

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

DRC Date:	February 8, 2024	CASE #:	LDLSE-2023-26 (Old Polk City Road SE)
Hearing Date:	March 28, 2024	LDC Section:	Chapter 2, 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle on residential property.

Applicant: Cristina Cossio

Property Owner: Cristina Cossio
Ismel Gonzalez Espinosa

Location: The subject property is located at 1142 Old Polk City Road, east Tom Constine Road East, west of Walt William Road, north of Meadowood Drive, south of Victoria Lane, north and west of Lakeland, in Section 08, Township 27, and Range 24.

Parcel ID#: 242708-000000-032010

Size: ±3 acres

Land Use Designation: Residential Suburban-X (RSX)
Polk City Special Protection Area (SPA)

Development Area: Suburban Development Area (SDA)

Case Planner: Malissa Celestine, Planner II

Summary:

The applicant is requesting a Special Exception to park a commercial vehicle on residential property within a Residential Suburban-X (RSX) land use district north and west of Lakeland. The vested property is approximately three (3) acres, with a site-built residence on premises. The site has direct ingress and egress onto Old Polk City Road, an Urban Collector roadway and is approximately six (6) miles to the interstate.

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 following an advertised public hearing. Staff finds the approximate three (3) acre property to be sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.D. In accordance with the section above, the commercial vehicle is required to be appropriately buffered from neighboring properties, and a commercial driveway will be required to protect the County’s roadway. No other commercial vehicles will be parked onsite. With the proposed conditions, staff recommends approval of this application.

Development Review Committee

The Development Review Committee, based on the criteria for granting Special Exceptions, finds that LDLSE-2023-26 **IS CONSISTENT** with Section 216.D of the Polk County Land Development Code if the required standards are met.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLSE-2023-26** with the following conditions:

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one (1) semi-truck (*Exhibit 6*), or its functional equivalent 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 (Ismael Gonzalez Espinosa) 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. 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.I of the Land Development Code (*Exhibit 7*).
6. The commercial vehicle shall only be parked in the area to the side 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.
7. 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.
8. 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.
9. 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.

10. Noncompliance with any of the conditions of approval will render LDLSE-2023-26 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: Approval of this special exception 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 Sections 216 and 930.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the special exception 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.

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;*

According to the application, the driver wishes to park one (1) 2009 Kenworth T660 semi-truck at their residence in a RSX land use district. Per the applicant, the vehicle measures approximately 13.6 feet in height and 29 feet in length (*Exhibit 6*). As indicated by the submitted site plan (*Exhibit 5*), the truck will be parked to the rear of the principal structure and within an open carport. Staff finds the ±3-acre property is sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216. If the structure were to be fully enclosed, a special exception would not be required. Nevertheless, no other commercial vehicles will be parked onsite.

2. *Commercial vehicle shall be currently registered and 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;*

Staff finds the request will have no negative impact on the health, safety, or welfare of adjacent property owners. The parking location on the site plan exceeds the minimum twenty (20) foot setback requirement from all property lines. If approved, the vehicle will be parked approximately 170 feet from the nearest residential structure, located to the east. However, because it is within 200 feet of a residential structure, the site will be required to have a Type “B” landscaping buffer per the requirements in Section 216. The proposed parking location is well over 200 feet from any other residential structures, and offsite visual appearance is minimized by existing structures and natural vegetation on the property.

The subject site has direct access to Old Polk City Road (Road No. 741916). Old Polk City Road consists of two (2) lanes, a paved surface width of 24 feet, and is classified as an Urban Collector roadway. No sidewalks are located here, and pedestrian activity is discouraged. This type of roadway is common for commercial vehicles to travel along. The roadway segment connects County Road 582 (Socrum Loop Road North) to Walt Williams Road. As such, the vehicle can go west on Old Polk City Road to access the interstate or travel east to access State Road 33 before reaching Commonwealth Avenue North and entering Lake County.

