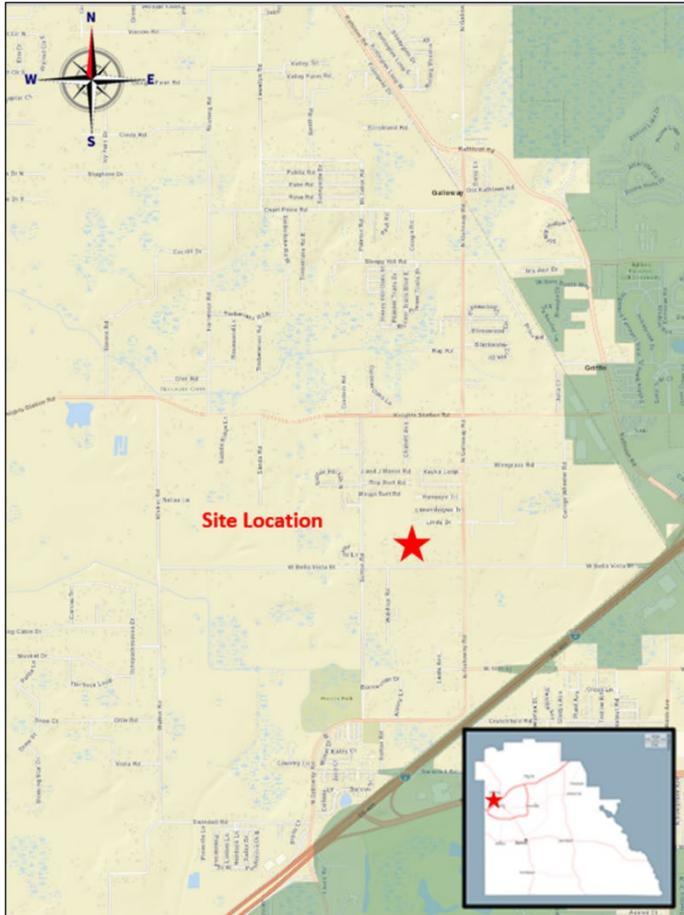


**POLK COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**  
**STAFF REPORT**

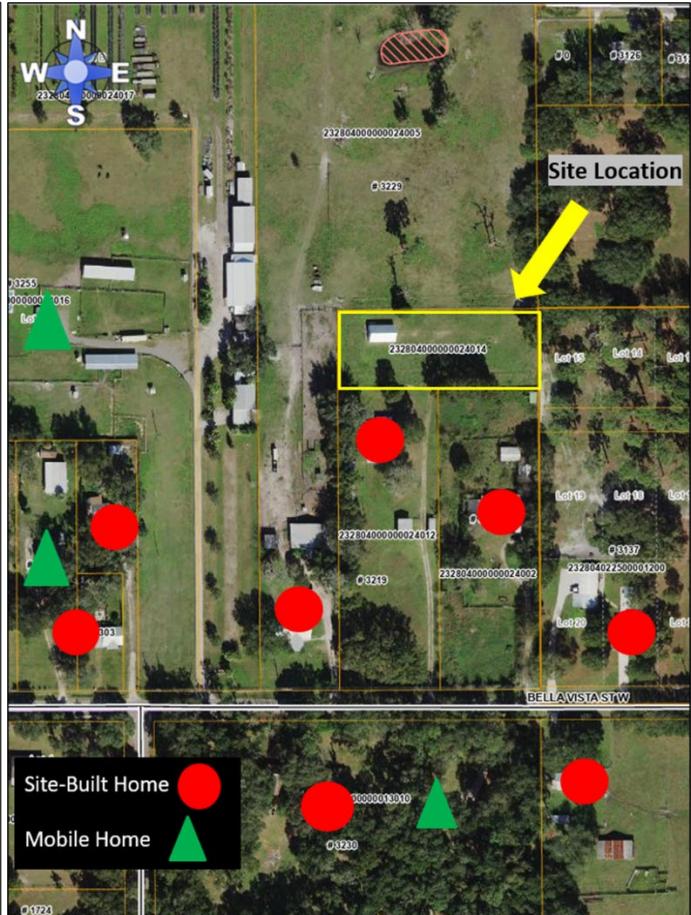
<b>DRC Date:</b>	March 16, 2022	<b>Level of Review:</b>	Level 3 Review
<b>PC Date:</b>	June 7, 2023	<b>Type:</b>	Conditional Use
<b>BoCC Date:</b>	N/A	<b>Case Numbers:</b>	LDCU-2023-6
<b>Applicant:</b>	Charlotte McElwain	<b>Case Name:</b>	Bella Vista St MH CU
		<b>Case Planner:</b>	Aleya Pereira, Planner I

