

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

DRC Date: June 12, 2025	CASE #: LDLSE-2025-6 (Onix Delgado SE)
LUHO Date: July 24, 2025	LDC Section: Section 216.D

Request: The applicant is requesting a special exception to allow a commercial vehicle (2000 Peterbilt truck) on their property of approximately 0.49 acres in a residential area.

Applicant: Onix Delgado

Property Owner: Karem Yelitza Delgado Diaz, Onix Delgado Barreiro

Location: 487 Tindel Camp Road, north of Dekle Road, south of Almburg Road, east of Scenic Highway North, west of Lake Mabel Loop Road, south of the City of Lake Wales, in Section 02, Township 29, and Range 27.

Parcel ID#: 272902-000000-042120

Size: ±0.49 acres

Land Use Designation: Agriculture/Residential-Rural (A/RR)

Development Area: Rural Development Area (RDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

This is a request for a Special Exception to park a commercial vehicle (2000 Peterbilt model 379) on approximately 0.49 acres in an Agricultural/Residential Rural land use district in the Rural Development Area. The owner is now seeking approval for parking one (1) commercial vehicle on the property. The property has frontage on Tindel Camp Road and is 0.48 miles from State Road 17, an arterial road. Access is proposed from an existing driveway on Tindel Camp Road, which will have to be constructed to commercial vehicle standards outlined in Section 705.I of Polk County Land Development Code. The vehicle will access the backyard along the eastern property line. The vehicle will be parked directly behind the existing home and will be more than 20 feet from the north and west property lines.

Staff recommends approval with proposed conditions based on the site plan (Exhibit 5) provided by the applicant and recent visits to the site. Screening or buffering will be placed on the north, west and east sides of the property because the parking area will be less than 200 feet from the adjacent residential uses and will be visible from the Helicopter Road right of way.

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-2025-6**.

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one truck, a 2000 Peterbilt Model 379 and associated trailer, 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 (Onix Delgado Barreiro) 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. This commercial vehicle parking approval shall be contingent upon the applicant constructing at least one commercial driveway entrance either off of Tindel Camp Road or Helicopter Road in accordance with Section 705.I of the Land Development Code.
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.
6. 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.
7. 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-2025-6 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.
8. The commercial vehicle shall only be parked in the area designated on the site plan (Exhibit 5) 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.D 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 on their residence of approximately 0.49 acres and located in a Rural Development Area (RDA). This size of the property is sufficient to accommodate this vehicle (See Exhibit 6). According to the application, the subject vehicle is a 2000 Peterbilt Model 379 semi-truck that the driver wishes to park at their residence in an A/RR land use district. The dimensions of the truck are 10' long, 8' wide and 12.83' high and the trailer the dimensions are 8.5' long and 4' wide. The size of the property is sufficient to accommodate a vehicle such as this and meet the standards required in Section 216. The vehicle will be parked to the north side of the principal structure and buffered or screened from neighboring properties. No other commercial vehicles will be parked onsite.

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 approximately 0.49 acres with sufficient space for parking. The proposed vehicle parking is within 200 feet of the north and west neighboring residences so it will need to meet the Type B screening or buffering requirements listed in Section 216.D of the LDC. Screening or buffering will be required to extend along the entire proposed parking space minimizing any visibility from the neighbors to the north and west of the property, as well as from the public right-of-way from Helicopter Road.

The vehicle will access Tindel Camp Road, a paved two lane local road with no curb or sidewalk with a posted speed limit of 45 mph. Before reaching State Road 17 the truck will pass 10 homes on Tindel Camp Road, which is 0.49 miles west of the subject property. A commercial driveway apron is required to protect Tindel Camp Road from the stretching caused by such heavy vehicle's turning movements on and off the property. Tindel Camp Road has a paved surface width of 20 feet, which is deficient to today's standards but speaks to the age of the roadway.

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 Onix Delgado Barreiro, who 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 5) indicates the new proposed parking area is not located in the front yard of the property. The truck will access the backyard through the front of the property and will be parked behind the house.

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

The property is approximately 100 feet wide and the backyard is approximately 110 feet in depth. It is easy to meet this requirement. The site plan (Exhibit 5) demonstrates the proposed parking area.

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 in the backyard, behind the house, therefore the truck will not be visible from Tindel Camp Road. Buffering requirements will be blocking the neighbor's view of the truck from the north and west, and east from Helicopter Road.

