

DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE #: RZNE-0070-2025

REQUEST: Rezone from Agricultural - 5 (A-5) to Residential Single Family - 1 (RSF-1)

PROPERTY OWNER: Maria G. Mendieta Olvera
2563 SW Hillsborough Avenue
Arcadia, FL 34266

PROPERTY ID: 12-38-24-0000-0140-0000

PROPERTY ADDRESS: 2563 SW Hillsborough Ave., Arcadia, FL 34266

TOTAL PARCEL SIZE: ± 1.11 acres

FUTURE LAND USE DESIGNATION: Low Density Residential

OVERLAY DISTRICT: None

DEVELOPMENT REVIEW REPORT

The applicant has applied for an Official Zoning District Atlas Amendment application (RZNE-0070-2025) to rezone ±1.11 acres from Agricultural-5 (A-5) to Residential Single Family-1 (RSF-1).

The property is generally located in central DeSoto County, at 2563 SW Hillsborough Avenue, east of SW Highway 17. The DeSoto County Land Development Regulations 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 of County Commissioners (Board).

I. BACKGROUND

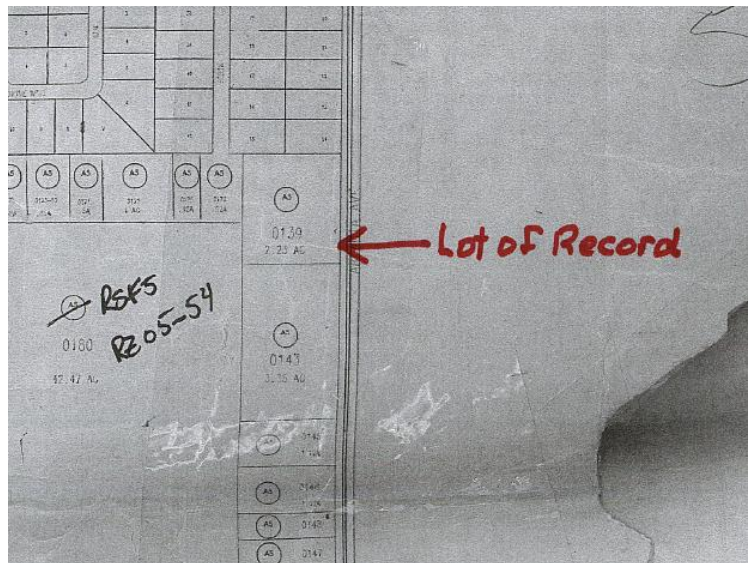
The application is a request to amend the Official Zoning District Atlas by changing the zoning district of ± 1.11 acres from Agricultural-5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family-1 (RSF-1), 1 dwelling unit per acre.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential, which allows up to 2 dwelling units per acre. Future Land Use Element Objective 1.4 defines the Low-Density Residential category., as follows: "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."

The Official Zoning District Atlas shows the property is located within the Agricultural-5 (A-5) zoning district. The rezone application states the applicant for this Official Zoning District Atlas amendment is Maria G. Mendieta Olvera.

The subject 1.1-acre parcel is a portion of a 2.23-acre Lot of Record; and while it is unclear when the Lot of Record was split in half, research on the Property Appraiser's website shows that it has been in the current configuration since April 11, 1994.

The Lot of Record was non-conforming to the A-5 district minimum lot area requirements and the non-conformity was increased when the parcel was split in half. Approval of the proposed rezoning will allow the parcel to comply with the minimum zoning standards of the RSF-1 district and eliminate the non-conformity for the subject parcel.



DeSoto County has an historical practice of requiring the issuance of a Zoning Letter prior to issuance of a Building Permit. The Zoning Letter confirms that a parcel has access, that the use is allowed, and the parcel meets the required dimensional standards; however, the practice does not include researching the history of the parcel creation and whether creation of the parcel was in conformance with subdivision regulations. In

alignment with this practice, approval of the RSF-1 zoning will allow the subject parcel to be eligible for a future building permit. The subject property is currently occupied with a single wide mobile home. The application narrative states an intent to build a single-family home.

