



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**CASE #:** USE 0191-2024

**REQUEST:** Special Exception: Parking and Storage of Commercial Vehicles

**PROPERTY OWNER:** Alfredo and Elva C. Gutierrez  
3268 SW Live Oak Avenue  
Arcadia, Florida 34266

**APPLICANT:** Damaris Ramirez  
109 W Walnut Street  
Arcadia, Florida 34266

**PROPERTY ID:** 13-38-24-0221-00A0-0010

**PROPERTY ADDRESS:** 3268 SW Live Oak Ave., Arcadia, FL 34266

**TOTAL PARCEL SIZE:** +/- 0.511 acres (per Property Appraiser)

**ZONING DISTRICT:** RMF-M (Residential Multifamily Mixed)

**FUTURE LAND USE DESIGNATION:** Low Density Residential Land Use

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### **DEVELOPMENT REVIEW REPORT**

The applicant has applied for a Special Exception use application (USE 0191—2024) to allow the parking of two (2) commercial vehicles (semi-trailer and dump truck) within the Residential Multifamily Mixed (RMF-M) zoning district. The subject parcel is  $\pm$  0.511-acre and located on SW Live Oak Avenue. The Land Development Regulations (LDR) Section 20-96(b) permits the parking or storage of one (1) commercial vehicle in a residential zoning district for lots meeting minimum lot size. The LDR also requires that the resident occupies the premises or an adjacent parcel.

Commercial vehicles with a load capacity of less than two tons, less than nine feet high (including the load, bed and box) and less than 30 feet long can be legally parked on site by the resident in accordance with Section 20-96.b.(5). The applicant requests approval to park larger vehicles on the subject property that exceed the dimensions described above.

Section 20-96(d) requires approval of a Special Exception for larger commercial vehicles with a load capacity of more than two tons, more than nine feet high (including the load, bed, and box), and/or more than 30 feet long, in residential zoning districts. This LDR section authorizes the Board of County Commissioners to approve the Special Exception for up to 1 year. The Special Exception can also be administratively renewed when the notice requirements are met, and the applicant bears the burden in demonstrating that the vehicle parking still meets the criteria of the approved special exception and the applicable regulations of the LDR.

LDR Article XI, Division 5 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a Special Exception use application and to make a recommendation on the application to the Board of County Commissioners.

### **OVERVIEW OF REQUEST**

The subject parcel is located at 3268 SW Live Oak Avenue (See Exhibit A) and is owned by Alfredo and Elva C. Gutierrez. The owner requests approval of a Special Exception for the parking of two (2) commercial vehicles (semi-truck and dump truck). There is a manufactured home on site, which will remain.

The 2040 Future Land Use Map shows the property is located within the Low Density Residential Land Use designation (See Exhibit B) and the Official Zoning District Atlas shows the property is zoned Residential Multifamily Mixed (RMF-M) (See Exhibit C).

Section 20-96(d) requires approval of a Special Exception for vehicles with a capacity of more than two tons, more than nine feet in height (including the load, bed, and box), and/or more than 30 feet long, in residential zoning districts. This LDR section authorizes the Board of County Commissioners to approve the Special Exception for up to 1 year. The Special Exception can also be administratively renewed when the notice requirements are met, and the applicant bears the burden in demonstrating that the vehicle parking still meets the criteria of the approved special exception and the applicable regulations of the LDR.

Section 20-96(b)(6) states that two (2) commercial vehicles may be parked or stored on the property, and routine maintenance performed, in the RM zoning district, if the principal use is residential and the vehicles are used by a resident of the premises. Additionally, each commercial vehicle shall be parked a minimum of 20 feet from all property boundaries. Upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer.

An application for a Special Exception was received in the Development Department on August 5, 2024.

## PROPOSED RESOLUTION

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A SPECIAL EXCEPTION USE (USE-0191-2024) WITH CONDITIONS FOR THE PARKING OF TWO (2) COMMERCIAL VEHICLES THAT EXCEED TWO TONS AND/OR NINE- FEET IN HEIGHT AND/OR ARE MORE THAN 30- FEET LONG IN THE RESIDENTIAL MULTIFAMILY MIXED (RMF-M) ZONING DISTRICT, FOR ALFREDO AND ELVA C. GUTIERREZ, LOCATED AT 3268 SW LIVE OAK AVENUE, PROPERTY IDENTIFICATION NUMBER 13-38-24-0221-00A0-0010; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

### DATA & ANALYSIS

In all quasi-judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of the LDR's and Comprehensive Plan.

