amendment will result in a net increase of 15,821 more daily trips and 1,136 more p.m. peak hour trips.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	RL	5 DU's/Acre	210	42.50	212	2,076	211
Proposed	INST	0.75 FAR	530	42.50	1,388,475 sf	17,897	1,347
<b>Change in Trips</b>						<b>+15,821</b>	<b>+1,136</b>

1. Trip generation based on FDOT TIPS Software.

**Existing Roadway Conditions**

Roadway	Location	Section Number	Site ID	FIHS or SIS?	2008 Conditions				
					LOS Standard	Service Volume at LOS Standard	2008 AADT	Acceptable?	No. of Lanes
SR 400/I-4	Northeast of SR 546/west of Memorial Boulevard	16320000	160117	Y	C	85,300	77,500	Yes	6
SR 570/Polk Pkwy	East of CR 542 EB-On Ramp	16470000	164015	Y	D	67,200	23,700	Yes	4
SR 600/US 92	West of N. Chestnut Road	16010000	160038	N	D	16,400	16,100	Yes	2
SR 572/Airport Road	South of SR 600/US 92/New Tampa Hwy	16011000	165165	N	D	21,300	7,500	Yes	2
SR 546/US 92	West of SR 563/Martin Luther King JR.	16100000	165098	N	D	49,200	34,000	Yes	6

**Existing Roadway Conditions Continued**

Roadway	Location	Section Number	Site ID	FIHS or SIS?	2008 Conditions				
					LOS Standard	Service Volume at LOS Standard	2008 AADT	Acceptable?	No. of Lanes
SR 539	South of SR 400/I-4	16004000	160142	N	D	32,700	22,000	Yes	4
SR 563	South of main Street	16003000	165173	N	D	28,900	28,500	Yes	4
SR 37/Florida Avenue	North of McDonald Street	16250000	165068	N	D	28,900	30,000	No	4
SR 35/700/US 98	North of SR 400/I-4	16210000	160135	N	D	44,700	62,000	No	6
SR 33	North of Granada Street	16070000	163031	N	D	32,700	29,500	Yes	4

We recommend a traffic study to establish adequate capacity being available for project trips that will impact the above mentioned state roads in the horizon year of 2030 and interim year of 2014. This traffic study should include mitigation measures for the affected state roads. Funding sources must be identified for improvements required to alleviate all short term failures. For long term failures appropriate policies should be identified in the Capital Improvement Element or Transportation Element of the Polk County Comprehensive Plan and the needed improvements should be added to the appropriate plans and programs.



The subject property is located along SR 546/US 92/Memorial Boulevard. Any access to SR 546/US 92/Memorial Boulevard will be subject to FDOT permitting process as described in Rule 14-96 FAC. The anticipated trip generation is such that should access be granted, significant operational impacts could occur. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management class code for SR 546/US 92/Memorial Boulevard is 5 (from I-4 Ramps M.P. 0.027 to US 98 M.P. 3.739). Standards for class 5 require minimum spacing of half a mile for signals and full median opening, one eighth mile for directional median opening and minimum spacing of 440 feet (*at greater than or equal to 45 MPH*) between access points for any single parcel.

**CPA 09B-07:**

The subject property is located east of Lee Jackson Highway (CR 547) and south of Ronald Reagan Parkway (CR 54) within the Ronald Reagan Select Area Plan (SAP) in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation from Community Activity Center "X" (CACX) to Residential Medium "X" (RMX) for a total of 16.00 acres within the UDA. According to the Existing Future Land Use designation, the maximum development that can occur on the 16.00 acres of CACX is 278,784 square feet of commercial use (0.40 FAR), which will result in 13,224 daily trips and 1,264 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 16.00 acres of RMX is 240 multi-family dwelling units (15 DU's / Acre), which will result in 1,578 daily trips and 150 p.m. peak hour trips. **The proposed amendment will result in a net decrease of 11,646 less daily trips and 1,114 less p.m. peak hour trips. We have no further comments.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	CACX	0.40 FAR	820	16.00	278,784 sf	13,224	1,264
Proposed	RMX	15 DU's/Acre	220	16.00	240	1,578	150
Change in Trips						-11,646	-1,114

*1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).*

**CPA 09B-08:**

**We have no comments** on the text amendment requesting to amend the Intergovernmental Element of the Polk County Comprehensive Plan.

**CPA 09B-09:**

The subject property is located on the east side of Laurel Avenue, north of Poinciana Parkway and west of Lake Marion Creek in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation from PRE-Development of Regional Impact (PRE-DRI #1) and Institutional (INST) to Agriculture/Residential Rural (A/RR) and Institutional (INST) for a total of 63.30 acres.

