

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

DRC Date	April 9, 2026	CASE #:	LDLVAR-2025-14 84 Lumber ISR Variance
LUHO Date	May 28, 2026	LDC Section:	Section 208, Table 2.2

Request: The applicant on behalf of the property owner is requesting an increase in impervious surface ratio (ISR) from the maximum permitted 0.60 in the Suburban Development Area (SDA) to 0.70 on about 2.74 acres of non-residential property.

Applicant: Julie Guirguis

Property Owner: S S Designs Inc

Location: The subject property is located at off of Industrial Boulevard, south and west of State Road 655 (Recker Highway), north of County Road 542 (K-Ville Avenue), east of Taylor Road, southeast of the City of Auburndale in Section 23, Township 28, and Range 25.

Parcel ID#: 232906-000000-043030 and 043060

Size: ±2.74 acres

Land Use Designation: Business Park Center-2 (BPC-2)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance in the impervious surface ratio (ISR) limit of the Suburban Development Area (SDA) from 0.60 to 0.70 for the expansion of outdoor storage for an existing lumber facility. A lower impervious surface ratio is placed on development in the rural areas of the County to create more open space and present a less congested appearance. Additionally, the rural areas have less infrastructure and services to provide for more intense development. Typically, there is no sanitary sewer service available or publicly maintained drainage system outfalls. Therefore, more open land is often needed for more internal stormwater treatment and storage and onsite sanitary wastewater treatment facilities. However, this area is no longer rural in nature. It has a significant amount of urban infrastructure and services. Non-residential development such as this is encouraged in BPC-2 and this expansion to include more outdoor storage will not induce the need for additional drainage or stormwater updates according to County engineers. The property has already received Southwest Florida Water Management District's (SWFWMD) approval for a higher 0.70 ISR (Permit #2318.018).

The applicant intends to expand their property with about 46,789 square feet of gravel and has submitted Level 2 plans (LDNON-2026-20). According to the Land Development Code (LDC),

Chapter 10, areas of stored materials in storage yards is considered an impervious surface. This ISR requirement is to ensure no offsite impacts to drainage, stormwater, or subsurface flows are harmful to the general public. The property currently has a total of 280,288 sq. ft. of impervious area, which is about 0.60 ISR. This type of development is similar and less intense than most of the nearby warehouse developments.

Staff find that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the property owner has already received Water Management District approval for the expansion. No additional flooding or drainage concerns are warranted.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because this is one of the most urban and industrializing areas of the County. The applicant's agents assumed that the Development Area Map of the plan recognized the County and cities' investments into this area as well as the Water Management District's standards.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2026-27**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 208, Table 2.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable Impervious Surface Ratio within the Business Park Center (BPC-2) (Development area: SDA) Future Land Use Map designation from 0.60 to 0.70.
2. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making 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.

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 LDC Section 930D.

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.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

It is intended in the policies of the plan that there be more open space in the rural areas and far less in the urban ones. Rural areas are for preserving the existing undeveloped nature of an area. In urban areas, there are significant amounts of public and private investment, and it is desired that as many residents and businesses locate there to maximize the benefits of those investments. Open space is not desired in higher quantities in urban areas.

This area has developed in an urban manner and is on the fringes of Recker Highway (SR 655), a major thoroughfare for commercial trucking and warehousing operations. There are significant amounts of urban services available and in the nearby municipality of Auburndale, where development intensity is preferred over open space. Additionally, the County's Urban Growth Area (UGA) is just 1,500 feet to the northeast. *It will not be injurious to the area involved or otherwise detrimental to the public welfare* if this property is allowed to develop at a slightly higher and more urban level than is currently afforded by the code. Staff concurs with the request for a complete adjustment to the impervious surface coverage from the 0.60 Suburban Development Area (SDA) limit to the 0.70 Urban Growth Area (UGA) standard. This will allow for development contingencies and future growth.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

