

**BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA**

Applicant: Chad Brooker, P.E., Traditions Engineering

Property Owner: Eric Brown, Jr.

Case Number: LDCU-2025-38 (Highlands Street Mobile Home Park)

ORDER DENYING LDCU-2025-38 WITHOUT PREJUDICE

THIS MATTER came before the Polk County Board of County Commissioners (“Board”) on June 2, 2026, at a public hearing held in accordance with the Polk County Land Development Code (“LDC”) and the Polk County Comprehensive Plan, pursuant to a De Novo application appealing the Planning Commission’s 7-0 denial of a Conditional Use Permit for Case Number LDCU-2025-38 (the “Application”). The Board fully incorporates herein the entire record for the public hearing of LDCU-2025-38, including the Planning Commission’s decision, the Development Review Committee’s Recommendation, and all testimony and evidence presented at the public hearing. The Board having been fully advised in the premises, makes the following findings of fact and rulings for this, its written order for LDCU-2025-38, in accordance with §125.022, Florida Statutes:

1. The Applicant, Chad Brooker of Traditions Engineering (“Applicant”), applied on behalf of the property owner, Eric Brown, Jr. (“Property Owner”) for Conditional Use (CU) approval of a 19-unit Mobile Home Park (MHP) on approximately 4.93 acres within the Transit Supportive Development Area (TSDA) and Residential Low-4 (RL-4) future land use district near the city of Lakeland.

2. The Subject Property is located at 2730 West Highland Street, east of Wilkinson Road, west of Lebanon Road, south of New Tampa Highway, south and east of the City of Lakeland in Section 22, Township 28, Range 23. The Subject Property is currently developed with one single-family home. Pursuant to LDC Table 2.2, standard RL-4 districts allow up to four dwelling units per upland acre. However, the maximum density in RL within the TSDA is 7 DU/AC. The proposed density under the Application is approximately 3.85 DU/AC.

3. Table 2.1 of the LDC lists “Mobile Home Parks” as a “C3” conditional use in RL-4 land use districts. MHPs are “C3” conditional uses requiring Planning Commission approval in all residential low districts, regardless of density. Although MHPs have multiple units under one ownership, LDC section 303, Mobile Home Parks, requires 4,000 square feet of upland area per mobile home space and 500 square feet of recreation area per dwelling unit, with two parking spaces for each unit. The mobile homes within the proposed MHP would be 2,160 sq. ft. on lot areas of 5,900 sq. ft.

4. The Subject Property is currently developed with a 1,356 sq. ft. site-built home constructed in 1950. It is described as ½ of Lot 9 within the West End Farm subdivision, recorded in 1914 (PB 3 PG 32). It is located approximately 0.15 miles from the city limits of Lakeland in an area that transitions between single-family development and subdivisions (containing both site-built and mobile home units) dating to the 1950s, and the warehousing and industrial growth that has since occurred along the I-4 and US 92 corridors.

5. The Subject Property is located within the Itchepackesassa Creek strained basin, an area with a constricted stormwater outfall. A 100-year/24-hour stormwater pond will be required, and the applicant has provided for an easement on the site plan along the southern property line for County access to maintain an existing ditch system.

6. On April 1, 2026, the Planning Commission held an advertised public hearing for LDCU-2025-38. The site plan reviewed by the Planning Commission provided for the placement of 19 MH units on approximately 4.93 acres with a proposed density of 3.85 dwelling units per acre. Mr. Ian Nance of the Polk County Land Development Division presented the case to the Planning Commission and testified that the Development Review Committee (DRC) recommended approval of the Application. The Applicant provided testimony to the Planning Commission in support of the Application, including testimony that the Applicant is working with the County regarding culverts, drainage ditches and stormwater maintenance issues in the area and that the Applicant is taking every step to ensure that there is no flooding based on the proposed improvements. Three neighboring residents in the area testified in opposition to the CU Application and expressed their concerns regarding significant flooding in the area, based on their personal experience during prior storm events. The Planning Commission did not receive any written public comments supporting or opposing the Application. Following all presentations, testimony and discussion, the Planning Commission voted to deny the Application by a vote of 7-0.

7. The Applicant, Chad Brooker, P.E., timely filed an application and paid the required fee for a De Novo hearing pursuant to LDC section 921.

