

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

DRC Date:	April 10, 2025	CASE #:	LDLSE-2025-1 (Perez SE)
Hearing Date:	May 19, 2025	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2014 Pro Star) at their residence on approximately 2.42 acres.

Applicant: Linda Bernice Perez

Property Owner: Linda Bernice Perez

Location: The subject property is located at 4119 Simms Road, north of Timberlake Road, west of Harrelson Road, south of Caudill Drive, northwest of Lakeland in Section 32, Township 27, and Range 23.

Parcel ID#: 232732-011602-000030

Size: ±2.42 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a Special Exception to park a 75-foot truck and trailer on residential property within a Residential Suburban (RS) land use district northwest of Lakeland. The subject property is on one of three lots within the platted Avery Acres subdivision. It has direct ingress and egress onto Simms Road, a local roadway, which leads less than 800 feet east to Harrelson Road, an Urban Collector roadway. Chapter 2, Section 216.D of the Land Development Code (LDC) allows one (1) commercial vehicle on residential properties pursuant to the guidelines detailed in this section and approval from the Land Use Hearing Officer.

Given the location of the subject property, the surrounding roadway network presents special circumstances for commercial vehicles that ultimately limit northern travel routes (*Exhibit 6*). Correspondence with the Polk County Roads and Drainage Division classifies the vehicle as a combination vehicle. They affirmed that thru trucks are not permitted on Chart Pine Road (Road No. 733206), and combination vehicles are not permitted on Rushing Road (Road No. 733201). One bridge along Harrelson Road (Bridge No. 164112) permits semi-trucks with trailers (combination vehicles) as long as they do not exceed 29 tons. The subject truck's gross axle weight is 46,000 pounds or about 20.8 tons which does not exceed the bridge's maximum weight threshold. If approved, the truck route shall be limited to accessing the property only from Knights Station Road, or CR 582 (Road No. 830602) and traveling along Simms Road or Harrelson Road. These terms are described in the Conditions of Approval and provided in the routing plan (*Exhibit 7*).

The subject property is approximately 2.42 acres with ample room to park the vehicle to the rear of the home. During the site visit Staff found the property construction for a tall opaque fence that encompasses the backyard, as demonstrated on the site plan (*Exhibit 5*).

Staff finds the approximate parking location to be sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.D. The commercial vehicle is approximately 35 feet from the nearest property line according to the site plan (*Exhibit 5*). In accordance with the section above, the commercial vehicle is required to be appropriately buffered from neighboring properties to the north and east, and a commercial driveway will be required to protect the County's roadway. Construction is currently underway for a fence to surround the backyard and the proposed parking location. With the proposed conditions, 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-2025-3**

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 (Linda Bernice Perez) 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 truck route shall be limited to only southbound travel from the subject property to Knights Station Road (CR 582) (Road No. 830602) as designated on the truck route plan (*Exhibit 7*). Access, either outbound or inbound travel, from Chart Prine Road (Road No. 733206) and/or Rushing Road (Road No. 733201) is strictly prohibited due to County roadway restrictions on commercial vehicles.
6. 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.

7. The commercial vehicle shall only be parked in the area to the rear 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.
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. 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.
11. 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 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;*

The request is to park one (1) 2014 International Pro-Star semi-truck (tractor and trailer combination) at the applicant's residential property in a Residential Suburban (RS) land use district (*Exhibit 2*). With the trailer, the dimensions are 75 feet long and 13.5 feet high, which is categorized as a commercial vehicle per Section 216 of the LDC. As indicated by the submitted site plan (*Exhibit 5*), the vehicle and trailer will be parked to the rear of the primary residence, behind an attached screened room. The parking location is approximately 35 feet from the nearest property line to the north. The size of the property is sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.

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 upon the health, safety, or welfare of adjacent properties if maintained and screened in accordance with the site plan as well as adhere to specific road travel directions. The subject site is over 2 acres, exceeds the minimum twenty (20) foot setback requirement from all property lines, and is over 50 feet from the nearest residential structure located to the north. 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 landscape buffer will be needed to screen the parking area from the north and east. The parcels to the west and south

The subject site has access to Simms Road (Road No. 830501), a local roadway in Polk County's Roadway Inventory. Local Residential roadways are defined in the LDC as paved portions not on the arterial or collector system, and connects residences to roads serving longer trips. Local residential roads generally have less than 1,500 average daily trips. Simms Road has (2) lanes of bidirectional traffic with a paved surface width of approximately 20 feet. No sidewalks are located on this road or other nearby roads.

