

# POLK COUNTY

## LAND USE HEARING OFFICER

### STAFF REPORT

<b>DRC Date:</b>	<b>April 10, 2025</b>	<b>CASE #:</b>	<b>LDLSE-2025-2</b>
<b>LUHO Date:</b>	<b>May 19, 2025</b>	<b>LDC Section:</b>	<b>(Ulloa Special Exception) Section 216.D</b>

**Request:** The applicant is requesting a Special Exception to park a commercial vehicle (2022 Chevy Express) at their residence on approximately 0.93 acres within a residential neighborhood.

**Applicant:** Christi Ulloa

**Property Owner:** Cesar and Christi Ulloa

**Location:** The subject property is located at 5760 Floy Drive, north of Interstate 4, south of Duff Road, east of Kathleen Road, west of US Highway 98 North, north of the City of Lakeland in Section 23, Township 27, Range 23.

**Parcel ID#:** 232723-000000-041290

**Size:** ±0.93 acres

**Land Use Designation:** Residential Low-2 (RL-2)

**Development Area:** Urban Growth Area (UGA)

**Case Planner:** Kyle Rogus, Planner I

#### Summary:

This is a request for a Special Exception to park a commercial truck (2022 Chevy Express) on approximately 0.93 acres in a Residential Low-2 land use district in the Urban Growth Area. The property has frontage on Floy Drive. Access is proposed from an existing driveway on Floy Drive. The vehicle will be parked behind the detached 3-car garage on the west side of the structure screened from view from the surrounding residential properties by a 6 feet vinyl fence that shall exceed the length of the vehicle. The commercial vehicle will be more than 30 feet from the north property line.

This is not your typical commercial vehicle you see for a Special Exception. Your typical commercial vehicle that comes in for Special Exceptions are for either semi-trucks or freightliners, which have an average weight of 17 tons with a trailer, exceeding over 70 feet in length and 13 feet in height. The weight of the proposed commercial vehicle is 3,400 lbs, much less than your typical semi-truck or freightliner, therefore not requiring a commercial driveway apron. However, the proposed 2022 Chevy Express does exceed 9 feet in height, making it subject to our commercial vehicle standards per Chapter 2, Section 216.C of the Polk County Land Development Code. The commercial use of the vehicle is what requires a higher roof clearance than your factory made 2022 Chevy Chase Express. The vehicle height is over 9 feet, making it difficult to meet standard garage door roof clearance requirements, requiring the vehicle to be parked outside. This is dictated to be a commercial vehicle per our code based solely on height, not weight, again not requiring a commercial driveway apron or any condition thereof.

The applicant was cited by Code Enforcement for parking the commercial vehicle at this location without a special exception. The Code Enforcement Special Magistrate Case (CMA-2025-730) remains in violation. The owner is now seeking approval for commercial parking on the property. A Special Exception will only approve one commercial vehicle on property. Any additional commercial vehicles on property will be subject to further violation of the Polk County Land Development Code.

Staff recommends approval based on the site plan provided by the applicant and recent visits to the site. The site plan meets all screening or buffering requirements. A commercial driveway apron is not recommended as a condition of approval as this is not your standard commercial vehicle Special Exception.

### **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-2025-2**

### **CONDITIONS OF APPROVAL:**

1. This Special Exception shall be limited to parking one truck, a 2022 Chevy Express or functional equivalent (see Exhibit 7), as described in the application and staff report. No other commercial vehicles may be parked on the site.
2. Approval of this special exception shall be for the operator (Christi Ulloa) 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. 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.
5. 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). Noncompliance with any of the conditions of approval will render LDLSE-2025-2 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.
6. The commercial vehicle shall only be parked in the area designated on the site plan (Exhibit 6) and shall continuously meet the screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code.

### **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, shall be permitted on any residential lot or parcel;*

The request is for one truck (2022 Chevy Express). See Exhibit 7.

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

The applicant has provided the current valid registration for the vehicle.

