

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: August 31, 2023	Level of Review: Level 4 Review
PC Date: November 1, 2023	Type: Residential Access via Easement Waiver
BoCC Date: November 21, 2023	Case Numbers: LDWA-2023-43
Applicant: Donald Bell	Case Name: Sunset Lane Access via Easement
	Case Planner: Benjamin J. Ziskal, AICP, CEcD

Request:	Waiver to Section 705.B for approval for a residential lot with access through a private road easement accessed by more than four lots.
Location:	514 Sunset Lane, west of State Road 559, north of Reflection Boulevard, South of Sutton Road, north of the City of Auburndale, in Section 22, Township 27, Range 25.
Property Owners:	Donald Bell
Parcel Size (Number):	±0.93 acres (252722-000000-021090)
Future Land Use:	Residential Low-1
Development Area:	Urban Growth Area (UGA)
Nearest Municipality:	City of Auburndale (<1/2 mile)
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7:0

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 is not constructed to County standards and provides sole access to more than four properties, eight (8) developed lots and five (5) undeveloped lots including the applicant's property. If an easement exceeds four lots or is longer than a ¼ mile, the Board of County Commissioners (BoCC) may grant a waiver to those requirements. 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. The Board of County Commissioners will ultimately decide whether or not to approve the waiver request, but they look to the Planning Commission for guidance in the decision.

An access waiver for this property was sought in 2019 and at that time staff recommended denial for several important reasons. First, the subdivision was not permitted in accordance with the subdivision regulations in effect at the time and the lot was smaller than the minimum lot size that the zoning district required at the time it was created or the LDC Sub-district designation in 2019. Since the lot did not meet the zoning at the time it was created, it could not be considered legally non-conforming.

Next, the access drive was significantly substandard in width, surface, and stabilization in 2019. These substandard conditions created safety concerns on the easement as they limited the ability for two vehicles to pass one another safely. The conditions were also deemed to be insufficient ingress and egress for public safety access, which is required.

Eight of the 13 lots are developed, leaving the potential for only five additional homes on a dead end access easement. The lots were created in violation of County Ordinances and the size of the

remaining lots creates site constraints making development of them challenging. Since 2019 the subject site of that waiver request was combined with the vacant adjacent parcel, creating a double lot that is .93 acres in size. The property owner has also made substantial improvements to the access easement in order to correct deficiencies and unsafe conditions. 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 the ingress and egress on Sunset Lane is adequate in order for them to provide service to the residents living along it.

In 2019, the lot width was also noted as providing challenges to provide the necessary setbacks required for water and sewer infrastructure. The subdivision is not served by a central potable water source, so in addition to the septic tank a well is needed. In order to meet Health Department standards (Chapter 64E-6, Florida Administrative Code), all wells must be located at least 75 feet from a septic tank and drain field. Not only must a well be 75 feet from the onsite septic tank, it must also be separated 75 feet from any neighboring septic tanks. The lot was only 99 feet wide, in 2019, but is now twice that width due to the combining of two lots. The current property size may make the installation of well and septic tank components more feasible.

This property 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. The lots were combined in March 2023 to create one (1) lot that is .93 acres, complying with the minimum lot size requirement.

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 not created property 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. Eight of the 13 lots are currently developed, leaving the maximum development potential remaining at five new homes. In this particular case, the applicant has combined two lots into one in order to meet the minimum lot size requirements and to facilitate the installation of well and septic systems. The applicant has further improved the physical condition of Sunset Lane from the terminus to the County maintained portion back to the subject property. There are several homes that existed further down the easement for decades and have lived sufficiently. Any new development would be along the improved portion of the easement. Both Polk County Fire Rescue and the City of Auburndale Fire Department have confirmed that the improvements are sufficient for their operations.

Finally, 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. Infill development of a residence on this lot and potential three others 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.

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 ±0.93 acres (40,430 sq ft).*
- *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 Board of County Commissioners pursuant to a Level 4 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), see Exhibit 5. 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.*

- *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 Thomas’s 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 February 20, 1974, L. K. and Barbara L. Hoffman and Thomas Kaiser and Katheryn J. Kaiser, subdivided and sold the subject property through an Agreement for Deed to Sandra Richardson according to O.R. Book 1578, Pages 426 thru 428.*
- *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 contains two lots providing a combined size of .93 acres (44,430 square feet), which exceeds 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, 2004.

