

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

DRC Date: March 12, 2026	CASE #: LDLSE-2026-3 (Country Club Road SE)
LUHO Date: April 23, 2026	LDC Section: Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2014 Freightliner) at their residence on approximately 1.49 acres within a residential neighborhood.

Applicant: Johnathan Gonzalez

Property Owner: Johnathan Gonzalez

Location: 2840 North Country Club Road, east of Rankin Road, west of Kendall Lane, southwest of Winter Haven in Section 14, Township 28, Range 26.

Parcel ID#: 262814-532500-000760

Size: ±1.49 acres

Land Use Designation: Residential Low-1 (RL-1)

Development Area: Urban Growth Area (UGA)

Case Planner: Aleya Inglima, Planner II

Summary:

This is a request for a Special Exception to park a commercial truck (2014 Freightliner) on approximately 1.49 acres in the Residential Low-1 (RL-1) land use district in the Urban Growth Area. The applicant was previously cited by Code Enforcement for parking a commercial vehicle on property without approval under case CMA-2026-9. The case status is closed and owner corrected as a result of this application. The property has access off North Country Club Road via an existing residential driveway. The commercial vehicle accesses north of the property through a gated fence and drives to the rear yard. The vehicle will be parked on the south side of the principal residence screened from view from the north. A vegetative Type “B” Landscape buffer or a fence with a minimum height of six feet may be used in lieu of, or in conjunction along all the property lines to meet the screening or buffering requirements listed in Section 216.D. The commercial vehicle will be 42 feet from the south property line and more than 62 feet from the east property line. The weight of the proposed commercial vehicle is 19,000 lbs. The dimensions of the truck are a height of 13 feet and length of 26 feet.

Staff recommends approval based on the site plan provided by the applicant and recent visits to the site. The proposed placement of the vehicle will be to the rear of the primary structure within 200 feet from abutting residential property and shall meet the screening or buffering requirements.

A commercial driveway apron is recommended as a condition of approval to protect Country Club Road from stretching caused by commercial vehicle turning movements on and off the property. The size of the property allows for safe parking of the vehicle and meets applicable setbacks.

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-2026-3**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one truck, a 2014 Freightliner or functional equivalent (see Exhibit 6), 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 (Johnathan Gonzalez) 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 entrance to commercial driveway standards for structural thickness and turning radius in accordance with Section 705.I of the Land Development Code (see Exhibit 7).
5. 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.
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). Noncompliance with any of the conditions of approval will render LDLSE-2026-3 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.
7. 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 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 (2014 Freightliner truck). (See Exhibit 6.)

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 or welfare of adjacent properties;*

The applicant's property is 1.49 acres with space for parking. The neighboring property to the south and west is within 200 feet of the parking area. A Type "B" buffer is required along these boundaries. A fence with a minimum height of six (6) feet may be used in lieu of, or in conjunction with, the vegetative bufferyard. An existing fence lines the subject property but it will need to be opaque to meet the buffer and screening requirements of the Land Development Code (LDC). The closest residential structure to the designated commercial vehicle parking location is approximately 112 feet to the east and 160 feet to the south. The commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. The applicant's property is also located off a urban collector roadway that leads into SR 542.

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 Johnathan Gonzalez, who is the 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 proposed parking area is not located in the front yard of the property. The commercial vehicle will be parked in the rear yard. The parking location utilizes an existing tree buffer along the southern property line as screening from the neighboring property. The commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. The truck will be approximately 112 feet from the nearest residence to the east.

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

The property is more than an acre. The site plan (Exhibit 5) illustrates the proposed parking area. The parking area is 62 feet from both the eastern property line and over 42 feet from the south property line. This is the ideal location for parking the commercial vehicle, as it utilizes the existing single-family residence as a buffer to the north and utilizes existing vegetation to screening from offsite view to the south. Additional buffering will be required to screening to the east and west. The nearest neighboring residential structure is approximately 112 feet to the east.

The access to the rear property along the fenceline is on the east side of the site just east of the single-family residence. A condition is placed to protect North Country Club Road from the stretching caused by a heavy vehicle's turning movements on and off the property while ensuring the safety and integrity of the existing residential driveway.

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 south just behind the single-family residence in the rear yard. Since the vehicle is parked behind the primary home, the vehicle is screened from North Country Club Road. The access to the rear property is along the fenceline on the east side. This access point to the rear property has been utilized in the past, prior to code enforcement actions for parking a commercial vehicle on site without approval. Utilizing the existing access point minimizes any perpetual damage to the property elsewhere.

