

Growth Management Department

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Board of County Commissioners

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Re: Application for Development Approval (ADA) Sufficiency Comments
Evansville Western Railway, Inc. (CSX)
Rail Terminal Facility Development of Regional Impact (DRI)

Sufficiency Comments from Polk County's Growth Management Department for the Evansville Western Railway, Inc., (CSX) ADA are provided below. The document includes TPO staff comments on transportation.

Question 2 – Applicant Information

The applicant has not provided proof of authorization to do business in Florida pursuant to Chapter 407, F.S. The only response provided to this question was the contact information for the owner and applicant of the ADA. Polk County requests the applicant provide this proof of authorization.

Question 4 – Development Information

The only response provided refers to Question #1 which does not relate to the requirements of this question. The applicant has not provided a notarized authorization from all property owners involved in this request. The application does not indicate the ownership by parcel of land and ownership of each parcel involved in this request is unclear. In addition, the application does not include parcels under their ownership within ½ mile of the site, which may include Phase II of this terminal facility to the west of the site. Polk County requests the applicant provide all parcel ownership and notarized authorization for property within this radius and provide a map exhibit illustrating the parcel locations.

Question 6 – Development Information

The applicant should document discussions with the Department of Community Affairs (DCA) regarding a clearance letter and preliminary development agreement.

Question 8 – Permit Information

The list of agency permits does not include one required from the Florida Department of Transportation (FDOT) for the access and traffic impacts to SR 60. Although this site does not directly front this roadway, all traffic from it will be directed solely to SR 60. Please provide details regarding access and permit requirements through the FDOT.

Question 9 – Maps

1. *Map D* illustrates the (city of Winter Haven) land use designation for the property is Business Park Center. However, the city of Winter Haven verified on January 11, 2008, that the property was given an Industrial Business Park Center land use and a Heavy Industrial (I-2) zoning. Please provide a copy of the ordinance the city of Winter Haven adopted changing the land use for this site from the Polk Institutional (INST) to the city BPC.
2. The colors on *Map E-1 and E-2* may be standard colors used for these soil types, but it is difficult to discern the wetland soils from upland soils. Please provide a hatching or different color palate for the wetland soils.
3. *Map G* indicates there are several listed species on this site. However, *Map G* does not indicate which listed plant species exist on site. Within the map Legend, the applicant should remove “Gopher Tortoise Burrows” from above the list of species and place it next to the “Active” and “Inactive” symbol descriptions for clarity. This map also illustrates a “Sand Skink Sign”. Please provide a description of what this (sign) means. This map also identifies the location of listed plant species, but the application does not identify or discuss how impacts to the federally protected scrub lupine (*lupinus aridorum*) will be avoided. In general, describe what attempts have been made to avoid impacts to all of the listed species on this site. In addition, please explain why the Pollard Road extension isn’t included in the analyses for this DRI. This DRI will significantly change the character and usage of this roadway. Because of this, the impacts to the environment within this right-of-way should be evaluated.
4. *Map H* indicates that the development plan is for Industrial uses. Please evaluate and provide a preliminary site plan for the location of the uses within the site boundaries. In addition, there is an existing residential development adjacent within Agriculture/Residential-Rural (A/RR) and Residential Suburban (RS) Polk County land use districts to the east. To the north and west of the site are established residential areas within the RS and Residential Low (RL) Polk County land use districts. Please provide a detailed description for how this development proposes to mitigate the associated impacts from this development to protect existing development and future land usage within Polk County’s jurisdiction. Illustrate and describe how the proposed land uses transition to those within unincorporated Polk County. Lastly, please explain why portions of the 46.57 ± acres of wetlands/surface waters are being proposed as Industrial uses on the Master Development Plan (*Map H*) and not Preservation or water. The Polk County Comprehensive Plan and Polk County Land Development Code require development to be located on non-wetland portions of the site, avoiding impacts to wetlands and water bodies. Mitigating a wetland on one side of a jurisdictional line does not ensure that it will remain protected on the other.