As noted in the Conditions of Approval, a commercial driveway will be required to protect the edge of the County’s pavement along Old Dade City Road from the stretching caused by such a heavy vehicle’s turning movements on and off the property. (*Exhibit 7*).

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. According to staff's research, this property is in an area of the County where other options to park commercial vehicles are limited. The applicant can further demonstrate their hardship at the public hearing.

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 vehicle's parking will be located to the rear of the residence within an open carport. If the applicant were to fully enclose the structure, a special exception would not be required, but this route may not be cost effective for the individual.

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

The approximate three (3) acres, (130,680 sq. ft.) lot size is below the RSX requirements but with a parcel this size, there is adequate space to park the proposed vehicle. The submitted site plan also indicates the proposed parking area for the commercial vehicle exceeds the minimum twenty (20) feet from property lines, which is consistent with Section 216.D of the Land Development Code (*Exhibit 5*).

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. If approved, the parking area will be required to be buffered in accordance with Section 216.D of the LDC.

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 nearest residential structure is located approximately 170 feet to the east of the proposed parking area. Therefore, the proposed parking area shall meet the buffer and screening requirements of LDC Section 216.D as stated in the conditions of approval.

According to the submitted site plan, the proposed vehicle will be parked to the rear of the residence, behind a small shed, and within an open carport. If the structure were to be fully

enclosed, a special exception would not be required. Aerials also depict a natural buffer from the adjacent site to the east, minimizing the visual appearance of the vehicle.

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

The requested vehicle has no 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:

The table below lists the Future Land Use designation and the existing uses surrounding the site. The information in the table is based on a site visit by the case planner and observation of the Future Land Use map to note the surrounding uses.

Table 1

<p>Northwest: Residential Suburban-X (RSX) Polk City SPA Mobile Home ±4.25</p>	<p>North: Residential Suburban-X (RSX) Polk City SPA Mobile Home ±11.59</p>	<p>Northeast: Residential Suburban-X (RSX) Polk City SPA Vacant Residential ±12.25</p>
<p>West: Residential Suburban-X (RSX) Polk City SPA Site-built residence ±1.00 acres</p>	<p>Subject Property: Residential Suburban-X (RSX) Polk City SPA Site-built residence ±3.00 acres</p>	<p>East: Residential Suburban-X (RSX) Polk City SPA Site-built residence ±1.00 acres</p>
<p>Southwest: Residential Suburban-X (RSX) Polk City SPA Timberidge Subdivision Site-built residence ±0.40</p>	<p>South: Residential Suburban-X (RSX) Polk City SPA Timberidge Subdivision Site-built residence ±0.41</p>	<p>Southeast: Residential Suburban-X (RSX) Polk City SPA Timberidge Subdivision Site-built residence ±0.49</p>

The subject property is approximately three (3) acres within the Residential Suburban-X (RSX) future land use district. Chapter 5, Table 5.3 of the Land Development Code requires a minimum lot size of five (5) acres in the RSX district. While the subject parcel is beneath the required acreage, the parcel is considered vested. The lot was created in the 60s and the home was built in 1962, before zoning and subdivision regulations. According to information retrieved from the Polk County Property Appraiser’s website, the applicant purchased the property in December of 2021. There is currently a 2,749 sq. ft. site-built residence on premises.

Direct ingress and egress to the proposed site will be from Old Polk City Road, an Urban Collector Roadway. Although the vehicle will pass numerous rooftops, the vehicle will remain on Old Dade City Road, a roadway typically utilized by commercial vehicles. The submitted site plan indicates the vehicle will be parked to the rear of the residence and accessed through a separate gate, located to the west of the residence. No other commercial vehicles will be parked onsite. Staff has not found any other SE applications or approvals in Range 24 Township 27 Section 08.