The location of the proposed amendment is more than 8 miles away from the nearest State facility (including US 17 and US 27), and is not anticipated to have a significant and adverse impact on any

State facilities. **Therefore, we have no comment on the proposed map amendment and the correction of the two Future Land Use Map (FLUM) errors.**

**CPA 09B-10:**

We have no comments on the text amendment requesting to amend the text of the Polk County Comprehensive Plan to correct a scrivener’s error in Section 2.132 (Critical Area Resource Management Plan) that was adopted as part of CPA 01B-11 (Ordinance 01-103) and to renumber policies in Section 2.132.

**CPA 09B-11 (Site 1):**

The subject property is located on the east side of US 27, at the intersection of Florence Villa Grove Road and Glenwood Boulevard in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation from Professional Institutional “X” (PIX) to Residential Low “X” (RLX) within the North US 27 Selected Area Plan (US 27 SAP) for a total of 15.63 acres. According to the Existing Future Land Use designation, the maximum development that can occur on the 15.63 acres of PIX is 467,590 square feet of office use (0.70 FAR), which will result in 4,375 daily trips and 603 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 15.63 acres of RLX is 125 single family dwelling units (8 DUs / Acre), which will result in 1,277 daily trips and 128 p.m. peak hour trips. **The proposed amendment will result in a net decrease of 3,098 less daily trips and 475 less p.m. peak hour trips. We have no further comments.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	PIX	0.70 FAR	710	15.63	467,590 sf	4,375	603
Proposed	RLX	8 DU's/Acre	210	15.63	125	1,277	128
<b>Change in Trips</b>						<b>-3,098</b>	<b>-475</b>

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).

**CPA 09B-11 (Site 2):**

The subject property is located on the west side of US 27, at the intersection of Legacy Park Boulevard and US 27 in Polk County. The amendment for this location proposes a change of the Existing Future Land Use designation from Residential Low “X” (RLX) to Professional Institutional “X” (PIX) within the North US 27 Selected Area Plan (US 27 SAP) and the Ridge Special Protection Area (Ridge SPA) for a total of 13.00 acres. According to the Existing Future Land Use designation, the maximum development that can occur on the 13.00 acres of RLX is 104 single family dwelling units (8 DUs / Acre), which will result in 1,078 daily trips and 109 p.m. peak hour trips. Per the Proposed Future Land Use designation, the maximum development that can occur on the 13.00 acres of PIX is 707,850 square feet of office use (1.25 FAR), which will result in 6,020 daily trips and 872 p.m. peak hour trips. **The proposed amendment will result in a net increase of 4,942 more daily trips and 763 more p.m. peak hour trips.**

**Proposed Trip Generation**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	RLX	8 DU's/Acre	210	13.00	104	1,078	109
Proposed	PIX	1.25 FAR	710	13.00	707,850 sf	6,020	872
Change in Trips						+4,942	+763

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (8<sup>th</sup> Edition).

**Existing Roadway Conditions**

Roadway	Location	Section Number	Site ID	FIHS or SIS?	2008 Conditions				
					LOS Standard	Service Volume at LOS Standard	2008 AADT	Acceptable?	No. of Lanes
SR 25/US 27	South of SR 530/US 192	16180000	165209	Y	D	35,700	38,000	No	4

We recommend a traffic study to establish adequate capacity being available for project trips that will impact the above mentioned state road (SR 25/US 27) in the horizon year of 2030 and interim year of 2014. This traffic study should include mitigation measures for the affected state road. Funding sources must be identified for improvements required to alleviate all short term failures. For long term failures appropriate policies should be identified in the Capital Improvement Element or Transportation Element of the comprehensive plan and the needed improvements should be added to the appropriate plans and programs.

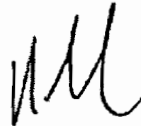
The subject property has frontage on US 27. Any access to US 27 will be subject to FDOT permitting process as described in Rule 14-96 FAC. The anticipated trip generation is such that should access be granted, significant operational impacts could occur. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management class code for US 27 is 3 (from Waverly Barn Road M.P. 24.884 to Poitras Road Two M.P. 30.703). Standards for class 3 require minimum spacing of half a mile for signals and full median opening, a quarter mile for directional median opening and minimum spacing of one-eighth mile (*at greater than or equal to 45 MPH*) between access points for any single parcel.

**CPA 09B-13:**

**We have no comments** on the text amendment requesting to amend the text of the Comprehensive Plan amending Policy 2.116-A4, Institutional Section 2.125-E, Community Facilities, and Division 4.400, Glossary, specifically addressing group living facilities, residential treatment facilities and emerging shelters to provide for the consolidation of such uses and revise and update definitions.

If you have any questions, please free to contact me at (863) 519-2395 or [bob.crawley@dot.state.fl.us](mailto:bob.crawley@dot.state.fl.us).