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 commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. All distances fall within 200 feet from the neighboring residentially designated properties requiring a Type "B" landscape buffer consistent with the width and planting requirements outlined in Section 720 (see Exhibit 8). During staff's site visit, we saw that the subject property is enclosed by a chain link fence on all sides; south, north, east, and west. The abutting property to the south offers a dense vegetative buffer. The property will be required to meet the intent of the screening and buffering requirements of the Land Development Code (LDC).

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.

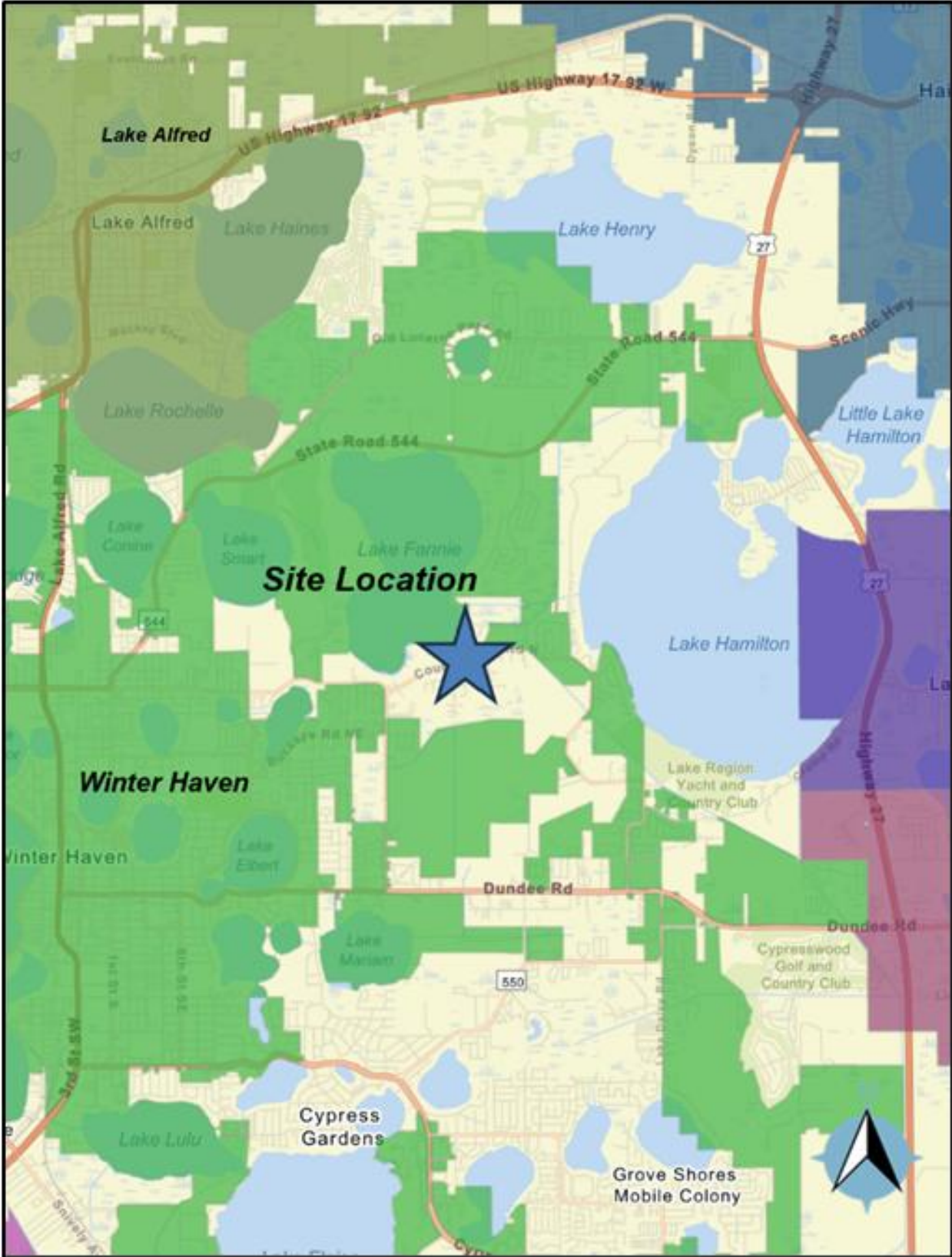
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Low-1 (RL-1) Single-Family home 1.57 acres</p>	<p>North: Residential Low-1 (RL-1) Single-Family home 1.46 acres</p>	<p>Northeast: Residential Low-1 (RL-1) Single-Family home 1.41 acres</p>
<p>West: Residential Low-1 (RL-1) Vacant 0.75 acres</p>	<p>Subject Property: Residential Low-1 (RL-1) Single-Family home 1.49 acres</p>	<p>East: Residential Low-1 (RL-1) Single-Family home 0.74 acres</p>
<p>Southwest: Residential Low-2 (RL-2) Single-Family home 1.01 acres</p>	<p>South: Residential Low-2 (RL-2) Single-Family home 0.90 acres</p>	<p>Southeast: Residential Low-2 (RL-2) Single-Family home 0.90 acres</p>

The subject site is located off North Country Club Road, passing multiple residential properties. The properties in the area range in similar size, all around approximately 1-acre. The properties directly to the north, east, and west of the subject property are single family residences.

