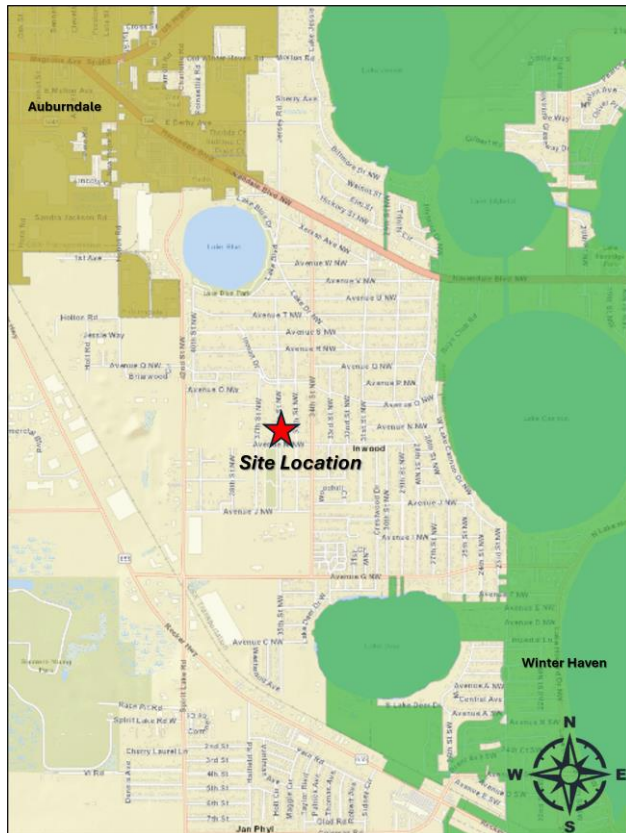


**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

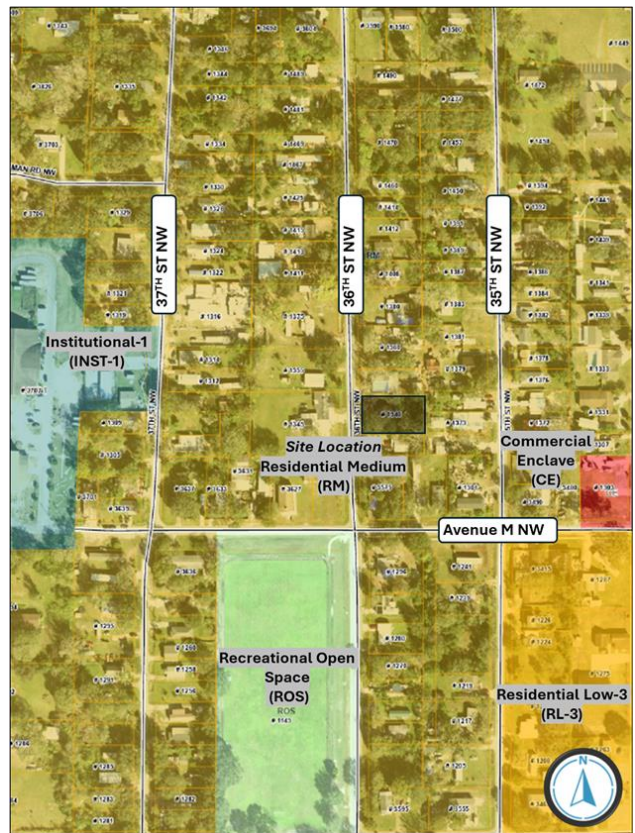
<b>DRC Date:</b> June 27, 2024	<b>Level of Review:</b> Level 3 Review
<b>PC Date:</b> September 4, 2024	<b>Type:</b> Conditional Use
<b>BoCC Date:</b> N/A	<b>Case Numbers:</b> LDCU-2024-13
<b>Applicant:</b> Reynaldo Rivera	<b>Case Name:</b> Ave 1340 NW MH CU
	<b>Case Planner:</b> Kyle Rogus, Planner I