<b>Request:</b>	The applicant is requesting Conditional Use (CU) approval for an individual mobile home to be located on an un-platted lot within a Residential Low-1 (RL-1) land use.
<b>Location:</b>	The subject site located west of Galloway Rd N, north of Bella Vista St W, east of Sutton Rd, and west of the City of Lakeland in Section 04, Township 28, Range 23.
<b>Property Owners:</b>	Charlotte McElwain
<b>Parcel Size (Number):</b>	1.00+/- acres (232804-000000-024014)
<b>Future Land Use:</b>	Residential Low-1 (RL-1)
<b>Development Area:</b>	Transit Supportive Development Area (TSDA)
<b>Nearest Municipality:</b>	City of Lakeland
<b>DRC Recommendation:</b>	Conditional Approval
<b>Planning Commission Vote:</b>	Pending Hearing

**Location**



**Adjacent Homes**



## **Summary of Analysis:**

The applicant is requesting Conditional Use (CU) approval to locate a mobile home on an approximately 1.00-acre unplatte lot within a Residential Low-1 (RL-1) 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-1 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 un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation. 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. The subject site is surrounded by residential dwelling units within a Residential Low-1 (RL-1) land use district. The proposed request to place a residential dwelling on a residential property is compatible with the surrounding area and should not cause any public safety concerns. 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-2023-6 is a Conditional Use request to allow a mobile home on Parcel No. 232804-000000-024014 (+/- 1.00 acres) within a Residential Low-1 (RL-1) land use district in the Suburban Development Area (SDA).*
- *The surrounding properties are within a Residential Low-1 (RL-1) land use district.*
- *Bella Vista St W (Road No 830812) is a County-maintained, paved urban collector road with a width of 20 feet.*
- *Section 204.A.4 of the LDC states, “The purpose of the RL-1 district is to provide areas for the low-density residential needs of residents in urban areas who desire areas with larger sized lots, a minimum of 40,000 square feet.”*
- *Per Table 2.2 of the LDC, RL-1 land use mandates right-of-way setbacks for the primary structure of 15 feet, side setbacks for the primary structure of ten (10) feet, and rear setbacks for the primary structure of 15 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 parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation; and*
7. *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 N Galloway Rd, Lakeland. This is located approximately 1.2 miles from the subject site with a response time of five (5) minutes.*
- *Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in April 2023 were: Priority 1 Calls – 10:38 and Priority 2 Calls – 26:41.*
- *The subject property will utilize an onsite treatment system for wastewater and well for potable water.*
- *The development is zoned for Dr. NE Roberts Elementary, Kathleen Middle, and Kathleen Senior High School. The site is 5.8 miles from Dr. NE Roberts Elementary; 4.7 miles from Kathleen Middle; and 2.4 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 Zolfo Fine Sand.*
- *The property has no wetlands or floodplains.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within one-mile radius of a Bald Eagle.*
- *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.*
- *Citrus Connection has no nearby mass transit stops available for this parcel.*

- *The subject site has ingress and egress access through Bella Vista Street W, a paved, urban collector, County-maintained roadway. According to the 2022 Roadway Network Database, Bella Vista Street W (8076E) has approximately 717 available PM Peak Hour trips; Bella Vista Street W (8076W) has approximately 714 available PM Peak Hour trips. Bella Vista Street W 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 303 of the LDC.*
- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.10 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-2023-6 with the following Conditions:

1. LDCU-2023-6 is approved for no more than one (1) mobile home on a Parcel # 232804-000000-024014 as indicated in the site plan and staff report.
2. To obtain a building permit for the mobile home the applicant will require access via easement approval subject to Section 705B. for access to W. Bella Vista Rd.