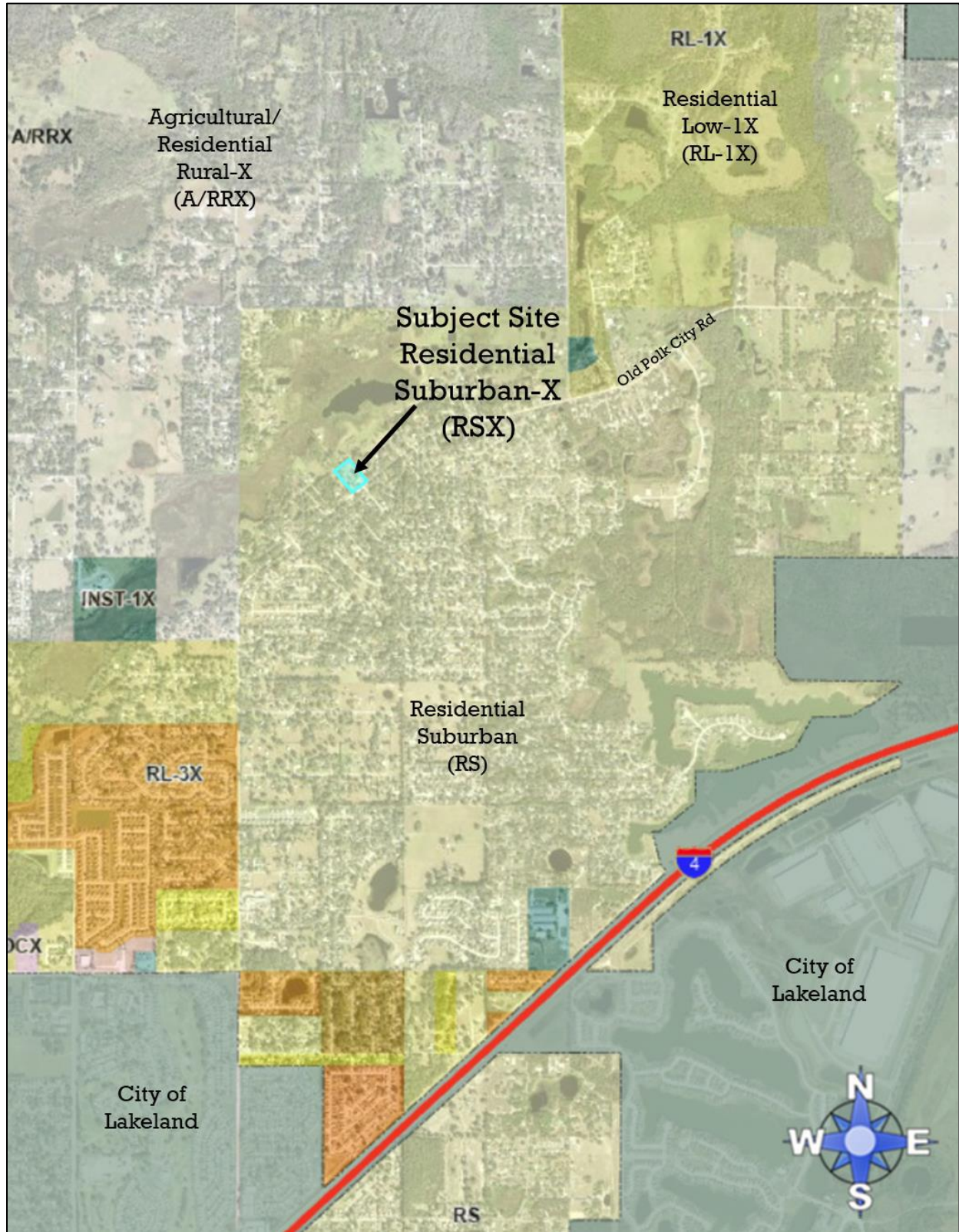
Comments from other Governmental Agencies: None

Exhibits:

