

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

DRC Date:	May 8, 2025	CASE #:	LDLSE-2025-5
LUHO Date:	June 26, 2025	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle and trailer on residential property.

Applicant: Manuel Angel Delgado

Property Owner: Manuel Angel Delgado
Ryan Rene Gomez Delgado

Location: 12558 Country Place Road, north of Country Side Drive, west of Rockridge Road, east of Farmettes Road north of Lakeland in Section 14, Township 26, and Range 23.

Parcel ID#: 232614-000387-000060

Size: ± 4.18 acres

Land Use Designation: Agricultural/Residential Rural (A/RRX)
Rural Special Protection Area (SPA)
Green Swamp Area of Critical State Concern (GSACSC)

Development Area: Rural Development Area (RDA)

Case Planner: Andrew Grohowski, Planner II

Summary of Analysis:

The applicant, Manual Angel Delgado, is requesting a Special Exception to allow a commercial vehicle to be parked at their residence. The property is ± 4.18 acres in the Agricultural/ Residential Rural (A/RRX) Future Land Use Designation in the Rural Development Area (RDA), in the Rural Special Protection Area (SPA) of the Green Swamp Area of Critical State Concern (GSACSC).

The vehicle, a 2004 Kenworth semi-truck with an associated trailer, will be parked on the western side of the property. The subject property has direct ingress and egress onto Country Place Road, a privately maintained roadway and the proposed truck must travel approximately 0.38 miles to Rockridge Road, a County-maintained roadway. Roadways in the vicinity have no weight prohibitions. The proposed parking will be within 200 feet of the neighboring properties, thereby requiring screening and buffering standards pursuant to Section 216.D of the Land Development Code. A similar request was approved in the same Section, Township and Range in 2021 (LDLSE-2021-1) for a commercial vehicle to be parked at a residence approximately 0.55 miles south of the subject site. If the subject property was about ¾ acres larger, the applicant would be permitted to have one (1) commercial vehicle parked onsite without having to apply for a Special Exception.

Staff has reviewed the applicant's application and finds the request is consistent with Land Development Code (LDC) Section 216.D Special Exceptions. Staff is recommending approval with the proposed conditions.

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-2025-5**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one (1) semi-truck (2004 Kenworth T600) and associated trailer, 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 (Manuel Angel Delgado) 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. The commercial vehicle shall only be parked in the area to the side of the home as generally 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.
6. 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.
7. 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.
8. Noncompliance with any of the conditions of approval will render LDLSE-2025-5 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 interested parties at a public hearing.

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 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 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.

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.

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;*

As described in this staff report and as listed in the conditions of approval, this variance is only for parking one (1) 2004 Kenworth model T600 truck and attached trailer or its equivalent. The cab dimensions are 12' high, 20' long, and 8' wide with the trailer being 48' long and 4' high. Total weight of the vehicle is 19,800 pounds. The size of the property is over 4 acres which is sufficient to accommodate a vehicle such as this while meeting the screening and buffering requirements outlined in Section 216.D.

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

Necessary supplementation was provided. The truck and trailer have a valid license and registration.

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 subject site is just over four (4) acres, and the proposed parking area provides sufficient distance from neighboring property boundaries and adjacent residential homes. According to the submitted site plan (*Exhibit 5*) the proposed parking area is 145' from the residential property to the west and 158' from the neighboring property to the south measured from the property lines. The site is well screened and buffered on the eastern portion of the property boundary, meeting the Type "B" landscaping requirements in Section 216. During the site visit, Staff found the southern portion of the property had trees and brush removed and will have to meet the screening

and buffering requirements outlined in Section 216.D. In addition, the proposal will also not encroach nor create a hazard along two dedicated County drainage easements measuring 20' and 15' wide along the western and eastern property boundaries as designated in the recorded plat.

