



DeSoto County

Planning Commission

Meeting Agenda

Tuesday, June 3, 2025

5:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

Proof of Publication

[25-982](#)

Attachments: [Legal Ad Publishers Affidavit](#)
[Legal Ad Tear Sheet](#)

MEETING MINUTES

Planning Commission meeting minutes from May 6, 2025

[25-979](#)

Attachments: [5-6-2025 PC Meeting Minutes-Draft](#)

DEVELOPMENT DIRECTOR COMMENTS

ACTION ITEMS

Resolution / Graeve Special Exception USE-0182-2024

[25-980](#)

Attachments: [2025-05-16 Graeve USE 0182 2024 SR PC](#)
[Location Map - Graeve](#)
[FLUM - Graeve](#)
[Zoning Map - Graeve](#)
[Site Plan - Graeve](#)
[2025-05-07 Resolution Graeve USE 0182 2024 with mms edits - cao tc](#)

Resolution / Gutierrez Special Exception USE-0191-2024**[25-981](#)****Attachments:** [2025-05-20 Gutierrez USE 0191 2024 SR for PC](#)[Location Map - Gutierrez](#)[FLUM - Gutierrez](#)[Zoning Map - Gutierrez](#)[Site Plan Depicting Turning](#)[EXHIBIT X Screening Illustration](#)[2025-05-20 Resolution Gutierrez USE-0191-2024 PC](#)**PLANNING COMMISSION MEMBER REMARKS****NEXT MEETING****ADJOURNMENT**

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

6/3/2025

-
-
- ☐ Consent Agenda ☐ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☒ Public Hearing Proof of Publication

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Proof of Publication

REQUESTED MOTION:

A motion to approve the Proof of Publication that ran Friday, May 23, 2025.

SUMMARY:

The legal ad ran in the Your Sun newspaper on Friday, May 23, 2025 noticing the following applications for public hearing. Special Exception - Mark and Renee Graeve and Special Exception - Alfredo Gutierrez (Damaris Ramirez).



Ticket: 3961018-1
BOCC 06.03/06.24
4 x 12 with maps
Laura McClelland
Publish: 05/23/25
379254 3961019

**PUBLISHER'S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

05/23/25

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 23rd day of
May, 2025

(Signature of Notary Public)



Personally known X OR Produced Identification

Art/ from B1

The rooms will give the nonprofit and its art instructors a place to continue serving residents in the North Port area.

“Larry Arth with Nailed It Home Services and Richard Zavali, a NPAC volunteer, buffed and painted the floor; Pedro Pita with North Port Lowe’s single-handedly trucked tables and chairs to Room 200 to accommodate 12-plus students in the large classroom,” Gale West stated in a news release.

West is the volunteer executive director of the center.

“A smaller room has (also) been set up to provide The Art of Relaxation with Sound Therapy.

Victor Gartner will provide Scratchboard classes at LMCU in June,” West said.

West and leaders at the Art Center have said the intention and desire of the Art Center is to return to the location they are having to leave.

City officials have been receptive to the idea, but it will be the Art Center’s responsibility to raise the money that is needed.

At a community meeting in April, West said the Art Center has a new conceptual Art Center that would cost around \$5 million for construction. It would include classrooms, a gallery, a garden plaza, meeting spaces, a gift shop, lobby and more.

“The NPAC is expected to return to the current Sam Shapos Way location

with a destination arts center in the future after a successful capital campaign which could take a couple years to complete,” West said in the news release. “In the meantime, the NPAC is seeking board members, volunteers and donors to ensure a healthy, dynamic arts culture in the North Port area.”

Questions about taking up those roles and more can be sent to the Art Center at npac@npartcenter.org

West said the Art Center is also set to have a meeting with the North Port City Commission on June 2. At the meeting, a slideshow will be presented.

To learn more about the North Port Art Center, visit northportartcenter.org

NONPROFIT

On course

‘Golf with Us’ program gives young golfers more opportunities on the links

STAFF REPORT

ROTONDA WEST — Four region courses are among those taking part in an affordable golf program in a project underway with Bank of America and nonprofit Youth on Course.

Through the “Golf with Us” program, children taking part can play \$5 rounds of golf at more than 2,200 participating courses nationwide.

“Through Golf with Us, BofA is showing young people — including many here in Southwest Florida — what is possible in golf, and in life, when they work hard to achieve their goals,” Bank of America Southwest Florida President Gerri Moll stated in a news release. “By offering new opportunities for Southwest Florida kids to play golf here in our backyard, we are empowering them and creating a positive impact in our community through the transformational power of sports.”

Rotonda Golf and Country Club, at 100 Rotonda Circle, Rotonda West, is among the four region courses.

Other courses include:

- Coral Oaks Golf Course, 1800 NW 28th Ave, Cape Coral
- River Hall Country Club, 3500 River Hall Pkwy, Alva
- Myerlee Country Club, 1380 Myerlee Country Club Blvd, Fort Myers

The partnership takes place because leaders realize “this sport often sits in the rough when it comes to accessibility, with greens fees putting it out of bounds for many families,” the news release stated.

It notes benefits of golf, including the fact that golf “doesn’t require exceptional



PHOTO PROVIDED

Four region courses are among those taking part in an affordable golf program in a project underway with Bank of America and nonprofit Youth on Course including Rotonda Golf and Country Club, at 100 Rotonda Circle, Rotonda West.

speed, strength, or a particular physical build to excel — making it a perfect match for all kids.”

And it’s good to be outside.

“The benefits of golf extend well beyond the scorecard: walking the course provides aerobic exercise, and practicing that perfect swing enhances hand-eye coordination. Young golfers also develop patience, focus, and strategic thinking as they navigate each hole,” it states.

It’s also a way to make new friends, build self-confidence, learn about following rules and learn about being persistent, it states.

The membership also includes a registered handicap index with United States Golf Association’s Golf Handicap Information Network and ongoing learning opportunities, it states.

“This nationwide program creates incredible access to what has traditionally been considered a more exclusive sport,” it states.

Those interested should sign up by May 24.

For more information or to register, visit www.BofA.com/GolfwithUs

Manasota/ from B1

“would do that to us.”

“You don’t owe the billion-dollar person anything,” he said.

Abby Feller said she chose the community for its charm, green space and environmental protection efforts, which would be threatened by the road.

It needs sound barriers, traffic calming, a lower speed limit and green space, she said.

“Let’s take the time to do this right,” she said.

Donna Carroll had a different concern.

The road extension would pass between houses and the reservoir from which their irrigation water is drawn. They

would need access to it, and they could encounter higher costs in the future if they have to replace pipes buried under the road.

Susan Spafford read a letter she said was from a traffic engineer who lives in Sarasota National. In it, he says that a straight alignment of an extension would make more sense and be better for the environment, as well as his neighbors.

The county should explore other options, he says.

The Commission approved Neal’s proposal based on a cost of \$24.7 million and a two-year time frame for a 2-mile extension, compared to roughly double the cost for extending Keyway Road later.

It fits in with Wellen Park’s plan to connect Manasota Beach Road to the future West Villages Parkway in Wellen Park, where a long segment of road is already called Manasota Beach Road.

It would also reduce traffic for Wellen Park High School, set to open in August 2026, and has the support of North Port officials.

The Commission will consider a funding plan at a later meeting.

Staff Writer Chloe Nelson contributed to this story.

NOTICE OF PUBLIC HEARING

The DeSoto County Planning Commission will consider recommending approval of the below-described matters to the DeSoto Board of County Commissioners (Board). The resolutions/ordinances will be considered at regularly scheduled Public Hearings/ Meetings of the Planning Commission and Board of County Commissioners on the dates listed and at the times listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County’s website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the Planning Commission or Board, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, June 3, 2025 at 5:30
BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, June 24, 2025 at 6:30 PM

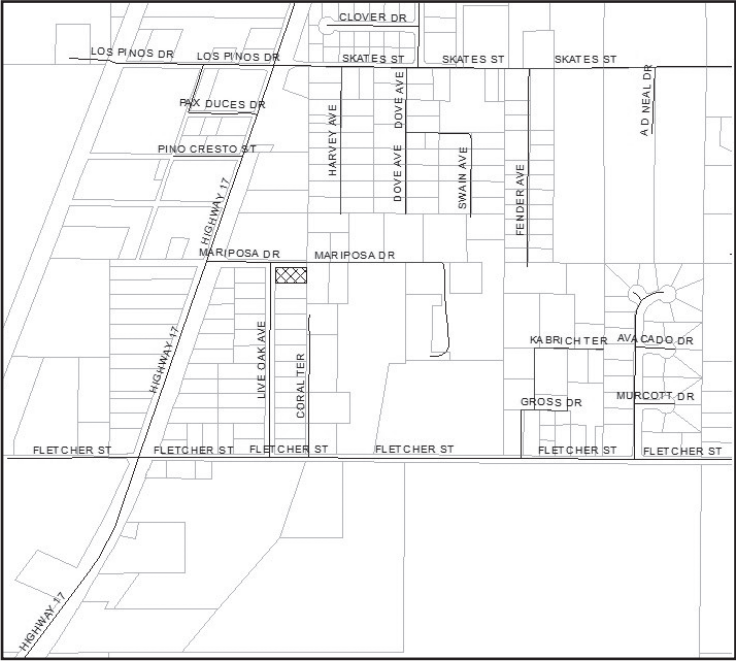
1. Resolution, Mark and Renee Graeve (USE-0182-2024) PC & Board

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A SPECIAL EXCEPTION USE (USE-0182-20240) TO ALLOW COMMERICAL 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.



2. Resolution, Alfredo and Elva Gutierrez (Damaris Ramirez) (USE-0191-2024) PC & Board

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.



PUBLISH: AS DISPLAY AD Friday, May 23, 2025

adno=3961018-1

Sewer/ from B1

over four years.”

Frost was seeking direction from the commissioners on having the homeowners take care of it rather than the county.

“It takes the better part of three days for just one house to get completed,” he said.

Doherty agreed with Frost.

“It’s a mess, so I think my preference would be to stick within the public right of way,” Doherty said.

Constance also agreed.

“I’m leaning toward dissolving this,” Constance said. “I don’t really think we should be in this business.”

Commissioner Bill Truex agreed, to an extent, saying people with financial hardships should still be taken into consideration.

“I’d rather not get into that business, but I know there’s avenues in the private sector to do that,” Truex said.

The loan program will be discussed again at a special finance meeting with the commissioners.

County is \$66,154, according to the 2023 U.S. Census. The sewer component of index is 2.5%.

Multiplying those two numbers together is the annual sewer affordability rate of \$1,654.

Commissioner Stephen R. Deutsch said the numbers used in the study are out of date.

“That excluded three years of pretty serious inflation to get us to today,” Deutsch said.

Doherty said some neighborhoods have suffered natural disasters back-to-back over the past two years, and that’s not factored into the study.

“I think we have to make it annually affordable, factoring all of these things,” Doherty said. “I can’t move ahead with this, not enough information in this analysis to look at the true household picture.”

Tiseo said county officials told the public that this process would have an element of affordability.

“To me, that is never going away,” Tiseo said.


Truex said that there isn’t one single formula, or method that can be used to calculate affordability for everyone.

“This is always going to be a moving target,” he said. “I think every one of them is going to have to be evaluated each and every time we come to the table.”

SEPTIC-TO-SEWER

Tom Friedric, a senior consultant for Jones Edmunds, discussed the company’s analysis with commissioners.

The median household income in Charlotte



Not affiliated with Rolex

Rolex Watches

Buy, Sell & Repair

Large Selection of Diamond Bezels & Dials

WESTCHESTER GOLD & DIAMONDS

4200-F TAMAMI TRAIL, PORT CHARLOTTE
(BEHIND ABC LIQUORS)

941-625-0666

Monday - Friday 10 a.m. - 6 p.m.; Saturday 10:30 - 4 p.m.
In business over 41 years

adno=3950231-1



DeSoto County

6/3/2025

-
-
- ☐ Consent Agenda ☐ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☒ Public Hearing Minutes

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Tara Wilson
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Planning Commission meeting minutes from May 6, 2025

REQUESTED MOTION:

A motion to approved the Planning Commission meeting minutes from May 6, 2025



DeSoto County

Planning Commission

Meeting Minutes - Draft

Tuesday, May 6, 2025

5:30 PM

CALL TO ORDER

Vice Chairperson Brian Young called the meeting to order at 5:30pm

PLEDGE OF ALLEGIANCE

Vice Chairperson Brian Young, led the pledge of allegiance.

ROLL CALL

All present members stated they had no ex-parte.

