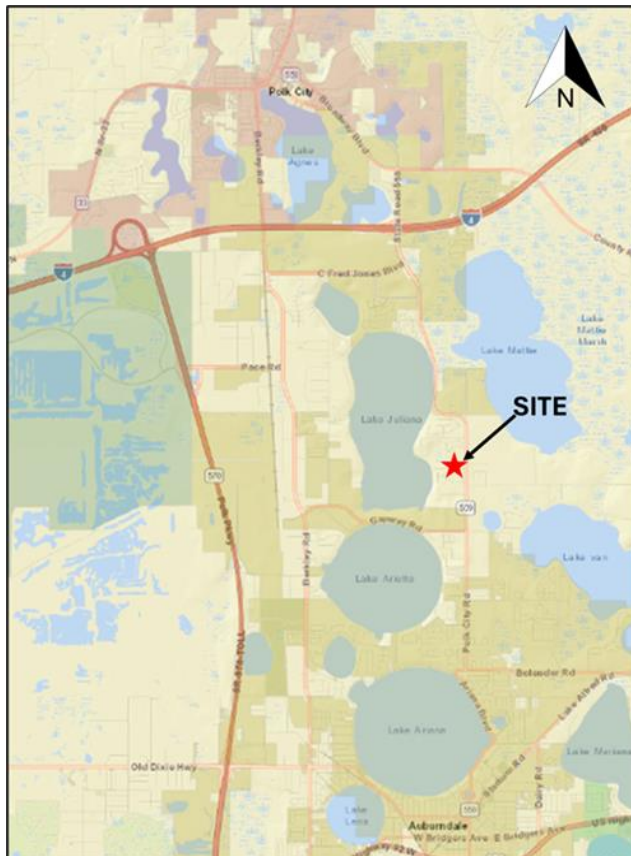


**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> January 30, 2025	<b>Level of Review:</b> Level 3 Review
<b>PC Date:</b> April 2, 2025	<b>Type:</b> Residential Access via Easement Waiver
<b>BoCC Date:</b> n/a	<b>Case Numbers:</b> LDWA-2024-67
<b>Applicant:</b> Donald Bell	<b>Case Name:</b> Donald V Bell
	<b>Case Planner:</b> Andrew Grohowski, Planner II

<b>Request:</b>	Waiver to Section 705.B for approval for a residential lot with access through a private road easement accessed by more than four lots.
<b>Location:</b>	Located on Sunset Lane, west of County Road 559, north of Reflection Boulevard, south of Sutton Road, north of the City of Auburndale, in Section 22, Township 27, Range 25.
<b>Property Owners:</b>	Donald V Bell
<b>Parcel Size (Number):</b>	±0.92 acres (252722-000000-021130)
<b>Future Land Use:</b>	Residential Low-1
<b>Development Area:</b>	Urban Growth Area (UGA)
<b>Nearest Municipality:</b>	City of Auburndale (<1/2 mile)
<b>DRC Recommendation:</b>	Approval with Conditions
<b>Planning Commission Vote:</b>	Pending Hearing

**Location**



**2023 Aerial Photo**



## Summary:

The applicant purchased a property that is without direct frontage on a public road or paved private road meeting County standards and is seeking a permit for a residential dwelling. Typically, this is not permissible, but through approval of a waiver to the road frontage requirement a dwelling can be built on lot without direct access to a public road if it can gain access through a legal easement meeting the following basic requirements:

1. The easement provides access to no more than four (4) lots and meets the required density, minimum lot size requirements and any other applicable requirements of the LDC;
2. the easement is at least 20 feet wide;
3. Is no longer than a ¼ mile;
4. The easement provides sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and,
5. The property owner has the joinder and consent of all owners under the easement or legal opinion from a licensed Florida attorney that the property has legal right to the easement.

The applicant's property will access via a private road easement known as Sunset Lane. The private road easement was not constructed to County standards and provides sole access to more than four properties: eight (8) developed lots and three (3) undeveloped lots including the applicant's property. If an easement exceeds four lots or is longer than a mile, the Planning Commission (PC) may grant a waiver. The entire length of the easement is over ¼ mile, but the applicant's property is less than ¼ mile to the nearest road meeting County standards.

