

**POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT**

DRC Date:	September 11, 2025	CASE #:	LDLSE-2025-10 (Alberto Aguiar Martinez SE)
Hearing Date:	October 23, 2025	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2005 Peterbilt 379) and associated trailer at their residence on approximately 0.38 acres.

Applicant: Alberto Aguiar Martinez

Property Owner: Alberto Aguiar Martinez

Location: The subject property is located at 2507 Lake Lure Loop North, west of Combee Road South, south of Haywood Street, west of Mount Airy Avenue, north of Black Mountain Way, northeast of the city of Lakeland in Section 24, Township 28, and Range 21.

Parcel ID#: 242821-239510-016140

Size: ±0.38 acres

Land Use Designation: Residential Low-1 (RL-1)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

This is a request for a Special Exception to allow parking for one commercial vehicle (2005 Peterbilt Model 379) on approximately 0.38 acres of residential property. Section 216.D of the Land Development Code (LDC) allows Commercial Vehicle Parking on residential properties pursuant to the rules detailed in this section and approval from the Land Use Hearing Officer following an advertised public hearing.

According to the application, the vehicle in question is a 2005 Peterbilt. The tractor and trailer are 12.6 feet high with a combined length of 83 feet. The subject property is approximately 0.38 acres with room to park the vehicle while providing adequate buffering from neighboring properties. Since the parking area will be within 200 feet of adjacent residential properties, the property requires a six-foot opaque fence or Type B landscaping bufferyard along portions of the southern and western boundaries or along the immediate parking area in accordance with Section 216 of the LDC. Staff's recent site visit found the eastern and southern property lines have at least a six (6) foot tall opaque fence. The commercial vehicle parking is proposed to be within this space (*Exhibit*

5). A commercial driveway apron onto Lake Lure Loop West, a Local Residential roadway, will be necessary to protect the County roadway from damage. The site has easy access to an arterial roadway, SR 659 (Combee Road North) which is about 800 feet away. Staff recommends approval of this application.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL** of **LDLSE-2025-10**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one (1) semi-truck and trailer (*Exhibit 8*), or its functional equivalent as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval of this special exception shall be for the operator (Alberto Aguiar Martinez) of record only. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not "run with the land" and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site, and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator's lot shall be limited to empty weight only (no load or cargo).
5. This special exception does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
6. The commercial vehicle shall only be parked in the area designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code.
7. This commercial vehicle parking approval shall be contingent upon the applicant constructing a driveway to commercial standards for structural thickness and turning radius in accordance with Section 705 of the Land Development Code.

8. The property owner(s) is responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
9. Approval of the Special Exception shall be valid for one year. Approvals may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (to be determined by the Land Use Hearing Officer) and evidence is provided to demonstrate that the conditions of approval have been met.
10. Noncompliance with any of the conditions of approval will render LDLSE-2025-3 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

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 variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submission 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 commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

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.

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

The request is to park a 2005 Peterbilt Model 379 commercial vehicle with associated trailer on the applicant's residential property in a Residential Low-1 land use district (*Exhibit 2 & 6*). The subject vehicle is 12.6 feet high and 35 feet long. Meanwhile the trailer is 5 feet high and 48 feet long. These dimensions categorize the truck as a commercial vehicle per LDC Section 216. The vehicle will be parked on the property overnight and in the designated parking area as shown on the site plan (*Exhibit 5*) when present. The parking location is approximately 20 feet from the nearest property line to the south.

2. *Commercial vehicle shall be currently registered and licensed;*

The applicant has supplied a current and valid registration for the vehicle.

3. *The parking of said vehicle does not have a negative impact to the health, safety, or welfare of adjacent properties;*

Staff finds this request will not have a negative impact to the health, safety, or welfare of adjacent properties.

The site has an existing driveway providing direct ingress/egress access to Lake Lure Loop West, a Local Residential roadway (Road No. 842133). The Conditions of Approval will require a commercial driveway apron, constructed in accordance with LDC Section 705, to protect the edge of the County's pavement along Lake Lure Loop West from the stretching caused by such a heavy vehicle's turning movements on and off the property.