Present	Vice Chairman Brian Young, Council Member Erik Howard, Council Member Lynn Banish, and Council Member Allen Reesor
Absent	Chairperson Bill Martin, Council Member Kelly Mercer, and Council Member Jami Schueneman

SET OR AMEND THE AGENDA

Mr. Howard made a motion, seconded by Ms. Banish, to set the agenda. The motion carried unanimously.

Aye:	Vice Chairman Young, Council Member Howard, Council Member Banish, and Council Member Reesor
Absent:	Chairperson Martin, Council Member Mercer, and Council Member Schueneman

PUBLIC FORM FOR NON-AGENDA ITEMS

None

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication

Attachments: [Legal Ad Proof of Publication](#)
 [Legal Ad Tear Sheet](#)

Mr. Howard made a motion, seconded by Ms. Banish, to approve the publication. The motion carried unanimously.

Aye:	Vice Chairman Young, Council Member Howard, Council Member Banish, and Council Member Reesor
Absent:	Chairperson Martin, Council Member Mercer, and Council Member Schueneman

MEETING MINUTES

Present Vice Chairman Brian Young, Council Member Erik Howard, Council Member Lynn Banish, and Council Member Allen Reesor

Absent Chairperson Bill Martin, Council Member Kelly Mercer, and Council Member Jami Schueneman

2. Planning Commission Meeting Minutes for the March 4, 2025 meeting

Attachments: [3-4-2025 PC Meeting Minutes](#)

A motion was made by Eric Howard to approve Meeting Minutes of March 4, 2025. Seconded by Lynn Banish. The motion carried unanimously.

Aye: Vice Chairman Young, Council Member Howard, Council Member Banish, and Council Member Reesor

Absent: Chairperson Martin, Council Member Mercer, and Council Member Schueneman

DEVELOPMENT DIRECTOR COMMENTS**ACTION ITEMS**

County Attorney, Valerie Vicente announced the Quasi-Judicial hearing and explained the process for the Planning Commission during the hearing. Laura McClelland administered the oath to those that wanted to speak.

3. Resolution / George Hernandez / USE-0183-2024

Attachments: [2025-024-07 Hernandez USE 0183 2023 SR for PC](#)
[2025-04-07 Resolution Hernandez USE 0183 2024 for PC](#)
[USE-0183-2024 Location Map](#)
[USE-0183-2024 FLUM](#)
[USE-0183-2024 Zoning Map](#)
[USE-0183-2024 Site Plan - Truck Parking](#)

Misty Servia presented a Special Exception Use application requesting approval (USE 0183-2024) for the parking of a commercial vehicle (semi-tractor trailer) on a 2.45-acre parcel zoned Agricultural-5 (A-5). The Property is located on the east side of NE Cubitis Avenue, south of County Road 660, and west of Highway 17. The Board engaged in a discussion regarding the proposal as well as recommended conditions for approval. The applicant, George Perez Hernandez was questioned by Mr. Howard in regards to the conditions that were reviewed by Ms. Servia, Mr. Perez Hernandez stated he was aware of some of the conditions but not aware of the fencing condition. Ms. Banish then asked if he was willing to meet the condition in which he replied that he was. There was further discussion in regards to the fencing. Mr. Howard made a motion to close the Public Hearing, which was seconded by Ms. Banish. The motion carried unanimously.

Mr. Howard made a motion to recommend approval of application seconded by Ms. Banish. The motion was carried by the following vote:

Aye: Vice Chairman Young, Council Member Howard, Council Member Banish, and Council Member Reesor

Absent: Chairperson Martin, Council Member Mercer, and Council Member Schueneman

4. Ordinance / Amending Article X of Chapter 20 of the DeSoto County Land Development Regulations

Attachments: [Ordinance re Planning Commission composition CA](#)
[County Attorney Memo with Analysis Planning Commission](#)
[Composition](#)
[Fla. Stat. 163.3174](#)
[Triparty Interlocal between School, County and City](#)

Valerie Vicente presented a request for approval of an Ordinance Amending Article X "boards and Agencies" of Chapter 20 of the Desoto County Land Development Regulations, to modify the membership and composition of the Planning Commission and the Board of Adjustment as it relates to the School Board Appointee, and reducing the membership to five members providing for repealer: providing for severability; providing for codification and proving for an effective date.

A motion was made by Mr. Howard, seconded by Mr. Ressor to recommend the approval to adopt the Ordinance as amended. The motion carried by the following vote:

Aye: Vice Chairman Young, Council Member Howard, Council Member Banish, and Council Member Reesor

Absent: Chairperson Martin, Council Member Mercer, and Council Member Schueneman

5. Ordinance / Amending certain articles of Chapter 20 of the DeSoto County Land Development Regulations

Attachments: [2025-04-29 LDR 2025 Plat Subdiv SR for PC](#)
[2025-04-28 Ordinance Amending Subdivision Regulations \(All changes\) - clean](#)

Misty Servia presented to amend articles of Chapter 20 of the DeSoto County Land Development Regulations. The revision was made to provide clarity, simplicity and efficiency to the Land Development Code. There was discussion on how the amendment would streamline the process of Lot split for major and minor subdivisions. There was further discussion on submittals of major and minor subdivisions, platting requirements and engineering standards. Larry Hamilton a community member discussed how he is in the process of trying to subdivide his twenty-five acres to sell off a ten acre plot and how this amendment would effect him.

A motion was made by Ms. Banish, seconded by Mr. Ressor to recommend the approval to adopt the Ordinance as amended. The motion carried by the following vote:

Aye: Vice Chairman Young, Council Member Banish, and Council Member Reesor

Nay: Council Member Howard

Absent: Chairperson Martin, Council Member Mercer, and Council Member Schueneman

PLANNING COMMISSION MEMBER REMARKS

NEXT MEETING

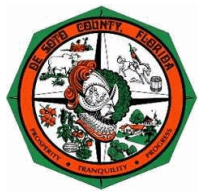
Being no further business before the Planning Commission, Vice Chairman Young adjourned the meeting at 6:35pm.

CHAIRPERSON

DATE

ADJOURNMENT

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

6/3/2025

-
- ☐ Consent Agenda ☒ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☐ Public Hearing Resolution

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Tara Wilson
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Resolution / Graeve Special Exception USE-0182-2024

REQUESTED MOTION:

A motion to enter into the record this development review report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Resolution with conditions.

SUMMARY:

The applicant has applied for a Special Exception use application (USE 0182-2024) to allow the parking of three (3) commercial vehicles (semi-tractor trailers) on a 20.3-acre property located on SW Addison Avenue. The property is zoned Agricultural- 5 (A-5) and located in the Rural/Agricultural Future Land Use Category.



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE #: USE 0182-2024

REQUEST: Special Exception: Parking and Storage of Commercial Vehicles

PROPERTY OWNER: Mark and Renee Graeve
3481 SW Addison Avenue
Arcadia, Florida 34266

PROPERTY ID: 18-38-24-0000-0020-0030

PROPERTY ADDRESS: 3481 SW Addison Ave., Arcadia, FL 34266

TOTAL PARCEL SIZE: +/- 20.3 acres

ZONING DISTRICT: A-5 (Agricultural- 5)

FUTURE LAND USE DESIGNATION: Rural/Agricultural Land Use

OVERLAY DISTRICTS: Conservation Overlay District

DEVELOPMENT REVIEW REPORT

The applicant has applied for a Special Exception use application (USE 0182—2024) to allow the parking of three (3) commercial vehicles (semi-tractor trailers) on a 20.3-acre property located on SW Addison Avenue. The property is zoned Agricultural- 5 (A-5) and located in the Rural/Agricultural Future Land Use Category.

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

OVERVIEW OF REQUEST

The subject parcel is located at 3481 SW Addison Avenue (See Exhibit A) and is owned by Mark and Renee Graeve. The owner is requesting a Special Exception to park three (3) commercial vehicles (semi-tractor trailers) on site. An existing pole barn is shown to remain on the property.

The 2040 Future Land Use Map shows the property is located within the Rural/Agricultural Future Land Use Category (See Exhibit B) and the Official Zoning District Atlas shows the property is zoned Agricultural- 5 (A-5) (See Exhibit C).

A small area, \pm 2 acres, on the western portion of the parcel is located within the Conservation Overlay District, which means there is the potential for jurisdictional wetlands. No development or parking is proposed in this area, per the site plan.

There is a fundamental obstacle in finding the request to comply with the LDR. Section 20-98(a) of the LDR states (emphasis added by underlining text),

“The parking or storage of no more than two commercial vehicles in the A-10 zoning district and no more than one commercial vehicle in the A-5 zoning district is permitted on parcels that meet the minimum lot size, provided that the vehicle is 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. Additional commercial vehicles may be allowed by special exception on said A-10 and A-5 parcels that meet minimum lot size, provided the criteria for special exceptions in Article XI, Division 5, of this chapter are met. Upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer.”

The site is not occupied by the owner or operator of the vehicle and the site will only be used for vehicle parking. The adjacent property is also not owned by the owner or operator of the vehicle. The site does not contain a dwelling unit, but does contain a pole barn. Additionally, the concept plan shows a future building, which the applicant has confirmed is their future home.

This LDR section also requires that the subject site meet the minimum lot size of 5-acres and comply with the criteria for Special Exceptions, contained in Article XI, Division 5. The subject site exceeds the required minimum lot size and is approximately 20.3 acres.

An application for a Special Exception was received in the Development Department on May 23, 2024.

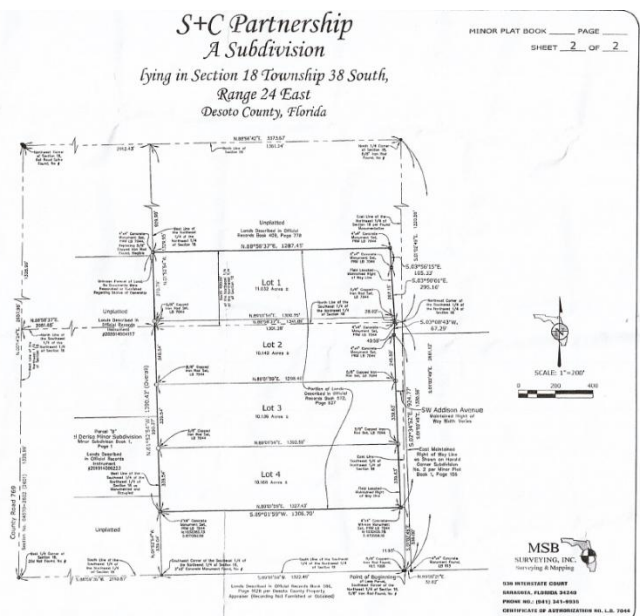
PROPOSED RESOLUTION

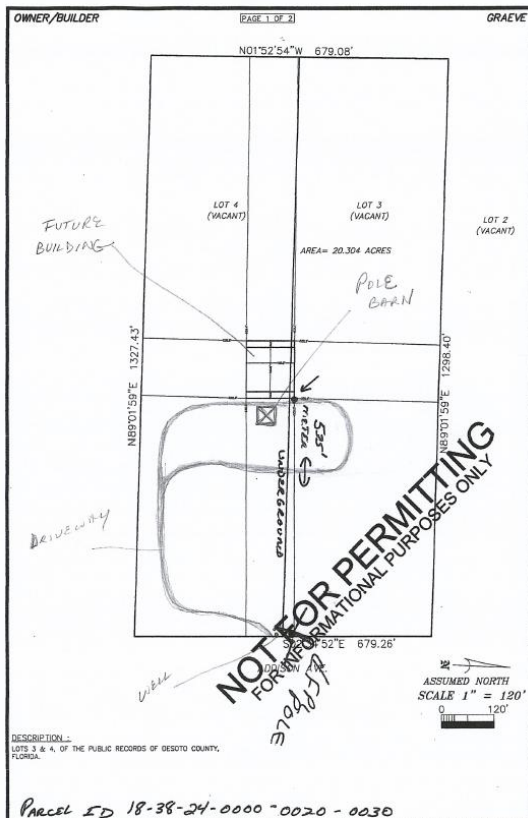
A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING/DENYING A SPECIAL EXCEPTION USE (USE-0182-20240) TO ALLOW COMMERCIAL VEHICLE PARKING FOR THREE (3) VEHICLES ON A ± 20.3 ACRE PARCEL ZONED AGRICULTURAL – 5 (A-5) FOR MARK AND RENEE GRAEVE, WHICH PARCEL IS LOCATED AT 3481 SW ADDISON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

DATA & ANALYSIS

Sec. 20-98. - Parking or storage of commercial vehicles in A-10 and A-5 districts.

