



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE# RZNE-0061-2024

REQUEST: Rezoning from Residential Multifamily 6 (RMF-6) Zoning District to Planned Unit Development (PUD) with Requested Bonus Density

PROPERTY OWNER: Robert M Tiffany & Barbara G Tiffany CO-TRS
PO Box 733
Oneco, FL 34264

AGENT: Tom Sacharski, AICP
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101
Bradenton, FL 34201

APPLICANT: DR Horton, Inc.
10541 Six Mile Cypress Parkway
Fort Myers, FL 33966

PROPERTY ID: 25-39-23-0000-0118-0000; 25-39-23-0000-0116-0000;

TOTAL PARCEL SIZE: +/- 124.07 acres

FUTURE LAND USE DESIGNATION: Low Density Residential – 2 dwelling units per acre (with a bonus density limit of a maximum 2.99 dwelling units per acre)

ZONING DESIGNATION: Residential Multifamily-6 (RMF-6)

OVERLAY DISTRICTS: Conservation Overlay District (COD)

DEVELOPMENT REVIEW REPORT

The request before the DeSoto County Board of County Commissioners, is an Official Zoning District Atlas Amendment application (Rezoning) (RZNE – 0061-2024) filed by Tom Sacharski, AICP of RVi Planning + Landscape Architecture, on behalf of the Applicant, DR Horton, Inc., to rezone two (2) contiguous parcels totaling 124.07 acres. The applicant is requesting approval of the proposed Planned Unit Development (PUD) zoning district to allow for a maximum of 371 single-family attached, single-family detached dwelling units, townhomes, supporting amenities, and associated infrastructure at a gross density of 2.99 dwelling units per acre, utilizing requested bonus density, as more particularly reflected in the Concept Development Plan.

The property is generally located in southwest DeSoto County, south of SW Liverpool Road.

The DeSoto County Land Development Regulations (LDR) Article XI, Division 7 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a rezoning application and to make a recommendation on the application to the Board.

I. BACKGROUND

The General Development Order Application states the request to amend the Official Zoning District Atlas by changing the zoning district for +/- 124.07 acres from Residential Multifamily 6 (RMF-6) Zoning District to Planned Unit Development (PUD) to allow for a maximum of 371 single-family attached, single-family detached dwelling units, townhomes, supporting amenities, and associated infrastructure with a Concept Development Plan.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element, and Objective 1.4 defines the Low Density Residential Future Land Use Category. The PUD Concept Development Plan includes a 51.68-acre Residential tract area and a 1.53-acre amenity area. It also indicates stormwater, wetlands and buffer areas, and exceeds the required 25% open space (+/- 31.21 acres), providing 28.4%.

Land Use Table	Acres	% of Site
Common Open Space Area	13.53	10.9%
Stormwater Area	19.87	16.0%
Amenity Area (active and passive)	1.53	1.2%
Residential Area	51.68	41.7%
Roadway Area	15.78	12.7%
Wetland/Wetland Buffer Area	21.68	17.5%
Total	124.07	100%

The PUD Concept Plan requests 6 deviations from the Code as follows:

- (1) Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.
- (2) Deviation from Section 20-537(A)(5) to allow for each regular parking space to be not less than 9 feet in width and 18 feet in length.
- (3) Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the "Florida Greenbook") as follows:

DESIGN SPEED	CENTERLINE RADIUS
15	50'
20	95'
25	180'
30	300'

- (4) Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.

- (5) Deviation from Section 20-600 which requires a type B buffer for residential uses adjacent to land designated, approved, or development with residential uses to allow for a shared type B buffer between the Liverpool and Harbour Lakes PUDs.
- (6) Deviation from Section 20-505 which requires residential projects with more than 51 units to provide two points of access to a public right-of-way to allow for a shared access point with the Harbour Lakes PUD, to the south of the Liverpool project.

II. PROPOSED ORDINANCE

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, D.R. HORTON, INC., AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0061-2024) BY CHANGING THE ZONING DISTRICT OF +/- 124.07 ACRES FROM RESIDENTIAL MULTIFAMILY 6 (RMF-6) TO PLANNED UNIT DEVELOPMENT (PUD) ON PROPERTY GENERALLY LOCATED IN SOUTHWEST DESOTO COUNTY, SOUTH OF SW LIVERPOOL ROAD, THE PROPERTY IDENTIFICATION NUMBERS BEING 25-39-23-0000-0118-0000 AND 25-39-23-0000-0116-0000 AND PROVIDING FOR AN EFFECTIVE DATE.

III. 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 and the Comprehensive Plan.

LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas (rezoning) amendment and text amendment applications. LDR Section 20-1650 defines the Official Zoning District Atlas as scaled-based maps of the unincorporated area of the County depicting the land features, roads and property lines overlaid with zoning district boundaries adopted by the DeSoto County Board of County Commissioners, certified and dated by the Board Chairman, as may be amended from time to time. Zoning District symbols are depicted within each boundary.

A. Application requirements. LDR Section 20-1496 establishes two prerequisites for the filing of an Official Zoning District Atlas amendment as shown below.

1. Initiation. LDR Section 20-1496(a) restricts the persons who may initiate an Official Zoning District Atlas Amendment to the following:

- Board of County Commissioners;
- Planning Commission;
- Board of Adjustment;
- Any other department of agency of the County; or
- Any person other than those listed above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

*The Planning Director finds that on December 6, 2024 a General Development Order application and an Official Zoning District Atlas Amendment application (RZNE-0061-2024) and fee were filed with the Development Department. The Planning Director finds the General Development Order Application was executed by Tom Sacharski, AICP as authorized agent for the owner. Based on the above findings, it is concluded the application can be found in **conformance** with this requirement.*

2. Filing requirements. LDR Section 20-1496(b) provides that all proposals for zoning amendments shall be submitted in writing to the Development Department, accompanied by all pertinent information required by the LDR and the application along with payment of the application fee.

The written General Development Order Application and Official Zoning District Atlas Amendment Development Order Application Form and fees were filed with the Development Department on December 6, 2024.

*Based on the above findings, the Planning Director concludes the application can be found in **conformance** with the filing requirements in LDR Section 20-1496(b) for rezoning.*

B. The Planning Director review. LDR Section 20-1497 addresses The Planning Director review.

1. Section 20-1497(a) provides that upon receipt of an application, the Planning Director shall determine whether the application is complete. If the application is complete, it will be accepted for review. If the application is incomplete, the Planning 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.

*The Planning Director provided notice that the rezone application was deemed complete on December 6, 2024. The Planning Director finds that the Planning & Zoning Division of the Development Department processed the application in **conformance** with LDR Section 20-1497(a).*

2. Section 20-1497(b) provides that after receipt of a complete application, the Planning Director shall distribute the application for review by the Development Review Committee (DRC).

*The Planning Director finds the application package was distributed to DRC members after each filing. Thus, the Planning Director finds the Planning & Zoning Division of the Development Department has processed the application in **conformance** with the requirements of LDR Section 20-1497(b).*

3. Section 20-1497(c) provides that upon completion of review, the Development Department shall prepare a staff report and schedule review of the application at a public hearing by the Planning Commission.

*The Development Review Report was provided to the authorized agent for review and comment. Thus, the Planning Director finds the Planning & Zoning Division of the Development Department has processed the application in **conformance** with LDR Section 20-1497(c).*

- C. Planning Commission Report.** LDR Section 20-1498(a) provides that the report and recommendations of the Planning Commission to the Board of County Commissioners shall show that the Planning Commission has studied and considered the proposed change in relation to the 15 factors listed below.

1. Whether the proposed change would be consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Consistency analysis: The Planning Director has reviewed the application against the Comprehensive Plan and finds and concludes as follows:

FLUE Objective 1.1: Land Use Categories Established. The generalized land use categories depicted in the Interim 2040 Future Land Use Map Series are intended to establish varying degrees of environmental protection and intensity of development, transitioning from the natural environment to the most intense development areas by gradually increasing density and urban character.

FLUE Policy 1.1.2: Land Use Categories. The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density/Intensity	Bonus**(Policy 1.1.3)
Low Density Residential	Residential - up to 2 du/ac	3.5 du/ac maximum*

Consistency analysis: The property is currently designated Low Density Residential on the Future Land Use Map and the proposed residential

use is permitted at a base density of up to 2 dwelling units per acre and bonus density of up to 3.5 dwelling units per acre (371 dwelling units / 124.07 acres = 2.99 du/ac density requested). The subject property is currently undeveloped / pastureland per the County Property Appraiser.

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

FLUE Policy 1.1.3: Density Unit *Bonus Limits*. The Land Development Regulations shall require Planned Developments and include performance criteria for density bonuses within the various future land use categories, up to the following levels:

Low-Density Residential Use - Up to 3.5 dwelling units per acre

*Consistency analysis: The property is currently designated Low-Density Residential Land Use on the Future Land Use Map and the proposed use is permitted a maximum density of up to 2 dwelling units per acre with a bonus density limit of a maximum 3.5 dwelling units per acre. The proposed PUD proposes 371 dwelling units on 124.07 acres at a gross density of 2.99 dwelling units per acre. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.1.4: Density and Intensity Bonus Criteria. A bonus point schedule shall be established within the Land Development Regulations. The schedule shall give consideration to the performance criteria listed below as a minimum:

- (1) Provisions and proximity to public infrastructure (water, sewer, urban roads)
- (2) Proximity to public safety (Fire/EMS)
- (3) Proximity to schools
- (4) Use of clustering and protection of environmentally sensitive areas
- (5) Increased urban design and landscaping
- (6) Increased public recreation and open space

- (7) Affordable Housing
- (8) Mixed use developments and mixed use buildings
- (9) Adjacent to lands developed with similar densities
- (10) Connectivity between developments
- (11) Donation of usable public land
- (12) Use of multiple performance criteria to achieve higher densities
- (13) Transfer of Development Rights (TDR's)

Consistency analysis: The applicant is proposing 371 dwelling units on 124.07 acres for a proposed density of 2.99 du/ac. The subject parcels are in a developing area with existing public infrastructure and plans to connect to DeSoto County Utilities. The site is in the southwestern portion of the county, approximately 1.5 miles from the Charlotte County line. The following residential supporting services are the following approximate distances:

- *DeSoto County Sheriff's Office – 13.32 miles (offices)*
- *DeSoto County Fire Station #2 – 3.12 miles*
- *DeSoto County Library – 13.26 miles*
- *Nocatee Elementary School – 8.61 miles*
- *DeSoto Middle School – 13.73 miles*
- *DeSoto County High School – 14.12 miles*
- *Deep Creek Park – 1.93 miles*
- *Deep Creek Preserve – 3 miles*
- *RV Griffin Reserve - 4 miles*
- *Harold Avenue Regional Park - 6 miles (Port Charlotte)*
- *ShorePoint Health (hospital) - 10 miles (Port Charlotte)*
- *DeSoto Memorial Hospital – 15 miles*

The PUD proposes clustering development to preserve wetlands and 35.21 acres (28.4%) of open space. The project is adjacent to the approved Harbour Lakes PUD (Ord. 2023-04) to the south, which proposes a similar density of 3.31 du/ac and is in the process of Improvement Plan approval. Both Liverpool and Harbour Lakes

*propose two inter-neighborhood ties, providing connectivity between the two developments. The LDRs have no points system as referenced. Based on these findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.1.5: Density/Intensity. A binding site plan shall be required to be submitted and approved by the County as part of any applicant's request to receive an intensity/density bonus, including a rezoning, which demonstrates compliance with bonus criteria and LDR requirements.