A. **Application requirements.** LDR Section 20-1431 provides that a Special Exception use application shall be submitted indicating the basis in this LDR under which the Special Exception use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Planning Commission must make as described below. The application must include material necessary to demonstrate that the approval of the Special Exception use will be in harmony with the LDRs general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material includes, but is not limited to, the following, where applicable:

1. *Plans at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking, and off-street loading areas, refuse and services areas, and required yards and other open spaces.*

a. Placement of structures. The request is to allow for the parking of two (2) commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). A single-family residence (mobile home) and shed are existing on site. No additional structures or commercial activities are proposed. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions.

b. Provisions for ingress and egress. The property is located at the southeast corner of SW Live Oak Avenue and SW Mariposa Drive. The single-family residence is currently served by an existing driveway on SW Live Oak Avenue. There is also an existing driveway on SW Mariposa Drive accessing the rear of the property. The sketch indicates this is the location of the proposed commercial vehicle parking. Section 20-96(b)(6) states that for parking of commercial vehicles in RM zoning, upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer. The County Engineer finds that the driveway on SW Mariposa Drive is not compliant with County requirements for commercial vehicle traffic. Upgrades will be required, and the driveway will have to be resurfaced in accordance with the County commercial driveway standards. The

turning movements of the commercial vehicles must also take place on site as backing of commercial vehicles is not permitted on County roads. The sketch provided does suggest that the backing of the commercial vehicles will occur on site. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions.

- c. Off-street parking. The proposed use is to allow for parking of two (2) commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). No commercial activities are proposed, the special exception is just limited to parking. Section 20-96(b)(6) states that parking or storage of two commercial vehicles in RM zoning that meet minimum lot size is permitted if each commercial vehicle is parked a minimum of 20 feet from all property boundaries. The sketch shows the proposed commercial vehicle parking located 20 feet from the east property line and suggests that the backing of the commercial vehicles will occur on site. Several large trees are located on site however DeSoto County Engineering has expressed concern regarding the ability to park two commercial vehicles on site with the presence of these large trees. There is an existing Code Enforcement case for this property indicating that the commercial vehicle parking is already occurring onsite. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
  - d. Off-street loading. The proposed use is to allow for parking of commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). No commercial activities are proposed, just parking of two commercial vehicles. No loading is required for this use. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
  - e. Refuse and service areas. No solid waste collection plan has been provided with the proposed site plan. There is currently a single-family residence (mobile home) on site, and no additional waste is expected as a result of this Special Exception. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
  - f. Required yards and open space. LDR 20-131(2) requires a front yard setback of 25', a side yard setback of 7.5', and a rear yard setback of 20' in the RMF-M zoning district for a single-family residence. There is a maximum impervious lot coverage of 50% in the RMF-M district. No structures or commercial activities are proposed. Section 20-96(b)(6) states that parking or storage of two commercial vehicles in RM zoning that meet minimum lot size is permitted if each commercial vehicle is parked a minimum of 20 feet from all property boundaries. The sketch shows the proposed commercial vehicle parking located 20 feet from the east property line and suggests that the backing of the commercial vehicles will occur on site. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
2. *Plans showing proposed locations for utilities hook-up.* The property is currently served by existing electric, septic tank, and well, indicated on the property sketch. No additional

utilities are proposed. Water and sewer service are not available by DeSoto County Utilities (DCU). Thus, this criterion is not applicable.