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;*

Due to the dimensions of the property, the truck will be parked less than 200 feet from both of the neighboring properties to the north and west, and the parking area will be visible from the Helicopter Road right of way from the east side of the property. The northern, western and eastern property line is only divided by a chain link fence. A buffer or screening as required by Section 216 D of the Land Development Code must include either a six (6) foot opaque fence or Type B landscape buffer will be placed on the north, west and east property lines extending along the entire proposed parking space, minimizing any visibility from the neighbors to fully meet this requirement.

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

There are no refrigerator units included on the subject commercial vehicle.

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.

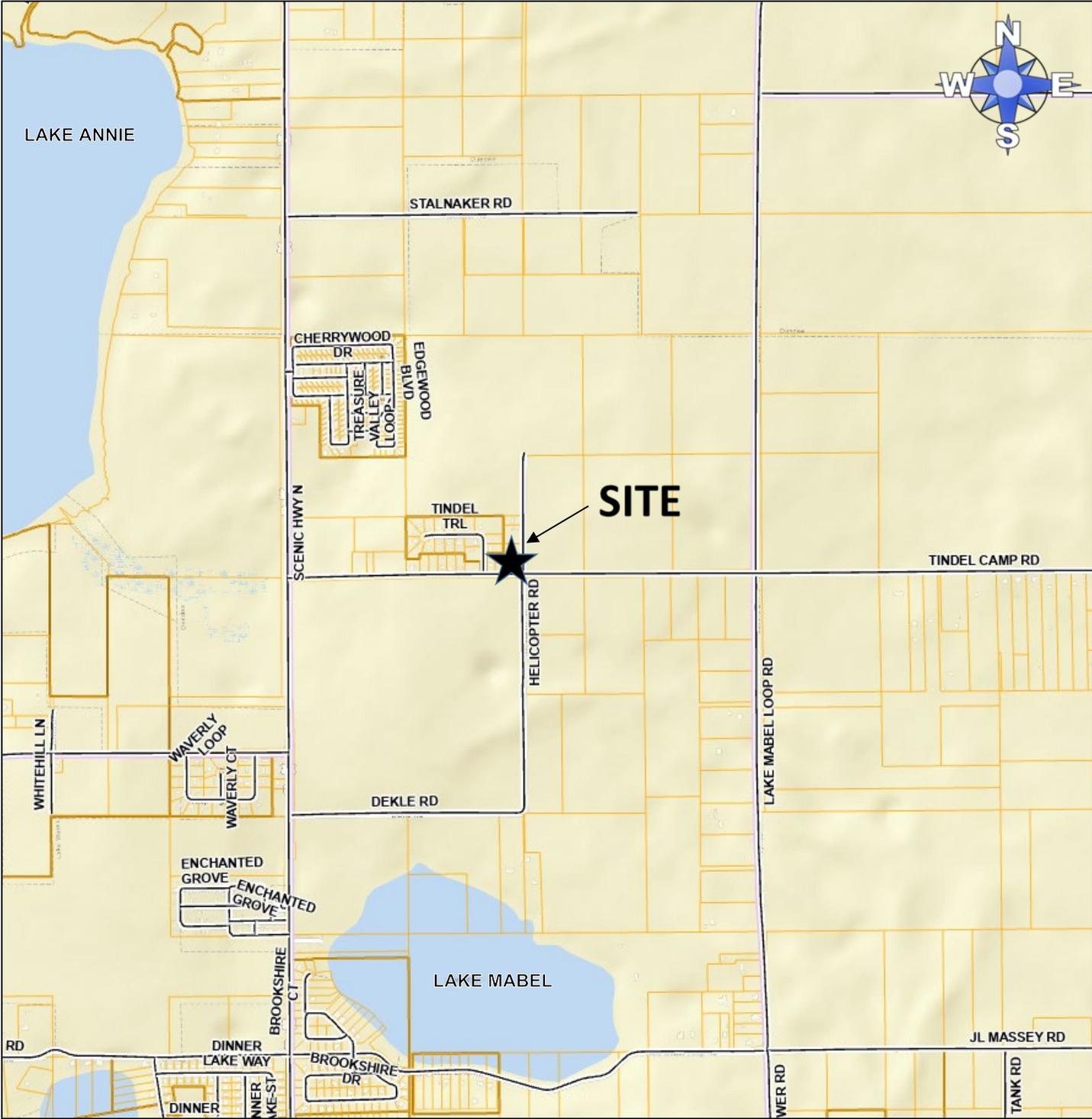
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Agriculture/Residential Rural A/RR Single Family Residence 0.49 acres</p>	<p>North: Agriculture/Residential Rural A/RR Single Family Residence 0.49 acres</p>	<p>Northeast: City of Dundee Pasture 19.47 acres</p>
<p>West: Agriculture/Residential Rural A/RR Single Family Residence 0.49 acres</p>	<p>Subject Property: Agriculture/Residential Rural A/RR Single Family Residence 0.49 acres</p>	<p>East: City of Dundee Pasture 19.47 acres</p>
<p>Southwest: City of Dundee Solar Farm 151.71acres</p>	<p>South: City of Dundee Solar Farm 151.71acres</p>	<p>Southeast: City of Dundee Pasture 10.089</p>