With large commercial vehicles such as this semi-truck and trailer, staff often examines the route the applicant must take to reach a collector road to gauge the impact it will have on neighbors. There are certain roadway restrictions in the general vicinity which limit the commercial vehicle from traveling in certain directions from the subject property (*Exhibit 6*). The vehicle travels less than 800 feet east before reaching Harrelson Road (Road No. 830503) an Urban Collector County-maintained roadway. The semi-truck can only turn right off Simms Road and travel southbound. If the vehicle were to turn left and head north, Harrelson Road reaches a three-way stop intersection with Rushing Road (Road No. 733201) and Chart Prine Road (Road No. 733206). Semi-trucks with trailers (combination vehicles) are not allowed onto Rushing Road due to the weight restrictions of a bridge (Bridge No. 164113). Chart Prine Road does not have a bridge, however, correspondence with County Roads and Drainage confirmed that no thru trucks are permitted on this roadway segment. While Harrelson Road has a bridge heading southbound (Bridge No.

164112) semi-trucks with trailers (combination vehicles) are permitted as long as they do not exceed 29 tons. This will not be an issue with the request as the maximum gross axle weight of the Pro Star truck is 46,000 pounds or about 20.8 tons. Simms Road also has a bridge (Bridge No. 164111) with no specified weight restrictions. Per my correspondence with Jose Fernandez at the Roads and Drainage Division, Bridge No. 164111 “has no weight restrictions so all Florida legal loads apply.” Florida Statutes 316.535 establishes the maximum weight permitted by FDOT and enforces these weight and load limits throughout the State. Since the County does not prescribe load and weight limits on Bridge No. 164111, the bridge thereby adheres to the weight limits set forth by F.S. 316.535. A valid vehicle registration was issued by the Florida Highway Safety and Motor Vehicles (FLHSMV) in March 2025, confirming that the apportioned load of the semi-truck and trailer is state legal in accordance with F.S. 316.535 and is permitted to cross this bridge.

As noted in the Conditions of Approval, the commercial vehicle will only be allowed to travel southbound to access Knights Station Road (CR 582) from the subject property (*Exhibit 7*) by either transversing Harrelson Road or Simms Road. In addition, a commercial driveway, constructed in accordance with LDC Section 705, will be required to protect the edge of the County’s pavement along Simms Road from the stretching caused by such a heavy vehicle’s turning movements on and off the property.

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.

On January 4, 2022, the BoCC approved LDCT-2021-15 (Ordinance No. 22-002) which incorporated language into Section 216.C of the LDC that exempted application from needing a Special Exception approval for any vehicle or heavy equipment parked or stored within an enclosed structure. In the event this vehicle could be stored in such a manner, the applicant would not be required to provide the landscaping/screen or a commercial driveway.

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.

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

The submitted site plan indicates the proposed parking area has at least 20 feet of separation from the property lines.

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.*

Based on the site plan submitted, the vehicle will be parked in a manner which exposes minimal view of the truck from the road. The truck will be parked to the north side of the house. A six-foot opaque fence or Type B landscape buffer will be required along the northern and eastern property lines or along the immediate parking area in accordance with Section 216.D of the LDC. During the site visit, a fence enclosing the property's backyard was under construction. This will not only ensure privacy and security, but block potential ROW views. The vehicle will not be visible from off-site along the right-of-way of Simms Road.

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 (*Exhibit 5*). The proposed parking area is over 200 feet from the western boundary. The parking area is approximately 50 feet and 75 feet from the northern and eastern residential property boundaries respectively. As previously mentioned, a six-foot opaque fence and/or a Type B landscape buffer will need to be installed at the northern and eastern property boundaries in order to obstruct the parking from neighboring residences.