Sincerely,



Bob Crawley  
Growth Management Coordinator  
FDOT District One



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 28, 2009

Mr. Ray Eubanks  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

**Subject: Polk County DCA #09-2  
SFWMD Comments on Proposed Comprehensive Plan Amendment  
Package**

The South Florida Water Management District (District) has completed its review of the proposed comprehensive plan amendment package from Polk County. The package includes eleven amendments, of which one is a Future Land Use Map (FLUM) amendment within the District and three are text amendments. The County is within the boundaries of both this District and the Southwest Florida Water Management District with which we have coordinated our review. The District offers the following comments and recommendations for inclusion in your report to the County:

**AMENDMENT CPA 09B-08** – The amendment proposes to incorporate by reference all existing Joint Planning Agreements into the comprehensive plan, but the package neither provides a list nor copies of those existing agreements. The amendment would add the Joint Planning Area maps to the FLUM series and allow for the future amendment of these maps without requiring corresponding comprehensive plan amendments. Joint Planning Area agreements can address issues and boundaries for annexations, incorporations, water and sewer utility service areas, listed species populations, and can specify the municipal jurisdiction over unincorporated areas under s. 163.3171(1), FS. No information or analysis of the existing Joint Planning Area agreements was provided for potential impacts upon water resources including water supply, flood protection and floodplain management, water quality, ecosystem restoration, and natural systems. The potential water resource implications of future revisions cannot be analyzed by the District unless they are amended through the comprehensive planning process. Such self-amending provision for areas appears to be in conflict with the amendment process requirements of Chapter 163, FS.

#### RECOMMENDATIONS:

- Include all Joint Planning Area agreements and their maps as part of the adopted amendment package.

Mr. Ray Eubanks, Administrator  
September 28, 2009  
Page 2

- Provide data and analysis of any potential impacts of Joint Planning Area agreements on water resources and infrastructure.
- Revise the text to require amendments to the comprehensive plan in order to incorporate or revise all agreements and their maps.

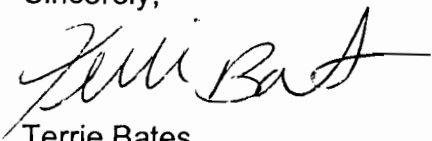
**AMENDMENT CPA 09B-13** – The amendment addresses group living facilities and replaces previous language addressing congregate living facilities with the more generic term of “group-living facility”, which can be allowed in non-residential land use categories at densities of 15 dwelling units per acre. The definition for the new “group living facility” term is *“Any building or buildings ... which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24-hour basis for 15 or more unrelated persons.”* This definition greatly expands the original language addressing congregate living facilities and potentially includes dormitories, hotels, motels, prisons and other land use types meeting this broad definition. The amendment package provided no analysis of the impacts of the proposed change.

**RECOMMENDATION:**

- Revise the definition of group-living facility to more specifically identify the intended types of facilities intended and exclude other non-intended facilities, such as school dormitories, hotels, motels, and prisons.
- Provide analysis of potential water resource related impacts of the revised amendment.

We look forward to collaborating with the Department of Community Affairs and the County on developing sound, sustainable solutions to meet the County's future water needs. For assistance or additional information, please contact John Mulliken at (561) 682-6649 or [jmulls@sfwmd.gov](mailto:jmulls@sfwmd.gov).

Sincerely,



Terrie Bates  
Assistant Deputy Executive Director  
Regulatory and Public Affairs  
South Florida Water Management District

c: Rand Frahm, SWFWMD  
John Mulliken, SFWMD  
Bernard Piawah, DCA  
Jim Quinn, DEP  
Pat Steed, Central Florida Regional Planning Council  
Jennifer Stults, Polk County



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 19, 2009

Mr. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**RE: Polk County 09-2; Comprehensive Plan Amendment Review**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (FDEP) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*. Our comments address the potential impacts of the proposed land use designation or policy change on resources or facilities within the scope of the Department's regulatory and proprietary responsibilities. We provide the following comments and recommendations to assist your agency in developing the state's response to the proposed amendment.

### **Introduction:**

The County seeks to amend its Future Land Use Map (FLUM) on eight sites and proposes three text amendments to its comprehensive plan. The Department has concerns with the following amendments: FLUM amendments CPA 09B-01, CPA 09B-04 and CPA 09B-09, in addition to text amendment CPA 09B-08.

### **Comments – CPA 09B-01; Wetlands and Floodplains; Centralized Services**

This amendment proposes to change a 512.39-acre site from *Phosphate Mining (PM)* to *Agricultural/Rural Residential (A/RR)*. The site is located in southwest Polk County approximately 11 miles from the Town of Fort Meade and within a region historically mined for phosphate rock. The base density of the A/RR designation is one dwelling unit per five acres.