*Consistency analysis: The proposed PUD submitted a Concept Development Plan with a request for bonus density which demonstrates compliance with the bonus density criteria. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.1.11: Rezoning. The zoning amendment criteria in the LDR shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the Comprehensive Plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection

Consistency analysis: The applicant is proposing 371 dwelling units on 124.07 acres. The subject parcels are located in a developing area with existing public infrastructure and plans to connect to DeSoto County Utilities. The site is located in the southwestern portion of the county, approximately 1.5 miles from the Charlotte County line, south of SW Liverpool Road and west of SW Highway 17.

The PUD proposes clustering development to preserve wetlands and 35.21 acres (28.4%) of open space. The project is adjacent to the

*approved Harbour Lakes PUD (Ord. 2023-04) to the south, which proposes a similar density of 3.31 du/ac and is in the process of Improvement Plan approval. Both Liverpool and Harbour Lakes propose two inter-neighborhood ties, providing connectivity between the two developments. Based on these findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.1.12: Density Measurement. Residential density shall be defined as the amount of dwelling units allowed per gross acre. This calculation shall include the entire property including roads, stormwater facilities, recreation areas, agricultural areas, natural resource preserves, etc. It shall not include areas separated off for non-residential uses (outparcels) or those areas otherwise not included as part of an overall development plan. It shall also not include property within the conservation overlay area, for which density within the area shall be calculated separately.

Consistency analysis: The property is currently designated Low-Density Residential Land Use on the Future Land Use Map, and the proposed use is permitted a maximum density of up to 2 dwelling units per acre with a bonus density of a maximum 3.5 dwelling units per acre (2.99 du/acre requested).

*Proposed is a 371-unit residential community on +/- 124.07 acres. The review of the proposed density is discussed in the review of Policy 1.12.4, development in the Conservation Overlay District. Density within the COD has been calculated separately from the remainder of the project site. Based on these findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Objective 1.4: Low-Density Residential Use Category Defined. The Low Density Residential Use category consists of low-density residential uses in progressive degrees of urban intensity with higher density in areas adjacent to the Medium Density Residential, Mixed Use Centers, General Mixed Use Centers and less density/intensity in areas adjacent to the Rural/Agricultural categories.

MEASURABLE TARGET: Location and total acreage added to the Low Density Residential Use category.

Consistency analysis: The proposed PUD and Concept Development Plan proposes a 371-unit single family detached and attached residential community with on-site recreational amenities at a proposed gross density of 2.99 du/acre. The proposed PUD is a progressive degree of use and density increase adjacent to the Low Density Residential and nearby Employment Center to the east on SW Highway 17. This provides zoning generally consistent with the density allowed by the Low Density Residential future land use. In addition, it provides focused development in an area of County services near a planned Employment Center area.

The subject property is currently undeveloped (pastureland) and is contiguous to (and within an area) of single-family residential uses, including the approved Harbour Lakes PUD (Ord. 2023-04) to the south.

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

FLUE Policy 1.4.2: Low Density Residential Use Category Uses. The primary use of this category shall be residential, in a variety of low densities and styles. A sustainable mix of neighborhood scale commercial uses may be introduced only as a part of the PUD process for developments of 1000 dwelling units or greater. The commercial area shall be located at the intersections of collector and/or arterial roads and shall be separated approximately 2 miles from other existing and/or future commercial designated areas. Schools and other public facilities shall be permitted with appropriate buffering. The zoning district uses and development standards contained in the Land Development Regulations shall carry out the specific intent of this land use category.

Consistency analysis: As stated in the policy, the primary use of this district shall be residential in a variety of densities and styles. The application and concept plan indicates single-family detached, single-

family attached, and townhome residential development types. Schools and other public facilities are not proposed. Commercial development is not proposed.

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

FLUE Policy 1.4.3: Low Density Residential Use Category Sustainability. The minimum density permitted within this category will be two dwelling units per acre.

*Consistency analysis: The applicant is proposing 371 residential units on 124.07 acres at a gross density of 2.99 dwelling units per acre. Based on the above findings, it is concluded the application can be found in **conformance** with this Policy.*

FLUE Policy 1.4.4: Low Density Residential Open Space. All development within the Low Density Residential Category shall provide open space through clustering of units in order to reduce the footprint on a site. Development shall provide a minimum of 25 percent open space.

*Consistency analysis: The PUD Concept Development Plan exceeds the required 25% open space (+/- 31.02 acres), providing 28.4% (+/- 35.21 acres). Provided open space includes common open space area, active/passive amenity area, stormwater area, and wetland/wetland buffer area. Single-family sites are clustered on the upland portions of the northern portion of the site, preserving the wetlands. Based on the above findings, it is concluded the application can be found in **conformance** with this Policy.*

FLUE Policy 1.4.5: Open Space design. All open space areas shall be primarily located adjacent to other areas approved as development open space in order to create natural corridors.

Consistency analysis: Per the LDRs, open space means real property dedicated, designated, reserved or set-aside that is in a natural or

unimproved state or landscaped and which is used to meet human recreational or spatial needs, or to protect water, air, or plant areas. All flood plains, stormwater management areas, and waterbodies shall count toward meeting the open space standard; however, private yards shall not be included within the open space requirement, and not more than 25 percent of any stormwater management area shall count toward meeting the open space requirement.

*The plan indicates meeting the minimum 25% open space requirement. The PUD Concept Development Plan exceeds the required 25% open space (+/- 31.02 acres), providing 28.4% (+/- 35.21 acres). Provided open space includes common open space area, active/passive amenity area, stormwater area, and wetland/wetland buffer area. Based on the above findings, it is concluded the application can be found in **conformance** with this Policy.*

FLUE Policy 1.4.6: Utilities. All development within the Low Density Residential category shall connect to existing centralized public water and wastewater systems.

Consistency analysis: The project is within the County's utility service area and is required to connect. DeSoto County Utilities (DCU) has indicated that the applicant is currently working with them on a capacity reservation agreement. Capacity for this project cannot be guaranteed until the capacity reservation agreement is fully executed, and all fees have been paid.

*Based on the above findings, it is concluded the application can be found in **conformance** with this Policy, with conditions.*

FLUE Objective 1.12: Conservation Overlay Designation (COD). The Interim 2040 Conservation Overlay Map (FLUEMS 4) identifies public and private lands that may possess environmental limitations, such as floodplain, wetland, and other environmentally sensitive areas, including but not limited to, sloping topography subject to soil erosion, wildlife habitat areas, hydric soils, and special vegetative communities, but have not been confirmed as such and shall be protected to the

greatest extent possible. Modifications of the boundaries are permitted upon submittal of data and analysis, or field inspection by qualified personnel which support the establishment of a more appropriate boundary.

MEASURABLE TARGET: Acres of habitat and wetlands or species to be impacted or preserved as identified through environmental surveys, Environmental Resource Permits, and other actions in response to development in environmentally sensitive environments.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024). Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 18.75 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings the application can be found in **conformance** with this policy.*

FLUE Policy 1.12.2: Conservation Overlay Designation Uses. This designation is not intended to prevent development, but rather to identify environmentally sensitive areas (i.e. floodplains and wetlands) that need to be reviewed carefully during the development review process to determine whether mitigation or conservation protection are needed. If the areas are determined not to be environmentally sensitive, then the underlying future land use category is applicable. The following uses are specifically prohibited from being located within Conservation Areas:

- (1) Junkyards, gas station, and vehicle repair facilities.
- (2) The use or storage of hazardous materials or wastes on the Florida Substance List shall be restricted in the 100-year floodplain, except that such use or storage pursuant to phosphate mining within the Generalized Phosphate Mining Overlay Designation shall be restricted within that portion of the 100-year floodplain shown on FLUEMS-9 and as regulated by the Florida Department of Environmental Protection.

- (3) New underground fuel and other hazardous chemicals within these areas. Existing facilities are required to demonstrate that adequate technology is being employed on-site to isolate the facilities from the water supply.
- (4) Residential Development greater than a density of 1 unit per 10 gross acres and non-residential development greater than a FAR of 0.10 unless stated herein. All development shall be clustered to non-wetland portions of any site and buffered from the wetland appropriately.
- (5) Agricultural uses shall utilize “Best Management Practices” published in conjunction with the US Department of Agriculture.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024). Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 18.75 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas.

The PUD provides a gross density of 2.99 du/ac. This calculation does not take into account the Conservation Overlay. The Project Narrative suggests a permitted maximum of 371 dwelling units, taking the Conservation Overlay into consideration. The following restrictions shall apply to areas determined to be in the COD:

- (1) Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed: (b) Low Density Residential Land Uses shall be 1 unit per 4 acres.*
- (2) Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.*

From an overall density perspective, 371 single-family attached, detached, and townhome lots would equate to 3.5 du/acre focusing on

*upland areas (105.1 acres upland, 19 acres wetland), taking into account density transfers in the COD per this policy. Future site plan submittals shall be consistent with this requirement and provide density transfer information consistent with this policy. Based on the above findings the application can be found in **conformance** with this policy.*

FLUE Policy 1.12.3: Conservation Overlay Designation Development Standards.

(1) A final determination of the suitability for development of any individual parcel, as it relates to a Conservation Overlay area on the Future Land Use Map, shall be determined prior to issuance of any development approval.

(2) The Conservation Overlay Designation area on the Future Land Use Map is not to be considered the exact boundary of the conservation area, but to act as an indicator of a potential conservation area. The exact boundary shall be determined by an environmental site study by a qualified professional at the expense of the Developer and submitted for a determination to the Southwest Florida Water Management District or other agency with jurisdiction.