- *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 combing 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 12 other lots that were created 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) other lots are vacant. All of the remaining vacant lots are under separate owner’s names.*
- *Addresses are listed on nine (9) of the properties, 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, 516, 514, one vacant lot, 521, 527, 525 then three vacant lots. The approximately three acre parcel that fronts State Road 559 is addressed 525 State Road 559.*
- *Applicant’s property is addressed 514 Sunset Lane. It has been vacant over 16 years.*
- *The County has issued permits for additions to existing structures or mobile home replacements along Sunset Lane at addresses 518, 520, 523, 524, 525. On May 8, 1990, 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 residences along the private portion of Sunset Lane.*
- *The property has no access to centralized potable water or wastewater services.*
- *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. The property to the east is vacant.*
- *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 at the intersection of Reflection Boulevard and State Road 559, which is over 2,100 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 complete three point turns to turn around. The property owner has recently 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 Secretary of State's Department of Historical Resources Florida Master Site File.*
- *According to the Florida Natural Areas Inventory of 2002, 2006 and 2011, the site is not located within a one-mile radius of a recent endangered animal species sighting.*
- *The closest monitored transportation facility is State 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 9,200 vehicles per day travel that portion of the roadway each day on average. There are approximately 421 northbound vehicles and 405 southbound vehicles passing through during the PM peak hour. This road is currently operating at 35% of its capacity.*
- *The closest named waterbody is Lake Juliana less than 550 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 toward 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 located in the approximate center of the canal.*
- *The site has a mixture of Kendrick and Candler 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 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. This setback 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, recent site visits, 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-2023-43**.

Planning Commission: *at an advertised public hearing on November 1, 2023, the Planning Commission voted 7:0 for APPROVAL of LDWA-2023-43.*

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 4 Review approval, it is ultimately the Board of County Commissioners' 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 20,200 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 March 2023, two adjacent lots were combined to create a lot that is .93 acres (40,430 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 existing homes on it and this request would allow one additional home. There are three additional vacant lots along Sunset Lane, so maximum buildout could potentially only be 12 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. The applicant has combined two lots into one in order to meet the minimum lot size. In addition, improvements have been made to the access easement to enhance safety for residents and visitor and to provide sufficient ingress/egress for public safety vehicles.

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 on 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.

There are eight developed lots with questionable past permitting information. The subject property is approximately halfway down the dead end Sunset Lane. 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 State 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 sensitive 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.

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

There are four other lots with the same exact limitations as this one. The granting of this waiver could set a precedent for an additional three units to be developed along Sunset

Lane, bringing the maximum development potential to 12 dwelling units. This unit and four 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 four remaining vacant lots 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 applicant has combined two lots into one to ensure that the lot size meets the minimum size required. 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.

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 three units on the Sunset Lane access drive. 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.

Table 1

<p>Northwest: RL-1 Lake Julianna</p>	<p>North: RL-1 One site-built home on a 7.85-acre tract.</p>	<p>Northeast: RL-1 One site-built home on 2.32-acre tract.</p>
<p>West: RL-1 2 mobile homes and three site-built homes, Lake Juliana</p>	<p>Subject Property: RL-1 Vacant</p>	<p>East: RL-1 One site-built home on a 3-acre tract.</p>
<p>Southwest: RL-2 Reflections of Juliana Platted Subdivision Lake Juliana</p>	<p>South: RL-2 Reflections of Juliana Platted Subdivision Lake Juliana</p>	<p>Southeast: 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 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 subdivision. 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 homes

to the east are closer to the highway, which provides a significant separation distance. Also, the eastern most lots in the Sunset Lane subdivision are currently undeveloped.

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 or the possible five that could come with future waiver requests will not disrupt the County's ability to maintain the current standards for traffic on public roads, schools or recreation facilities. Tables 2 and 3 provide the standard summary of infrastructure items considered with all development.

The lot size has been increased to .93 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

Urban Services and Infrastructure Summary	
Schools	Lena Vista Elementary, Available capacity Jere L. Stambaugh Middle School, Available capacity Auburndale Senior High School, Available capacity
Parks	Lake Juliana Boat Ramp (1.2 miles). Lake Myrtle Recreation Complex (4 miles) No significant impacts to parks based upon the nature of the request.
Sheriff	Polk County Sheriff’s Central District Substation, 3635 Ave G NW, Winter Haven
Fire	Polk County Fire Rescue Station 7 located at 200 Commonwealth Ave SW, Polk City No objection.
EMS	Polk County Fire Rescue Station 7 located at 200 Commonwealth Ave SW, Polk City No objection.
Water	Well
Sewer	Onsite Treatment System
Transportation (Public Road)	State Road 559 – Urban Collector
Urban Sprawl	Site is located within the UGA and is not considered urban sprawl.

Table 3

Impact Analysis Summary Proposed Use: One Mobile Home			
Potable Water Impact	Wastewater Impact	*AADT Impact	Peak Hour Impact
360 GPD (on-site well)	270 GPD (on-site septic)	7.81 AADT	1 trip
<i>Source: Polk County Concurrence 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 204.19 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 25-28 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. Table 4 provides the standard environmental conditions reviewed for all development.

Table 4

Environmental Conditions Summary	
Surface Water	The north 25-28 feet of the property is surface water (a canal connected to Lake Juliana) according to aerial photo measurements Property Appraiser’s Office cadastral maps.
Wetlands/Floodplains	According to the Southwest Florida Water Management District (SWFWMD) ±20 feet of the north side of the property is located in wetlands. The National Wetlands Inventory (NWI) shows similar wetland coverage. Approximately 36 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 ±2.16 acres of the property is located within the 100 year Flood Hazard Area with a known elevation of approximately 132 feet above sea level.
Soils	A mixture of Kendrick and Candler fine sands together with overburden along the shore of the canal created when it was excavated
Protected Species	The subject property is not located within a one mile radius of a protected plant or animal species sighting (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	Increased lot size will allow greater opportunity for space between wellhead and septic tank system including the drain field.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida’s Division of Historical Resources.
Airports	Not located within any Airport Height Notification or In Flight Visual Interference Zones.

