

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2025 - ____

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A SPECIAL EXCEPTION USE (USE-0182-20240) TO ALLOW COMMERCIAL VEHICLE PARKING FOR THREE (3) VEHICLES ON A ±20.3 ACRE PARCEL ZONED AGRICULTURAL – 5 (A-5) FOR MARK AND RENEE GRAEVE, WHICH PARCEL IS LOCATED AT 3481 SW ADDISON AVENUE, WITH PARCEL IDENTIFICATION NUMBER 18-38-24-0000-0020-0030; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 23, 2024, a Special Exception Use application and required review fee was submitted to the Development Department (USE-0182-20240) by Mark and Renee Graeve (“Applicants”) requesting approval of a Special Exception to allow the parking of three (3) commercial vehicles (semi-tractor trailers) on a 20.3-acre property in the A-5 zoning district, located on Addison Avenue ; and

WHEREAS, the DeSoto County Property Appraiser records show that the subject property is located at 3481 SW Addison Avenue and is owned by Mark and Renee Graeve (Exhibit A: Location Map) (the “Subject Property”); and

WHEREAS, the 2040 Future Land Use Map shows the 20.3-acre property is located within the Rural/Agricultural Land Use designation (Exhibit B: Future Land Use Map) and the Official Zoning District Atlas shows the property is situated within the Agricultural-5 (A-5) zoning district (Exhibit C: Official Zoning District Atlas); and

WHEREAS, Land Development Regulations (LDR) Section 20-98(a) requires that parking or storage of more than one (1) commercial vehicle in A-5 zoning district on parcels that meet minimum lot size may only be allowed by Special Exception, provided that the vehicles are parked a minimum of 20 feet from all property boundaries and on the same property occupied by, or on adjacent property owned by, the owner or operator of the vehicle, and the criteria for special exception uses in LDR Article XI, Division 5, of said chapter are met; and

WHEREAS, the term “occupied” is a term that is broadly understood, and LDR Section 20-1649, titled “Interpretation of Terms” states that : “The term ‘used’ or ‘occupied’ includes the words intended, designed, or arranged to be used or occupied”; and

WHEREAS, staff recommends a condition that requires the property owner to receive approval of a building permit for a residential structure on site within one-year of approval of the Special Exception that shall be occupied by either the owner or operator of the commercial vehicles; and

WHEREAS, the Development Department has reviewed the Special Exception Use application and concludes the application can be found to be in conformance with the LDR provided conditions are imposed; and

WHEREAS, on June 3, 2025, the Planning Commission held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and forwarded the record to the Board of County Commissioners (Board) with the recommendation that the Board adopt the proposed Resolution; and

WHEREAS, the Planning Commission found that the granting of the Special Exception Use would not adversely affect the public interest, that the specific requirements governing the individual Special Exception Use, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters, where applicable, and

WHEREAS, on June 24, 2025, the Board of County Commissioners held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the Planning Commission and Board hearings; and

WHEREAS, the Board concluded the Special Exception Use application established through competent substantial evidence the application was in harmony with the LDRs general intent and purpose, is not injurious to the neighborhood or to adjoining properties or is otherwise detrimental to the public welfare based on the findings herein and conditions of approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses incorporated.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

Section 2. *Property description.* The 20.3 acre parcel is located 3481 SW Addison Avenue, the Property Identification Numbers being 18-38-24-0000-0020-0030.

Section 3. *Findings and conclusions.* Based upon the Development Review Report, incorporated herein by reference, which represents the written findings of fact and conclusions to support the approval provided for herein, as well as the comments made and evidence of record received at the public hearing, the Board of County Commissioners finds the Special Exception Use to be consistent with the Desoto County Comprehensive Plan and Land Development Regulations if approved with conditions. The Board of County Commissioners hereby approves the Special Exception Use request for the parking of three commercial vehicles for Mark and Renee Graeve, within the Agricultural-5 (A-5) zoning district, on a 20.3 acre property located at 3481 SW Addison Avenue, as illustrated on the concept plan (Exhibit D: Concept Plan), in accordance with the Land Development Regulations subject to the following conditions:

1. The property owner shall obtain an approved Building Permit for the construction of a residence on the subject property within 1-year of the approval of this Special Exception. Once the aforementioned residential structure is completed, either the property owner or the vehicle operator shall occupy said residence. Failure to obtain or maintain a valid building permit for the residential structure, or to otherwise meet this condition, shall result in the revocation of the Special Exception approval provided for herein.
2. Commercial vehicles shall be parked a minimum of 20 feet from all property boundaries. This distance shall be maintained by the owner.
3. The commercial trucks must comply with the motor vehicle noise requirements set forth in F.S. § 316.293.
4. Upon approval of the Special Exception, the property owner shall obtain and maintain a residential garbage collection contract with the franchisee and provide a copy of the executed contract to the Planning Department within 30-days.

Section 4. *Effective date.* This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 24th day of June, 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
JC Deriso, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente
County Attorney

Exhibit A
Location

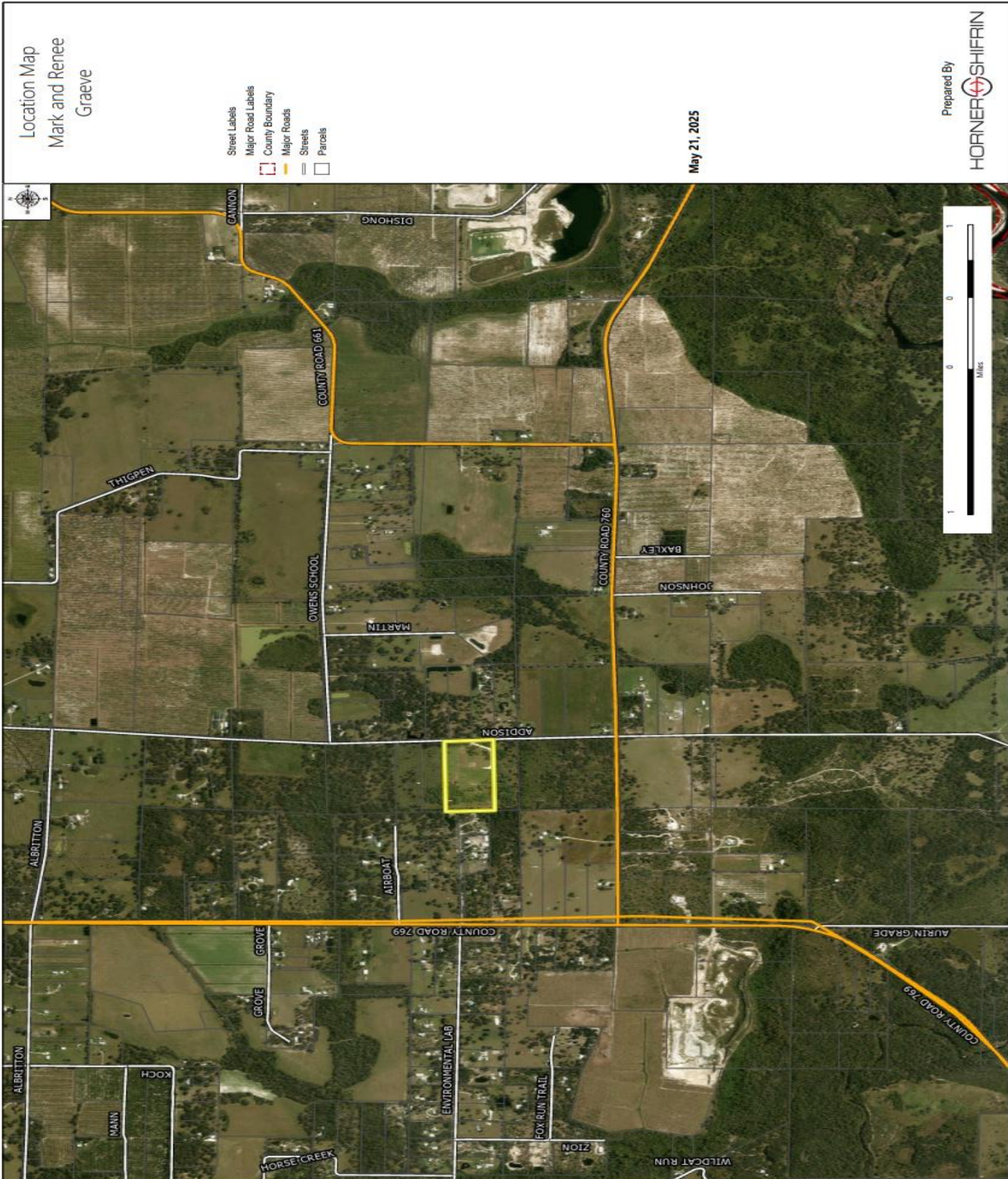


Exhibit B Zoning Map

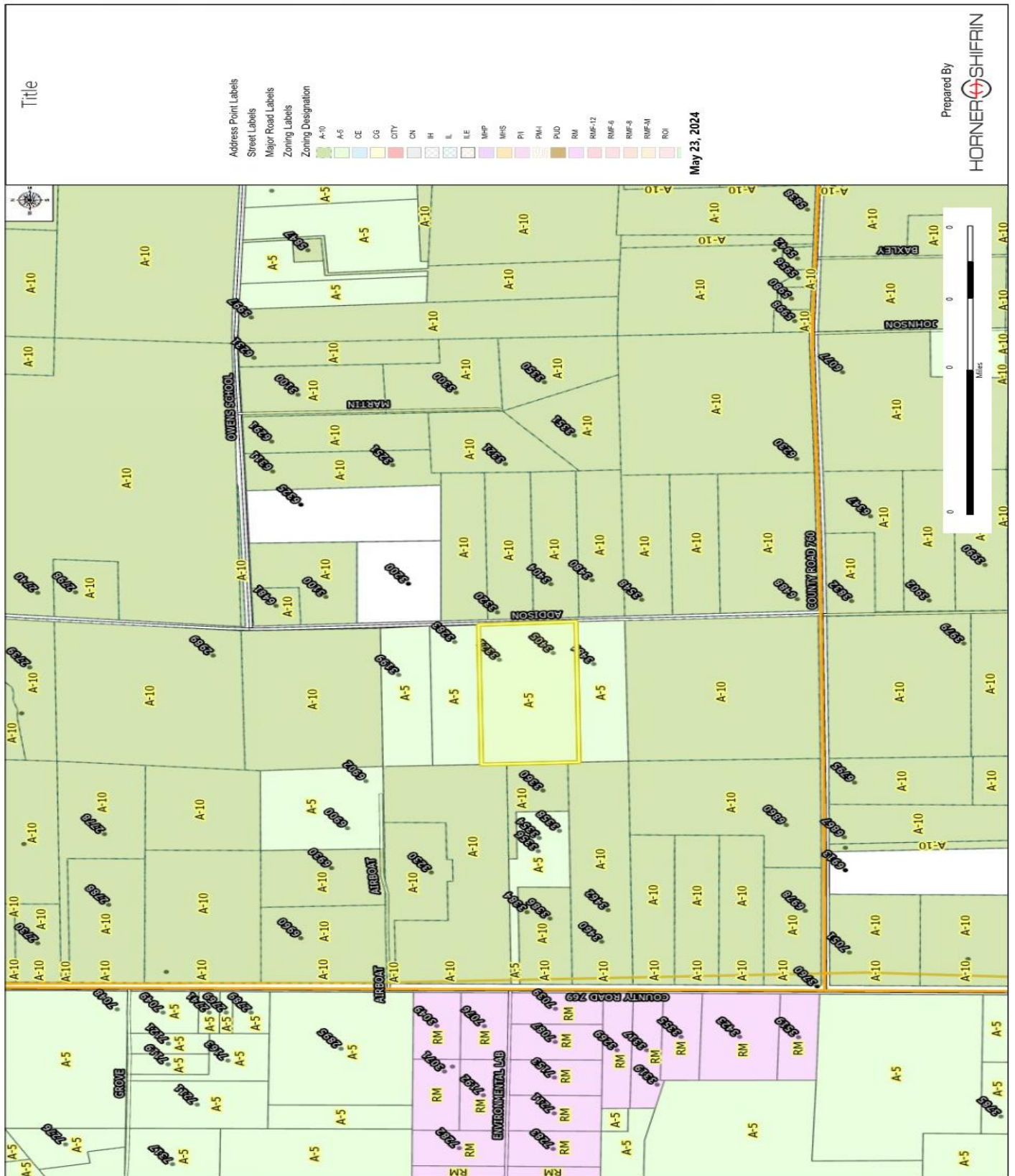


Exhibit C Future Land Use Map

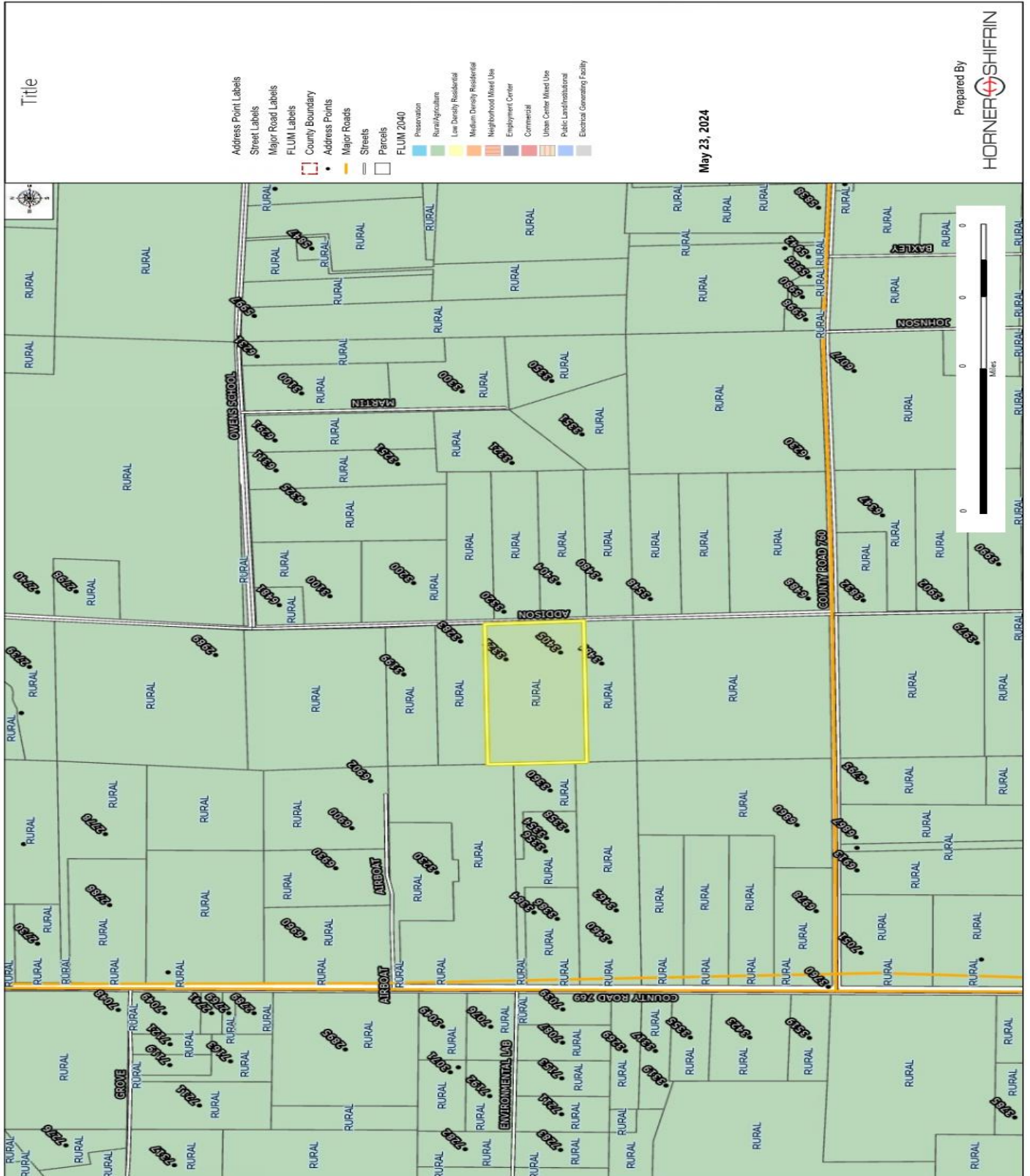


Exhibit D
Concept Plan