*Consistency analysis: The project is located within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the 19 acres of wetlands are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(3) The Conservation Overlay Designation area is not all inclusive and other areas that do not fall within the COD boundaries that meet the definition of being environmentally sensitive areas are also subject to the regulations affecting them. These areas include protected plant and animal habitat.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(4) Development proposals shall require the submittal of an Environmental Site Study indicating as to the extent of the impact of development or redevelopment for any lands within Conservation Overlay Designation areas and other environmental concerns.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(5) Environmental Site Studies shall provide evidence and an inventory of wetlands; soils posing severe limitations to construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; and areas prone to periodic flooding (areas within the 100-year floodplain).

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative

*communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(6) DeSoto County shall require identification of proposed impacts to the natural functions of any resources by any development or redevelopment that proposes to be placed in/on, to disturb, or to alter identified areas. Compensation and Mitigation plans shall also be provided.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(7) Such identification shall occur during the development review process and provide the opportunity for DeSoto County to review the proposed project so that direct and irreversible impacts on the identified resources are avoided, minimized, or in the extreme, mitigated.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an

*average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(8) Natural resources discovered as a result of the required Environmental Site Study will be protected in accordance with state and federal law. The Environmental Site Study will require that a qualified professional analyze the natural functions of eco-systems and connectivity of resource corridors. A conservation easement, or other protective measure, may be required to protect the functions of natural resources. Mitigation may be allowed on a case-by-case basis through the appropriate reviewing agencies.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

(9) If an area is determined to be developable and not within the Conservation Overlay Designation, then the underlying future land use category shall apply.

*Consistency analysis: While the project is within the Conservation Overlay, the underlying Future Land Use Category is Low Density Residential with a maximum density of 2 du/ac and an available bonus density of 3.5 du/ac. The proposed PUD is proposing a gross density of 2.99 du/ac. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.12.4: Any development of a site which includes property determined to be in a Conservation Overlay Designation area, is

required to submit a site-specific plan for approval. The plan shall include the clustering of density away from the protected areas and resources. Developments that include Conservation Overlay Designations, but cluster all development activities outside of the Overlay, may be reviewed via a Site Plan Approval process. The following restrictions shall apply to areas determined to be in the COD:

(1) Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed:

(a) Rural/Agricultural Land Uses shall be consistent with the underlying zoning

(b) Low Density Residential Land Uses shall be 1 unit per 4 acres.

(c) Medium Density Residential, Neighborhood Mixed Use, and General Mixed Use Districts shall be 1 unit per 2 acres.

(2) Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.

Consistency analysis: The PUD proposes 371 single family residences on 124.07 acres at a gross residential density of 2.99 du/acre. However, the site is located in the Conservation Overlay and has some density limitations. The following table is a breakdown of the COD and its impact on the maximum density allowable at this site.

Transfer	Acres	Units
Acres preserved land w/in COD at 1 du/4 ac	19	4
Acres LDR outside COD at 2 du/ac	105.1	210.2
Total	124.1	214.2
	Acres	Density
Acres LDR outside COD at 3.5 du/ac bonus density	105.1	367.85
Subtract density w/in LDR at 214.2 units/124.1 ac	124.1	1.73 du/ac
Density within LDR w/proposed 371 units/124.1 ac	124.1	2.99 du/ac
Difference/Bonus Density Required for 371 dwelling units		1.26 du/ac in LDR

The LDR FLUC established 2.0 du/acre as the minimum density. There are 18.75 acres of preserved land within the COD (applicant shows 19 acres on the Concept Plan) which can be developed at 1 du/4 acres in LDR, which equates to 4 units. There are 105.1 acres of LDR (Low Density Residential) outside the COD in this project that can be developed at 2.0 du/acre, equating to 210.2 units, for a total of 214.2 units (max units without density bonus). The 214.2 units on 124.1 acres permitted in LDR represents a density of 1.73 du/acre.

The project is proposing 371 units, utilizing bonus density, which represents a gross density of 2.99 du/ac. There are 18.75 acres of preserved land within the COD (applicant shows 19 acres on the Concept Plan) which can be developed at 1 du/4 acres in LDR, which equates to 4 units. There are 105.1 acres of LDR (Low Density Residential) outside the COD in this project that can be developed at 3.5 du/acre with bonus density, equating to 367.85 units, for a total of 371 units.

*The additional 157 units above what is permitted in LDR requires approval of a density bonus of 1.26 du/acre. Based on the above findings, it is concluded the application can be found in **conformance** with this policy with approval of the bonus density.*

FLUE Policy 1.12.6: The County shall prohibit all development within, and direct development away from, wetlands, unless otherwise approved by the appropriate reviewing agency. Site enhancement for conservation purposes and Best Management Practices including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall not be deemed “development” for the purposes of this policy, when used pursuant to phosphate mining.

(1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in no net loss of wetlands or wetland functions and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource.

(2) The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency. Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall be permitted within the setback areas, when used pursuant to phosphate mining.

(3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the

*property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. A management plan will be required with the application for approval of an Improvement Plan. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.12.8: On all existing parcels of land, development shall be located away from wetlands and floodplains on the upland portion of the site, unless otherwise permitted by an authorized agency and permissible within this Plan. Where no upland exists, development may occur so long as all applicable environmental permitting requirements can be satisfied. All future subdivision of land shall contain adequate uplands for the permitted use.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.14.2: Use compatibility. Compatibility between uses will be defined by level of density and intensity rather than by use, with the exception of large-scale public uses such as airports, regional hospitals, refineries and correctional institutions.

Consistency analysis: The Comprehensive Plan defines “compatibility” as “(a) condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion such that no use or condition

is negatively impacted directly or indirectly by another use or conditions.”

The following table provides a description of the Future Land Use Categories, Zoning Districts, and specific types of land uses surrounding the proposed PUD:

USE COMPATIBILITY ANALYSIS

Directions	Future Land Use	Zoning District	Types of Land Uses
Site	Low Density Residential	RMF-6 <i>PUD (proposed)</i>	Pastureland/ vacant
North – across SW Liverpool Road	Low Density Residential	A-5 RSF-1 RSF-3	Single-family residential Pastureland Single-family residential
South	Low Density Residential	PUD	Harbour Lakes residential development
East – across Seminole Gulf RR	Low Density Residential	PUD MHS	Harbour Lakes Mobile Home Park
West	Low Density Residential	RSF-3	Vacant, Single family residential

This table illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category. The Land Development Regulations provides specific minimum lot area and lot

width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the PUD zoning district to ensure compatibility between uses.

The proposed PUD zoning generally aligns with the range of permitted uses allowed in the area.

The site abuts an existing public road, SW Liverpool Road which is a publicly maintained right-of-way. Any future land development must conform to all required Federal, State, and County permitting requirements.

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

FLUE Policy 1.14.8: Buffers. Increased buffering and landscape standards shall be maintained or expanded in the County's Land Development Regulations to protect various types of development from the impact of others.

*Consistency analysis: A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However, some natural buffers exist along the railroad corridor. A condition is recommended that this buffer is enhanced to a Type A buffer at a minimum to reduce potentially adverse impacts such as noise or appearance. Based on the above findings, it is concluded the application can be found in **conformance** with this policy with conditions.*

FLUE Policy 1.16.2: The County shall direct development to areas where services and facilities are available to accommodate additional growth.

Consistency analysis: The property is located in area that has the Low

Density Residential Future Land Use Category, where the County is planning for growth consistent with that designation.

Connection to County central potable water and sanitary sewer services are required. The applicant will be connecting to DeSoto County Utilities for central potable water and sanitary sewer services. This is addressed in detail with the analysis of Policy 1.4.6 Utilities.

The site is located in the southwestern portion of the county, approximately 1.5 miles from the Charlotte County line, and the following residential supporting services are the following approximate distances:

- *DeSoto County Sheriff's Office – 13.32 miles (offices)*
- *DeSoto County Fire Station #2 – 3.12 miles*
- *DeSoto County Library – 13.26 miles*
- *Nocatee Elementary School – 8.61 miles*
- *DeSoto Middle School – 13.73 miles*
- *DeSoto County High School – 14.12 miles*
- *Deep Creek Park – 1.93 miles*
- *Deep Creek Preserve – 3 miles*
- *RV Griffin Reserve - 4 miles*
- *Harold Avenue Regional Park - 6 miles (Port Charlotte)*
- *ShorePoint Health (hospital) - 10 miles (Port Charlotte)*
- *DeSoto Memorial Hospital – 15 miles*

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

FLUE Policy 1.17.2: Land uses that generate high traffic counts shall be encouraged to locate adjacent to arterial and collector roads.

*Consistency analysis: The proposed PUD proposed is adjacent to SW Liverpool Road, a local road which has one (1) ingress/egress access point. To alleviate traffic onto SW Liverpool Road, two (2) internal cross access points are proposed to the adjacent PUD to the south. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.17.4: The County shall require new developments to provide safe and convenient on-site pedestrian and vehicular traffic flow.

*Consistency analysis: The PUD Concept Plan states that sidewalks are proposed on internal roadways. Internal roadways are designed to accommodate pedestrian and vehicular traffic. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.17.5: Residential neighborhoods shall be planned to include an efficient system of internal circulation to connect with external existing or future road and pedestrian systems.

*Consistency analysis: The PUD Concept Plan states that the development proposes internal sidewalks or pathways on one side of internal roadways. All roads within the PUD are proposed to be privately owned and maintained. Two inter-neighborhood ties are proposed to connect to the approved Harbour Lakes PUD (Ord. 2023-04) to the south. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

FLUE Policy 1.17.6: Curb cuts and points of access to the transportation system shall be minimized. Developments shall be required to share driveways and provide cross access between adjacent properties.

Consistency analysis: The proposed PUD proposes two inter-neighborhood ties with the adjacent PUD, Harbour Lakes, to the south, to limit points of access off SW Liverpool Road. Based on the above, it

*is concluded the application can be found in **conformance** with this policy.*

Transportation Element

Objective 1.1: Level of Service. The County shall adopt and adhere to level of service standards for arterial and collector streets.

Policy 1.1.1: Service Standards. The County establishes the following peak hour /peak directional level of service standards for collector, arterial, local, and limited access facilities in the County.

