

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

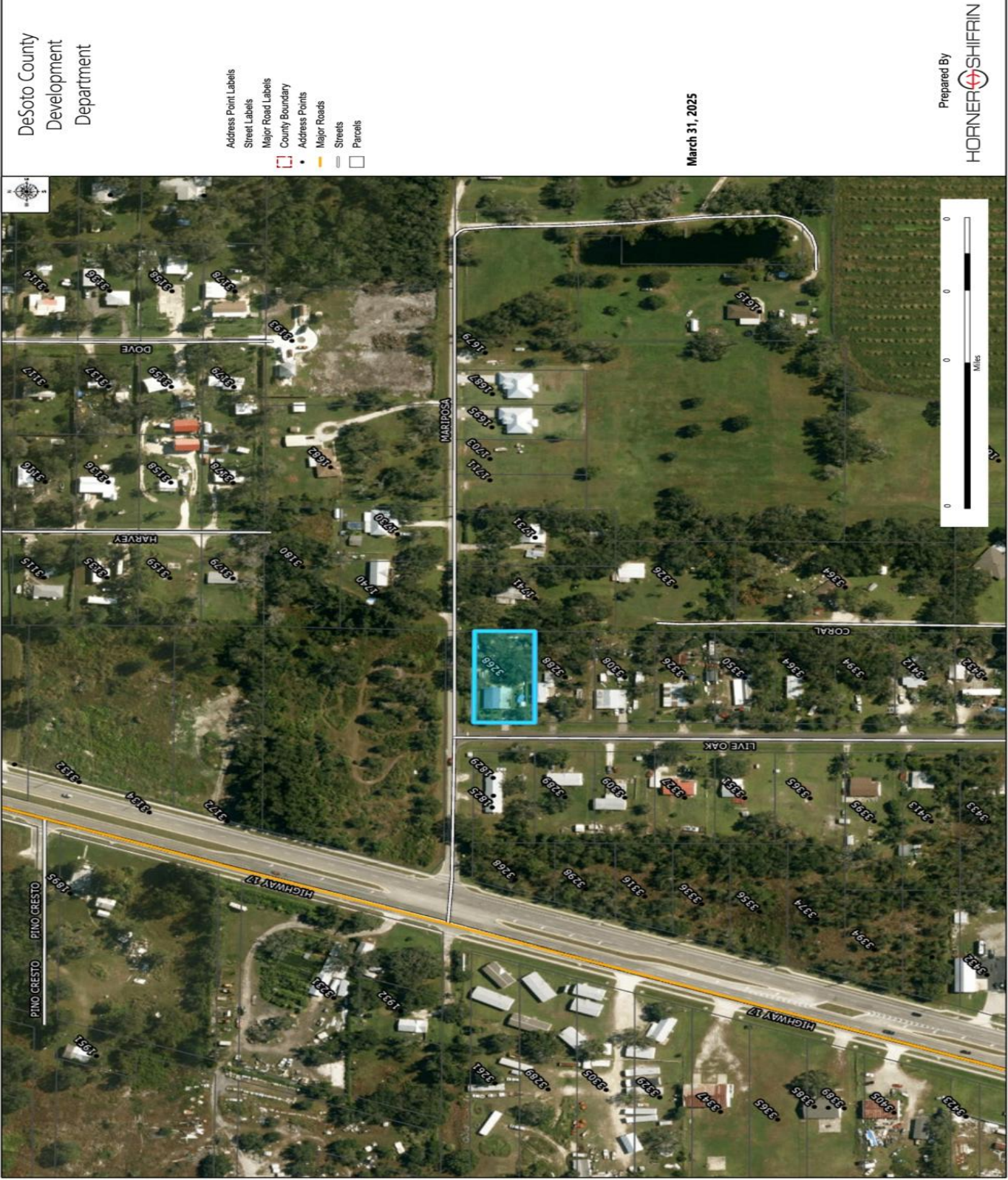


Exhibit B

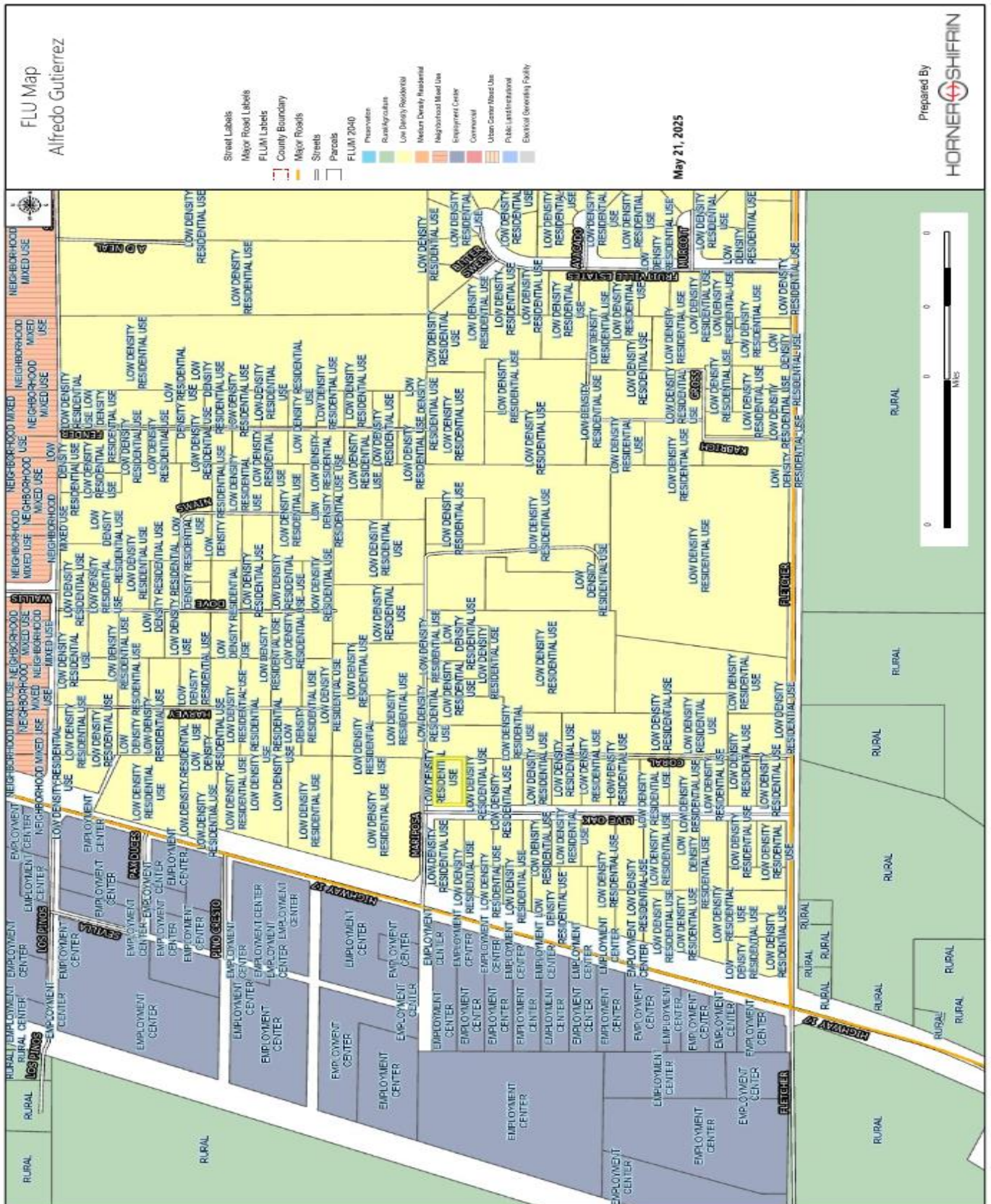