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

The applicant's property is 0.93 acres with ample space for parking. The neighboring property to the north is within 200 feet of the parking area. The view of the commercial vehicle parking area from the neighboring property to the north and south will be well screened by the applicants proposed 6 foot tall fence. that will extend from the north and south end of the detached 3-car garage westward. The fence shall exceed the length of the vehicle minimizing any visibility from the neighbors to the north and south of the property to meet the screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of the Polk County Land Development Code (LDC). The applicant provided letters of support from both the north and south neighboring properties, who are the most affected by this variance request. The closest residential structure to the designated commercial vehicle parking location is more than 70 feet to the north. The commercial vehicle will be parked over 180 feet from the edge of pavement behind the detached 3-car garage. The property to the west of the subject property is vacant land owned by Polk.

Floy Drive site specific characteristics:

The vehicle will access Floy Drive from Daughtery Road, which is 0.1 miles north of the subject property. The truck will pass 7 homes on Floy Drive. The affected roadway, Floy Drive, is a paved local road with no curb or sidewalk with no posted speed limit that deadends 0.08 miles south of the subject property. Floy Drive has a surface width of 19 feet, which does not meet the minimum 20 foot right-of-way width standard.

Daughtery Road site specific characteristics:

Daughtery Road is a paved two lane Urban Collector road with no curb or sidewalk with posted speed limit of 40 mph. Daughtery Road has a width of 20 feet, which does not meet the minimum 24 feet right-of-way width standard. Daughtery Road experiences approximately 9,900 Annual Average Daily Traffic (AADT) between Gibsonia-Galloway Road and US 98. Daughtery Road connects to US 98 to the east of the subject site. US 98 continues south until it intersects Interstate 4, which offers connections to Tampa to the west and Orlando to the east. The surrounding roads near the property have no weight 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 Code;*

The applicant did not include any demonstration of need in the application. The applicant will provide their hardship demonstration at the public hearing.

5. *Commercial vehicles must be parked on the same lot occupied by the owner or operator of the vehicle;*

The operator is Christi Ulloa, who is 50% owner of the property. Spouse Cesar Ulloa is 50% owner of the property.

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

The applicant's site plan (Exhibit 6) indicates the new proposed parking area is not located in the front yard of the property. The truck will be parked behind the detached 3-car garage on the west side of the structure screened from view from the surrounding residential properties by a 6 foot vinyl fence that shall exceed the length of the vehicle. The commercial vehicle will be more than 30 feet from the north property line and more than 70 feet from the nearest residence to the north. The truck will be parked outside, not in a garage, because the roof clearance is over 9 feet, exceeding your standard garage door height.

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

The property is just shy of one (1) acre. It is easy to meet this requirement. The site plan (Exhibit 6) illustrates the proposed parking area. The parking area is approximately 26.5 feet from the 6 foot tall fenceline connected to the north end of the detached 3-car garage exceeding the length of the vehicle west and 39 feet from the north property line. This is the ideal location for parking the commercial vehicle, as it utilizes the existing detached 3-car garage as screening from Floy Drive, is the furthest away from the north property line while staying consistent with the existing structures, and is screened on the north and south by the proposed 6 foot tall opaque vinyl fenceline that shall exceed the length of the vehicle.

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 site plan illustrates the truck will be parked behind the detached 3-car garage screened from Floy Drive. The truck will also be screened from view of the surrounding neighbors to the north and south of the site by a 6 feet fence that shall exceed the length of the vehicle. The property to the west, directly behind the subject site, is vacant, undeveloped land owned by Polk County with a Recreation Open Space land use designation, therefore not requiring additional screening to the west of the proposed truck parking. The commercial truck will be parked facing the detached garage so that the minimum amount of vehicle surface is facing the vacant property to the west to account for any future development. The nearest neighboring residential structure is over 70 feet to the north of the proposed parking location.