Roadway Type	State Road Urbanized Area	State Road Outside Urbanized Area	County Road
Limited Access Facilities	D	C	D
Controlled Access Highway	D	C	D
Other Multi-Lane Roads	D	C	D
Two-lane Roads	D	C	D

Consistency analysis: A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on

*a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. Based on the above, it is concluded the application can be found in **conformance** with this policy with conditions.*

Policy 1.2.8: Access Points. The County shall require that future subdivisions with 50 units or more, at a minimum, have at least two (2) points of access open to motor vehicle traffic. Secondary access points, at the discretion of the BOCC and as further defined in the LDR's may be established as emergency only access points per County standards.

*Consistency analysis: The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. The applicant provided a Trip Generation Analysis with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

Policy 1.2.14: Traffic Study. High traffic generators shall require a project-specific traffic study. The study will include methodology accepted by the County and will evaluate, at a minimum, existing traffic conditions and LOS, determine project traffic generation, cumulative traffic conditions, mitigation of traffic impacts for on- and

off-site, and evaluate LOS for transportation linkages to collector and arterial roadways, if appropriate.

*Consistency analysis: A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. Based on the above, it is concluded the application can be found in **conformance** with this policy with conditions.*

Policy 1.5.3: Analysis of FLUM and Zoning Amendments. The County shall consider the potential maximum impacts of all Future Land Use map and zoning amendments on the LOS for all roadways directly and indirectly affected by the amendment when making such decisions. However, specific impacts and any required roadway improvements shall only be determined based on the submittal of a defined development proposal as part of the County's overall concurrency system.

Consistency analysis: A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation.

*Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. Based on the above, it is concluded the application can be found in **conformance** with this policy with conditions.*

Conservation Element

Groundwater Resources:

Policy 1.2.10: All requests for development shall be reviewed to ensure that potential impacts of the proposed development do not degrade the water quality and quantity of groundwater resources.

*Consistency analysis: The PUD will be required to secure SWFWMD Environmental Resource Permits, ACOE permit, and meet county standards to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

Policy 1.2.15: DeSoto County shall protect groundwater recharge areas throughout the County by requiring properly functioning stormwater management systems meeting drainage LOS standards and a minimum percentage of 15% pervious open space for all non-residential development projects and a minimum of 25% pervious open space for residential development projects. This may be further restricted in the LDRs through individual zoning districts and other development performance standards.

Consistency analysis: The PUD Concept Development Plan provides a 19.87 acre lake (stormwater) area (16% of overall site) and exceeds the

required 25% open space, providing 28.4% (35.21 acres).

*The PUD will be required to secure SWFWMD Environmental Resource Permits, an ACOE permit, and meet county standards. The FEMA flood map for this area is number 12027C0287C effective on 11/06/2013. Based upon the flood map, the site is located in Flood Zone X and AE. Based on the above, it is concluded the application can be found in **conformance** with this policy.*

Surface Water Resources:

Policy 1.4.3: The County shall identify and require the creation of upland buffer zones, in accordance with the regulations of the water management districts, between development and surface water, environmentally sensitive areas, and wetlands in order to protect these natural resources from the activities and impacts of development.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. The PUD Concept Development Plan includes the required stormwater, wetland protection and buffer areas, and exceeds the required 25% open space for a PUD (31.02 ± acres), providing 28.4% (35.21 ± acres). Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

Wetland Protection:

Objective 1.5: Wetland Protection. Wetlands and the natural

functions of wetlands shall be conserved, protected, and restored from activities which alter their physical and hydrological nature to ensure the filtration of water to enhance water quality, provide flood control, maintain wildlife habitat, and offer recreational opportunities, which enhance the quality of life in DeSoto County.

Policy 1.5.1: The County, as part of its development review process, shall require the coordination of development plans with the Florida Department of Environmental Protection, the Southwest Florida Water Management District or other appropriate regulatory agency, to assist in monitoring land uses which may impact potential wetlands as shown on the National Wetlands Inventory (shown as part of the Conservation Overlay Area on the FLUM).

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

Policy 1.5.2: The County shall require that all development proposals be accompanied by evidence that an inventory of wetlands; soils posing severe limitations construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; has been conducted.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates

*that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. The PUD Concept Development Plan includes the required stormwater, wetland protection and buffer areas, and exceeds the required 25% open space for a PUD (+/- 31.02 acres), providing 28.4% (+/- 35.21 acres). Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

Policy 1.9.16: Developers shall be required to identify wildlife habitat, and endangered and threatened species as part of the development review process and shall be required to submit mitigation measures for review as part of the County's development review process.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

Floodplain and Floodways:

Objective 1.6: Floodplains and Floodways. DeSoto County shall ensure long-range protection and restoration of functions of the remaining floodplains.

Consistency analysis: Any encroachment into the 100-Year Floodplain will be compensated by equivalent excavation to offset project filling per Section 4.4 of the Southwest Florida Water Management District's Basis of Review. The property is not located within the

*floodway. The proposed PUD is located within FEMA flood zone X and FEMA FIRM special flood hazard area zone AE. All aspects of proper development standards within special flood hazard areas shall be applied in future development applications. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

Policy 1.9.16: Developers shall be required to identify wildlife habitat and endangered and threatened species as part of the development review process and shall be required to submit mitigation measures for review as part of the County's development review process.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas.

The environmental study identified no potentially occupied Gopher Tortoise burrows that will have to be mitigated consistent with State and Federal criteria. The property is also within the Core Foraging Area of wood stork nesting colonies and in the Consultation Area of the crested caracara, Florida scrub jay, red-cockaded woodpecker, and Florida bonneted bat. No evidence of those species was observed on site. If any impacts are proposed which trigger federal wildlife review, additional coordination and surveys relative to the species will be required.

*Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found in **conformance** with this policy.*

In summary, based upon the totality of the circumstances, the Planning Director concludes the rezoning application can be found in conformance with the Comprehensive Plan.

2. The existing land use pattern.

*Consistency analysis: The subject property is located in southwest DeSoto County, approximately 1.5 miles north of the Charlotte County line. The subject property is currently undeveloped pastureland. **Table 1** shows the existing land use pattern. The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential homes. The Seminole Gulf Railway runs adjacent to the east of the subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks. The parcel to the south is also a portion of the approved Harbour Lakes PUD development. To the west are single-family residential and vacant lands.*

*The table illustrates that the surrounding uses are developing in a fashion consistent with the Low Density Future Land Use category. PUD zoned projects may establish their own specific height, bulk, setback, density, buffering, and other regulations for the zoning district to help to achieve compatibility between uses. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

3. The creation of an isolated district unrelated to adjacent and nearby districts.

Consistency analysis: The project is located in a transitioning area, primarily developed with residential uses on the west side of US Highway 17.

The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential homes. The Seminole Gulf Railway runs adjacent to the east of the

subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks. The parcel to the south is also a portion of the approved Harbour Lakes PUD (Ord. 2023-04) development. To the west are single-family residential and vacant lands.

A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However some natural buffers exists along the railroad corridor. A condition is recommended that this buffer is enhanced to a Type A buffer at a minimum to reduce potentially adverse impacts such as noise or appearance.

*Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application can be found in **conformance** with this standard.*

- 4. The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the DeSoto County concurrency regulations.**

Consistency analysis: DeSoto County reviews development to ensure projects are subject to minimum criteria for public facilities requiring a concurrency review that do not result in a reduction of the level of service below the adopted standard. Policy 1.22.5 provides for roadways, recreation and open space, solid waste, potable water and sanitary sewer. Future development applications will be required to be consistent with this policy.

The project is a proposed Planned Unit Development (PUD) District, which requires a concept plan with the Zoning Atlas Amendment. The concept plan provides a supportive report as required by Sec. 20-

144(g)(2), which would classify the PUD and concept plan as an Intermediate Development Order.

The project is within the County's utility service area and is required to connect. DeSoto County Utilities has indicated that the applicant is currently working with them on a capacity reservation agreement. Capacity for this project cannot be guaranteed until the capacity reservation agreement is fully executed, and all fees have been paid.

A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17.

*Based on the above findings, the application with recommended conditions, can be found to be in **conformance** with this standard.*

5. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for changes.

Consistency analysis: The project is located in a transitioning area, primarily developed with residential uses on the west side of US Highway 17.

The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential

homes. The Seminole Gulf Railway runs adjacent to the east of the subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks. The parcel to the south is also a portion of the approved Harbour Lakes PUD (Ord. 2023-04) development. To the west are single-family residential and vacant lands.

The proposed project is adjacent to existing planned development residential and single-family residential and would be more in character to the surrounding community than the existing multifamily zoning. The proposed PUD complements the surrounding properties and creates a logical development pattern with access to a major transportation corridor that aligns with the densities permitted under the DeSoto County Comprehensive Plan.

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

6. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Consistency analysis: The project is located in a transitioning area, primarily developed with residential uses on the west side of US Highway 17. The project is within the Low-Density Residential Future Land Use Category, which envisions the development of this area of the county at a maximum of 2 dwelling units per acre with a bonus density of up to 3.5 du/acre. The project is proposing a PUD with a concept plan for a 371-unit residential community with a gross density of 2.99 du/ac. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential including single-family attached/detached and townhomes.

The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential homes. The Seminole Gulf Railway runs adjacent to the east of the subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks.

The parcel to the south is also a portion of the approved Harbour Lakes PUD (Ord. 2023-04) development. To the west are single-family residential and vacant lands.

The proposed PUD zoning district can be found to be generally more consistent with the trends experienced and anticipated in the area. The proposed zoning generally aligns with the existing uses and development anticipated by the Future Land Use Category.

*Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

7. Whether the proposed change will adversely influence living conditions in the area.

Consistency analysis: The project is located in a transitioning area, primarily developed with residential uses on the west side of US Highway 17.

The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential homes. The Seminole Gulf Railway runs adjacent to the east of the subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks. The parcel to the south is also a portion of the approved Harbour Lakes PUD (Ord. 2023-04) development. To the west are single-family residential and vacant lands.

The project is within the Low-Density Residential Future Land Use Category, which envisions the development of this area of the county at a maximum of 2 dwelling units per acre with a bonus density of up to 3.5 du/acre. The project is proposing a PUD with a concept plan for a 371-unit residential community with a gross density of 2.99 du/ac. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential including single-family

attached/detached and townhomes. The subject property is also located within the Conservation Overlay district, which has some density limitations. There are 18.75 acres of preserved land within the COD (applicant shows 19 acres on the Concept Plan) which can be developed at 1 du/4 acres in LDR, which equates to 4 units. There are 105.1 acres of LDR (Low Density Residential) outside the COD in this project that can be developed at 3.5 du/acre with bonus density, equating to 367.85 units, for a total of 371 units. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential types including single-family attached, detached, and townhomes and the proposed change will not adversely influence living conditions in the area. The proposed density is consistent under the density provisions of the Low Density Residential future land use category.

