

DESOTO COUNTY PLANNING AND ZONING DEPARTMENT STAFF REPORT

REQUEST: SE 2014-02 Felix & Maria Zapata

PROPERTY OWNER: Felix & Maria Zapata
APPLICANT: Same

AGENT: N/A

PROPERTY: 35-38-24-0116-0010-0090

TOTAL PARCEL SIZE: 0.6 acres

ZONING DISTRICT: RMF-M (Residential Multi-Family Mixed)

FUTURE LAND USE DESIGNATION: Rural/Agricultural

SUBMITTAL REVIEWED: Special Exception application received 02/07/14

PROPOSED REQUEST:

Felix & Maria Zapata request approval of a Special Exception to park a commercial vehicle on a residential lot owned by the applicants. The lot is 0.6± acres in size and is located at 6098 SW Shores Ave. in Section 35, Township 38, Range 23 in DeSoto County (**Figure 1**).

REQUIRED NOTIFICATIONS:

Notification postcards were sent to property owners within 400 feet of the subject property and the property was posted with a sign indicating the time, date, and location of the public hearing. The public hearing on this item was advertised in the newspaper, as required.

CORRESPONDENCE:

There has been no correspondence received in support or opposition to the requested Special Exception.

PLANNING COMMISSION RECOMMENDATION:

This Planning Commission rescheduled the request from April 1, 2014, to May 6, 2014 at a 5:30 pm meeting for a recommendation to the Board of County Commissioners meeting May 27, 2014 at a 6:30 pm meeting.

DISCUSSION OF REQUEST:

Section 22202(D) of the LDRs allows, by special exception, the parking of commercial vehicles in residential zoning districts. The subject property is currently developed with mobile home and accessory structures (**Figure 2**). The applicant proposes to park a commercial vehicle on this residential property in compliance with the siting and screening requirements of Section 2202(D) of the LDRs (**Figure 3**).