3. *Plans for screening and buffering with reference as to type, dimensions and characters.* The proposed use is to allow for parking of two commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). The proximity of the proposed parking of two commercial vehicles to residential uses could be an issue of compatibility. While Sec. 20-96 and the buffer matrix in Section 20-600 do not specifically require a buffer for commercial vehicle parking, a commercial use abutting a residential use is required to provide a Type B buffer, consistent with Sec. 20-604(b) (Figure 7-5). Section 20-603 allows for alternative buffer proposals. A 6' wood fence exists around a portion of the rear of the property. Providing additional linear feet of fencing and maintaining the existing fence to adequately screen the commercial vehicles from the residential neighbors along the east and south property lines will be a condition of approval. No additional screening or buffer is proposed. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
4. *Plans for proposed landscaping and provisions for trees.* The proposed use is to allow for parking of two commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). The proximity of the proposed parking of two commercial vehicles to residential uses could be an issue of compatibility. While Sec. 20-96 and the buffer matrix in Section 20-600 do not specifically require a buffer for commercial vehicle parking, a commercial use abutting a residential use is required to provide a Type B buffer, consistent with Sec. 20-604(b) (Figure 7-5). Section 20-603 allows for alternative buffer proposals. A 6' wood fence exists around a portion of the rear of the property. Providing additional linear feet of fencing and maintaining the existing fence to adequately screen the commercial vehicles from the residential neighbors along the east and south property lines will be a condition of approval. No additional screening or buffer is proposed. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
5. *Plans for proposed signs and lighting, including type, dimensions and character.* All signs and lighting must be in compliance with the DeSoto County Land Development Regulations. No signs or exterior lighting is proposed. Thus, this criterion is not applicable.

The Development application and proposed concept plan were considered in applying the standards for parking a commercial vehicle allowed by Special Exception in the Residential Multifamily Mixed (RMF-M) zoning district.

Based upon the findings and conclusions above, with conditions, the Board may conclude that the application demonstrates that the approval of the Special Exception uses will be in harmony with the LDRs general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare.

**B. Staff review.** LDR Section 20-1432 addresses staff review.

1. *Section 20-1432(a) provides that upon receipt of an application for Special Exception, the Development Director shall determine whether the application is complete. The Development Director may waive some or all of the plans required by Section 20-1431(1)*

*if the Special Exception includes only a change/addition in use without any new construction. If the application is complete, it will be accepted for review. If the application is incomplete, the Development Director shall specify in writing the additional information required in order for the application to be processed. No further action shall be taken on the application until the additional information is submitted and determined to be complete.*

On August 5, 2024, the applicant filed with the Development Department a Special Exception use application to allow a Special Exception for parking of two commercial vehicles on the residential subject property. The Development Director subsequently determined the application was complete.

2. *Section 20-1432(b) states that after receipt of a complete application, the Development Director shall distribute the application for review by County staff and/or the Development Review Committee.*

The Development Director caused the application to be distributed to Development Review Committee members.

3. *Section 20-1432(c) provides that upon completion of review, the Development Department shall prepare a staff report and schedule review of the application by the Planning Commission.*

This Development Review Report is the staff report required by Section 120-1432(c). A draft copy was provided to the Applicant/Owner for review and comment. The application is scheduled for the June 3, 2025, Planning Commission meeting. The application is also scheduled for the June 24, 2025, Board of County Commissioners public hearing agenda.

C. **Planning Commission findings.** LDR Section 20-1433 provides that before any Special Exception use shall be recommended for approval to the Board of County Commissioners, the Planning Commission shall make a written finding that the granting of the Special Exception Use will not adversely affect the public interest, that the specific requirements governing the individual Special Exception Use, if any, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters, where applicable. These 12 matters and staff's evaluation of conformance with these matters is addressed below.

1. *Compliance with all elements of the Comprehensive Plan.* The 2040 Future Land Use Map shows the subject property is located within the Low Density Residential Land Use (See Attachment B). The subject parcel is a lot of record. The subject property meets the minimum lot area of 7,260 SF (0.511 acres, per Property Appraiser or 22,259 SF) in the RMF-M zoning district. It is consistent with the Low Density Residential Future Land Use category. There are no wetlands indicated in DeSoto County GIS and the property is not located within the Conservation Overlay district. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
2. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.* Ingress and egress was addressed elsewhere in this report.
  - a. Automotive safety and convenience. This request is for parking two commercial vehicles on a residential property zoned RMF-M. The property is located at the

southeast corner of SW Live Oak Avenue and SW Mariposa Drive. The single-family residence is currently served by an existing driveway on SW Live Oak Avenue. There is also an existing driveway on SW Mariposa Drive accessing the rear of the property. The sketch indicates this is the location of the proposed commercial vehicle parking. Section 20-96(b)(6) states that for parking of commercial vehicles in RM zoning, upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer. The County Engineer finds that the driveway on SW Mariposa Drive is not compliant with County requirements for commercial vehicle traffic. Upgrades will be required, and the driveway will have to be resurfaced in accordance with the County commercial driveway standards. The turning movements of the commercial vehicles must also take place on site as backing of commercial vehicles is not permitted on County roads. The sketch provided does suggest that the backing of the commercial vehicles will occur on site. Several large trees are located on site however DeSoto County Engineering has expressed concern regarding the ability to park two commercial vehicles on site with the presence of these large trees. There is an existing Code Enforcement case for this property indicating that the commercial vehicle parking is already occurring onsite. A Right-of Way permit will be required for the commercial driveway. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions

- b. Pedestrian safety and convenience. The Special Exception request is to allow parking two commercial vehicles on a residential property zoned RMF-M. No pedestrian facilities are proposed. There are no existing sidewalks on SW Mariposa Drive, a local street. Thus, this criterion is not applicable.
- c. Traffic flow and control. The Special Exception request is to allow parking two commercial vehicles on a residential property zoned RMF-M. The property is located at the southeast corner of SW Live Oak Avenue and SW Mariposa Drive. The single-family residence is currently served by an existing driveway on SW Live Oak Avenue. There is also an existing driveway on SW Mariposa Drive accessing the rear of the property. The sketch indicates this is the location of the proposed commercial vehicle parking. Section 20-96(b)(6) states that for parking of commercial vehicles in RM zoning, upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer. The County Engineer finds that the driveway on SW Mariposa Drive is not compliant with County requirements for commercial vehicle traffic. Upgrades will be required, and the driveway will have to be resurfaced in accordance with the County commercial driveway standards. The turning movements of the commercial vehicles must also take place on site as backing of commercial vehicles is not permitted on County roads. The sketch provided does suggest that the backing of the commercial vehicles will occur on site. Several large trees are located on site however DeSoto County Engineering has expressed concern regarding the ability to park two commercial vehicles on site with the presence of these large trees. There is an existing Code Enforcement case for this property indicating that the commercial vehicle parking is already occurring onsite. A Right-of Way permit will be required for the commercial driveway. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions

- d. Access in case of fire or catastrophe. The Special Exception request is to allow parking two commercial vehicles on a residential property zoned RMF-M. The property is located at the southeast corner of SW Live Oak Avenue and SW Mariposa Drive. The single-family residence is currently served by an existing driveway on SW Live Oak Avenue. There is also an existing driveway on SW Mariposa Drive accessing the rear of the property, that will need to be upgraded to commercial standards. DeSoto County Fire had no comments with regards to access. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions.
3. *Off-street parking and loading areas, where required, and economic, noise, vibration, dust, glare or odor effects of the Special Exception on adjoining properties and properties generally in the district.* Issues generally related to off-street parking and loading has been addressed elsewhere in this report.
- a. Economic impacts. There are no anticipated economic impacts on adjoining properties and properties generally in the district. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
- b. Noise impacts. The Special Exception request is to allow parking two commercial vehicles on a residential property zoned RMF-M. No further information is provided. Chapter 11, Article V, Excessive, Unnecessary, or Unusually Loud Noises, Section 11-43(h) exempts "Motor vehicles operating within public and private streets when functioning with all manufacturer's mufflers and noise reducing equipment in use and in proper operating conditions and when in compliance with the motor vehicle noise requirements set forth in F.S. § 316.293". Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions and per the requirements contained in Florida Statutes.
- c. Vibration impacts. This request is to allow for parking two commercial vehicles on a residential property and is not expected to generate adverse vibration impacts. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
- d. Dust impacts. This request is to allow for parking two commercial vehicles on a residential property and is not expected to generate adverse dust impacts. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
- e. Glare impacts. This request is to allow for parking two commercial vehicles on a residential property and is not expected to have any negative impacts on glare. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions
- f. Odor impacts. This request is to allow for parking two commercial vehicles on residential property and is not expected to have any negative impacts on odors Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions.



4. *Utilities, with reference to locations, availability and compatibility.* Utilities were addressed elsewhere in this report.
5. *Screening and buffering with reference to type, dimensions and character.* Screening and buffering were addressed elsewhere in this report.
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.* Signs and lighting were addressed elsewhere in this report.
7. *Required yards and other open space.* Required yards and other open space were addressed elsewhere in this report.
8. *General compatibility with adjacent properties and other property in the district.* Table 1 and Figure 1 show the subject property is located within the Residential Multifamily Mixed (RMF-M) zoning district.