A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However, some natural buffers exist along the railroad corridor. A condition is recommended that this buffer is enhanced to a Type A buffer at a minimum to reduce potentially adverse impacts such as noise or appearance.

*Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above it is concluded the application can be found in **conformance** with this factor.*

8. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Consistency analysis: A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was

performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17.

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

9. Whether the proposed change will create a drainage problem.

Consistency analysis: The proposed PUD shows proposed stormwater areas on the Concept Plan. The FEMA flood maps for this area are numbers 12027C0287C effective on 11/06/2013. Based upon the flood maps, the site is located in Flood Zones X and AE. Stormwater will be maintained on-site and directed to a series of dry retention and wet retention ponds. The stormwater will be properly treated and attenuated per the State requirements prior to discharge. An environmental resource permit from SWFWMD will be required prior to commencement of site development activities, thereby ensuring adequate drainage.

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

10. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistency analysis: The reduction of light and air to the adjacent areas is a function of total development vs. open space, building height, and building setbacks. The Concept Development Plan

establishes yard setbacks and other building standards. The project is consistent with nearby development. Based upon the site design and location, the project will not seriously reduce light and air to the adjacent area.

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

11. Whether the proposed change will adversely affect property values in the adjacent area.

Consistency analysis: The change in zoning can be found to be consistent with the Future Land Use Category and the uses in the overall area, as well as the area development patterns. The proposed zoning is also compatible with the contiguous uses, which are consistent with the requested PUD zoning standards for lot size.

A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However, some natural buffers exist along the railroad corridor. A condition is recommended that this buffer be enhanced to a Type A buffer at a minimum to reduce potentially adverse impacts such as noise or appearance. The residential development will also be clustered to preserve sensitive wetlands on the property.

*Therefore, the proposed change in zoning should not adversely affect property values in the immediate area. The findings in the draft approval ordinance, conclude the application can be found in **conformance** with this factor, should the Board of County Commissioners approve the rezoning.*

12. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

*Consistency analysis: With the PUD established standards for setbacks and LDR required open space, the proposed change can be found not to be a deterrent to the improvement or development of adjacent property, in accordance with existing regulations. The application can be found in **conformance** with this factor.*

- 13. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

Consistency analysis: It can be found that the proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare for the proposed PUD. The Comprehensive Plan expressly permits residential uses in the Low Density Residential Future Land Use Category and the standards in the PUD zoning district have criteria to minimize impacts to adjacent uses.

*The public's health, safety, and welfare has been considered and the change in zoning will not grant privilege to the applicant over the public welfare and can be found in **conformance** with this factor.*

- 14. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

Consistency analysis: The subject property is currently zoned RMF-6 (Residential Multi Family 6 du/ac.) with a Low Density Residential future land use category (which permits density up to 2 du/ac with a bonus density up to 3.5 du/ac). The PUD proposes a density of 2.99 du/ac, which is consistent with the Low Density Residential future land use bonus density.

The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential type uses including mobile home parks and single family residential. The approved Harbour Lakes residential development (Ord. 2023-04) is located adjacent to the south and across the Seminole Gulf Railway tracks to the east. The

requested zoning is consistent with the Comprehensive Plan and LDR, and therefore appropriate.

*Thus, it is concluded the application can be found in **conformance** with this factor.*

15. Whether the change suggested is out of scale with the surrounding area.

Consistency analysis: The project is within the Low-Density Residential Future Land Use Category, which envisions the development of this area of the county at a maximum of 2 dwelling units per acre with a bonus density of up to 3.5 du/acre. The project is proposing a PUD with a concept plan for a 371-unit recreational single-family attached, detached, and townhome community. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential type uses including mobile home parks and single family residential.

It can be found that the proposed rezone to PUD will allow for development at an appropriate scale, consistent with the contiguous single family residential uses and development trends in the surrounding area. The LDRs provide specific regulations for the PUD zoning district to ensure compatibility between uses. The proposed gross density is 2.99 du/ac. A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However, some natural buffers exists along the railroad corridor. A condition is recommended that this buffer is enhanced to a Type A buffer at a minimum to reduce potentially adverse impacts such as noise or appearance.

The proposed PUD is not out of scale with the surrounding area and is consistent with the Low Density Residential land use designation. Overall, the request for the PUD district and concept plan are

*consistent with the Goals, Objectives, and Policies of the DeSoto County Comprehensive Plan. Thus, the Planning Director finds that the application can be found in **conformance** with this factor **with conditions**.*

In summary, the Planning Director finds that the application can be found in conformance with the Comprehensive Plan and the 15 factors found in LDR Section 20-1498(a) provided recommended conditions are imposed.

D. Planned Unit Development District - General Requirements and Limitations. LDR Section 20-144(e) requires the following general requirements and limitations shall apply in PUD districts approved under the terms and provisions of these regulations.

- (1) Unified control. All land included for purpose of development within PUD district shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed development. The applicant shall:
 - a. Agree to be bound by:
 1. The concept development plan officially adopted as the PUD district; and
 2. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.
 - b. Provide agreements, contracts, deed restrictions or sureties acceptable to the County for completion of undertaking in accordance with the adopted concept development plan as well as for the continuous operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and
- (2) All conditions shall run with the land.

The Development Director concludes that these general requirements will apply if and when the PUD zoning district application, including the Concept Development Plan is approved. Any required documentation required by

*this requirement shall be imposed during the Improvement Plan review and approval process. Thus, the Development Director concludes this factor is premature and does not apply until the time the PUD and Concept Development Plan is approved. Thus, this factor is **not applicable**.*

E. Planned Unit Development District Specific Requirements. LDR Section 20-144(f) requires a PUD comply with 13 other requirements.

1. Location: PUD districts shall be located so as to maintain adopted level of service on all impacted public rights-of-way.

*A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed traffic analysis and operational analysis will be required with the Improvement Plan. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. Thus, it is concluded the application can be found in **conformance** with this factor.*

2. Minimum Area Required: The minimum area required for a planned unit development district containing only residential uses shall be 5 acres; containing only commercial or industrial uses shall be 2 acres, and containing a mix of residential, commercial or industrial uses shall be 5 acres.

*The Development Director finds the PUD is 124.07 acres and for a single family attached, detached, and townhome residential uses. Therefore, the application can be found in **conformance** with this factor.*

3. Character of the Site: The condition of soil, ground water level, drainage and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to adequately accommodate its proposed use and design.

The Soils Conditions Map shows the property consists of Basinger Fine Sand, Immokalee Fine Sand, Myakka Fine Sand, and Smyrna Fine Sand. The Soil Survey of DeSoto County, Florida classifies Basinger fine sand as being very deep, poorly drained and very poorly drained soils that formed in flats, depression areas that formed in sandy marine terraces; Immokalee fine sand as being very deep, very poorly and poorly drained soils that formed in sandy marine sediments; Myakka fine sand as being very deep, very poorly drained or poorly drained, moderately rapid or moderately permeable soils that occur primarily in mesic flatwoods; Smyrna fine sand as being very deep, poorly drained to very poorly drained soils that formed in thick deposits of sandy marine materials. Slopes range from 0 to 2 percent. The soil conditions are suitable for residential development provided appropriate drainage and fill materials are provided to overcome wetness.

*The topographic map of the property shows the elevations range from 18 to 25 feet in elevation. Based on the above, it is concluded the topography is suitable for residential development. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

4. Uses Permitted: An applicant may propose any use or combination of uses within a proposed PUD subject to the minimum area requirements contained herein.

*The applicant proposes the development of a residential subdivision on 124.07 acres. The development includes 371 dwelling units (density bonus requested), required open space, stormwater, wetland protection and buffer areas, and with design meeting PUD standards. Thus, the Development Director concludes the application can be found in **conformance** with this factor.*

5. Density: The overall, gross density of the proposed PUD Concept Development Plan shall be calculated by dividing the total number of units proposed by the gross acreage of the PUD. In no event shall the gross density exceed the maximum density permitted by the Comprehensive Plan. In the event of multiple Future Land Use Map categories, no project may be authorized to utilize density averaging or blending techniques.

The entire project is within the Low Density Residential Future Land Use Category. There are 18.75 acres of preserved land within the COD (applicant shows 19 acres on the Concept Plan) which can be developed at 1 du/4 acres in LDR, which equates to 4 units. There are 105.1 acres of LDR (Low Density Residential) outside the COD in this project that can be developed at 2.0 du/acre, equating to 210.2 units, for a total of 214.2 units (max units without density bonus). The 214.2 units on 124.1 acres permitted in LDR represents a density of 1.73 du/acre.

The project is proposing 371 units, utilizing bonus density, which represents a gross density of 2.99 du/ac. There are 18.75 acres of preserved land within the COD (applicant shows 19 acres on the Concept Plan) which can be developed at 1 du/4 acres in LDR, which equates to 4 units. There are 105.1 acres of LDR (Low Density Residential) outside the COD in this project that can be developed at 3.5 du/acre with bonus density, equating to 367.85 units, for a total of 371 units.

The additional 157 units above what is permitted in LDR requires approval of a density bonus of 1.26 du/acre.

*Thus, the Development Director concludes the application can be found in **conformance** with this factor.*

6. Minimum Open Space: Planned Unit Developments shall set aside at least 25% of the gross area as open space. Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, water frontage, waterways, lagoons, flood plains, nature trails and other similar open spaces. Open water area beyond the perimeter of the site and street rights-of-way, driveways, off-street parking areas and off-

street loading areas, or private yards shall not be counted in determining usable open space.

*The PUD Concept Development Plan provides 16% stormwater area (19.87 acres) and exceeds the required 25% open space, providing 28.4% (35.21 acres). Stormwater will be required to secure SWFWMD permits. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

7. Minimum Lot Area and Frontage Requirements within a PUD: No minimum lot size or yards shall be required within a PUD, except that peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries limited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use must be served directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road or street.

The concept plan does not provide the detailed layout of the proposed 371 dwelling units but does provide a standard lot detail with proposed lot site area, width, length, and setbacks for the attached, detach, and townhome residences. All roads within the PUD are proposed to be privately owned and maintained. The lot areas range from 1,200 - 4,000 SF with a 20'-40' lot width and 60'-100' lot depth. Setbacks for each site are proposed to be: 20' front; 0'/5' side; 10' rear; 7.5' corner. Maximum proposed lot coverage is 60%-75%. The Concept Plan proposes a 20' setback around the project perimeter. This is generally consistent with the standards set by the Low Density Residential Future Land Use Category.

