

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: December 2, 2023	Level of Review: Level 3 Review
PC Date: February 7, 2024	Type: Conditional Use (CU)
BoCC Date: N/A	Case Numbers: LDCU-2023-54
	Case Name: Ralph Road (MH) CU
Applicant: Frank Murillo Jr	Case Planner: Malissa Celestine, Planner II

Request:	The applicant is requesting Conditional Use approval for a Mobile Home to be permitted on ±0.85 acres within a Residential Low-1 (RL-1) Future Land Use District.
Location:	The subject site is located at 2520 Ralph Road, south of Saddle Creek Road, west of Combee Road North, east of Lake Parker Drive East, north of Mineola Drive, south of the City of Lakeland in Section 04, Township 28, Range 24.
Property Owners:	Frank Murillo Jr Naomi Murillo
Parcel Size (Number):	±0.85 acres (242804-000000-022130)
Future Land Use:	Residential Low-1 (RL-1)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Site Location



Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to place a mobile home within a Residential Low-1 (RL-1) Future Land Use District. The subject site is approximately ±0.85 acres, or ±37,026 square feet and located in the County's Transit Supportive Development Area (TSDA). Chapter 2, Table 2.1 (Use Table for Standard Land Use Districts) of the Land Development Code 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 #1-9 of the Code), the applicant may request approval via a Level 3 Review from the Planning Commission.

The subject parcel is associated with a code violation, CMA-2023-1318 for installing a corrugated metal fence and placing a mobile home on site without an approved building permit. The original violation, CMA-2023-1166 was for the unpermitted mobile home, installing a fence with prohibited fence material, and building an accessory structure without the appropriate permits according to Accela's database. Staff also found a mobile home setup permit, BR-2023-9053 to remove and replace a mobile home which was denied as a contractor needs to pull a mobile home installation permit. Past aerials depict a mobile home on the subject site but the 24-month period which would allow an individual to replace a mobile home by right has passed. The submitted site plan indicates the proposed mobile home will meet the RL-1 primary structure setback requirements (*Exhibit 5*).

While the subject parcel is eligible for one (1) residential dwelling, the request requires Planning Commission approval for placing a mobile home on the subject site as the development does not meet the other requirements outlined in Section 303 that allows administrative approval. According to the applicant's impact assessment, the site will utilize an existing septic system and Lakeland's water utility services. 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. The proposed request is also consistent with the LDC and Comprehensive Plan. Staff recommends approval.

Findings of Fact

- *LDCU-2023-54 is a request to allow a mobile home on Parcel No. 242804-000000-022130 (± 0.85 acres) within a Residential Low-4 (RL-1) Future Land Use District and the County's Transit Supportive Development Area (TSDA).*
- *The surrounding properties are within the Residential Low-1 (RL-1) land use district and consist of single-family detached residences, a mobile home, and vacant land.*
- *According to the County's Road Inventory, Ralph Road (Road No 840920) is a County-maintained, paved local road with a width of 20 feet.*
- *Chapter 2, Table 2.1 of the LDC, indicates Individual Mobile Homes within the RL-1 district are conditionally permitted following a Level 1 Review.*
- *Per Chapter 2, Table 2.2, primary structure setbacks in the RL-1 district are 10 feet for the interior sides and 15 feet for the interior rear of a property line. The right-of-way setback along a local roadway is 15 feet.*
- *Per Chapter 2, Footnotes for Table 2.2, the area for computing gross density shall include all public and institutional land areas (e.g., internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections.*
- *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 parcel in the A/RR district;*
 5. *On any un-platted 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 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 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.4 of the LDC states, "The purpose of the RL-1 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with larger sized lots, a minimum of 40,000 square feet."*

