

**POLK COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**  
**STAFF REPORT**

<b>DRC Date:</b>	January 25, 2024	<b>Level of Review:</b>	Level 3 Review
<b>PC Date:</b>	April 3, 2024	<b>Type:</b>	Conditional Use (CU)
<b>BoCC Date:</b>	N/A	<b>Case Numbers:</b>	<b>LDCU-2023-39</b>
		<b>Case Name:</b>	Center Street (MH) CU
<b>Applicant:</b>	Tawnya Booker- JBrown	<b>Case Planner:</b>	Malissa Celestine, Planner II
<b>Request:</b>	The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.		
<b>Location:</b>	The subject property is located north of Ronald Reagan Parkway, south of Church Street, west of Old Kissimmee Road, east of Old Lake Wilson Road, north of Davenport, in Section 06, Township 26, and Range 28.		
<b>Property Owners:</b>	Kayla Doud David Baldo		
<b>Parcel Size (Number):</b>	$\pm 0.92$ acres (282606-932800-004040)		
<b>Future Land Use:</b>	Residential Low-4X (RL-4X) Ronald Reagan Parkway Selected Area Plan (SAP)		
<b>Development Area:</b>	Transit Supportive Development Area (TSDA)		
<b>Nearest Municipality:</b>	City of Davenport		
<b>DRC Recommendation:</b>	Conditional Approval		
<b>Planning Commission Vote:</b>	Pending Hearing		

Site Location



Adjacent Homes



## **Summary of Analysis:**

The applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes. The parcel is approximately  $\pm 0.92$  acres identified as Lot 4 of the Tripoli Subdivision, within the Residential Low-4X (RL-4X) Future Land Use District and the Ronald Reagan Selected Area Plan (SAP). Chapter 4, Table 4.4 of the Land Development Code (LDC) indicates that the placement of mobile homes requires Conditional Use approval via a Level 1 Review (via Staff only). However, in instances where a request for a mobile home does not meet the conditional use requirements in Section 303 #1-8 of the Code, the applicant may request approval via a Level 3 Review from the Planning Commission.

The Tripoli Subdivision Plat consists of site-built homes, mobile homes, multifamily, and nonresidential structures (*Exhibit 3*). Information from the Polk County Property Appraiser's website revealed 31 developed parcels within the subdivision. Of that, 21 lots contain site-built homes, seven (7) lots have mobile homes, one (1) multifamily development, and two (2) religious institutions. Although the subject parcel is a vested lot of record eligible for one (1) residential dwelling, parcels adjacent to the subject site are vacant. Because of this, the proposed structure requires Planning Commission approval. A mobile home setup permit, BR-2023-7062, is awaiting this approval before it can be completely processed. A picture of the proposed mobile home can be found on page 18 of the staff report (*Exhibit 7*).

There are many outdated perceptions of "mobile homes;" today, manufactured homes are virtually indistinguishable from site-built homes. The discrepancy lies within the construction of the structure and the year it was constructed. Prior to June 15, 1976, they were known as mobile homes, while those built after that date are referred to as manufactured homes. According to the Manufactured Housing Institute, "today's manufactured homes are built with the same building materials as site-built homes, but in a controlled factory environment where the quality of construction is superior to what can be done outdoors." With the current economy, mobile homes are more feasible for some individuals, as they can be up to 50 percent less than site-built homes.

The placement of a new mobile home at this site does not present any apparent incompatibilities and will not foreseeably place a strain on existing infrastructure, schools, or emergency services. There are no known environmental constraints that will prohibit the development of a mobile home. The submitted site plan indicates the proposed mobile home will meet the RL-4X primary structure setback requirements and will remain out of any wetlands and flood hazard zones (*Exhibit 6*). According to the applicant's impact assessment, the site will utilize a septic system and a private well for potable water. The proposed request is consistent with the LDC and Comprehensive Plan. Staff recommends approval.