## **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

<b>Northwest:</b> Residential Low-1 Pasture with Residential	<b>North:</b> Residential Low-1 Pasture with Residential	<b>Northeast:</b> Residential Low-1 Multiple Single-Family Residences
<b>West:</b> Residential Low-1 Pasture with Residential	<b>Subject Property:</b> Residential Low-1 Vacant Residential	<b>East:</b> Residential Low-1 Single Family Residential
<b>Southwest:</b> Residential Low-1 Pasture with Residential	<b>South:</b> Residential Low-1 Single Family Residential	<b>Southeast:</b> Residential Low-1 Single Family Residential

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

The adjacent lots are within a Residential Low-1 (RL-1) land use and are occupied with site-built single-family homes and mobile homes.

### 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. There are mobile homes that are interspersed throughout the area. 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 well 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	
<b>Schools (Zoned)</b>	Dr. NE Roberts Elementary, Kathleen 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>
<b>Sheriff</b>	Sheriff's response to the site is served by the Northwest District located at 1045 Wedgewood Estates Blvd, Lakeland. The response times in April 2023 were: Priority 1 Calls – 10:38 and Priority 2 Calls – 26:41.

Urban Services and Infrastructure Summary	
<b>Fire/EMS</b>	Fire and EMS Response is from Polk County Fire Rescue Station 24 located at 1140 N Galloway Rd, Lakeland. This is located approximately 1.2 miles from the subject site with a response time of five (5) minutes.
<b>Water</b>	Well
<b>Sewer</b>	Onsite Treatment System
<b>Transportation</b>	The subject site has ingress and egress access through Bella Vista Street W. However, the nearest monitored link is Bella Vista Street W, a paved, urban collector, County-maintained roadway. According to the 2022 Roadway Network Database, Bella Vista Street W (8076E) has approximately 717 available PM Peak Hour trips; Bella Vista Street W (8076W) has approximately 714 available PM Peak Hour trips. Bella Vista Street W current Level-of-Service (LOS) is "C" with an adopted LOS standard of "E".
<b>Urban Sprawl</b>	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 a well for water and septic for wastewater services. The placement of one mobile home will have negligible impacts on the traffic on local roadways.

Table 3

<b>Impact Analysis Summary</b> <b>Proposed Conditional Use</b> <b>(One Mobile Home)</b>			
<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 AE flood hazard. 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 a Bald Eagle, according to the Florida Natural Areas Inventory Biodiversity Matrix. The property is composed entirely of Zolfo 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 west to the east with contour elevations ranging from 157-158. The subject property is not located within a Historical Preservation area. The subject site is not located within an Airport Height Notification, educational restrictions, or In-Flight Visual Interference Zones.

Table 4

Environmental Conditions Summary	
<b>Surface Water</b>	There are no surface water ponds on the subject property. The subject property has contour elevations of 157-158 for the proposed location of the mobile home. The parcel slopes from west to east of the lot.
<b>Wetlands/Floodplains</b>	There are no floodplains or wetlands on site

<b>Soils</b>	The property is composed of Zolfo 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.
<b>Protected Species</b>	The subject site is located within one mile of a Bald Eagle. (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 not located within an Airport Height Notification, educational restrictions, or 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.

