

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

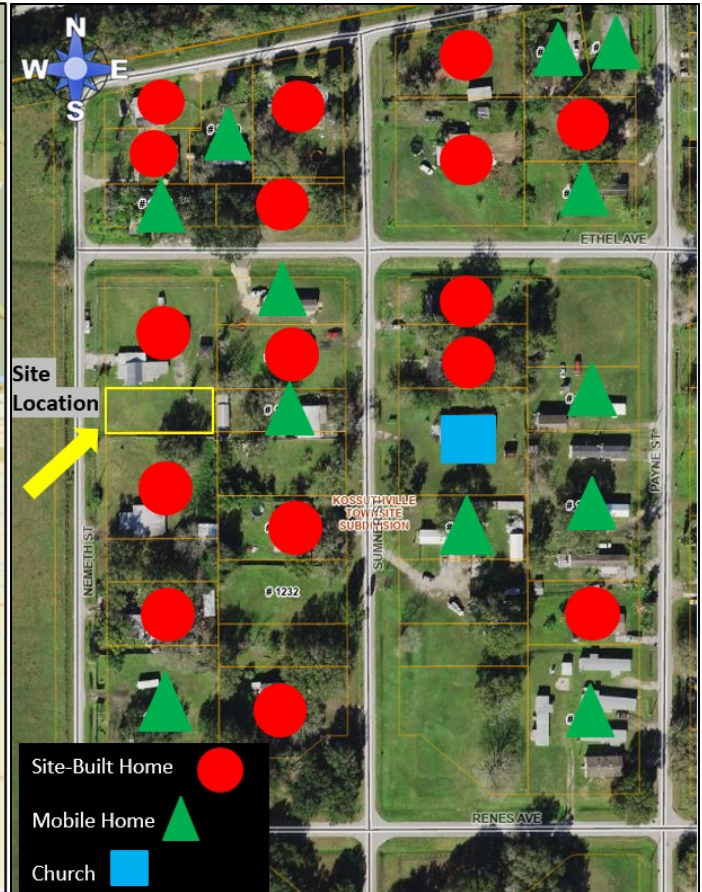
DRC Date:	March 16, 2023	Level of Review:	Level 3 Review
PC Date:	June 7, 2023	Type:	Conditional Use
BoCC Date:	N/A	Case Numbers:	LDCU-2022-53
Applicant:	Bobby Howell	Case Name:	Nemeth St MH CU
		Case Planner:	Aleya Perreira, Planner I

