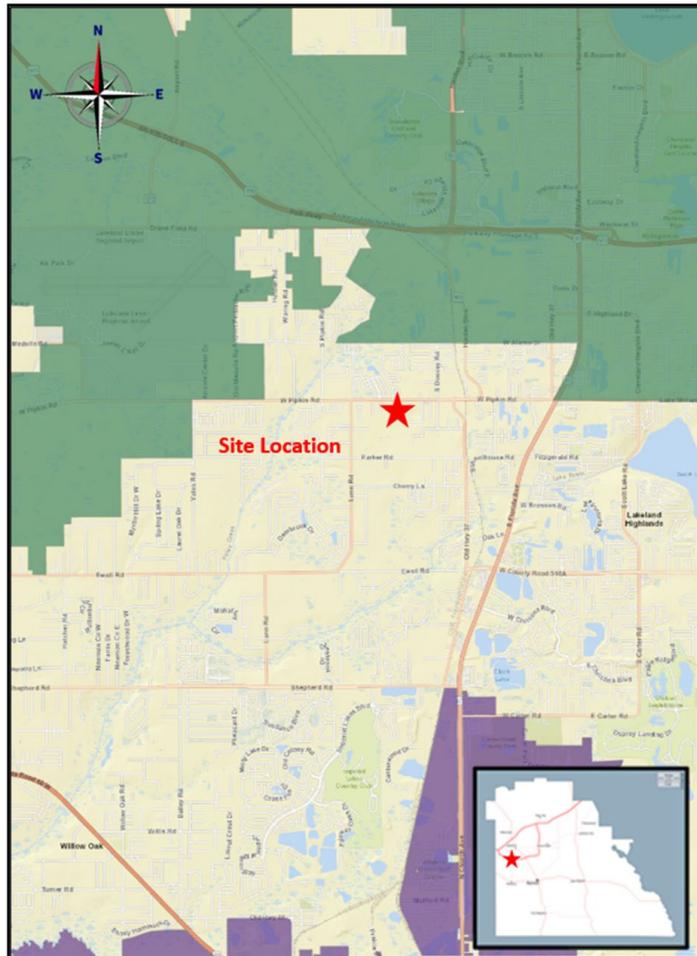


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: March 2, 2024	Level of Review: Level 3 Review
PC Date: May 1, 2024	Type: Conditional Use
BoCC Date: n/a	Case Numbers: LDCU-2023-57
Applicant: David Fields	Case Name: Layton Lane Duplex CU
	Case Planner: Aleya Inglima, Planner II

Request:	The applicant is requesting Conditional Use (CU) approval to build a duplex.
Location:	The subject site located west of Kirkland Rd, east of Layton Ln, south of Pipkin Rd W, and south of the City of Lakeland in Section 11, Township 29, Range 23.
Property Owners:	David Fields
Parcel Size (Number):	0.4+/- acres (232911-000000-041270)
Future Land Use:	Residential Low – 3 (RL-3)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Site Location



2023 Aerial



Summary:

The applicant is requesting Conditional Use (CU) approval to locate one duplex on an approximately 0.4-acre lot within a Residential Low-3 (RL-3) Future Land Use District (See Exhibit 2). Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the Land Development Code indicates the placement of duplexes within a RL-3 land use district requires Conditional Use approval via a Level 3 Review (Planning Commission). In order to meet current development approval conditions, Duplex requests are subject to the standards found in Section 303 of the LDC. As this parcel is required to go through a C3 for the duplex due to the RL-3 future land use, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a duplex on the subject property. The Planning Commission's approval is also required for the development standards.

This site is located in a Transit Supportive Development Area (TSDA) and has availability of infrastructure and other community facilities and services, including, but not limited to, mass transit and other transportation alternatives; utilities; public safety; recreational, and educational services. No environmental issues are located on the site which would hinder development.

Staff recommends approval. The number of units requested are small enough that there are no perceivable compatibility issues inherent to this request. The subject site is surrounded by single-family homes within a Residential Low-3 (RL-3) land use district. Two units (one duplex) will not have adverse effects on public infrastructure. This development adds a bit more housing diversity to the area and should fit seamlessly into the surrounding community. The request is consistent with the Comprehensive Plan and Land Development Code. Staff recommends approval.