- *Per Chapter 2, Section 205, Table 2.2 of the LDC, the RL-1 land use district mandates right-of-way setbacks from local roadways for the primary structure of 15 feet, side setbacks for the primary structure of 10 feet; and rear setbacks for the primary structure of 15 feet.*
- *Sheriff's response to the site is served by the Southwest District located at 4120 US Highway 98 in Lakeland. The response times for SW in December 2023 were: Priority 1 Calls –9:22 and Priority 2 Calls – 19:51.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 39 located at 3325 E. Main Street, Lakeland. This is located approximately 2.7 miles from the subject site with a response time of eight (8) minutes.*
- *The subject property is located within the City of Lakeland's water and wastewater service area and will connect to Lakeland's water. The lot will utilize an existing onsite treatment system for wastewater.*
- *The development is zoned for Philip O'Brien Elementary, Crystal Lake Middle, and Tenoroc High School. The site is approximately 3.8 miles from Philip O'Brien Elementary, 3.1 miles from Crystal Lake Middle, and 3.3 miles from Tenoroc High School.*
- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*
- *The property is composed entirely of Tavares fine sand, 0 to 5 percent slopes.*
- *There are no wetlands or flood zones on the subject parcel.*
- *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.*
- *There is a Citrus Connection stop within 0.6 miles to the south of the subject parcel. The Orange Line transit (OL), bus ID 5296, is located on the corner of Idlewild Street and Combee Road.*
- *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."*
- *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.”*
 - *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.*
 - *This request has been reviewed for consistency with Section 303 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-2023-54**.

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends **APPROVAL** of **LDCU-2023-54** with the following Conditions:

1. LDCU-2023-54 is approved for no more than one (1) mobile home on Parcel No. **242804-000000-022130** 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

Northwest: RL-1 Vacant ±2.04 acres	North: RL-1 Vacant ±1.70 acres	Northeast: RL-1 Vacant ±1.70 acres
West: RL-1 Vacant ±2.04 acres	Subject Property: RL-1 Vacant ±0.85 acres	East: RL-1 Site-built home (1,756 sq. ft.) ±0.72 acres
Southwest: RL-1 Vacant ±0.34 acres	South: RL-1 Site-built home (1,740 sq. ft.) & Mobile Home (672 sq. ft.) ±0.72 acres	Southeast: RL-1 Site-built home 1,974 sq. ft. ±0.48 acres

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

The proposed mobile home will be located on 0.85 acres within the Residential Low-1 (RL-1) district. Although the lot size is below the 40,000 square foot requirement for the RL-1 district, the LDC allows density to be calculated to the centerline of a local road. As shown in *Exhibit 4*, the parcel measures ±40,265 when the measuring to the centerline. The adjacent lots surrounding the subject property are also within a Residential Low-1 (RL-1) land use district and are occupied with a combination of a site-built homes, a mobile home, and vacant residential real estate. According to information retrieved from the Polk County Property Appraiser’s website, the property was first recorded through a Warranty Deed on March 29, 1995 (OR Book 3518 Page 332) and is eligible for a building permit.

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 design of each structure. 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. According to the

submitted site plan (*Exhibit 5*), the applicant wishes to place a 2,400 square foot mobile home on the subject parcel. Staff finds the proposed size to be similar to those in the immediate area (*Table I*). As previously mentioned, past ariels depict a mobile home on site but the 24 month period to replace the mobile home by right has lapsed.

Polk County Property Appraiser’s website is currently assessing a mobile home to the south of the subject parcel. The property is primarily surrounded by vacant parcels. If a mobile home were to have been developed on either of the abutting properties or the adjacent home was not there, 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 is located within Lakeland’s utility service area. The site will connect to the city’s water system and will utilize an existing septic tank for wastewater, 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

Urban Services and Infrastructure Summary	
Schools (Zoned)	Philip O’Brien Elementary, Crystal Lake Middle, and Tenoroc 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.
Sheriff	Sheriff’s response to the site is served by the Southwest District located at 4120 US Highway 98 in Lakeland. The response times for SW in December 2023 were: Priority 1 Calls –9:22 and Priority 2 Calls – 19:51.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 39 located at 3325 East Main Street, Lakeland. This is located approximately 2.7 miles from the subject site with a response time of eight (8) minutes.
Water	Lakeland
Sewer	Onsite Treatment System
Transportation	The subject site has direct access through Ralph Road. However, the nearest monitored link is Combee Road (SR 659), a two-way, two-lane, State-maintained roadway. According to the 2022 Roadway Network Database, SR 659 (7300N) has approximately 803 available PM Peak Hour trips; SR 659 (7300S) has approximately 772 available PM Peak Hour trips. SR 659 current Level-of-Service (LOS) is “C” with an adopted LOS standard of “D”.
Urban Sprawl	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 lot is within Lakeland Service Area and will use potable water through their system. However, the site will continue utilize an existing onsite treatment system, according to the applicant’s impact assessment statement. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