II. PROPOSED ORDINANCE

An Ordinance of the Desoto County, Florida Board of County Commissioners, amending the Official Zoning Atlas for a +/- 1.11 acre parcel from Agricultural-5 (A-5) to Residential Single Family-1 (RSF-1) for property located at 2563 SW Hillsborough Avenue, Arcadia, the Property Identification Number being 12-38-24-0000-0140-0000; providing for an effective date.

III. DATA & ANALYSIS

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

LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas amendment (rezone) and LDR text amendment applications. LDR Section 20-1650 defines 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 Commissioners and certified and dated by the Chairman, as may be amended from time to time. Zoning District symbols are depicted within each boundary.

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

1. Initiation. 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.

*Consistency analysis: The Planning Director finds that on March 31, 2025, an Official Zoning District Atlas amendment application (RZNE-0070-2025) and fee were filed with the Development Department. The Planning Director finds the Official Zoning District Atlas amendment application executed by Maria G. Mendieta Olvera, as owner of the property. Based on the above findings, it is concluded the application **is in conformance** with this requirement.*

2. Filing requirements. 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.

Consistency analysis: The written Official Zoning District Atlas application and fees were filed with the Development Department on March 31, 2025.

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

B. The Planning Director review. “Development Director” and “Planning Director” shall be considered synonymous references in this staff report, as the LDR has not been updated to reflect the change of title. LDR Section 20-1497 addresses The Development 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.

*Consistency analysis: The Planning Director provided notice that the rezone application was found to be complete on May 1, 2025. The Planning Director finds that 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).

*Consistency analysis: The Planning Director finds the application package was distributed to DRC members after each filing. DRC Comments were issued on May 1, 2025. The Planning Director finds 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 Planning Department shall prepare a staff report and schedule review of the application at a public hearing by the Planning Commission.

*Consistency analysis: This Development Review Report was provided to the authorized agent for review and comment. The Planning Director finds the Development Department has processed 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 concludes it can be found to be consistent.

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
Low Density Residential	Residential - up to 2 dwelling units per acre

Consistency analysis: The property currently is designated Low Density Residential Land Use on the Future Land Use Map and the proposed rezone to RSF-1 is a consistent zoning category. ,If the rezone is approved, it will allow for a maximum density of 1 dwelling unit per acre (± 1.11 acres x 1 dwelling unit per acre = 1 dwelling unit maximum). The subject property is currently occupied with a single wide mobile home. The application narrative states an intent to build a single-family home.

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

FLUE Policy 1.1.9: Zoning District Application Table. The County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that implement current and future land use categories.

*Consistency analysis: The existing A-5 zoning district is consistent with the Low-Density Residential Future Land Use designation. The request to rezone to RSF-1 is also consistent with the Low-Density Residential Future Land Use designation, with conformance to policies 1.4.1 through 1.4.6 and Section 20-128 for Residential Single Family (RSF-1) District standards. Based on these findings, it is concluded the application **can be found to be consistent** with this policy.*

FLUE Policy 1.1.11: Rezoning: The zoning amendment criteria in the Land Development Regulations 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 rezoning review process has considered the location, availability and capacity of public services and facilities; the proximity to similar densities/intensities; the location within the transportation network; and environmental protection.

*The rezoning review has considered Section 20-128 Residential Single Family -1 District standards and the requirements therein. Based on these findings, it is concluded the application **can be found to be consistent** with this policy.*

FLUE Objective 1.4: Low Density Residential 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.

Consistency analysis: The proposed rezoning to RSF-1 can be found to be consistent with Objective 1.4, the Low-Density Residential Category, as defined.

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: The proposed rezoning to RSF-1 can be found to be generally consistent with Policy 1.4.2, as the parcel will be developed residentially at a low-density. The subject property is currently occupied with a single wide mobile home and is adjacent to and within an area of Low Density Residential designated land uses.