Findings of Fact

- *LDCU-2023-57 is a Conditional Use (CU) request to one (1) duplex on Parcel No. 232911-000000-041270 (+/- 0.4 acres) within a Residential Low-3 (RL-3) land use district in the Transit Supportive Development Area (TSDA).*
- *The property is Residential Low. POLICY 2.120-C1 of the Comprehensive Plan states that the "Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units. And allows for Densities up to, and including, 5.00 DU/AC"*
- *The site is located in the Transit Supportive Development Area (TSDA), which is the area "where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services", according to POLICY 2.104-A1 of the Comprehensive Plan.*
- *The property is designated Residential Low-3 (RL-3) on the Future Land Use Map.*
- *Chapter 2, Section 205, Table 2.1 requires a Level 3 Review for "Duplex, Two-family attached" in the RL-3 District.*
- *The surrounding Future Land Use and LDC Sub-district Map districts are RL-3 to the north, south, west, and east.*
- *The existing land uses are single-family homes, both attached and detached, in the area. Detached homes are to the west and north.*

- *The property is zoned for the closest schools, which are Medulla Elementary, Southwest Middle, and George Jenkins Senior High School.*
- *Fire and ambulance responses to this project are from Fire Station 2, the Medulla Station, located at 2523 Ewell Road. The travel distance is approximately 2.4 miles.*
- *There is a fire hydrant within 500 feet of the farthest reach on the property.*
- *The site is served by the Polk County Sheriff's Office Northwest District Command Center, located at 1045 Wedgewood Estates Blvd in Lakeland, approximately 11 miles driving distance from the site.*
- *City of Lakeland Utilities Department will provide potable water service to the site. A twelve-inch line abuts the property.*
- *The site is located within the County's wastewater service area. However, the closest service line that is reachable via right-of-way or easement is over 900 linear feet away.*
- *West Pipkin Road is classified as an Urban Collector Road in the Polk County Roadway Inventory and is tracked for traffic counts or concurrency on the Polk County Transportation Organization's Roadway Network Database.*
- *According to the Transportation Planning Organization, there is adequate capacity on West Pipkin Road as well as other roads within the area transportation network to support the development at this time.*
- *There are no wetlands or floodplains on or near the site.*
- *The site is comprised of Ona Fine Sand, Adamsville Fine Sand, Tavares Fine Sand according to the Polk County GIS.*
- *According to the Polk County Endangered Habitat Map, the site is not located within a one-mile radius of an endangered animal species sighting (Source: Florida Natural Areas Inventory)*
- *The site is not within the Lakeland -Linder Airport flight path but is located within the height notification zones.*

Development Review Committee Recommendation: Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee 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 Development Review Committee (DRC) recommends **APPROVAL of LDCU-2023-57.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2023-57 with the following conditions:

1. LDCU-2023-57 is approved for one duplex unit on Parcel # 232911-000000-041270 as indicated in the site plan and staff report. [PLG]

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		
<p>Northwest: RL-3 Single-family Residence</p>	<p>North: RL-3 Single-family Residence</p>	<p>Northeast: RL-3 Vacant Residential</p>
<p>West: RL-3 Single-family Residence</p>	<p>Subject Property: RL-3 Vacant Residential</p>	<p>East: RL-3 Vacant Residential</p>
<p>Southwest: RL-3 Single-family Residence</p>	<p>South: RL-3 Vacant Residential</p>	<p>Southeast: RL-3 Vacant Residential</p>

The property is bordered by single-family dwellings. Two single-family residences abut the property to the north and west. Vacant parcels are to the south and east.

Compatibility with the Surrounding Land Uses and Infrastructure:

The development density proposed within this request is similar to surrounding development. This area is a mixture of single-family and duplex units.

A. Land Uses:

This request is only for unit type and is compatible with surrounding land uses and available infrastructure. The impact from one duplex is minimal. The dominant surrounding use is single-family. Single-family attached are interspersed northeast of the property, as are site-built homes to the north and west.