Question 10 – General Project Description

1. Page 3 of this section indicates the site “is currently used by the city of Winter Haven for a wastewater treatment plant”. This 318 acre site does not contain the treatment plant; it is located on land to the west, outside the site boundary of this ADA. The subject site actually only contains the “overland discharge of wastewater and hay production” portion of the treatment system and not the actual plant. Please amend this section accordingly for clarity and amend the map to illustrate the current, existing land uses on the site.
2. On Page 4 of Question #10, the application indicates that sub-question A was eliminated at the pre-application conference. However, there is a discrepancy between the existing Business Park Center land use and the proposed, more intense, Industrial uses on the Master Development Plan (Map H). Please address how this change in land use intensity will be accommodated within the city of Winter Haven without necessitating a land use amendment.
3. Page 4 of Question #10 groups all the questions within each Section and provides one answer for all policy and goals within that Section. These answers are too broad and generalized and the answers provided are not specific enough to explain how each policy and goal will be met. Please address each policy and goal individually and provide a separate answer for each. For example:
 - Under Section 1: Natural Resources, the answer provided (“The proposed Rail Terminal Facility will be designed to ensure the protection of surface water and groundwater resources”) does not address how surface water quality will be improved and restored (Goal 1.2), how the proposed transportation system and land use (with a crossing over the Peace Creek and wetland impacts) will protect surface water quality (Policy 1.2.2), and how storm water pollution will be significantly reduced (Policy 1.2.3).
 - In Section 2, the application lists the project as consistent with Policy 2.4.3 but does not indicate how the project will “plan, budget, and invest in local roadway links.”
 - Section 3 does not explain how this development will extend rail lines and lead to reduced levels of truck traffic (Policy 3.2.2).
 - On page 10-5, the application indicates the project is consistent with Goal 7(a) but does not describe (quantify) how the project will “maintain the function of natural systems...and ground water quality.” It simply indicates the city of Winter Haven will be providing sewer and water services. The application does not mention how the Peace Creek drains to the Peace River which is part of the Charlotte Harbor Watershed and does not address how impacts from this development are consistent with the goals of the Charlotte Harbor National Estuary Program.

- Goal 9(a) requires the protection and restoration of natural systems. The response provided in the application indicates that the proposed Facility will not have a significant impact on natural systems. However, Question #12 indicates that this development will result in the loss of approximately 120 acres of gopher tortoise habitat, 2 acres of sand and bluetail mole skink habitat, 2.5 acres of Florida scrub jay habitat, and 46.57 acres of wetlands (habitat for wading birds and limkins). These 171 ± acres of lost habitat represents nearly 54% of the total 318.11 acre site, arguably a significant habitat loss. This is inconsistent with Goal 9(a) which requires the protection and restoration of natural systems. Significant impacts are identified throughout the ADA. A table on page 8-1 (Question #8) indicates that applications have been submitted and permits have been granted for the taking of protected species. In addition, a transect survey of the site (Map G) indicates the site (proposed entirely for Industrial usage) contains dozens of endangered or threatened plant and animal species, including the gopher tortoise, scrub jay, and scrub lupine. These species depend upon, and contribute to, the overall well-being of the surrounding lands for habitat (including lands within unincorporated Polk County). The application does not discuss how impacts to protected species have been avoided or how development of the site has been proposed for only the disturbed areas of the site, avoiding impacts to these endangered protected species. Please provide supporting documentation to support how this development will be consistent with Goal 9(a).
- Goal 11.b(4) requires the applicant to ensure energy efficiency in transportation design. The applicant's response states that trains (instead of trucks) will be used to bring freight to our region, which will result in reduced highway congestion. However, the answer provided does not provide enough specific information and not describe how new truck traffic generated from this regional facility (distributing goods throughout the entire region) will be less than (or more efficient than) existing truck traffic delivering only goods needed by our local residents. The applicant needs to illustrate how some of the truck traffic will be offset and directly address how highway congestion will be reduced.
- The response to Goal 17.a indicates that the requested use will not have a significant impact on public facilities. However, comments from the various agencies and public at several prior meetings indicate that there are concerns about the impact that railroad and truck traffic will have upon the established communities in this region. In addition, the response provided does not discuss increases in the need for public facilities such as fire, EMS, and police services resulting from the land usage proposed with this DRI.

Please re-address each sub-section within Question #10, providing substantial and quantifiable supporting documentation for each answer on pages 10-4 through 10-6.

Question 12 – Vegetation and Wildlife

Please refer to comments provided above (in Question #10) regarding environmental resource impacts and justify the need for mitigation versus avoiding impacts.