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: Agricultural/Residential Rural (A/RR) Single-family home ±85.93 acres	North: Residential Suburban (RS) SFR and mobile home ±0.95 acres	Northeast: Residential Suburban (RS) Single-family home ±0.95 acres
West: Agricultural/Residential Rural (A/RR) Single-family home ±85.93 acres	Subject Property: Residential Suburban (RS) Single-family home ±2.42 acres	East: Residential Suburban (RS) Single-family home ±1.66 acres
Southwest: Agricultural/Residential Rural (A/RR) Single-family home ±17.20 acres	South: Agricultural/Residential Rural (A/RR) Single-family home ±1.58 acres	Southeast: Agricultural/Residential Rural (A/RR) Single-family home ±1.58 acres

The approximate 2.24-acre subject property is one of three lots within the Averie's Acres platted subdivision in the Residential Suburban (RS) future land use district (*Exhibit 2*). The surrounding area consists predominantly of site built single-family residences with large swaths of pastureland immediately to the west. Chapter 2, Table 2.2 of the LDC requires a minimum lot size of five (5) acres in the RS district. The previous parent tract of the subdivision and three adjacent residential properties with access along Caudill Drive were approved for a land use change from A/RR to RS in 2005 (*Ord. 05-029*). At the time of the land use designation was changed to RS, the parent tract was 6-acres. Therefore, the lot size met the zoning regulations at the time. The parent tract was then platted for three lots in 2006 including the subject property. The property was purchased by the applicant through a warranty deed on February 3, 2014. There is currently a 3,667 sq. ft. site-built home on the subject premises that was constructed in 2007.

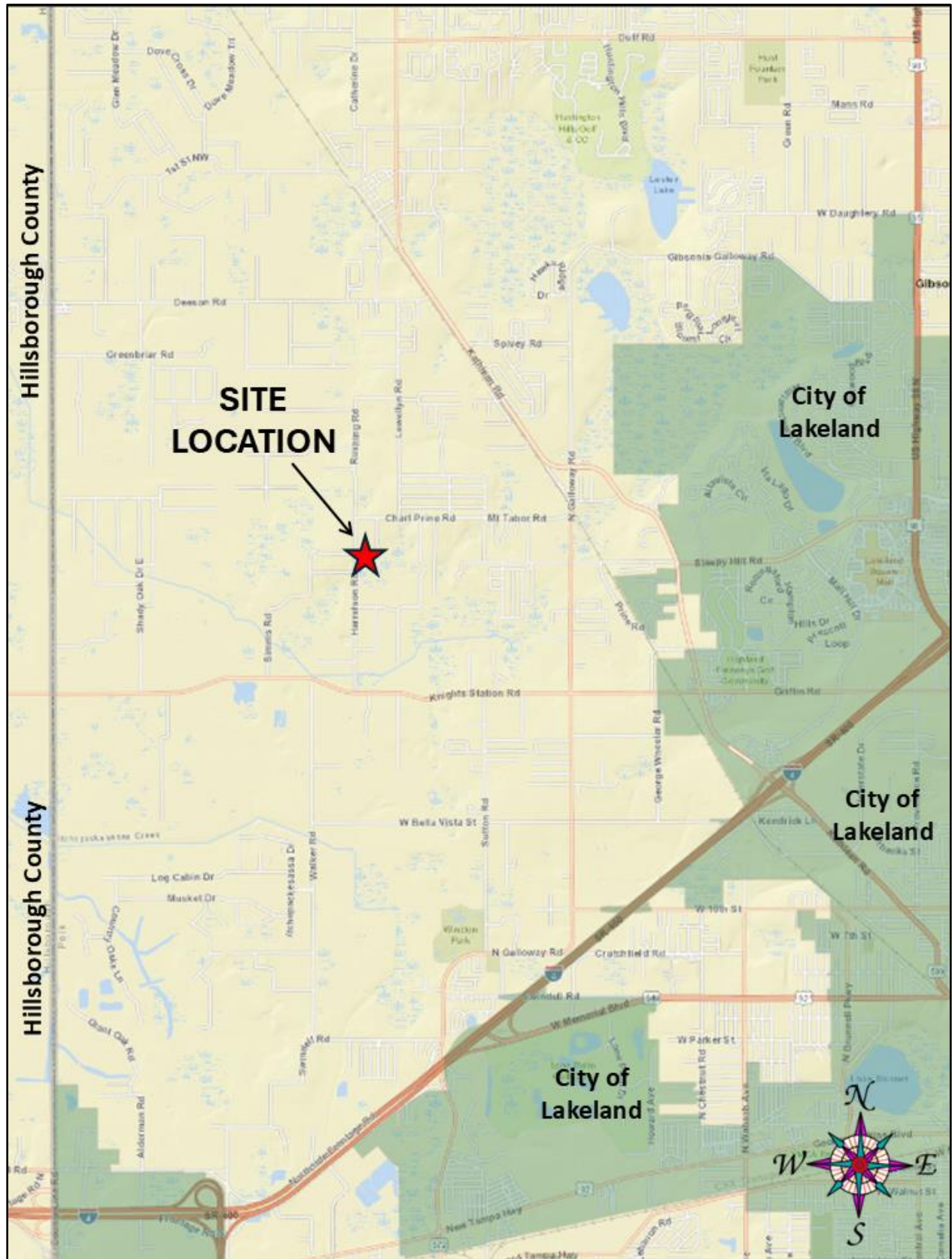
Comments from other Governmental Agencies:

Roads and Drainage Division

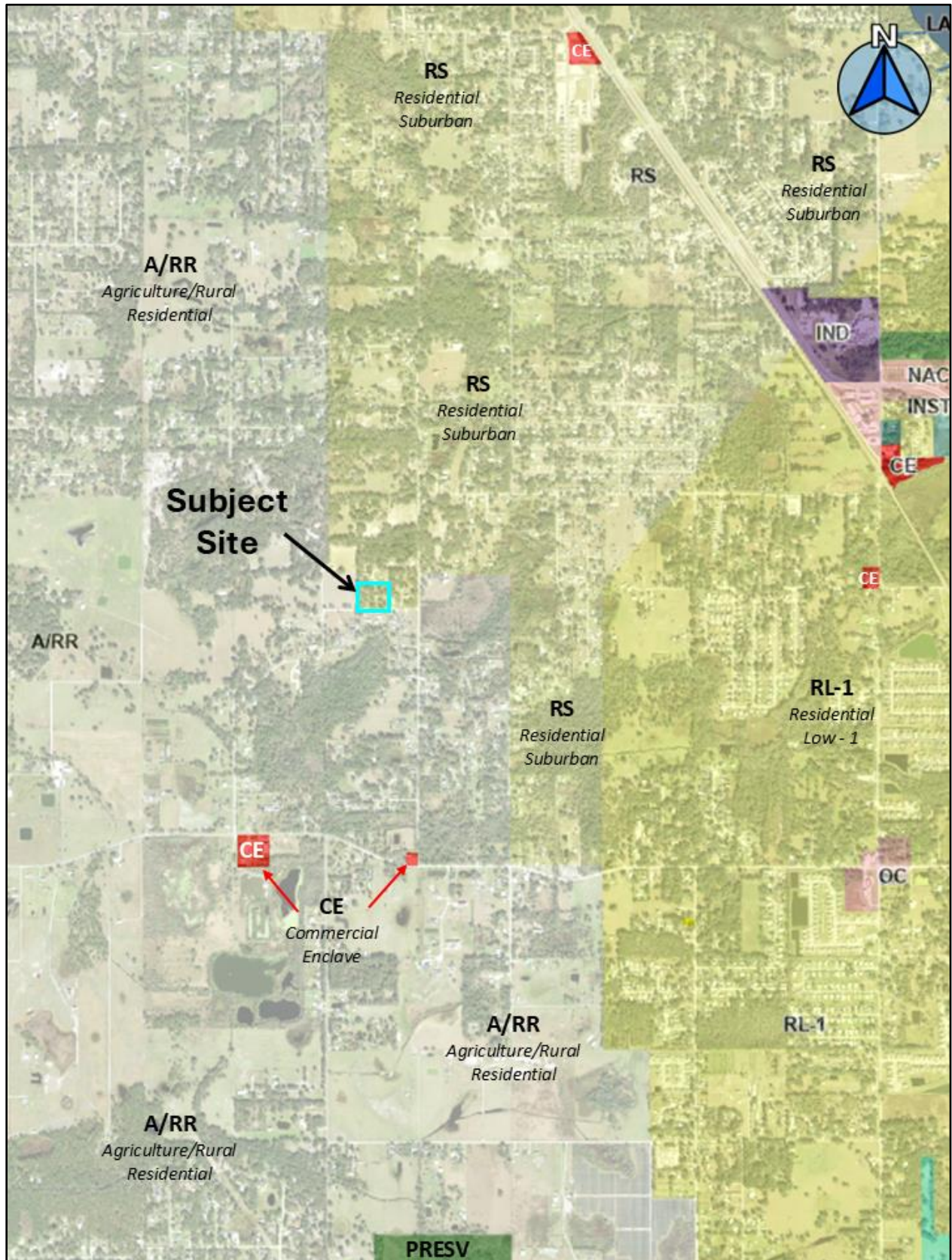
The Polk County Roads and Drainage Division confirmed that the commercial vehicle is categorized as a standard semi-truck with its weight restricted at 29 tons (TN) along Harrelson Road and Bridge Number 164112. Meanwhile "Bridge No. 164111 has no weight restrictions so all Florida legal loads apply." (*Exhibit 6*).