9. *When the vehicle parking area will be less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Bufferyard 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;*

The truck will be parked approximately 39 feet from the neighboring property to the north. The applicant is proposing a 6 foot tall vinyl fence extending westward from the north and south ends of the detached 3-car garage so that the fence shall exceed the length of the vehicle, meeting the screening requirements of the Land Development Code. The fence will minimize any visibility from the neighbors to the north and south of the subject site. The nearest neighboring residential structure is approximately 70 feet to the north of the proposed parking location.

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

There are no refrigerator units.

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 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 this Section;*

This has been included in the conditions of approval.

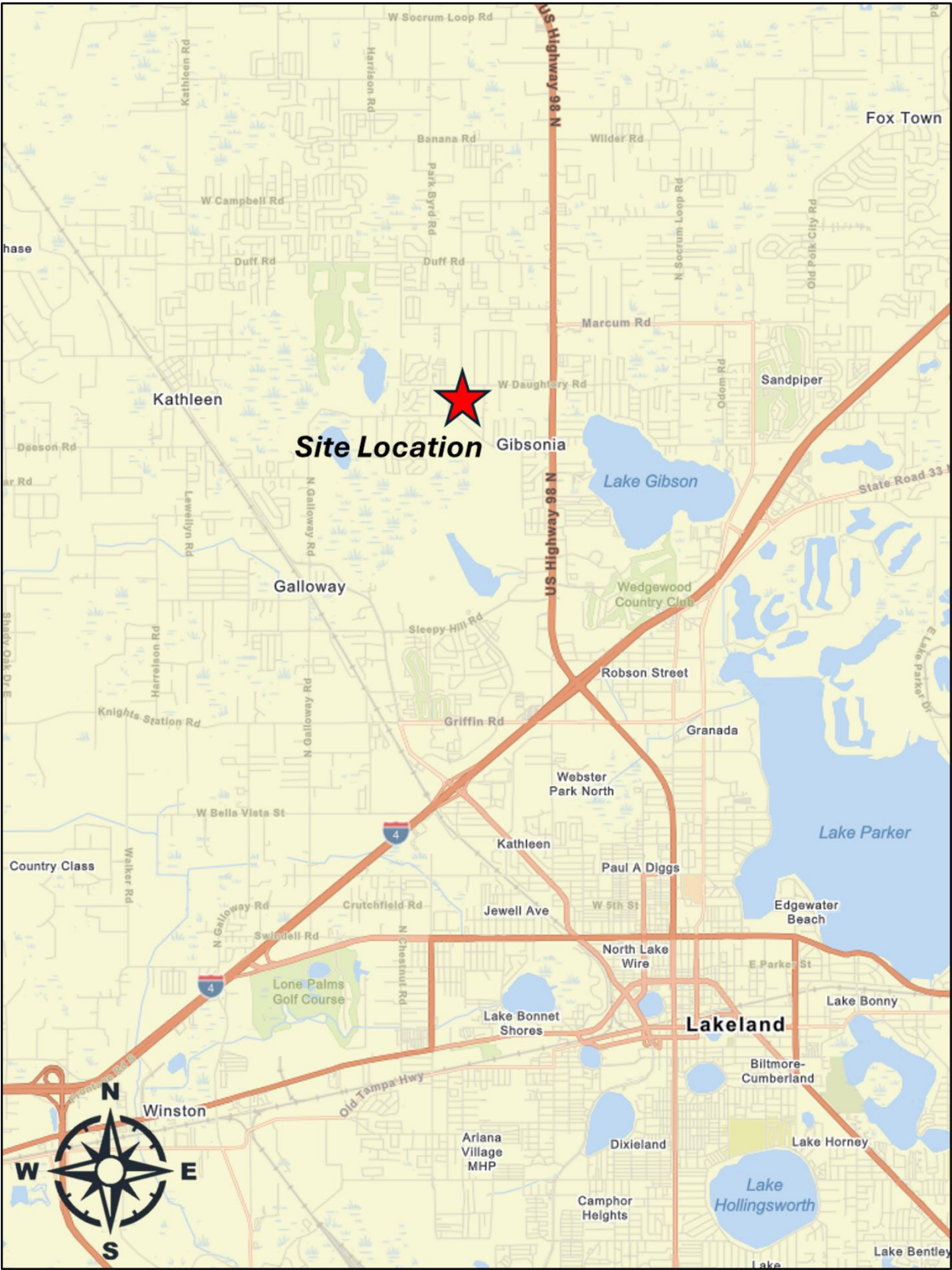
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<b>Northwest:</b> Recreation Open Space (ROS) Vacant County Land 9.88 acres	<b>North:</b> Residential Low-2 (RL-2) Single-Family home 0.93 acres Letter in Support	<b>Northeast:</b> Residential Low-2 (RL-2) Single-Family home 0.93 acres
<b>West:</b> Recreation Open Space (ROS) Vacant County Land 9.88 acres	<b>Subject Property:</b> Residential Low-2 (RL-2) Single-Family home 0.93 acres	<b>East:</b> Residential Low-2 (RL-2) Single-Family home 0.93 acres
<b>Southwest:</b> Residential Low-2 (RL-2) Single-Family home 5.41 acres	<b>South:</b> Residential Low-2 (RL-2) Single-Family home 1.99 acres Letter in Support	<b>Southeast:</b> Residential Low-2 (RL-2) Single-Family home 0.93 acres