Impact Analysis Summary Proposed Conditional Use (One Mobile Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
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 no wetlands on the subject property and 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 parcel is not located within any Flood Hazard Zones. 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 Tavares fine sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is relatively flat and 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

Environmental Conditions Summary	
Surface Water	None
Wetlands/Floodplains	The parcel is not within any Flood Zones and does not contain any wetlands.
Soils	The property is composed entirely of Tavares fine sand, 0 to 5 percent slopes.
Protected Species	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	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.

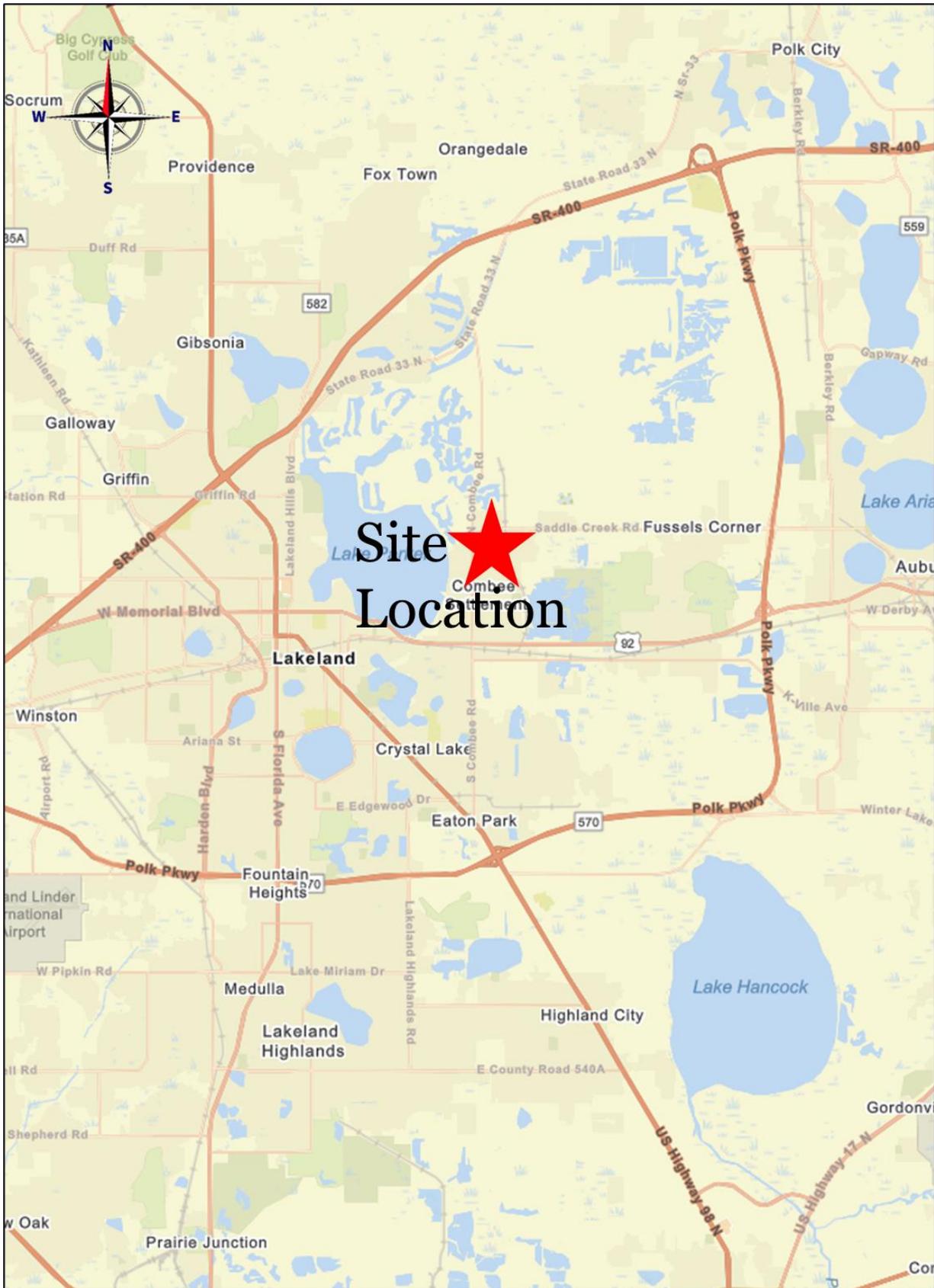
Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<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 2-5 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan.</i>
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	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 7 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<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 Pages 8 of the staff report and waiver requirements in the Conditions of Approval.</i>