### **Wetlands and Floodplains**

The Department is concerned with the proposed amendment because, according to the data, 100% of the property is within the 100-year floodplain. The subject floodplain is associated with numerous quiescent waterbodies created from the mining of phosphate. Being somewhat closed-basin, poorly flushed waterbodies, they are susceptible to pollution from urban runoff and septic tank effluent.

Development in and adjacent to wetlands and floodplains alters existing surface water hydrology and natural drainage patterns, and reduces the flood attenuation capacity of wetlands and flood zones, primarily as a result of increased impervious surface.

Several important natural functions are provided by floodplains and wetlands, including the temporary storage of

floodwaters, moderation of peak flows, maintenance of water quality, groundwater recharge, prevention of erosion and wildlife habitat.

#### **Centralized Services**

According to the data and analysis submitted with the proposed amendment, Polk County has no service available to serve the site with centralized water and sewer, nor does the City of Fort Meade. Therefore, based on the submitted information, the Department cannot verify the ability of the applicant to assure an adequate source of potable water to meet the required level of water service for the proposed development. All current and planned development demands must be evaluated to ensure that verifiable and acceptable sources of water are available within the established planning period, particularly in light of the proposed amendment's location in the Southwest Florida Water Management District's *Southern Water Use Caution Area*.

#### **Comments – CPA 09B-04; Wetlands and Floodplains: Centralized Services**

##### **Wetlands and Floodplains**

This amendment is approximately 332 acres in size and is proposed to be modified from PM and *Industrial (IND)* to *Business Park Center (BPC)*. The site is located on the east side of State Road 37, approximately three miles north of the City of Mulberry. The site has been disturbed and contains some areas of wetlands and floodplains. Additionally an eagle's nest exists on the north portion of the site. The uplands consist of poorly to moderately drained soils.

##### **Centralized Services**

According to the data and analysis submitted with the proposed amendment, no centralized water or sewer treatment facilities are available to serve the site. Moreover, the data states that “[a]ccording to Polk County Utilities (PCU), development of large industrial parks or business parks should provide centralized wastewater treatment and effluent disposal in accordance with [Section] 62-620, [Florida Administrative Code]. Geotechnical studies will be required to ensure that previously mined land is suited for wastewater disposal or can be modified for such purposes.”

#### **Comments – CPA 09B-09; Wetlands and Floodplains**

This 63.3-acre site is proposed to be changed from Pre-Development of Regional Impact (PRE-DRI) to Institutional (Inst) and A/RR. The site is located in an environmentally sensitive area within the wetlands and floodplains of the Lake Kissimmee Chain of Lakes region and Lake Marion.

##### **Wetlands and Floodplains**

Several important natural functions are provided by floodplains and wetlands, including the temporary storage of floodwaters, moderation of peak flows, maintenance of water quality, groundwater recharge, prevention of erosion and wildlife habitat. Development within and adjacent to floodplains and wetlands alters existing surface water hydrology and natural drainage patterns and reduces flood attenuation capacity.

#### **Recommendation For CPA 09B-01, CPA 09B-04 and CPA 09B-09**

Because the proposed development may be located adjacent to wetlands, a full range of planning strategies is recommended to protect groundwater and surface water resources including limiting impervious surfaces, clustering buildings away from wetlands and implementing water conserving xeric landscaping techniques. The design of stormwater treatment systems should ensure that the pre-development volume and natural fluctuation of runoff into wetlands are maintained. A delineation of the landward extent of wetlands, in accordance with the guidelines of Rule 62-340, F.A.C., and an evaluation of the quality of those wetlands should be obtained from the Southwest Florida Water Management District prior to finalizing development plans for the parcel. The Department recommends that the proposed land use changes pertain only to upland areas with adequate buffering to prevent



Ray Eubanks  
Page 2 of 3  
September 19, 2009

impacts to wetlands.

Additionally, as noted earlier, all current and planned development demands must be evaluated to ensure that verifiable and acceptable sources of water are available within the established planning period, particularly in light of the proposed amendments' location in the Southwest Florida Water Management District's *Southern Water Use Caution Area*.

**Comments - Text Amendment CPA 09B-08**

The submitted amendment is proposed to add a "Joint Planning Area Agreement Map" to the Future Land Use Map Series to establish a process for amendment of the JPA map without requiring a comprehensive plan amendment.

The Department is concerned that the JPA map may provide for increased densities and intensities of development potentially encroaching into environmentally sensitive areas such as the *Green Swamp Area of Critical State Concern* or the *Kissimmee Chain of Lakes*. While we realize any new proposed land use amendments must be reviewed by the state before approval, we remain concerned that adjusting the JPA map without state or regional oversight (self amending) could lead to potentially unsuitable land use proposals /changes in the noted environmentally sensitive areas.