The Planning Commission's typical role in this review is to determine the extent to which this access easement is able to accommodate the additional usage proposed and not become overburdened. The LDC has a general standard of no more than four properties sharing one access easement. However, access easements are not all the same. There are many variables that separate one easement from another. These include, but are not limited to, the condition of the easement; how the surface is constructed; maintenance and sustainability; public input derived at a public hearing; and, the amount of additional use proposed. It is these factors as well as the waiver criteria in Section 932.A(1-5) that are to be considered, with the Planning Commission providing the ultimate decision on whether or not to approve the waiver request.

Staff recommends approval. The applicant was granted a waiver along this easement at 514 Sunset Lane for infill development before (case#: LDWA-2023-43). The applicant has addressed the width, surface and stabilization deficiencies of the easement and was confirmed to be sufficient for ingress and egress for public safety access. This proposal allows the opportunity for an infill residential lot along a private easement containing similar residential development. There are compatible uses with Reflection of Juliana and Bently North subdivisions in the immediate vicinity. Denial of this waiver request would leave the property vacant in perpetuity as there does not appear to be any other actions the applicant could take to make the lot buildable. Lastly, it meets the waiver criteria set forth in Section 932.A(1-5) of the LDC.

## Findings of Fact

- *This is a request for an approval of a waiver to Section 705.B for approval for a residential lot with access through a private road easement accessed by more than four lots on ±0.92 acres (40,030 sq ft).*
- *On November 21, 2023, the Board of County Commissioners voted 4:0 for approval for a residential lot approximately 400 feet west of the subject property (514 Sunset Lane) along the same private road easement accessed by more than four lots on ±0.93 acres (40,430 sq ft) (case#: LDWA-2023-43).*
- *Per Section 705.B.1 of the LDC, “an easement providing access to a residential lot from a paved road meeting County standards shall meet the following requirements; the easement shall:*
  - a. Provide access for no more than four lots subject to other density, minimum lot size requirements and any other applicable requirements of this Code;*
  - b. Have a minimum width of 20 feet;*
  - c. Not exceed 0.25 miles (1,320 feet) in length;*
  - d. Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
  - e. Be supported by the joinder and consent of all fee owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement. In lieu of joinders, an applicant may provide a legal opinion from a licensed Florida attorney stating a lot has legal access, along with supporting documentation.”*
- *Waivers to Section 705.B may be granted by the Planning Commission pursuant to a Level 3 Review and subject to the waiver provisions in Section 932 of this Code for the following standards of 705.B:*
  - a. Easement will serve no more than four lots after the creation of the newly proposed lot(s).*
  - b. Easement is no longer than 0.25 miles (1,320 feet) in length.*
  - c. The parent parcel, prior to subdividing, directly fronts on a public or private paved road meeting County standards.*
- *The Future Land Use designation of the site is Residential Low, the Land Development Code Subdistrict is Residential Low-1 (RL-1). The surrounding parcels in this area are designated RL-1 and Residential Low-2 (RL-2), see Exhibit 2. The RL-1 district requires a minimum lot size of 40,000 square feet (0.92 acres). The RL-2 district requires a minimum lot size of 15,000 square feet (0.34 acres).*
- *On June 26, 1971, the Board of County Commissioners adopted Ordinance 71-03, Section 1, of the ordinance stated “No permit for the erection of any building in the unincorporated area of Polk county shall be issued unless there is a road, street or highway giving access to the lot or parcel upon which such structure would be located...”*
- *On November 4, 1970, the Polk County Development Regulation became effective. The*

area of the subject property was zoned Rural Conservation (RC). The minimum density of the RC district was one (1) acre and the minimum lot size was 40,000 square feet.