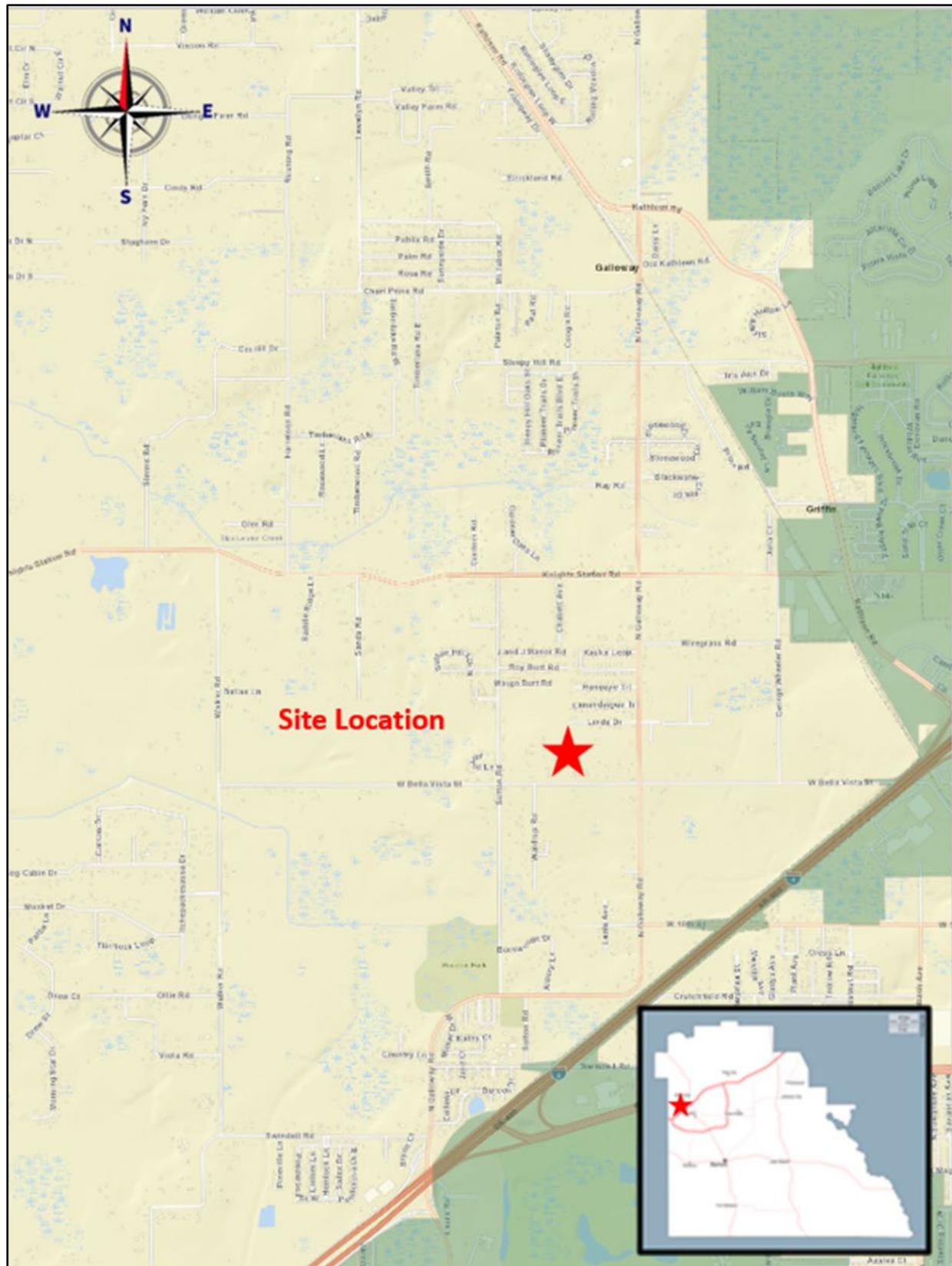
**Table 5**

<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 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>
<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.</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 Page 6 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 6-7 of the staff report and waiver requirements in the Conditions of Approval.</i>