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.”

B. Infrastructure:

The site is located within an area that has a significant amount of urban infrastructure and services with ample capacity to serve it. Water is abundant and connectable to the site. There is a fire

hydrant nearby and all public safety services are within three miles or less. Wastewater service is nearby, but it is not practical to connect this property to it when there are no other potential customers to be served by it. Schools have adequate capacity, and there are community and regional parks nearby.

Nearest and Zoned Elementary, Middle, and High School

The property is zoned for mostly the closest schools, which are Medulla Elementary, Southwest Middle and George Jenkins High School. The student estimates in Table 2, to follow, assume typical residential habitation for one duplex. All schools are operating at or below a level of 86% capacity.

Table 2

Name of School	Annual Estimated Demand	Distance from subject site	School Capacity
Medulla Elementary	1 student	±1.5 miles driving distance from entrance to entrance	62%
Southwest Middle School	1 student	±4.1 miles driving distance from entrance to entrance	65%
George Jenkins High School	1 student	±5.6 miles driving distance from entrance to entrance	86%

Source: Polk County School Board, Tischler & Associates Study, GIS

Last year, Medulla Elementary had 834 student stations of permanent capacity with an enrollment of 521 students (313 available). Southwest Middle had 1,254 permanent stations and an enrollment of 810 students (444 available). George Jenkins High has 2,672 stations and 2,299 students (373).

Nearest Sheriff, Fire, and EMS Station

Fire response to this project is from Fire Station 2, the Medulla Station, located at 2523 Ewell Road. The travel distance is approximately 2.4 miles, and response times are estimated to average seven (7) minutes. The Medulla Station is staffed 24/7 with career personnel and augmented by response from other similarly staffed fire and ambulance stations. Response times can vary significantly based on many factors. The site has access to an adequately sized water line that runs along West Pipkin Road and a fire hydrant within 500 feet of the entire property.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Northwest District (1045 Wedgewood Estates Blvd)	11 ± miles	P1 – 11:38 P2 – 22:24
Fire	Station 2 (2523 Ewell Road)	2.4 ± miles	7 minutes
EMS	Station 2 (2523 Ewell Road)	2.4 ± miles	7 minutes

Source: Polk County Sheriff’s Office and Public Safety

*Response times are based from when the station receives the call and not from when the call is made to 911.

The nearest Sheriff’s substation is the Northwest District located at 1045 Wedgewood Estates Blvd in Lakeland approximately 11 miles driving distance from the site. Sheriff response times are not as

much a function of the distance to the nearest sheriff’s substation rather more a function of the overall number of patrol officers within the County.

Water and Wastewater Demand and Capacity:

Potable water from the City of Lakeland is in close proximity to the property, and there is ample capacity for one duplex. The site will not be connecting to central wastewater services and will be using septic. There is an 8-inch wastewater force main over 550 feet to the west by Hayes Road. The County does not have lines within a right-of-way nearby. Layton Lane is still served by individual wells and septic systems. Therefore, greater separation between the proposed septic systems to the well will be required. The applicant may need to invest in an advanced septic treatment system to accomplish this.

A. Estimated Demand and Service Provider:

The proposed development is for two (2) single-family attached site-built homes. Single-family uses are estimated to demand 360 gallons per day (GPD) for water and generate 270 GPD for wastewater. Table 4, to follow, provides generalized estimates of the anticipated water and wastewater impacts. The impacts on the system are insignificant.

Table 4

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted RL-3	Maximum Permitted in the District RL-3	Proposed Plan
0.4± acres RL-3			
Permitted Intensity	2 single-family dwelling units	3 single-family attached dwelling units	2 single-family dwelling units
Potable Water Consumption (GPD)	720 GPD	1,080 GPD	720 GPD
Wastewater Generation (GPD)	540 GPD	810 GPD	540 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

The site is located in the City of Lakeland’s service area for water and the County’s service area for wastewater service. The closest County wastewater line is off Hayes Road approximately 550 feet. The area is mostly built out, so future service to the area is not feasible for the County.