The designated commercial vehicle parking area depicted on the site plan meets the required 20-foot separation from all property lines. Buffering and screening from neighboring properties is required and listed as a condition of approval in accordance with the requirements of the LDC Section 216.D. A six-foot opaque fence or Type B landscaping buffer will be needed to screen the parking area from the west and south. The applicant has demonstrated that this criterion will be met. According to the site plan and recent site visit, the property currently has an existing opaque fence surrounding the backyard, including the proposed commercial vehicle parking location (*Exhibit 5*). The parcel to the east does have an established residence, but the existing home and accessory structure blocks the parking from view. The applicant also has the option to install a landscape buffer in conjunction with the fence along the property line or in the immediate vicinity of the parking area if they so wish.

With large commercial vehicles such as this semi-truck, staff often examines the route the applicant must take to reach a collector or arterial roadway to gauge the impact it will have on neighbors. The vehicle travels approximately 800 feet north and passes about ten (10) homes before reaching State Road 659 (Combee Road) a state-maintained arterial roadway. While collector roads provide traffic circulation within residential, commercial, and industrial areas, principal arterial roadways have much higher average daily trips and interconnect large activity centers within an urban area. Urban collector roads are intended to connect to arterial roadways. In this instance, the truck's path is preferable since the vehicle can reach a major arterial roadway (SR 659) with a short travel path, limiting the number of residentially developed properties the vehicle will pass.

The roadway width on the traveled road is also important to consider. Lake Lure Loop West and Haywood Street are listed in Polk County's Roadway Inventory as a paved surface with a width of 20 feet. Per LDC Section 821, these local residential roadways meet County standards. A substandard width or unpaved roadway would cause more concern for passing traffic.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant did not include a demonstration of need in the application. Phone conversations determined that the applicant uses the commercial vehicle as a source of income and needs to have the ability to park their vehicle during non-working hours. The applicant can further demonstrate their hardship at the public hearing.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

6. *The vehicle shall not be parked in the front yard of the principal residence.*

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property. The applicant must make certain that the truck does not extend beyond the front of the home.

7. *The parking area shall be at least 20 feet from all property boundaries.*

The site plan (*Exhibit 5*) calls out the parking area in the side yard with at least 20 feet of separation from all property boundaries as required in Section 216.D.

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property unless the vehicle is screened or buffered as provided.*

The vehicle will be parked in a manner which exposes minimal view of the truck from the road. The proposed parking location will be about 35 feet from the ROW. During the site visit, a fence enclosing the property's backyard was present. This will not only ensure privacy and security, but block potential ROW views.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative bufferyard.*

If approved, the commercial vehicle parking location shall be confined to the area depicted on the site plan on the southern portion, or rear, of the property (*Exhibit 5*). The property directly to the south is currently utilized as a Religious Institution. The only abutting property utilized as a residence is to the east, with the parking area approximately 60 feet from the structure. The northern and western sides of the property are flanked by local roadways with ROW dedicated to the County. The lot to the south is currently buffered with adequate vegetation along that property line.

The site was subject to a Codes Violation (CMA-2025-1684). The applicant has subsequently filed for this Special Exception and will demonstrate compliance with LDC

Section 216. Based on staff's recent site visit, the back and side yards of the property are currently enclosed by at least a six (6) foot tall opaque fence.

10. *Refrigerator units on vehicles shall not be operated on the site.*

The subject commercial vehicle does not include a refrigerator unit.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.*