The impervious surface area for the BPC-2 district varies depending on the County's future plans for infrastructure and services investments. These plans are identified through the mapping of urban services boundaries that are referred to in the Comprehensive Plan as "Development Areas" that also form the basis for the distribution of Future Land Use Map categories. In the Suburban Development Area (SDA), is a mixture of low density residential and agricultural activities. While these areas are predominately residential and suburban in nature, some non-residential uses are found, including the subject site and surrounding area. There is no commitment to providing an increase in urban infrastructure

and services in the future, more specifically wastewater extensions, unless the BoCC deems it necessary that benefits overall public health and long-term economic benefits. Such planning is an integral part of managing the County's budget over the life of the plan. The site currently has an existing septic tank and drainfield and the area is not planned for sewer extensions by the City of Auburndale in the near future. There is not enough tax revenue available to provide the same level of urban services countywide. The County and its cities must allocate financial resources only where the citizens receive the most return on tax-backed investments.

The property owner received Level 2 approval about two and a half years ago to redevelop the site into a lumber processing facility. This expanded the existing one-story 63,935 sq. ft. building with two 6,000 sq. ft. buildings (LDNON-2022-81). At the time, the site met the 0.60 ISR standard which included parking, outdoor storage with asphalt paving, and building areas. The request is simply to add gravel to the south of the existing outdoor storage area in order to allow more product storage onsite.

3. *Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;*

Prior to the current land use designation when the Comprehensive Plan was adopted in 1991, the property was rezoned to "Commercial-4" (C-4) from "Rural Conservation" (RC) and "Rural Estates" (RE-2) in 1989. The immediate area since then developed with various warehousing operations taking access off of Industrial Boulevard, a County-maintained Local Commercial Roadway (Road No: 852305) around 1996 when a 63,935 sq. ft. warehouse building was constructed. At the time, zoning regulations did not include impervious surface regulations. The applicant's agents assumed that the 0.70 ISR approval from the SWFWMD corresponded to the same County regulations as well. There are urban services and infrastructure available to accommodate this intensity. The maintaining of an accurate account of where there is significant investment in infrastructure and services should be the responsibility of the County and not the individual property owners.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

This variance is needed for a more urban form of development in an area that is clearly urban. The Comprehensive Plan urban services boundary (Development Areas Map) has not been updated for the amount of investment that the County and cities have funded for improvements over this area in the past 20 years. The Urban Growth Area (UGA) boundary is less than 1,500 feet to the northeast (see Exhibit 9). Across Recker Highway, the impervious surface area may reach 70% of the property, without the need for a variance. To the northeast is a warehouse constructed on about 1-acre with about 0.75 ISR, prior to County impervious regulations in place. This is a privilege that is afforded by right to other properties nearby but not to this one. The applicant has already received SWFWMD approval to reach a 0.70 ISR which addresses drainage and offsite runoff concerns from the Water Management District. The permit was issued in April 2026 (Permit #: 2318.018). Given the total impervious surface area will exceed 4,000 square feet or 25% of the parcels, Level 2 submittal is required in accordance with LDC Section 905.G.

5. *Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;*

This request is to increase the impervious surface area of a BPC-2 district from 60% of the site to 70% of the site. This constitutes a 10% increase in total coverage of the property. Approval is recommended because it allows the applicant to store additional lumber product at their facility without the need for offsite storage.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. This variance is needed to expand the useable area of the property. POLICY 2.113-B-4.i states “*Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank septic and as required if within a Nutrient Restoration Plan Overlay.*” This area has public water serving it. Therefore, it is not a change in the land use and is consistent with the Comprehensive Plan to grant more impervious surface area.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property. It will expand the useable area of the property. The request is to vary from a development standard.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

Granting this request will not circumvent any conditions of approval. There are no easements according to the Clerk of Court records. It has never been granted any special use permit or conditional use approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Table 1