**TABLE 1  
LAND USE AND ZONING**

DIRECTION	EXISTING USE	LAND USE	ZONING
SITE	SINGLE FAMILY RESIDENTIAL (MOBILE HOME)	LOW DENSITY RESIDENTIAL	RMF-M
NORTH	VACANT	LOW DENSITY RESIDENTIAL	CG
SOUTH	SINGLE FAMILY RESIDENTIAL (MOBILE HOME)	LOW DENSITY RESIDENTIAL	RMF-M
EAST	SINGLE FAMILY RESIDENTIAL	LOW DENSITY RESIDENTIAL	RSF-1
WEST	MULTI FAMILY RESIDENTIAL	LOW DENSITY RESIDENTIAL	RMF-M

**Sources:** DeSoto County Property Appraiser (2022); DeSoto County Geographic Information System maps.

The subject property is located in an area of primarily residential uses. Single family residential, on RSF-1 and RMF-M zoned land, is located adjacent to the east and south, respectively. Multi-family residential, zoned RMF-M is located across SW Live Oak

Avenue to the west and vacant CG zoned land is located across SW Mariposa Drive to the north. The existing/proposed driveway for the commercial vehicle parking is in the northern portion of the property on SW Mariposa Drive. The proposed use is to allow for parking of two commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). The proximity of the proposed parking of two commercial vehicles to residential uses could be an issue of compatibility. While Sec. 20-96 and the buffer matrix in Section 20-600 do not specifically require a buffer for commercial vehicle parking, a commercial use abutting a residential use is required to provide a Type B buffer, consistent with Sec. 20-604(b) (Figure 7-5). Section 20-603 allows for alternative buffer proposals. A 6' wood fence exists around a portion of the rear of the property. Providing additional linear feet of fencing and maintaining the existing fence to adequately screen the commercial vehicles from the residential neighbors along the east and south property lines will be a condition of approval. No additional screening or buffer is proposed. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions

9. *Any special requirements set out in the zoning district regulations for the particular use involved.* The Development Director finds the LDR imposes special requirements for the parking or storage of commercial vehicles in residential zoning districts. Section 20-96 provides standards for parking or storage of commercial vehicles in residential zoning districts for lots that meet minimum lot size. Section 20-96(b)(6) states for RM zoning districts whose principal use is residential, two commercial vehicles may be parked or stored on the property, and routine maintenance performed, if they are used by a resident of the premises, if each commercial vehicle is parked a minimum of 20 feet from all property boundaries and if the commercial vehicles each have a load capacity of less than two tons, are each less than nine feet high (including the load, bed and box) and are each less than 30 feet long. Upgrades to the culvert, driveway and apron may be required at the discretion of the County Engineer. Section 20-96(d) requires a special exception for larger commercial vehicles in residential zoning districts. Commercial vehicles with a load capacity of more than two tons, and/or are more than nine feet high (including the load, bed and box), and/or are more than 30 feet long, may be allowed in residential zoning districts by special exception provided that they meet the criteria and follow the procedure for special exception approval provided in Article XI, Division 5, of this chapter (Chapter 20 Land Development Regulations). Section 20-96(d) does not explicitly state how many larger commercial vehicles are permitted by special exception. Additionally, Sec. 20-96(d)(2) states that approvals shall be valid for one year, or for a shorter period as specified by the Board of County Commissioners. Approvals may be administratively renewed, with proper application, following notice provided to the Development Director no less than 30 days prior to the expiration date, if the commercial vehicle location is consistent with the land development regulations and conditions of approval. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved special exception and this section. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions to meet the standards of Section 20-96.
10. *Public and private utilities, structures, or uses required for public or private utilities, including but not limited to wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a Special Exception use unless determined by the Board to be essential service. In addition to items 1 through 9 above, the review of the request for a Special Exception Use shall include*

*consideration of a plan showing all improvements or alterations that are proposed for the utilities or facilities. The proposed location of such utilities or facilities shall be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the County. The public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface or ground water drinking supplies, and whether the facility can properly be located on the site and in the development which it is to service shall also be taken into consideration where appropriate. Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare of the public or surrounding property owners. The Special Exception use application is not for public or private utilities, structures, or uses on the subject property. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions*