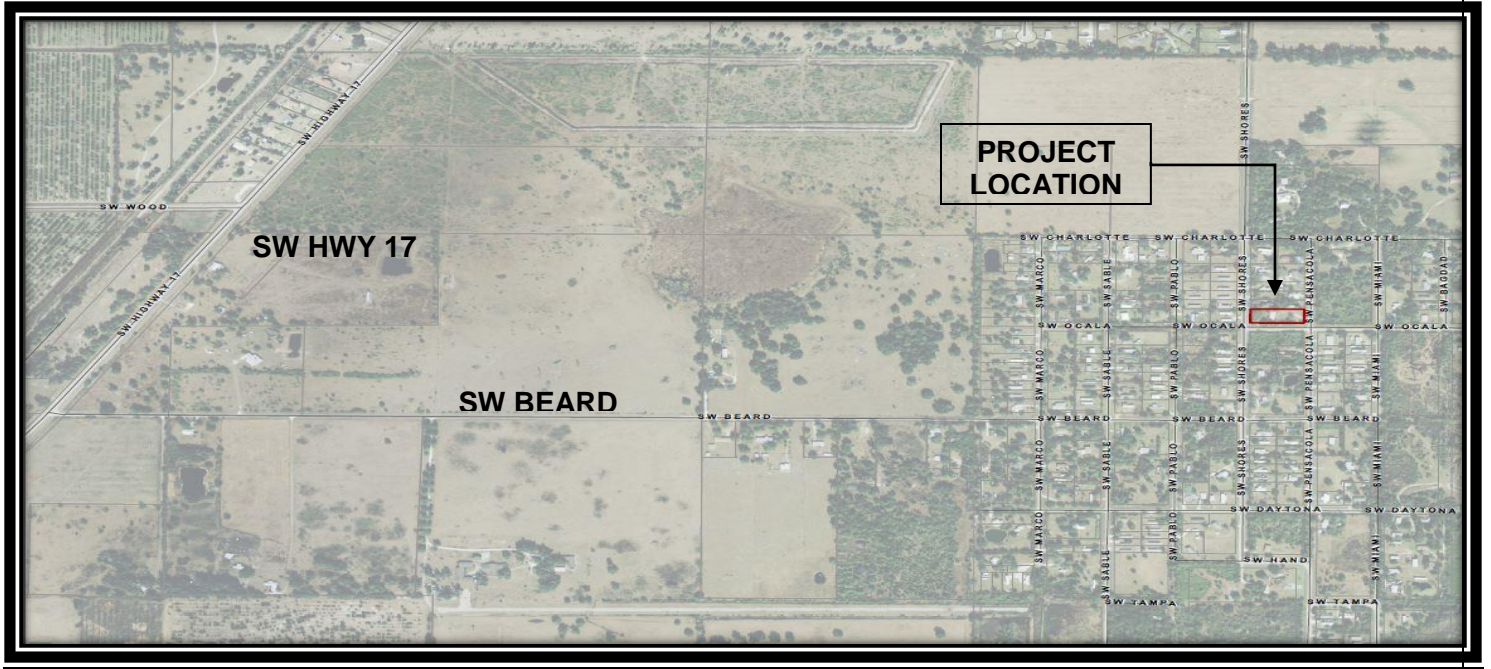


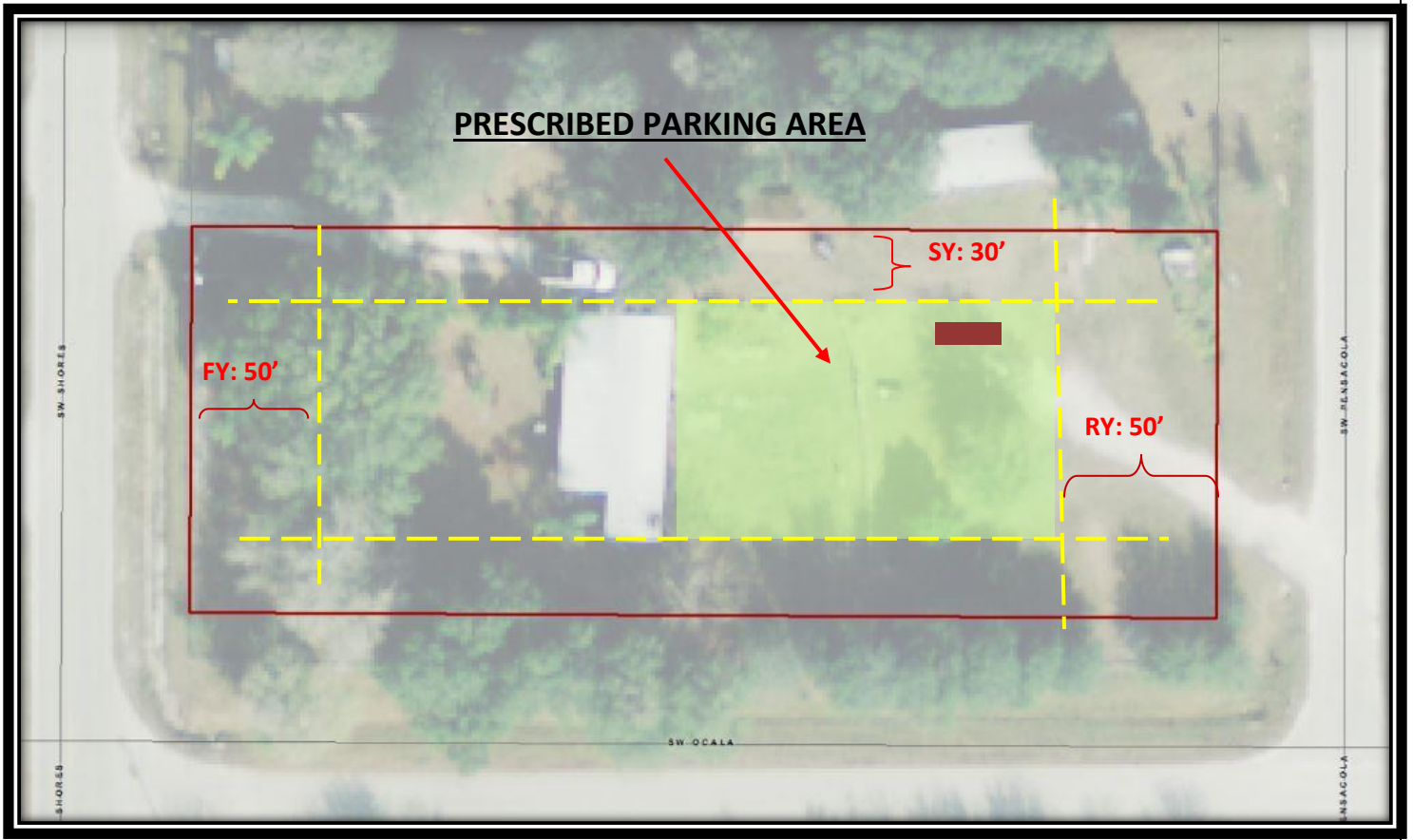
Figure 1: PROJECT LOCATION



Note: Front Yard (FY) and Back Yard (BY) setbacks equal to or greater than SE requirements
 SE Side Yard (SY) setbacks greater than Zone District SY Setbacks
 Dimensions are illustrative only; not to scale

Figure 2: EXISTING ON-SITE DEVELOPMENT

REQUIRED SETBACK DIMENSIONS



 Proposed parking area

Figure 3: PROPOSED SITE PLAN

Land Development Regulations Review:

LDR Section 2202 Parking or Storage of Commercial Vehicles in Residential Districts

(D) Requirements for Special Exception

- (1) Only one commercial vehicle, as regulated by this section, shall be permitted on any residential lot or parcel.

Staff Finding:

The applicant is requesting the parking of one commercial vehicle on the residential lot he owns.

- (2). Commercial vehicles shall be currently registered or licensed.

Staff Finding:

The applicant has provided documentation showing ownership, registration and licensure of the vehicle(s).

- (3). The parking of said vehicle does not have a negative impact to the health, safety, or welfare of adjacent properties.

Staff Finding:

The parking area is going to be on grass, bounded by an opaque fence and placed perpendicular to the adjacent street to minimize the visible cross section of the vehicle. No other improvements have been recommended

- (4). The applicant can demonstrate that the denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under the LDR.

Staff Finding:

The applicant has submitted a "hardship letter" explaining why the proposed commercial parking is necessary.

- (5). Commercial vehicles must be parked on the same property occupied by the owner or operator of the vehicle.

Staff Finding:

The applicant has indicated the commercial vehicle would be on a property either occupied by the owner of the vehicle.

- (6). The vehicle shall not be parked in the front yard of the principal residence.

Staff Finding:

The plot plan indicates the commercial vehicle parking area would meet the setback and location requirements of Section 2202(D) of the LDRs.

- (7). The parking area shall be at least 20 feet from all property boundaries.