8. On June 2, 2026, the Board held a De Novo hearing for LDCU-2025-38. Mr. Ian Nance of the Polk County Land Development Division provided the following documents to the Board, which are part of the record¹: (1) staff report; (2) site plan; (3) area map; (4) impact assessment statement; (5) Application; (6) de novo application; (7) proposed final order; (8) Planning Commission and BoCC PowerPoint Presentations; and (9) written comments from neighbors in opposition of the Application. The Board accepted Mr. Nance as an expert in the field of land use planning. Mr. Nance presented a PowerPoint presentation to the Board that included aerial pictures of the Subject Property, a parcel map showing the densities of the adjacent residential properties, the land use map, the site plan, and an aerial of the site plan overlaid on the Subject Property. Mr. Nance testified that the DRC recommended approval of the Application.

¹ Pursuant to Resolution 2022-090, all documents attached to the agenda item for de novo hearing shall be deemed part of the record unless removed from the record by motion of the Board. All PowerPoint presentations given to the Board during the de novo hearing shall be deemed part of the record unless removed from the record by motion of the Board.

9. The Applicant gave a presentation to the Board with an overview of the Application, the history of the project site, applicable comprehensive plan policies, and proposed resolutions to citizen objections. Specifically, the Applicant voluntarily agreed to add a condition of approval to dedicate an easement to the County for access and maintenance of the ditch system that covers the Subject Property under ownership of the Applicant to address flooding concerns in the area.

10. Following the Applicant's presentation, the Board received public comment. Three neighbors provided testimony to the Board, all related to flooding and stormwater drainage concerns. These residents shared a collective concern that approving the development would impact stormwater runoff, exacerbating flooding in the area and creating an additional burden on existing drainage facilities. the general incompatibility with the surrounding area.

11. After the residents testified, the Applicant presented rebuttal argument in response to the public comments. Specifically, Mr. Brooker noted the drainage issues in the area are not site specific to the Subject Property and will likely need to be address as a whole by the County's Roads and Drainage Division. Mr. Brooker acknowledged that numerous attempts have been made by the County and the Applicant and the prior owner of the Subject Property to resolve these drainage issues, but that participation from other area property owners is necessary for the County to receive the necessary access via easement to maintain the existing culverts and drainage ditch. Finally, Mr. Brooker reiterated that the Applicant would agree, as a condition of approval to the Application, to convey the necessary easement to the County across the Subject Property so that the County could maintain at least the portion of the existing drainage ditch encumbering the Applicant's property. At the end of the public hearing, the Board members discussed the Application and ultimately determined that the Application is inconsistent with the LDC and the County's Comprehensive Plan and incompatible with the surrounding area based on known flooding and drainage concerns that would be exacerbated by the proposed development. The Board voted 5-0 to deny LDCU-2025-38 without prejudice.

12. As further discussed below, the Application is not compatible with the surrounding land use and general character of the area surrounding the Subject Property. The Subject Property is primarily surrounded by residential uses, though an Industrial land use district is located to the northwest. South of West Highland Street and abutting the Subject Property are parcels ranging from 0.45 acres to nearly 7 acres with single-family homes. The intensity of the proposed CU will exceed that found on these abutting properties.

13. Another component of compatibility is how the proposed development interacts with the surrounding area in relation to existing uses, and how the Applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies. The Subject Property has been identified as being within the Trailer Park Drain within an area known as the Itchepackesassa stressed basin. While the Applicant will be required to receive permits from the County and SWFWMD for the treatment of stormwater from new impervious areas and will utilize a 100-year/24-Hour stormwater design, these conditions are not sufficient to address the known flooding and drainage issues on the Subject Property and within the surrounding area. The site has an elevation of 132' at the northeast corner that gradually slopes south-southwest until reaching an existing drainage ditch (126-127 feet). According to the site plan, all proposed homes and the stormwater pond will be placed between 131 and 132 feet. The additional conditions of approval proposed by the Applicant,

namely to convey an easement to the County for maintenance of the existing drainage ditch, do not mitigate the incompatibility. Therefore, the Application is inconsistent with various Comprehensive Plan and LDC policies, including without limitation, the following:

- a. The Comprehensive Plan and LDC define Compatibility as follows: “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.” In this case, the residents provided testimony explaining how the Application’s proposed placement of 19 MH units on the Subject Property will unduly negatively affect the character of the area. The Board was also provided with, *inter alia*, maps, photographs, and aerial pictures demonstrating the flooding concerns and the single-family residence nature of the area.
- b. The Application is inconsistent with Policy 2.102-A2: COMPATIBILITY, which states “[l]and shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made more compatible through limiting intensity and scale of the more intense use; c. uses are transitioned through gradual scaling of different land uses activities through the use of innovative techniques such as a Planned Unit Development.” In this case, the Applicant is proposing to place 19 MH units on 4.93 acres in a strained basin area with constricted stormwater outfall. Such use of the Subject Property is inconsistent with the County’s land development policies and regulations and incompatible with the surrounding area.
- c. The Application is inconsistent with Policy 2.102-A10: LOCATION CRITERIA, and Policy 2.119-A2: LOCATION CRITERIA, which both require consideration of a list of factors when determining the appropriateness of establishing or expanding any land use or development area. Both policy sections require consideration of how the proposed development mitigates for the nearness to incompatible land uses. In this case, proposed buffering does not mitigate the Application’s incompatibility with the adjacent area; therefore, the Application is inconsistent with Policy 2.102-A10 and Policy 2.119-A2.
- d. The Application is inconsistent with Policy 2.119-A3: DEVELOPMENT CRITERIA, subsection b., which requires new residential development, immediately adjacent to existing residential areas, to be designed so as to minimize any potential adverse impacts. Here, the opposition presented evidence that the proposed development would adversely impact the surrounding RL-4 areas.
- e. The Application is inconsistent with the LDC section 303 regarding MHPs and CUs, as well as with Table 9 and Section 907.D.6 of the LDC. Due to the location of the proposed development in a strained basin area with constricted stormwater outfall, and without the ability of either the County or the Applicant to sufficiently

mitigate these concerns due to lack of participation from nearby property owners, the development proposal is not compatible with the surrounding residential uses of property. The Board received testimony from area residents that the proposed development will have an adverse impact upon their own properties based on their personal knowledge and experience of prior storm events.

- f. Given the reasons stated above, the Application also fails to meet the following: sections 906A.2., 3., and 5.; and sections 906D.12.a, b., and c.

14. Florida courts have held that it is appropriate to consider whether the proposed zoning “is consistent with the properties adjacent to the [subject] property and is consistent with the actual development of the area.” *Metro. Dade County v. Blumenthal*, 675 So. 2d 598, 605 (Fla. Dist. App. 3d 1996). Citizen testimony is perfectly permissible and constitutes substantial competent evidence, so long as it fact-based. *Miami-Dade County v. Walberg*, 739 So. 2d 115 (Fla. Dist. App. 3d 1999). Here, the Board received fact-based testimony regarding the character and aesthetics of the neighborhood, as well as historical accounts of flooding and drainage problems during prior storm events. Additionally, the Board was provided with evidence depicting the general character of the area, including photographs, an aerial map overlaying the site plan on the Subject Property, and a parcel map. Maps, reports, and other information which, in conjunction with the testimony of the neighbors, if believed by the Commission, constitutes competent substantial evidence. *Walberg*, 739 So. 2d at 118.

15. The Applicant carries the initial burden of persuasiveness and of demonstrating entitlement to the development order through competent substantial evidence. *See* LDC §§ 959A. & C. In this case, the initial burden was not met.

16. Per LDC section 933, after a petition for an action for a property has been denied by final decision without prejudice, a re-application for requests without material changes on the same property may be submitted at any time.

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It is therefore ORDERED AND ADJUDGED as follows:

For the reasons set forth above, and in accordance with the Polk County Comprehensive Plan and the Polk County Land Development Code, the Board hereby denies LDCU-2025-38 without prejudice. Therefore, pursuant to LDC section 933, a request for a Conditional Use approval on the Subject Property may be submitted at any time.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this **16th** day of **June, 2026**, by the Polk County Board of County Commissioners.

**Polk County Board of
County Commissioners**

**ATTEST: Stacy M. Butterfield, Clerk
and Auditor to the Board**

By: _____
Martha Santiago, Ed. D., Chair

By: _____
Deputy Clerk

This Decision is rendered to the Clerk on _____, 2026.

By: _____
Deputy Clerk

cc: Chad Brooker, Applicant
Land Development Division Official File