<b>Request:</b>	The Applicant is requesting Conditional Use (CU) approval for a mobile home to be located in a subdivision where fewer than 50% of developed lots have mobile homes.
<b>Location:</b>	The subject site is located north of Avenue M NW, south of Avenue O NW, east of 42 <sup>nd</sup> St NW, west of Avenue N NW in Section 13, Township 28, Range 25.
<b>Property Owners:</b>	Reynaldo Rivera
<b>Parcel Size (Number):</b>	0.31+/- acres (252813-343500-000910)
<b>Future Land Use:</b>	Residential Medium (RM)
<b>Development Area:</b>	Urban Growth Development (UGA)
<b>Nearest Municipality:</b>	City of Auburndale
<b>DRC Recommendation:</b>	Conditional Approval
<b>Planning Commission Vote:</b>	Pending Hearing

**Location**



**2023 Satellite Photo**



## Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 0.31-acre lot within Residential Medium (RM) Future Land Use District (*see Exhibit 2*) replacing a pre-existing site-built dwelling unit. Chapter 2, Table 2.1 (Use Table for Standard Land Use District) of the Land Development Code (LDC) indicates the placement of mobile homes within RM land use district requires Conditional Use Approval via a Level 1 Review (via staff only). In order to meet current development approval conditions, Mobile Home requests are subject to the standards found in Section 303 of the LDC, which states an individual mobile home is permitted within any platted residential subdivision in which fifty (50) percent or more of the developed lots contain mobile homes. According to current information from the Property Appraiser's website, the parcel is within the Inwood Plat. As this plat does not meet the fifty (50) percent threshold, the applicant must appeal to the Planning Commission to make a determination of approval or denial for the request to place a mobile home on the subject property.

Staff recommends approval. This mobile home request is compatible with the surrounding area. The nearest mobile home is the lot directly behind the subject property (Parcel No. 252813-343500-000530). Inwood Plat was recorded in 1925 (Plat Book 14, Page 2) and has approximately 306 residential parcels. There are 56 lots with mobile homes and 250 lots with single-family homes. The proposed mobile home will meet the required setbacks for the Land Use District. The proposed request is consistent with the LDC and Comprehensive Plan.

## Findings of Fact

- *LDCU-2024-13 is a Conditional Use request to allow a mobile home on Parcel No. 252813-343500-000910 (+/- 0.31 acres) within Residential Medium (RM) land Use District in the Urban Growth Area (UGA).*
- *This property is in the Inwood Plat (Plat Book 14, Page 2) recorded on September 26, 1925.*
- *There is a 1956 site-built single-family dwelling currently on subject property.*
- *Property has a current pending Code Enforcement violation (Nuisance Violation CNU-2024-300) for lot overgrowth, open storage and/or junk and debris, organic debris.*
- *The surrounding properties are within Residential Medium (RM) Land Use District.*
- *36<sup>TH</sup> St NW (Road No 852511) is a County-maintained, paved local road with a width of 20 feet.*
- *Section 111.F.2 of the Land Development Code (LDC) states, "Subdivision plats which have been recorded prior to the effective date of this code shall be vested for any development standard which would apply to the subdivision."*
- *Section 204.A.8 of the LDC states, "The purpose of the RM district is to provide areas for medium density residential development within urban areas. The RM district permits single-family dwelling units, duplex units, multi-family units, group living facilities, and community facilities."*

- *Per Table 2.2 of the LDC, RM land use mandates right-of-way setbacks for the primary structure of 15 feet, side setbacks for the primary structure of 7 feet, and rear setbacks for the primary structure of 10 feet.*
- *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 standards set forth in Chapter 553 of Florida Statutes.*
- *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*
- *According to Section 303 of the LDC, Individual Mobile Homes are allowed in all 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.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 5 located at 333 American Spirit Rd, Winter Haven, FL 33880. This is located approximately 2.1 miles from the subject site with a response time of eight (8) minutes.*
- *Sheriff’s response to the site is served by the Central District located at 3635 Ave G NW in Winter Haven. The Response times in May 2024 were: Priority 1 Calls – 8:44 and Priority 2 Calls – 19:29.*