Staff Finding:

The vehicle parking area will be located within the required setbacks and located with the smallest vehicle cross-section perpendicular to the roads as illustrated in Figure 3.

- (8). The vehicle shall park in a manner so that the minimum amount of the vehicle surface is facing the road adjacent to the property, unless the vehicle is screened or buffered as provided.

Staff Finding:

See response to number 7.

- (9). Shall require a type D buffer or a 6-foot opaque fence with an alternative buffer. The decorative fence shall be made of wood, PVC, brick, or masonry.

Staff Finding:

The applicant proposes to screen the vehicle with a 6-foot opaque, wooden fence.

- (10). All driveway improvements are the responsibility of the property owner. A commercial driveway, apron, and culvert upgrades may be required at the discretion of the Public Works Director or

County Engineer.

Staff Finding:

The property is currently served by a driveway accessing SW Shores Avenue, a County maintained roadway and SW Pensacola Avenue. The Engineering Department has conducted a site visit and determined that the current culvert (accessing the site from SW Shores Avenue) needs to be replaced with one that is suitable for commercial vehicle traffic. If access is taken from SW Shores Avenue, prior to receiving the final order to park a commercial vehicle on-site the applicant must obtain a install a commercial culvert and obtain the necessary permits from the Engineering Department (This is a condition of approval).

(11). Refrigerator units on vehicles shall not be operated on the site.

Staff Finding:

The applicant does not propose to operate refrigerated vehicles on his properties (This is a condition of approval).

LDR Section 12304(A) Findings for Special Exception

(1). Compliance with all elements of the Comprehensive Plan.

Staff Finding:

The applicant has prepared the Special Exception application, plot plan, and documents consistent with regulations. No change to Future Land Use designation or to zoning designation is requested. No concurrency issues arise, due to the type of use requested.