## Findings of Fact

- *LDCU-2023-39 is a request to allow a mobile home on Parcel No. 282606-932800-004040 ( $\pm 0.92$  acres) within a Residential Low-4X (RL-4X) Future Land Use District, the Ronald Reagan Selected Area Plan (SAP), and the County's Transit Supportive Development Area (TSDA).*
- *The subject site is located in the Tripoli Subdivision where fewer than 50% of the developed lots are constructed with Mobile Homes.*
- *According to the Polk County Property Appraiser's website, there are 21 site-built homes, seven (7) manufactured homes, one (1) multifamily structure, and two (2) religious institutions within the Tripoli development.*
- *The immediate properties surrounding the proposed site are within the Residential Low-4X (RL-4X) land use district and consist of a multi-family structure and vacant land.*
- *According to the County's Road Inventory, Center Street (Road No. 680604) is a County-maintained, paved local road with a width of 18 feet.*
- *Chapter 4, Section 401.02 Table 4.3 of the LDC, indicates Individual Mobile Homes within the RL-4X district are conditionally permitted following a Level 1 Review.*
- *Per Chapter 4, Table 4.4, primary structure setbacks in the RL-4X district are five (5) feet for the interior sides and interior rear property lines. The right-of-way setback along a local roadway is 15 feet.*
- *Per Chapter 3, Section 303 of the LDC, Individual Mobile Homes are allowed in all of the following locations:*
  1. *Within any registered mobile home park that has been approved by Polk County;*
  2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
  3. ***Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;***
  4. *On any un-platted legal residential lot or parcel in the A/RR district;*
  5. *On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;*
  6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
  7. *On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;*
  8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
  9. ***On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.***

- *Chapter 2, Section 204.A.7 of the LDC states, “The purpose of the RL-4 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet.”*
- *Sheriff’s response to the site is served by the Northeast District, located at 100 Dunson Road in Davenport. The response times for NE in February 2024 were: Priority 1 Calls – 11:16 and Priority 2 Calls – 28:07.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 20, located at 4611 U.S. Highway 17-92 North, Davenport. This is located approximately 2.7 miles from the subject site with a response time of 10 minutes.*
- *The subject property is located within the Polk County Northeast Regional Utility Service Area (NERUSA). However, the lot will utilize an onsite treatment system for wastewater and a private well for potable water.*
- *The development is zoned for Loughman Oaks Elementary, Shelley S. Boone Middle, and Davenport High School. The site is approximately 2.7 miles from Loughman Oaks Elementary, 11.8 miles from Shelley S. Boone Middle, and 2.7 miles from Davenport High School.*
- *The subject parcel is not located within the County’s Wellhead-Protection Area.*
- *The property is composed of Samsula Muck, 0 to 1 percent slopes; Immokalee Sand; Placid and Myakka fine sands, depressional.*
- *The National Wetland Inventory (NWI) identify potential wetlands on the site and the parcel is also associated with flood zone “A.”*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State’s Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *A Citrus Connection route is not located within a reasonable distance of the site. The nearest mass transit route is the 19X – Posner Park / Poinciana Express which connects Posner Park and the Poinciana Sunrail station.*
- *Per Chapter 10 (Definitions) of the LDC, **Manufactured Home/Mobile** (HUD Home) is defined as “a dwelling unit constructed on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Act.”*

- *Per Chapter 10 (Definitions) of the LDC, **Manufactured or Modular Home** (DCA Home) is defined as “a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a seal certifying that it is built in compliance with the Florida Manufactured Building Act of 1979 (F.S. § 553.35-553.42). The Department of Community Affairs (DCA) oversees the administration and enforcement of the Florida Manufactured Building Act.”*
- *Per Chapter 10 (Definitions) of the LDC, a **Single-Family Detached Home** is “a structure containing one dwelling unit, and not attached to any other dwelling unit by any means.”*
- *POLICY 2.203-A2 of the Comprehensive Plan (Housing Element) states that “Mobile homes shall be allowed in all areas of the County designated for residential development, subject to siting and design criteria consistent with the County’s Land Development Code.”*
- *Chapter 553 of the Florida Statutes states that “**Mobile Homes**” means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*
- *According to the Manufactured Housing Institute, “a manufactured home is constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards, better known as the HUD. A site-built home is built “on-site” using traditional building techniques that meet either a local or state building code.*
- *“Manufactured homes, like site-built homes, are now available in a variety of designs, floor plans and amenities. Today, they are often indistinguishable from site-built homes and are fully compatible with neighborhood architectural styles,” according to the Manufactured Housing Institute.*
- *The difference between a mobile home and a manufactured home is the date the structure was built. Prior to June 15, 1976, they were known as mobile homes, while those built after that date are referred to as manufactured homes.*
- *The site is located This subject property is located in the Transit Supportive Development Area (TSDA). According to POLICY 2.104-A5 of Polk County’s Comprehensive Plan, “Development within the Transit Supportive Development Area (TSDA) shall conform with the following criteria as further specified in the Land Development Code:*
  - a. provide access to transit facilities;*
  - b. connect to centralized potable water and sanitary sewer systems;*
  - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;*
  - d. implement “Complete Street” and “Conservation Development” principles as established under Section 2.1251, Community Design, of this element;*

- e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings;
- f. provide access to civic space, parks, green areas, and open space and other amenities;
- g. be supported by public safety (i.e., fire, EMS and law enforcement);
- h. have access to public schools;
- i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas.
- j. encourage the inclusion of a variety of housing choices, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single-family detached units within designated areas as established in Policy 2.104-A7.”

