

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

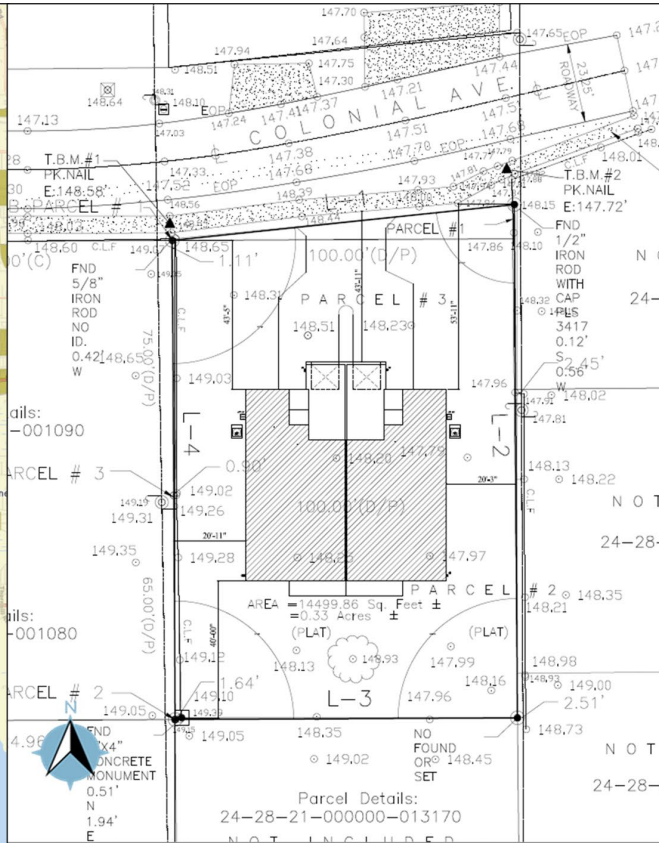
DRC Date:	November 20, 2025	Level of Review:	Level 3 Review
PC Date:	December 3, 2025	Type:	Conditional Use
BoCC Date:	N/A	Case Numbers:	LDCU-2025-32
Applicant:	Antonio Ramon Araque	Case Name:	Colonial Avenue Duplex
		Case Planner:	Ian Nance

Request:	Conditional Use for a duplex in a Residential Low-1 future land use designation.
Location:	2345 Colonial Avenue, west of South Combee Road, east of Longfellow Boulevard, south of East Main Street, east of Lakeland in Section 21, Township 28, Range 24.
Property Owners	Mexvez LLC
Parcel Number (Size):	242821-000000-013090 (+/- 0.33 acres)
Future Land Use:	Residential Low-1 (RL-1)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Site Location



Site Plan



Summary of Analysis:

The applicant is requesting Conditional Use approval for a Duplex to be placed in a Residential Low-1 (RL-1) future land use district east of Lakeland. Land Development Code (LDC) Table 2.1 requires Planning Commission approval for duplexes in RL-1. Each unit within the duplex structure will be 1,712 sq. ft., including garages. The total building area will be 3,424 sq. ft.

The subject site is un-platted property and comprised of multiple lots created prior to the Comprehensive Plan, LDC, and previous zoning ordinances, making it a legal non-conforming lot-of-record. The RL-1 future land use designation is a poor representation of the existing lot sizes. The subject property is 0.33 acres and is surrounded by lots ranging around +/- 0.20 acres, well below the 40,000 sq. ft. requirement in RL-1. Within the TSDA, the residential density in RL designations is 7 DU/AC, which allows for these two units through the Conditional Use process, as detailed in LDC Sections 303 and 906.

The surrounding homes were built in the late-1950s to mid-1960s, though this property appears to have remained vacant. A duplex is located directly to the north and has been there since 1967 on a lot comparable to the subject property. The site plan shows setbacks can be met. Access will be from Colonial Avenue. Utilities are available from the city of Lakeland. No additional buffering or screening will be required. If the applicant chose, two single-family detached units could be built on this site, but a duplex is more efficient with a shared entrance onto Colonial without needing a special access easement, which would be necessary with single-family homes.