This SE request is unique in that the access is to a private road in which the County has no stake. Notes on the plat (PB 77 PG 19) state the following:

MAINTENANCE – Polk County assumes no responsibility for the maintenance of roads, road rights-of-way, ditches, swales, or other subdivision improvements depicted hereon. All roads, road rights-of-way, ditches, swales or other subdivision improvements shall be maintained exclusively by the owners of the lots depicted hereon.

Note:

Lot owners shall be responsible for maintenance and vegetation in road right of way drainage swales and drainage easement swales and for retaining design unchanged.

All portions of Country Place Road are owned fee-simple by the lot owners. Each tract owner is responsible and obligated for payment of a pro rata share per lot of the costs of maintaining the private roadway. Therefore, the County has no jurisdiction requiring commercial driveway standards. The pavement width is 17' with a right-of-way width of 60', which is substandard to today's standards. However, impacts on residents along Country Place Road are anticipated to be minimal, given the low density along this route. The vehicle will travel about 0.38 miles before reaching Rockridge Road (Road No. 633301). Rockridge Road is a County-maintained Rural Minor Collector roadway with a paved surface width of 30 feet and right-of-way width of 80 feet, which meets County standards and is sufficient for the passage of this vehicle.

In 2021, a similar request to park a commercial vehicle and trailer was approved approximately 0.55 miles south of the subject site on about one (1) acre of residential property (LDLSE-2021-1). If the subject lot was the minimum size of 5 acres, or larger by 0.82 acres, the applicant would be exempt from the special exemption process. According to the "Restrictive Covenants and Conditions" of the platted subdivision recorded in 1984 (*Exhibit 7*) the site is known as "Tract 6" of the Rockridge Farmettes which is open to having "one (1) semi-tractor ... be parked on any Tract at any time" (O.R. Book 2256, Page 1180). While this demonstrates the subdivisions receptiveness to semi-tractors, the applicant will still have to adhere to the commercial vehicle parking requirements outlined in Section 216.D of the LDC which supersedes the subdivision's Covenants and Restrictions.

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 submit a narrative explaining the potential hardship. However, after further discussions, Staff determined the applicant uses the commercial vehicle as a source of income. This property is in an area of the County where other options to park commercial

vehicles are limited with few and far in between. This request would allow for the elimination of offsite storage expenses.

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

The commercial 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 indicates on the site plan that it will be located along the southern side yard of the property behind the front building line of the home.

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

The submitted site plan indicates the proposed parking area for the commercial vehicle exceeds the minimum twenty (20) feet from all property lines, which is consistent with Section 216.D of the LDC (*Exhibit 5*).

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 setback of 250 feet away from the private roadway the truck will be screened from offsite view by existing vegetation to the west. Screening and buffering with a six-foot opaque fence used in conjunction with or in lieu of a Type B landscape buffer will be required either on the southern property line or in the immediate parking area.

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.*

While the parking area will be over 20 feet away from property boundaries, the proposed parking area is less than 200 feet from neighboring residential properties according to the submitted site plan. The southern portion of the property will require a Type B buffer and/or a minimum six-foot opaque fence either along the property boundary or the immediate parking area. There is adequate vegetation with a thick portion of mature trees on the western portion, which meets the Type B buffer requirements. Average lots in this neighborhood range in size from two (2) to five (5) acres.

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

The subject vehicle does not have 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: Agriculture/Residential Rural (A/RRX) Vacant lot ±62.20 acres	North: Agriculture/Residential Rural (A/RRX) Vacant lot ±62.20 acres	Northeast: Agriculture/Residential Rural (A/RRX) Lots 32-33 Rockridge Acres 1 mobile home, 1 vacant lot ±2.10 acres
West: Agriculture/Residential Rural (A/RRX) Tract 7 – Rockridge Farmettes SFR ±3.37 acres	Subject Property: Agriculture/Residential Rural (A/RRX) Tract 6 – Rockridge Farmettes Mobile home ±4.18 acres	East: Agriculture/Residential Rural (A/RRX) Lots 30-31, Rockridge Acres 1 mobile home, 1 SFR ±2.00 acres
Southwest: Agriculture/Residential Rural (A/RRX) Tract 4 – Rockridge Farmettes Mobile home ±2.29 acres	South: Agriculture/Residential Rural (A/RRX) Tract 5 – Rockridge Farmettes Mobile home ±2.24 acres	Southeast: Agriculture/Residential Rural (A/RRX) Lot 29, Rockridge Acres Mobile home ±1.00 acres