- The Comprehensive Plan defines Compatibility in Section 4.400 as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”
- This request has been reviewed for consistency with Section 303, Section 401.01, and Section 906 of the LDC.

**Development Review Committee Recommendation:** Based on the information provided by the applicant, the findings of fact, a recent site visit, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCU-2023-39**.

## **CONDITIONS OF APPROVAL**

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of **LDCU-2023-39** with the following Conditions:

1. LDCU-2023-39 is approved for no more than one (1) mobile home on Parcel No. **282606-932800-004040** as indicated in the site plan and staff report.

## **GENERAL NOTES**

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

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

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

*NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

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

## Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

**Table 1**

<b>Northwest:</b> RL-4X Multi-Family $\pm 1.83$ acres	<b>North:</b> RL-4X Multi-Family $\pm 1.83$ acres	<b>Northeast:</b> RL-4X Vacant $\pm 0.66$ acres
<b>West:</b> RL-4X Vacant $\pm 0.92$ acres	<b>Subject Property:</b> RL-4X Vacant $\pm 0.92$ acres	<b>East:</b> RL-4X Vacant $\pm 0.92$ acres
<b>Southwest:</b> RL-4X Vacant $\pm 3.01$ acres	<b>South:</b> RL-4X Vacant $\pm 3.01$ acres	<b>Southeast:</b> RL-4X Vacant $\pm 3.01$ acres

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

The proposed mobile home will be located on approximately 0.92 acres within the Residential Low-4X (RL-4X) future land use district and is identified as Lot 4 of the Tripoli Subdivision (PB 4, PG 59, Block D). According to information retrieved from the Polk County Property Appraiser's website, the property was acquired through a Warranty Deed on July 31, 2023 (OR Book 12802 Page 00719) and is eligible for a building permit. Although immediate properties surrounding the proposed site consist of a multi-family structures and vacant land, site-built, mobile homes, and nonresidential structures can be found in the vicinity. All properties in the development are within the Residential Low-4X (RL-4X) land use district.

### Compatibility with the Surrounding Land Uses and Infrastructure:

**The LDC defines compatibility as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”**

The impact from a single mobile home is minimal. Site-built residences and mobile homes are comparable uses; the difference lies within the architectural design of each structure and the year it was built. According to research, a manufactured home is constructed entirely in a controlled factory environment meeting HUD standard, while a site-built home is built “on-site”

meeting the building code. Today, manufactured homes are available in a variety of designs, floor plans, and amenities. The BoCC recently approved an ordinance to permit accessory dwelling units (ADU) in conjunction with permitted mobile homes, acknowledging the similarities in the structures. Given the improved standards for mobile home construction in recent years, staff finds the placement of a mobile home in this location to be compatible with surrounding homes.

Out of 31 developed parcels there are 21 site-built homes, seven (7) manufactured homes, one (1) multifamily structure, and two (2) religious institutions within the Tripoli development, according to the Property Appraiser's website. The subject parcel is at the end of the road and surrounded by vegetation (*Exhibit 5*). Residential structures in the vicinity date back to the early 70s and the sizes range from  $\pm 525$  square feet to  $\pm 2,670$  square feet. If a mobile home were to have been developed on either of the abutting properties, or if the site was not within a subdivision, additional approval via the Planning Commission would not be necessary.

## Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one mobile home will not trigger school concurrency requirements; however, there is available capacity for the zoned schools. The subject property will utilize an onsite treatment system for wastewater and a private well for potable water, according to the submitted impact assessment statement.