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

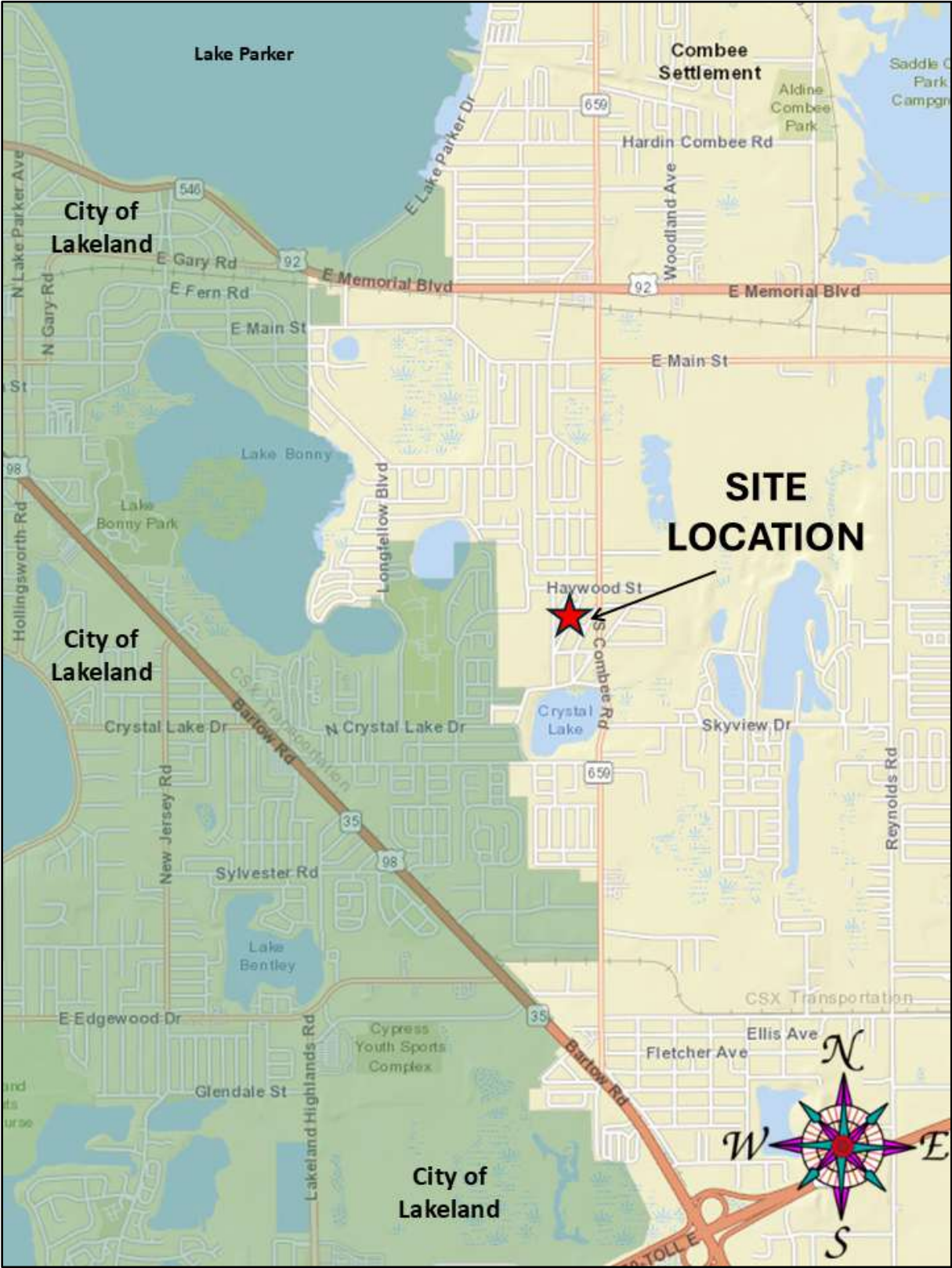
Northwest: Residential Low-1 (RL-1) Single-family home ±0.12 acres	North: Residential Suburban (RL-1) Single-family home ±0.13 acres	Northeast: Residential Suburban (RL-1) Lake Lure ±1.04 acres
West: Residential Low-1 (RL-1) SFR and mobile home ±0.2 acres	Subject Property: Residential Suburban (RL-1) Single-family home ±0.38 acres	East: Residential Low-1 (RL-1) Single-family home ±0.17 acres
Southwest: Residential Low-1 (RL-1) Single-family home ±0.18 acres	South: Residential Low-1 (RL-1) Religious Institution ±2.68 acres	Southeast: Residential Low-1 (RL-1) Religious Institution ±2.68 acres

The subject site is a 0.38 acre corner lot on the southern end of Lake Lure. The surrounding area consists predominantly of site built single-family homes part of the recorded plat known as "Howenoca Hills 1st Addition". The property is considered Lots 13 and 14 of the plat recorded in 1925 (PB 15, PG 29) and met the minimum lot size requirement of 7,500 square feet in the prior Residential-2 (R-2) zoning district (*Ord. 83-02*). A single-family residence was constructed on Lot 14 in 1976. Both lots were subsequently combined around 2015, and the applicant purchased the property through a Warranty Deed in March 2022 according to the Property Appraiser.