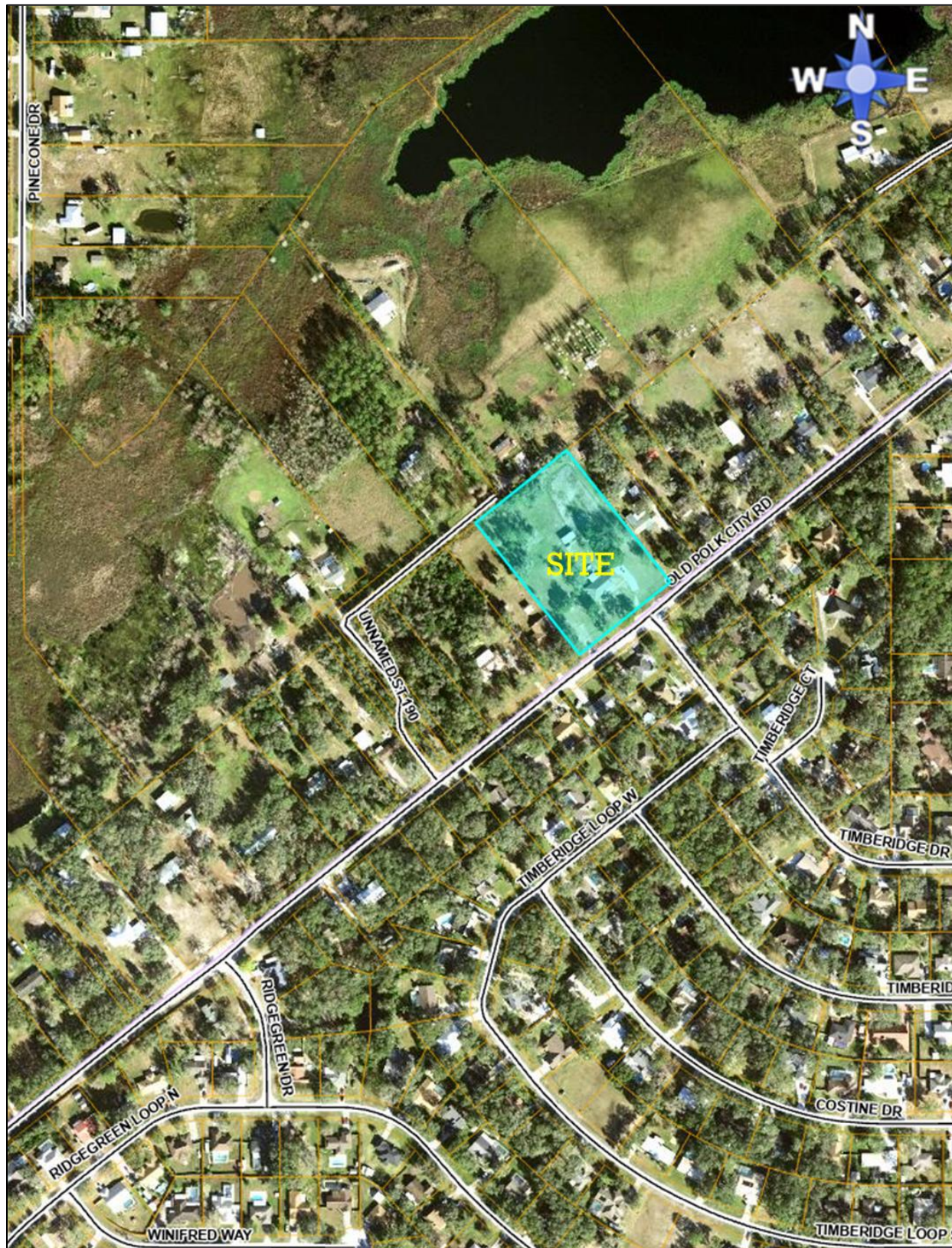
- Exhibit – 1 Location Map
- Exhibit – 2 Future Land Use Map
- Exhibit – 3 2023 Aerial Photo (Context)
- Exhibit – 4 2023 Aerial Photo (Close-up)
- Exhibit – 5 Site Plan
- Exhibit – 6 Picture of Truck
- Exhibit – 7 Commercial Driveway Specification