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 Standards
- Exhibit 8 Buffering and Screening Specifications



Location Map



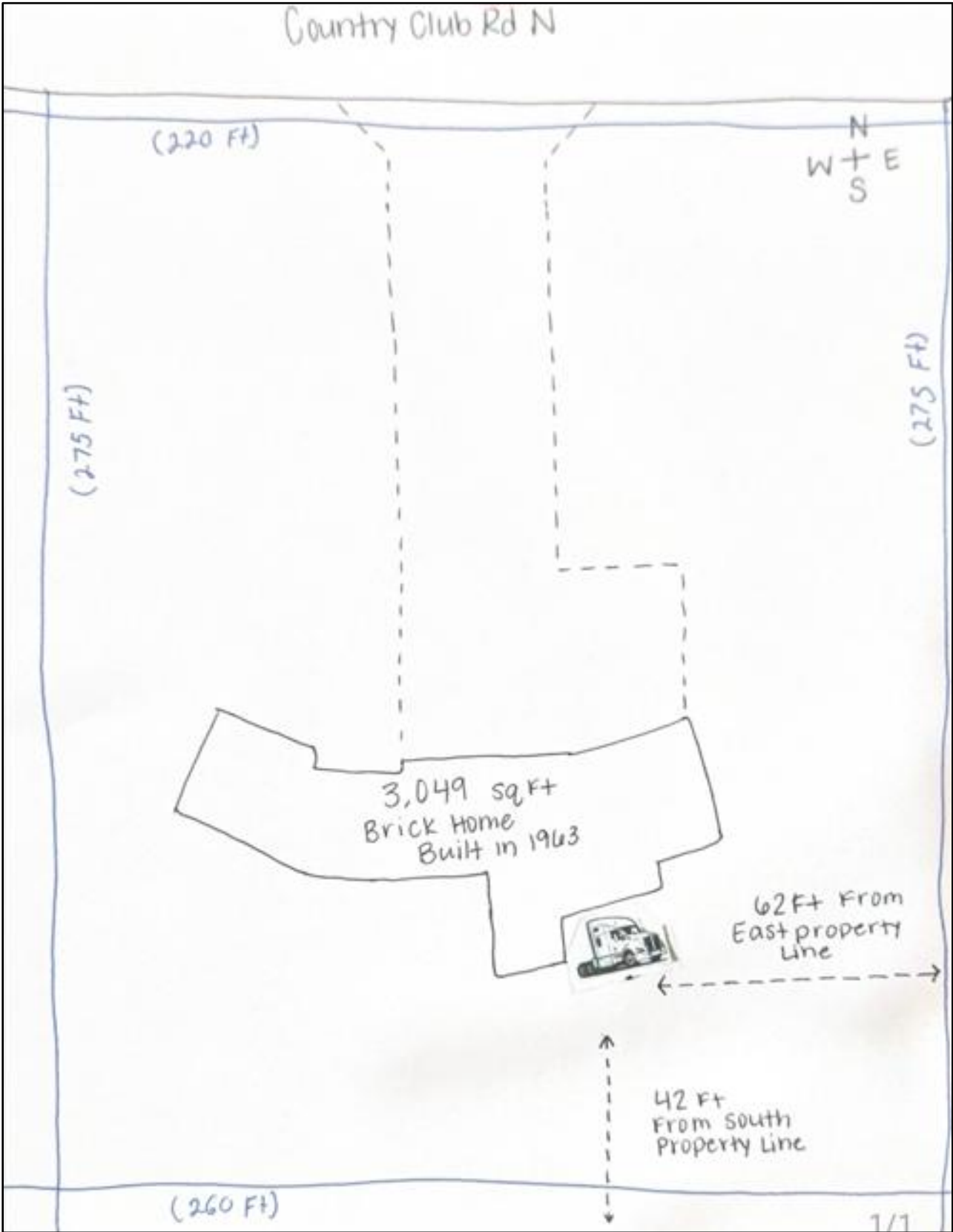
Future Land Use Map



Aerial Imagery (Context)