Exhibits:

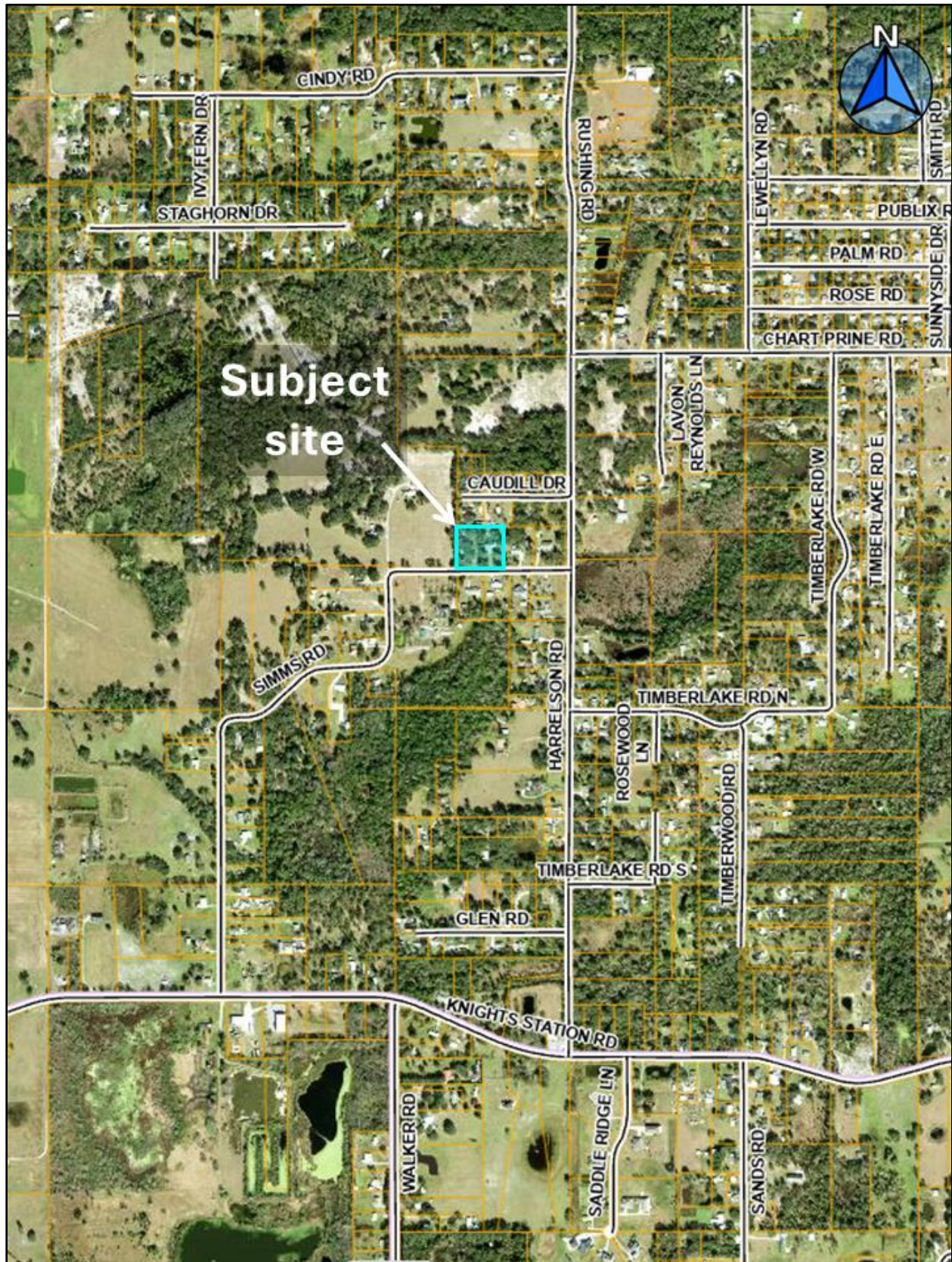
- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2023 Aerial Photo (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-Up)
- Exhibit 5 – Applicant's Site Plan
- Exhibit 6 – Existing Roadway Restrictions
- Exhibit 7 – Truck Routing Plan
- Exhibit 8 – Commercial Vehicle Pictures