Given this information, staff finds the placement of a duplex at this site does not present any apparent incompatibilities. This parcel will not foreseeably place a strain on existing infrastructure, schools, or emergency services. Staff recommends approval.

Findings of Fact

- *LDCU-2025-32 is a Conditional Use request for a Duplex to be placed in an Residential Low-1 (RL-1) land use district and Transit Supportive Development Area (TSDA) on Parcel ID# 242821-000000-013090 (+/- 0.33 acres).*
- *The subject property has approximately 100 feet of frontage along Colonial Avenue (Road No. 842146). Colonial Avenue is a County Local Residential roadway with a paved surface width of 20 feet, according to the Polk County Road Inventory.*
- *According to Land Development Code (LDC) Table 2.2, the minimum lot size in RL-1 is 40,000 sq. ft. Primary side setbacks are ten (10) feet; rear setbacks are fifteen (15) feet; and right-of-way setbacks from a Local Residential roadway are 15 feet. Setbacks for garages are 25 feet. The base residential density is one (1) dwelling unit per acre.*
- *The subject site is a legal non-conforming lot of record. The original deed identified with this parcel (OR Book 1099/PG 0385) was recorded on July 10, 1967, prior to the adoption of the Comprehensive Plan, Land Development Code, or previous zoning ordinance. The most recent deed (OR Book 13681/00480) shows that this original lot has been expanded which retains its lot of record vesting.*
- *LDC Chapter 10 defines a Lot of Record as, "A parcel of land, or platted lot zoned for residential purposes, the boundaries of which have been established and which have been assigned a parcel number by the Polk County Property Appraiser or by deed filed with*

the Clerk of the Circuit Court prior to March 21, 1991, and which as of that date otherwise met the requirements necessary to obtain a residential building permit of mobile home setup permit, including, but not limited to the requirement of frontage on a publicly maintained road.”

- *LDC Section 111.K states, “Nothing in this Code shall prevent the use of a Lot of Record, as defined herein, provided the required setbacks can be met. Lots of Record shall be vested for consistency unless otherwise indicated in this Code.”*
- *LDC Section 120.I states, “Expansion of a single-family, duplex, or mobile home development may not exceed the maximum density limits of the Future Land Use Map district.”*
- *The subject site is in the Transit Supportive Development Area (TSDA). According to Comprehensive Plan Table 2.104.1, the maximum density for residential development in the TSDA and RL is seven (7) dwelling units per acre.*
- *LDC Chapter 10 defines Duplex as, “A single structure containing two dwelling units connected by a common wall or other integral part of the principal building, such as a breeze way or carport, and situated either on a single lot or parcel (duplex) or two adjacent lots (single-family attached).”*
- *According to LDC Section 303, “Applications for duplexes in the RCC-R, RCC, RS, and RL residential districts shall undergo a Level 3 Review, pursuant to Section 906.*

In addition to all applicable regulations, the following conditions shall apply:

1. All duplex subdivisions shall comply with Chapter 8 requirements.

2. Duplexes within a proposed subdivision and multiple duplex structures on a single lot shall comply with the following development standards:

a. All streets shall be publicly or privately maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapters 7 and 8, and Appendix A (Technical Standards Manual).

b. Densities above the applicable district standard may be increased through a Planned Development to the maximum provided by the Comprehensive Plan.

3. A duplex on an individual lot may be approved pursuant to the standards of Residential Infill Development.

4. An application to increase the density for a single duplex structure on an individual legal lot ineligible for infill shall be granted through a Conditional Use approval. Measurements for density shall include the lot area and include 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.

- *The subject site is located the city of Lakeland’s Utility Service Area.*

- *The property is comprised of Pomona-Urban Land Complex.*
- *Fire & EMS responses will be from Polk County Fire Rescue Station 39, 3325 E Main St, Lakeland.*
- *Sheriff's response to site is served by the Southwest District office, located at 4120 US 98 South, Lakeland.*
- *The zoned schools for the site are Crystal Lake Elementary, Crystal Lake Middle, and Lakeland Senior High schools.*
- *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.*
- *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 Sections 303 and 906 of the LDC.*
- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

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-2025-32.**

On December 3, 2025, the Planning Commission will vote on this application.