<p>Northwest: Business Park Center-2 (BPC-2) Lot 48 through 50 Owned by Property Owner</p>	<p>North: Business Park Center-2 (BPC-2) Lot 51 & 52 Owned by Property Owner</p>	<p>Northeast: Business Park Center (BPC-2) Lot 25 6,810 sq.ft. warehouse (1983) On ±1.03 acres 0.75 = ISR</p>
<p>West: Business Park Center-2 (BPC-2) 14,250 sq.ft. warehouse (2004) 2,500 sq.ft. warehouse (2001) On ±2.06 acres 0.19 = ISR</p>	<p>Subject Property: Business Park Center (BPC-2) Existing: 280,288 sq. ft. (±6.438 acres) impervious Proposed: ±46,789 expansion, ±327,076 sq.ft. total impervious On ±10.73 acres 0.70 = ISR</p>	<p>East: Business Park Center-1 (BPC-1) Vacant land 1,728 sq. ft. barn ±9.29 acres</p>
<p>Southwest: Business Park Center-2 (BPC-2) 15,000 sq.ft. warehouse (1987) On ±1.03 acres 0.33 = ISR</p>	<p>South: Business Park Center-2 (BPC-2) Single-family residence ±1.93 acres</p>	<p>Southeast: Business Park Center-2 (BPC-2) Single-family residence ±1.29 acres</p>

The surrounding area has historically consisted of warehousing and industrial facilities. The subject site is considered Lots 48 through 55 of the “Commercial Industrial Park, Phase Two” plat recorded in December 1989 (PB 88, PG 36). Prior to the current land use designation when the Comprehensive Plan was adopted in 1991, the property was rezoned to “Commercial-4” (C-4) from “Rural Conservation’ (RC) and “Rural Estates” (RE-2) in 1989.

According to historical aerials, the subject site remained vacant until around 1996 when a 63,935 sq. ft. warehouse building was constructed. The roadway traveling eastward into the site off of Industrial Boulevard was once owned by the County and designated as “Industrial Circle.” This roadway was vacated in December 2001 and has been used as the internal circulation for the property since then (O.R. Book 4884, PG 816 to 819). The current property owner purchased the site in February 2022 through a Quit Claim Deed (O.R. Bk 12135, 701). Shortly thereafter, the owner “S S Designs Inc.” constructed two additional buildings, totaling 12,000 square feet. Of the total 10.73 acres, the Level 2 was approved for 6.438 acres of impervious surface, or about 60% ISR, including paving and parking areas (LDNON-2022-81). Any further impervious additions or expansions above this ratio would require variance approval.