The subject site is designated as lot 6 of the Rockridge Farmettes subdivision according to the recorded plat on July 17, 1984 (PB 77, PG 19). This subdivision of 17 lots was platted in accordance with the Rural Conservation (RC-2) district at the time which required the minimum lot size to be at least 2 acres for each dwelling unit. Additional residential homes and subdivisions can be found further to the west-southwest including phase two of Rockridge Farmettes and Ranchland Acres. The Rockridge Acres subdivision to the east of the subject property has direct frontage on Rockridge Road and are single family residential units with the average lot size being one (1) acre. Directly to the north, lies vacant pastureland and large tracts owned by the Southwest Florida Water Management District (SWFWMD).

Since the subdivision was created, several changes occurred to the Land Development Code and Comprehensive Plan. The subject property is no longer zoned RC but now has an A/RRX future land use designation which requires a five (5) acre minimum lot size. Additionally, the County has added more regulations for commercial vehicle parking in residential districts. While a lot of record, if the owner's property were about 0.82 acres larger, or the current minimum lot size as required in the A/RR district, it would be exempt from requiring a special exception for commercial vehicle parking.

Comments from other Governmental Agencies: None

Exhibits:

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

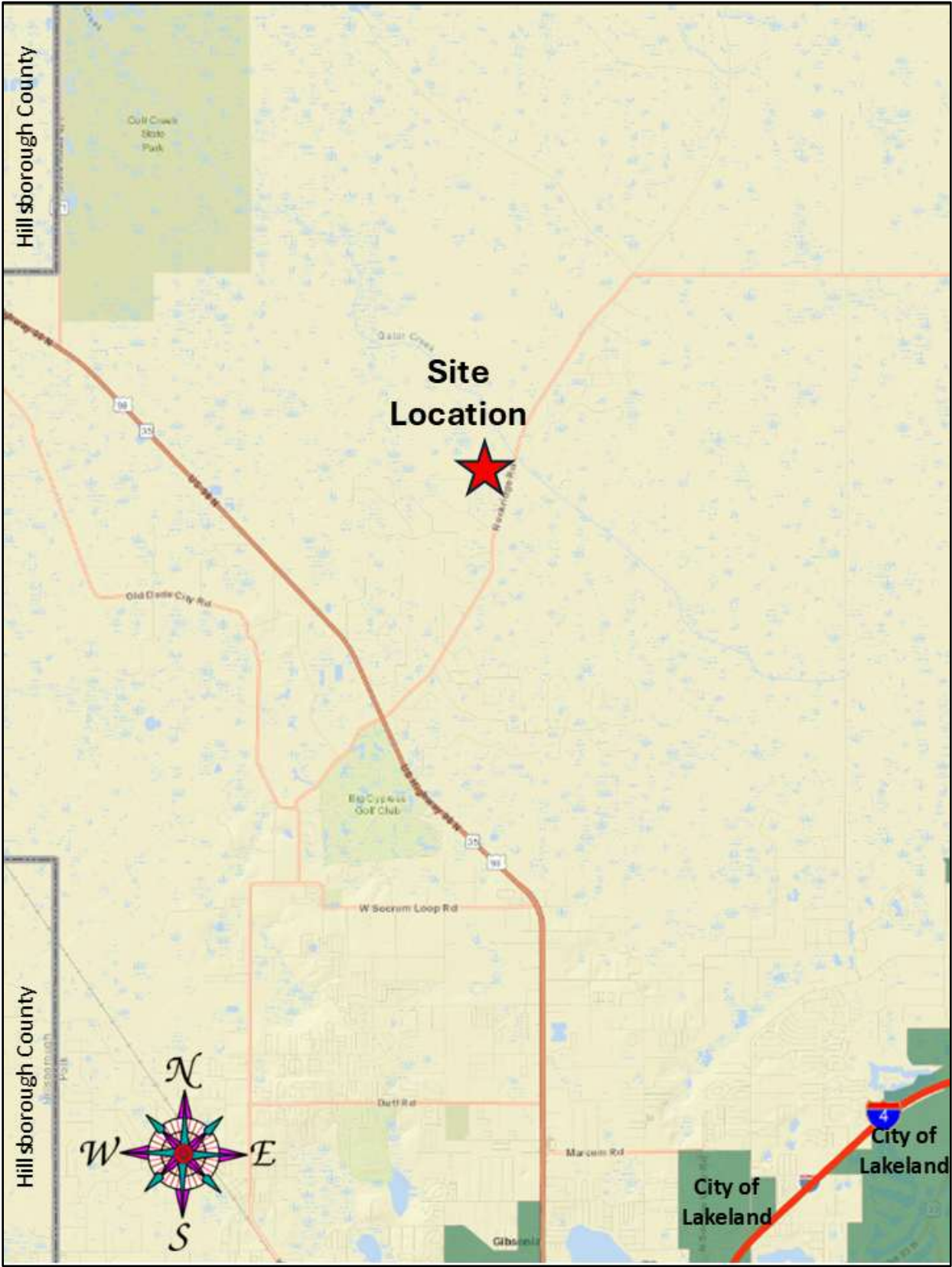
Exhibit 3 – 2023 Aerial Photo (Context)