Exhibit C

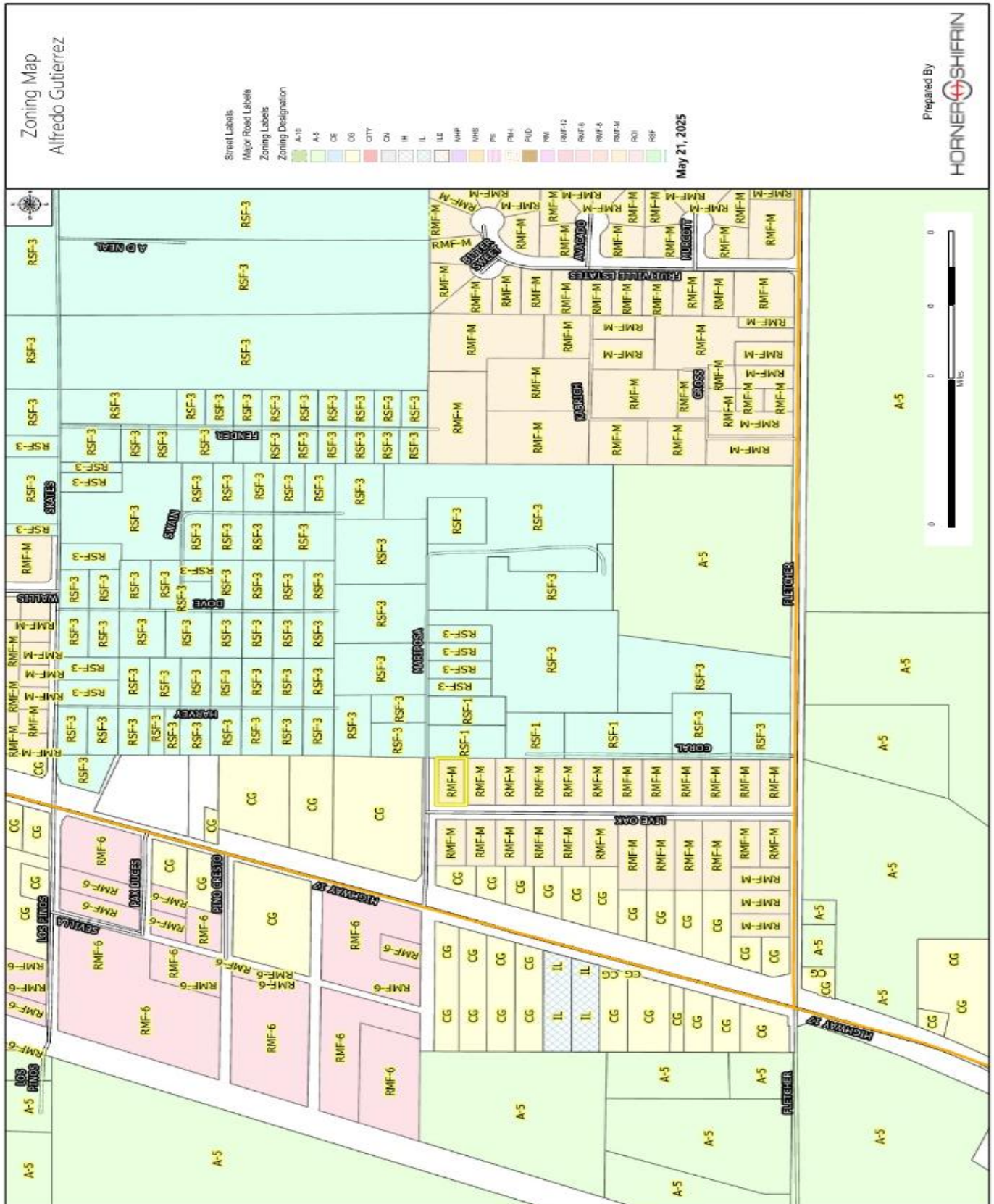
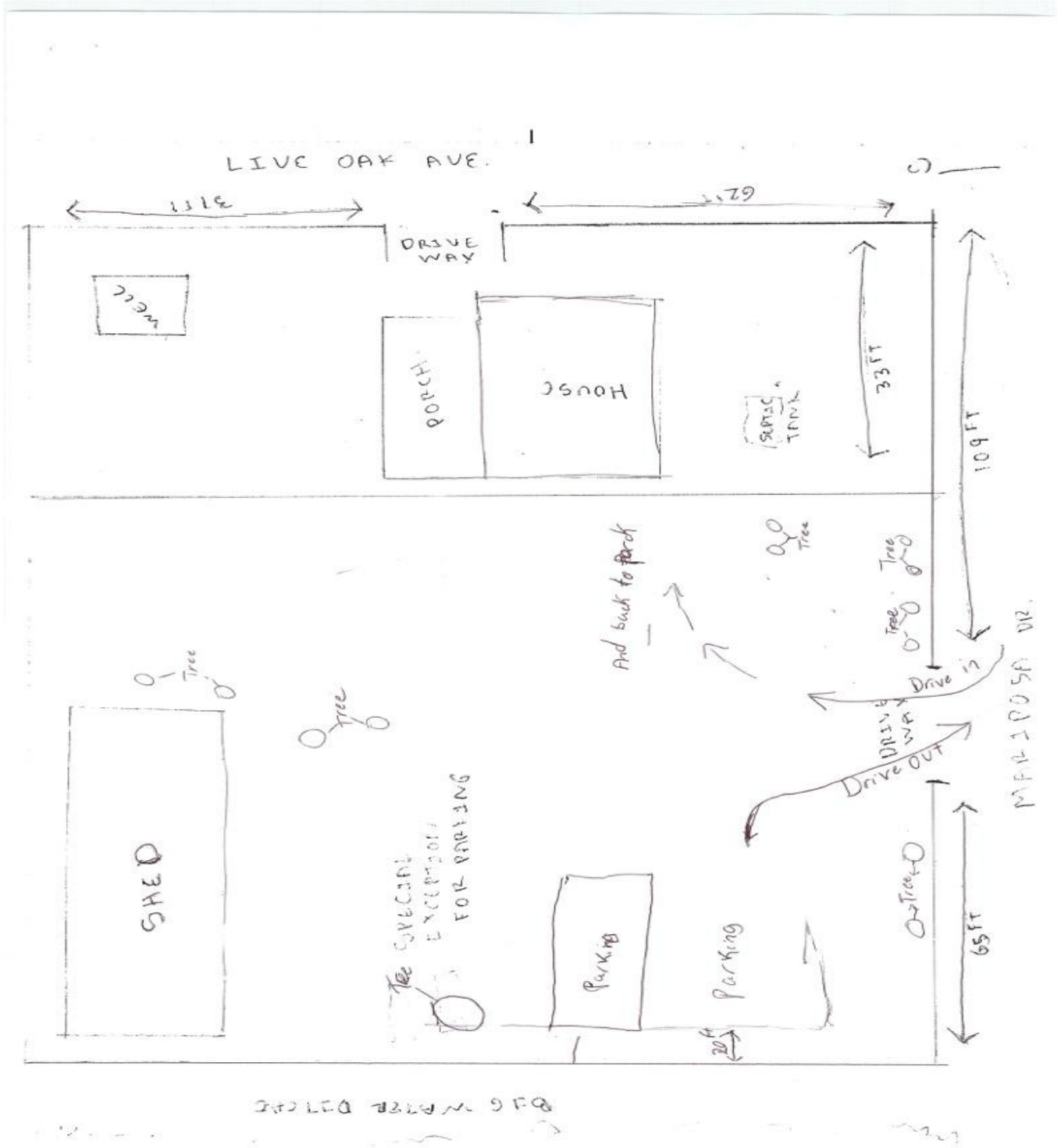


Exhibit D





Approximate location of screening fence