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2025-32 with the following Conditions:

1. LDCU-2025-32 is approved for no more than one duplex structure (two dwelling units) on the property as described under Parcel #242821-000000-013090.

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 Colonial Avenue Single-Family Home (1956) 2,366 sq. ft. +/- 0.22 acres	North: RL-1 Colonial Avenue Duplex (1967) 1,485 sq. ft. +/- 0.32 acres	Northeast: RL-1 Colonial Avenue Single-Family Home (1965) 1,647 sq. ft. +/- 0.24 acres
West: RL-1 Single-Family Homes (1956) 1,452 & 1,656 sq. ft. +/- 0.19 to 0.22 acres	Subject Property: RL-1 Vacant Proposed 3,424 sq. ft. Duplex +/- 0.33 acres	East: RL-1 Single-Family Homes (1965) 1,272 & 2,586 sq. ft. +/- 0.20 to 0.21 acres
Southwest: RL-1 Single-Family Home (1956) 1,287 sq. ft. +/- 0.17 acres	South: RL-1 Vacant +/- 0.14 acres	Southeast: RL-1 Single-Family Home (1965) 1,702 sq. ft. +/- 0.19 acres

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

The subject site is un-platted property and comprised of multiple lots created prior to the Comprehensive Plan, LDC, and previous zoning ordinances, making it a legal non-conforming lot-of-record. The surrounding homes were built in the late-1950s to mid-1960s, though this property appears to have remained vacant.

The RL-1 future land use designation is a poor representation of the existing lot sizes. The subject property is 0.33 acres and is surrounded by lots ranging around +/- 0.20 acres, well below the 40,000 sq. ft. requirement in RL-1. Within the TSDA, the residential density in RL designations is 7 DU/AC, which allows for these two units through the Conditional Use process, as detailed in LDC Sections 303 and 906.

Compatibility with the Surrounding Land Uses and Infrastructure:

This request is compatible with surrounding land uses and available infrastructure. The impact of a duplex is minimal. As shown in Table 1, above, the surrounding uses are single-family. A duplex is located directly to the north and has been there since 1967 on a lot comparable to the subject property. Each unit within the proposed duplex structure will be 1,712 sq. ft., including garages. This is again comparable to the living units surrounding the site.

The site plan shows setbacks can be met. Access will be from Colonial Avenue. Utilities are available from the city of Lakeland. No additional buffering or screening will be required. If the applicant chose, two single-family detached units could be built on this site, but a duplex is more efficient with a shared entrance onto Colonial without needing a special access easement, which would be necessary with single-family homes.

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 duplex will not trigger school concurrency requirements. The site is within the city of Lakeland's Utility Service Area for potable water and wastewater.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Crystal Lake Elementary, Crystal Lake Middle, and Lakeland Senior High schools.
Sheriff	Southwest District office, located at 4120 US 98 South, Lakeland. Response times for September 2025 were as follows: Priority 1 Calls – 9:21 minutes & Priority 2 Calls – 25:28 minutes.
Fire/EMS	Fire/EMS responses will be from Polk County Fire Rescue Station 39, 3325 E Main St, Lakeland. The travel distance is 1.6 miles, and response times average 6-8 minutes.
Water	City of Lakeland
Sewer	City of Lakeland
Transportation	Access to Colonial Avenue, a County Local Residential roadway.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The placement of one duplex will have negligible impacts on the traffic using local roadways.

Table 3

Impact Analysis Summary Proposed Duplex (Two Dwelling Units)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
720 GPD	540 GPD	15.62 AADT	2.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family dwelling unit 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. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i>			

Environmental Conditions Analysis

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The subject property is not located within any of the County's identified wellhead protection areas. The subject site is not located within an identified protected species area. The soil on the property is not such that would limit compliance with applicable LDC regulations for the proposed use. The subject property is relatively flat and contains no surface water features. No flood zones or wetlands are onsite. In addition, the subject property is not located within a Historical Preservation area.