Thank you for the opportunity to comment on these proposals. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

***Robin Branda***

Robin Branda  
Environmental Specialist III  
Office of Intergovernmental Programs

/rsb



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September 17, 2009

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: Polk County 09-2, Proposed Future Land Use Map Amendment from Phosphate Mining (PM) to Industrial (IND) and Business Park Center (BPC) in the Rural Development Area (RDA) for the Mims Alafia, LLC property

Dear Mr. Eubanks:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of the proposed Polk County Comprehensive Plan Amendment (Department of Community Affairs' designation Polk County 09-2) and offers the following comments in accordance with Chapter 163.3184(4), Florida Statutes

### Proposal Description

The proposed Polk County Comprehensive Plan Amendment affects approximately 314 acres of land in Polk County. The Future Land Use Map (FLUM) amendment proposes changing the land use designation of the affected site from Phosphate Mining (PM) to Industrial (IND) (300 acres) and Business Park Center (BPC) (14 acres); therefore land use designations and its potential effects on fish and wildlife resources, along with their associated habitats, will be the focus of our comments.

Mims Alafia, LLC, is requesting approval to modify the existing FLUM at a site located on the east side of State Road 37, south of County Road 640, and north of Bradley Junction. The site is located in the southwest portion of the county, within a large predominantly inactive PM district. Phosphate mining is a temporary use of the land and the majority of this PM district has been mined and is now very rural in nature. The property also contains freshwater marsh and wet prairie, shrub swamp, shrub and brushland, and grassland.

The property is composed of two isolated parcels (Enclosure 1), and the applicant is requesting the approval of an IND designation that would allow activities that produce significant amounts of noise, odor, vibration, dust, and lighting that may cause on- and off-site impacts that are incompatible with the remaining natural communities and associated habitat for several listed species (Enclosure 2).

### Potentially Affected Resources

We ran a Geographic Information System (GIS) analysis and according to our review, the proposed Mims Alafia site contains or falls within:

7 BP  
9/19/09

- Priority wetlands for the American alligator, bald eagle, gopher frog, white ibis, little blue heron, wood stork, tricolored heron, and snowy egret;
- Wildlife Occurrences – Active bald eagle nest (ID#PO071);
- A U.S. Fish and Wildlife Service Consultation Area for the Florida scrub-jay; and
- Ecological Greenways – Alafia/Manatee Watershed.

This area contains habitats that support a diverse array of wildlife species, including eleven that are protected by state or federal law.

Occurring & Potentially Occurring Listed Wildlife Species

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status*</b>
American alligator	<i>Alligator mississippiensis</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Gopher frog	<i>Rana capito</i>	SSC
Bald eagle	<i>Haliaeetus leucocephalus</i>	Not Listed**
White ibis	<i>Eudocimus albus</i>	SSC
Little blue heron	<i>Egretta caerulea</i>	SSC
Tricolored heron	<i>Egretta tricolor</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Wood stork	<i>Mycteria americana</i>	SE; FE
Limpkin	<i>Aramus guarauna</i>	SSC
Snail kite	<i>Rostrhamus sociabilis plumbeus</i>	SE; FE

\* SSC - Species of Special Concern; ST - State Threatened; SE - State Endangered;  
FT - Federally Threatened; FE - Federally Endangered  
\*\* Covered by the federal Bald Eagle and Golden Eagle Protection Act and the State's Bald Eagle Rule (see [http://myfwc.com/docs/WildlifeHabitats/Eagle\\_Plan\\_April\\_2008.pdf#page=35](http://myfwc.com/docs/WildlifeHabitats/Eagle_Plan_April_2008.pdf#page=35))

Further, our review indicates that the northern isolated parcel that is being proposed for a FLUM designation of IND contains potential habitat for the wood stork, gopher frog, white ibis, and eastern indigo snake (Enclosure 2). Lastly, we compared our data against data supported by Google Maps ©, and believe that the north parcel provides habitat value to the above-mentioned listed species.

Therefore, we checked for consistency between this proposal and the *Polk County Comprehensive Plan*, specifically *Chapter 2 – Development Policies (Conservation Element)*, and we believe that the Comprehensive Plan provides significant Objectives and Policies toward the preservation of natural resources. These provisions can be found in the comprehensive plan and can be reviewed at the following web site: [http://www.polk-county.net/subpage.aspx?menu\\_id=40&nav=res&id=478](http://www.polk-county.net/subpage.aspx?menu_id=40&nav=res&id=478). We understand that these objectives and policies are intended to protect listed species and their associated habitats from development or degradation. We believe that Section 2.3.9

and its associated objectives and policies cited below are particularly relevant to this issue:

*SECTION 2.309 ECOLOGICAL COMMUNITIES*

*OBJECTIVE 2.309-A: Per Section 163.3202(1), FS, Polk County shall continue to promote conservation of wildlife and native vegetative communities. [Revised by CPA-99-32 (Ord. 99-80). Adopted by BoCC 15 DEC 99]*