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 west of Summer St, north of Renes Ave, east of Nemeth St, south of Ethel Ave, and west of the City of Auburndale in Section 18, Township 28, Range 25.
Property Owners:	Andra Howell
Parcel Size (Number):	0.15+/- acres (252818-346500-003240)
Future Land Use:	Residential Suburban (RS)
Development Area:	Suburban Development Area (SDA)
Nearest Municipality:	City of Auburndale
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 0.15-acre lot within a Residential Suburban (RS) 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 RS 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 Kossuthville Townsite Subdivision. 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 Suburban (RS) 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. Kossuthville Townsite Subdivision was recorded in 1925 (Plat Book 17, Page 50). Kossuthville Townsite Subdivision has thirty-eight vacant parcels, fifty-one single family detached homes, twenty-three mobile homes, and four duplexes. 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-2022-53 is a Conditional Use request to allow a mobile home on Parcel No. 252818-346500-003240 (+/- 0.15 acres) within a Residential Suburban (RS) land use district in the Suburban Development Area (SDA).*
- *This property is Lot 324 & 325 in the Kossuthville Townsite Subdivision (Plat Book 17, Page 50) recorded on December 23, 1925.*
- *The surrounding properties are within a Residential Suburban (RS) land use district.*
- *Nemeth Street (Road No 851807) is a County-maintained, paved local road with a width of 13 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 RS district is to provide areas for suburban-density residential development to promote the proper transition of land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities."*
- *Per Table 2.2 of the LDC, RS land use mandates right-of-way setbacks for the primary structure of 20 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 Suburban Development Area (SDA). According to POLICY 2.106-A5 of Polk County's Comprehensive Plan, "Development within the Transit Supportive Development Area (SDA) shall conform with the following criteria as further specified in the Land Development Code:*
 - a. support continued agricultural activities by requiring the implementation of compatibility techniques to limit land use conflicts;*
 - b. protect and preserve open space, agricultural and environmentally sensitive lands by implementing clustering and other conservation development strategies as established in Section 2.1251 of this element;*
 - c. incorporate design features that promote healthy communities, green building practices, conservation development principles, and other initiatives consistent with Section 2.1251 - Community Design, of this element;*
 - d. provide access to civic space, parks, green areas, and open space and other amenities;*
 - e. be supported by public safety (i.e., fire, EMS and law enforcement);*
 - f. have access to elementary schools;*
 - g. encourage connectivity between uses within the SDA, and between the SDA and other urban centers and the rural development areas; and*
 - h. in order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water system and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS) land use criteria, the Conservation Development Section (Section 2.1251), the Residential Rural Development (RRD) or the Rural Mixed Used Development (RMD) sections (Section 2.1251) of this element.*
- *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 39 located at E. Main St, Lakeland. This is located approximately 3.0 miles from the subject site with a response time of eight (8) minutes.*
- *Sheriff’s response to the site is served by the Southwest District located at 4120 US 98 S, Lakeland. The response times in April 2023 were: Priority 1 Calls – 10:11 and Priority 2 Calls – 18:55.*
- *The subject property will utilize an onsite treatment system for wastewater and well for potable water.*
- *The development is zoned for Clarence Boswell Elementary, Jere L. Stambaugh Middle, and Tenoroc High School. The site is 1.9 miles from Clarence Boswell Elementary; 4.8 miles from Jere L. Stambaugh Middle; and 2.9 miles from Tenoroc High School.*
- *The subject parcel is not located within one of the County’s Wellhead-Protection Areas.*
- *The property is composed of Pomona-Urban land complex soils.*
- *The property has no wetlands or 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 available for this subdivision off Payne St. & K-Ville Ave (Purple Line 12 LAK/WH).*
- *The subject site has ingress and egress access through Nemeth Street. However, the nearest monitored link is County Road 542, a paved, rural major collector, County-maintained roadway. According to the 2022 Roadway Network Database, County Road 542 (4169E) has approximately 393 available PM Peak Hour trips; County Road 542 (4169W) has approximately 377 available PM Peak Hour trips. County Road 542 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*
- *This request has been reviewed for consistency with Section 111 and Section 303 of the LDC.*
- *This request has been reviewed for consistency with Section 2.102 GROWTH MANAGEMENT; SECTION 2.10 SUBURBAN DEVELOPMENT AREA (SDA) 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-2022-53 with the following Conditions:

1. LDCU-2022-53 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: Residential Suburban Kossuthville Townsite Subdivision Pasture	North: Residential Suburban Kossuthville Townsite Subdivision Lots 319-323 Single Family Home	Northeast: Residential Suburban Kossuthville Townsite Subdivision Lots 316-314 Single Family Home
West: Residential Suburban Kossuthville Townsite Subdivision Pasture	Subject Property: Residential Suburban Kossuthville Townsite Subdivision Lots 324 & 325 Vacant	East: Residential Suburban Kossuthville Townsite Subdivision Lots 313 & 312 Mobile Home
Southwest: Residential Suburban Kossuthville Townsite Subdivision Pasture	South: Residential Suburban Kossuthville Townsite Subdivision Lots 326-330 Single Family Home	Southeast: Residential Suburban Kossuthville Townsite Subdivision Lots 311-309 Vacant

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

The adjacent lots are within a Residential Suburban (RS) land use and are occupied with site-built single-family homes and mobile homes. There are also vacant lots throughout the plat. This lot has been vacant since the 1980's.