Location Map



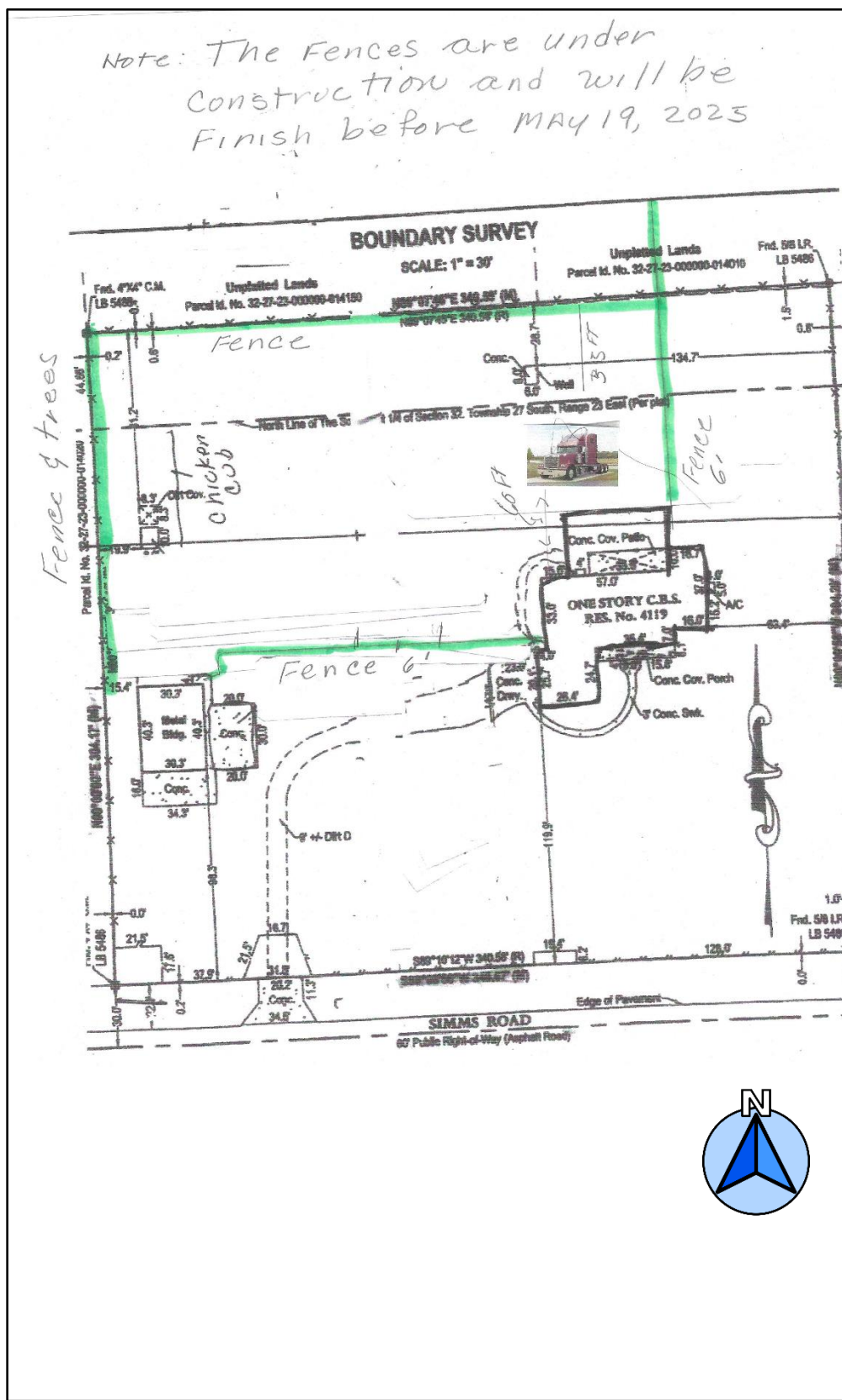
Future Land Use Map