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

**Table 2**

<b>Urban Services and Infrastructure Summary</b>	
<b>Schools (Zoned)</b>	The development is zoned for Loughman Oaks Elementary, Shelley S. Boone Middle, and Davenport High School. School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.
<b>Sheriff</b>	Sheriff's response to the site is served by the Northeast District located at 100 Dunson Road in Davenport. The response times for NE in February 2024 were: Priority 1 Calls – 11:16 and Priority 2 Calls – 28:07
<b>Fire/EMS</b>	Fire and EMS Response is from Polk County Fire Rescue Station 20 located at 4611 U.S. Highway 17-92 North, Davenport. This is located approximately 2.7 miles from the subject site with a response time of 10 minutes.
<b>Water</b>	Private Well
<b>Sewer</b>	Onsite Treatment System
<b>Transportation</b>	The subject site has direct access through Center Street. However, the nearest monitored link is US Highway 17/92 North, classified as a Principal Arterial, State-maintained, two-lane, paved roadway. According to the 2023 Roadway Network Database, US 17/92 (5021N) has approximately 745 available PM Peak Hour trips; US 17/92 (5021S) has approximately 716 available PM Peak Hour trips. US17/92 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".
<b>Urban Sprawl</b>	Site is located within the TSDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The subject property is located within the Polk County Northeast Regional Service Area. However, utility infrastructure is not located within the project limits. According to the applicant's impact assessment statement, the lot will utilize an onsite treatment system for wastewater and a private well for potable water. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

**Table 3**

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

## Environmental Conditions Analysis

There are potential wetlands and Flood Zone “A” on the subject property, but the submitted site plan indicates the structure will remain outside of these areas. No further known conditions exist that should pose a threat to the existing environmental resources based upon the proposed request (*See Table 4, below*). The subject site is not located within any of the County’s identified Wellhead-Protection Areas. The subject property is not located within a one-mile radius of endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed entirely of Samsula muck, Immokalee Sand, and Placid and Myakka fine sands, depressional. The soils are not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property contains no surface water features. In addition, the subject property is not located within a Historical Preservation area. The subject site is outside any Airport Height Notification and In-Flight Visual Interference Zones.

**Table 4**

<b>Environmental Conditions Summary</b>	
<b>Surface Water</b>	None
<b>Wetlands/Floodplains</b>	The parcel is within Flood Zone “A” and the NWI shows potential wetlands.
<b>Soils</b>	The property is composed of 59.8% of Samsula Muck, 0 to 1 percent slopes; 39.5% Immokalee Sand; 0.8% Placid and Myakka fine sands, depressional.
<b>Protected Species</b>	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
<b>Wellfield Protection</b>	The property is not located within any County Wellhead-Protection Areas.
<b>Historical Preservation</b>	The subject property contains no historical resources as monitored by the State of Florida’s Division of Historical Resources.
<b>Airports</b>	The subject property is located outside any Airport’s Height Notification and In-Flight Visual Interference Zones.