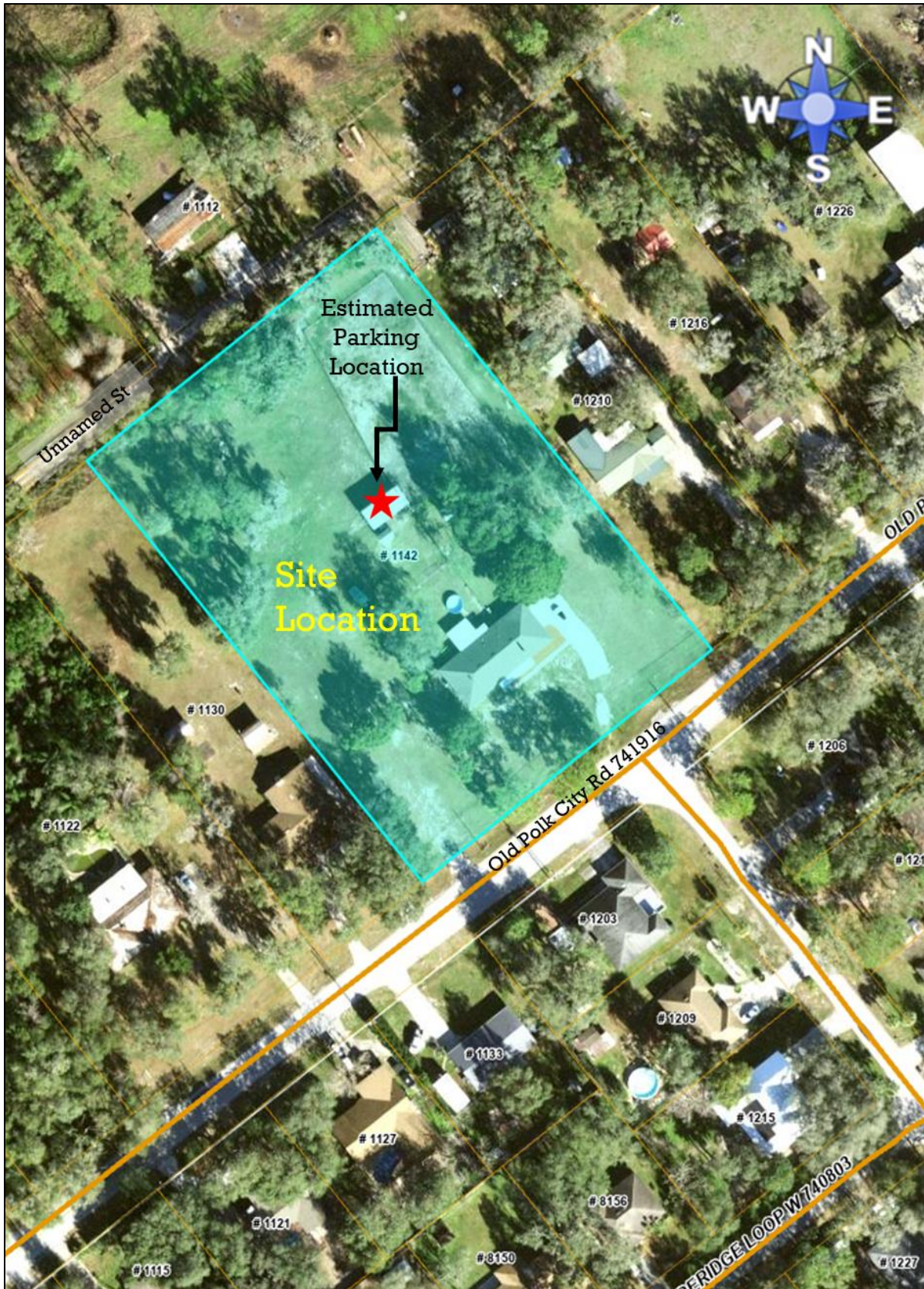
Location Map



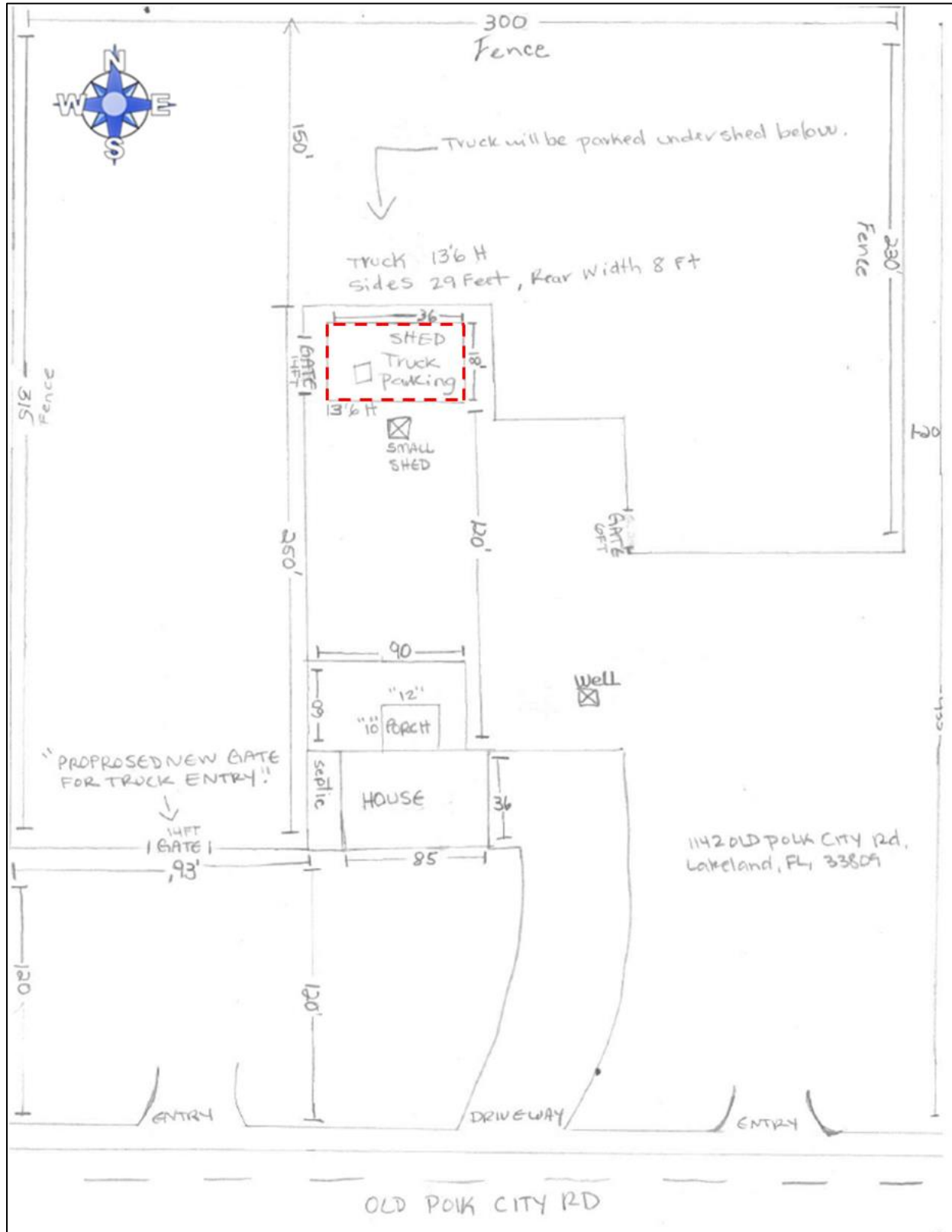