*POLICY 2.309-A2: Polk County shall coordinate with applicable local governments, water management districts, the Fish and Wildlife Commission, and other state and local agencies to identify and protect unique environmental resources. [Revised by CPA 68WSP-01 (Ord. 08-02) Adopted by BoCC 18 JUN 2008]*

*POLICY 2.309-A5: Development within areas that contain listed species, shall conform to the following criteria:*

- a. all permits for an agency with jurisdiction shall be approved prior to, or concurrently with, the County issuing a final development order.*
- b. impacts to areas containing listed species shall first be avoided; secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by compensation and/or enhancement.*

*OBJECTIVE 2.309-B: Polk County shall coordinate with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service to prevent loss of endangered or threatened species. [Revised by CPA-2000A-22 (Ord. 00-48). Adopted by BoCC 2 JUN 2000]*

*POLICY 2.309-B1: By the date established in Section 163.3202(1), FS, Polk County shall:*

- a. establish and maintain an inventory of areas supporting endangered or threatened plants or wildlife species. The inventory shall be compiled using data available from State and Federal agencies.*
- b. require development, excluding individually owned single-family dwelling units that contains property identified in the inventory to conserve or mitigate damage to areas supporting endangered or threatened plants or wildlife species in the development review process.*
- c. require mining operations to demonstrate compliance with this policy by submitting all applicable regulatory agencies' permits and/or exemptions*

*POLICY 2.309-B3: Polk County shall coordinate with state and other governmental agencies in the conservation of endangered plant and wildlife species.*

**Recommendations**

We are concerned that this amendment does not provide any offset for the loss of habitat that would occur with the changes proposed. Given the habitat value identified on the north parcel ( $\pm$  90 acres), the FWC believes that it should remain as green space for the development site or consider offsetting direct impacts to these habitat areas (Enclosure

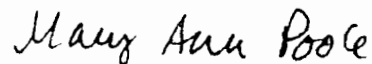
2). Acquisition of a conservation interest in lands adjacent to existing public conservation lands or mitigation banks would be one viable strategy.

According to the review document, the applicant has not conducted any wildlife surveys on the proposed site. If future development occurs within the property under discussion, wildlife surveys for listed species may be required. These surveys are time sensitive because some species are either not present at certain times of the year or are difficult to detect. The FWC also recommends that all wildlife species surveys follow established survey protocols by U.S. Fish and Wildlife Service and the FWC, and should be conducted by qualified wildlife biologists. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/CONSERVATION/FWCG.htm>).

In conclusion, given the wildlife resources associated with the subject parcel, we believe that eliminating or reducing these open areas as proposed would be inconsistent with the Polk County Comprehensive Plan.

We appreciate the opportunity to provide input on this proposal. If you or your staff would like to coordinate further on the comments contained in this letter, please contact Dr. Joseph Walsh at (772) 778-6354 or by email at [joe.walsh@myfwc.com](mailto:joe.walsh@myfwc.com).

Sincerely,



Mary Ann Poole  
Commenting Program Administrator

map/lg  
Polk County 09-2\_2362\_091109  
ENV 2-3-3

Enclosures (2)

cc: Bernard Piawah, DCA, Tallahassee ([Bernard.Piawah@dca.state.fl.us](mailto:Bernard.Piawah@dca.state.fl.us))  
Aaron Flint, Polk County ([aaronflint@polk-county.net](mailto:aaronflint@polk-county.net))  
Jennifer Codo-Salisbury, CFRPC ([Jcodosalisbury@cfrpc.org](mailto:Jcodosalisbury@cfrpc.org))





Enclosure 1.

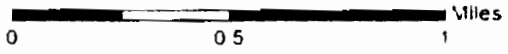
Mims Alafia / Mosaic Phosphate Mine  
Polk County



Conservation  
Services

**Legend**

-  Property Boundary
-  Priority Wetlands
-  Alafia-Manatee Watershed
-  majorroads



