

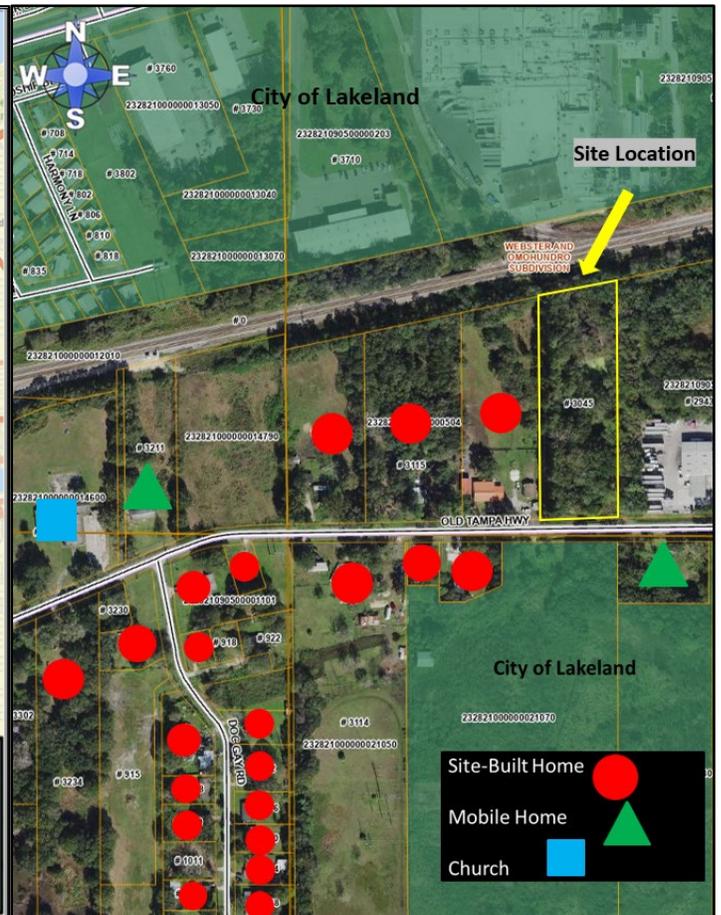
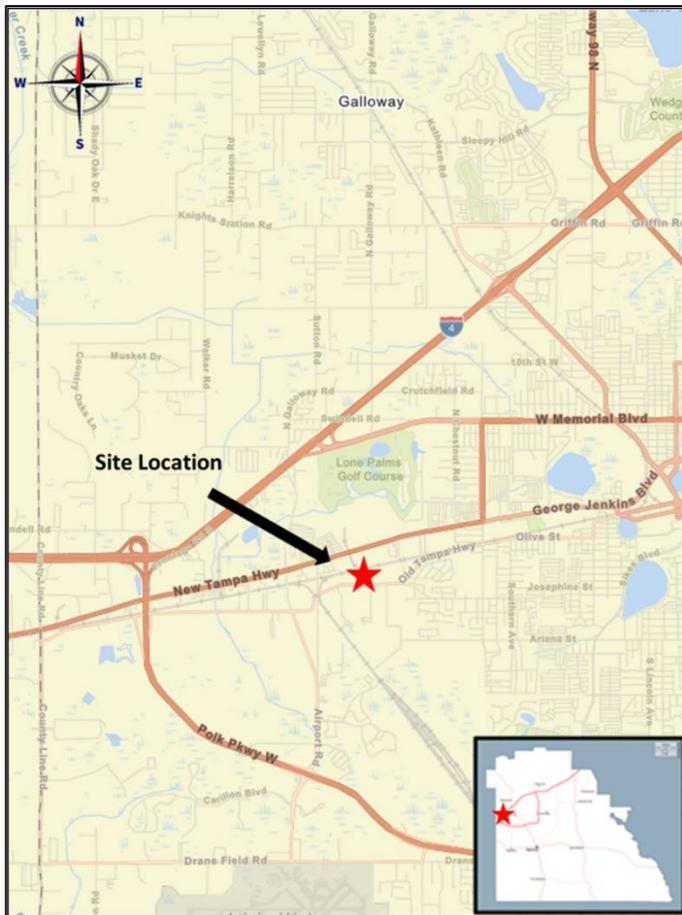
**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: October 28, 2023	Level of Review: Level 3 Review
PC Date: February 7, 2024	Type: Conditional Use
BoCC Date: N/A	Case Numbers: LDCU-2023-48
Applicant: Jorge Reyes Rueda	Case Name: Old Tampa Hwy MH CU
	Case Planner: Aleya Inglima, Planner II