- Roy L. and Juanita Bolton sold the parent tract of the subject property on January 24, 1973 to L. K. and Barbara L. Hoffman and Thomas Kaiser and Katheryn J. Kaiser according to O.R. Book 1516, Pages 1770 and 1771.
- On January 25, 1974, L. K. and Barbara L. Hoffman and Thomas Kaiser and Katheryn J. Kaiser recorded a “ROAD RIGHT-OF-WAY AND CANAL EASEMENT AGREEMENT” under O.R. Book 1574, Pages 881 and 882.
- The Hoffmans and Kaisers subdivided the tract into 13 parcels after recording an access easement in January of 1974 without making any infrastructure improvements to the property.
- The Polk County Comprehensive Plan defines a Lot of Record as “a parcel of land, or a platted lot, zoned for residential use, the boundaries of which have been established and which has had a deed filed with the Clerk of the Circuit Court and has been recognized by the Polk County Property Appraiser as a separate parcel prior to May 1, 1991, and which, at the time of creation, was a legally established parcel or lot, having been created consistent with Polk County Zoning Ordinance, and which otherwise meets the requirements necessary to obtain a building permit, or mobile home set-up permit, including, but not limited to, the requirement of frontage on a publicly maintained road. Lots created after May 1, 1991, would also need to have complied with the Polk County Comprehensive Plan and zoning ordinance at the time of creation to be considered a lot of record. Lots created after December 1, 1992, would also need to have complied with Section 2.128-C of the Plan to be considered a lot of record. Parcels or lot created after September 1, 2000 shall be in compliance with the Land Development Code.”
- On March 25, 1974, L. K. and Barbara L. Hoffman and Thomas Kaiser and Katheryn J. Kaiser, sold the subject property through an Agreement for Deed to Frank R. Dougherty according to O.R. Book 1583, Pages 270 thru 272.
- The property size was inconsistent with the land use ordinances and the zoning district in effect at the time (Ord. 70-03, Ord. 71-01, Ord. 71-07). While most lots along Sunset Lane are less than ½ acre, the subject parcel now contains two lots providing a combined size of .92 acres, which meets the minimum lot size of 40,000 square feet.
- Ordinance 71-03 stated in Section 2, “No such permit shall be issued unless such road, street, or highway shall be improved to the satisfaction of the County Engineer in accordance with the standards and specifications approved by the Board of County Commissioners, as adequate in respect to public health, safety and general welfare...”
- Ordinance 70-03 stated in Section 2.14 the permitted uses included “Single Family Dwellings not related to agricultural activity provided that the average density for such housing shall not exceed one family per acre.”

- *Ordinance 71-03 stated in Section 4, “For the purposed hereof the word “access” shall mean that the plot on which such structure is proposed to be erected directly abuts on such*

*road, street or highway and sufficient frontage there on to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and a frontage of twenty- five feet shall presumptively be sufficient for that purpose.”*

- *The property has access to the County maintained road through a 30-foot-wide easement that is unpaved and unmaintained. The easement is listed as a private road named Sunset Lane in the County Road Inventory. Staff has found no records to indicate that this access was ever reviewed or improved by the County Engineer at the time. Staff has found no evidence that a road was ever constructed to the “standards and specifications approved by the Board of County Commissioners”. To verify, staff has reviewed the minutes from the Board of County Commissioners meetings between the adoption of Ordinance 71-03 and the recording of the easement on January 25, 1974.*
- *The property owner has met with both Polk County Fire Rescue and the City of Auburndale Fire Department, and both have confirmed that the improvements made to Sunset Lane are sufficient and provide adequate ingress/egress for their operations.*
- *The lot was not created in compliance with the Subdivision Regulations in effect at the time (Ord. 71-03) and remains inconsistent with current regulations. As a result of the manner in which this lot was created, it will never fully comply with all regulations of the LDC. The property owner has made substantial improvements to the site conditions in order to move the property closer to compliance, including combining two lots to achieve a larger lot size and improvements to the physical condition of the access easement.*
- *In addition to the applicant’s property, there are 10 other lots on the easement known as Sunset Lane. Four (4) are developed with single-family homes, four (4) are developed with mobile homes. In addition to the applicant’s property, three (3) lots are vacant. One of the remaining vacant lots, 514 Sunset Lane, is owned by the applicant and was approved for a residence by the BoCC in 2023.*
- *On December 20, 2024, the applicant sold the adjacent vacant parcel to the west (parcel # 252722000000021150) to Ashley C. & Lance A. Johnson, who currently reside at 525 Sunset Lane according to O.R. Book 13389, Pages 357 and 358.*
- *Addresses are listed on nine (9) of the properties along the private easement, but they are not in sequential order and both even and odd numbers are on the same side of the access. From west to east on Sunset Lane the addresses are 523, 524, 520, 518, 516, 514 (vacant), 521, 527, 525, and two vacant lots. The three lots with access along the non-easement portion of Sunset Ln from west to east are 506, 504, and 526 with the last parcel fronting County Road 559.*
- *On December 17, 2024, parcel numbers 25-27-22-000000-021130 and 25-27-22-00000-021140 were combined into the current parcel (parcel # 252722-000000-021130) totaling .92 acres (40,030 square feet).*