- *The subject property will utilize an onsite treatment system for wastewater and City of Winter Haven for potable water.*
- *The development is zoned for Inwood Elementary, Westwood Middle, and Winter Haven High School. The site is 1.5 miles from Inwood Elementary; 0.4 miles from Westwood Middle; and 4.8 miles from Winter Haven High School.*
- *The subject parcel is not within one of the Wellhead-Protection Areas.*
- *The property is composed of Pomello-Urban Land Complex soils.*
- *The property has no wetland or floodplains.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *A Citrus Connection mass transit stop is available on Route 50 located at the Auburndale Health Department 0.2 miles away.*
- *The subject site has ingress and egress access through 36<sup>th</sup> St NW. 36<sup>th</sup> St NW is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway SR 544 (6500E) has approximately 1,577 available PM Peak Hour trips; SR 544 (6500W) has approximately 1,539 available PM Peak Hour trips. SR 544 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*
- *This request has been reviewed for consistency with Section 111 and Section 303 of the LDC.*
- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.105 URBAN GROWTH AREA (UGA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

**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 (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-2024-13.**

## **CONDITIONS OF APPROVAL**

Based upon the findings of fact the Development Review Committee recommends APPROVAL of LDCU-2024-13 with the following Conditions:

1. LDCU-2024-13 is approved for no more than one (1) mobile home on Parcel No. 252813-343500-000910 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**

<p><b>Northwest:</b> Residential Medium Lots 105 &amp; 106 Site-built home 1,118 sq ft</p>	<p><b>North:</b> Residential Medium Lot 90 Inwood Plat Site-built Home 2,430 sq ft</p>	<p><b>Northeast:</b> Residential Medium Lots 55 &amp; 56 Inwood Plat Site-built home 1,390 sq ft</p>
<p><b>West:</b> Residential Medium Lots 102, 103, &amp; 104 Site-built home 1,870 sq ft</p>	<p><b>Subject Property:</b> Residential Medium Lots 91 &amp; 92 Inwood Plat Site-built home 810 sq ft</p>	<p><b>East:</b> Residential Medium Lots 53 Inwood Plat Mobile home 924 sq ft</p>
<p><b>Southwest:</b> Residential Medium Lots 99, 100, &amp; 101 Site-built church 2,748 sq ft</p>	<p><b>South:</b> Residential Medium Lot 93 Inwood Plat Site-built home 1,140 sq ft</p>	<p><b>Southeast:</b> Residential Medium Lot 52 Inwood Plat Vacant</p>

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

The subject property was assigned an address of 1340 36<sup>th</sup> St NW, Winter Haven, FL 33880. Property Appraiser shows the parcel was developed with an 810 sq. ft. site-built home constructed in 1956. The property is described as lots 91 and 92 in Unit 6 in the Inwood subdivision, recorded in Plat Book 14, Page 2 on September 26<sup>th</sup>, 1925. Although the subject site is two lots, septic rules limit the property to one dwelling unit.

The surrounding properties range in size from 810 sq. ft. to 2,748 sq. ft. and aged 16 to 75 years. The surrounding properties are within Residential Medium (RM) Land Use District and are occupied with site-built single-family homes, mobile homes, a church, and vacant lot. This area is comprised of multiple subdivisions. In Inwood Unit 6, the Property Appraiser shows that of the 306 residential parcels in this subdivision, 56 have mobile homes while 250 have site-built homes. The other properties in this subdivision are vacant or used for non-residential purposes.

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

This request is compatible with surrounding land uses and available infrastructure. Approximately 18 percent of the Inwood Unit 6 Subdivision is comprised of mobile homes. The surrounding neighborhoods have similar compositions. Inwood Unit 5 Subdivision to the east is approximately 18 percent and the Oakwood Subdivision to the southeast is approximately 17 percent. The Robinson Subdivision to the southwest is the only subdivision outside of this trend with approximately 37 percent. The Inwood Unit 6 Subdivision does not meet the 50 percent threshold of developed lots as mobile homes, however, combining the surrounding subdivisions creates a large cluster of mobile homes around the subjects site location. The subject property owner already owns a mobile home in the Inwood Unit 6 Subdivision 290 feet to the northeast. Refer to Exhibit 6 for developed mobile homes in the area. The impact from a single-family home diverting to a single mobile home is minimal. As shown in Table 1, above, the surrounding uses are single-family in nature, including a mobile home which are compatible. There are mobile homes that are interspersed throughout the plat. The nearest mobile home is directly behind the designated lot. The nearest residential home is approximately four (4) feet north from the property line. Most of the surrounding homes were built around the 1950s. A few of the homes were built after 1970. Please refer to Table 1 and Exhibit 6 for the layout of the mobile homes in relation to the site-built homes.