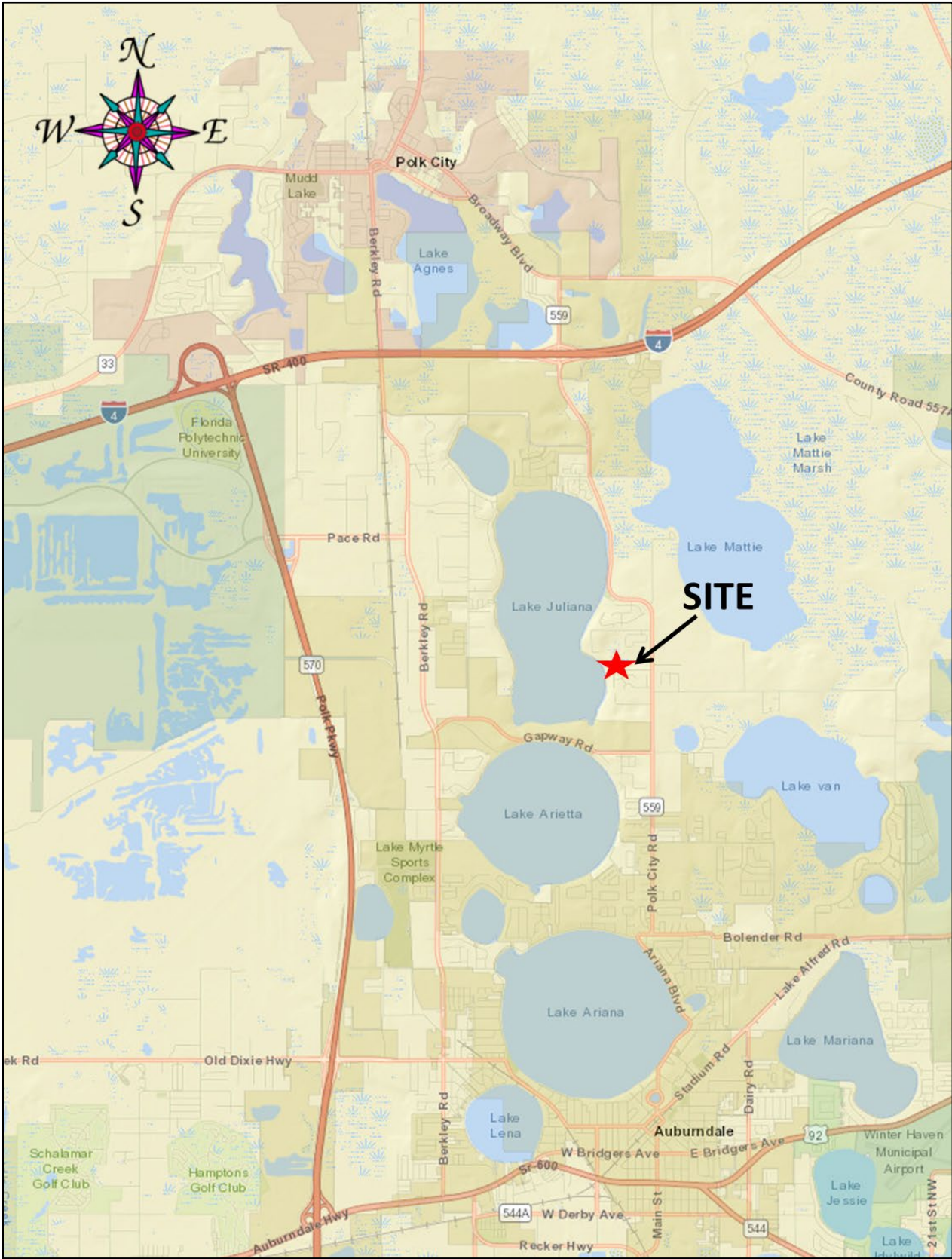
Comments from other Agencies:

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 2020 Satellite Photo (Context)
- Exhibit – 4 2020 Satellite Photo (Close-up)
- Exhibit – 5 Survey
- Exhibit – 6 2023 Oblique Aerial Photo
- Exhibit – 7 Site Photos



LOCATION MAP



FUTURE LAND USES



2020 SATELLITE PHOTO (Context)



2020 AERIAL PHOTO (Close-up)

The applicant has provided no survey

Survey



2023 Oblique Aerial Photo



LOOKING WEST



LOOKING WEST

Site Photos



SUBJECT SITE LOOKING NORTH



SUBJECT SITE LOOKING NORTH

Site Photos



SUBJECT SITE LOOKING NORTHEAST



LOOKING EAST

Site Photos