### **Comments from other Agencies: None**

### **Exhibits:**

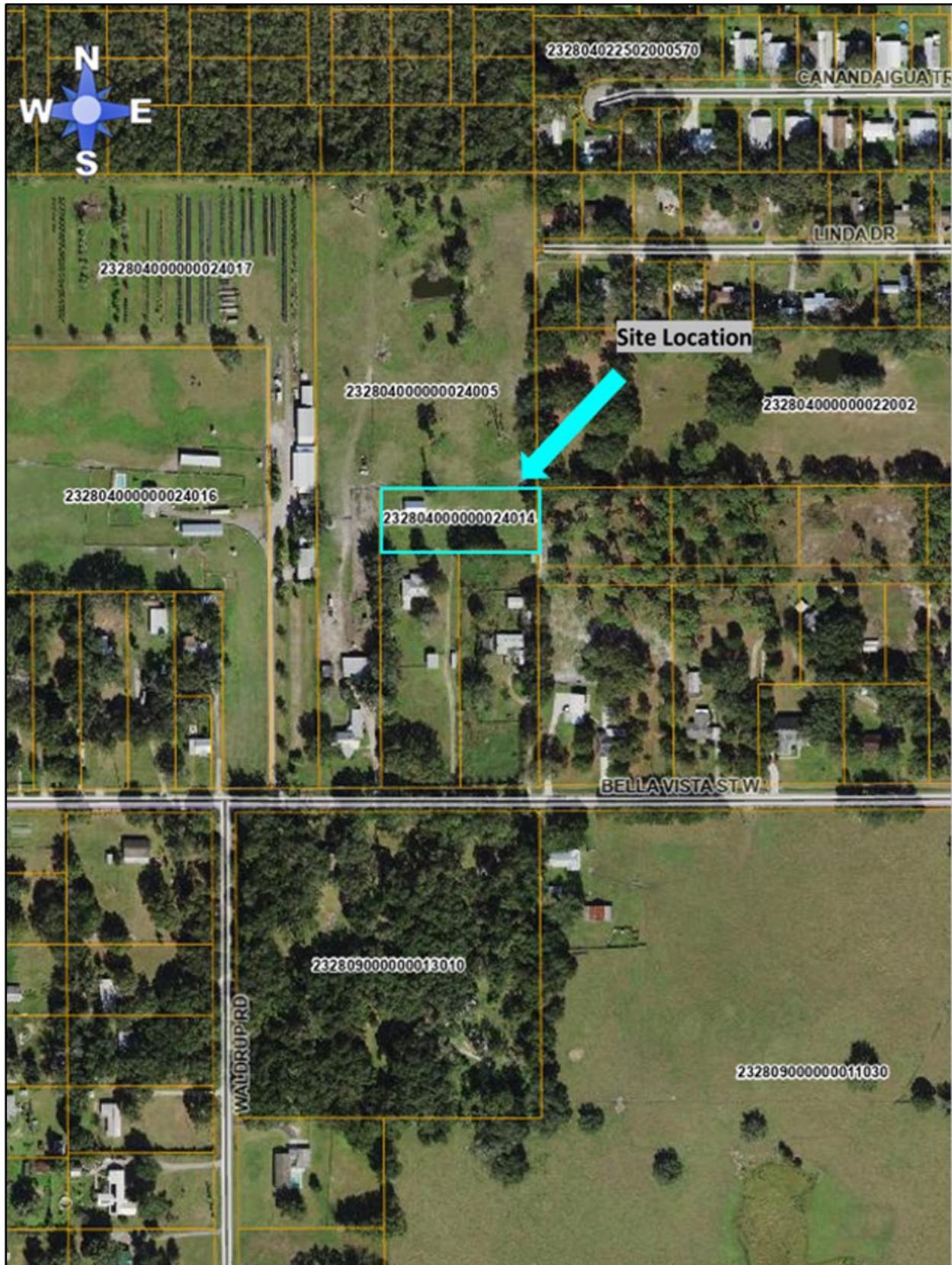
Exhibit 1	Location Map	Exhibit 5	Site Plan
Exhibit 2	Future Land Use Map	Exhibit 6	Adjacent Homes
Exhibit 3	Aerial Image (Context)		
Exhibit 4	Aerial Image (Close)		