B. Available Capacity:

There is a 12-inch potable water line abutting the property. The City of Lakeland has ample capacity of water to serve the site. The city has two main water treatment plants, T.B. Williams Plant and the C. Wayne Combee Plant. Together they are capable of serving the City system with 59 MGD from 19 different well systems.

C. Planned Improvements:

This area is mostly developed, and there is not enough vacant property to warrant extending lines to encourage future growth and expand the customer base.

Roadways/ Transportation Network

The surrounding roadway network is more than adequate to serve one duplex. West Pipkin Road is classified as an Urban Collector Road in the Polk County Roadway Inventory and is tracked for

traffic counts or concurrency on the Polk County Transportation Organization’s Roadway Network Database. According to the Transportation Planning Organization’s Roadway Network Database, there is adequate capacity on West Pipkin Road as well as other roads within the area transportation network to support the development at this time.

A. Estimated Demand:

The proposed development of two (2) single-family attached dwelling units will not result in a significant loss of transportation capacity on West Pipkin Road (see tables 5 & 6). It is estimated that there will be 7.81 vehicle trips per unit each day on average and approximately one (1.0) vehicle trip per unit either coming or going during the peak hour.

Table 5

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted RL-3	Maximum Permitted in the District RL-3	Proposed Plan
0.4± acres RL-3			
Permitted Intensity	2 single-family dwelling units	3 single-family attached dwelling units	2 single-family dwelling units
Average Annual Daily Trips (AADT)	16	23	16
PM Peak Hour Trips	2	3	2

Source: Polk County Concurrency Manual

This request will not require either a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. This proposed development will have no significant effect on the roadway system.

B. Available Capacity:

There is currently more than adequate capacity to serve one duplex. Table 6 to follow displays the generalized capacity on the most affected transportation link. West Pipkin Road currently has the capacity to assimilate all two (2) units and not fall below the Level of Service standard set by the Board. West Pipkin is operating at a “C” Level of Service, the minimum standard is “D”. It is estimated that an additional 936 more vehicles can travel eastbound and 900 can travel westbound before the roadway exceeds its generalized level of service standard.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
8338E	Pipkin Road West From: Pipkin Road S To: Harden Blvd	C	936	D
8338W	Pipkin Road West From: Pipkin Road S To: Harden Blvd	C	900	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023

C. Roadway Conditions:

West Pipkin Road is under County maintenance and is a collector road that currently exceeds the standard of 44 feet pavement width.

D. Planned Improvements:

West Pipkin Road is under construction for widening the two lanes to four lanes. There are no other projects in the current 5-year Community Investment Program within proximity to this proposed development.

E. Mass Transit

The closed mass transit bus stop is the Lime Flex route at Lake Miriam that runs north and south on South Florida Avenue. This route connects Lake Miriam shopping center with the downtown terminal.

Park Facilities:

The closest parks to the site are Christina Park within the unincorporated area and Loyce E. Harpe Park in Mulberry. Both have many similar facilities.

A. Location:

Christina Park is located at 625 County Road 540A, and Loyce E. Harpe Park is located at 300 W Carter Rd, approximately four miles driving distance from the site.

B. Services:

Both parks offer multiple baseball fields, picnic facilities, children's playground, and restroom facilities. Loyce E. Harpe Park is much larger and has a dog park and soccer fields.

C. Planned Improvements

There are no planned improvements to either park in either the City's or the County's 5-year capital improvements plan.

Environmental Conditions

There are no environmental limitations with the development of this property for one duplex. There are no wetlands or floodplains near the site. The proposed development will be connected to public water services, but not wastewater. The soil onsite has moderate limitations, so a more advanced septic system may be required. Protected species and airports are not a concern.

A. Surface Water

There are no surface water ponds on or near the subject property.

B. Wetlands/Floodplains:

There are no wetlands or flood hazard areas onsite. The closest wetland system is over 900 feet southwest. The closest Flood Hazard area is also over 800 feet southwest. However, the base flood elevation is approximately 128 -129 according to LIDAR information of the County's GIS system.