A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing

RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more.

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

8. Off-Street Parking and Off-Street Loading Requirements: Off-street parking and off-street loading requirements shall be as for comparable uses set out in the Land Development Regulations. Shared parking facilities may be approved as part of the request upon review of an acceptable alternative parking strategy study.

The Concept Plan shows the general location of the proposed amenity area and parking areas. All residential uses are proposed to have 2 parking spaces per unit.

The Improvement Plan will require specifics on parking and loading areas for the site and will be conditioned for future plan submittals. The Land Development Regulations provide standards, and the PUD zoning district provides the flexibility for projects to create their own Concept Plan-based standards as long as the site can still function in a safe manner. Deviations to the Code requirements, where necessary and reasonable, can also be approved by the Board. The applicant is requesting 4 deviations related to street design and parking (6 deviations total):

- 1. Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.*
- 2. Deviation from Section 20-537(A)(5) to allow for each regular parking space to be not less than 9 feet in width and 18 feet in length.*
- 3. Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction*

and Maintenance for Streets and Highways (commonly known as the “Florida Greenbook”) as follows:

<i>DESIGN SPEED</i>	<i>CENTERLINE RADIUS</i>
<i>15</i>	<i>50’</i>
<i>20</i>	<i>95’</i>
<i>25</i>	<i>180’</i>
<i>30</i>	<i>300’</i>

- 4. Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.*
- 5. Deviation from Section 20-600 to allow for a shared Type B Buffer along the southern property line with the Harbour lakes PUD.*
- 6. Deviation from Section 20-505 to allow for a shared access points with the Harbour Lakes PUD along the southern property line.*

*Based upon the PUD Concept Plan, site layout, and DRC Comments, the Development Director concludes the application can be found in **conformance** with this factor.*

9. Development Planning - External Relationships: Development planning within a PUD district shall provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences generated by or within the district.
 - a. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. Where streets within the district intersect adjoining streets, appropriate visibility triangles shall be maintained.

A Trip Generation Analysis was provided with the application

*(TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed transportation and access analysis will occur as the project goes thru future plan submittals. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

- b. Fences, walls or vegetative screening at edges of PUD districts shall be provided where needed to protect residents from lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels. In particular, off-street parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

A Type B buffer is required and proposed around the project perimeter to the north and west. The applicant has requested deviation from LDR Section 20-600 to allow for shared buffer with the Harbour Lakes PUD along the south property line. No buffer is proposed on the Concept Plan to the east, where adjacent to the Seminole Gulf Railroad tracks. However, some natural buffers exist along the railroad corridor. A condition is recommended that this buffer is enhanced to a Type A buffer at

*a minimum to reduce potentially adverse impacts such as noise or appearance. Based on the above findings, the Development Director concludes the application is in **conformance** with this factor with conditions.*

10. Phasing of Development

- a. It is the intent of DeSoto County that to the extent possible, each approved PUD development be carried through to completion in essentially the form in which it is approved at the Concept Development Plan level. Therefore, each phase of the development will be expected to adhere closely to the design principals of the Concept Development Plan. However, the County recognizes as a practical matter, that the long term nature of the proposed buildout of the PUD will likely justify changes based on changing economic or other factors. Therefore, provision is made for the submission of individual phases or sub units of the entire PUD. All such phases shall, in their timing, nature, intensity and location, be determined to be consistent with the larger PUD and to contribute to its completion in a unified fashion. Where such consistency is not feasible, it is assumed that the overall PUD Concept Development Plan will be modified to reflect changed conditions or factors.
- b. These phases shall be so located and related that should for any reason the full PUD not be developed, the completed portion will be self-contained.
- c. If the PUD is to be phased and more than one (1) final plat is required, successive plats must be filed so that development activity shall be of a reasonable continuous nature, and shall adhere to the following:
 1. All public service facilities, major recreation facility or facilities, including open space, parks, nature areas or environmentally sensitive areas to serve the designated phase shall be platted prior to the platting

of more than the first twenty-five (25%) percent of the total permitted dwelling units or recreational vehicles. The above may be accomplished by phases. As each phase is approved, the public service facilities, recreation and environmentally sensitive areas within the proposed phase shall be dedicated to such public or private entity for such use.

*Consistency analysis: Per the Concept Plan, the proposed PUD will be completed in multiple phases and indicated on the Improvement Plan. This factor is **applicable**.*

2. Internal commercial areas shall not be platted prior to, but may be platted concurrent with, the platting of at least 25 percent of the total permitted dwelling units or recreational vehicles.

*Consistency analysis: This factor is **not applicable**.*

3. After rezoning to PUD district, no plat or building permit shall be issued by the County, and no development shall commence unless in conformance with the approved concept development plan.

*Consistency analysis: This factor is **applicable**.*

4. If no significant construction has begun or no use is established in the PUD within five years from the time of rezoning the site to PUD, the concept development plan shall lapse and be of no further effect. If a concept development plan lapses under the provisions of this section, the Board of County Commissioners may initiate a petition to rezone the said PUD to an appropriate zoning classification. No rezoning petition may be initiated until the County has provided the applicant with notice of its intent to rezone and further provided a 60-day period during which the applicant may begin construction and thereby cure the lapse. The Board may extend the PUD for two years provided the applicant can show good cause why said development cannot

proceed. There shall be no limit to the number of extensions that may be granted by the Board.

*Consistency analysis: This factor is **applicable**.*

5. After the original phase containing 25 percent of the total permitted dwelling units is approved and platted, subsequent phases containing areas of residential development shall not be approved for final plat until a minimum of 25 percent of the residential units have been developed and certificates of occupancy issued; provided, however, that the developer of the PUD shall be exempt from this provision if the developer:
 - (i) Enters into a long term road and drainage maintenance agreement with the County; or
 - (ii) Creates a community development district, special taxing district, property owners association or other acceptable legal entity that will assume ownership and maintenance responsibility of the road and drainage system.

*Consistency analysis: The PUD is proposed to be completed in multiple phases. The proposed phasing will be provided with the Improvement Plan. This factor is **applicable**.*

11. Preservation and Protection of Natural Historic or Archeological Features:
Every effort shall be made in the planning and development of the PUD District to preserve and protect desirable natural, historic or archaeological features of the site, including trees and other vegetation of consequence. Preliminary evidence from the appropriate agency shall be submitted with the application indicating potential impacts or areas to consider for more detailed study.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates,

*October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. No historic structures exist on this site. According to the Florida Division of Historical Resources, Cultural Resource Roster, a portion of the railroad is a linear resource. Future development of the site will provide setbacks and buffering consistent with the Land Development Code. Prior to the issuance of a "Notice to Proceed," the applicant must provide an Environmental Resource Permit. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

12. Utilities: It is intended that within the developed portions of a PUD District, all utilities, including telephone, television cable and electrical systems shall be installed underground, within approved utility easements, except that:
- a. Appurtenances to these systems more than four (4') feet in height and two (2') feet in diameter must be effectively screened;
 - b. Main or feeder lines may require overhead installation based on environmental or technical problems
 - c. Primary facilities providing service to the site of development or necessary to service areas outside the development shall be exempt from this requirement; and
 - d. In cases of overhead main or feeder lines, service laterals from the point of connection shall be underground to the structure or dwelling

*As the project goes thru more detailed plan submittals, these requirements will be addressed. This factor is **not applicable** at this development review phase.*

13. Connectivity: All proposed development shall consider internal and external connectivity. Connectivity is intended to provide alternative routes between uses and neighborhoods, and in turn, reducing travel time. All applications shall provide at least a minimum:

- a. Sidewalks along both sides of all arterial and collector roads and a minimum of one side along all local roads located within and adjacent to the proposed development. Proper connections (i.e. handicap accessibility) at intersections shall be included.

*Consistency analysis: SW Liverpool Road is a local road. No sidewalks are proposed along SW Liverpool Road. The PUD Concept Plan states that sidewalks are proposed on internal roadways. A 5' wide sidewalk is conditioned along the perimeter of the project along SW Liverpool Road. This factor is **applicable**.*

- b. Stub-outs to vacant land of similar development designation (future urban areas) shall be provided. Requests for waiver to this requirement may be considered based on agreements that internal roadways will remain private and portions of development are gated.

*Consistency analysis: The proposed PUD provides two inter-neighborhood ties to the Harbour Lakes PUD to the south. The Concept Plan states that all roads within the PUD will be privately owned and maintained. This factor is **applicable**.*

- c. Internal connections between uses to allow proper internal traffic flow shall be required.

*Consistency analysis: The proposed PUD provides two inter-neighborhood ties to the Harbour Lakes PUD to the south. The Concept Plan states that all roads within the PUD will be privately owned and maintained. This factor is **applicable**.*

F. Other PUD requirements. LDR Section 20-144(g) imposes additional requirements. LDR Section 20-144(g)(1) addresses the procedure for applying for Planned Unit Development zoning.

This section requires submission of a concept development plan that addresses 14 factors and supportive document that responds to four issues. The 14 factors and a response to those factors are shown below.

1. Location and size of the site including its legal description.

*Consistency analysis: The application includes a general location map, boundary survey, Property Identification Map, and legal description. Thus, the application can be found in **conformance** with this factor.*

2. An ownership and encumbrance report showing recorded ownership Interests including liens and encumbrances. If the applicant is not the owner, a statement of the developer's interest in the property and authorization from the owner for the PUD rezoning.

*Consistency analysis: An ownership and encumbrance report showing recorded ownership Interests was included with the application. Thus, the application can be found in **conformance** with this factor.*

3. Relationship of the site to existing development in the area, including streets, utilities, residential, commercial and industrial development, and physical features of the land including pertinent ecological features.

*Consistency analysis: The Concept Development Plan and general location map address the relationship of the site to existing development in the area and physical features of the land including pertinent ecological features. Thus, the application can be found in **conformance** with this factor.*

4. Density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.

*Consistency analysis: The Concept Development Plan displays the density for the development area. Tabulations by acreage and percentages are provided. Thus, the application can be found in **conformance** with this factor.*

5. Location, size and character of any common open space or preservation areas and the form of organization proposed to own and maintain any common open space.

*Consistency analysis: The Concept Development Plan displays the location, size, and character of the open space areas. Thus, the application can be found in **conformance** with this factor.*

6. Use and type of buildings, i.e., single-family detached, townhouses, garden apartments, medium rise or high rise, proposed for each portion of the area included within the Concept Development Plan.