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 plat. 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	
Schools (Zoned)	Clarence Boswell Elementary, Jere L. Stambaugh Middle, and Tenoroc 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 Southwest District located at 4120 US 98 S, Lakeland. The response times in April 2023 were: Priority 1 Calls – 10:11 and Priority 2 Calls – 18:55
Fire/EMS	Fire and EMS Response is from Polk County Fire Rescue Station 39 located at E. Main St, Lakeland. This is located approximately 3.0 miles from the subject site with a response time of eight (8) minutes.
Water	Well
Sewer	Onsite Treatment System
Transportation	The subject site has ingress and egress access through Nemeth Street. However, the nearest monitored link is County Road 542, a paved, rural major collector, County-maintained roadway. According to the 2022 Roadway Network Database, County Road 542 (4169E) has approximately 393 available PM Peak Hour trips; County Road 542 (4169W) has approximately 377 available PM Peak Hour trips. County Road 542 current Level-of-Service (LOS) is "C" with an adopted LOS standard of "D".
Urban Sprawl	Site is located within the SDA 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 Polk City's water and wastewater services, and the site will connect to Polk City 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 AE flood hazard. 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 entirely of Pomona-Urban land complex soils. The soil is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. The subject property is level with a slight slope from the west to the east with contour elevations ranging from 116-117. 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	
Surface Water	There are no surface water ponds on the subject property. The subject property has contour elevations of 116-117 for the proposed location of the mobile home. The parcel slopes from west to east of the lot.
Wetlands/Floodplains	There are no floodplains or wetlands on site
Soils	The property is composed of Pomona-Urban land complex soils 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 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.