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

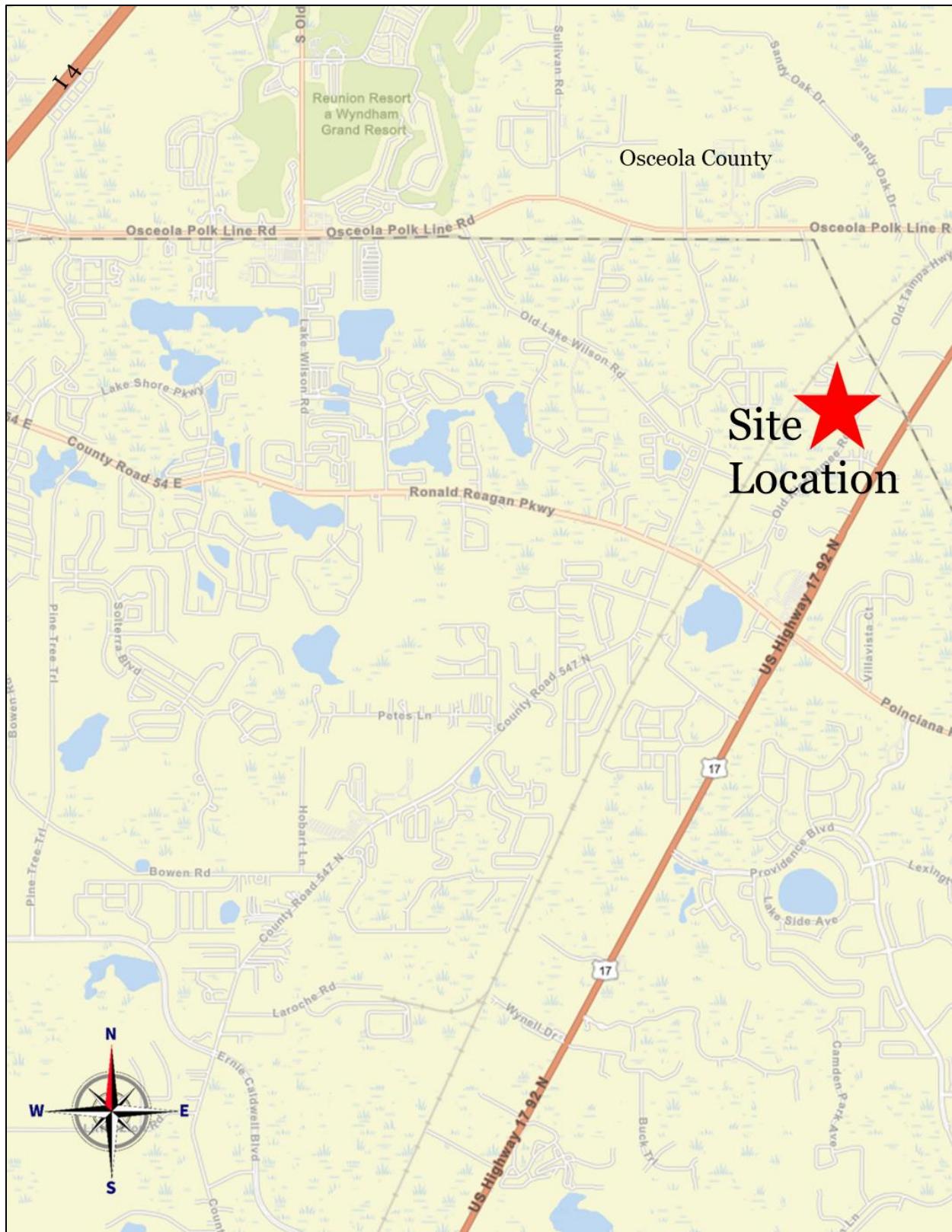
**Table 5**

<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 3-6 of the staff report.</i>
<b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>	<i>Yes, this request is consistent with the Comprehensive Plan.</i>
<b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b>	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 8 of this staff report for data and analysis on surrounding uses and compatibility.</i>
<b>How the concurrency requirements will be met if the development were built.</b>	<i>This request will not require concurrency determination from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Page 9 of the staff report.</i>