- *The applicant's property is currently unaddressed. It has been vacant since the subdivision's creation in 1974.*
- *The County has issued permits for additions to existing structures or mobile home replacements along Sunset Lane at addresses 516, 518, 520, 523, 524, 525.*
- *On October 14, 2020, the County issued a permit at 527 Sunset Lane for a mobile home where there was not one located previously. To date, staff has been unable to find any other permitting records for additions or mobile home replacements along the private portion of Sunset Lane.*
- *No permit records have been found for the residential property 400 feet west of the subject site (514 Sunset Lane) that was approved 4:0 by the Board of County Commissioners for a similar waiver request (case# LDWA-2023-43).*
- *The property has no access to centralized potable water or wastewater services.*
- *According to Chapter 64E-6 of the Florida Administrative Code, all wells must be located at least 75 feet from a septic tank, drain field, and any neighboring septic tanks.*
- *The land included within the request abuts residential properties, a mobile home to the west and single-family residences on the north and south sides. A single family residence is currently under construction on the adjacent property to the east.*
- *The subject property is zoned for Lena Vista Elementary School, Jere L. Stambaugh Middle School, and Auburndale Senior High School.*
- *The subject property is served by the Polk County Sheriff's Central District Substation, 3635 Ave G NW, Winter Haven, 33884*
- *The subject property is served by Polk County Fire Rescue Station 7 located at 200 Commonwealth Ave SW, Polk City.*
- *There are no fire hydrants located on Sunset Lane. The closest accessible fire hydrant is located near the intersection of Allen Acres Road and County Road 559, which is over 1,000 feet away from the subject property.*
- *The private portion of Sunset Lane is over ¼ mile (±1,400 feet, ±0.27 miles) and has no place to turn a vehicle around within the easement. There are numerous driveways, which are used to compete three point turns to turn around. The property owner has improved the condition of the easement with what appears to be grading and the installation of additional gravel. These improvements have widened the travel lane and have improved the safety along the easement.*
- *The property contains a small amount of wetlands and includes portions of the 100-year Flood Hazard Area near the canal.*
- *There are no known historical or archeological resources onsite according to the*

- According to the Audubon EagleWatch Inventory of 2024 an active bald eagle nest was recorded approximately 2,000 feet southwest of the subject property with nest ID # PO242.
- According to the Florida Natural Areas Inventory of 2019, the site is not located within a one-mile radius of a recent endangered animal species sighting.
- The closest monitored transportation facility is County Road 559, a two-lane urban collector roadway. Link number 6804 is the closest portion to the site. According to the Polk County Transportation Planning Organization (TPO) approximately 13,600 vehicles per day travel that portion of the roadway each day on average. There are approximately 624 northbound vehicles and 600 southbound vehicles passing through during the PM peak hour. This road is currently operating at about 50% of its capacity.
- The closest named waterbody is Lake Juliana less than 1,200 feet to the west. There is a canal abutting the north end of the property that leads to the Lake. Surface water flow on the subject property is towards the canal.
- There are small portions of the site that contain floodplains or wetland areas along the shore of the canal that abuts the subject property on the north. There is a 15-foot canal easement on the north side of the property and rear lot line is approximately located at the point of beginning of the canal.
- The site has a mixture of Kendrick and Sparr fine sands together with overburden along the shore of the canal created when it was excavated at various times in the past. The soils are considered to have slight and severe limitations to septic tank absorption fields according to the Polk County Soil Survey.
- Section 610.D.4 states "Onsite sewage disposal system on lands with soils identified in the Polk County Soil Survey as having soil limitation ratings of 'slight' or 'moderate' with respect to septic tank absorption fields shall not be located within 150 feet of the ordinary high water line (OHWL) or mean annual water line of surface waters or water filled mine pits"... "soil limitation ratings of 'severe' with respect to septic tank absorption fields shall not be located within 200 feet of the OHWL or mean annual water line of surface waters or water filled mine pits"... "[These] setback[s] may be reduced if a higher treatment system is used in accordance with performance based treatment standards..."

### **Development Review Committee**

**Development Review Committee Recommendation:** Based on the information provided by the applicant and the analysis conducted within this staff report, the Development Review Committee finds that the proposed 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, and therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDWA-2024-67.**

## **CONDITIONS OF APPROVAL**

1. Approval of this waiver shall allow for one (1) residential building permit on Parcel No. 252722-000000-021130 as described within the staff report.
2. The parcel is subject to the requisite Level 1 Review approval pursuant to Section 705.B of the Land Development Code.
3. To allow for the access of emergency vehicles, all easements shall have an unobstructed width of not less than 20 feet. No fencing, landscaping, vehicles, machinery, equipment, or other accessory structures or features which could interfere with the passage of emergency vehicles shall be placed or stored within these 20 feet.