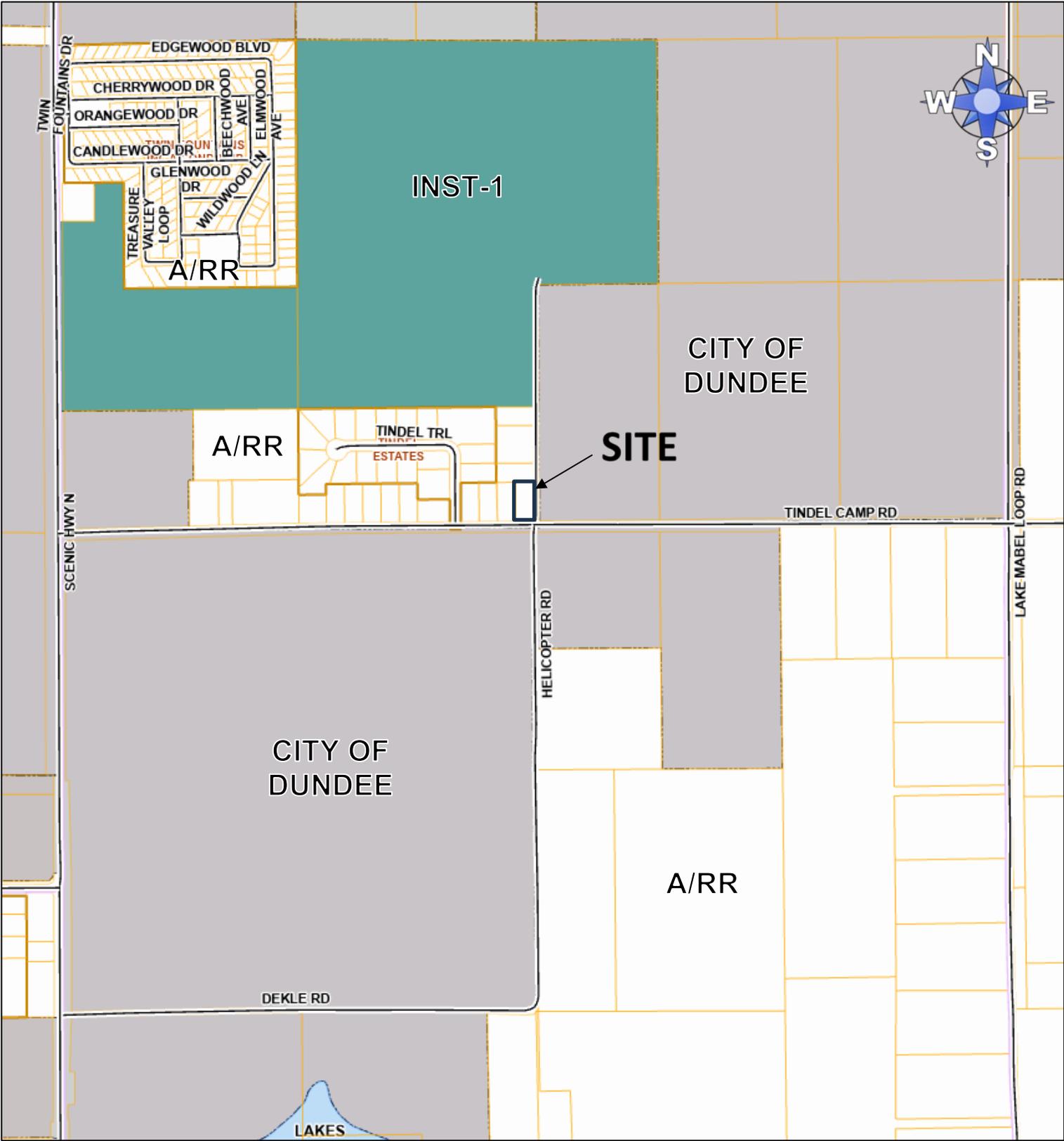
The subject site was purchased by the applicant in 2023, it is located off Tindel Camp Road, located in Rural Development Area. The majority of the properties in this area are similar in size. While conducting our site visit, no other commercial vehicles were seen. Staff found no prior special exception cases at Tindel Camp Road or Helicopter Road, 0.5 miles away from the subject property.