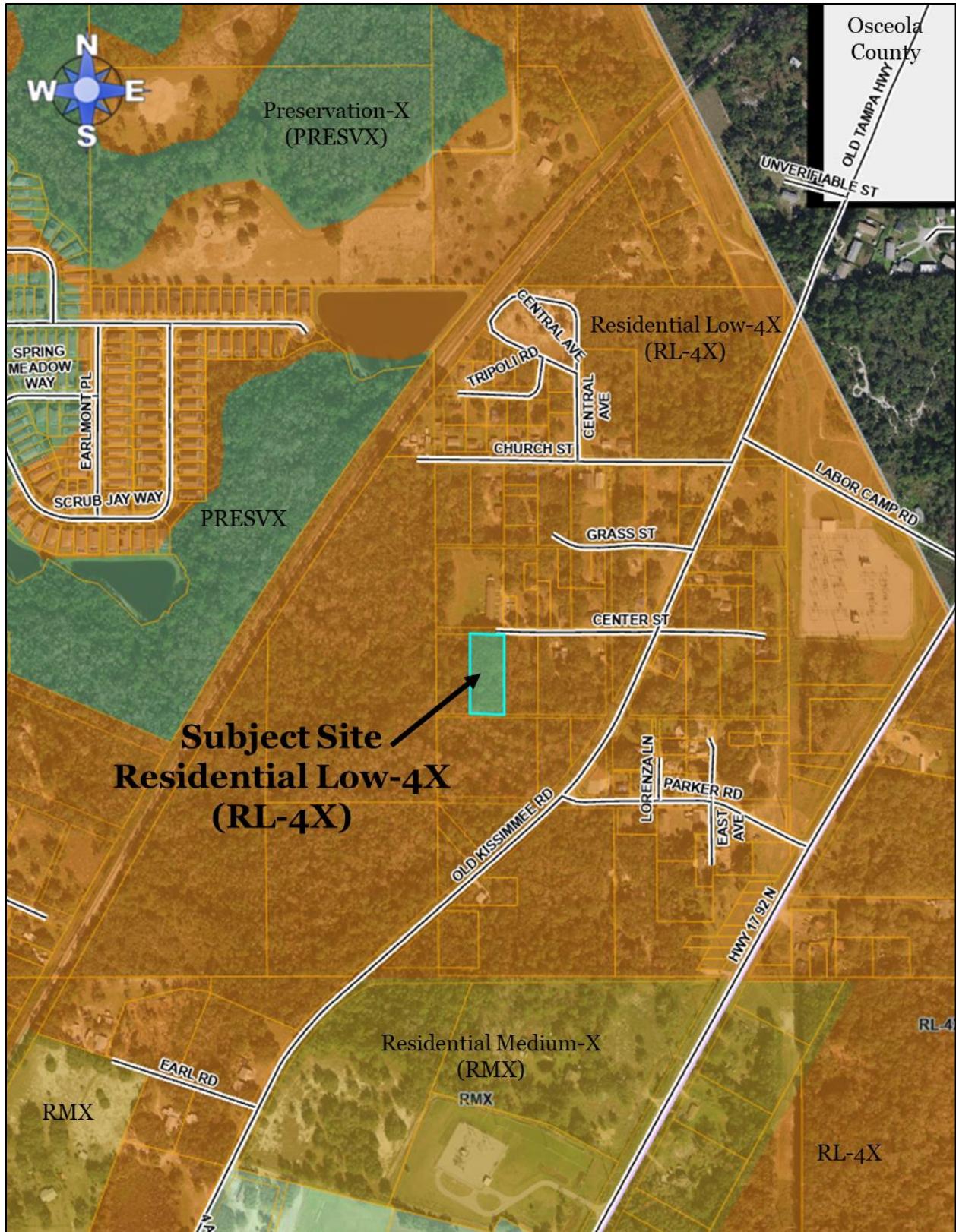
**Comments from other Agencies:** None

**Exhibits:**

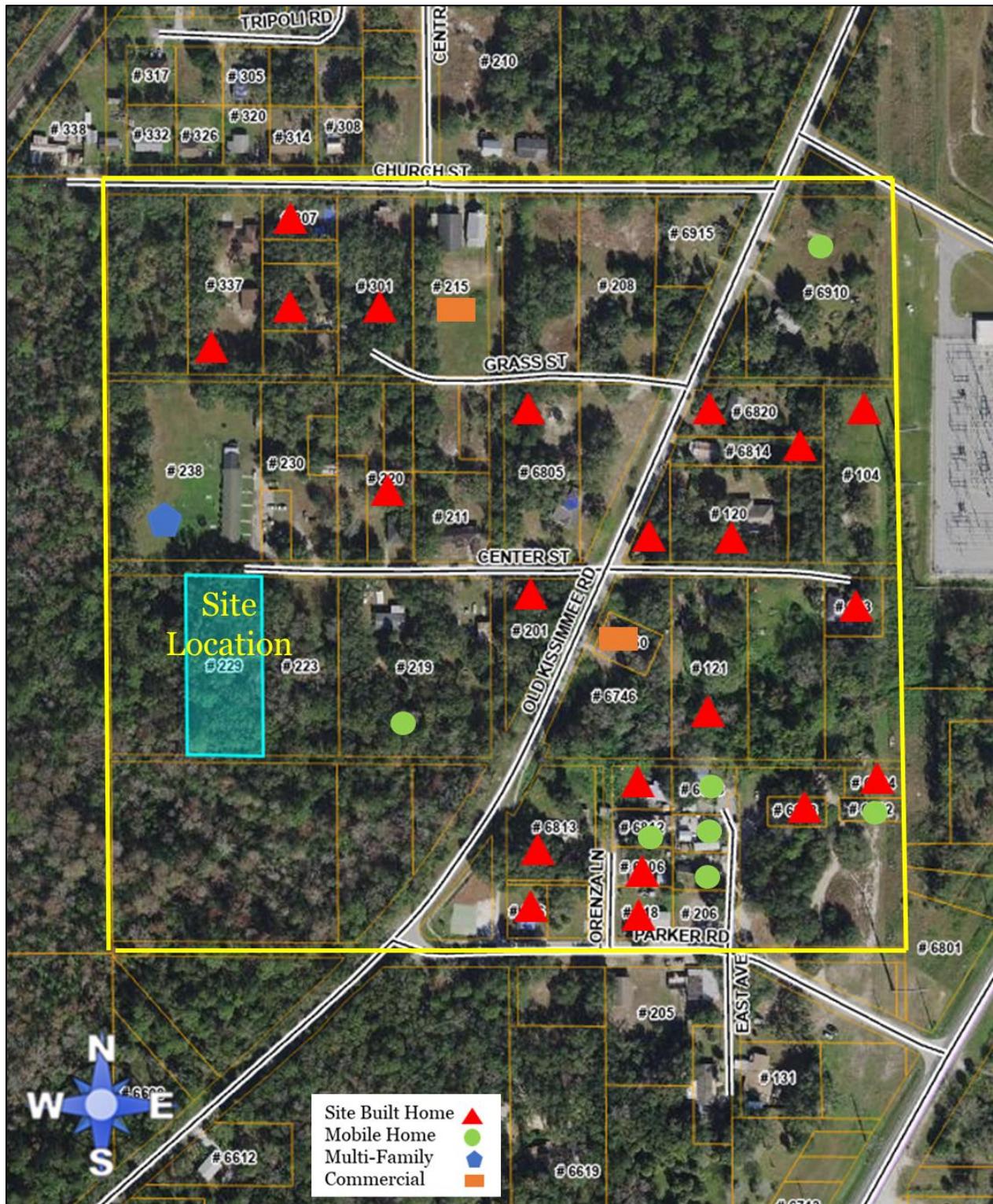
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Adjacent Homes
Exhibit 4	Aerial Image (Context)
Exhibit 5	Aerial Image (Close)
Exhibit 6	Site Plan
Exhibit 7	Example of Mobile Home



