

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
CASE OVERVIEW**

DRC Date: May 26, 2016	Level of Review: Level 4 Review
PC Date: October 5, 2016	Type: LDC Text Amendment
BoCC Date: TBA	Case Numbers: LDC 16T-09 /DMS 58707
Applicant: Sarah Case, GADD, CASE, & Associates.	Case Planner: Thado N. Hays, Senior Planner

Request:	Applicant initiated request to amend Land Development Code language in the US Highway 98 Selected Area Plan (Section 401.04.F.5) which would allow the Neighborhood Activity Center (NACX) district to be one of the non-residential land use district exceptions to the expansion criteria.
Location:	N/A
Property Owner:	N/A
Parcel Size (Number):	N/A
Land Use District:	N/A
Development Area/Overlays:	US Highway 98 Selected Area Plan (SAP)
Nearest Municipality/County:	N/A
DRC Recommendation:	Pending
Planning Commission Vote:	Pending Hearing
Public Comment:	Pending Hearing

PROJECT NARRATIVE - REVISED

The proposed Land Development Code Text Amendment is to modify language from LDC Section 401.04.F.(5)F. Development Design Standards and Requirements. More specifically:

“New Non-Residential Future Land Use Districts and expansion of all non-residential districts except NACX, BPCX, INDX, INSTX, OCX, PRESVX and ROSX shall not be permitted unless, at least, 80 percent (%) of the total area of TCX is developed.”

The 98 SAP was adopted by the Board of County Commissioners on November 2004, known as Ordinance 04-74, with anticipation of a development boom along the US 98 corridor between Lakeland and Bartow. At that time, the focal point was the intersection of US 98 and Clubhouse Road to develop as a Town Center – the gateway to Bartow – the County seat. Commercial development did not take off as anticipated resulting in stagnant development in the subject corridor.

Creative endeavors took place as a way around the original subject development criteria. To name a few:

There have been several text amendments to the 98 SAP, the first was to allow septic tanks (Section 401.04 C.4) whereas when the 98 SAP was written all development was required to connect to public potable water and sanitary sewer. The Code was modified to allow septic tanks with the approval of the Utility Director for the subject Utility Service Area. The City of Lakeland’s utility lines stop at the intersection of US Highway 98 and Clubhouse Road; Lakeland was not willing to extend their lines to serve infill development and for any proposed development, it was cost prohibitive to extend to potable water and sewer lines, if not readily available.

The development known as Highland City Town Center has modified the original Planned Development (achieved in 2002) several times in order to over the 98 SAP development criteria of not expanding non-residential land uses. The overlay districts, mapped once the SAP was approved in 2004, did not coincide with the actual development of the shopping center. In 2012, a small scale Comprehensive Plan Amendment was approved (CPA #125-02) to reallocate Land Use designations within the Highland City Town Center project to accommodate new development. Additionally, in 2012, a text amendment was approved to allow drive-thru uses within the TC-X (Town Center) designation, to again, accommodate the market for end-users interested in occupying real estate within the 98 SAP corridor.

Research was conducted to assess existing TCX Land Use within the US 98 SAP, and a compilation of property and land owners was provided to Staff with the submittal of the original subject request. It is determined that of the existing TCX land use, there are two majority land owners that benefit from the subject LDC Policy. Additionally, after meeting with Senior Staff regarding the subject text amendment, Staff presumed that of the designated TCX property within the 98 SAP, only 30% has been developed; there remains approximately 70% undeveloped.





It has been twelve years since the adoption of the 98 SAP and growth has not occurred as anticipated. The language as adopted does not provide a sunset date therefore, it can be interpreted that the Policy will remain in perpetuity, giving a major advantage to the two largest land owners within the US 98 SAP, TCX designation. Allowing new development and expansion of NACX Land Use within the subject SAP (LDC S.401.04.F(5)F) will enable development opportunities that will otherwise be stagnant pending the build-out of the TC-X designated land. Such an opportunity would only be permissible if all Comprehensive Plan policies were met, as well as development criteria in the Land Development Code. Modifying the subject language would merely provide an avenue for additional development, IF compliant with LDC and Comprehensive Plan policies, and would be based on the individual merit of each site.