C. Soils:

The site is comprised of Ona Fine Sand, Tavares Fine Sand, and Adamsville Fine Sand according to the County’s GIS system. The moderate nature of the soils will support septic tanks. But, due to the wetness of the soil type and proximity to the surficial aquifer (water table), the percolation rate will be a concern for development.

Table 8

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares Fine Sand	Moderate: wetness	Slight	80.3%
Ona Fine Sand	Moderate: wetness	Moderate: wetness	14.8%
Adamsville Fine Sand	Moderate: wetness	Severe: wetness	4.9%

Source: Soil Survey of Polk County, Florida, GIS

D. Protected Species

According to the Florida Biodiversity Matrix, the site is not located within a one-mile radius of an endangered animal species sighting. (Source: Florida Natural Areas Inventory)

E. Archeological Resources:

There are no protected archeological resources that the one duplex would adversely impact according to the Florida Department of State, Division of Historical Resources.

F. Wells (Public/Private)

The area has historically been served potable water from the City of Lakeland since the once rural area began to suburbanize in the early 1970s. Some of the homes in this area remain on well water since the city extended its lines. Majority of the homes on West Pipkin Road are connected to the city. However, some of the homes on Layton Lane are still on well water. The proposed duplex is not likely to have an adverse effect on the homes nearby still on well as long as the nearest septic tank and drain field is setback an adequate distance from it or a higher level of treatment is applied.

G. Airports:

The site is approximately 3.5 miles from the nearest runway of the Lakeland-Linder Regional Airport. The proposed duplex will not exceed the district height limits. The site is surrounded by single family dwellings and proximity to the airport has not affected their construction, so it should not affect the development of this site.

Economic Factors:

The Board of County Commissioners has consistently emphasized the need for more affordable housing and the utilization of existing infrastructure. Infill development and Workforce Housing incentives are incentivized throughout the Comprehensive Plan and LDC. This area is a prime location for affordable housing. In addition to housing price affordability, this area also provides living affordability. There are alternative forms of travel available. It is in close proximity to many retail goods and services including grocery and childcare. There are many employment opportunities nearby including corporate headquarters, the aviation industry, and many different types of service establishments.

Consistency with the Comprehensive Plan and Land Development Code:

The site is located in the Transit Supportive Development Area (TSDA), which is the area “*where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services*” according to POLICY 2.104-A1 of the Comprehensive Plan. There are public water and wastewater services available to the proposed development. There is a mass transit facility within less than ½ mile and sidewalks connecting the site to them. There is adequate traffic capacity on the affected roadways. The applicant proposes some onsite recreational amenities, but there are also public facilities within less than three miles. Public safety facilities are at urban service levels and within close proximity.

This request is not a given or it would not require Level 3 Review. The Planning Commission must still evaluate the proposal for compatibility with neighboring land uses, infrastructure, and surrounding environmental resources. Table 9, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

Table 9

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.</p>	<p>Staff finds the proposed duplex development is compatible with neighboring properties and there is adequate infrastructure to support it as well.</p>
<p>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</p>	<p>The site is located in close proximity to transit, retail goods and services, and there is exiting infrastructure such as fire hydrants and a local roadway.</p>
<p>POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</p>	<p>The proposed development is consistent with services available in the Transit Supportive Development Area (TSDA).</p>
<p>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.</p>	<p>The site is located within an area that has a significant amount of urban infrastructure and services with ample capacity to serve it. Most of the area is developed. This request is filling in one of the few vacant properties in the area.</p>

Comprehensive Plan Policy	Consistency Analysis
<p>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost effective response times from the Fire Department, Sheriff's Department, and Emergency Management Service (EMS).</p>	<p>The subject property is located within an area of the County that has adequate public safety services as identified in the staff report. There is also a fire hydrant within 500 feet of the furthest most reach of the property.</p>

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 4 in accordance with Section 906.D.7 of the LDC.