**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.”**

**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 at Inwood Elementary or Westwood Middle; however, Inwood Elementary is at 98% capacity and Winter Haven High School is currently operating at 110% capacity. The subject property will utilize a septic tank for wastewater and City of Winter Haven for potable water.

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

Table 2

<b>Urban Services and Infrastructure Summary</b>	
<b>Schools (Zoned)</b>	Inwood Elementary, Westwood Middle, and Winter Haven High School. School.
<b>Sheriff</b>	Sheriff’s response to the site is served by the Central District located at 3635 Ave G NW in Winter Haven. The response times in May 2024 were: Priority 1 Calls – 8:44 and Priority 2 Calls – 19:29.

<b>Urban Services and Infrastructure Summary</b>	
<b>Fire/EMS</b>	Fire and EMS Response is from Polk County Fire Rescue Station 5 located at 333 American Spirit Rd, Winter Haven, FL 33880. This is located approximately 2.1 miles from the subject site with a response time of eight (8) minutes.
<b>Water</b>	City of Winter Haven
<b>Sewer</b>	Onsite Treatment System
<b>Transportation</b>	The subject site has ingress and egress access through 36 <sup>th</sup> St NW. 36 <sup>th</sup> St NW is a paved, local, County-maintained roadway. According to the 2023 Roadway Network Database, the nearest monitored roadway SR 544 (6500E) has approximately 1,577 available PM Peak Hour trips; SR 544 (6500W) has approximately 1,539 available PM Peak Hour trips. SR 544 current Level-of-Service (LOS) is “C” with an adopted LOS standard of “D”.
<b>Urban Sprawl</b>	Site is located within the UGA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The site has approximately 90 feet of frontage along 36<sup>th</sup> St NW, using Winter Haven water and utilize an onsite treatment system. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

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

**Environmental Conditions Analysis:**

There are no known conditions that should pose a threat to existing environmental resources based upon the proposed request (See Table 4, below). The parcel has no FEMA flood hazards. The subject site is not located within any of the County’s identified Wellhead-Protection Areas. The subject property is located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property has been developed since 1956 and should pose no threat to any endangered species. The property is composed of Pomello-Urban Land Complex soils. 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. The subject property is not located within a Historical Preservation area. The subject site is located within an Airport Height Notification and In-Flight Visual Interference Zones.

Table 4

<b>Environmental Conditions Summary</b>	
<b>Surface Water</b>	There are no surface water ponds on the subject property. The subject property has contour elevations of 151 for the proposed location of the mobile home.
<b>Wetlands/Floodplains</b>	There are no wetlands on site and no floodplains.

<b>Soils</b>	The property is composed of Pomello-Urban Land Complex soils which provides moderately well drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
<b>Protected Species</b>	The subject site is located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
<b>Wellfield Protection</b>	The property is not located within any County Wellhead-Protection Areas.
<b>Historical Preservation</b>	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
<b>Airports</b>	The subject property is located within an Airport Height Notification and In-Flight Visual Interference Zones.