**Location Map**



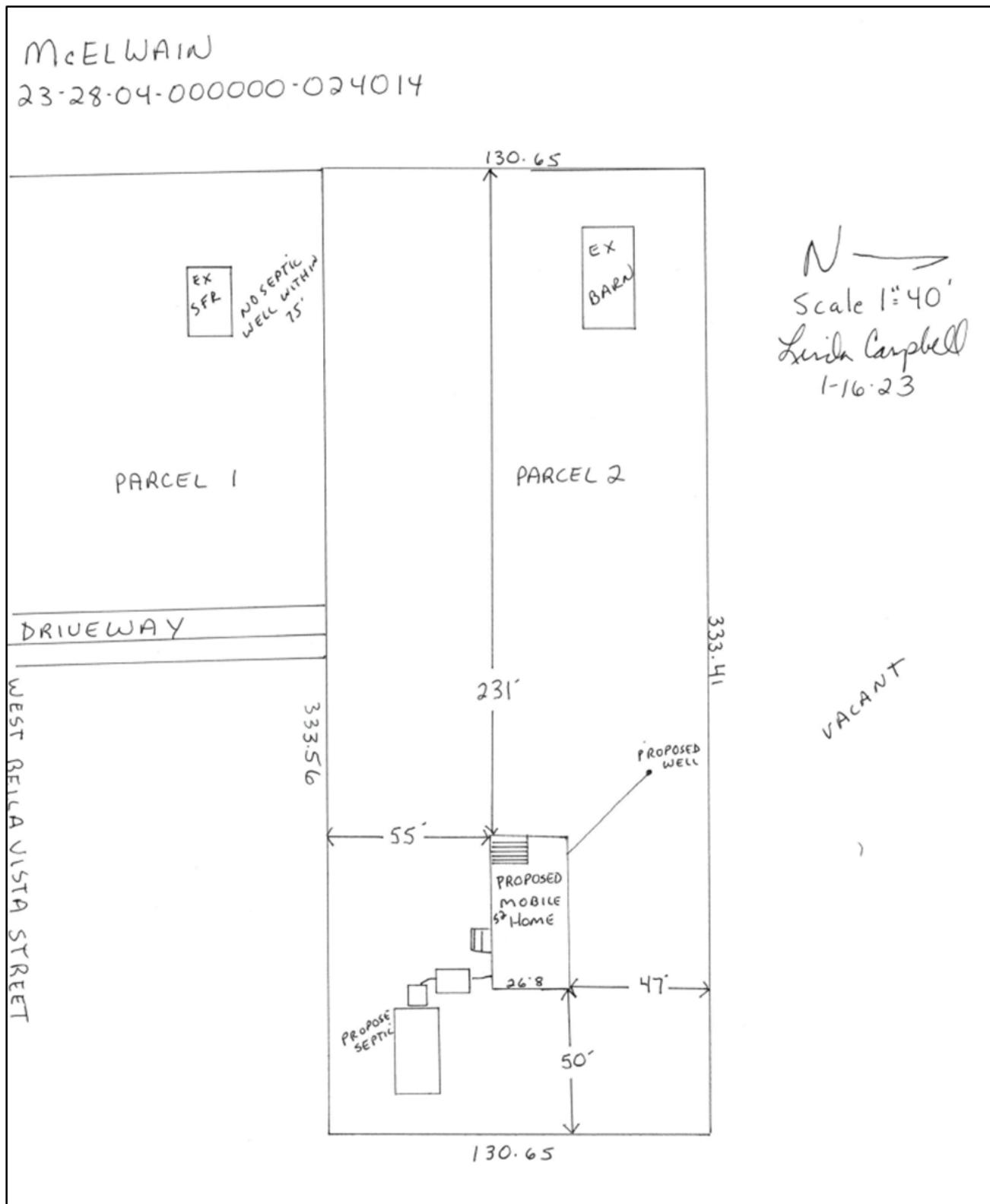
## Future Land Use Map



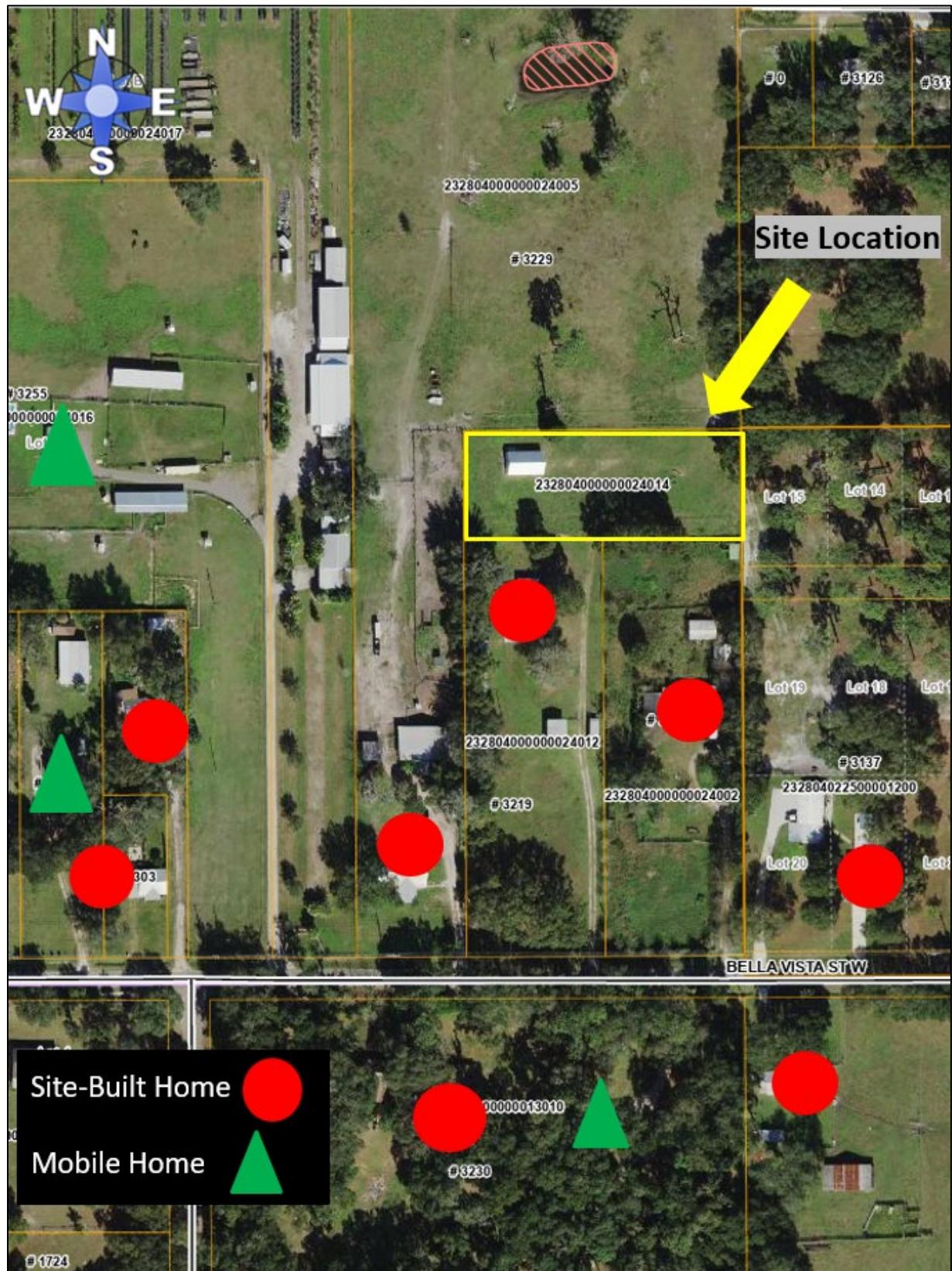
## Aerial Image (Context)



**Aerial Image (Close)**



## Site Plan



## Adjacent Homes