



## 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

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### **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.

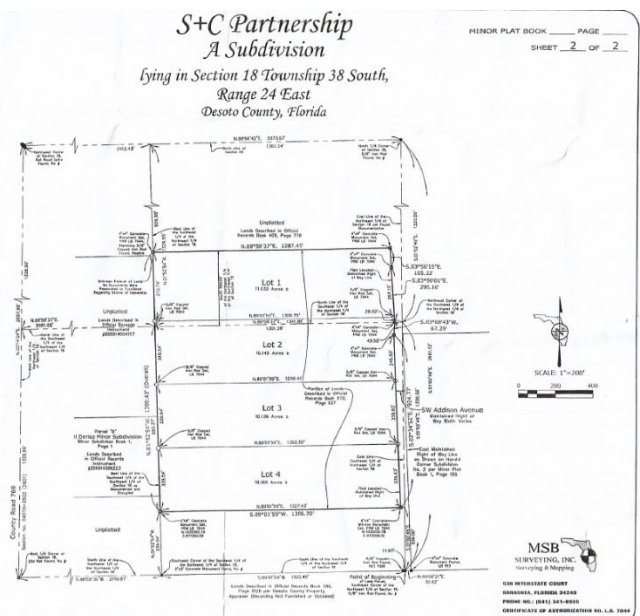
## PROPOSED RESOLUTION

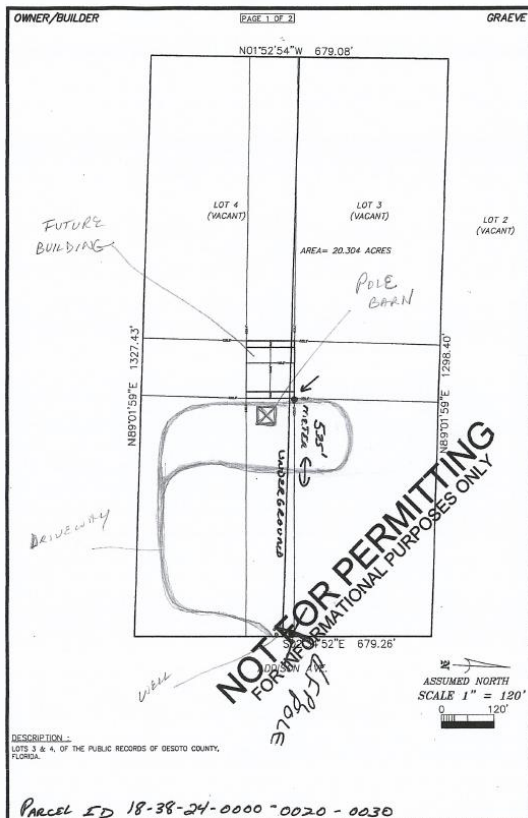
A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING/DENYING A SPECIAL EXCEPTION USE (USE-0182-20240) TO ALLOW COMMERCIAL VEHICLE PARKING FOR THREE (3) VEHICLES ON A  $\pm 20.3$  ACRE PARCEL ZONED AGRICULTURAL – 5 (A-5) FOR MARK AND RENEE GRAEVE, WHICH PARCEL IS LOCATED AT 3481 SW 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