11. *The proposed use shall not act as a detrimental intrusion into the surrounding area. The subject property is located in an area of primarily residential uses. Single family residential, on RSF-1 and RMF-M zoned land, is located adjacent to the east and south, respectively. Multi-family residential, zoned RMF-M is located across SW Live Oak Avenue to the west and vacant CG zoned land is located across SW Mariposa Drive to the north. The existing/proposed driveway for the commercial vehicle parking is in the northern portion of the property on SW Mariposa Drive. The proposed use is to allow for parking of two commercial vehicles as a Special Exception use on residential property zoned Residential Multifamily Mixed (RMF-M). The proximity of the proposed parking of two commercial vehicles to residential uses could be an issue of compatibility. While Sec. 20-96 and the buffer matrix in Section 20-600 do not specifically require a buffer for commercial vehicle parking, a commercial use abutting a residential use is required to provide a Type B buffer, consistent with Sec. 20-604(b) (Figure 7-5). Section 20-603 allows for alternative buffer proposals. A 6' wood fence exists around a portion of the rear of the property. Providing additional linear feet of fencing and maintaining the existing fence to adequately screen the commercial vehicles from the residential neighbors along the east and south property lines will be a condition of approval. No additional screening or buffer is proposed. Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions*
12. *The proposed use shall meet the performance standards of the district in which the proposed use is permitted. The proposed use as parking for two commercial vehicles on a residential property meets the performance standards of the RMF-M zoning district. The proposed commercial vehicle parking will be conditioned to be located 20 feet from all property boundaries, consistent with Section 20-96(b). Based upon the above, the Board may find that the application is in **conformance** with this factor, if approved with the recommended conditions*

In conclusion, based upon the totality of the circumstances as documented herein, the Board may find that the application includes the material necessary to demonstrate, with competent substantial evidence, that granting of the Special Exception use will not adversely affect the public interest, that the specific requirements governing the individual Special Exception use application have been met by the applicant, and that satisfactory provisions, arrangements or conditions have been made concerning the above factors.

D. **Public notice requirements.** LDR Section 20-1439(c) requires notice of the date, time and place of the public hearings by the Planning Commission and Board of County Commissioners shall:

1. Be sent at least 10 days in advance of the hearings by mail to ten surrounding property owners or all owners of property within 1,000 feet of the property line of the land subject to the Special Exception use application; and
2. Have at least one sign posted on each road frontage; and
3. Be advertised in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing.

The Development Department staff caused written notice of the hearings to be mailed to all property owners and such notice is on file with the Development Department and incorporated herein by reference.

### **ATTACHMENTS**

- Exhibit A: General Location Map
- Exhibit B: Interim 2040 Future Land Use Map, Excerpt
- Exhibit C: Official Zoning District Atlas, Excerpt
- Exhibit D: Concept Plan Sketch
- Exhibit X: Screening Illustration

### **ALTERNATIVE ACTIONS**

- A. Enter into the record the Development Review Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to adopt the proposed Resolution.
- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein and make a recommendation to the Board of County Commissioners to deny the proposed Resolution.
- C. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and make a recommendation to the Board of County Commissioners to adopt the proposed Resolution with the conditions.
- D. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support

the proposed Resolution, and make a recommendation to the Board of County Commissioners to table for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Resolution.

### **RECOMMENDED CONDITIONS**

1. A maximum of two (2) commercial vehicles are authorized to be parked or stored on the subject property.
2. The commercial vehicles shall be parked a minimum of 20 feet from all property boundaries.
3. Prior to the parking of commercial vehicles on-site, the applicant shall upgrade the driveway onto SW Mariposa Drive in accordance with the County commercial driveway standards, and shall apply for, and obtain, a right-of-way use permit issued by the County Engineer for the said driveway improvements...
4. All vehicle turning movements shall be conducted on-site so that vehicles can enter the street in a forward fashion. Vehicles are prohibited from backing into a right-of-way.
5. The commercial vehicles are subject to the motor vehicle noise requirements set forth in F.S. § 316.293.
6. The applicant shall screen the parking area for the two commercial vehicles with a 6-foot high opaque fence along the entire east property line and for the area generally behind the home, along the south property line from the eastern boundary (See Exhibit X). The existing fence can be used for a portion of the screening with additional fencing added to visually screen the vehicles from the adjacent properties. The fencing shall be installed prior to parking the vehicles on the property.
7. The Special Exception use is approved for one year. The Special Exception may be administratively renewed, with a 30-day notice (prior to the expiration of the permit) and approval of an application. The applicant shall bear the burden in demonstrating that vehicle parking meets the applicable LDR criteria and the approved Special Exception.

A. Planning Commission: Scheduled for June 3, 2025

B. Board action. Scheduled for June 24, 2025