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 Site Plan
- Exhibit 6 Commercial Vehicle Pictures
- Exhibit 7 Commercial Driveway Specifications



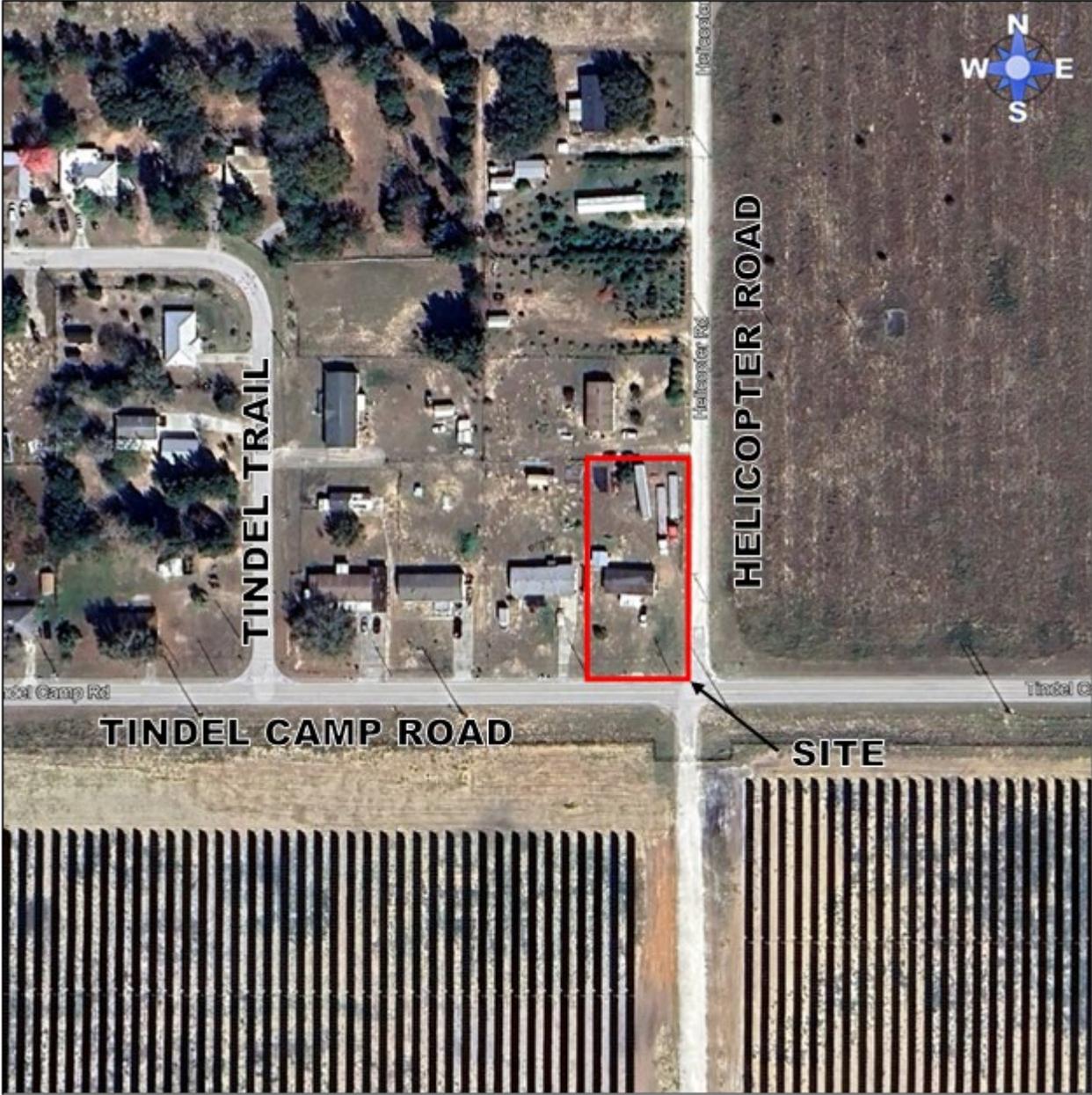
Location Map



Future Land Use Map



Aerial Imagery 2024 (Context)