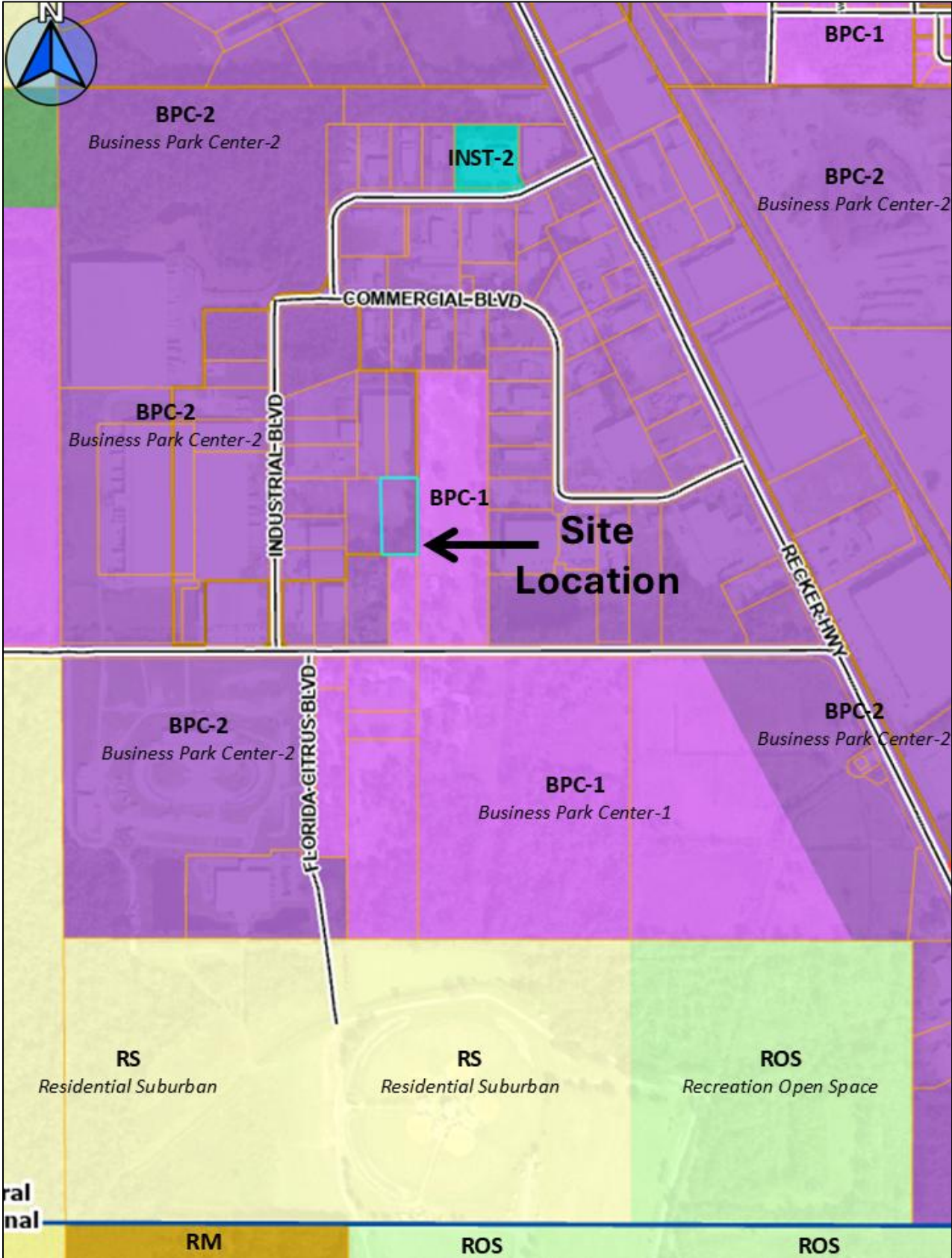
Comments from other Governmental Agencies: None

Exhibits:

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| Exhibit 1 - Location Map | Exhibit 6 - Site Plan Data |
| Exhibit 2 - Future Land Use Map | Exhibit 7 - Applicant’s Justification |
| Exhibit 3 - 2024 Satellite Photo (Context) | Exhibit 8 - Approved Plans (LDNON-2022-81) |
| Exhibit 4 - 2023 Aerial (Close-up) | Exhibit 9 - Development Areas Map |
| Exhibit 5 - Applicant’s Site Plan | |