*Consistency analysis: The Concept Development Plan and application narrative include development details and proposed building types (single family detached, single family attached, and townhomes). All uses are consistent with the Low Density Residential Future Land Use Category. Thus, the application can be found in **conformance** with this factor.*

7. Proposed method of providing required improvements such as streets, water supply, storm water management and sewage collection.

*Consistency analysis: The applicant's narrative provides details regarding required improvements. Thus, the application can be found in **conformance** with this factor.*

8. Provisions for the parking of vehicles and the function and location of vehicular and pedestrian system facilities.

*Consistency analysis: The Concept Plan shows the general location of the proposed amenity area and parking areas. All residential uses are proposed to have 2 parking spaces per unit. Thus, the application can be found in **conformance** with this factor.*

9. A plan for pedestrian and vehicular circulation showing the general locations, widths and recommended surface treatment of all major internal thoroughfares and pedestrian access ways, and diagrammatic traffic movement to, within and through the planned development unit.

*Consistency analysis: The Concept Development Plan indicates internal roadways within the PUD. Thus, the application can be found in **conformance** with this factor.*

10. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Passarella & Associates, October 2024) providing an inventory of vegetative communities and listed species. Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. Based upon the consultant's study, the applicant is not modifying the Conservation Overlay and no wetland impacts are proposed. Thus, the application can be found in **conformance** with this factor.*

11. In case of plans which call for development over a period of years or in phases, a schedule showing the times within which application for final approval of all sections of the planned unit development are intended to be filed.

*Consistency analysis: The plan is proposed to be developed in multiple phases. Phasing details will be provided with the Improvement Plan. Thus, the application can be found in **conformance** with this factor.*

12. Any additional data, plans or specifications as the applicant may believe is pertinent to the proposed planned unit development.

*Consistency analysis: No additional data is required and none was provided. Thus, the application can be found **in conformance** with this factor.*

13. A list of deviations with appropriate justifications or support evidence, which may include design safety standards, independent studies, professionally acceptable alternative design.

A list of deviations and justifications is included with the application. The requested deviations are included on the Concept Development Plan dated April 15, 2025.

- 1. Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.*
- 2. Deviation from Section 20-537(A)(5) to allow for each regular parking space to be not less than 9 feet in width and 18 feet in length.*
- 3. Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the "Florida Greenbook") as follows:*

<i>DESIGN SPEED</i>	<i>CENTERLINE RADIUS</i>
<i>15</i>	<i>50'</i>
<i>20</i>	<i>95'</i>
<i>25</i>	<i>180'</i>
<i>30</i>	<i>300'</i>

4. *Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.*
5. *Deviation from Section 20-600 to allow for a shared Type B Buffer along the southern property line with the Harbour lakes PUD.*
6. *Deviation from Section 20-505 to allow for a shared access points with the Harbour Lakes PUD along the southern property line.*

*Consistency analysis: The County staff reviewed the requests and had no objection. More detailed engineering review will be required with future site plan submittals. Thus, the application can be found **in conformance** with this factor.*

14. Data and analysis demonstrating preliminary compliance with designated level-of-service.

Consistency analysis: A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The PUD Concept Plan proposes one access point on SW Liverpool Road, a two-lane local street. The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. Two inter-neighborhood ties are proposed to the south with the adjacent Harbour Lakes PUD. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. More detailed transportation and access analysis will occur as the project goes thru future plan submittals. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17.

The project is within the County's utility service area and is required to connect. DeSoto County Utilities has indicated that

the applicant is currently working with DCU on a capacity reservation agreement. Capacity for this project cannot be guaranteed until the capacity reservation agreement is fully executed, and all fees have been paid.

*Based on the above findings, the application can be found in **conformance** with this factor.*

G. Section 20-144(g)(2) also requires that supportive documents address four factors. The factors and an analysis of those factors is shown below.

- a. A statement describing the character and intended use of the planned unit development, and indicating how and why the proposed project complies with the Comprehensive Plan of the County and the statement of purposes on planned unit development.

*Consistency analysis: The applicant provided a supportive document demonstrating compliance with the Comprehensive Plan. Thus, the application can be found in **conformance** with this factor.*

- b. A general description of the proposed development, including information as to:

- 1.Total acreage involved in the project. The Concept Development Plan shows the number of total number of acres.

*Consistency analysis: The Concept Development Plan includes the required information. Thus, the application can be found in **conformance** with this factor.*

- 2.The number and type of dwelling units involved and the corresponding overall project density in dwelling units per gross acre.

*Consistency analysis: The Concept Development Plan includes the required information. Thus, the application can be found in **conformance** with this factor.*

- 3) A list of proposed uses, both residential and non-residential.

*Consistency analysis: The application includes proposed uses. Thus, the application can be found in **conformance** with this factor.*

- 4) The minimum design standards reflected by the site plan for such features as lot shape and size, setbacks, internal streets and pedestrian ways, open space provisions, off-street parking, signs and landscaping.

*Consistency analysis: The Concept Development Plan displays the overall project size, layout, setbacks, open space, and buffers. Thus, the application can be found in **conformance** with this factor.*

- b. A proposed schedule of development which identifies the anticipated phase start and completion date, and the area and location of common open space to be provided at, or by said stage.

*Consistency analysis: The PUD is proposed to be completed in multiple phases. The proposed phasing will be provided with the Improvement Plan. Thus, the application can be found in **conformance** with this factor.*

- c. A statement indicating whether streets or roads (and pedestrian ways) shall be of private ownership and maintenance, public ownership and maintenance, or some other form of ownership.

*Consistency analysis: The concept plan states that all internal roadways will be private. Thus, the application can be found in **conformance** with this factor.*

G. Planning Commission/Board review criteria. LDR Subsection 20-144(h)(2) addresses the Concept Development Plan approval process and Paragraph 20-144(h)(2)2 requires Planning Commission review while Paragraph 20-144(2)(h)3 requires the Board of County Commission to consider the Concept Development Plan at a hearing and either grant approval or disapproval based on the same criteria used by the Planning Commission, these being whether the following criteria can be satisfied:

1. The proposed use or mix of uses is appropriate at the subject location.

*Consistency analysis: The subject property is in southwest DeSoto County, approximately 1.5 miles north of the Charlotte County line. The subject property is currently undeveloped pastureland. **Table 1** shows the existing land use pattern. The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north are single family residential homes. The Seminole Gulf Railway runs adjacent to the east of the subject property. The approved Harbour Lakes PUD (Ord. 2023-04) and a mobile home park are located to the east, across the railroad tracks. The parcel to the south is also a portion of the approved Harbour Lakes PUD development. To the west are single-family residential and vacant lands.*

The table illustrates that the surrounding uses are developing in a fashion consistent with the Low Density Future Land Use category. PUD zoned projects may establish their own specific height, bulk, setback, density, buffering, and other regulations for the zoning district to help to achieve compatibility between uses.

Based upon the project meeting the requirements found in the Land Development Code for setbacks, buffers, and open space, the proposed rezone and PUD Concept Plan mitigate any potential incompatibilities with the proposed use at this location. Based on the above findings, it

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

2. The recommended conditions to the concept development plan and other applicable regulations provide sufficient safeguards to the public interest.

*Consistency analysis: The proposed ordinance accompanying this Development Review Report recommends conditions which are intended to provide sufficient safeguards to protect the public interest. Thus, the application can be found in **conformance** with this requirement.*

3. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

*Consistency analysis: This Development Review Report documents why the conditions have been imposed and demonstrate that they are reasonably related to the impacts caused by the development in relation to the public interest. Thus, the application can be found in **conformance** with this requirement.*

H. Other PUD Regulations.

1. LDR Section 20-144(i) is in regard to improvement plan approval.

*The Development Director concludes this factor is **not applicable** to the rezoning application because a Concept Development Plan needs to be approved before an Improvement Plan can be submitted.*

I. Criteria for award of bonus density.

LDR Section 20-1626 establishes three criteria for the award of a density bonus: infrastructure improvements, quality of life, and development standard enhancements. The intent of bonus density/intensity is to allow an increase in a project's extent of development based on the applicant providing public

amenities and community improvements. LDR Section 20-1627 provides the Board shall determine whether and to what extent the requested bonus density implements the above criteria, which shall be considered equally and in their totality, is in the best interest of the public, and is consistent with related need assessments or findings. No one criteria or category of criteria shall outweigh all others, either for approval or denial. LDR Section 20-1627 also provides the Board may evaluate and base its decision on unique requests or additional improvements that are consistent with the intent of these categories for award of bonus density/intensity.

- a. *Infrastructure improvements* include off-site or on-site improvements which increase and reserve capacity for other uses or create efficiencies and reduce duplicative efforts in providing necessary infrastructure for the general public. Proposed improvements are those that provide a specific public benefit not otherwise required by the LDR. Improvements are those that are found or identified in the following documents:
 - The Comprehensive Plan, including specifically FLUE Policy 1.1.4;
 - A Capital Improvement Plan;
 - A local or regional transportation plan;
 - Any County Master Plan.

Applicant's proposed benefits: The applicant states in the Project Narrative that no off-site improvements are proposed at this time. Interconnectivity will be provided to the PUD to the south, as outlined in the application narrative.

Staff Analysis: The applicant is proposing 371 dwelling units on 124.07 acres. The subject parcels are located in a developing area with existing public infrastructure and plans to connect to DeSoto County Utilities. The site is located in the southwestern portion of the county, approximately 1.5 miles from the Charlotte County line.

The Concept Development Plan displays one point of access

onto SW Liverpool Road, a two-lane local road, with two inter-neighborhood ties proposed to connect to the approved Harbour Lakes PUD to the south. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., dated November 16, 2024). The traffic analysis that was performed concluded that the traffic levels at peak hours/peak direction on surrounding roadway network will result in a decrease in 768 daily trips compared to the existing RMF-6 zoning designation. No off-site improvements are proposed at this time for the project. More detailed transportation and access analysis will occur as the project goes thru future plan submittals. Future traffic studies will need to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17.