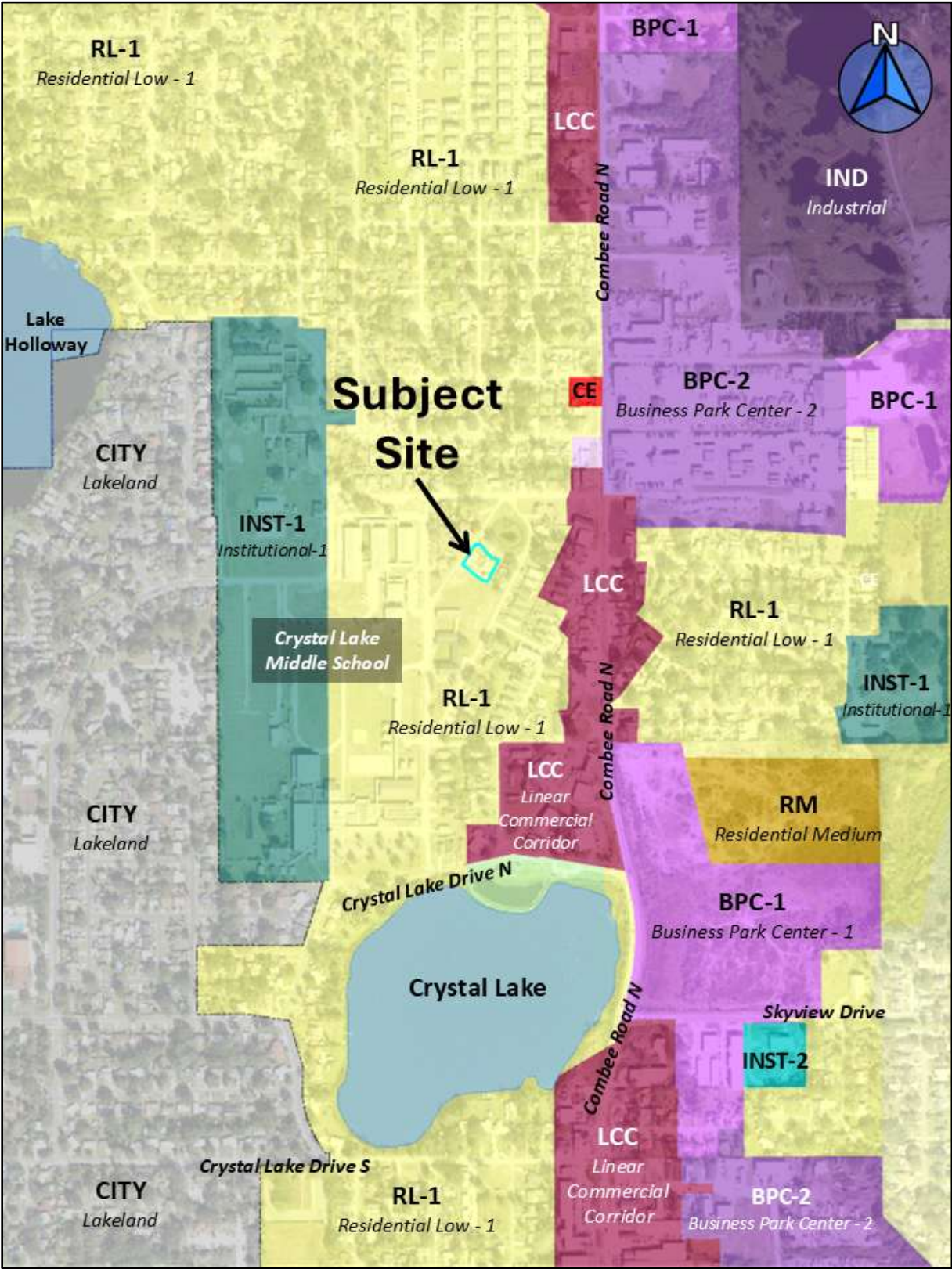
Comments from other Governmental Agencies: None