## **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 LDC Section 930 D.*

*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 4 Review and only for those development decisions within the Board of County Commissioners jurisdiction. Upon completion of the Level 4 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.*

## **DEMONSTRATIONS OF THE CRITERIA FOR GRANTING WAIVERS SUMMARIZED BELOW:**

*Note: Below are staff's responses and opinions to the applicant's request relative to demonstrating the criteria for granting a waiver. Since this particular request requires a Level 3 Review approval, it is ultimately the Planning Commission's decision on whether the waiver should be granted and access should be allowed.*

1. *Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;*

When the lot was created, the zoning on the property at the time (Rural Conservation, RC) required a minimum of one dwelling unit per acre, and a minimum lot size of 40,000 square feet. This parcel was 20,010 square feet, a fraction of the required size at the time it was created. The RL-1 district requires a minimum lot size of 40,000 square feet, the same as the prior zoning ordinance. In December 2024, two adjacent lots were combined to create a lot that is .92 acres (40,030 square feet), exceeding the minimum lot size



requirement. The lot was also created in violation of the subdivision regulations at the time, which required the lots to be platted if they did not have at least 25 feet of direct frontage on a public road.

It does not have the required vehicle access. The hardship was placed on the property by the original owner by creating a property that was not eligible for building permits according to the land use regulations in effect at the time. The property has remained vacant, but now with the property exceeding the minimum lot size requirement, the applicant wishes to construct a single-family residence on site. Sunset Lane has eight (8) existing homes on it and this request would allow one additional home. There are two additional vacant lots along Sunset Lane, so the maximum buildout could potentially be eleven (11) homes.

2. *Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;*

The proposed access waiver is the minimum adjustment that will make possible the development of one single-family residence on the property. The RL-1 district requires a minimum lot size of 40,000 square feet and the original zoning at the time required one acre. This proposal allows the opportunity for an infill residential lot along a private easement containing similar residential development. Denial of this waiver request would leave the property vacant in perpetuity as there does not appear to be any other actions the applicant could take to make the lot buildable.

3. *Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;*

The granting of this waiver is in harmony with the general intent and purpose of this Code. The property in its current form was created in 1974, over three years after the adoption of the zoning ordinance in 1970 and over two years after the Subdivision Regulations in 1971. The lot size did not meet the minimum requirements when the lot was created, however by combining two lots into one, the subject property now meets the minimum lot size requirement. The subdivision was created in violation of the subdivision regulations at the time as well. The property owner has made substantial improvements to the access easement to address safety concerns. The property owner has met with both Polk County Fire Rescue and the City of Auburndale Fire Department and both have confirmed that the improvements that have been made are sufficient and that ingress and egress on Sunset Lane is adequate in order for them to provide service to the residents living along it.

There are eight developed lots with questionable past permitting information. The subject property is the first tract along the easement when the parent parcel was subdivided in 1974. Homes have existed at the far end of the easement for decades and this request will not provide any detrimental impacts to the remainder of Sunset Lane. The maximum development impacts from this request are de minimus. Granting this waiver and any future waiver along Sunset Lane would occur on the portion of the

easement close to County Road 559. The applicant wishes to develop a single family home on a small access easement, surrounded by existing homes, constituting infill development, which not only helps to reduce sprawl and impacts to environmentally sensitives lands throughout the County, but also does not require additional investment in major infrastructure, helping to keep construction costs down, allowing for the provision of an affordable residential dwelling unit.

Infill development of a residence on the subject property and potentially one other vacant lot along Sunset Lane would provide the opportunity to create affordable residential development in an area surrounded by single family residences of similar size, while providing a de minimus impact on public infrastructure and reducing the sprawling impacts of residential demand in the area. Any new development would be along the improved portion of the easement.

4. *The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and*

The lot in the same subdivision to the west, 514 Sunset Lane, has already been granted a waiver approval by the BoCC for a similar waiver request thereby already establishing a precedent (case#: LDWA-2023-43). Besides the 2023 case and this one, there is room for one additional unit to be developed on a vacant lot along the private easement, bringing the maximum development potential to eleven (11) dwelling units.