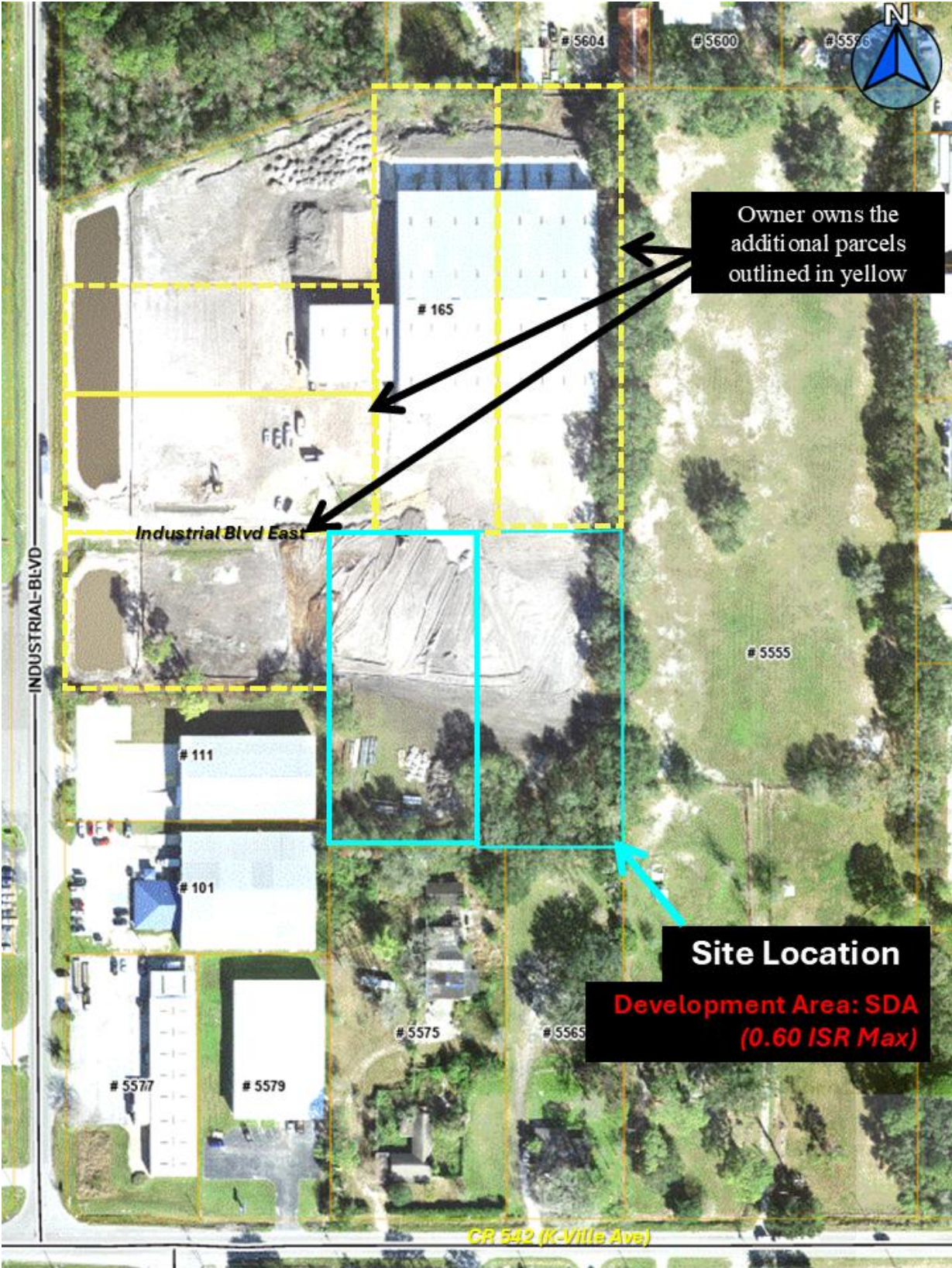
Location Map



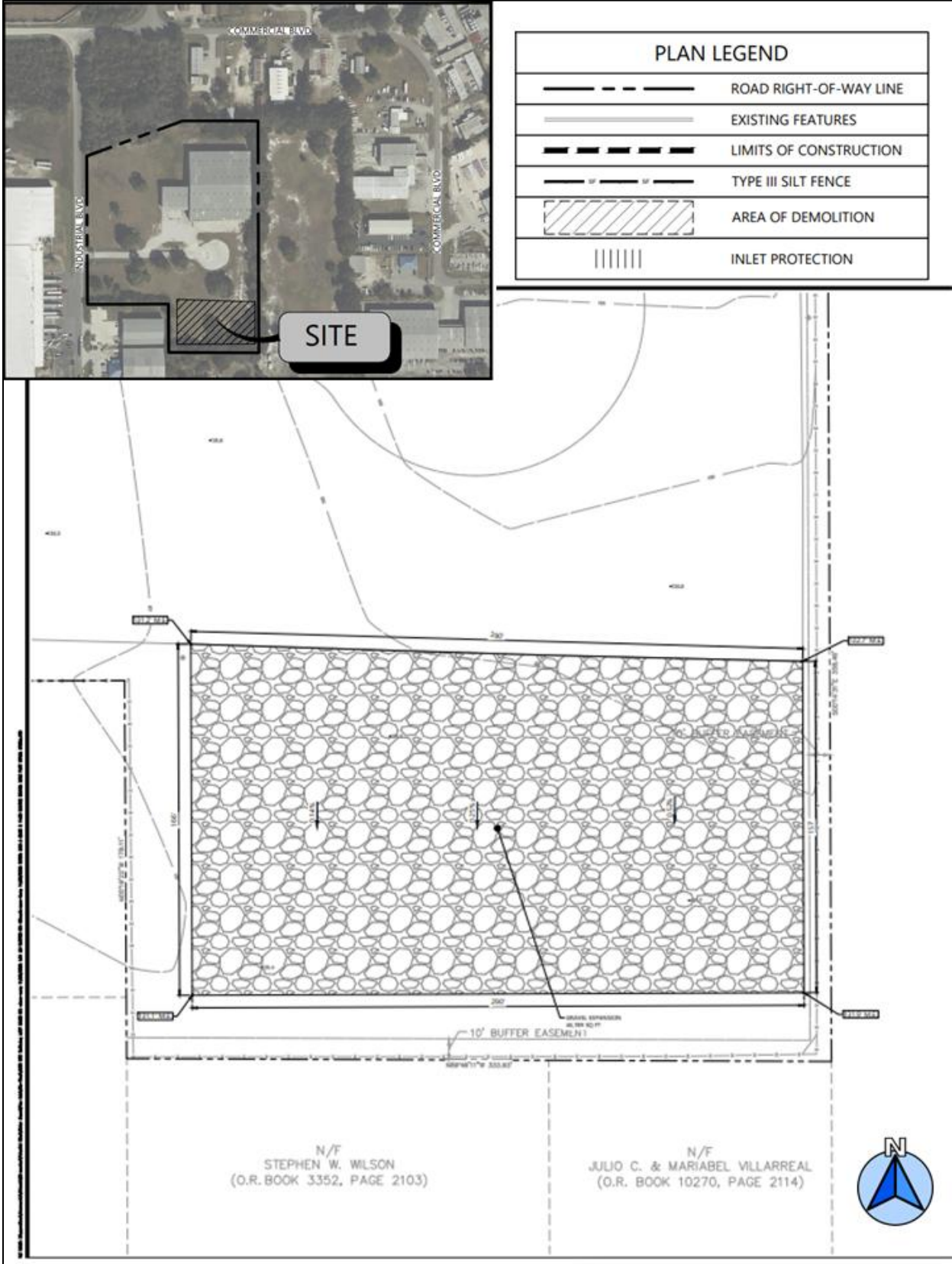
Future Land Use Map



2025 Satellite Photo (Context)



2023 Aerial (Close-up)



Site Plan

SITE DATA NOTES

PARCEL ID: 25-28-23-347900-000540 & 25-28-23-347900-000530
PROJECT ACREAGE: 1.07± AC (46789± S.F.)
EXISTING IMPERVIOUS: 6.43± AC (280,288.04± S.F.) 60%
PROPOSED IMPERVIOUS: 7.51± AC (327,076.91± S.F.) 70%

ZONING CLASSIFICATION

JURISDICTION: POLK COUNTY
ZONING: BPC-2 (BUSINESS PARK CENTER-2)
ADJACENT ZONING: BPC-1 (WEST, SOUTH), BPC-2 (SOUTH, EAST, NORTH)
FEMA FLOOD MAP: LOCATED IN ZONE X
FUTURE LAND USE DESIGNATION: BUSINESS PARK CENTER

SERVICES / UTILITY PROVISION

WATER POLK COUNTY UTILITIES
SANITARY SEWER POLK COUNTY UTILITIES
STORMWATER MANAGEMENT ON-SITE STORMWATER POND

Site Plan Data

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare?

No. The applicant intends to increase the maximum ISR to 70% to be able to construct a gravel lay down area on site. The stormwater design on site was completed to account for 70% impervious area coverage so no adverse impacts are to be expected.

2. What special conditions exist that are peculiar to the land, structure, or building involved?

There are no special conditions for this property.

3. When did you buy the property and when was the structure built? Permit Number?

This property is leased to 84 Lumber by CB2 Properties.

4. What is the hardship if the variance is not approved?

The proposed work will improve the applicants ability to store materials on site and access the stored materials for transport.

