

2020-83

A Resolution granting a Special Exception to Michael Boran located at 10356
B&R Rach Rd.

Adopted November 17, 2020

DESOTO COUNTY, FLORIDA
RESOLUTION NO. 2020- 83

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS GRANTING TOMICHAEL BORAN A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE AGRICULTURAL 10 (A-10) ZONING DISTRICT A TYPE IV EXCAVATION IN ACCORDANCE WITH SEC. 20-996 ON A 4,347.51 ACRE PROPERTY WITH A 276 ACRE PROJECT AREA, LOCATED AT 10356 B & R RANCH ROAD, ARCADIA, FLORIDA, THE PROPERTY IDENTIFICATION NUMBERS BEING 04-39-23-0000-0105-0000, 04-39-23-0000-0104-0000 ; 04-39-23-0000-0103-0000, 04-39-23-0000-0012-0000, 05-39-230000-0020-0000, 32-38-23-0000-0020-0000, 33-38-23-0000-0010-0000, 33-38-23-0000-0020-0000, 28-38-23-0000-0020-0000, 28-38-23-0000-0010-0000, 21-38-23-0000-0020-0000, 22-38-23-0000-0010-0000, 21-38-23-0000-0010-0000, 20-38-23-0000-0010-0000; INCORPORATING THE WHEREAS CLAUSES; INCORPORATING THE DEVELOPMENT DEPARTMENT REPORT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Michael Boran is the owner of the property totaling 4,347.51 acres generally located at 10356 B & R Ranch Road; and

WHEREAS, a special exception use application (USE 0042-2020) to allow for Type IV Excavation in accordance with the DeSoto County Land Development Regulations Sec. 20-996 was filed with the Development Department; and

WHEREAS, the Development Director determined the application was complete and has caused the application to be distributed to the Development Review Committee for review and comments; and

WHEREAS, a Development Department Report was prepared and the report concluded that the special exception use established through substantial competent evidence, the application for a Type IV Excavation in accordance with Sec. 20-996 is in harmony with the LDRs general intent and purpose, is not injurious to the adjoining properties, or is not otherwise detrimental to the public welfare based on the findings herein and conditions of approval; and

WHEREAS, on November 5, 2020, the Planning Commission held a duly noticed public hearing on the application and entered into the record the Development Department Report and all other substantial competent evidence presented at the hearing, and forward the record to the Board of County Commissioners (Board) with the recommendation that the Board adopt the proposed Resolution with conditions; and

WHEREAS, on November 17, 2020, the Board of County Commissioners (Board) held a duly noticed public hearing on the application and entered into the record the Development Department Report and all other substantial competent evidence presented at the Planning Commission and Board hearings; and

WHEREAS, the Board concluded the special exception use application established through substantial competent evidence the application for a Type IV Excavation in accordance with Sec. 20-996, is in harmony with the LDRs general intent and purpose, is not injurious to the adjoining properties, or is otherwise detrimental to the public welfare based on the findings herein and conditions of approval; and

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

Section 1. 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. The Development Department Report, incorporated herein by reference, represents the written findings of fact and conclusions of law to support granting to Mr. Michael Boran a special exception use (USE 0042-2020) development order to allow within the Agricultural 10 (A-10) zoning district for a Type IV Excavation in accordance with Sec. 20-996, on a 4,347.51 acre property with a 276 are project area located at 10356 B & R Ranch Road, Arcadia, Florida, the Property Identification Number 04-39-23-0000-0105-0000, 04-39-23-0000-0104-0000 ; 04-39-23-0000-0103-0000, 04-39-23-0000-0012-0000, 05-39-230000-0020-0000, 32-38-23-0000-0020-0000, 33-38-23-0000-0010-0000, 33-38-23-0000-0020-0000, 28-38-23-0000-0020-0000, 28-38-23-0000-0010-0000, 21-38-23-0000-0020-0000, 22-38-23-0000-0010-0000, 21-38-23-0000-0010-0000, 20-38-23-0000-0010-0000, subject to the following conditions:

1. The Final Construction Plan submittal shall include Fire department access road shall be a minimum of 24' wide. A detail shall be provided of the access road load limit.
2. Proposed structure shall comply with all applicable Florida Building and Fire Codes.
3. Fire Flow shall be provided for fire suppression and shall be demonstrated on the Improvement Plan.
4. Structures shall comply with the Florida Building and Florida Fire Prevention Codes for occupancy classification.
5. It is the applicant's responsibility to obtain any state or federal permits required for the subject activities.

6. All final construction plans for the excavation permit must comply with the DeSoto County Land Development Regulations, Sec 20-1006. Type II, III and IV construction plan submittal.

7. All final submittals must comply with the DeSoto County Land Development Regulations, Sec 20-1007 Type II, III and IV minimum design standards and requirements.

8. This special exception use shall be expire within five years of the effective date of this resolution but may be extended for additional five-year periods upon a Board finding that circumstances have not materially changed, Sec. 20-1434(c).

9. The applicant shall install flashing "Trucks Entering Roadway" signs in each direction on County Road 769 in accordance with DeSoto County Engineering Standards.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED in DeSoto County, Florida, this 17th day of November, 2020.

ATTEST:

By: Mandy Hines
Mandy Hines
County Administrator

**DESOTO COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: Juril O. Mansfield
Juril O. Mansfield
Chairman

Approved as to form and legal sufficiency:

By: Donald D. Conn
Donald D. Conn
County Attorney