The subject site is located off Floy Drive, passing approximately 7 residential properties from Daughtery Road. The majority of the properties in this area are similar in size. The applicant provided two letters of support from the neighbors directly to the north, who have the closest neighboring residential structure to the proposed commercial vehicle parking location, and to the south. The property directly behind the subject property is approximately 10 acres of vacant land owned by Polk County with a Recreation Open Space (ROS) land use designation. While conducting our site visit, no other commercial vehicles were seen. Subject property is approximately 0.8 miles west of US Highway 98.

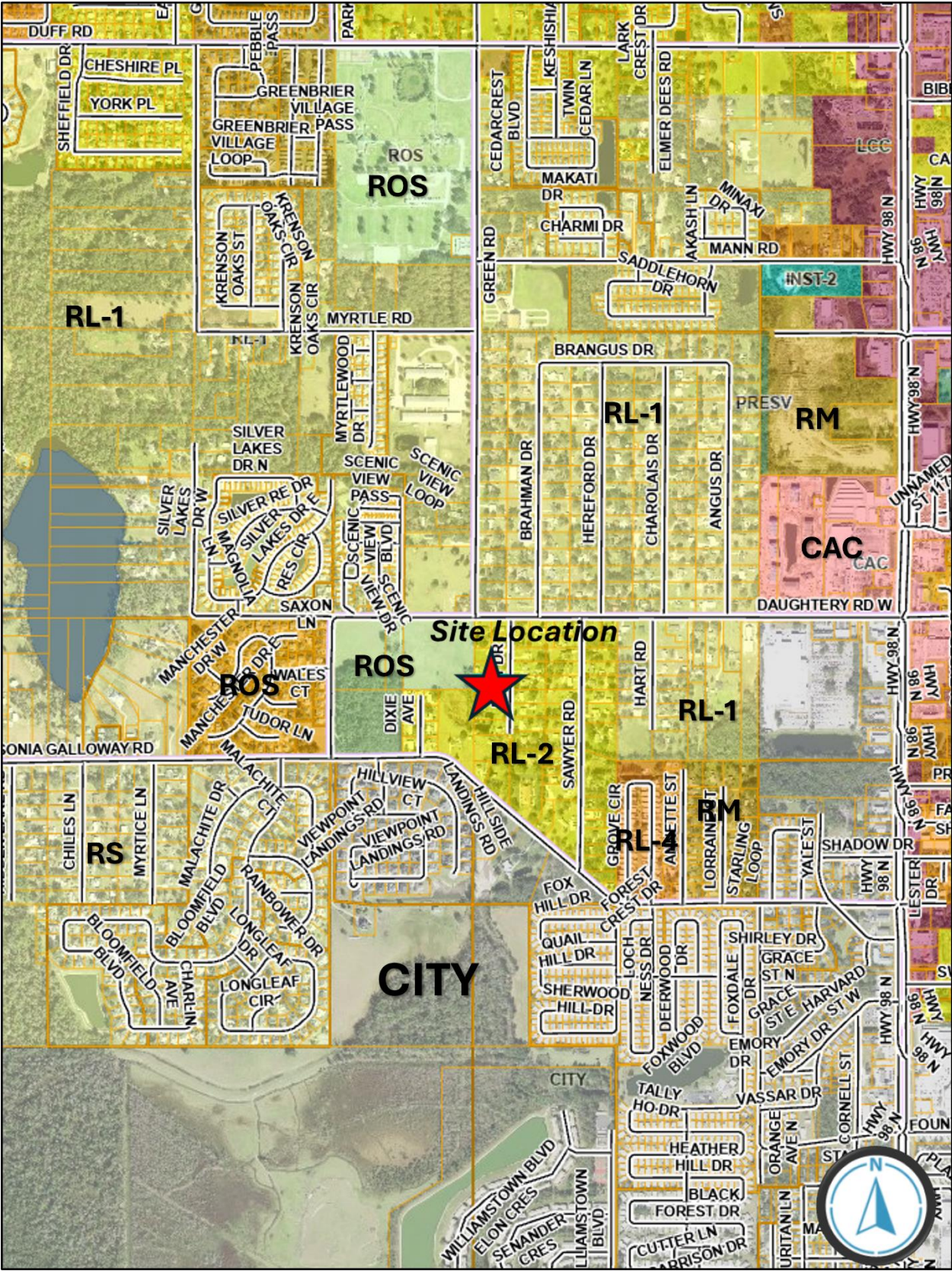
**Exhibits:**

Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	2023 Aerial Imagery (Context)
Exhibit 4	2023 Aerial Imagery (Close)
Exhibit 5	Commercial Vehicle Parking Dimensions
Exhibit 6	Site Plan
Exhibit 7	Commercial Vehicle Pictures
Exhibit 8	Buffering and Screening Specifications