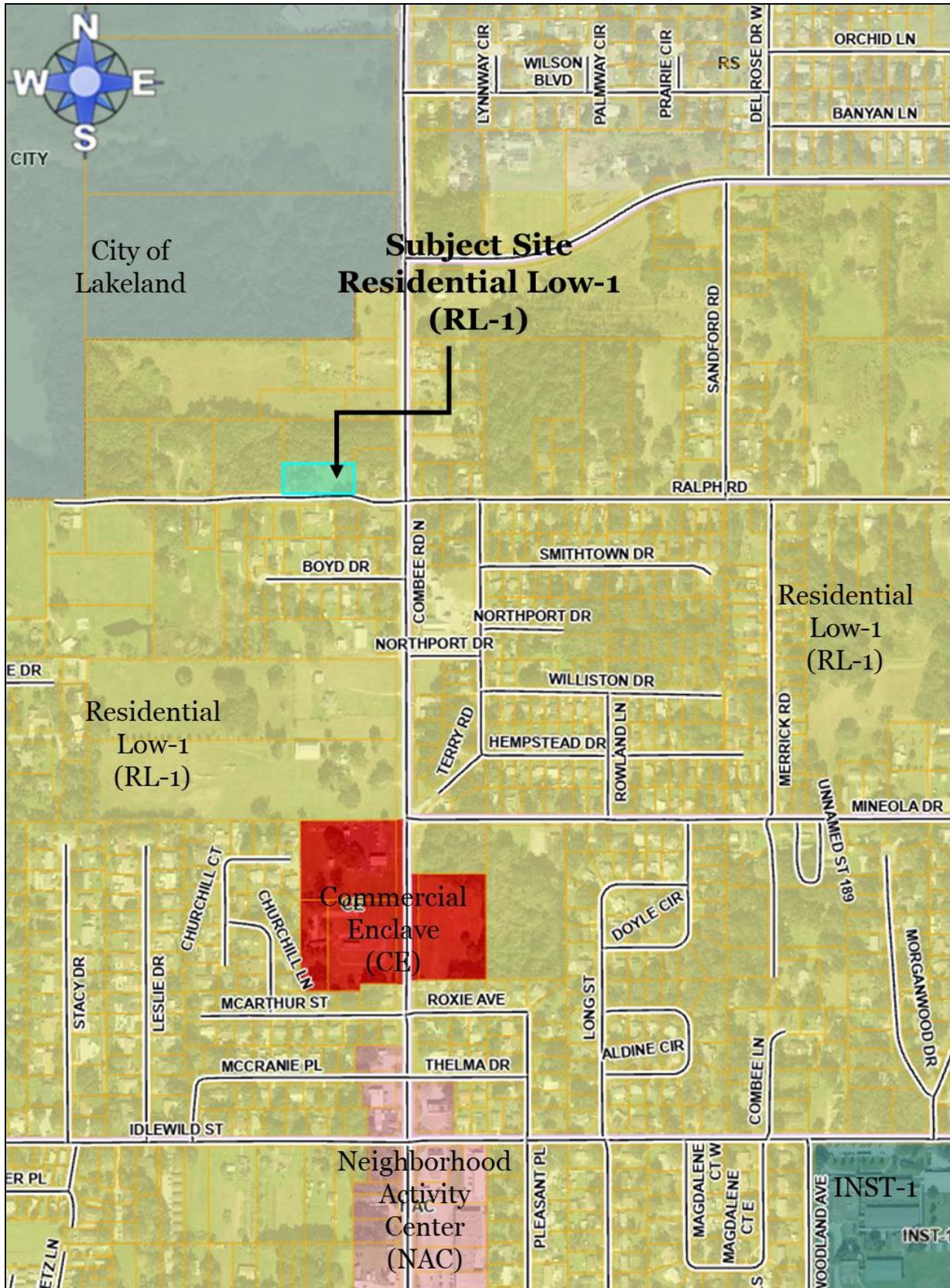
Comments from other Agencies: None

Exhibits:

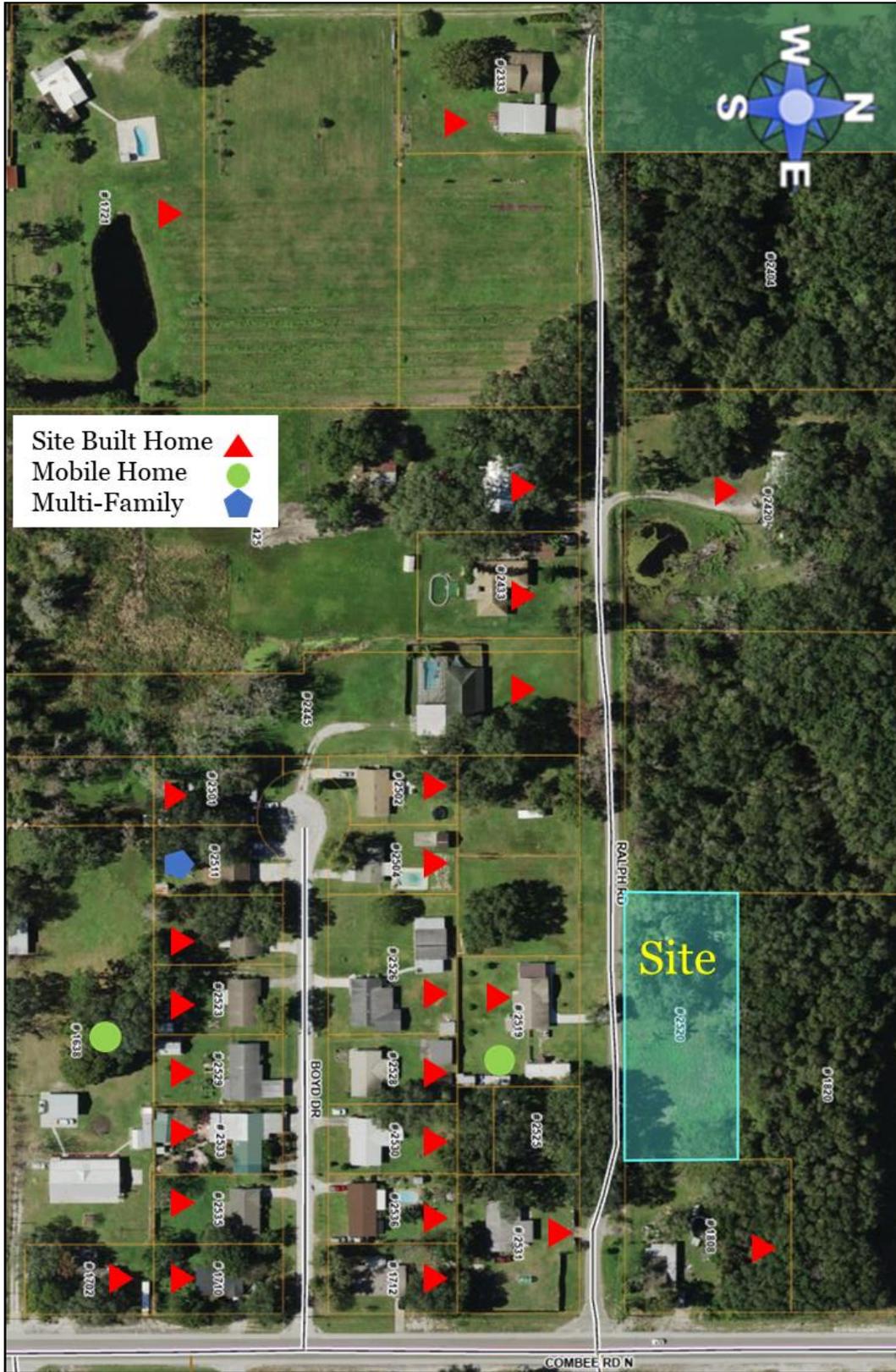
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Adjacent Homes
- Exhibit 4 Aerial Image (Context)
- Exhibit 5 Aerial Image (Close)
- Exhibit 6 Site Plan