- (a) Parcels that meet minimum lot size. The parking or storage of no more than two commercial vehicles in the A-10 zoning district and no more than one commercial vehicle in the A-5 zoning district is permitted on parcels that meet the minimum lot size, provided that the vehicle is 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. Additional commercial vehicles may be allowed by special exception on said A-10 and A-5 parcels that meet minimum lot size, provided the criteria for special exceptions in Article XI, Division 5, of this chapter are met. Upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer.





The subject land is known as Lots 3 & 4, S + C Partnership Subdivision.

As previously mentioned, the property is not currently occupied by the property owner or vehicle operator nor is a dwelling unit constructed on the subject land. Moreover, the adjacent property is also not owned by the owner or operator of the vehicle.

The subject parcel exceeds the minimum lot size required in the A-5 Zoning District and the concept plan shows that the vehicles will meet a minimum setback of 20-feet from all property boundaries. The concept plan also shows a future building on the site, which the applicant confirmed is their future homesite.

While the term "occupied" is a term that is broadly understood, LDR Section 20-1649, Interpretation of Terms states:

"The term "used" or "occupied" includes the words intended, designed, or arranged to be used or occupied.

Although the definition of occupied, including "Intended to occupy" creates the ability to allow the vehicles to be stored on site if the owner's or operator's intention is to occupy the land, this is not how this section of the LDR has been historically applied in the county. Staff recommends a condition requiring the property owner or vehicle operator to receive a building permit for the new home within 1 year of the Board authorizing the Special Exception Permit, should the Board wish to approve the request.

Based upon the above standard and historical applications, the Board may choose to find that the application is or is not in conformance with this factor.

(b)Parcels that do not meet minimum lot size. Parking or storage of commercial vehicles in A-10 and A-5 zoning districts on parcels that do not 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 in Article XI, Division 5, of this chapter for special exceptions are met. Upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer.

The subject parcel meets the minimum lot size and is more than four times the size of the minimum acreage required by the zoning. Additionally, the owner previously upgraded his driveway with an 80-foot culvert. Based on the above standard, the Board may find that the application is in conformance with this factor.

(c)Bona fide agricultural operations. This section does not apply to or limit the number vehicles or amount of equipment parked in A-10 or A-5 districts that are engaged in bona fide agricultural operations.

The subject parcel is not engaged in a bona fide agricultural operation and the request is to use it for parking three commercial vehicles, so this standard does not apply.

(d)Commercial vehicle or equipment repair. In addition to the foregoing, the temporary parking or storage of commercial vehicles or equipment by a person engaged in the business of commercial repair of such vehicles or equipment may be allowed by special exception in A-10 or A-5 districts on property owned or occupied by said person while said vehicles or equipment are awaiting repair; provided that if commercial vehicles or equipment is stored for longer than 30 days while awaiting commercial repair, they must be parked in a storage yard of up to one acre and enclosed within a six foot high opaque fence or landscape barrier.

The subject parcel will not be used for commercial vehicle or equipment repair, so this standard does not apply.

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

A. **Application requirements.** LDR Section 20-1431 requires that a Special Exception Use Application be submitted indicating the LDR basis in 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 demonstrate that approval of the Special Exception 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's welfare. Evidence to support such 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 for the parking of three (3) commercial vehicles as a Special Exception Use on private property zoned Agricultural-5. A pole barn is the only structure that exists on site. The applicant has submitted a concept plan showing a proposed future building (living quarters and garage) and driveway.

Although the definition of occupied, including "Intended to occupy" creates the ability to allow the vehicles to be stored on site if the owner's or operator's intention is to occupy the land, this is not how this section of the LDR has been historically applied in the county

No additional structures or commercial activities are proposed. Based upon the above, the Board may or may not find that the application is in conformance with this factor.

- b. Provisions for ingress and egress. The property is currently served by an existing driveway on SW Addison Avenue. Section 20-98(a) states that for parking of commercial vehicles in A-5 zoning, upgrades to the culvert, driveway and apron will be at the discretion of the Public Works Director or County Engineer. An application for a residential driveway (Right-of-Way permit) with an 80' wide culvert was applied for in July 2023 and subsequently approved. The Special Exception application states that the driveway is 30' wide, not acknowledging the recent upgrade. Based upon the above, the Board may find that the application is in conformance with this factor.
- c. Off-street parking. Approval of commercial parking for 3 vehicles is requested. Commercial activities, other than parking, are not proposed for the property. The concept plan does not show the precise location of the proposed commercial vehicle parking. The response to comments states that the truck and trailer parking is between 224' and 900' from all property lines, which exceeds the required setbacks. Section 20-98(a) states that parking or storage of more than one commercial vehicle in A-5 zoning that meets the 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. Based upon the above, the Board may find that the application can be found in conformance with this factor with the recommended conditions.
- d. Off-street loading. The proposed use is the parking of commercial vehicles. Other commercial activities are not proposed. Loading is not required for this use, and therefore, this factor is not applicable.
- e. Refuse and service areas. A solid waste collection plan has not been shown on the concept plan and it will be the applicant's responsibility to engage in a solid waste contract with the county's provider. A condition is recommended to this effect. Based upon the above, the Board may find that the application can be found in conformance with this factor.
- f. Required yards and open space. LDR 20-127(2)(c) requires a minimum front yard setback of 50', a minimum side yard setback of 30', and a minimum rear yard setback of 50' in the A-5 zoning district. There is unrestricted impervious lot coverage in the A-5 district. Neither new structures nor other commercial activities other than parking are proposed at the current time. As previously mentioned, the owner plans to build a home in the future.

Based upon the above, the Board may find that the application is in conformance with this factor.

2. *Plans showing proposed locations for utilities hook-up.* The property is currently served by existing electric, and well, per the concept plan. The plan does not show any plans for waste-water disposal. No additional utilities are proposed. Water and sewer service are not available by DeSoto County Utilities (DCU).

The application can be found in conformance with this factor.

3. *Plans for screening and buffering with reference as to type, dimensions and characters.* The proposed use is to allow for parking of three commercial vehicles as a Special Exception use on private property zoned Agricultural-5. While the buffer matrix in Section 20-600 does not expressly require a buffer for agricultural uses adjacent to the single family residential to the west, the proximity of the proposed parking of three commercial vehicles could be an issue of compatibility. However, it appears, via aerial photography, that a buffer exists along the western property boundary and that the proposed parking of commercial vehicles is at least 500 feet from the western property boundary. No screening or buffer is proposed.

The Board may find that the application is in conformance with this factor.

4. *Plans for proposed landscaping and provisions for trees.*

The proposed use is to allow for parking of three commercial vehicles as a Special Exception use on private property zoned Agricultural-5. While the buffer matrix in Section 20-600 does not expressly require a buffer for agricultural uses adjacent to the single family residential to the west, the proximity of the proposed parking of three commercial vehicles could be an issue of compatibility. However, it appears, via aerial photography, that a buffer exists along the western property boundary and that the proposed parking of commercial vehicles is at least 500 feet from the western property boundary. No screening or buffer is proposed.

The Board may find that the application is in conformance with this factor.

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 factor is not applicable.

The Special Exception application and proposed concept plan were considered in applying the standards for the parking of three (3) commercial vehicles, which may be authorized by the Board of County Commissioners.

Based upon the findings and conclusions above, with conditions, the Board may conclude that the applicant has demonstrated that approval of the Special Exception 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, if approved with the recommended conditions.

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 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 May 23, 2024, the applicant filed a Special Exception use application for parking of three commercial vehicles on the 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 distributed the application to the 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.*

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.

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 Rural/Agricultural Land Use (See Attachment B). The subject parcel is a lot of record. The subject property meets the minimum lot area of 5 acres (20.3 acres, per survey and Property Appraiser) in the A-5 zoning district. It is

consistent with the Rural/Agricultural Future Land Use category. A small portion of the western property is within the Conservation Overlay District, but no development is planned for that specific area.

This application can be found to be in conformance with all elements of the Comprehensive Plan.

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 three commercial vehicles on property zoned A-5. The driveway on SW Addison Avenue is existing; nothing further is proposed with regards to automotive safety and convenience. A Right-of Way permit for a residential driveway with 80' wide culvert was applied for in July 2023. The Special Exception application states that the driveway is 30' wide and it has been expanded to 80' in width with a right-of-way use permit.

It is concluded that this can be found to be in conformance.

- b. Pedestrian safety and convenience. The subject property does not currently have any structures, other than a pole barn. The proposed Special Exception is requested to allow the parking three commercial vehicles on private property zoned A-5. No pedestrian facilities are proposed.

It is concluded that this can be found to be in conformance.

- c. Traffic flow and control. This request is for parking three commercial vehicles on property zoned A-5. The driveway on SW Addison Avenue is existing. A Right-of Way permit for a residential driveway with 80' wide culvert was applied for in July 2023 and subsequently issued. The Special Exception application states that the driveway is 30' wide, which has been expanded to 80' in width. The concept plan suggests ample space for truck maneuvering on site.

It is concluded that this can be found to be in conformance.

- d. Access in case of fire or catastrophe. This request is for parking three commercial vehicles on property zoned A-5. The driveway on SW Addison Avenue is existing. A Right-of Way permit for a residential driveway with 80' wide culvert was applied for in July 2023 and subsequently granted. The Special Exception application states that the driveway is 30' wide. The concept plan suggests ample space for truck maneuvering on site. DeSoto County Fire had no comments with regards to access.

It is concluded that this can be found to be in conformance.

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 have 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 on the above, it is concluded the application can be found in conformance with this factor.

- b. Noise impacts. This Special Exception request is to allow parking of three commercial vehicles on the private subject property. The Special Exception application states that noise impacts will be minimal due to infrequent use of the road. 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 on the above, it is concluded the application can be found in conformance with this factor with conditions to operate in conformity with Florida Statutes.

- c. Vibration impacts. This request is to allow for parking three commercial vehicles on the private subject property and is not expected to generate adverse vibration impacts.

It is concluded the application can be found in conformance with this factor.

- d. Dust impacts. This request is to allow for parking of three commercial vehicles on the private subject property and parking is not expected to generate adverse dust impacts.

Based on the above, it is concluded the application can be found to be in conformance with this factor.

- e. Glare impacts. This request is to allow for parking three commercial vehicles on the private subject property and is not expected to have any negative impacts on glare.

Based on the above, it is concluded the application can be found to be in conformance with this factor.

- f. Odor impacts. This request is to allow for parking three commercial vehicles on the private subject property and is not expected to have any negative impacts on odors in an area zoned Agricultural.

Based on the above, it is concluded the application can be found to be in conformance with this factor.

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, below shows the subject property is located within an Agricultural- 5 (A-5) zoning district and the zoning of adjacent properties.

**TABLE 1
LAND USE AND ZONING**

DIRECTION	EXISTING USE	LAND USE	ZONING
SITE	PASTURELAND	RURAL/ AGRICULTURAL	A-5
NORTH	PASTURELAND	RURAL/ AGRICULTURAL	A-5
SOUTH	VACANT	RURAL/ AGRICULTURAL	A-5
EAST	PASTURELAND, ORNAMENTALS	RURAL/ AGRICULTURAL	A-10
WEST	PASTURELAND, SINGLE FAMILY RESIDENTIAL	RURAL/ AGRICULTURAL	A-10

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

The subject property is located in an area of primarily agricultural uses. Single family residential, on A-10 zoned land, is located to the west. The existing/proposed driveway for the subject property is in the eastern portion of the property. No screening or buffer is proposed. While the buffer matrix in Section 20-600 does not expressly require a buffer for agricultural uses adjacent to the single family residential to the west, the proximity of the proposed parking of three commercial vehicles could be an issue of compatibility. It appears, via aerial photography, that a buffer exists along the western property boundary and that the proposed parking of commercial vehicles is at least 500 feet from the western property boundary.

Based on the above, it is concluded the application can be found in conformance with this factor.

9. *Any special requirements set out in the zoning district regulations for the particular use involved.* The A-5 zoning district has standards with regard to parking of three commercial vehicles, in addition to the Special Exception criteria.

Section 20-98 provides standards for parking or storage of commercial vehicles in A-10 and A-5 districts. For parcels that meet the minimum lot size, such as the subject property, parking or storage of more than one commercial vehicle in A-5 zoning districts may only be allowed by Special Exception and shall be 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. As previously mentioned, neither the owner nor the vehicle operator plan to occupy the property. However, the LDR definition allows occupancy to be considered if the owner intends to occupy the land. Staff has

recommended a condition that requires the owner to pull a permit for the home on site within 1-year of approval of this Special Permit.