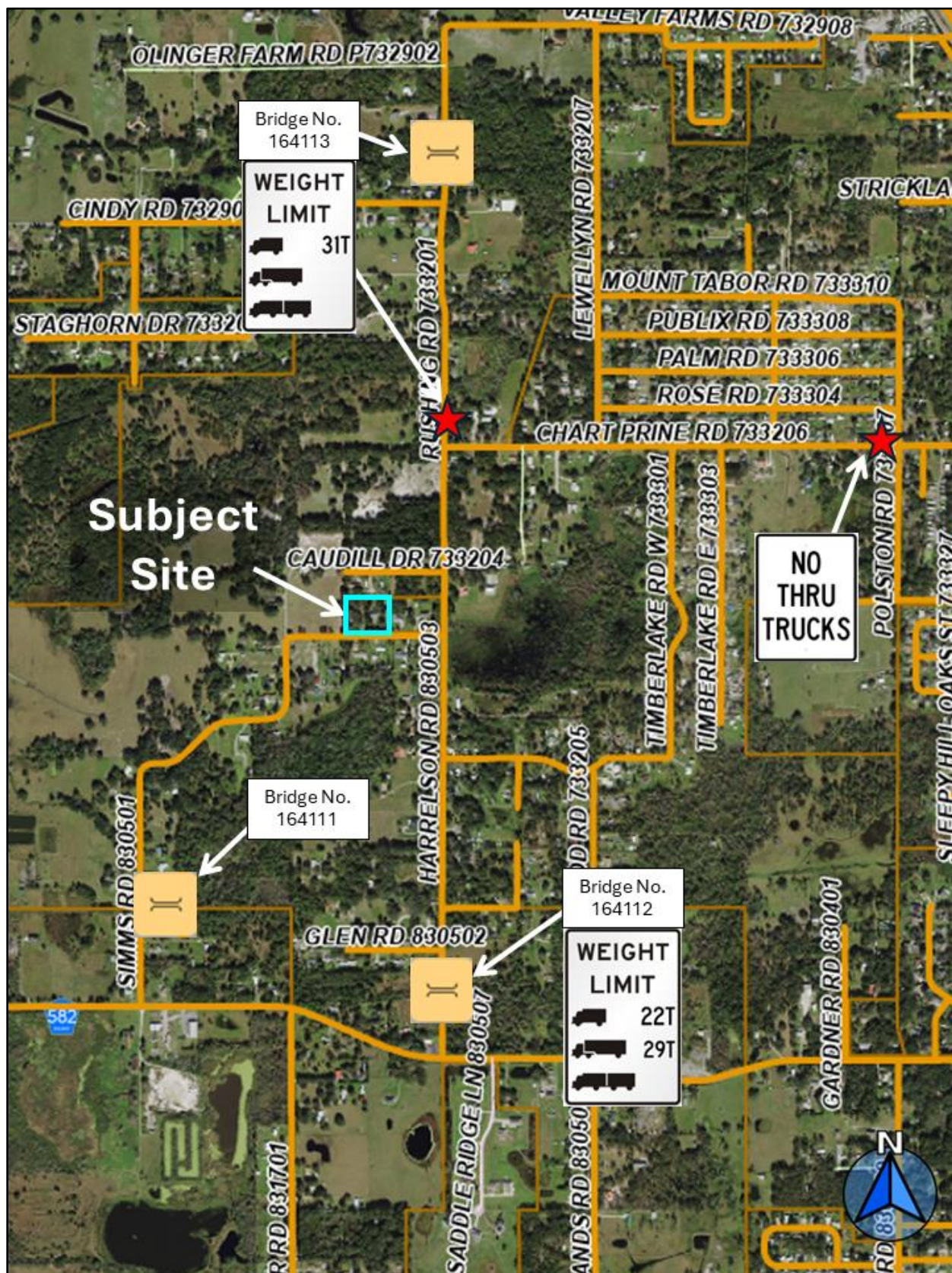
2023 Aerial Image (Context)