Exhibits:

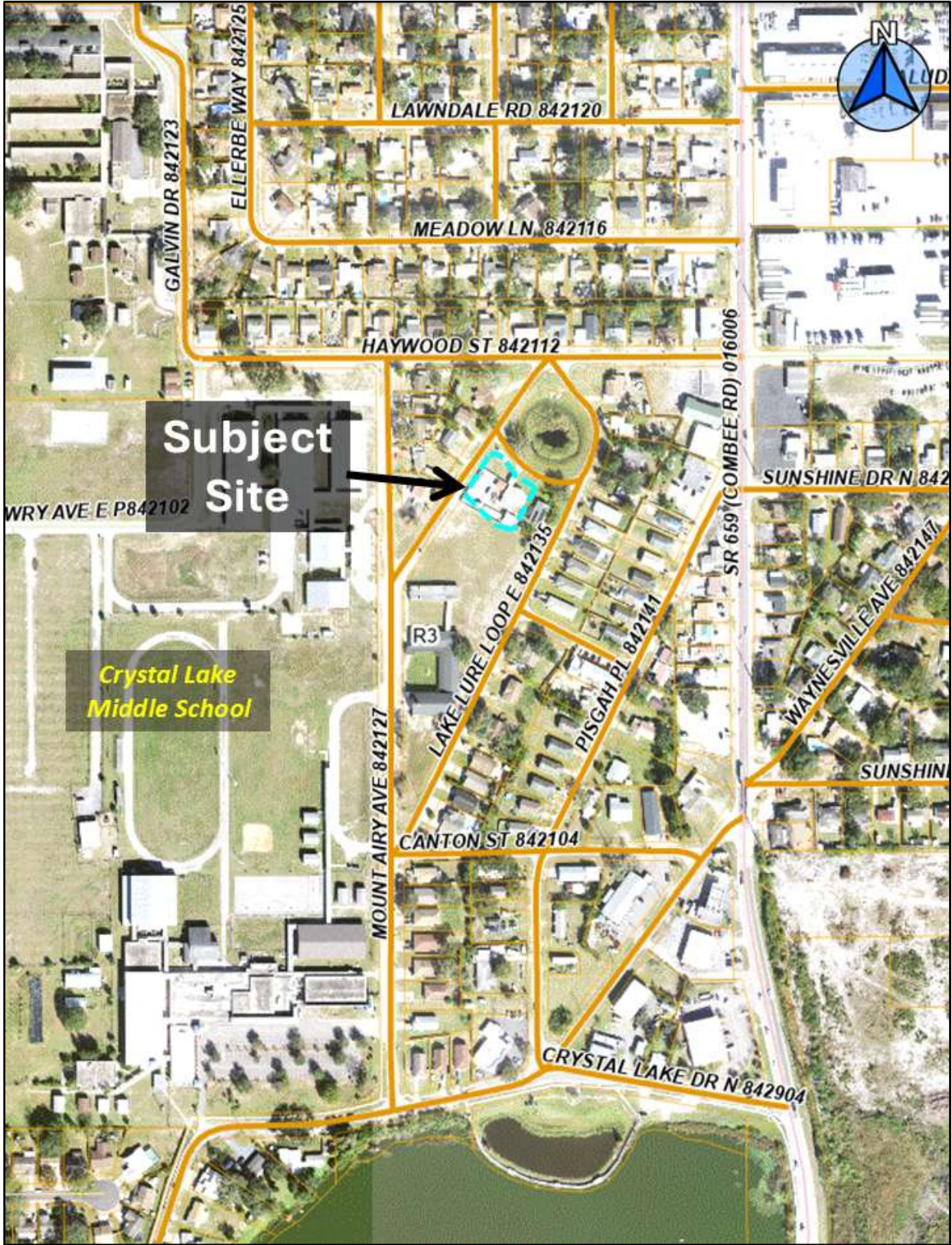
- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2023 Aerial Photo (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Commercial Vehicle Pictures