Also, the criteria of Article XI, Division 5, of this chapter for Special Exceptions must be met.

Based on the above, it is concluded the application can be found to be in conformance with this factor if approved with the recommended condition to meet the standards of Section 20-98.

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.*

This factor is not applicable.

11. *The proposed use shall not act as a detrimental intrusion into the surrounding area.*

The application states that the proposed parking will generate few trips to and from the site, as the owner has business is over the US.

The application can be found to be in conformance with this factor.

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 three commercial vehicles on the private subject property, which meets the requirements of the A-5 zoning district. The proposed commercial vehicle parking will be conditioned to be located 20 feet from all property boundaries, consistent with Section 20-98(a).

The application can be found to be in conformance with this factor, as conditioned.

In conclusion, based upon the totality of the circumstances as documented herein, the application includes 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. Approval of the Special Exception will authorize the commercial parking and an Improvement Plan is not required.

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 has provided written notice of the hearings which were 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

ALTERNATIVE ACTIONS FOR THE PLANNING COMMISSION

- 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

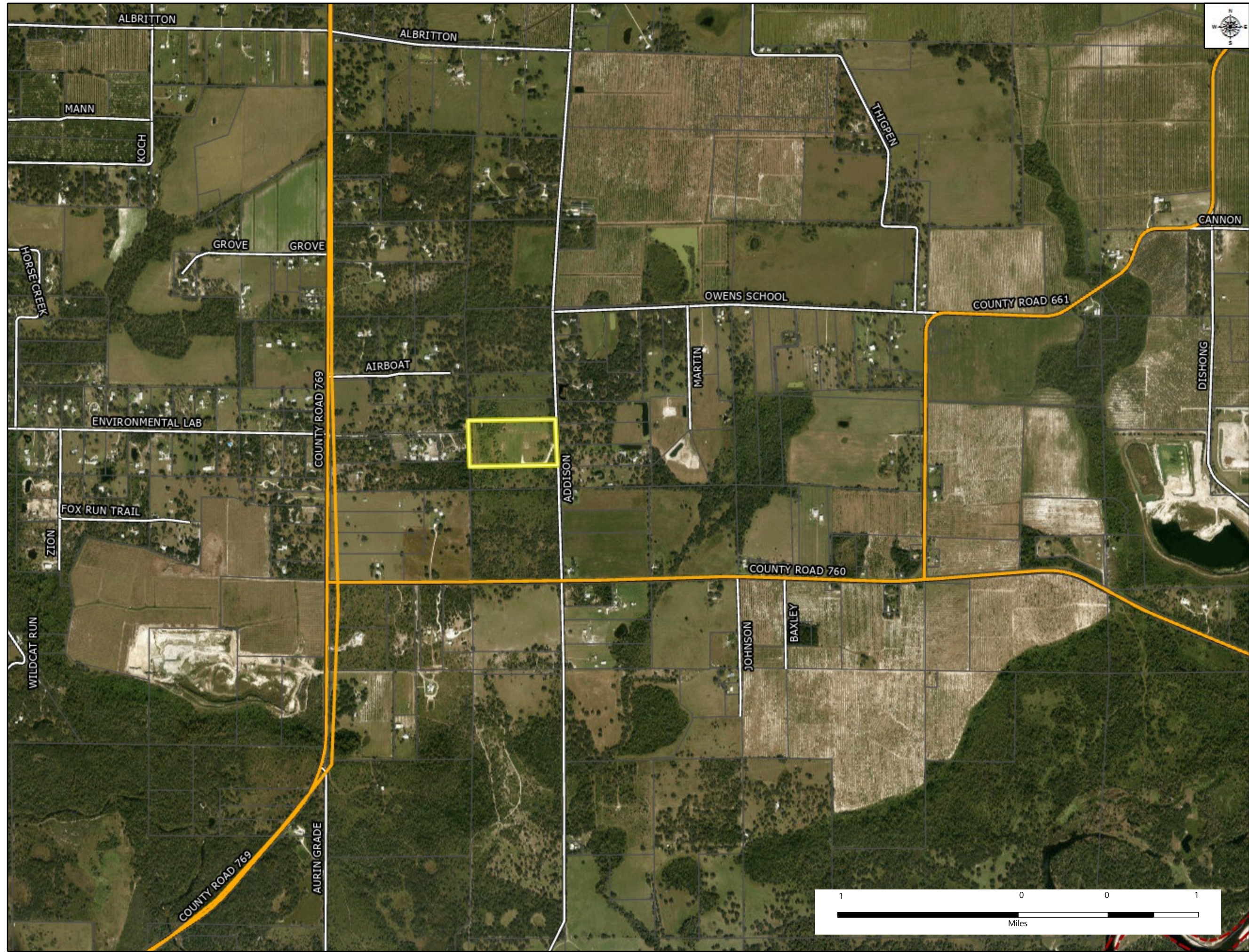
evidence presented at the hearing, adopt the findings and conclusions contained herein and make a recommendation to the Board of County Commissioners to deny the proposed Resolution.

- 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. 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.

- A. Planning Commission: Scheduled for June 3, 2025
- B. Board action. Scheduled for June 24, 2025

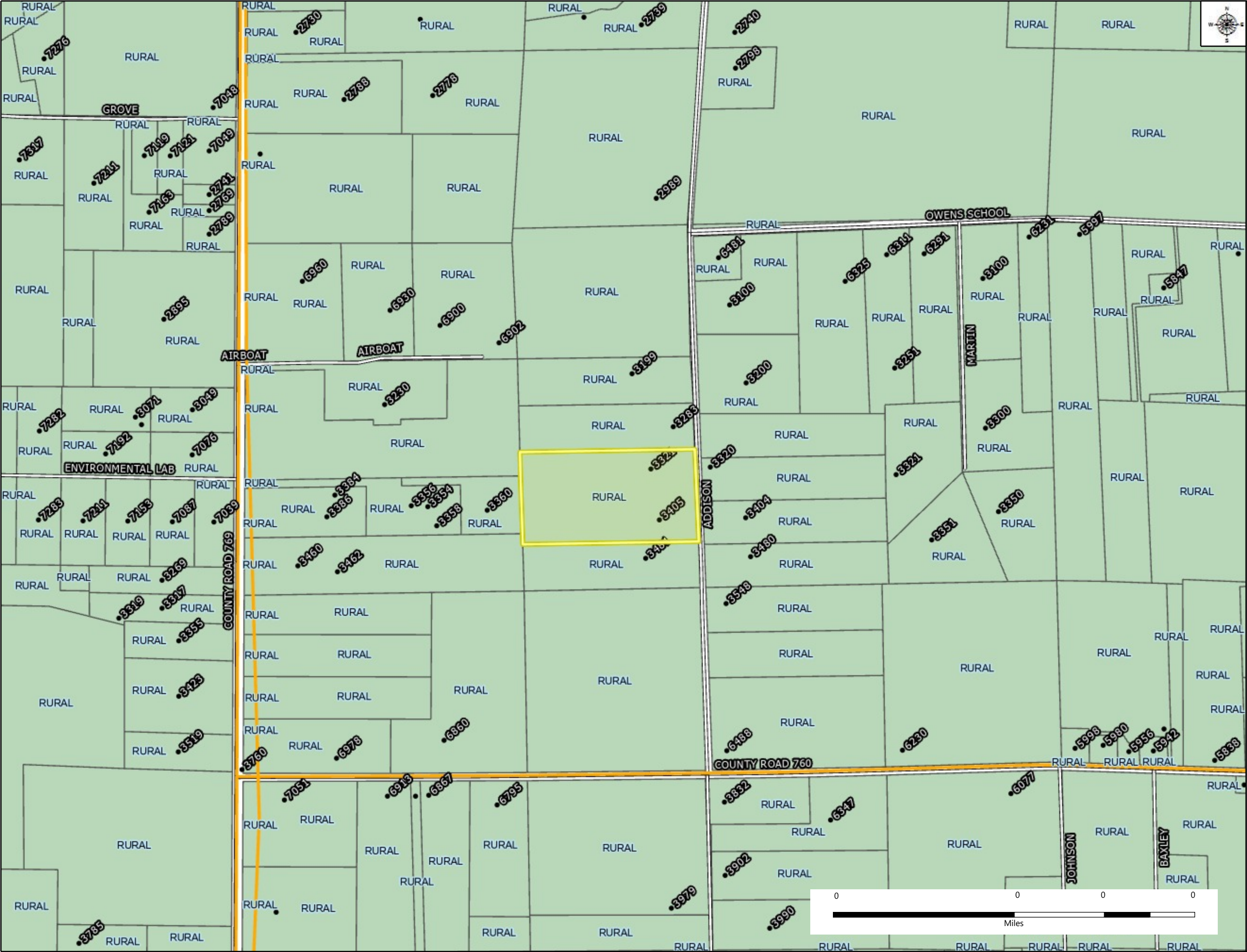


Location Map
Mark and Renee
Graeve

- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

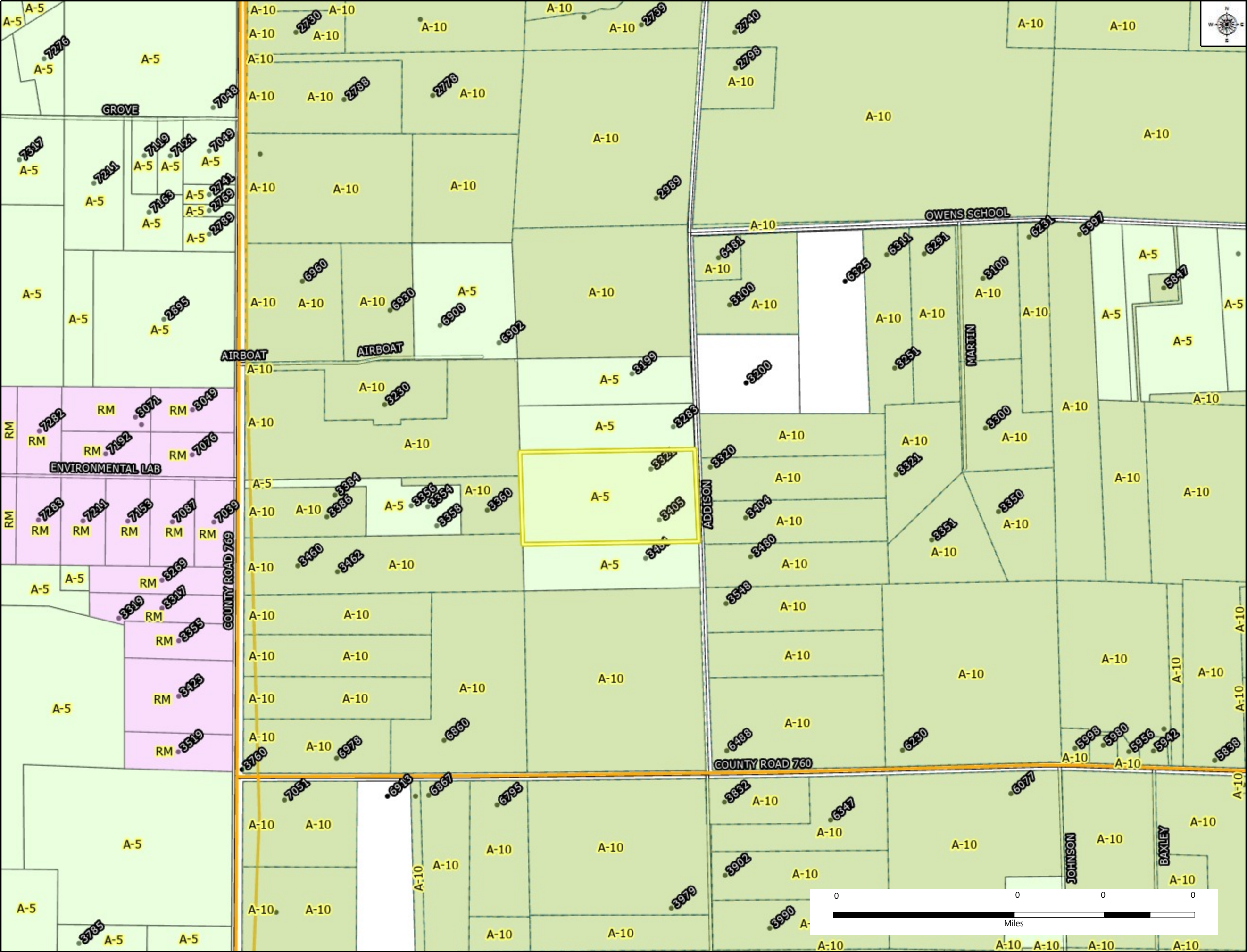
May 21, 2025





- Address Point Labels
Street Labels
Major Road Labels
FLUM Labels
- County Boundary
 - Address Points
 - Major Roads
 - Streets
 - Parcels
- FLUM 2040
- Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