Request:	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.
Location:	The subject site located south of New Tampa Highway, north of Old Tampa Highway, and west of the City of Lakeland in Section 21, Township 28, Range 23.
Property Owners:	Jorge Reyes Rueda
Parcel Size (Number):	2.87+/- acres (232821-090500-000401)
Future Land Use:	Residential Low-4 (RL-4)
Development Area:	Transit Supportive Development Area (TSDA)
Nearest Municipality:	City of Lakeland
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Hearing

Location

Adjacent Homes



Summary of Analysis:

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 2.87-acre lot within a Residential Low-4 (RL-4) 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 mobile homes within a RL-4 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 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 Webster & Omohundro Plat. As this parcel does not meet the 50% 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 is a large property for RL-4 land use, the home will be buffered and screened by existing vegetation and is compatible with the surrounding area. Webster & Omohundro Plat was recorded in 1915 (Plat Book 3, Page 81) and has thirty-four total residential parcels. There are twenty-seven single family detached homes, four duplexes, and two mobile 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-2023-48 is a Conditional Use request to allow a mobile home on Parcel No. 232821-090500-000401 (+/- 2.87 acres) within a Residential Low-4 (RL-4) land use district in the Transit Supportive Development Area (TSDA).*
- *This property is in the Webster & Omohundro Plat (Plat Book 3, Page 81) recorded on March 17, 1915.*
- *The surrounding properties are within Residential Low-4 (RL-4) and Industrial (IND) land use districts.*
- *Old Tampa Hwy (Road No 831902) is a County-maintained, paved urban collector road with a width of 22 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.7 of the LDC states, "The purpose of the RL-4 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet."*
- *Per Table 2.2 of the LDC, RS land use mandates right-of-way setbacks for the primary structure of 35 feet, side setbacks for the primary structure of seven (7) feet, and rear setbacks for the primary structure of 10 feet.*

- *This subject property is located in the Transit Supportive Development Area (TSDA). According to POLICY 2.104-A5 of Polk County’s Comprehensive Plan, “Development within the Transit Supportive Development Area (TSDA) shall conform with the following criteria as further specified in the Land Development Code:*
 - a. provide access to transit facilities;*
 - b. connect to centralized potable water and sanitary sewer systems;*
 - c. incorporate design features that promote healthy communities and green building practices, as established in Section 2.1251, Community Design, of this element;*
 - d. implement "Complete Street" and "Conservation Development" principles as established under Section 2.1251, Community Design, of this element;*
 - e. integrate pedestrian-oriented features, including sidewalks, trails or walkways into every development including appropriate pedestrian shelters or awnings;*
 - f. provide access to civic space, parks, green areas, and open space and other amenities;*
 - g. be supported by public safety (i.e., fire, EMS and law enforcement);*
 - h. have access to public schools;*
 - i. provide connectivity with adjacent uses within the TSDA, and facilitate connectivity between the TSDA and other urban centers and the rural development areas.*
 - j. encourage the inclusion of a variety of housing choices, other than single family detached homes, townhomes, condominiums, and residential units in mixed use buildings by establishing minimum densities that preclude the exclusive use of single family detached units within designated areas as established in Policy 2.104-A7.*
- *Chapter 553 of the Florida Statutes states that “Mobile Homes” means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. Mobile homes are built to a separate standard than site-built homes and may be regulated differently than site-built and other manufactured homes. Site-built homes and other manufactured homes are built to the standards set forth in Chapter 553 of Florida Statutes.*
- *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 of the following locations:*
 1. *Within any registered mobile home park that has been approved by Polk County;*
 2. *Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;*
 3. *Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;*
 4. *On any un-platted parcel in the A/RR district;*
 5. *On any un-platted parcel that is five acres or larger in the RS district;*
 6. *On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;*
 7. *On any un-platted parcel where at least one property abutting the subject property's side lot line has a mobile home;*
 8. *On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,*
 9. *On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.*
- *Fire and EMS Response is from Polk County Fire Rescue Station 24 located at 1140 Galloway Rd, Lakeland FL. This is located approximately 2.9 miles from the subject site with a response time of eight (8) minutes.*
- *Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in December 2023 were: Priority 1 Calls – 12:39 and Priority 2 Calls – 25:14.*
- *The subject property will utilize an onsite treatment system for wastewater and City of Lakeland for potable water.*
- *The development is zoned for Jesse Keen Elementary, Sleepy Hill Middle, and Kathleen Senior High School. The site is 1.5 miles from Jesse Keen Elementary; 6.6 miles from Sleepy Hill Middle; and 4.0 miles from Kathleen Senior High School.*
- *The subject parcel is not located within one of the County's Wellhead-Protection Areas.*
- *The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand.*