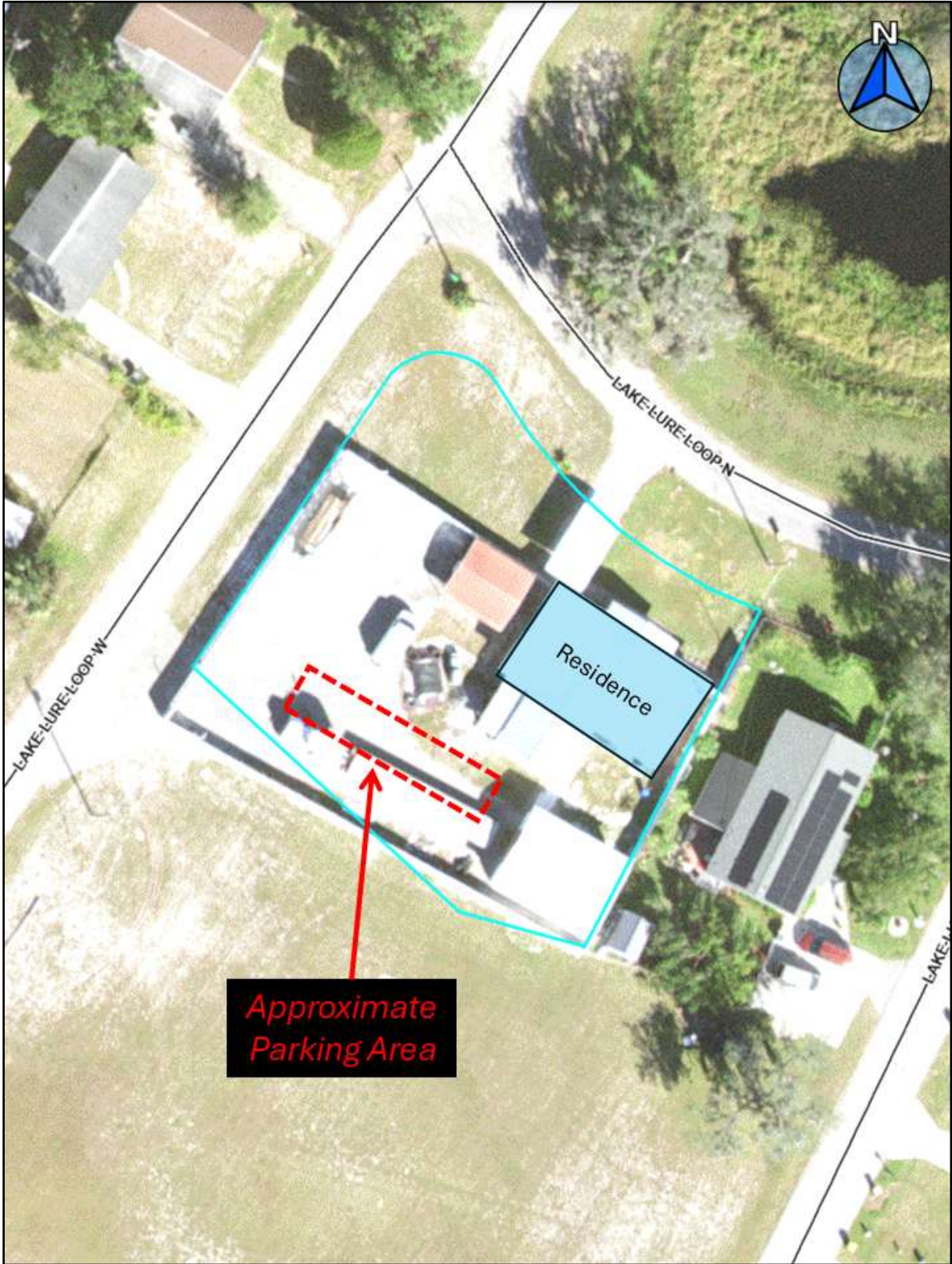
Location Map



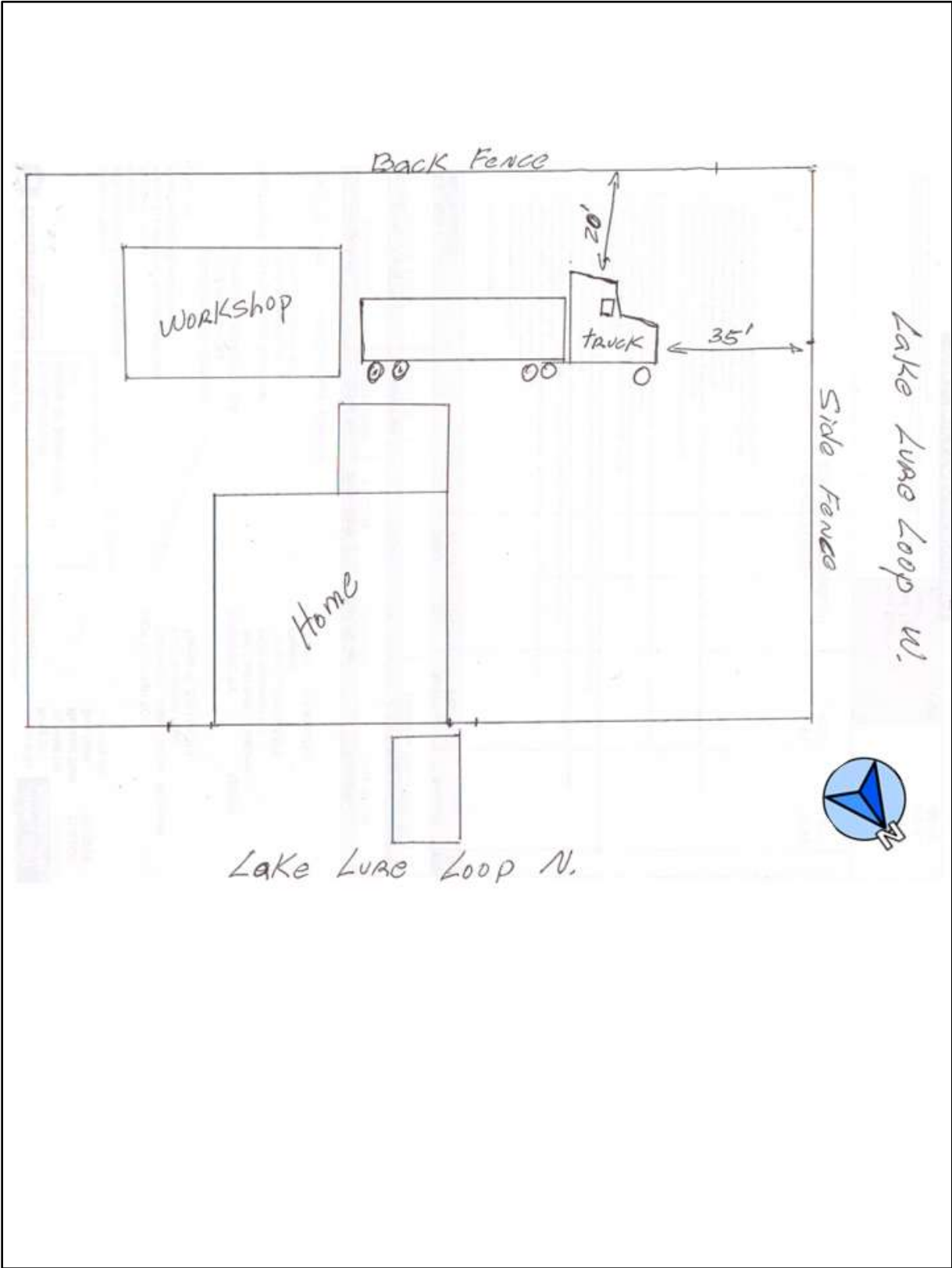
Future Land Use Map



2023 Aerial Photo (Context)



2023 Aerial Photo (Close-up)



Site Plan



Commercial Vehicle Pictures