Question 13 – Wetlands

Please refer to comments provided above (in Question #10) regarding wetland impacts and justify the need for mitigation versus avoiding impacts.

Question 14 – Water

Please refer to comments provided above (in Question #10) regarding impacts to water quality and justify the need for mitigation versus avoiding impacts.

Question 15 – Soils

Please refer to comments provided above (in Question #10) regarding soils.

Question 16 – Floodplains

Please refer to comments provided above (in Question #10) regarding flood plain and watershed impacts and describe why impact cannot be avoided.

Question 20 – Solid Waste/Hazardous Waste/Medical Waste

Please refer to comments provided above (in Question #10) regarding hazardous materials as it relates to public health and the environment. The Map H provided only indicates the application is proposing a general Industrial land use designation which allows a variety of intensities. Map H does not provide specific uses or a proposed development plan indicating the location of particular uses. Because the uses are not specifically limited or illustrated on the Master Development Plan (Map H), adverse impacts from the proposed industrial uses (noises, odors, vibrations, catastrophic events, and light and air pollution, and other environmental impacts) that could be objectionable to adjacent and nearby uses (including those within unincorporated Polk County) will be difficult to plan around or mitigate.

Question 21 – Transportation (Polk TPO Staff Comments)

1. Table 21.A.4 references the planned six-lane widening of US 98. While the right-of-way acquisition phase is listed as programmed in FY 2011/12, it should be noted that funding for the construction phase will not be available until 2018-2024.

2. Figure 21.D.1 provides limited information on the projected distribution of truck and employee traffic. Additional information, e.g., distribution of truck traffic, was previewed at the Traffic Methodology Meeting. Expand the map scale or limits of Figure 21.D.1 to depict the distribution of truck and employee traffic on the larger regional road network. The current map is not usable as a mean to evaluate the overall distribution of project traffic.
3. The ADA does not include a table that documents the review of project traffic for “significance” (project traffic > 5% of service volume) on area roadways. The applicant needs to provide said documentation.
4. The proposed extension of Pollard Road will intersect with Old Bartow-Lake Wales Road. The ADA should include an analysis of the conditions at this future intersection and identify the planned lane geometry at this location. The applicant should also provide information on any features designed to restrict the turning movements of heavy trucks at this location (heavy trucks turning from or onto Old Bartow-Lake Wales Road).
5. Very little information is provided on the impact of project traffic on area intersections. At a minimum, the applicant needs to analyze the intersection of SR 60 at US 27 since SR 60 is the directly accessed segment for project traffic. The ADA provides inadequate information on the impacts of heavy truck traffic on other area intersections. These impacts need to be analyzed and documented. More data and analysis are typically provided for Major Traffic Studies submitted to Polk County for sub-DRI threshold projects.

Question 22 – Air

Please refer to comments provided above (in Question #20) regarding air quality impacts.

Question 24 – Housing

The supply models for the affordable housing seem to indicate there are no other affordable housing supply demands within the same 10 mile/20 minute drive radius. Please verify that the existing supply is not affected by other project demands. In addition, please indicate how the low and moderate income employees will have enough income from these jobs to support a 20 mile round trip commute to the affordable housing.

Question 25 – Police and Fire Protection

Please refer to comments provided above (in Questions #10 and 20) regarding police and fire protection impacts. In addition, the application provides a letter requesting verification from Tony Jackson, Fire Chief at the Winter Haven Fire Department, that adequate services exist to support the proposed use, but the actual letter was not included in the application providing that verification of services.

Question 29 – Energy

Please refer to comments provided above (in Questions #10) regarding energy usage and efficiency. Provide documentation for the amount of energy use proposed and a letter indicating availability of services (from TECO).

Question 36 – Petroleum Storage Facilities

Please refer to comments provided above (in Questions #10 and 20) regarding petroleum impacts as it relates to emergency services (such as fire protection) and the ability of the proposed use to avoid impacts to adjacent residential uses. Because the uses are not specifically limited or illustrated on the Master Development Plan (Map H), adverse impacts from the proposed industrial uses (noises, odors, vibrations, catastrophic events, and light and air pollution, and other environmental impacts) that could be objectionable to adjacent and nearby uses (including those within unincorporated Polk County) will be difficult to plan around or mitigate.