Exhibit 4 – 2023 Aerial Photo (Close-up)

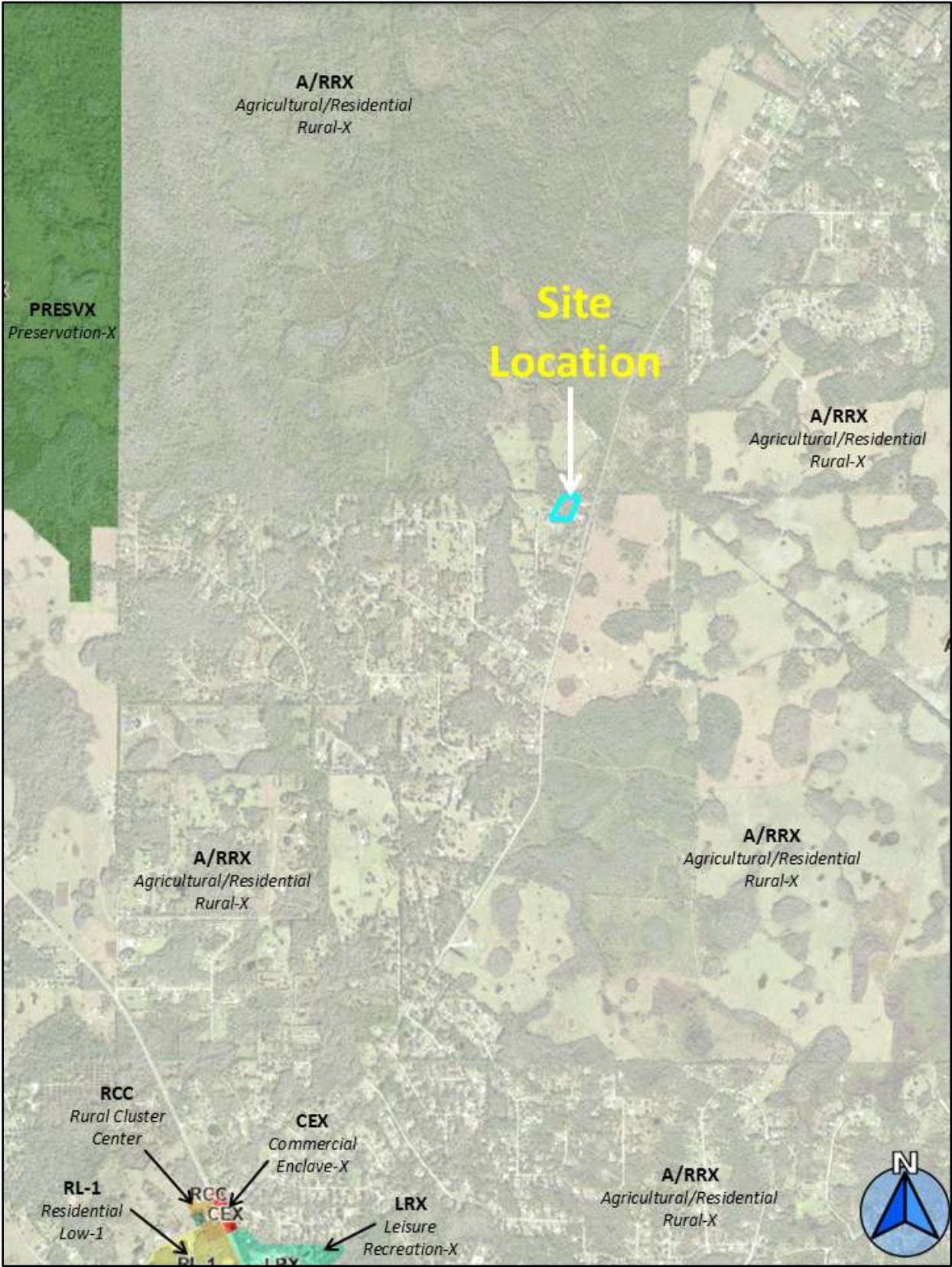
Exhibit 5 – Applicant's Site Plan

Exhibit 6 – Commercial Vehicle Pictures

Exhibit 7 – Restrictive Covenants and
Conditions



Location Map



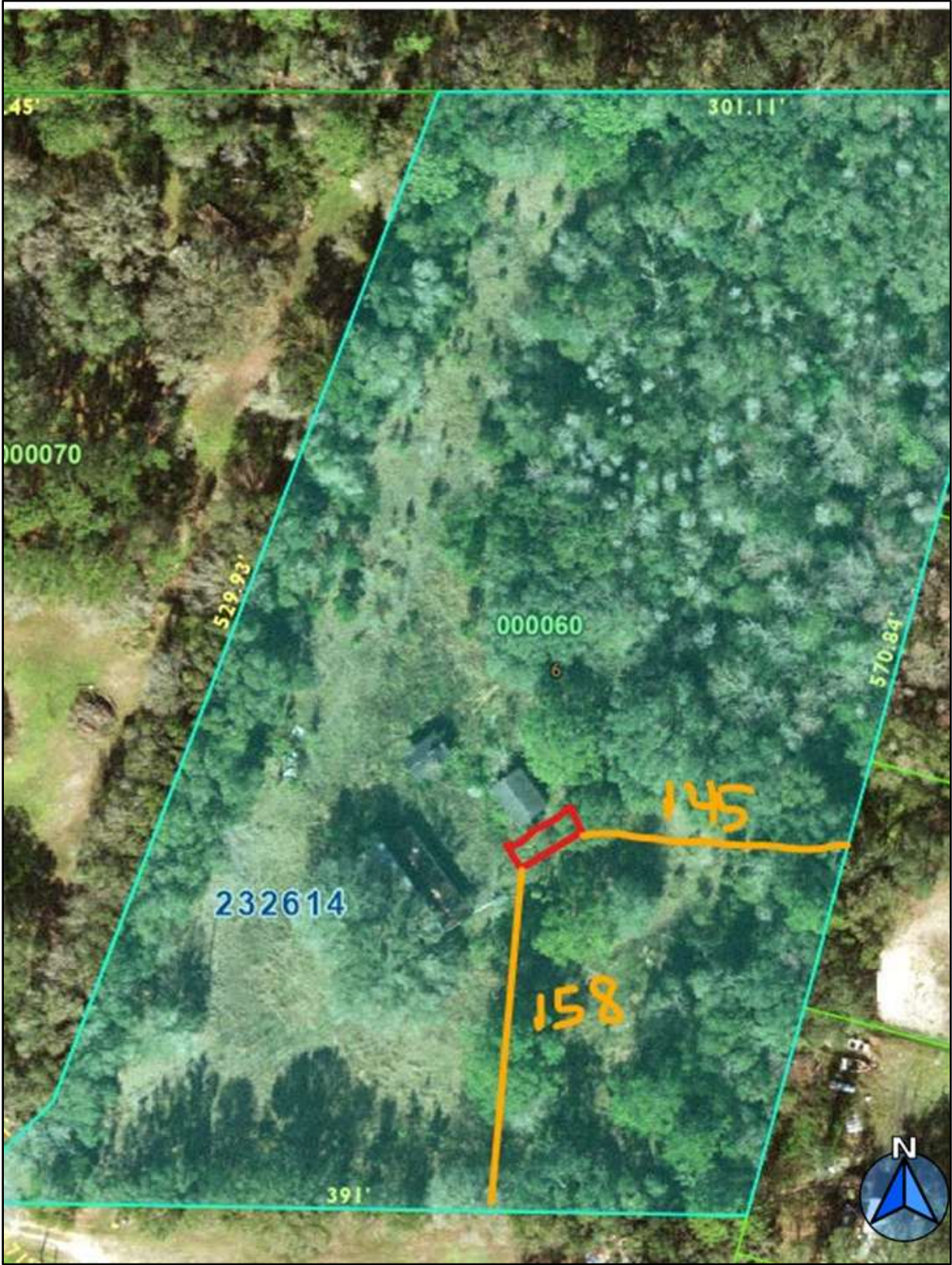
Future Land Use Map



2023 Aerial Photo (Context)



2023 Aerial Photo (Close-Up)



Applicant's Site Plan



Commercial Vehicle Pictures

must be properly housed, fenced and contained under proper constraint and control and further kept so as not to become or be an annoyance or nuisance to adjacent Tract owners or the neighborhood in general.

3. Each Tract may contain either a conventionally constructed single-family dwelling house, mobile home or modular home. Each single-family dwelling house may not exceed two stories in height nor (other than a mobile or modular home) contain less than a minimum of 900 square feet of area measured by outside dimensions exclusive of garages, carports, screened or unscreened porches and covered walkways, breezeways