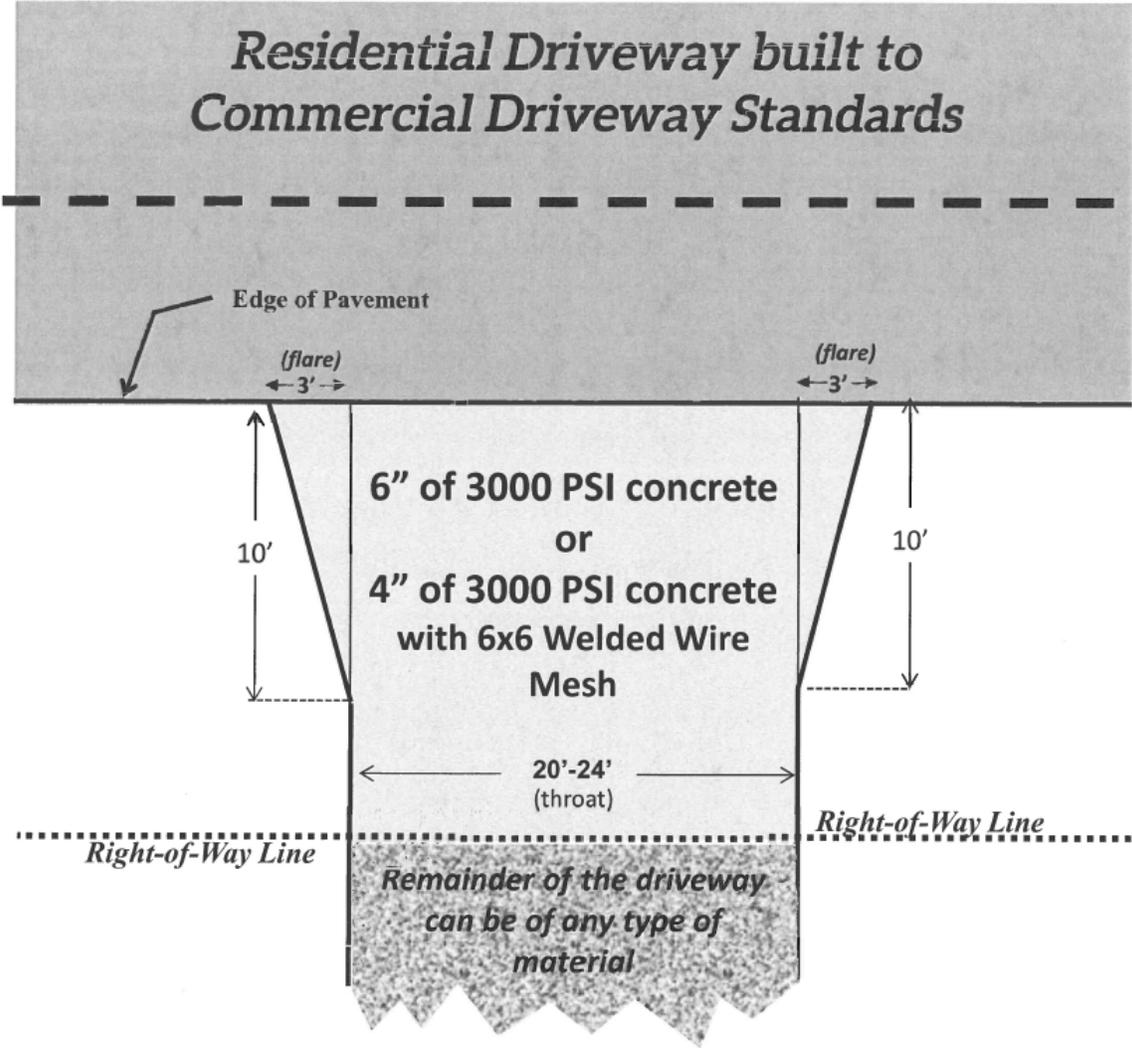
Aerial Imagery 2024 (Close)



Site Plan



Commercial Vehicle Pictures



Commercial Driveway Specifications
(Per LDC Section 705.1)