On November 21, 2023, the Board of County Commissioners (BoCC) voted 4:0 for approval of a waiver request for a residential lot on 514 Sunset Lane (case#: LDWA-2023-43). Besides this former case and the subject property, there is one (1) vacant lot remaining that was purchased by the adjacent landowners. The remaining lot has site constraints similar to what has been outlined above, making development of a single-family residence challenging.

This unit and two other potential units will have a de minimus impact on any infrastructure in the neighborhood. The access easement is mostly built out the neighborhood is surrounded by compatible residential development. The unique characteristics of this access easement and this request could set a precedent for the one (1) remaining vacant lot along Sunset Lane, but not for other similar easements throughout the rest of the County.

5. *Whether all other avenues of relief have been exhausted.*

The hardship was placed on the property by the original owner by creating a property that previously contained two (2) separate lots that were each .46 acres in size and did not meet the required density, minimum lot size requirements and any other applicable requirements of the Code of Ordinances at the time. Therefore, it could not be considered legally non-conforming. The lots were combined in December 2024 to create one (1) lot that is .91 acres, complying with the minimum lot size requirement in the RL-1 district and to facilitate the installation of well and septic systems.

In addition, substantial improvements to the physical condition of the access easement have been made to address safety issues. Further, the applicant has met with representatives from both Polk County Fire Rescue and the City of Auburndale Fire Department and both have confirmed that the access provides sufficient ingress and egress in order for them to serve the residents of the neighborhood.

Staff finds that the applicant has made reasonable attempts to bring the property as close to compliance with the Land Development Code as possible. The lots along Sunset Lane were created in violation of County Ordinances and have remained vacant as a result. However, the properties now sit surrounded by compatible residential developments and the ultimate impact of fully development Sunset Lane is minimal. There are several homes that existed further down the easement for decades and have lived sufficiently. Eight (8) of the eleven (11) lots are currently developed along the private portion of the easement, leaving the maximum development potential remaining at three (3) new homes.

**Surrounding Land Use Designations and Current Land Use Activity:**

Immediately to the south is a subdivision, Reflections of Juliana, that was constructed in accordance with the land development regulations in place at the time. The property was rezoned in 1988 and construction began in 1989. At that time there were only four units on the Sunset Lane access drive. Directly to the north and east are large tracts with a single-family home on each of them meeting the past and present land development requirements as well. They have existed since the late 1960s. A new subdivision to the northeast, Bentley North, began construction of 39 single-family homes in 2023.

**Table 1**

<p><b>Northwest:</b> RL-1 Lake Julianna</p>	<p><b>North:</b> RL-1 One site-built home on a 7.85-acre tract.</p>	<p><b>Northeast:</b> RL-1 One site-built home on 2.32-acre tract, Bently North Platted Subdivision</p>
<p><b>West:</b> RL-1 One site-built home on .92-acre lot.</p>	<p><b>Subject Property:</b> RL-1 Vacant</p>	<p><b>East:</b> RL-1 One site-built home under construction, 2 site-built homes</p>
<p><b>Southwest:</b> RL-2 Reflections of Juliana Platted Subdivision Lake Juliana</p>	<p><b>South:</b> RL-2 Reflections of Juliana Platted Subdivision Lake Juliana</p>	<p><b>Southeast:</b> RL-2 Reflections of Juliana Platted Subdivision Lake Juliana</p>

The Sunset Lane access drive terminates into 523 Sunset Lane, which is a lakefront property sitting on Lake Juliana. This easement is physically constrained on all sides and expansion is not possible. The remaining vacant lots along Sunset Lane can only be development through infill development.

**Compatibility with the Surrounding Land Uses:**

Residential on residential is typically compatible as long as development intensities are relatively close. The lots on the Sunset Lane easement are similar in size to properties located in adjacent residential subdivisions. There is ample separation between these sub ½ acre lots on

Sunset Lane and the abutting larger lots to the north and east. There is much vegetation and a canal. The three residences to the east are closer to the highway, which provides some separation distance. The homes to the west and south are part of the current subdivision and Reflections of Juliana subdivision respectively.

### Urban Services and Infrastructure Analysis

There is sufficient infrastructure to serve this property. The infrastructure deficiencies are as follows:

From an area wide perspective, a single unit will not disrupt the County’s ability to maintain the current standards for traffic on public roads, schools or recreation facilities. Eleven (11) out of the fourteen (14) properties along Sunset Lane, including the public portion, have residences. Tables 2 and 3 provide the standard summary of infrastructure items considered with all development.