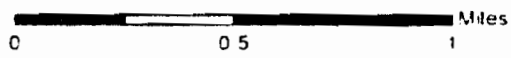
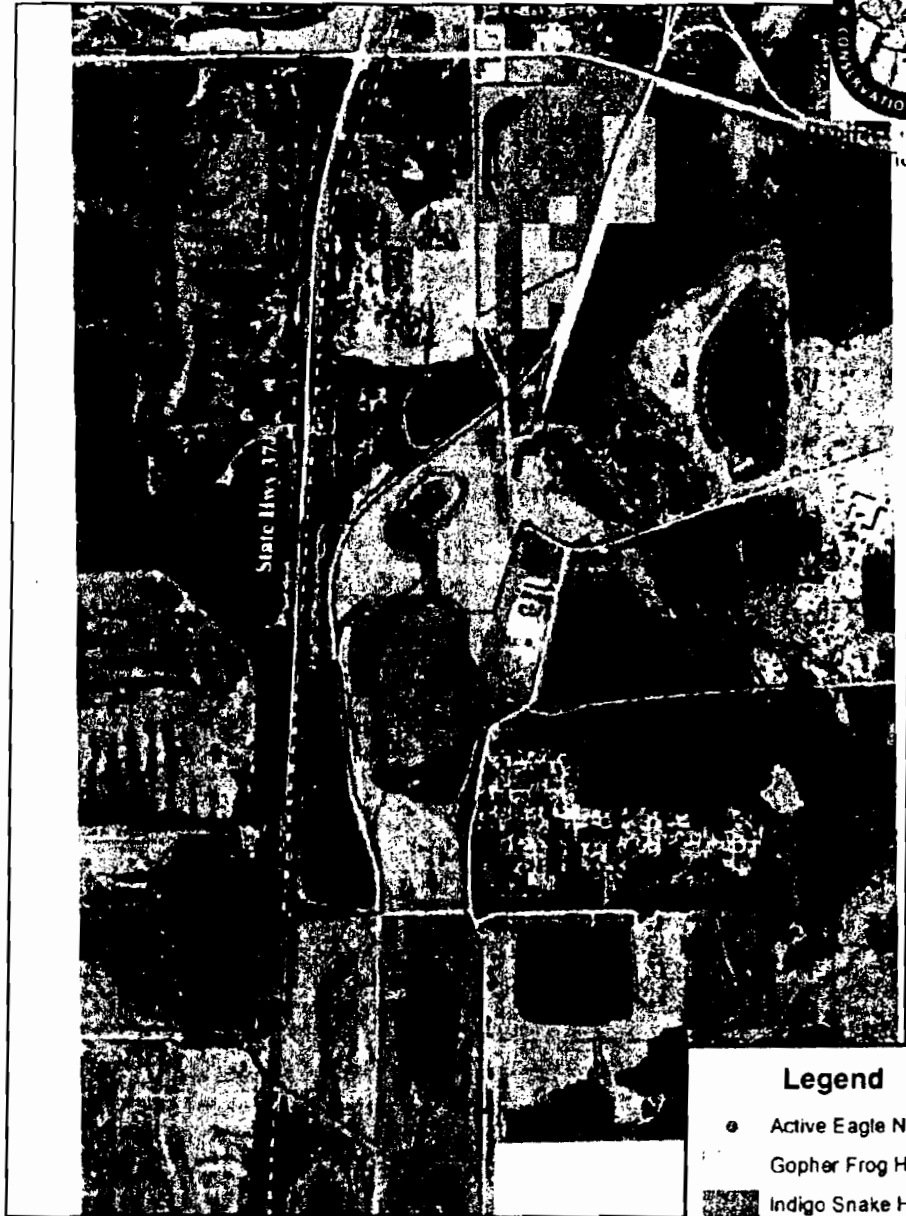
Enclosure 2.



### Mims Alafia / Mosaic Phosphate Mine Potential Wildlife Habitat



Florida Fish and Wildlife  
Conservation Commission  
Wildlife Services



Legend	
●	Active Eagle Nest
▨	Gopher Frog Habitat
▩	Indigo Snake Habitat
■	White Ibis Habitat
---	Major Roads



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 28, 2009

Mr. Ray Eubanks  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

7 BP  
9/30/09

Dear Mr. Eubanks:

**Subject: Polk County DCA #09-2  
SFWMD Comments on Proposed Comprehensive Plan Amendment  
Package**

The South Florida Water Management District (District) has completed its review of the proposed comprehensive plan amendment package from Polk County. The package includes eleven amendments, of which one is a Future Land Use Map (FLUM) amendment within the District and three are text amendments. The County is within the boundaries of both this District and the Southwest Florida Water Management District with which we have coordinated our review. The District offers the following comments and recommendations for inclusion in your report to the County:

**AMENDMENT CPA 09B-08** – The amendment proposes to incorporate by reference all existing Joint Planning Agreements into the comprehensive plan, but the package neither provides a list nor copies of those existing agreements. The amendment would add the Joint Planning Area maps to the FLUM series and allow for the future amendment of these maps without requiring corresponding comprehensive plan amendments. Joint Planning Area agreements can address issues and boundaries for annexations, incorporations, water and sewer utility service areas, listed species populations, and can specify the municipal jurisdiction over unincorporated areas under s. 163.3171(1), FS. No information or analysis of the existing Joint Planning Area agreements was provided for potential impacts upon water resources including water supply, flood protection and floodplain management, water quality, ecosystem restoration, and natural systems. The potential water resource implications of future revisions cannot be analyzed by the District unless they are amended through the comprehensive planning process. Such self-amending provision for areas appears to be in conflict with the amendment process requirements of Chapter 163, FS.