and approaches. No mobile home or modular home shall be less than twelve (12) feet by fifty (50) feet of enclosed living area, exclusive of garages, carports, screened or unscreened porches and covered walkways, breezeways and approaches; and each mobile home or modular home shall be skirted on all sides within ninety (90) days after being set on a Tract. Each mobile home or modular home shall have a hurricane tie-down attachment at each corner of the unit, which attachments shall be properly embedded in the Tract at the time of installation of said home. No tent, garage, outbuilding or shed shall be used as a temporary or permanent residence.

4. No part or portion of any single-family dwelling house, garage or outbuilding on any Tract shall be erected closer to any property line setback requirement that may be at the time of said erection imposed or imposable by applicable zoning ordinances affecting said property by the County of Polk, Florida, under a RC-2 zoning classification or equivalent.

5. All above-ground containers for garbage and trash shall be permanently housed so as not to be seen from the front of the property; said containers to be covered at all times and emptied regularly so as to prevent litter and odor offensive to other residents. There shall be no open garbage pits nor shall garbage or trash be burned in the manner and location so as to be a nuisance to the neighboring property or properties.

6. No junk cars or trucks, salvage metal and equipment can be located on any Tract at any time. All motor vehicles located on each Tract shall have a current year's license tag registration. Additionally, only one (1) semi-tractor may be parked on any Tract at any time.

7. The owners of any Tract shall not cause any existing natural creeks, drainage patterns, structures or easements to be blocked so as to impair water flow in any way whatsoever. In addition, the placement of culverts along any roadway for ingress and egress purposes by any Tract owner shall be made so as

Restrictive Covenants and Conditions