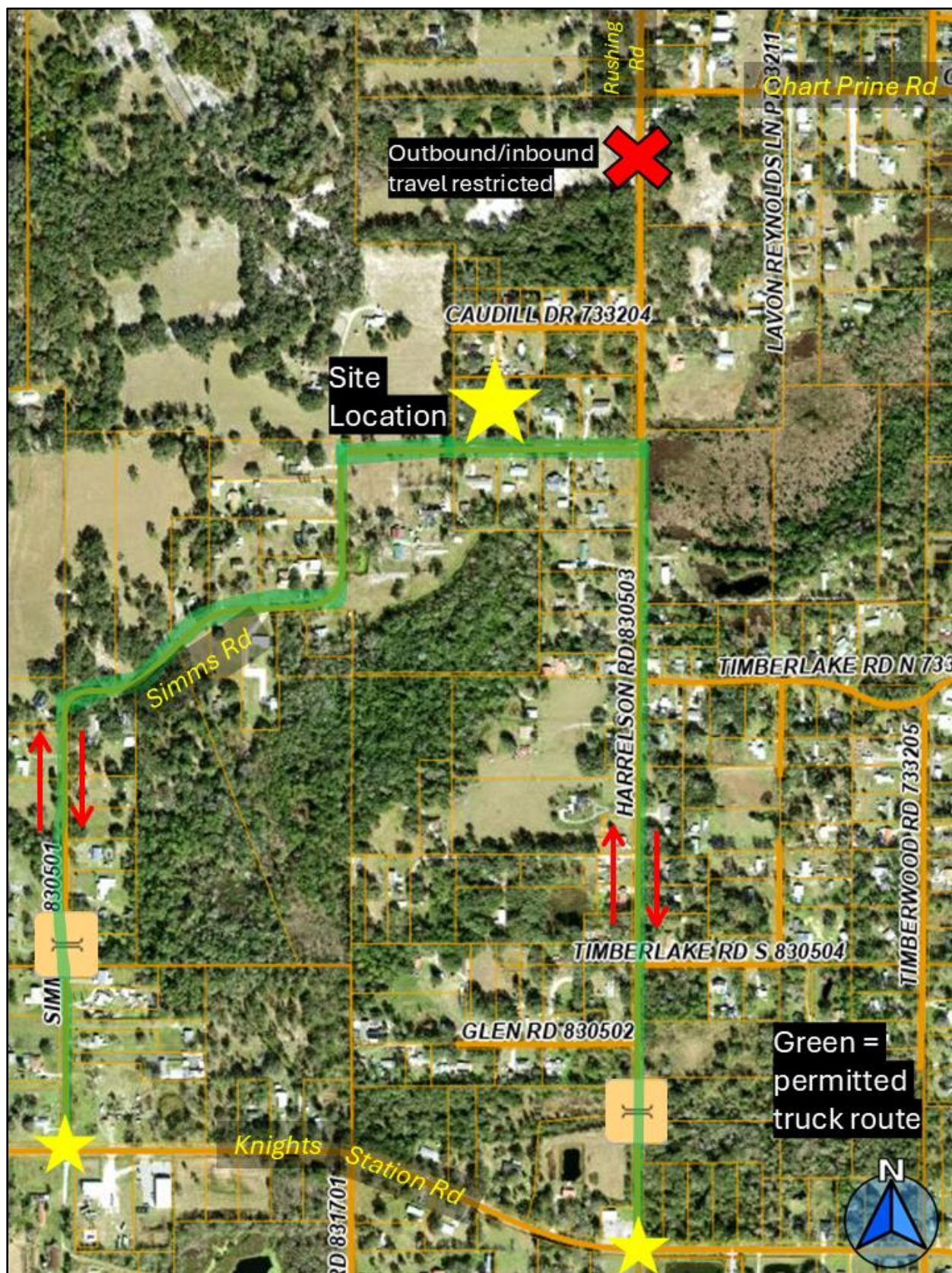
2023 Aerial Photo (Close-Up)



Site Plan



Existing Roadway Restrictions



Truck Routing Plan



Commercial Vehicle Pictures