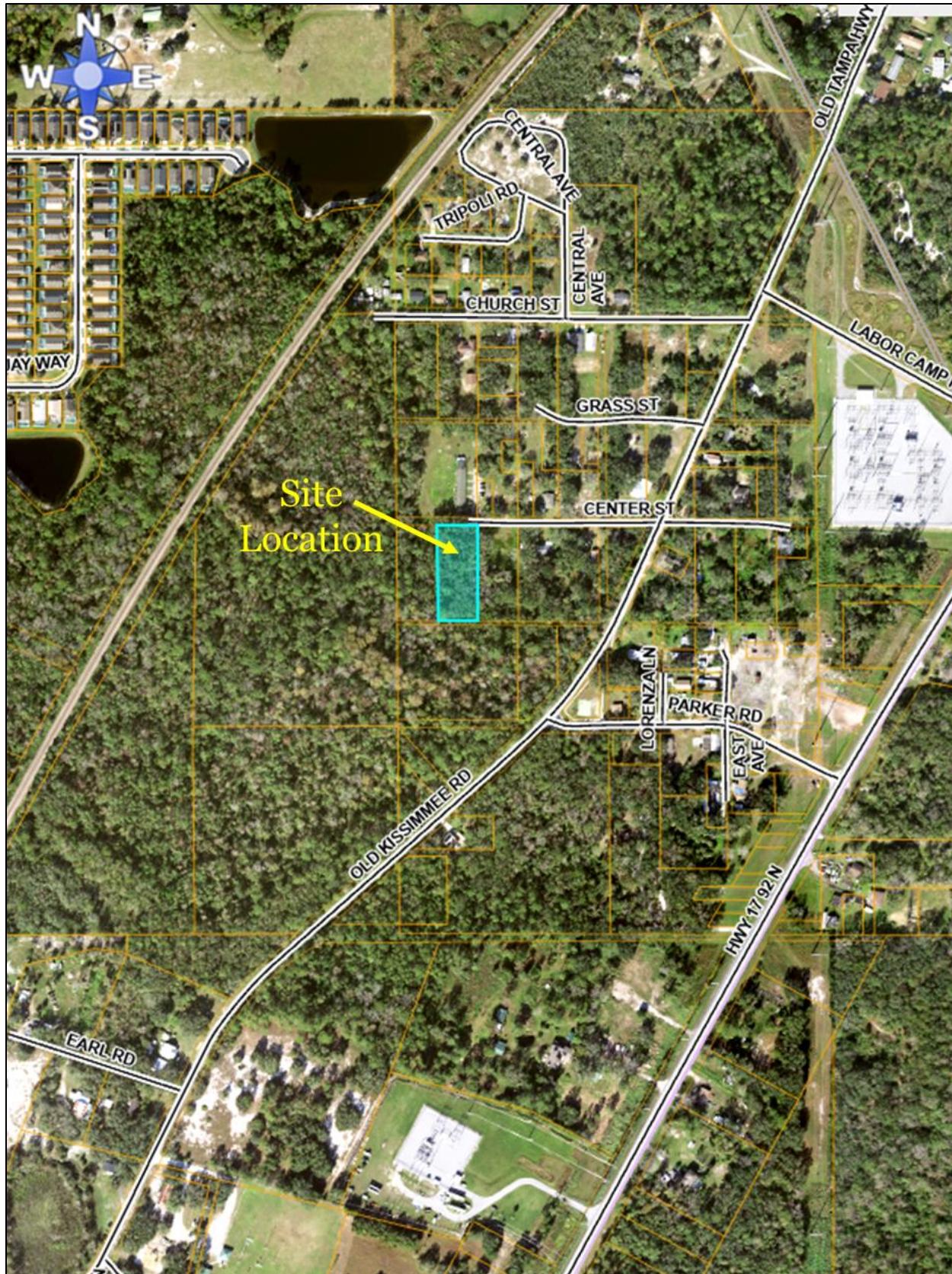
Location Map



## Future Land Use Map



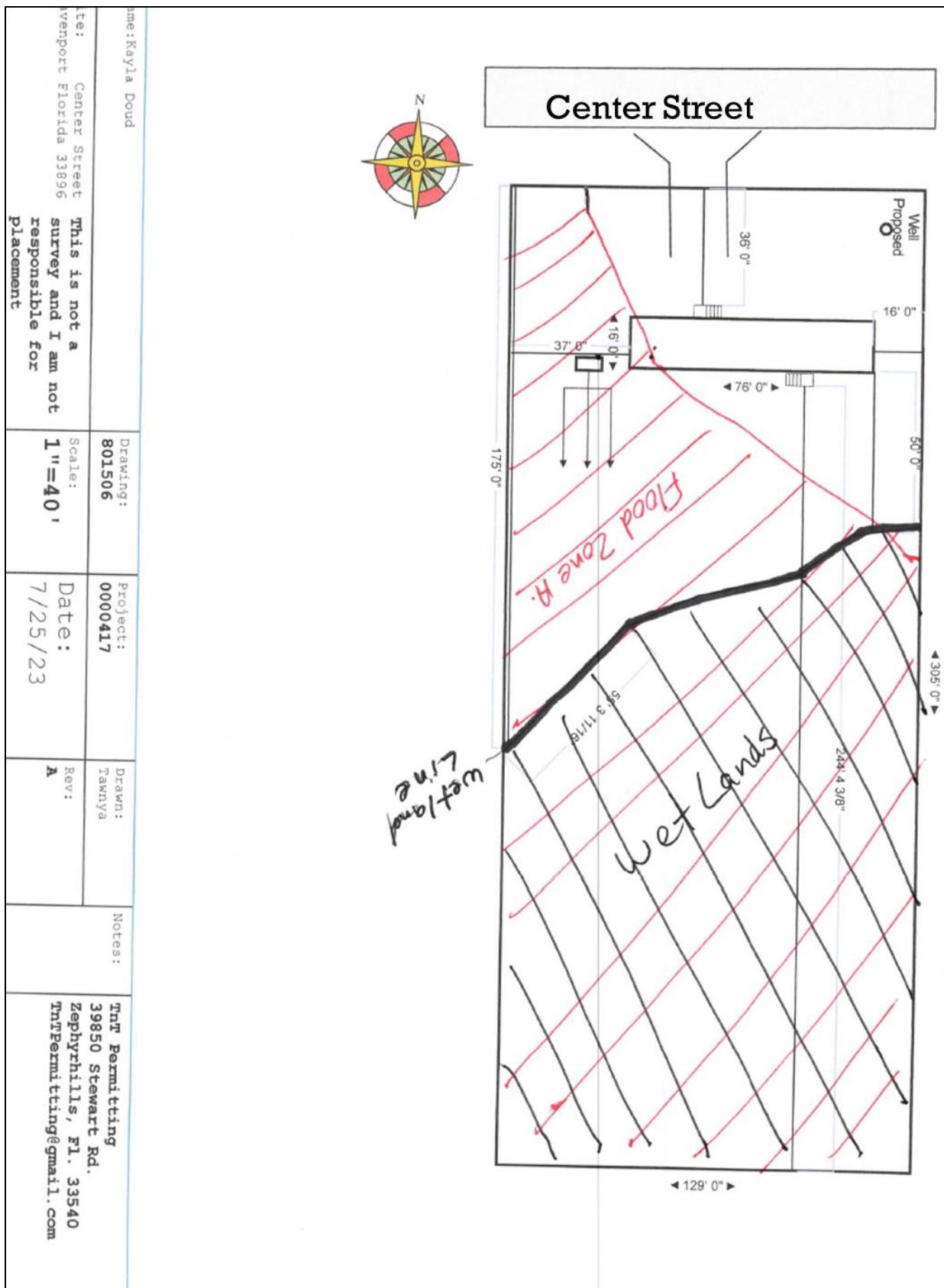
## Adjacent Homes



2023 Aerial Image (Context)



2023 Aerial Image (Close)



## Site Plan



## Example of Proposed Mobile Home