Location Map



Future Land Use Map



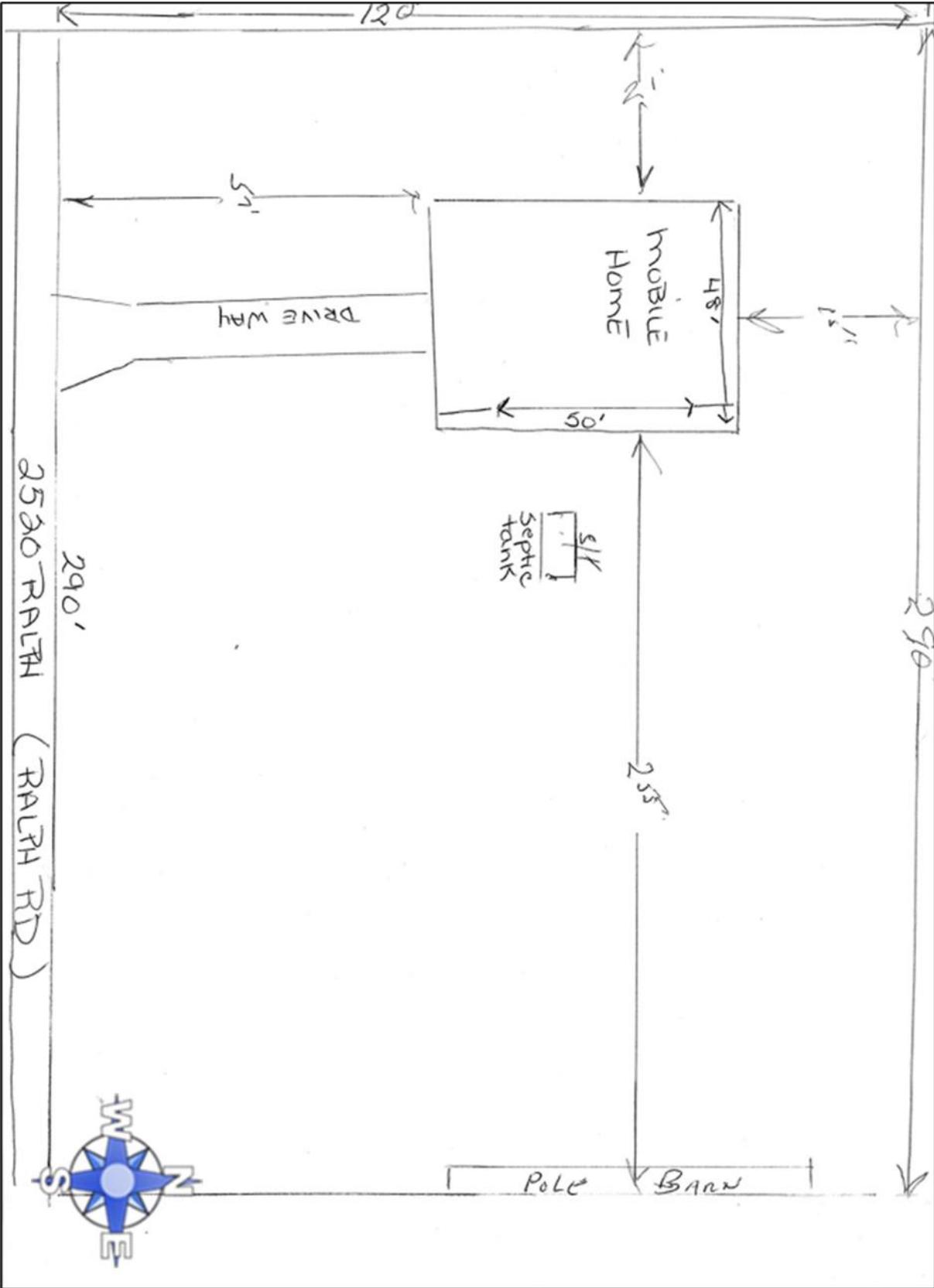
Adjacent Homes



Aerial Image (Context)



Aerial Image (Close)



Site Plan