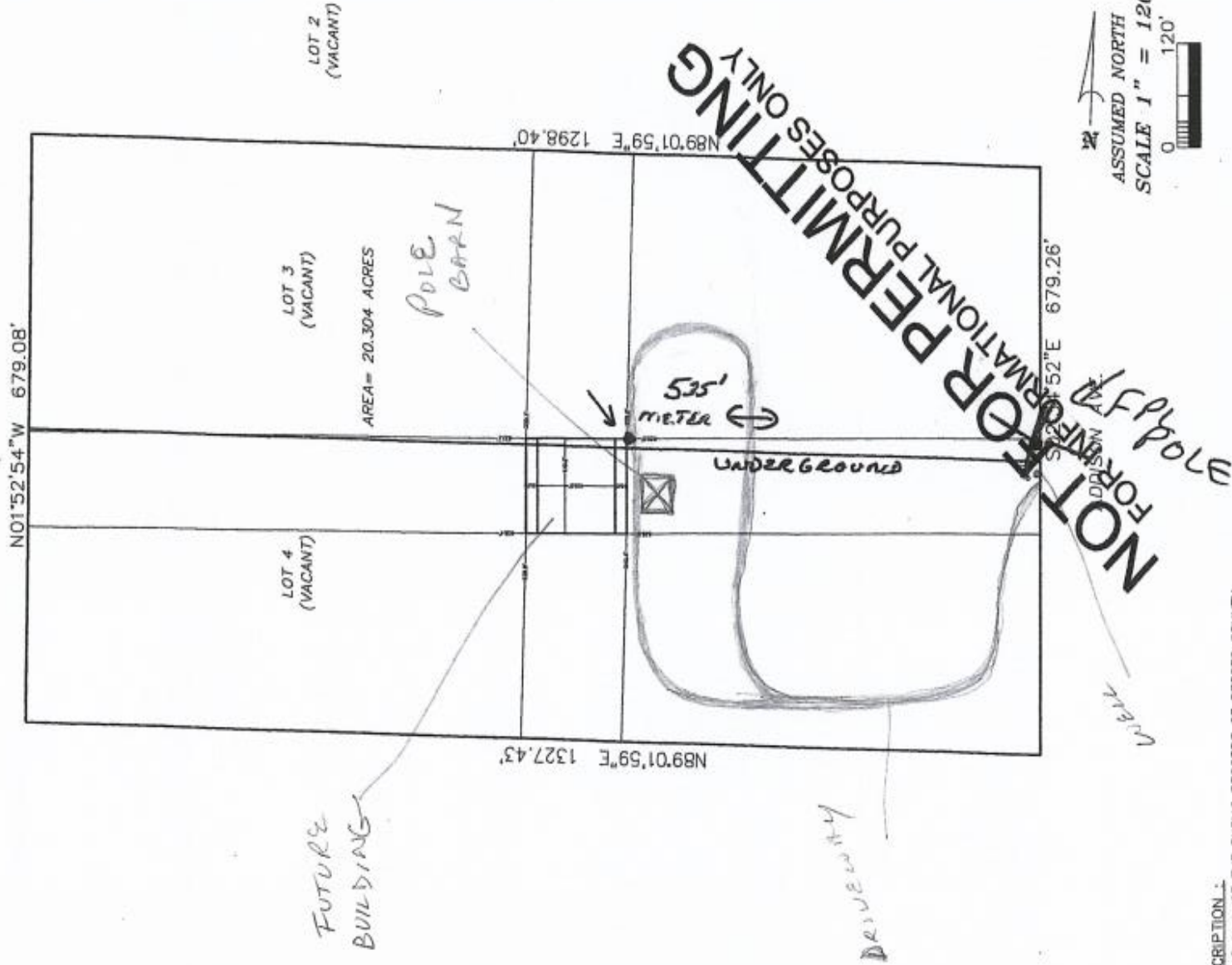
May 23, 2024



- Address Point Labels
 Street Labels
 Major Road Labels
 Zoning Labels
 Zoning Designation
- A-10
 - A-5
 - CE
 - CG
 - CITY
 - CN
 - IH
 - IL
 - ILE
 - MHP
 - MHS
 - P/I
 - PM-I
 - PUD
 - RM
 - RMF-12
 - RMF-6
 - RMF-8
 - RMF-M
 - ROI

May 23, 2024





DESCRIPTION:
LOTS 3 & 4, OF THE PUBLIC RECORDS OF DESOTO COUNTY,
FLORIDA.

Parcel ID 18-38-24-0000-0020-0030

ELEVATIONS ARE BASED ON: ASSUMED DATUM
FLOOD ZONE: X
BASE FLOOD ELEVATION: N/A
COMMUNITY MAP #: 120072
PANEL #: 0162C 11/06/13