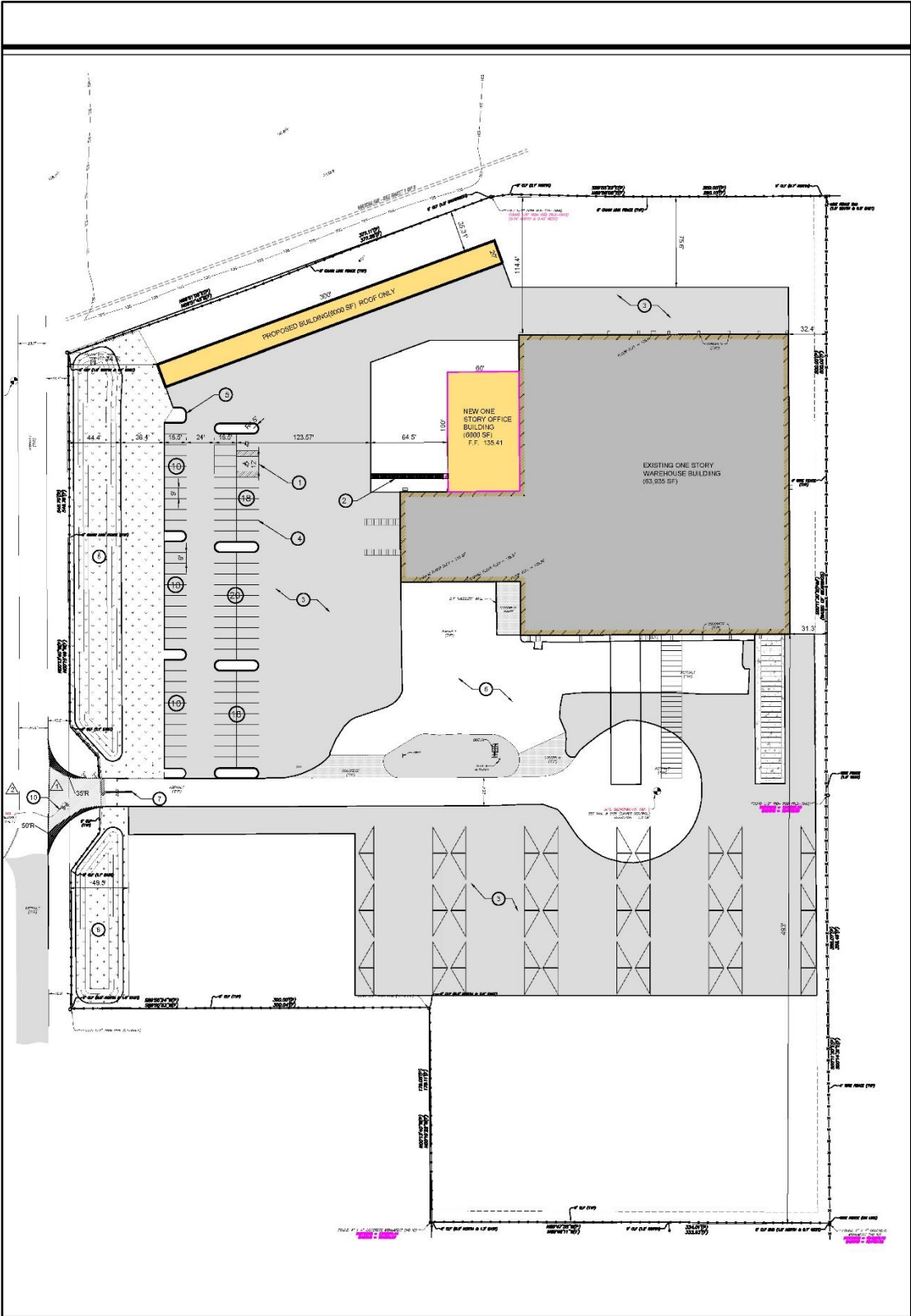
5. Is this the minimum variance required for the reasonable use of the land?