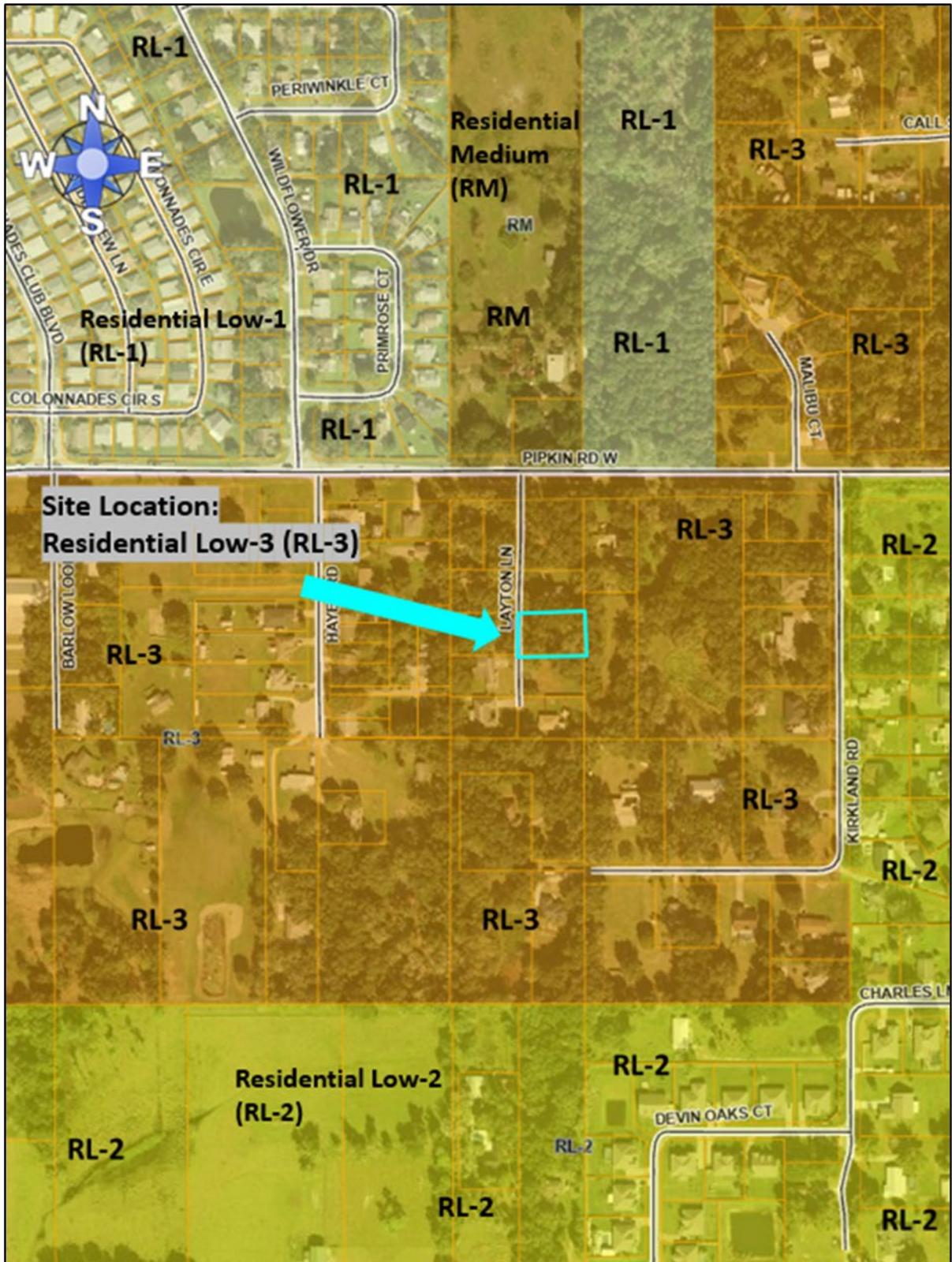
Table 4

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 2-3 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, as reviewed above.</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 Pages 4 & 5 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 determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 5-7 of the staff report.</i>