05/12/2023

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

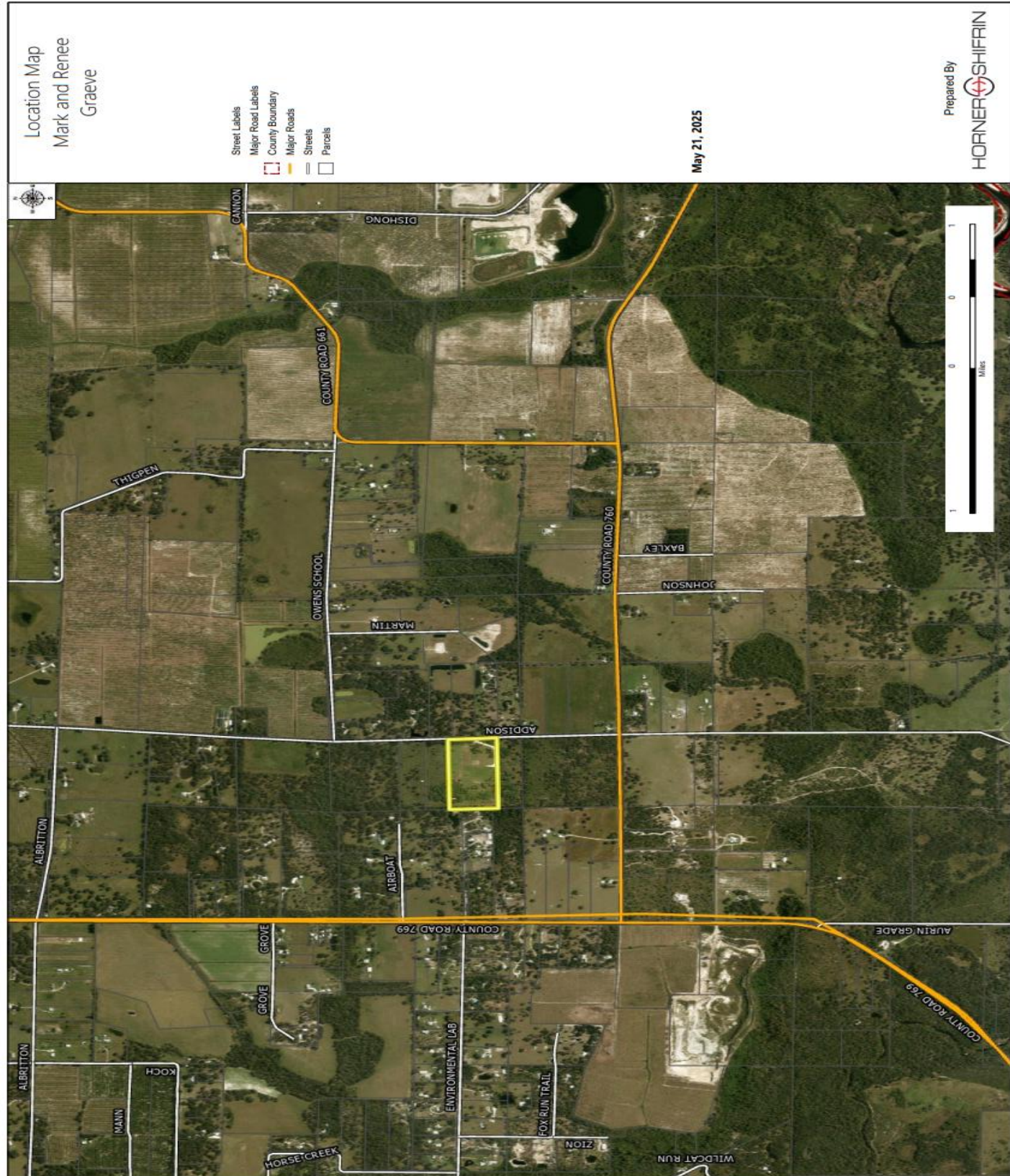


Exhibit B Zoning Map

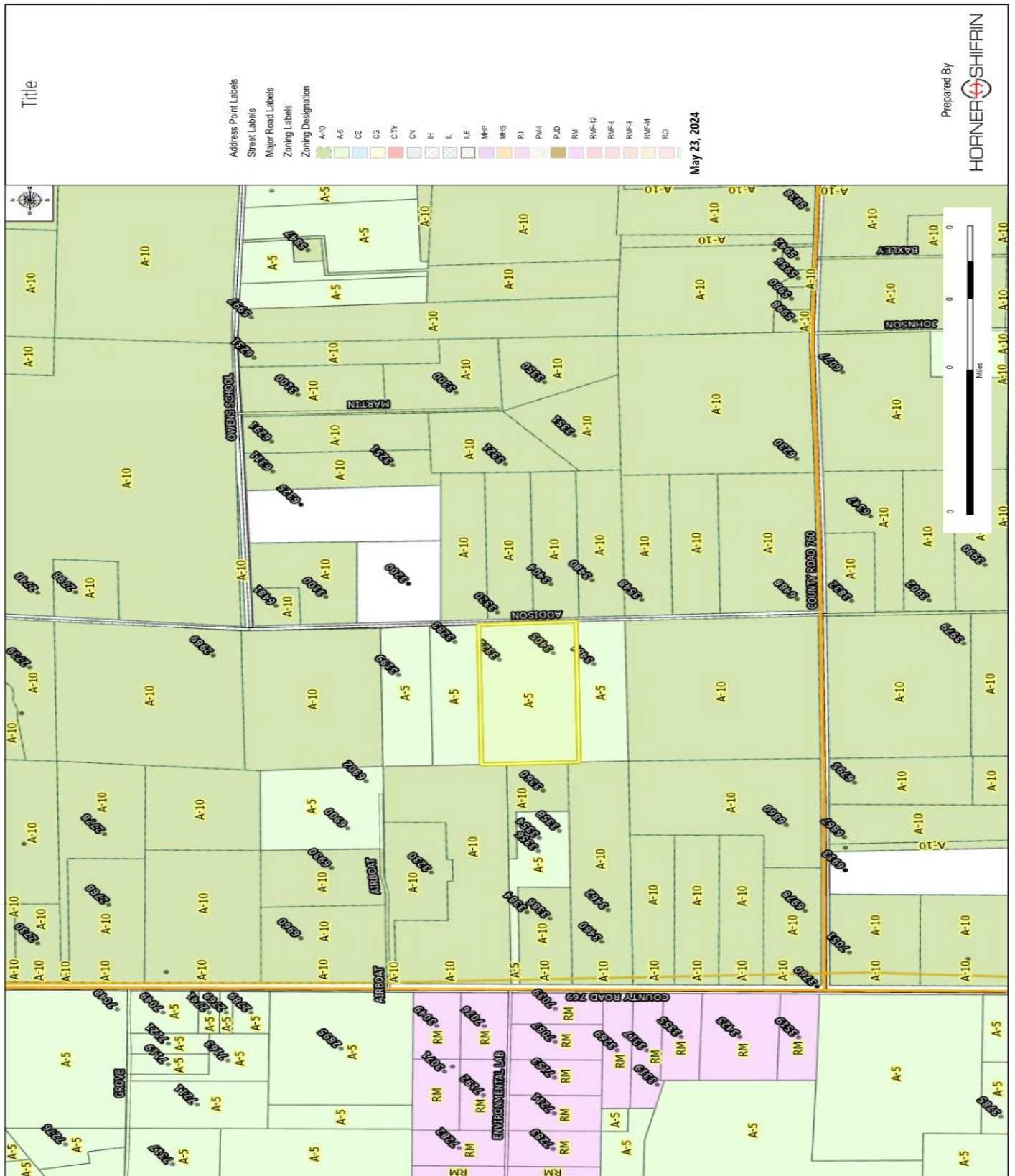


Exhibit C

Future Land Use Map

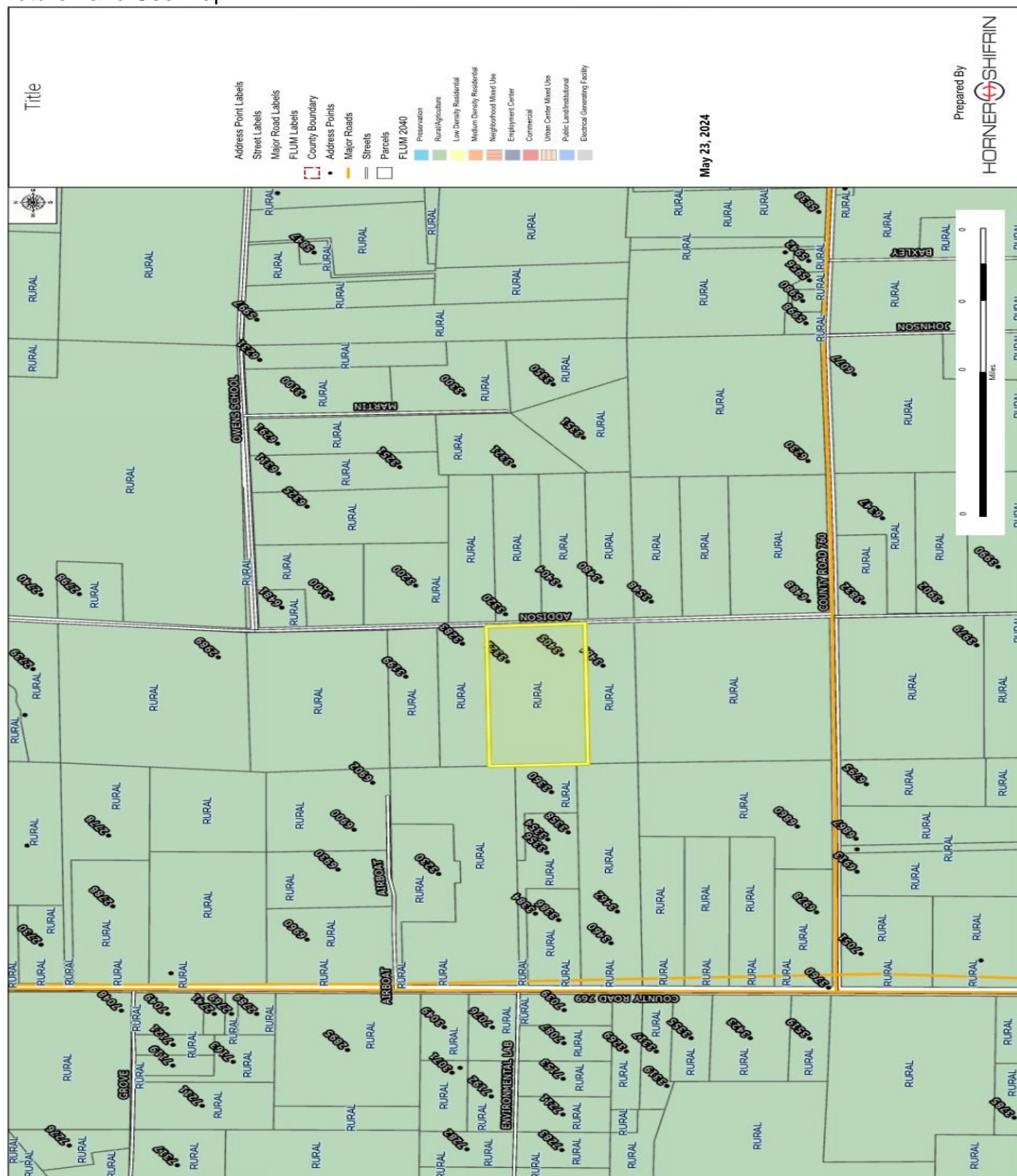
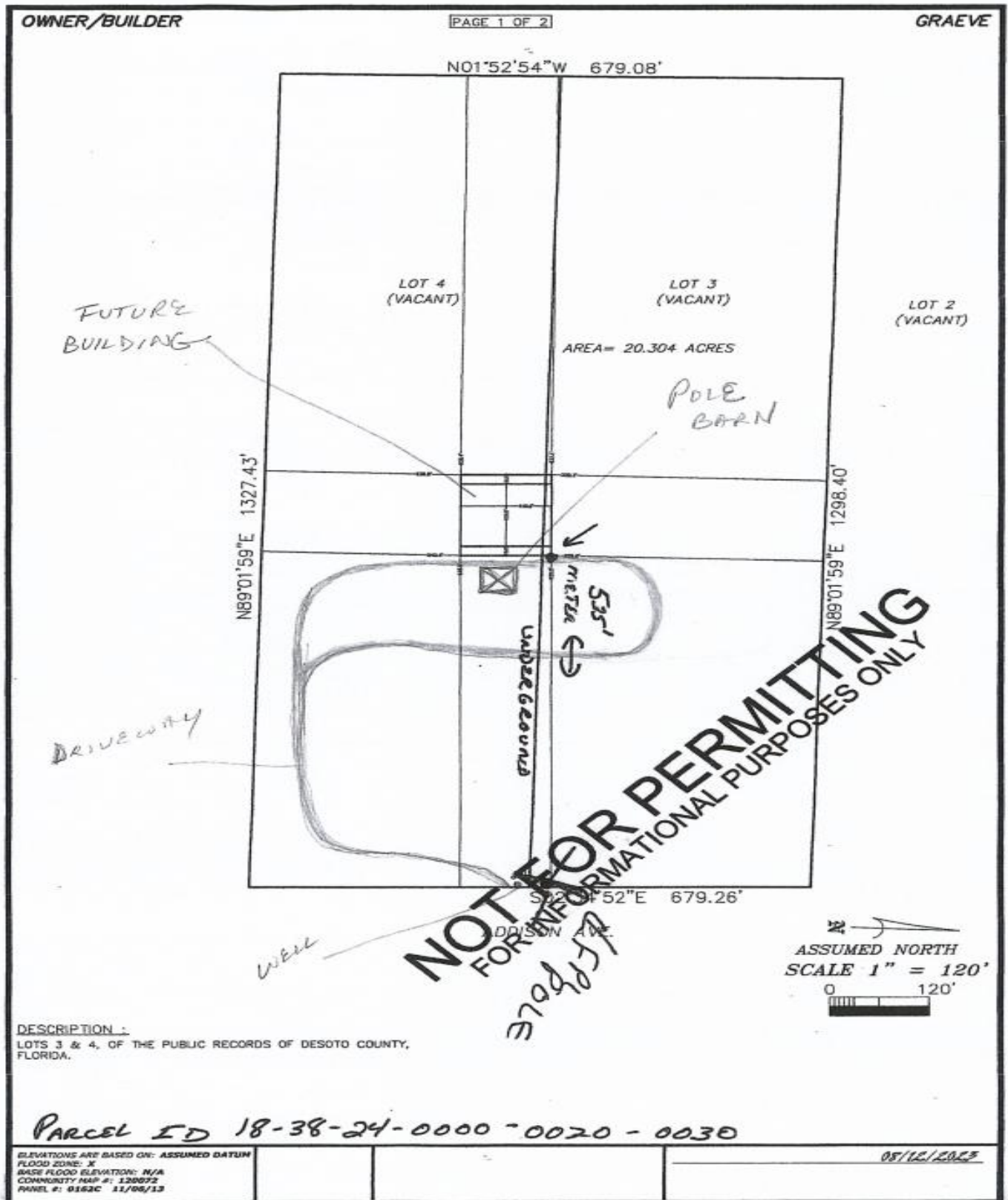


Exhibit D
Concept Plan





DeSoto County

6/3/2025

-
- ☐ Consent Agenda ☒ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☐ Public Hearing Resolution

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Tara Wilson
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Resolution / Gutierrez Special Exception USE-0191-2024

REQUESTED MOTION:

A motion to enter into the record this development review report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Resolution with conditions.

SUMMARY:

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.



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

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

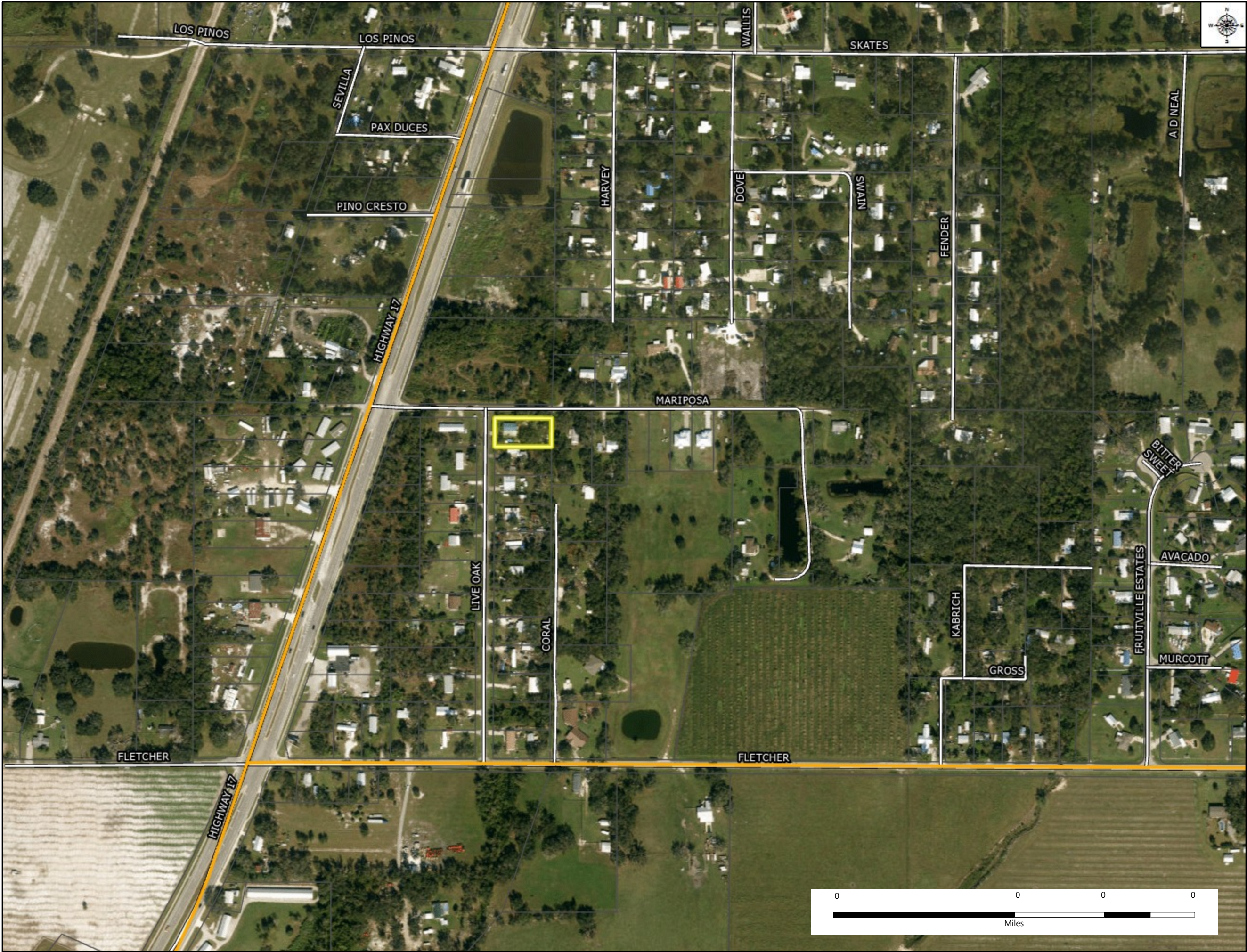
the proposed Resolution, and make a recommendation to the Board of County Commissioners to table for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Resolution.