- *The property has wetlands and no floodplains.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius of endangered species.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *A Citrus Connection mass transit stop is not available for this site.*
- *The subject site has ingress and egress access through Old Tampa Hwy. Old Tampa Hwy is a paved, urban collector, County-maintained roadway. According to the 2023 Roadway Network Database, Old Tampa Hwy (4047E) has approximately 542 available PM Peak Hour trips; Old Tampa Hwy (4047W) has approximately 538 available PM Peak Hour trips. Old Tampa Hwy current Level-of-Service (LOS) is "C" with an adopted LOS standard of "E".*
- *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 2.104 TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) AND POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*

CONDITIONS OF APPROVAL

Based upon the findings of fact, the Development Review Committee recommends APPROVAL of LDCU-2023-48 with the following Conditions:

1. LDCU-2023-48 is approved for no more than one (1) mobile home on a Parcel # 252818-346500-003240 as indicated in the site plan and staff report.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Table 1

Northwest: CSX Railroad	North: CSX Railroad	Northeast: CSX Railroad
West: Residential Low-4 Webster & Omohundro Subdivision Site-Built home	Subject Property: Residential Low-4 Webster & Omohundro Subdivision Vacant	East: Industrial Webster & Omohundro Subdivision Warehouse
Southwest: Residential Low-4 Site-Built Home	South: City of Lakeland Industrial	Southeast: Residential Low-4 Mobile Home

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

The adjacent lots are within Residential Low-4 (RL-4) and Industrial (IND) land use districts and are occupied with site-built single-family homes, mobile homes, and commercial uses. There are also vacant lots throughout the plat. This lot has been vacant for a few years. The Webster & Omohundro Subdivision didn't develop as platted.

Compatibility with the Surrounding Land Uses and Infrastructure:

This request is compatible with surrounding land uses and available infrastructure. The impact from a single mobile home is minimal. The dominant surrounding use is single-family residential which are compatible. This is a large lot by RL-4 standards (6,000 sq ft minimum lot size). There is ample space along with existing vegetation to buffer and screen the home offsite. Trees to the east of the property will buffer the home from the industrial site. There are mobile homes that are interspersed throughout the plat. The nearest mobile home is located across the street. The nearest residential home is approximately 97 feet to the property line. Generally speaking, in suburban areas where densities are lower and development is less frequent, the costs of site construction are higher than in urbanized areas because the travel distance affects the cost of labor and equipment and materials. Factory-built housing is more feasible for homebuyers. Please refer to 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; however, there is available capacity for zoned schools. The subject property will utilize a septic tank for wastewater and City of Lakeland 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, this proposal is not anticipated to create any significant demand on these services.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Jesse Keen Elementary, Sleepy Hill Middle, and Kathleen Senior High School. <i>School Concurrency will not be assessed for the placement of one mobile home and will not prohibit the applicant from getting a building permit.</i>
Sheriff	Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in December 2023 were: Priority 1 Calls – 12:39 and Priority 2 Calls – 25:14.
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 24 located at 1140 Galloway Rd, Lakeland FL. This is located approximately 2.9 miles from the subject site with a response time of eight (8) minutes.
Water	City of Lakeland
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Old Tampa Hwy. Old Tampa Hwy is a paved, urban collector, County-maintained roadway. According to the 2023 Roadway Network Database, Old Tampa Hwy (4047E) has approximately 542 available PM Peak Hour trips; Old Tampa Hwy (4047W) has approximately 538 available PM Peak Hour trips. Old Tampa Hwy current Level-of-Service (LOS) is "C" with an adopted LOS standard of "E".
Urban Sprawl	Site is located within the TSDA and is not considered urban sprawl.