- b. *Quality of life* refers to the development and dedication of land and/or facilities, improvement of corridors and gateways, or enhancement and improvement of the ecological quality of natural resources. Environmental assessments identifying how and why the proposed improvements will meet these goals may be required by the County. Depending on the proposed facility, the County may require evidence of resources to ensure maintenance and management of the facility or resource. Improvements shall be those that implement or improve the following:
- (1) Economic development, including redevelopment;
 - (2) Conservation and enhancement of natural or scenic resources, including farmland;
 - (3) Protection of streams or water supply beyond those protections required by federal, state or local regulation;
 - (4) Enhancement of parks, forests, wildlife preserves, nature preserves or sanctuaries;
 - (5) Enhancement of recreational opportunities consistent with related master plan(s),

- Comprehensive Plan, Capital Improvement Plan, or corridor plan(s);
- (6) Implementation of gateway plans;
 - (7) Preservation of historic structures;
 - (8) Improvement in regionally connected and significant trail connectivity;
 - (9) Connectivity between developments with similar densities;
 - (10) Donation of land that provides a benefit to the public;
 - (11) Clustering of development and protection of environmentally sensitive areas beyond what is required by federal, state or local regulations.

Applicant's proposed benefits: The applicant states in the Project Narrative that the Liverpool PUD proposes two connection points along the southern boundary of the property which will allow interconnectivity between the property and the Harbour Lakes residential planned development approved to the south. The site is adjacent to several other approved or pending planned developments with similar density to what is proposed with the Liverpool

Planned Development. The Harbour Lakes Planned Development abuts the property to the south and east with an approved density of 3.32 du/acre. The Bridlewood Planned Development was approved just east of Highway 17 with an approved density of 3.5 du/acre. The Hudson Ranch Planned Development is pending approval with a proposed density of 2.28 du/acre. The proposed planned development is consistent with the surrounding development pattern and planned densities.

The proposed development clusters development around existing natural features located on the property and proposes no impacts to designated wetlands. There are 18.75 acres of wetlands onsite, which will not be impacted by the proposed development. The proposed development concept plan commits to 35.21 acres of open space while 30.62 acres are required, or 28.4% when 25% is required.

Staff analysis: The PUD proposes clustering development to preserve wetlands and 35.21 acres (28.4%) of open space. The project proposes a density of 2.99 du/ac and is adjacent to the approved Harbour Lakes PUD (Ord. 2023-04) to the south, which proposes a similar density of 3.31 du/ac and is in the process of Improvement Plan approval. Both Liverpool and Harbour Lakes propose two inter-neighborhood ties, providing connectivity between the two developments.

Approximately 18.75 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 19 acres of wetlands are preserved. The PUD Concept Development exceeds the required 25% open space, providing 28.4% (35.21 acres).

- c. *Development Standards.* Design standards related to the appearance and function of the proposed project, which create opportunities for diverse housing types, unique character and a sense of place, creative design. Improvements shall be those that implement or improve the following:

- (1) Mixed use housing types (examples), such as: single family (detached), multifamily (low/mid-rise), attached single family (townhouses, carriage homes) within development and phase boundaries;
- (2) Design features such as: neighborhood and historically relevant architectural styles, multimodal and complete street enhancements, architectural street lighting;
- (3) Affordable housing inclusion;
- (4) Pervious surface and long-term maintenance, reduction in run-off;
- (5) Water conservation.

Applicant's proposed benefits: The applicant states in the Project Narrative that the Liverpool PUD will include a mix of single-family housing types including both single-family attached and detached structures. The mixture of housing types will allow for greater accessibility in housing options for the community.

The proposed PUD is a downzoning from the current entitlements permitted with the current RMF-6 zoning designation. This downzoning will allow for a density better suited for the area, which primarily is comprised of lands with a Future Land Use designation of Low Density Residential as well as a product type that is more comparable to the surrounding development. In conclusion, the downzoning and exemplary site design which provides connectivity to surrounding residential development, preserves on-site natural resources, and provides a variety of housing types for County growth, is a suitable development to permit bonus density.

Staff analysis: *The application and concept plan indicate mixed use housing types within the proposed PUD: single-family detached, single-family attached, and townhome residential development types.*

Overall Staff Analysis: Land Development Regulations (LDR) Section 20-1627 provides that an applicant seeking approval of bonus density/intensity has the burden of proving based on competent substantial evidence that the development qualifies for bonus density/intensity and the extent to which bonus density/intensity shall be awarded. Most of the improvements identified are required by County, State, and Federal agencies. DeSoto County recognizes the zoning of properties that existed prior to the adoption of Ordinance 2016-15 on May 28, 2016. The property is currently zoned RMF-6, which could potentially develop at a maximum of 634 dwelling units (630 du's on uplands and 4 du's in the COD). The applicant is proposing 371 dwelling units, at a density of 2.99 du/ac. The requested density bonus is consistent with the maximum allowed by the Comprehensive Plan in the Low Density Residential future land use category. Therefore, the request for bonus density can be found consistent with the LDR.

J. Conditions and Safeguards. LDR Section 20-1499 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.

1. The Planning Commission may recommend that a rezoning application or an application to amend the LDR be approved subject to conditions and safeguards, including but not limited to limiting the use of the property to certain uses provided for in the requested zoning district.

Consistency analysis: The Planning Director finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the PUD zoning district to ensure compatibility between uses. Applications for Planned Unit Development (PUD) provide the Board with the ability to attach conditions to a project for unique situations, items that are needed outside of the standard requirements of the LDR, sometimes needed to allow the project to fit into the built environment.

Future development must conform to all required Federal, State, and County permitting requirements.

2. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment and may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed September 22, 2025 public hearing.

K. Public notice requirements. LDR Section 20-1502 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 Planning Director caused written notice of the hearings to be mailed to all property owners within 1000 ft and such notice is on file.

IV. ATTACHMENTS

Exhibit A: General Location Map

Exhibit B: Interim 2040 Future Land Use Map (FLUM), Excerpt

Exhibit C: Official Zoning District Atlas Amendment Development Order Application, Excerpt

Exhibit D: Concept Development Plan

Exhibit E: Proposed Ordinance

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Planning Director finds the subject property consists of a +/- 124.07-acre site located in southwest DeSoto County, on SW Liverpool Road in Arcadia, FL, approximately 1.5 miles north of the Charlotte County line.
- B. The Planning Director finds the Interim 2040 Future Land Use Map shows the property is designated Low Density Residential.
- C. The Planning Director finds the Official Zoning District Atlas shows the property is currently zoned Residential Multi-Family 6 (RMF-6).
- D. The Planning Director finds that on December 6, 2024 an Official Zoning District Atlas amendment application (RZNE-0061-2024) was filed by Tom Sacharski, AICP, as authorized agent for the owner, which proposed to change the zoning district to Planned Unit Development (PUD).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Planning Director found the filed application was submitted in writing and complete.
- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Planning Director finds the application was distributed to the DRC on December 9, 2024.

- G. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing, scheduled September 2, 2025.
- H. LDR Section 20-144(4)(2)3 requires that after the Planning Commission hearing, the application and staff report be forwarded to the Board for a public hearing. The application has been scheduled for the September 23, 2025 Board public hearing.
- I. LDR Section 20-1498(a) requires consistency with the Comprehensive Plan. The application has been reviewed against the Comprehensive Plan and it is concluded the application is consistent with the Comprehensive Plan.
- J. LDR Division 7 establishes an adoption process and the Planning Director concludes the application has been processed in conformance with the adoption process, as the application has been scheduled for Planning Commission and Board of County Commissioners public hearings.
- K. LDR Section 20-1498 also includes criteria that must be considered when reviewing the application. The Planning Director finds and concludes the application meets those requirements and can be approved by the Board of County Commissioners.
- L. The LDR establishes specific public notice requirements for an Official Zoning District Amendment Development Order Application. The Planning Director finds and concludes the application has been duly noticed in conformance with the public hearing requirements and public hearings have been scheduled before the Planning Commission and Board of County Commissioners.

VI. ALTERNATIVE ACTIONS

The DeSoto County Planning Commission/Local Planning Agency may take one of the following alternative actions:

- A. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and recommend to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance as presented.
- B. 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, and recommend to the Board of County Commissioner not adopt the proposed Ordinance.
- 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, and recommend to the Board of County Commissioners to adopt the proposed Ordinance.
- 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 Ordinance. Recommend to the Board of County Commissioners to table the proposed Ordinance for up to six months in order to allow the Planning Director time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. RECOMMENDED CONDITIONS FOR APPROVAL

- 1. The applicant shall enter into a capacity reservation agreement with the County facilitated through the DeSoto County Utilities department. Capacity for this project cannot be guaranteed until the capacity

reservation agreement is fully executed, and all fees have been paid. The capacity reservation agreement must be approved by the Board of County Commissioners prior to any construction of any on- or off-site utility improvements.

2. The applicant shall provide a traffic study with the Improvement Plan submittal to address turn lane needs and the effect of the project on the intersection of SW Liverpool Road and SW Highway 17. These off-site improvements design details and any required safety and operational analysis shall be provided with the Improvement Plan.
3. The applicant shall provide a Type A buffer at a minimum adjacent to the Seminole Gulf Railroad corridor to reduce potentially adverse impacts such as noise or appearance and illustrated on the Improvement Plan.
4. The applicant shall provide design details for the amenity center, including parking, landscaping, and lighting, with the Improvement Plan submittal.
5. The applicant shall illustrate on the Improvement Plan and construct a 5' wide sidewalk on the perimeter of the project on SW Liverpool Road prior to plat approval.
6. The applicant shall secure any SWFWMD Environmental Resource Permits and ACOE permits with the Improvement Plan.
7. The 6 deviations from the Code are approved as follows and shall be illustrated on the Improvement Plan:
 - (1) Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.
 - (2) Deviation from Section 20-537(A)(5) to allow for each regular parking space to be not less than 9 feet in width and 18 feet in length.
 - (3) Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the "Florida Greenbook") as follows:

DESIGN SPEED	CENTERLINE RADIUS
15	50'

20	95'
25	180'
30	300'

- (4) Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.
- (5) Deviation from Section 20-600 which requires a Type B buffer for residential uses adjacent to land designated, approved, or development with residential uses to allow for a shared Type B buffer between the Liverpool and Harbour Lakes PUDs.
- (6) Deviation from Section 20-505 which requires residential projects with more than 51 units to provide two points of access to a public right-of-way to allow for a shared access point with the Harbour Lakes PUD, to the south of the Liverpool project.

VIII. MOTIONS FOR CONSIDERATION

- A. Approval:** I move to adopt proposed Ordinance, (RZNE-0061-2024), approving the rezoning to PUD, with conditions, and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.
- B. Denial:** I move to deny the proposed Ordinance and application for rezoning to PUD (RZNE-0061-2024) and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.
- C. Planning Commission Recommendation.** The Planning Commission met on September 5, 2025 and recommended approval/denial by a vote of _____.
- D. Board action.** The Board public hearing dates is tentatively scheduled for

September 25, 2025 public hearing.