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

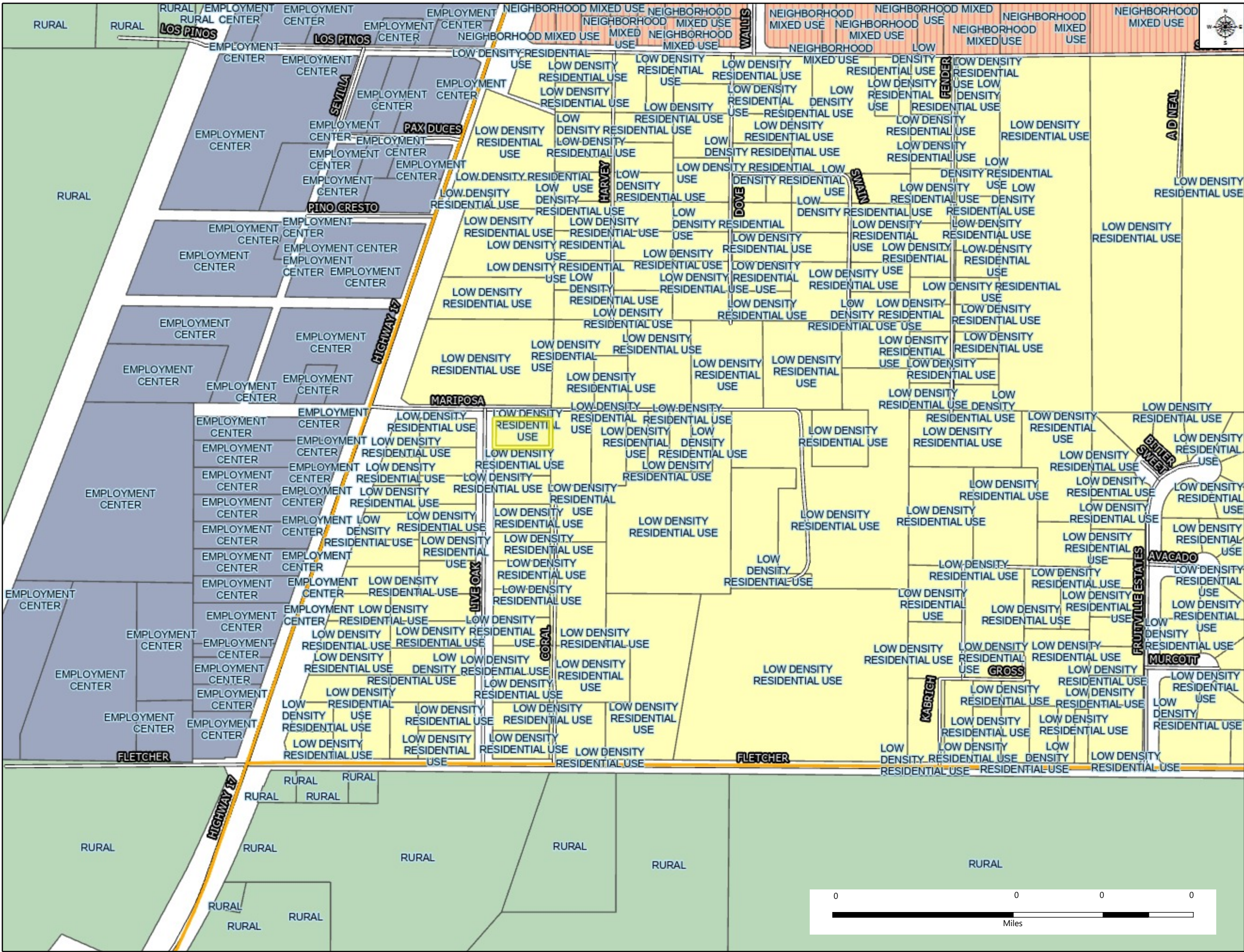


Location Map
Alfredo Gutierrez

- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

May 21, 2025

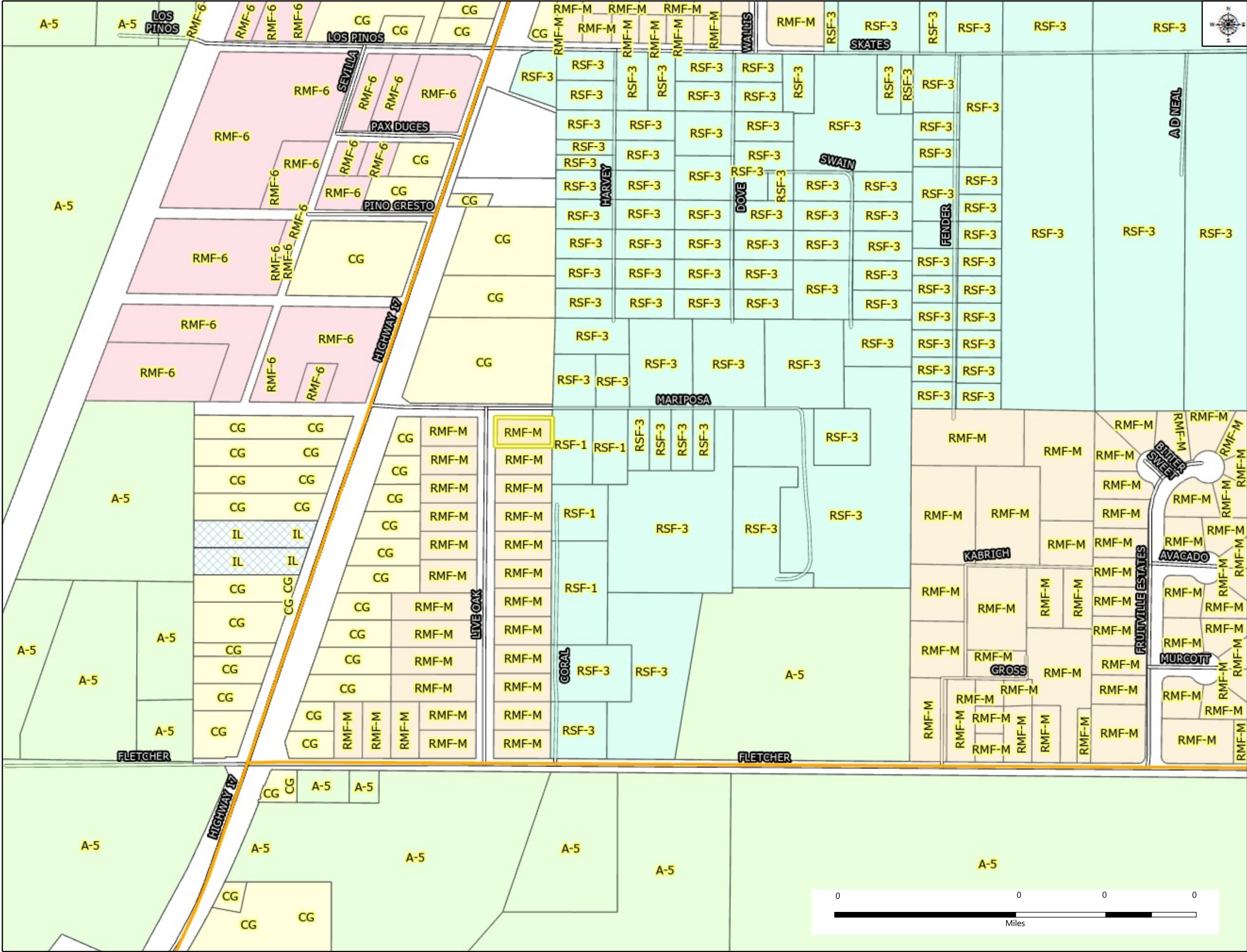
FLU Map
Alfredo Gutierrez



- Street Labels
Major Road Labels
FLUM Labels
County Boundary
Major Roads
Streets
Parcels
- FLUM 2040
- Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

May 21, 2025

Zoning Map
Alfredo Gutierrez



- Street Labels
Major Road Labels
Zoning Labels
Zoning Designation
- A-10
 - A-5
 - CE
 - CG
 - CITY
 - CN
 - IH
 - IL
 - ILE
 - MHP
 - MHS
 - P/I
 - PM-1
 - PUD
 - RM
 - RMF-12
 - RMF-6
 - RMF-8
 - RMF-M
 - ROI
 - RSF

May 21, 2025



DIG WATER DITCH

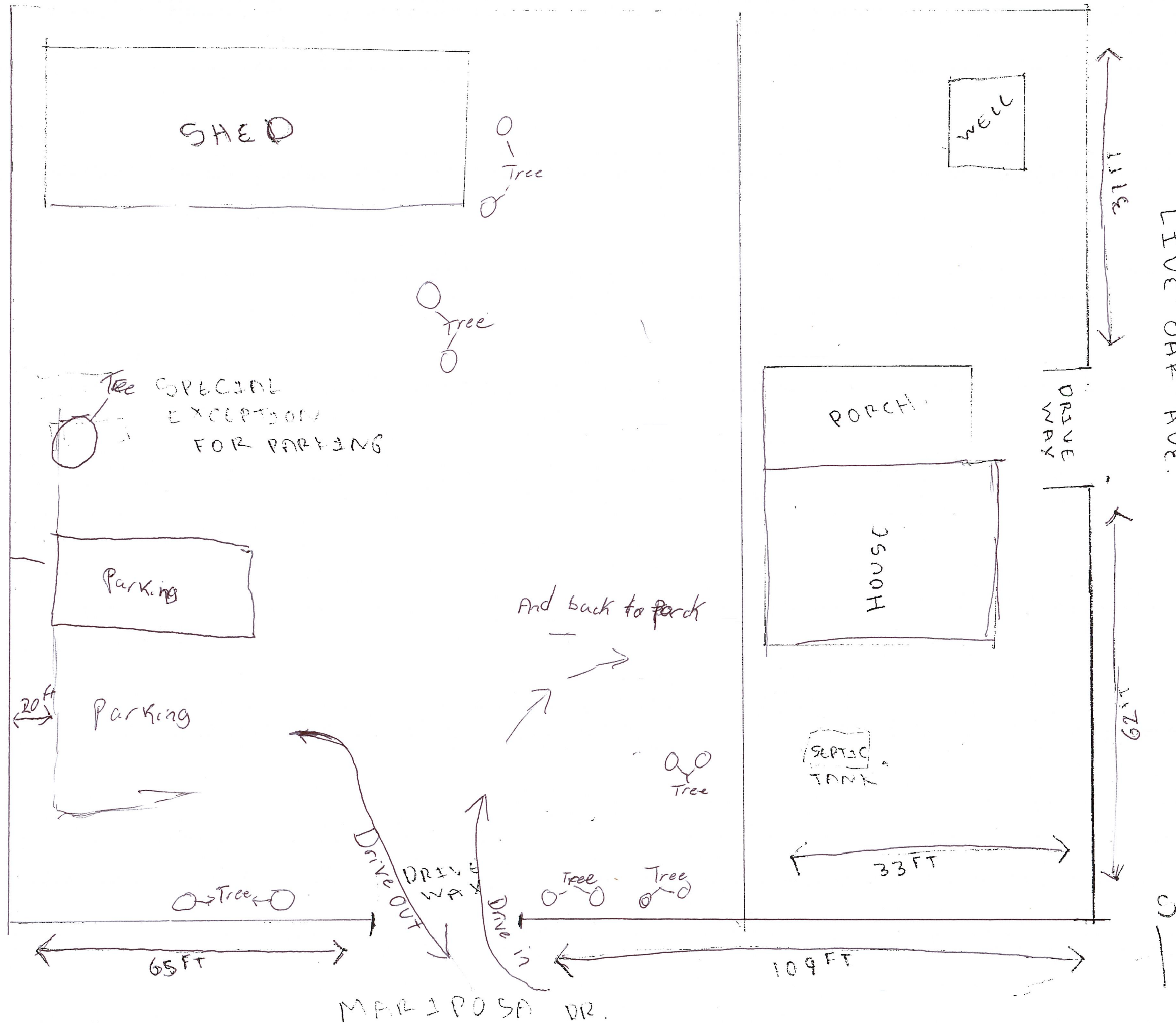


EXHIBIT X
SCREENING ILLUSTRATION



Approximate location of screening fence

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2025 - ____

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.

WHEREAS, on August 5, 2024, a Special Exception Use application and fee was submitted to the DeSoto County ("County") Development Department (USE-0191-2024) for a Special Exception to allow for the parking of two (2) commercial vehicles on a 0.511-acre property, zoned Residential Multifamily Mixed (RMF-M) zoning district, located at 3268 SW Live Oak Avenue (the "Subject Property"); and

WHEREAS, the DeSoto County Property Appraiser records show that the Subject Property, the Property Identification Number being 13-38-24-0221-00A0-0010, is owned by Alfredo and Elva C. Gutierrez (Exhibit A: Location Map); and

WHEREAS, the 2040 Future Land Use Map shows the +/- 0.511-acre property is located within the Low Density Residential Land Use designation (See Exhibit B) and the Official Zoning District Atlas shows the property is situated within the Residential Multifamily Mixed (RMF-M) zoning district (See Exhibit C); and

WHEREAS, Land Development Regulations Section 20-96(d) requires approval of a Special Exception for larger 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, in residential zoning districts, provided the criteria in Article XI, Division 5, of the LDR for Special Exceptions are met; and

WHEREAS, the Development Department has reviewed the Special Exception Use application and concludes the application is in conformance with the LDRs and Comprehensive Plan 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, provided conditions are imposed; 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 0.511 acre parcel is located at 3268 SW Live Oak Avenue, the Property Identification Number being 13-38-24-0221-00A0-0010.