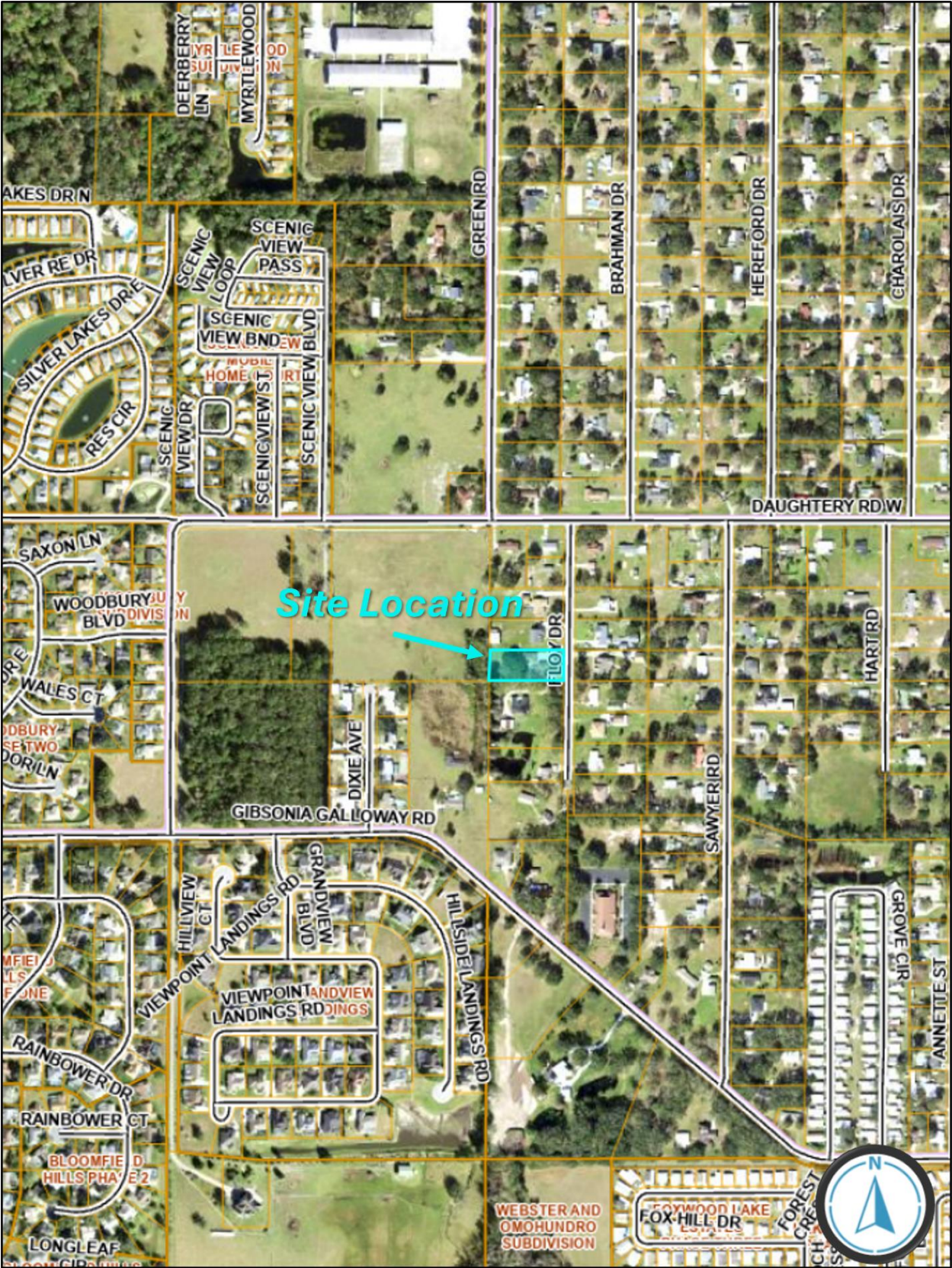
Location Map





Future Land Use Map





Aerial Imagery (Context)