The lot size has been increased to .92 acres by combining two lots into one. This increase provides more flexibility and opportunity for the property owner to install necessary well and septic system equipment. Improvements made to the easement have enhanced safety, and Polk County Fire Rescue and the City of Auburndale Fire Department have confirmed that ingress and egress is adequate for their operations.

**Table 2**

<b>Urban Services and Infrastructure Summary</b>	
<b>Schools (Zoned)</b>	Lena Vista Elementary; 2024-25 School Capacity: 79% Jere L. Stambaugh Middle School; 2024-25 School Capacity: 85% Auburndale Senior High School; 2024-25 School Capacity: 74% <i>(Source: Polk County School Board)</i>
<b>Parks</b>	Lake Juliana Boat Ramp (1.1 miles). Lake Myrtle Recreation Complex (4.2 miles) No significant impacts to parks based upon the nature of the request.
<b>Sheriff</b>	Polk County Sheriff’s Southeast (SE) District Substation, located at 3635 Ave G NW in Winter Haven. The response times for SE in January 2025 were Priority 1 Calls – 8:32 and Priority 2 Calls – 23:15
<b>Fire</b>	Polk County Fire Rescue Station 7 located at 200 Commonwealth Ave SW, Polk City Response time: 12 minutes. No objection.
<b>EMS</b>	Polk County Fire Rescue Station 7 located at 200 Commonwealth Ave SW, Polk City Response time: 12 minutes. No objection.
<b>Water</b>	Well (Proposed)
<b>Sewer</b>	Onsite Treatment System (Proposed)
<b>Transportation (Public Road)</b>	County Road 559 – Urban Collector
<b>Urban Sprawl</b>	Site is located within the UGA and is not considered urban sprawl.

**Table 3**

<b>Impact Analysis Summary</b> Proposed Use: One Mobile Home			
<b>Potable Water Impact</b>	<b>Wastewater Impact</b>	<b>*AADT Impact</b>	<b>Peak Hour Impact</b>
360 GPD (on-site well)	270 GPD (on-site septic)	7.81 AADT	1 trip
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family home will consume 360 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar Average Annual Daily Trips (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**

The property is only 204 feet in total length. The south 30 feet is an access easement for which no development is permitted to occur. The north 15 feet is a canal easement, but due to erosion, the canal now consumes approximately 30-35 feet of the north end. The increased width of the property achieved by combining two lots into one will provide increased opportunities to adequately separate the well head from the septic tank and drain field as well as any separation needed from neighboring properties. The septic tank and drain field are required to be setback a minimum of 150 feet of the ordinary high-water line of the canal according to Section 610.D.4 of the Land Development Code. They also need to be setback 75 feet from all wells and neighboring septic tanks according to Health Department standards. As of 2024, an active bald eagle nest was reported approximately 2,000 feet southwest of the parcel per the Audubon EagleWatch Inventory Viewer (Nest ID # PO242). Table 4 provides the standard environmental conditions reviewed for all development.

**Table 4**

<b>Environmental Conditions Summary</b>	
<b>Surface Water</b>	The north 30 - 35 feet of the property is surface water (a canal connected to Lake Juliana) according to aerial photo measurements Property Appraiser’s Office cadastral maps.
<b>Wetlands/Floodplains</b>	The National Wetlands Inventory (NWI) layer exhibits ±20 feet of wetland coverage on the north side of the property. Approximately 30 feet of the north end of the property is in a 100- year flood hazard area with a base flood elevation of 133.3 feet. According to the Federal Emergency Management Administration (FEMA) ±0.12 acres of the property is located within the 100-year Flood Hazard Area with a known elevation of approximately 134 feet above sea level.
<b>Soils</b>	A mixture of Kendrick and Sparr fine sands together with overburden along the shore of the canal created when it was excavated
<b>Protected Species</b>	The subject property is located within one mile radius of a protected bald eagle nest sighting. Other protected species are not sighted within a one mile radius of the subject property (Source: Florida Natural Areas Inventory Biodiversity Matrix; Audubon EagleWatch Viewer).
<b>Wellfield Protection</b>	Increased lot size will allow greater opportunity for space between wellhead and septic tank system including the drain field.
<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>	Not located within any Airport Height Notification or In Flight Visual Interference Zones. (Source: Joint Airport Zoning Board Regulations)

**Comments from other Agencies:**

**Fire Marshal’s Office**

Both Polk County Fire Rescue and the City of Auburndale Fire Department have confirmed that ingress and egress are adequate for their operations.