(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.

Staff Finding:

Ingress/egress to the property is currently provided via a driveway from SW Shores Avenue, a County maintained road and SW Pensacola Avenue, which is not a County maintained road. Access to the commercial vehicle parking area if taken from SW Shores Avenue must meet the requirements of the condition described in number 10, above.

(3). Off-street parking and loading areas, where required, with particular attention to the items in 2, above and economic, noise, glare or odor effects of the Special Exception on adjoining properties and properties generally in the district.

Staff Finding:

The parking area is going to be on grass with the location determined by special requirements of the requested permit.

(4). Utilities, with reference to locations, availability and compatibility.

Staff Finding:

The property is fully developed and has utilities. The proposed commercial vehicle parking areas would not require the extension of utilities.

- (5). Screening and buffering with reference to type, dimensions and character.

Staff Finding:

The property has natural vegetative growth on the south side of the property, with SW Shores and SW Pensacola Avenues to the west and east respectively. The commercial vehicles would also be parked perpendicular to the aforementioned roads and screened by a 6-foot opaque fence.

- (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.

Staff Finding:

No signs are proposed.

- (7). Required yards and other open space.

Staff Finding:

The proposed parking of commercial vehicle will be on a fully developed lot that meets the RM performance requirements. The enhanced requirements set forth in Section 2202(D) of the LDRs are generally more stringent than the existing zone district requirements for side and rear yard setbacks; however, the RM zone district side (30 feet) and rear (50 feet) yard setbacks are greater and will be used. There are no open space requirements in the RM district other than per cent of lot coverage, and the addition of one commercial vehicle parking area would not exceed the maximum lot coverage allowed.

- (8). General compatibility with adjacent properties and other property in the district.

Staff Finding:

The application of the special requirements of Section 2202(D) of the LDRs to commercial vehicle parking mitigates potential incompatibility with adjacent and surrounding properties.

- (9). Any special requirements set out in the Schedule of District Regulations for the particular use involved.

Staff Finding:

Parking of a commercial vehicle in residential districts is allowed by special exception with the special requirements set forth in Section 2202(D) of the LDRs.

- (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 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 shall include consideration of a plot 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 and to the public or surrounding property owners.

Staff Finding:

The proposed commercial parking area neither requires the extension nor expansion of existing utilities or infrastructure nor would it be injurious to the health, safety or welfare of the public, surrounding property owners or character of the neighborhood.

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

Staff Finding:

The proposed commercial vehicle parking area meets the enhanced requirements (screening, and vehicle parking orientation) of Section 2202(D) and should not act as a detrimental intrusion on the surrounding area.

(12). The proposed use shall meet the performance standards of the district in which the proposed use is permitted.

Staff Finding:

The commercial vehicle parking standards found in Section 2202(D) of the LDRs are more restrictive than the parking and performance standards of the standards for the RMF-M zone district

STAFF REVIEW

Staff review has determined that this application, SE 2014-01 as submitted, is consistent with the Special Exception findings, Section 12304(A), and the requirements of Section 2202(D) of the Land Development Regulations.

STAFF RECOMMENDATION

Staff recommends approval of Special Exception SE2014-01 with the following conditions:

RECOMMENDED CONDITIONS FOR APPROVAL:

1. The applicant shall provide a parking area for the commercial vehicle that is not located in the front yard of the principal residence;
2. The parking area shall be located at least 30 feet from side property line and 50 feet from the rear property boundaries;
3. The parking area shall be surrounded by a Type D buffer or a 6-foot opaque fence, with gate;
4. The commercial vehicle shall be parked in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property;
5. If access to the property is taken from either SW Shores Avenue or SW Pensacola the applicant must install a commercial grade culvert and obtain all required permits and inspections required by the Engineering Department; and
6. The approval of the Special Exception shall be for one year, or for a shorter period of time as specified by the Board of County Commissioners. The permit shall be renewed 30-days prior to its expiration date.

PUBLIC HEARING SCHEDULE

DeSoto County Planning Commission

Tuesday, May 6, 2014

Planning Commission Recommendation

Board of County Commissioners

Tuesday, May 27, 2014

Final Disposition

Presented by
Thomas A. Cookingham, AICP

DATE