Future Land Use Map



2023 Aerial Photo (context)



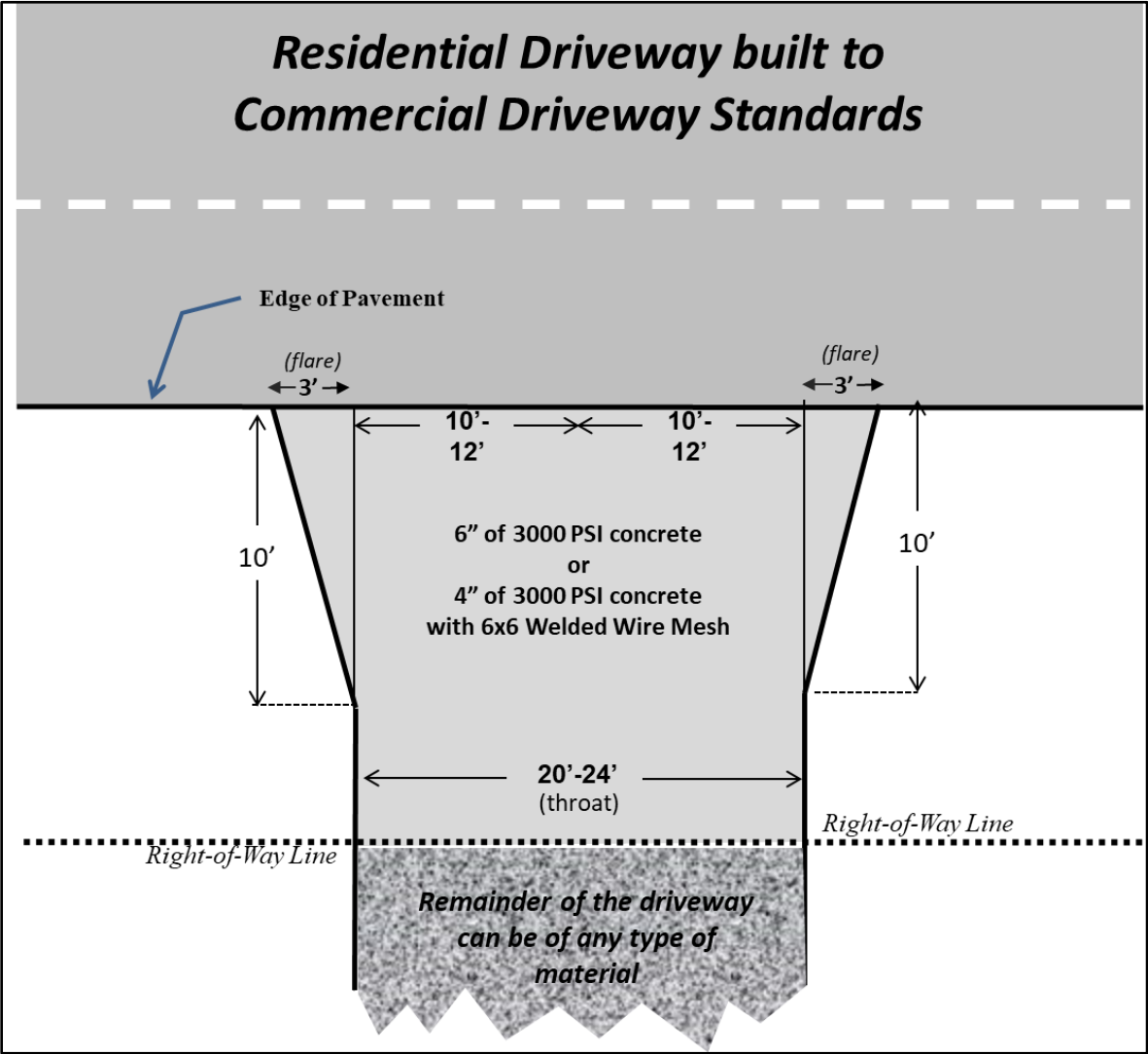
2023 Aerial Photo (Close-up)



Site Plan



Photo of Truck



Commercial Driveway Specifications

(Per LDC Section 705.1)