Section 3. *Findings and conclusions.* The Development Review Report, incorporated herein by reference, represents the written findings of fact and conclusions to support granting to Alfredo and Elva C. Gutierrez, a Special Exception Use development order within the Residential Multifamily Mixed (RMF-M) zoning district, to allow the parking of two (2) commercial vehicles on a 0.511 acre property located at 3268 SW Live Oak Avenue as displayed on the concept plan (Exhibit D: Concept Plan), in accordance with the Land Development Regulations subject to the following 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 permit issued by the County Engineer for 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, Screening Illustration). 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.

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



Exhibit B

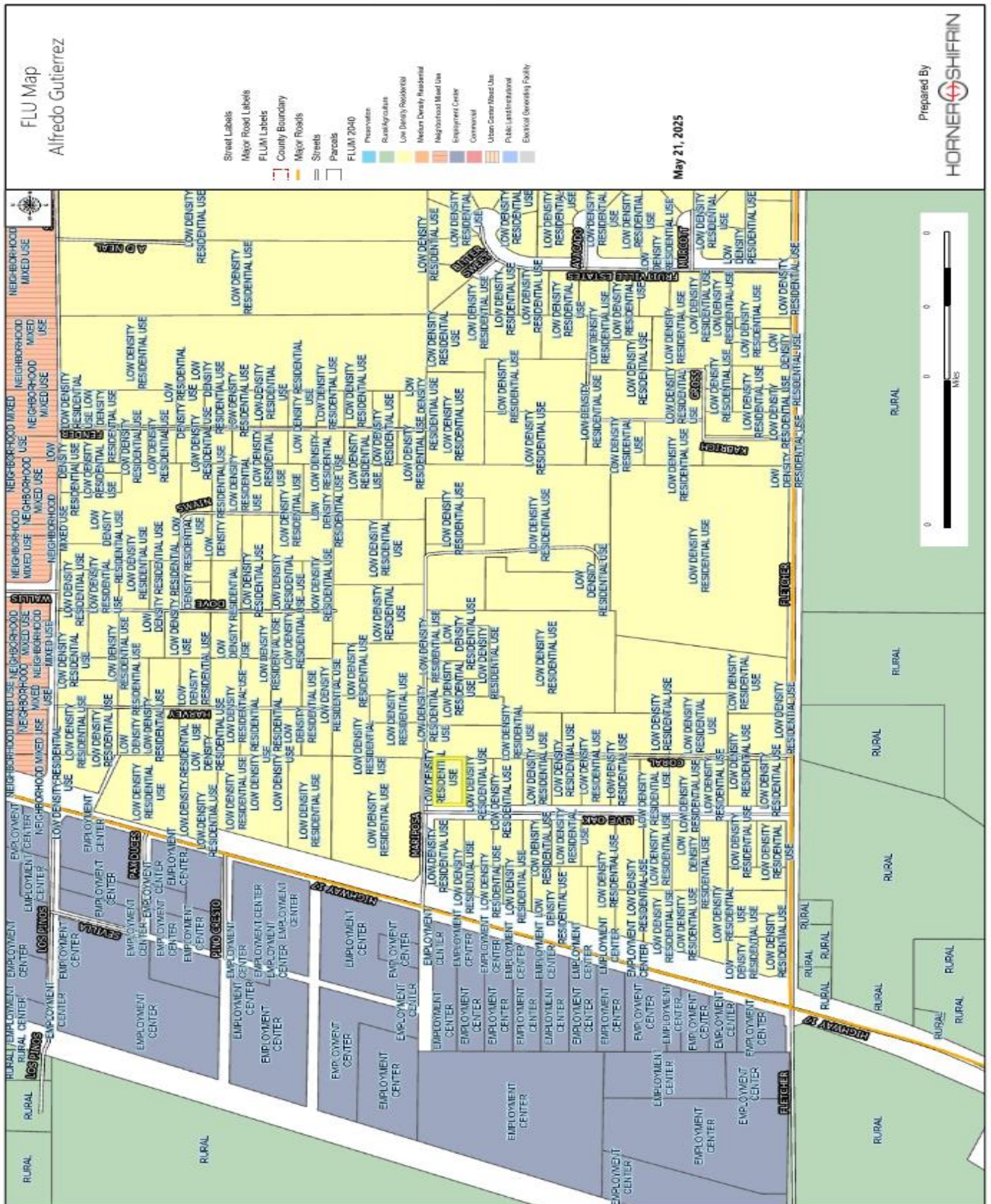


Exhibit C

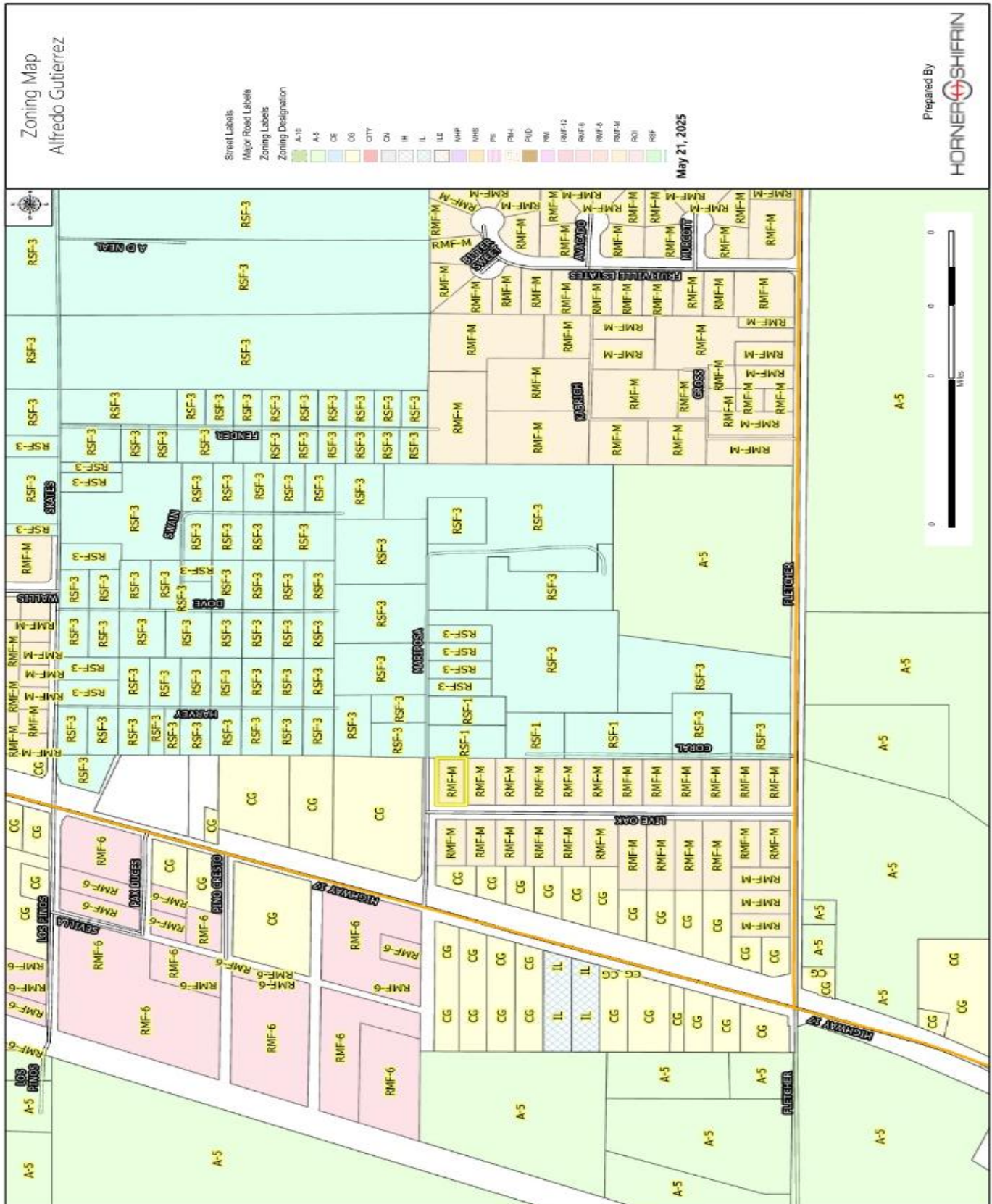
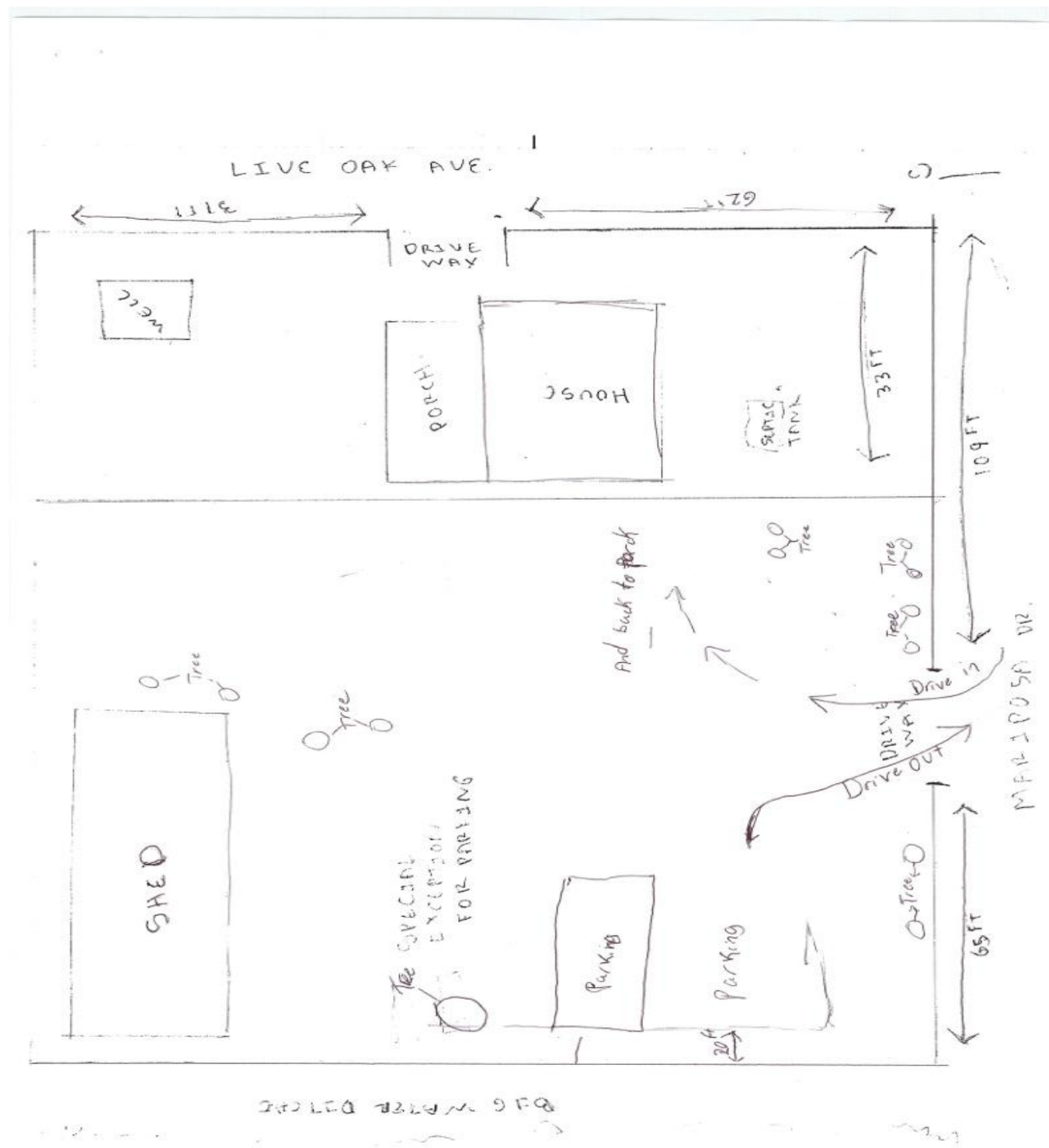


Exhibit D





Approximate location of screening fence