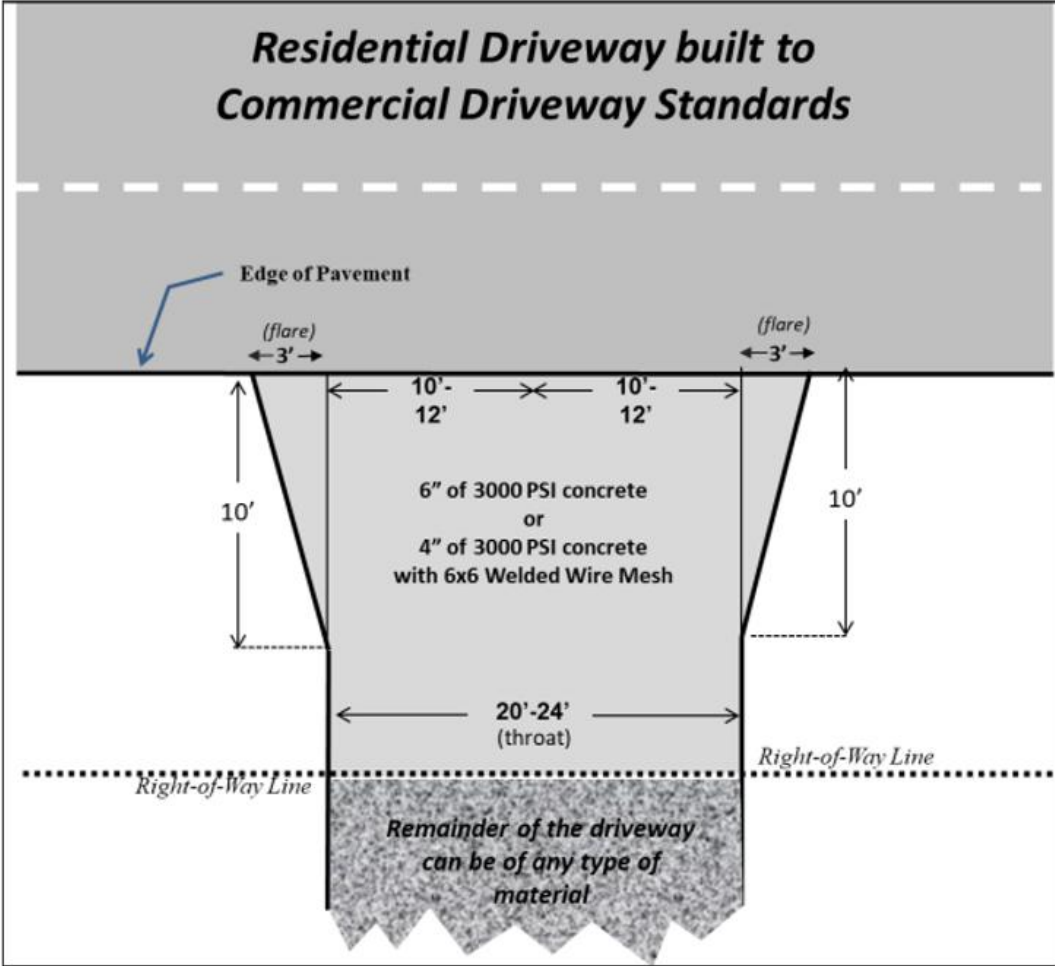
Aerial Imagery (Close)



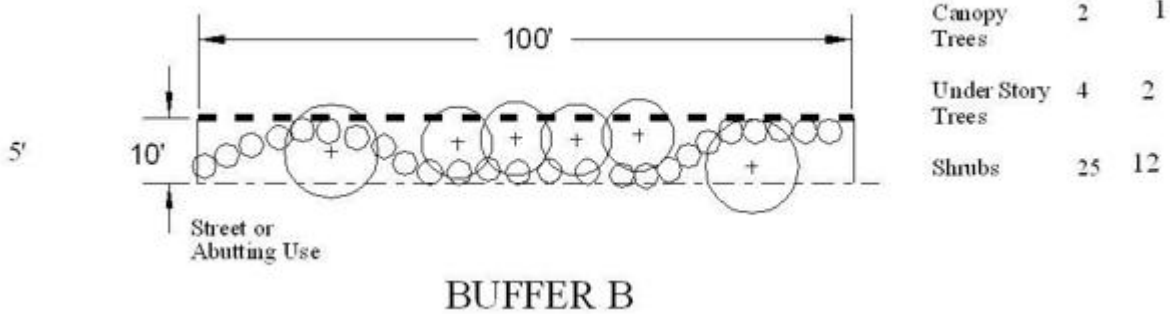
Site Plan



Commercial Vehicle Pictures



Commercial Driveway Standards



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