Table 4

Environmental Conditions Summary	
Surface Water	None
Wetlands/Floodplains	No Wetlands or Flood Zones are onsite.
Soils	Pomona-Urban Land Complex
Protected Species	No protected species are found onsite.
Wellfield Protection	The site is not located within a wellfield protection area.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.

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 Sections 303 and 906 which permits this use upon completion of a Level 3 Review.</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, as reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of 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 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 determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found in the staff report.</i>

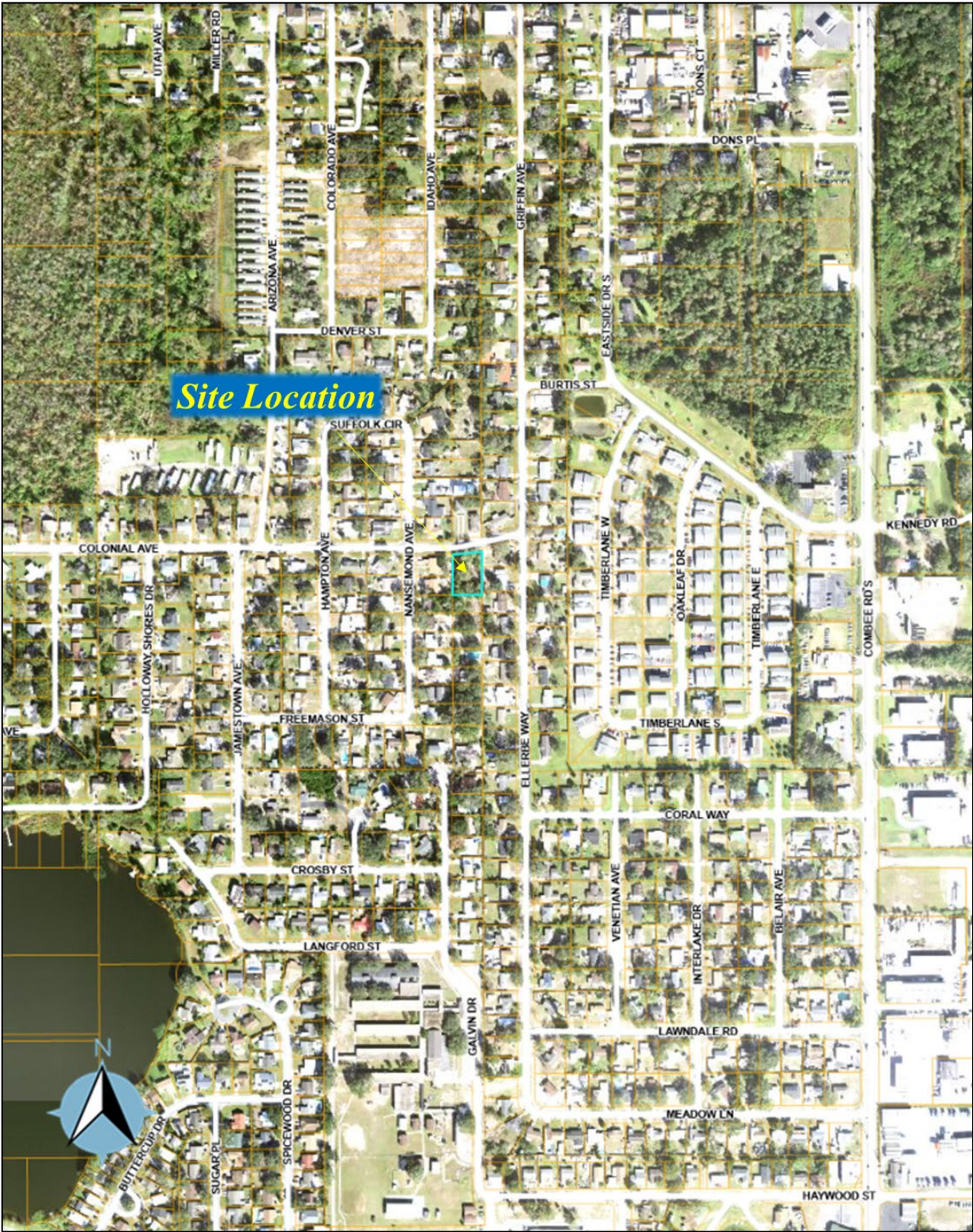
Comments from other Agencies: None

Exhibits:

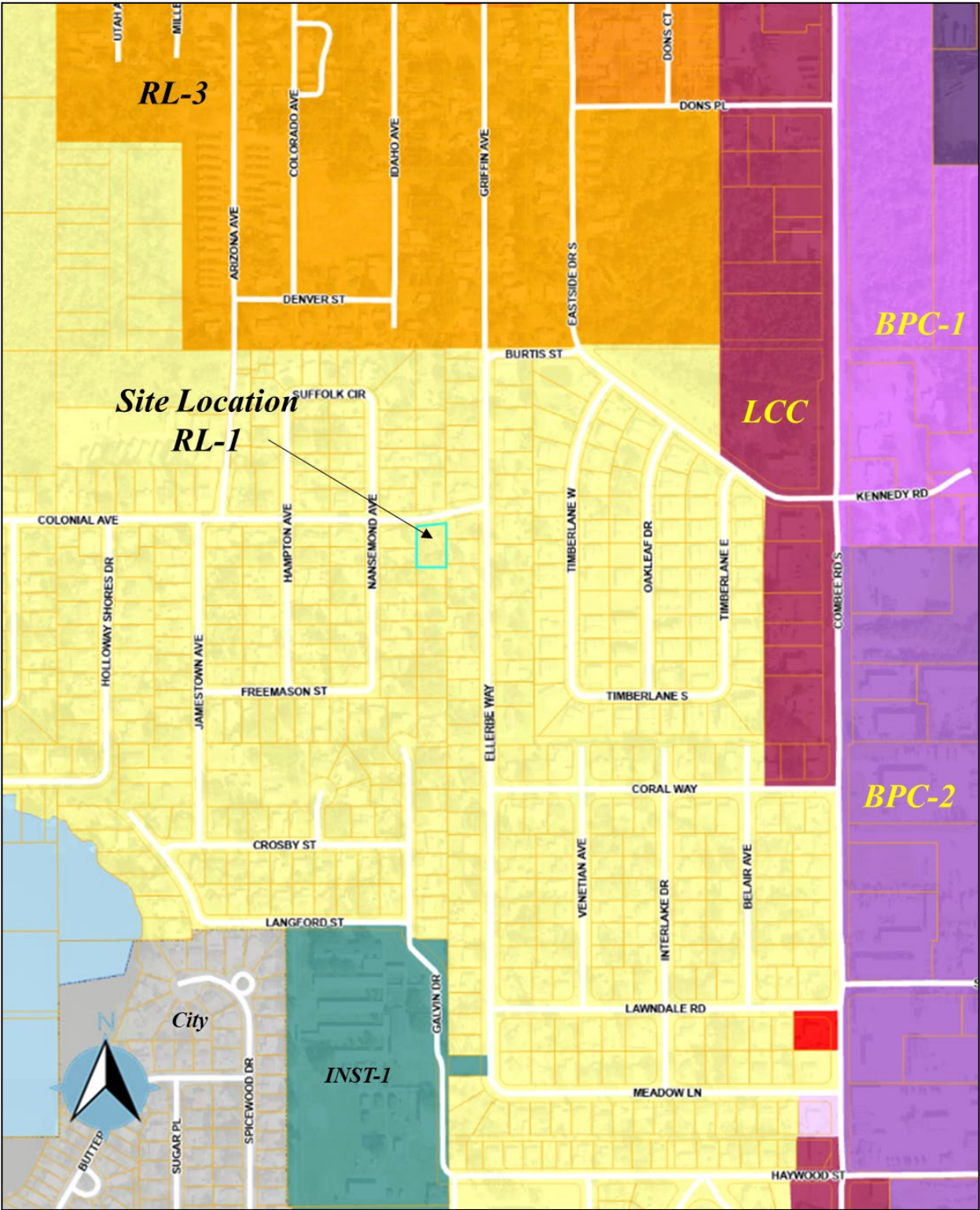
Exhibit 1	Location Map
Exhibit 2	Aerial Image - Context
Exhibit 3	Future Land Use Map
Exhibit 4	Aerial Image - Close
Exhibit 5	Site Plan