Table 3, below, identifies the anticipated impact of one mobile home on water and sewer services. The lot is using Lakeland 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

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

Environmental Conditions Analysis

There are no 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 not located within a one-mile radius of an endangered species, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is level with a slight slope from the south to the north with contour elevations ranging from 131-125. 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

Environmental Conditions Summary	
Surface Water	There are surface water ponds on the subject property. The subject property has contour elevations of 131-125 for the proposed location of the mobile home. The parcel slopes from south to north of the lot.
Wetlands/Floodplains	There are wetlands on site and no floodplains
Soils	The property is composed of Myakka Immokalee Urban land complex soils and Pomona Fine Sand which provides some limitations for drainage, but the soil is not of such that would limit compliance with applicable LDC regulations for the proposed use.
Protected Species	The subject site is not located within one mile of any identified endangered species. (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The property is not located within any County Wellhead-Protection Areas.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida's Division of Historical Resources.
Airports	The subject property is located 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

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 Table 2.1 which permits this use upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 2-5 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 6 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 6-7 of the staff report and waiver requirements in the Conditions of Approval.</i>

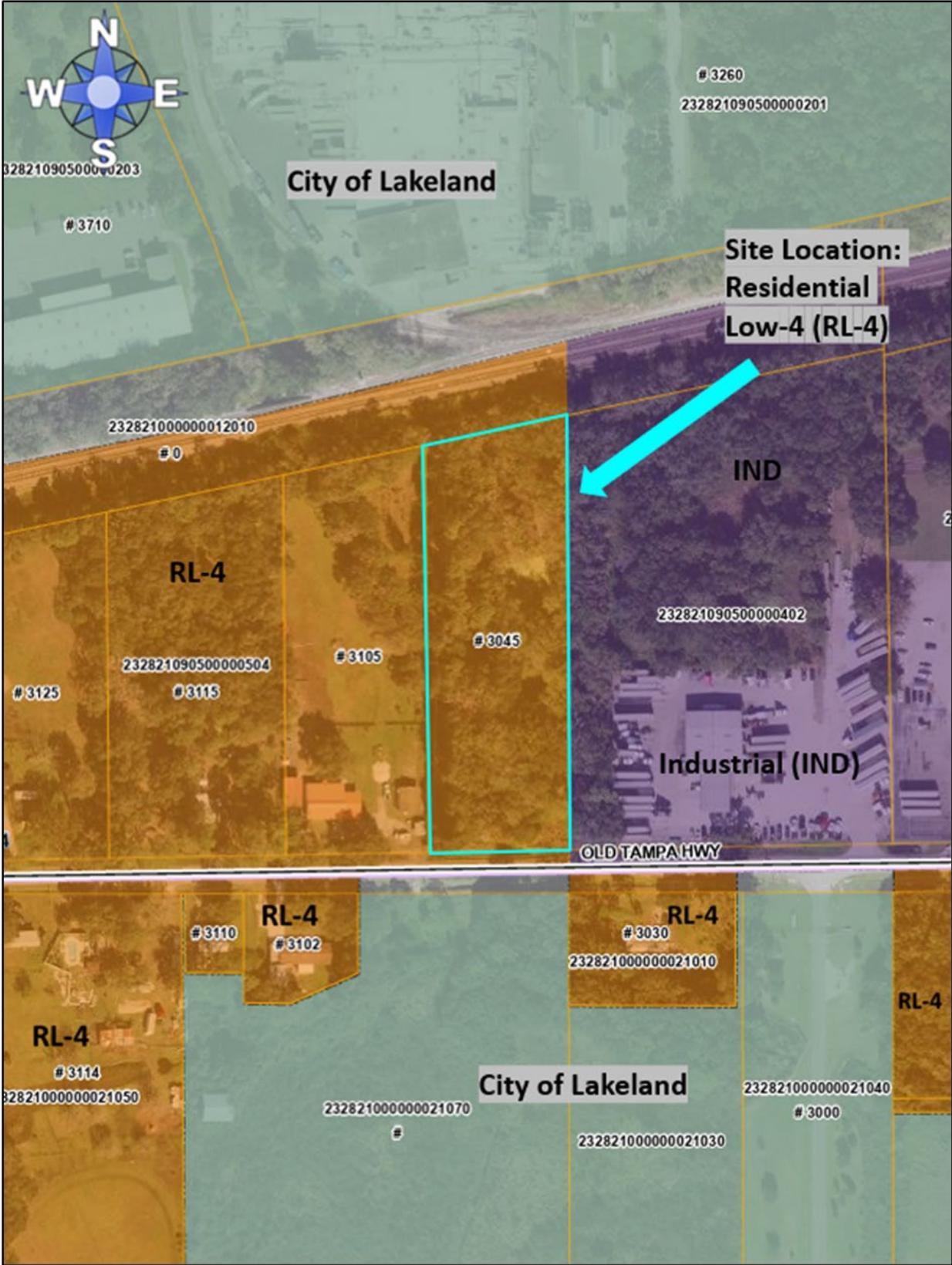
Comments from other Agencies: None

Exhibits:

- | | | | |
|-----------|------------------------|-----------|----------------|
| Exhibit 1 | Location Map | Exhibit 5 | Site Plan |
| Exhibit 2 | Future Land Use Map | Exhibit 6 | Adjacent Homes |
| Exhibit 3 | Aerial Image (Context) | Exhibit 7 | Plat |
| Exhibit 4 | Aerial Image (Close) | | |



Location Map



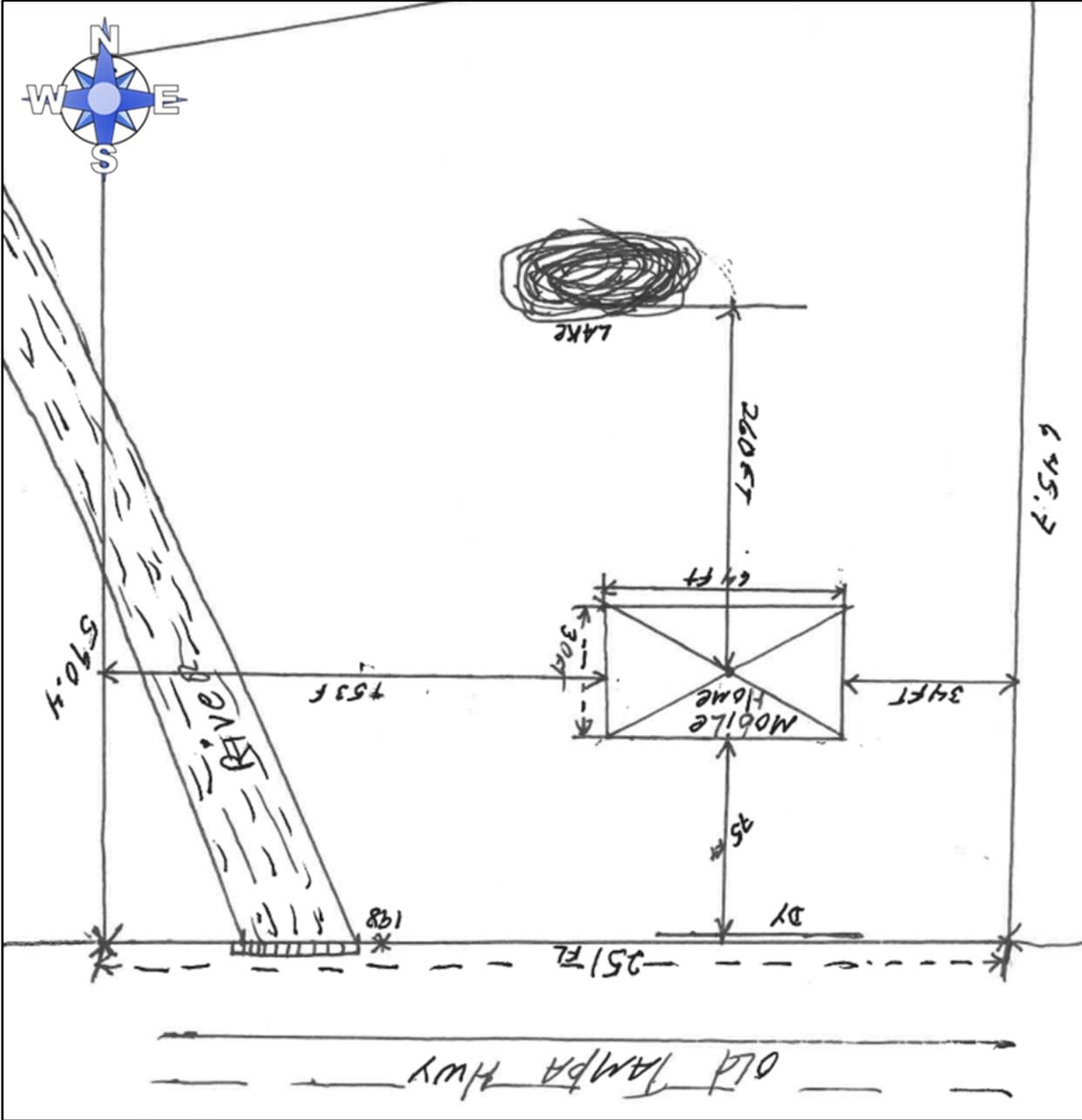
Future Land Use Map



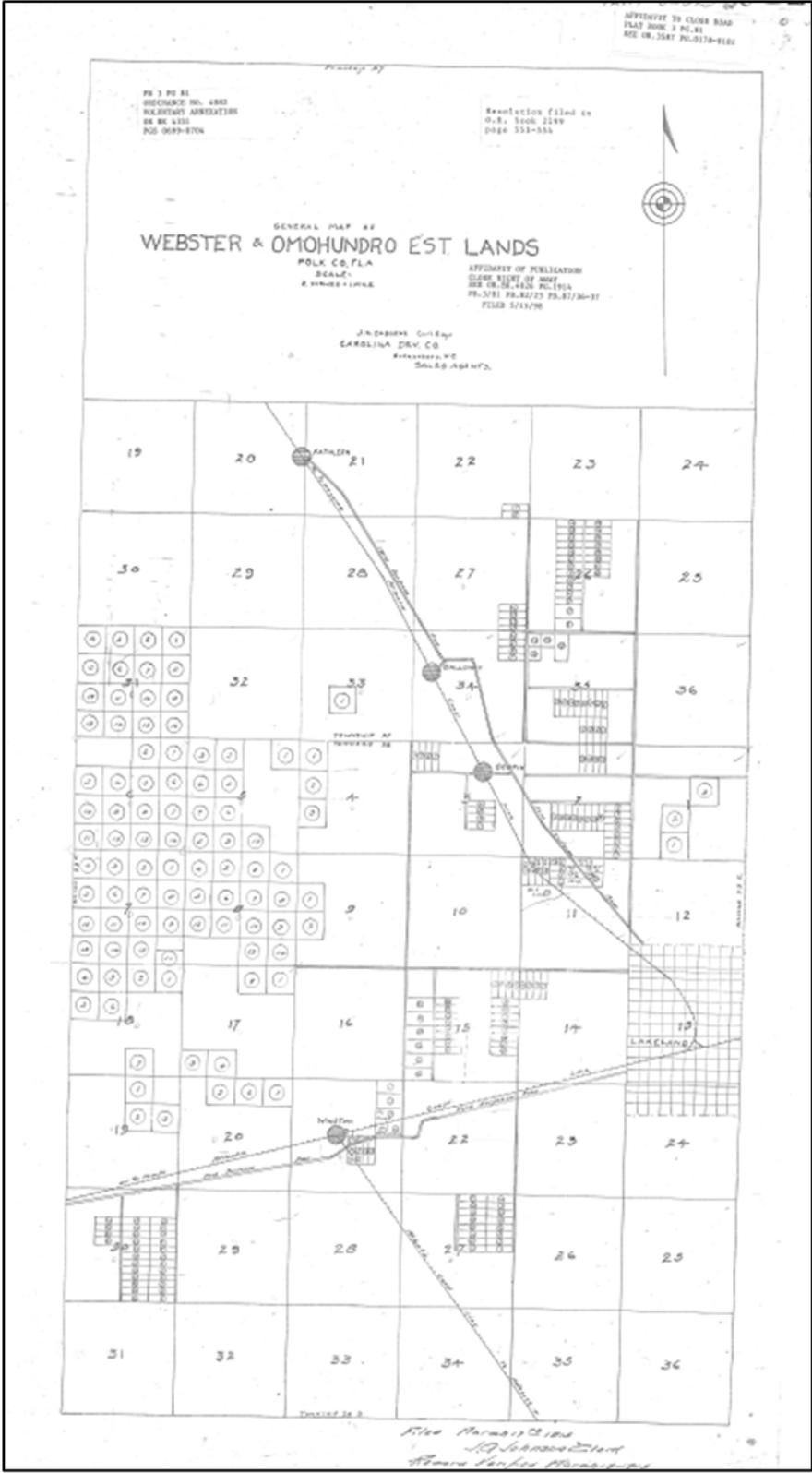
Aerial Image (Context)



Aerial Image (Close)



Site Plan



Webster & Omohundro Plat