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

**Table 5**

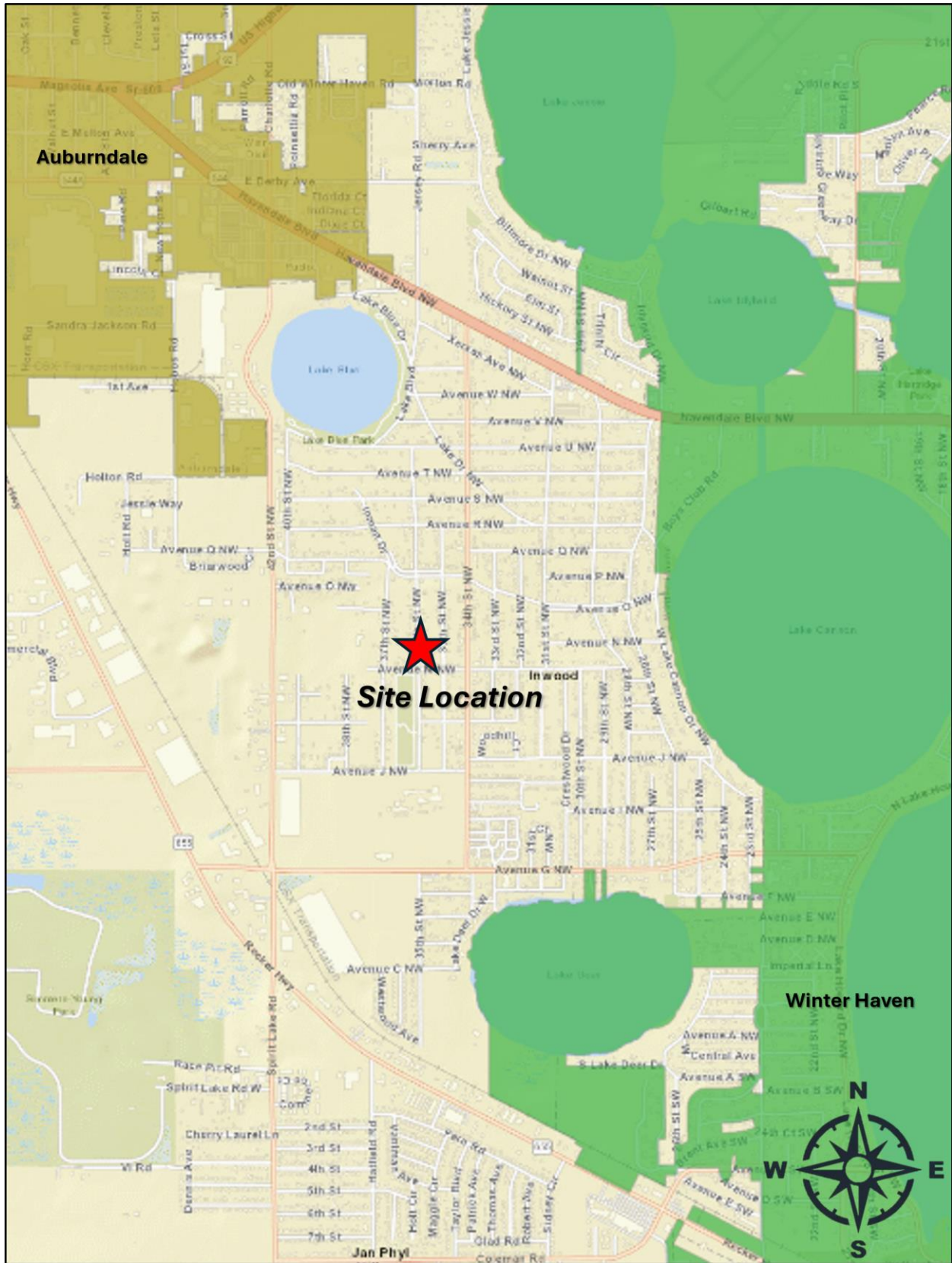
<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2 - 5 of the staff report.</i>
<b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.</i>
<b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b>	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 6 &amp; 7 of this staff report for data and analysis on surrounding uses and compatibility.</i>
<b>How the concurrency requirements will be met if the development were built.</b>	<i>This request will not require concurrency determinations from utilities, the school board, or TPO. The impact on public services can be found in the analysis found on Pages 7 &amp; 8 of the Staff Report.</i>