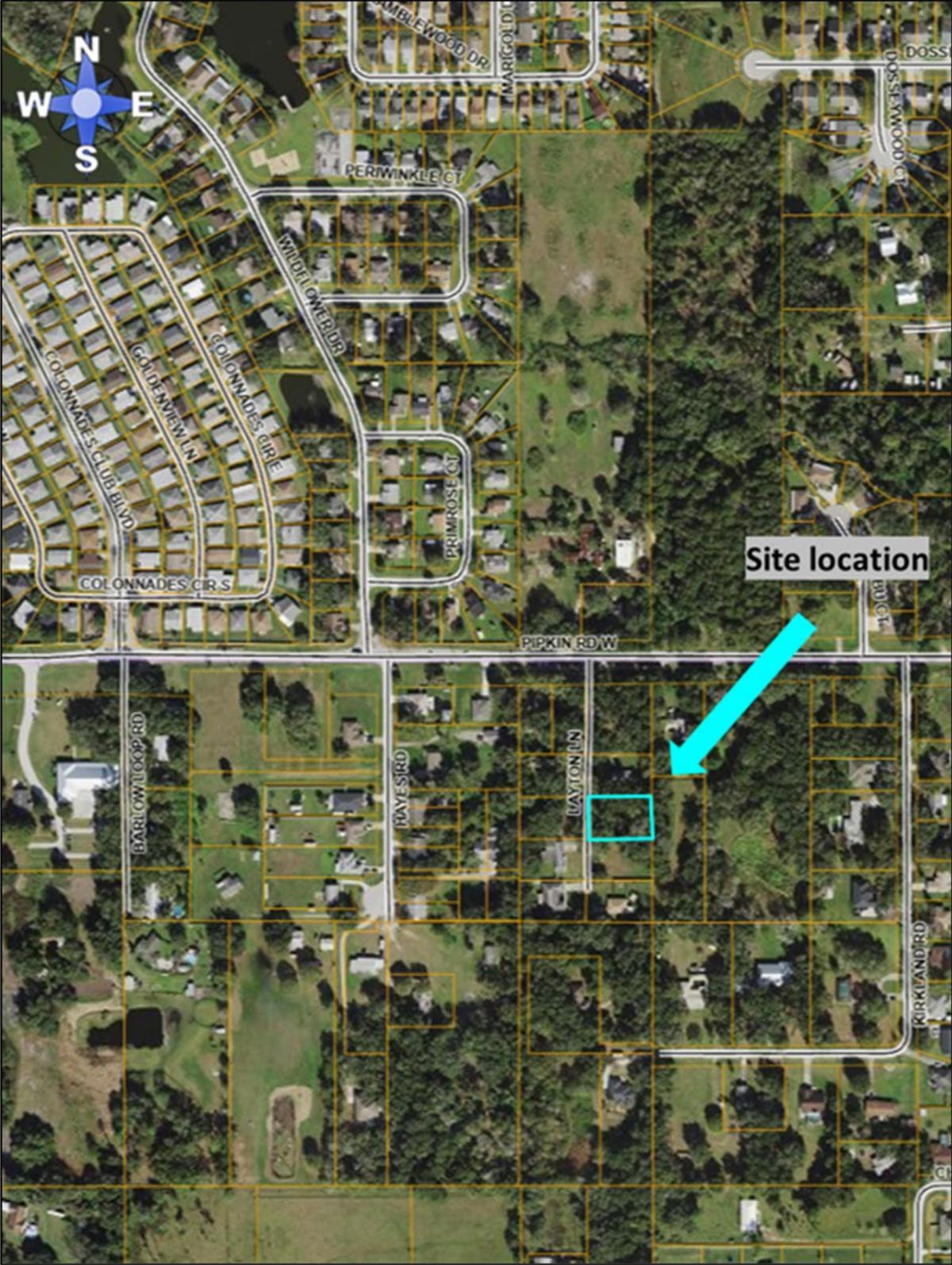
Comments from other Agencies: None

Exhibits

- Exhibit – 1 Location Map
- Exhibit – 2 Future Land Uses
- Exhibit – 3 2023 Satellite Photo (Context)
- Exhibit – 4 2023 Satellite Photo (Close-up)
- Exhibit – 5 Site Plan