Yes

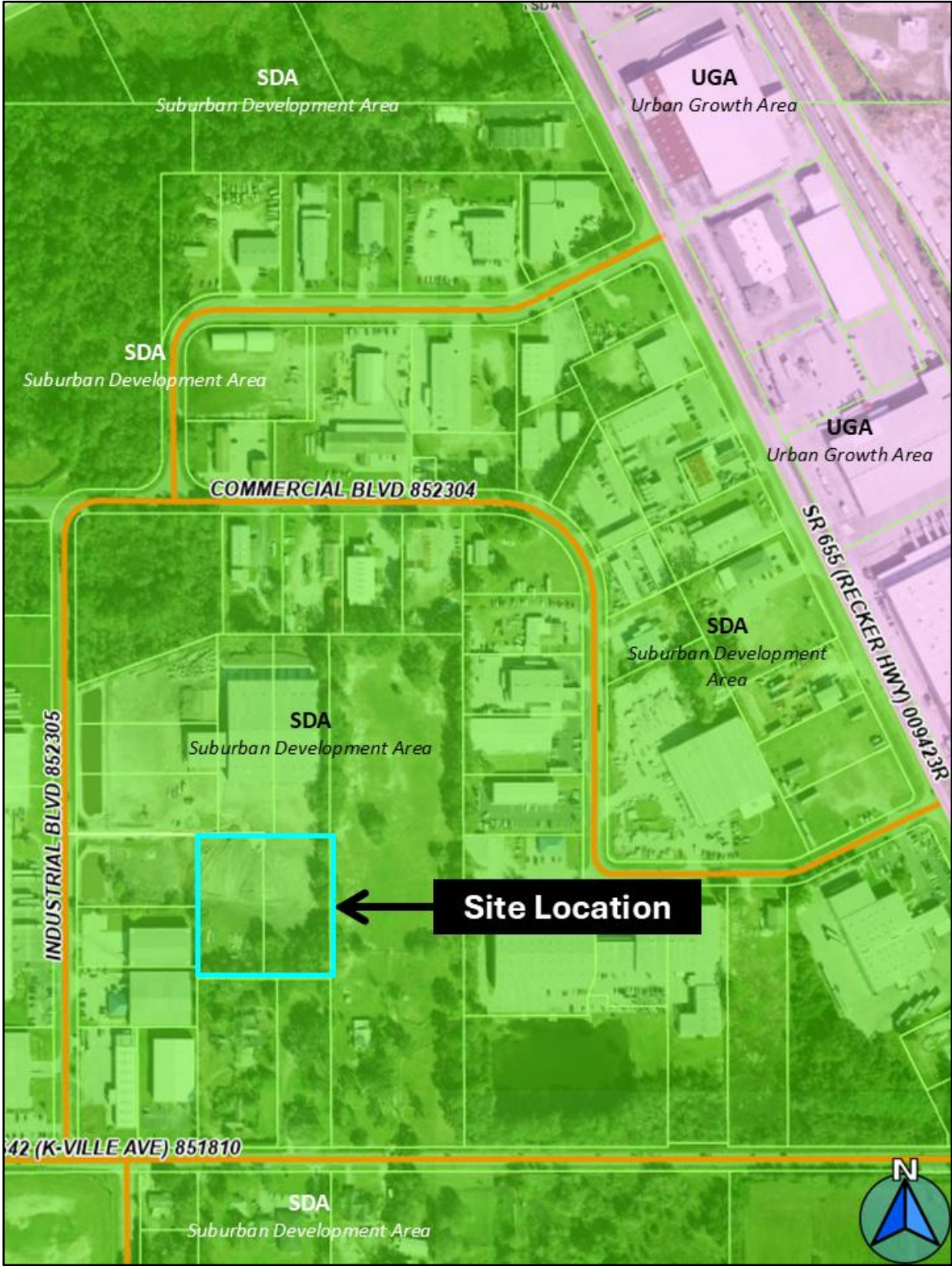
6. Do you have Homeowners Association approval for this request?

N/A.

Applicant's Justification



Approved Plans (LDNON-2022-81)



Development Areas Map