**Comments from other Agencies: None**

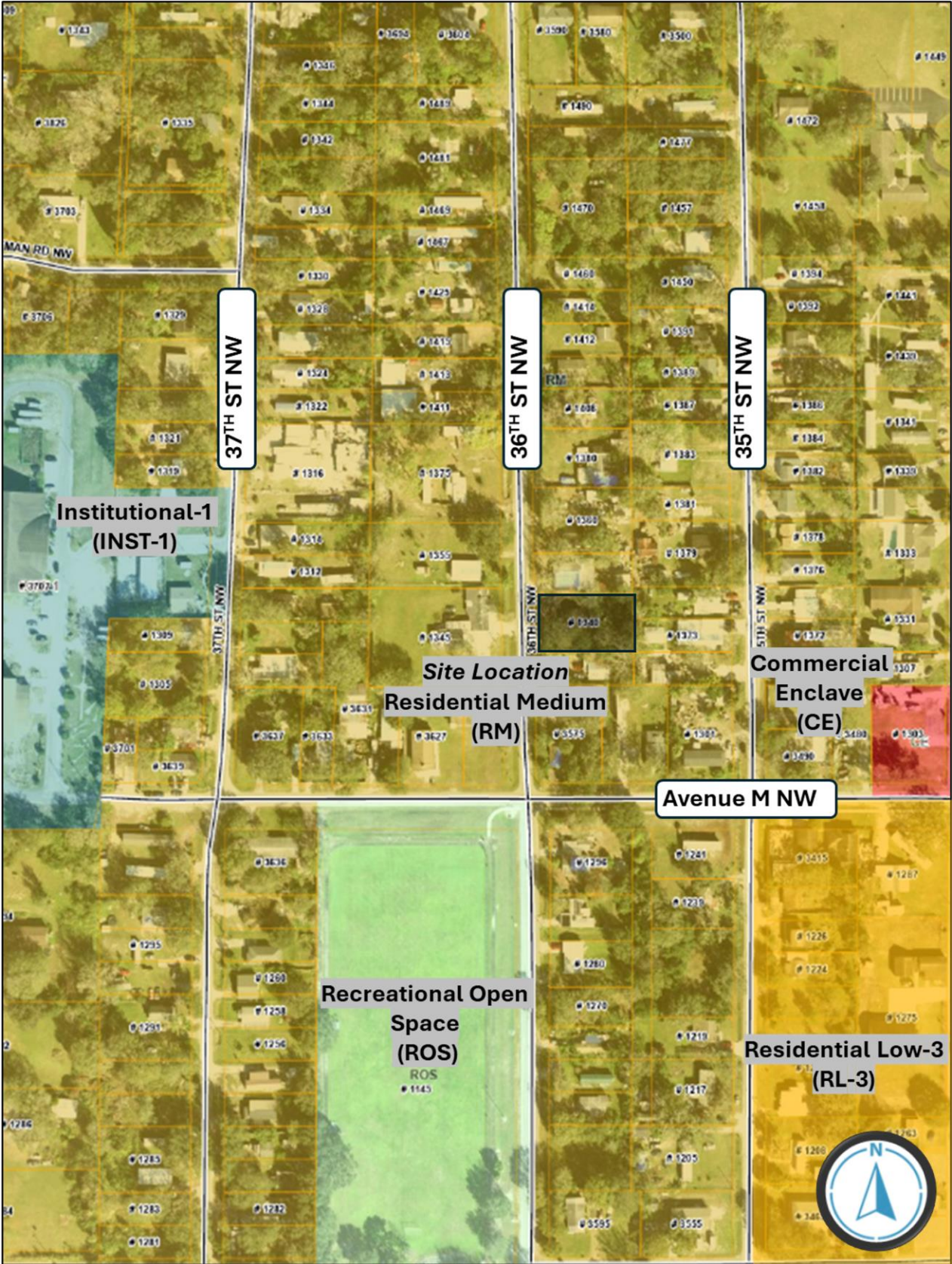
**Exhibits:**

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (context)
- Exhibit 4 Aerial Imagery (close-up)
- Exhibit 5 Site Plan
- Exhibit 6 Surrounding Mobile Homes
- Exhibit 7 Inwood Plat