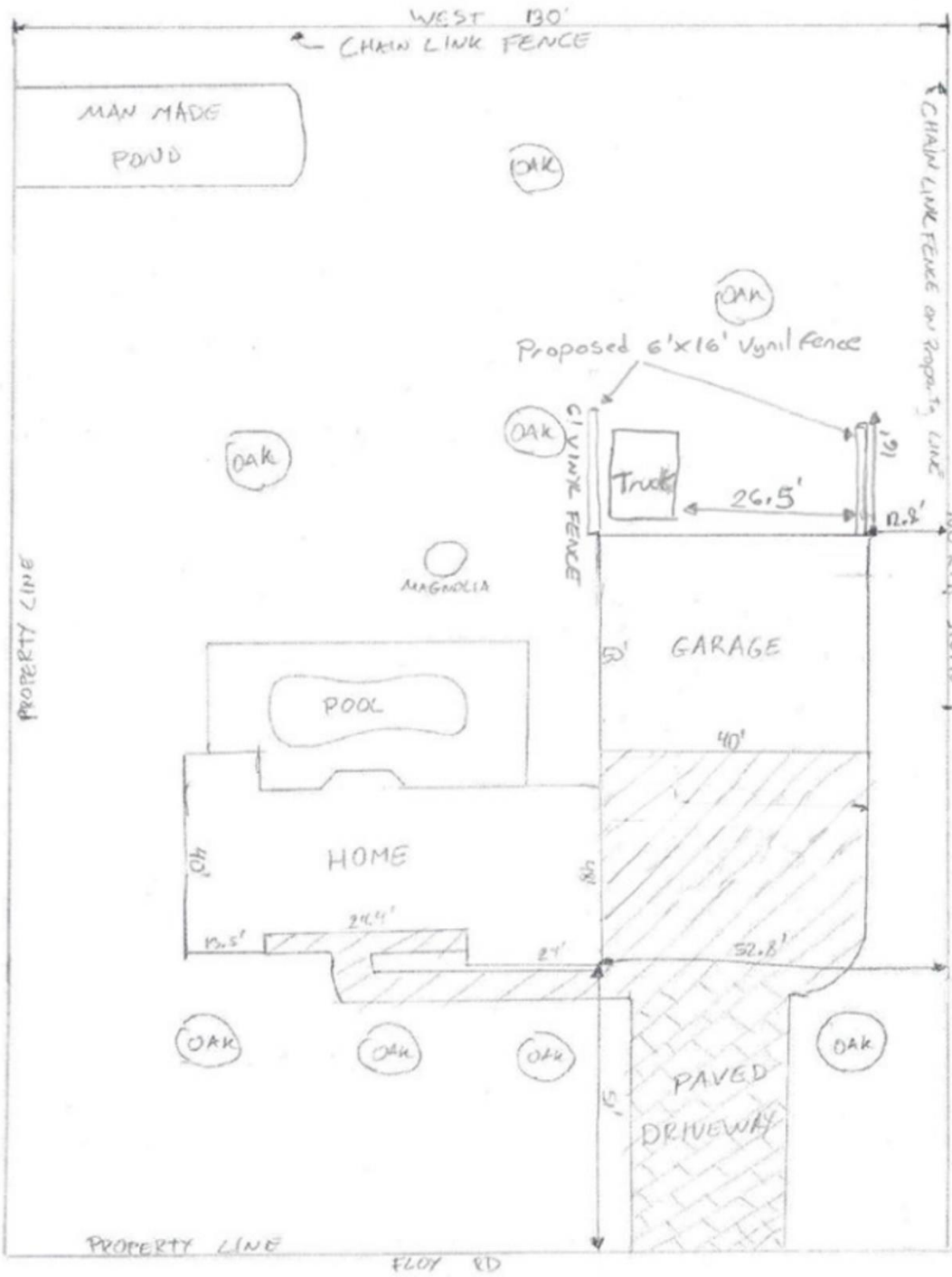


Aerial Imagery (Close)





Commercial Vehicle Parking Dimensions

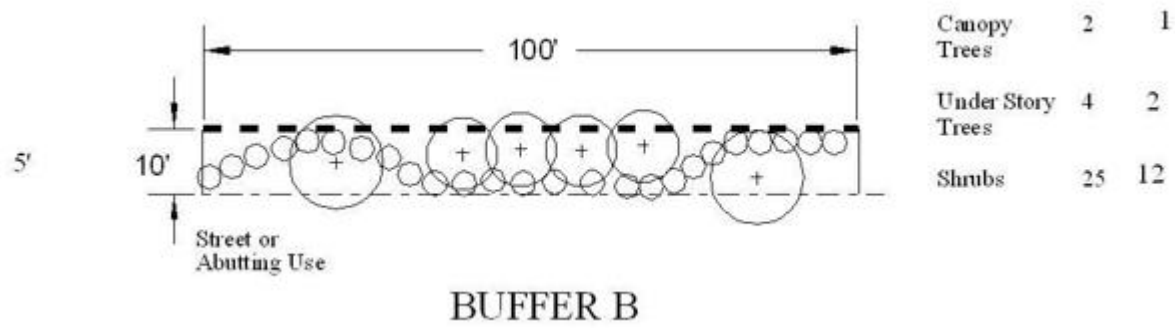


Site Plan





## Commercial Vehicle Pictures



Buffering and Screening Specifications  
(Per LDC Section 720.L)