**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     2023 Oblique Aerial Photo



# LOCATION MAP

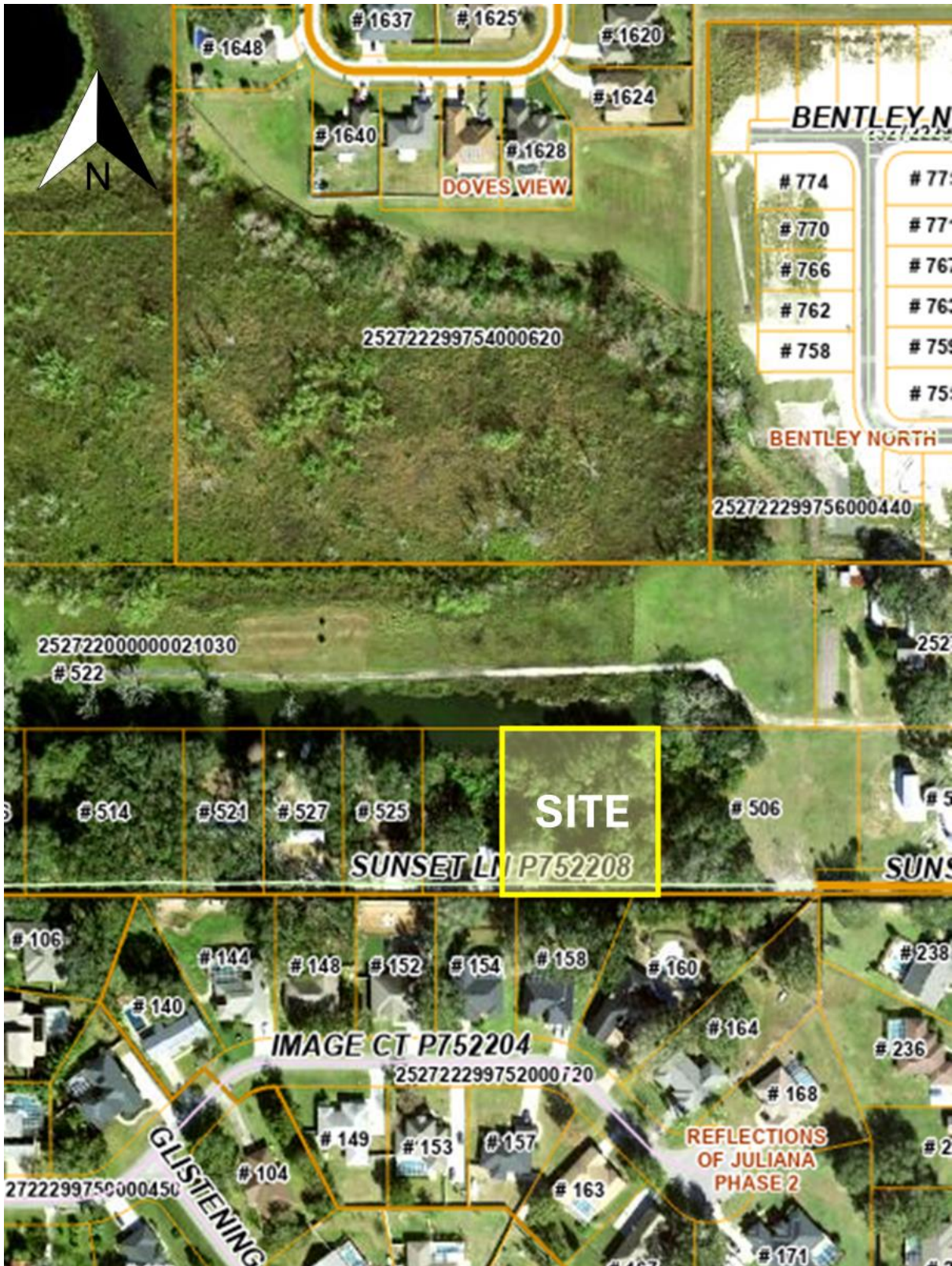


# FUTURE LAND USES





## 2023 SATELLITE PHOTO (Context)



2023 AERIAL PHOTO (Close-up)



2023 Oblique Aerial Photo