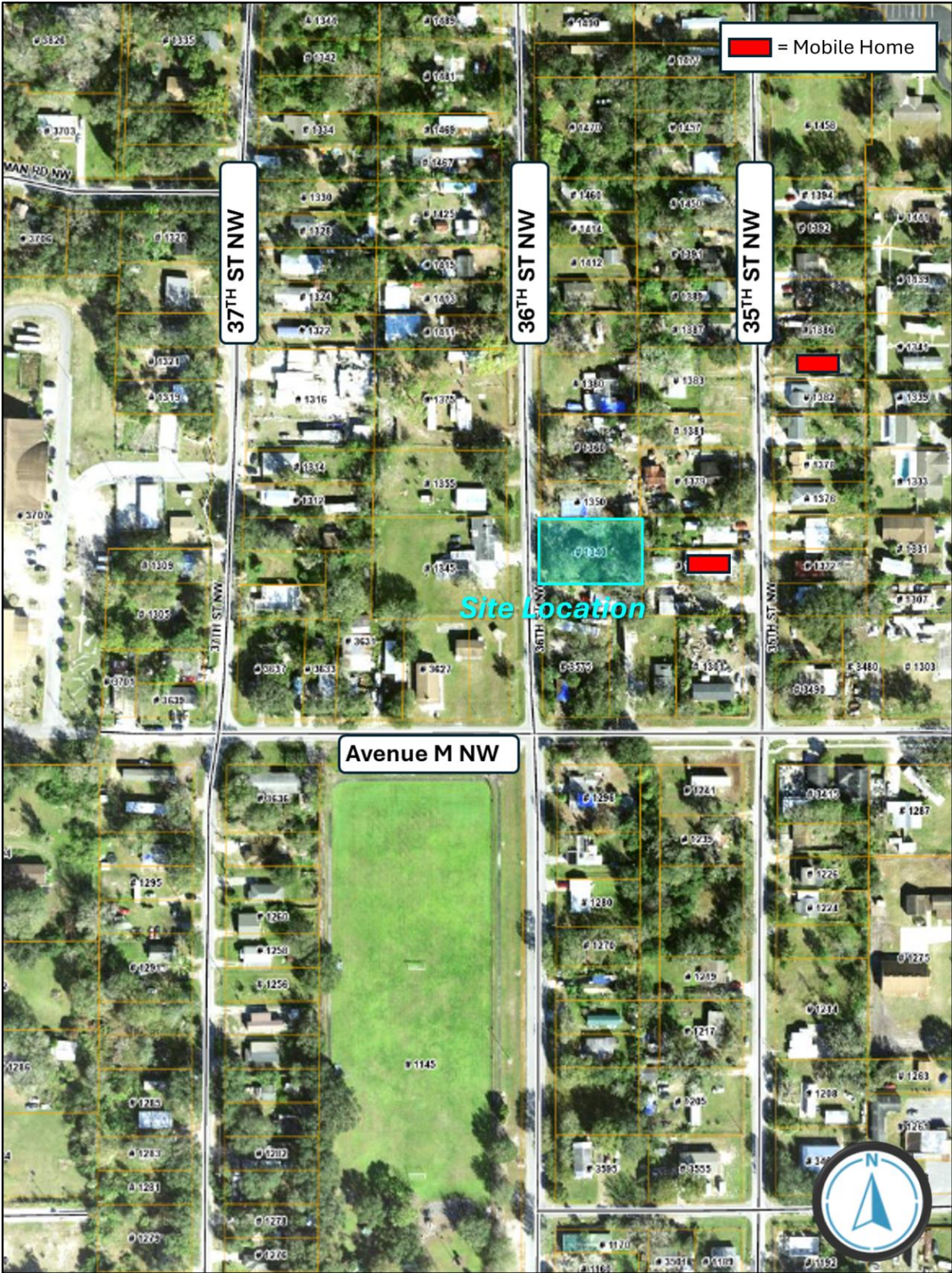




## Location Map



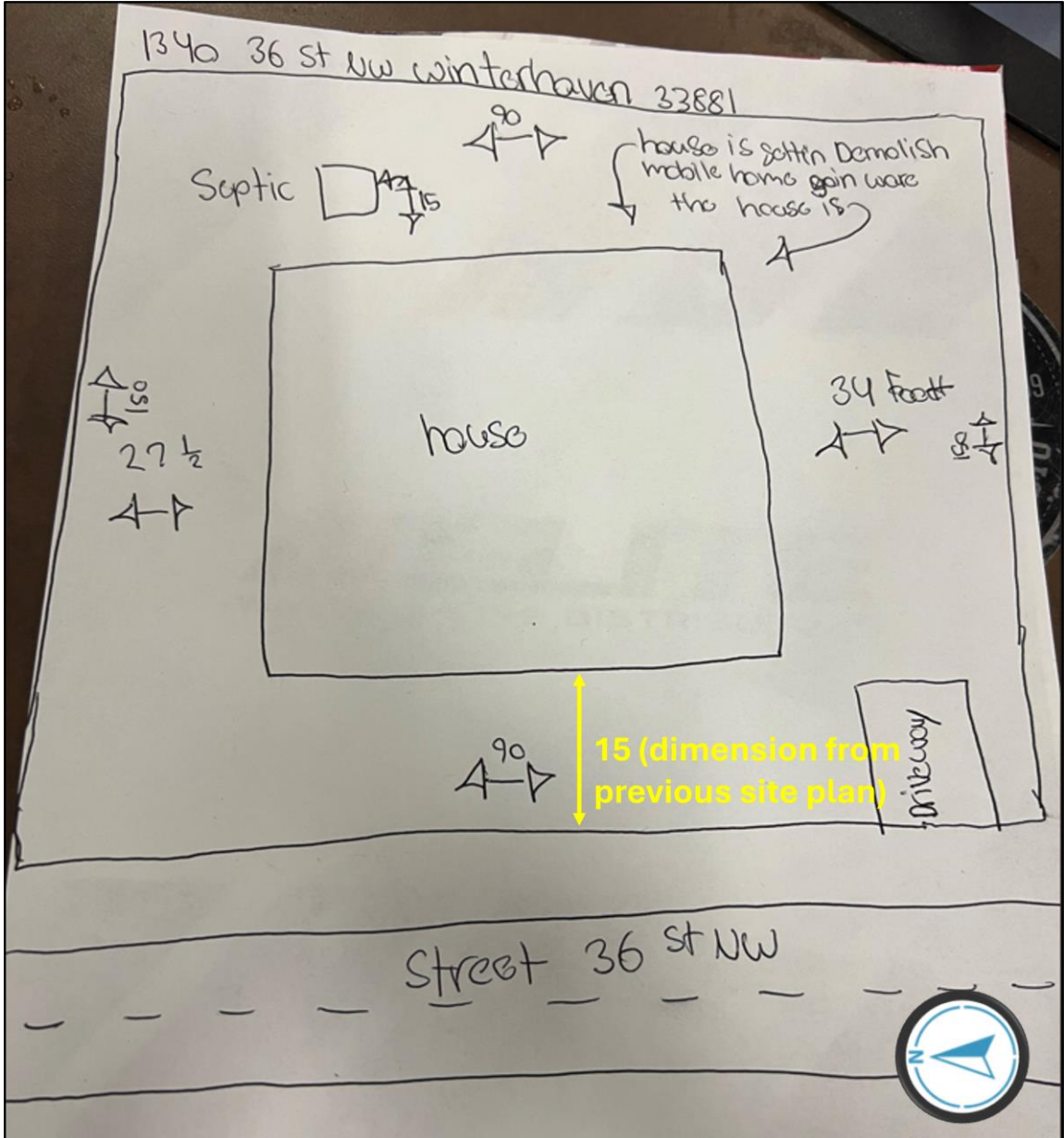
# Future Land Use Map



### Aerial Imagery (Context)



**Aerial Imagery (Close-up)**



Site Plan



### Surrounding Mobile Homes

# INWOOD

## No 6

SHEET No. 1 OF 3 SHEETS

2  
REGISTERED PLAT NO. 14838  
JANUARY 2, 1925  
PLAT AREA 3.050 AC.

WINTER HAVEN - POLK COUNTY - FLORIDA  
Surveyed & Plotted 1925  
June 7 - 1925



SYNOPSIS OF DESCRIPTION  
*[Seal of Polk County, Florida]*

Area of Plan  
County of Polk  
State of Florida  
That the Register and Receiver, the owner of the land upon which this plat is shown, has been duly authorized by the Board of Supervisors of the County of Polk, Florida, to cause this plat to be made and recorded, in accordance with the provisions of Chapter 112, Laws of Florida, and in accordance with the provisions of the said Chapter 112, Laws of Florida, which are hereby made a part of this plat, and that the land upon which this plat is shown is situated in the County of Polk, Florida, and that the land upon which this plat is shown is bounded on the north by Inman Boulevard, on the south by Lee Road, on the east by Beechwood Drive, and on the west by Corydon Drive, Tudor Drive, and Warren Drive.

Area of Plan  
County of Polk  
State of Florida  
*[Signature]*  
*[Signature]*

Area of Plan  
County of Polk  
State of Florida  
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Y GIDDINGS CONSTRUCTION CO  
ENGINEERING DEPT. WINTERHAVEN, FLA.  
1. CHIEF ENGINEER  
2. CHIEF SURVEYOR  
3. CHIEF RECORDS AND PLOTTING  
4. CHIEF ACCOUNTS  
5. CHIEF OFFICE ASSISTANT  
6. CHIEF CLERK  
7. CHIEF LABORER

# Inwood Plat