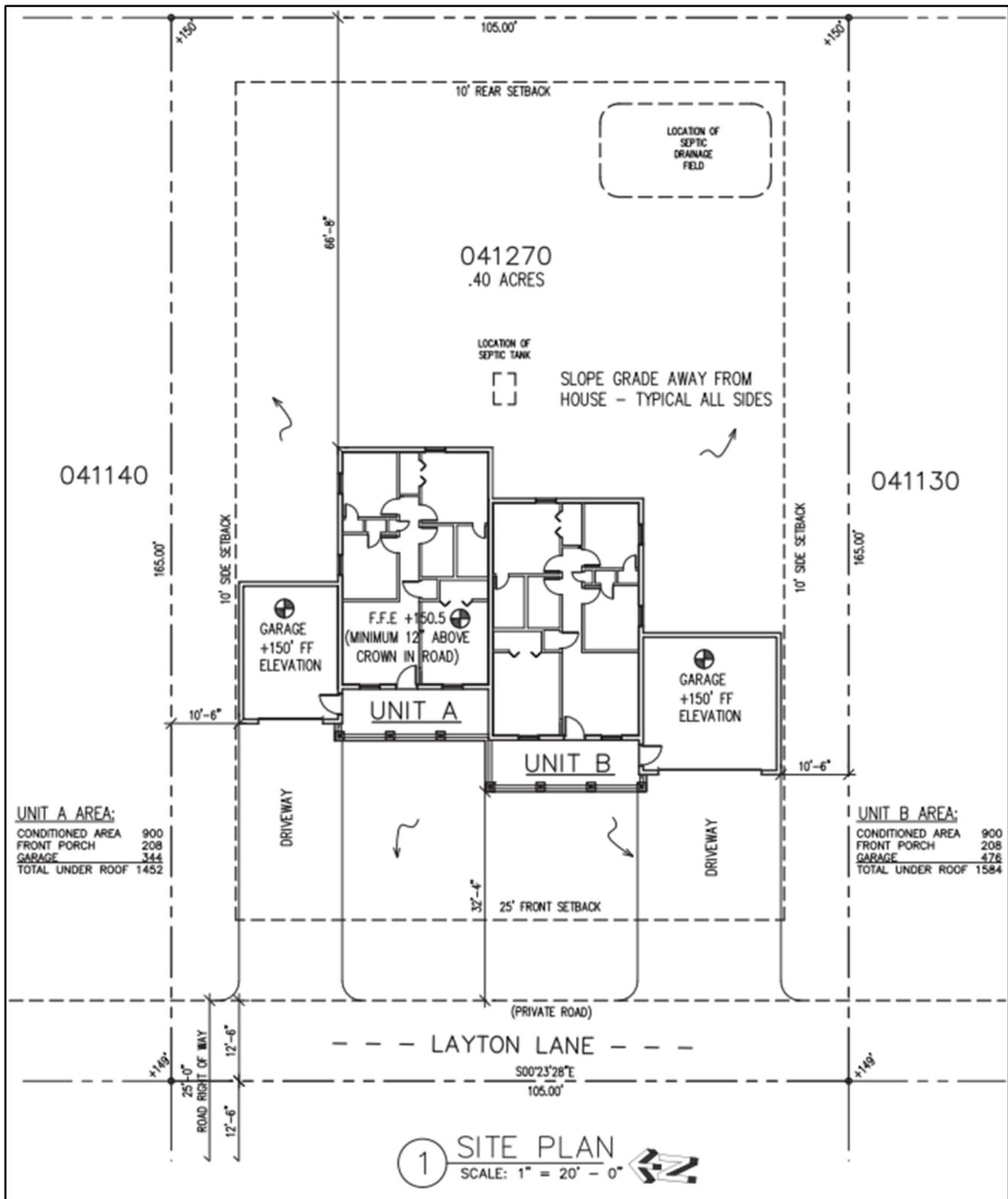
FUTURE LAND USES



2023 SATELLITE PHOTO (Context)



2023 AERIAL PHOTO (Close-up)



SITE PLAN