#### RECOMMENDATIONS:

- Include all Joint Planning Area agreements and their maps as part of the adopted amendment package.



- Provide data and analysis of any potential impacts of Joint Planning Area agreements on water resources and infrastructure.
- Revise the text to require amendments to the comprehensive plan in order to incorporate or revise all agreements and their maps.

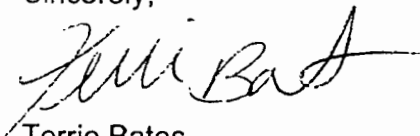
**AMENDMENT CPA 09B-13** – The amendment addresses group living facilities and replaces previous language addressing congregate living facilities with the more generic term of “group-living facility”, which can be allowed in non-residential land use categories at densities of 15 dwelling units per acre. The definition for the new “group living facility” term is “*Any building or buildings ... which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24-hour basis for 15 or more unrelated persons.*” This definition greatly expands the original language addressing congregate living facilities and potentially includes dormitories, hotels, motels, prisons and other land use types meeting this broad definition. The amendment package provided no analysis of the impacts of the proposed change.

**RECOMMENDATION:**

- Revise the definition of group-living facility to more specifically identify the intended types of facilities intended and exclude other non-intended facilities, such as school dormitories, hotels, motels, and prisons.
- Provide analysis of potential water resource related impacts of the revised amendment.

We look forward to collaborating with the Department of Community Affairs and the County on developing sound, sustainable solutions to meet the County's future water needs. For assistance or additional information, please contact John Mulliken at (561) 682-6649 or [jmulls@sfwmd.gov](mailto:jmulls@sfwmd.gov).

Sincerely,



Terrie Bates  
Assistant Deputy Executive Director  
Regulatory and Public Affairs  
South Florida Water Management District

c: Rand Frahm, SWFWMD  
John Mulliken, SFWMD  
Bernard Piawah, DCA  
Jim Quinn, DEP  
Pat Steed, Central Florida Regional Planning Council  
Jennifer Stults, Polk County



# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
TDD only: 1-800-231-6103 (FL only)  
On the Internet at [WaterMatters.org](http://WaterMatters.org)

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1449 or  
1-800-492-7662 (FL only)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

7BP

- Todd Pressman**  
Chair, Pinellas
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Vice Chair, Pasco
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Secretary, Hillsborough
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Sarasota
- Maritza Rovira-Forino**  
Hillsborough
- H. Paul Senft, Jr.**  
Polk
- Douglas B. Tharp**  
Sumter
- Judith C. Whitehead**  
Hernando

- David L. Moore**  
Executive Director
- William S. Bilenyk**  
General Counsel

September 23, 2009

SEP 28 2009

Mr. D. Ray Eubanks  
Plan Review Team  
Florida Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Subject: **Polk County  
Comprehensive Plan Amendment Packet 09-2**

Dear Mr. Eubanks:

In accordance with section 163.3184, F.S., The Southwest Florida Water Management District (District) has reviewed the proposed comprehensive plan amendment packet for Polk County and offers the following comments and recommendations.

09B-01

The County is changing the designation of these parcels from phosphate mining (PM) to rural development area (RDA) when the County has not yet completed its select area study (SAS) to best define future uses for reclaimed mined lands. The District has no specific concern with this change, but it appears premature given the pending comprehensive study of the area.

09B-04

The District would like further clarification on the estimated water use associated with this land use change – how did the County come up with these particular numbers, or what quantities are assigned to these individual uses within the RDA.

### General Comments

From a water quality perspective, use of a septic tank on site can be detrimental, especially when the soil type for said septic system does not allow for proper operation or percolation, such as in matrix type soil that are commonly found on reclaimed mined lands. The RDA lists several developments which are planned for these areas, and will exclusively be served by private water wells and septic systems. While the District understands it is the County's prerogative, the District strongly advocates the use of public utility systems for both potable water and sewer. Opportunities for conservation and the reuse of reclaimed water can also be explored for these areas of planned development.

Chancey Springstead  
September 23, 2009  
6:11 PM

The District appreciates the opportunity to participate in the review of comprehensive plan amendments. If you should need any additional assistance, please feel free to contact me at the District's Brooksville office.

Sincerely,



Chancey Springstead  
Peace River Basin Planner  
(352) 796-7211, ext. 4415  
chancey.springstead@watermatters.org

cc: Aaron Flint, Planner III, Polk County  
Jim Jackson, SFWMD  
Pat Steed, CFRPC  
Jim Quinn, DEP  
Danny Kushmer, SWFWMD