Location Map



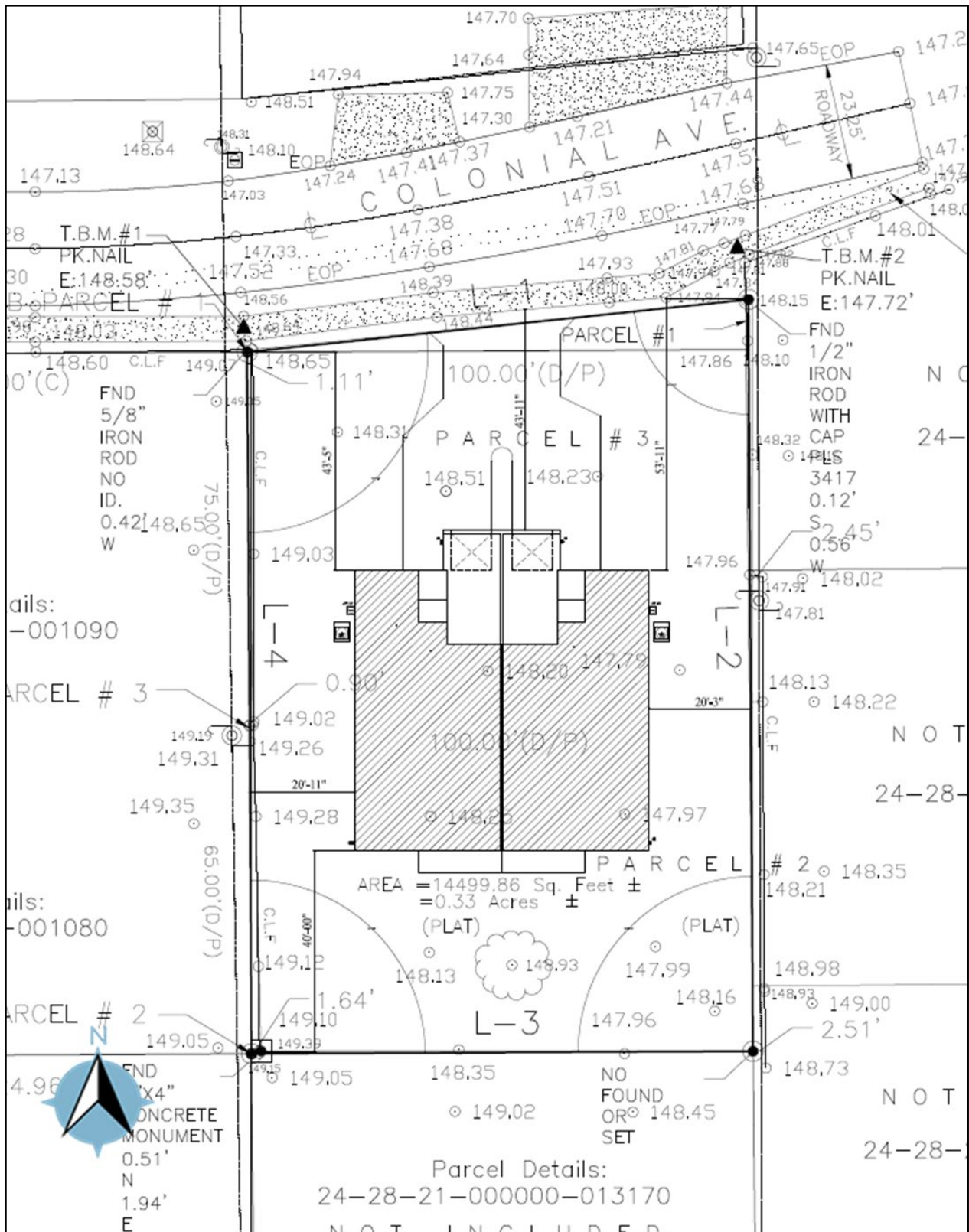
Aerial Image - Context



Future Land Use Map



Aerial Image - Close



Site Plan