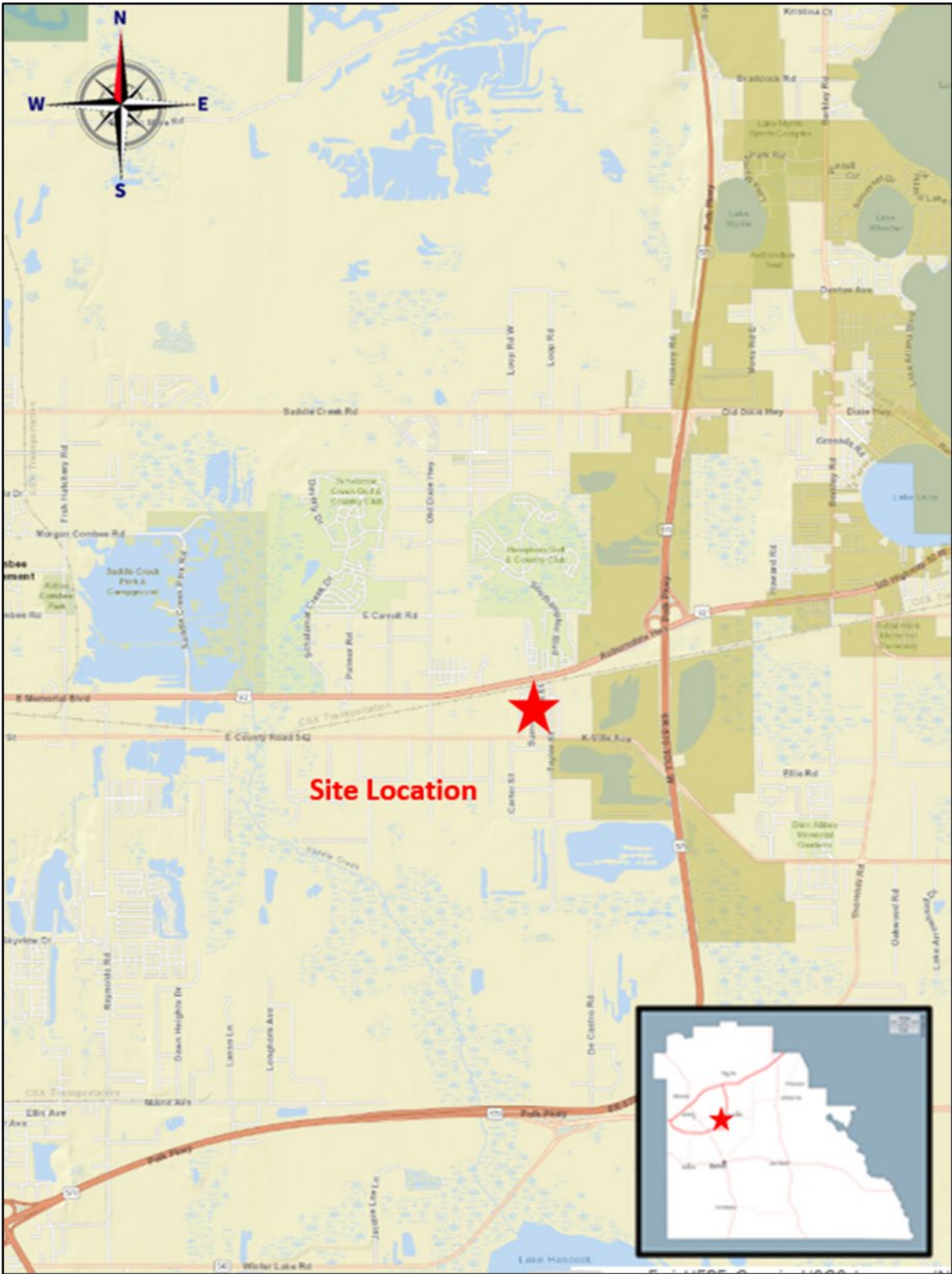
Table 5

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

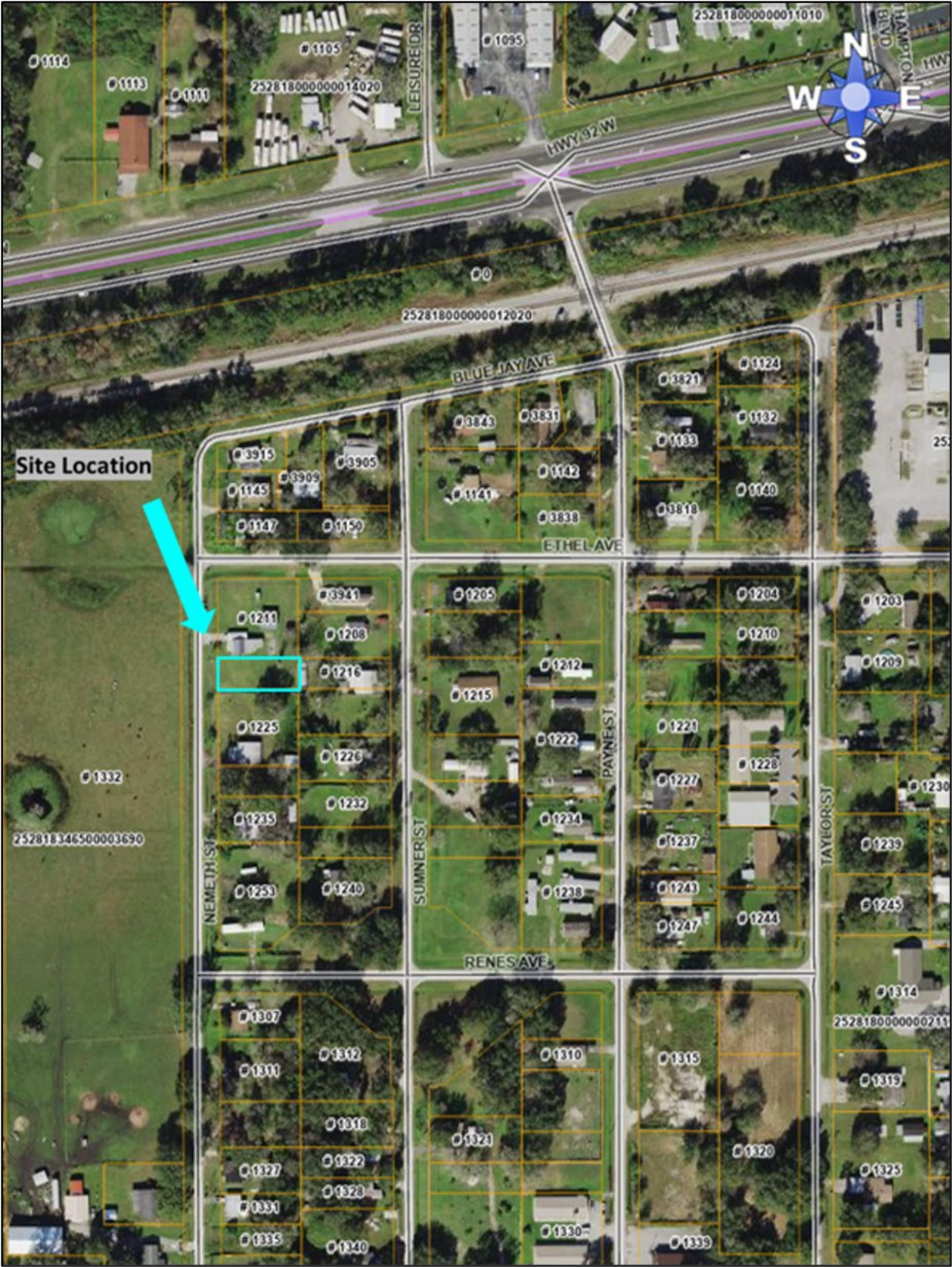
Exhibits:

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	Kossuthville Plat
Exhibit 4	Aerial Image (Close)		



Location Map

PC Staff Report
Level 3/Aleya 5/23/2023 8:08:41 AM

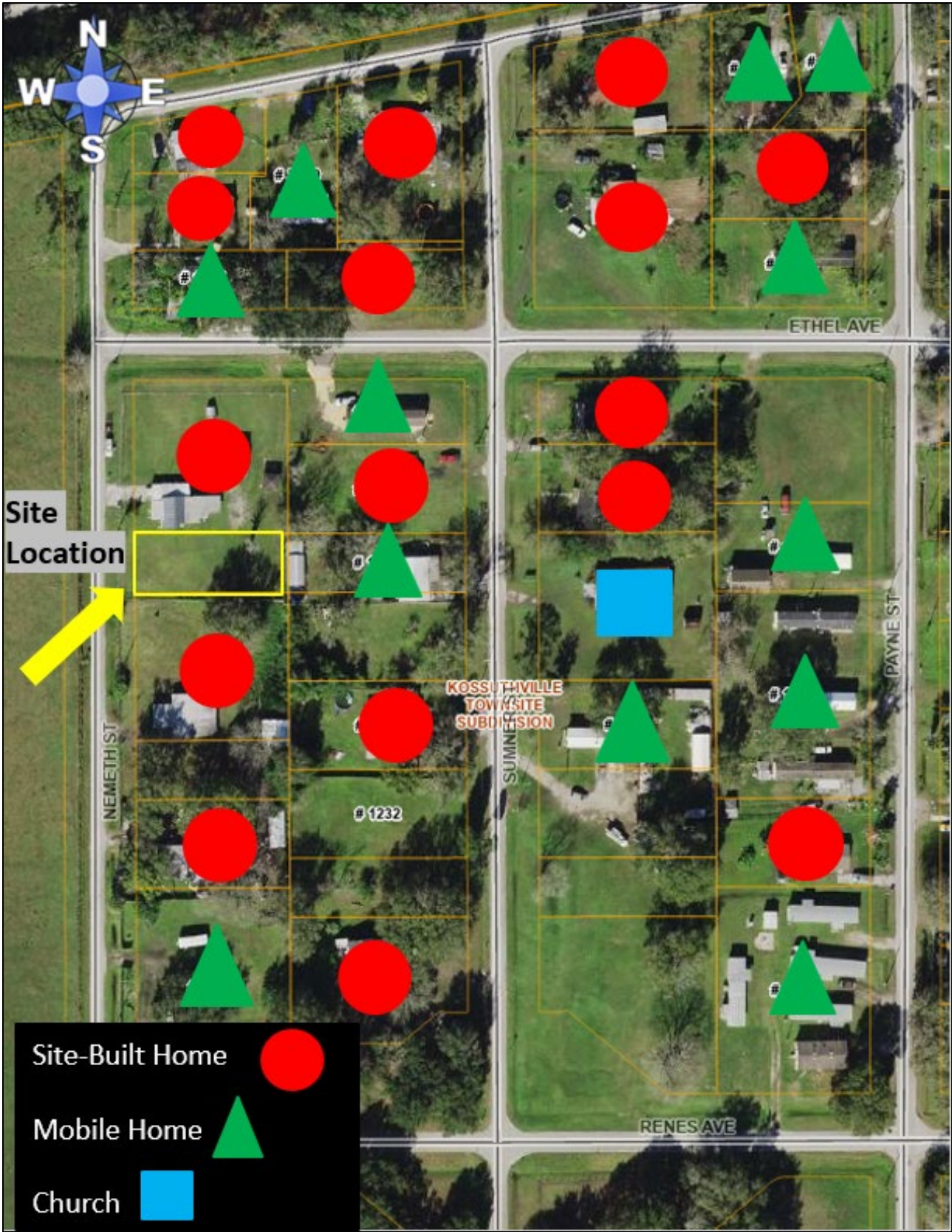


Aerial Image (Context)

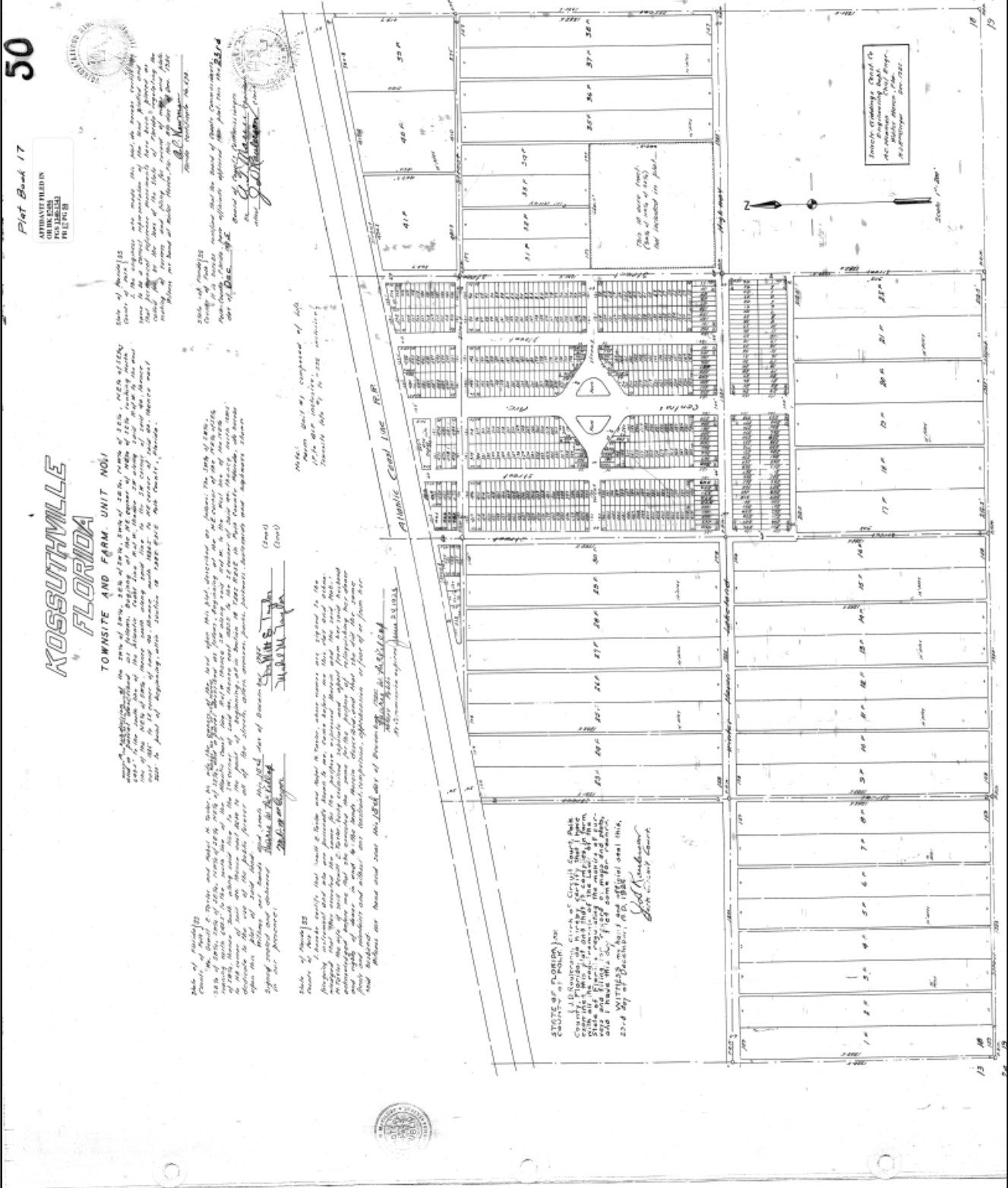


Aerial Image (Close)

PC Staff Report
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Adjacent Homes



Kossuthville Plat