*The parcel is located in central DeSoto County, on SW Hillsborough Avenue. Abutting parcels have a Low-Density Residential future land use and A-5, RSF-2, and RSF-5 zoning and range from .44 acre to 70 acres. 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 to be consistent** with this Policy.*

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 subject parcel is 1.1 acre and located in central DeSoto County, on SW Hillsborough Avenue. Policy 1.4.3 requires a minimum density of 2 dwelling units per acre (du/ac), but conflicts with other policies in the Comprehensive Plan that require a maximum density of 2 du/ac. The application of a minimum density in the Low Density Residential category has been historically applied to land that has public utilities available for connection. DeSoto County does not have utilities available in this area, and therefore the subject parcel is not required to be developed at a minimum of 2 du/ac. Based on the above findings, it is concluded the application **can be found to be consistent** with this Policy.*

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: Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-1) District standards, including a maximum impervious lot coverage of 35%, which will be evaluated with a future zoning approval. Based on the above findings, it is concluded the application **can be found to be consistent** with this Policy.*

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 property is located outside of DCU's service area. The property will therefore not utilize central potable water or sanitary sewer. The Utilities Department has no comments regarding the proposed rezone to RSF-1. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals. A public drinking water permit will be required either from DOH, or DEP, if they are not connected to a municipal system. Based on the above findings, it is concluded the application **can be found to be consistent** 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."

Table 1 provides a description of the Future Land Use Categories, Zoning Districts, and specific types of land uses surrounding the subject parcel:

TABLE 1
USE COMPATIBILITY ANALYSIS

Directions	Future Land Use	Zoning District	Types of Land Uses
Site	Low Density Residential Use	A-5	Single-family residential (mobile home) (1.11 acre lot)
North	Low Density Residential Use	A-5	Single-family residential (mobile home) (1.12 acre lot)
South	Low Density Residential Use	RSF-2	Single-family residential (mobile home) (3.35 acre lot)
East	Low Density Residential Use	A-5	Pastureland (70 acre parcel)
West	Low Density Residential Use	RSF-5 & A-5	Pastureland (42.47 acre parcel) & Single-family residential (mobile home) (.52 acre lot)

Table 1 illustrates that the surrounding zoning and uses are consistent with the Low-Density Residential Future Land Use Category. The Land Development Code provides specific minimum lot area and lot width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the RSF-1 zoning district to help to achieve compatibility between uses. The site abuts SW Hillsborough Avenue with 165.23 feet of frontage.

*The proposed zoning generally aligns with the uses in the area and can be found to be an appropriate change that will be generally compatible with the area. The site abuts an existing public road, SW Hillsborough Avenue (major collector), which is 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 to be consistent with this Policy.***

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 outside of DCU's service area. The property will therefore not utilize central potable water or sanitary sewer. The Utilities Department has made no comments regarding the proposed rezone to RSF-1. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals. A public drinking water permit will be required either from DOH, or DEP, if they are not connected to a municipal system. Based on the above findings, it is concluded the application **can be found to be consistent** with this Policy.*

Transportation Element

Objective 1.1: Level of Service. The County shall adopt and adhere to 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: The rezone is located in central DeSoto County, on SW Hillsborough Avenue, a major collector. No Trip Generation or traffic impact analysis information was submitted with the application, nor is one

*required for the rezoning petition. Based on the above, it is concluded the application **can be found to be consistent with this policy.***

Policy 1.5.3: Analysis of FLUM and Zoning Amendments. The County's 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: The subject parcel of 1.1 acre will allow for replacement of the existing manufactured home with a single-family home, which will not negatively impact the LOS (Level of Service) standards. Based on the above, it is concluded the application **can be found to be consistent with this policy.***

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: Future construction may trigger the need for a permit from the Southwest Florida Water Management District (SWFWMD) or the Florida Department of Environmental Protection (FDEP). It will be the applicant's responsibility to verify any state requirements, prior to construction. Based on the above, it is concluded the application **can be found to be consistent with this policy, with conditions.***

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: Based upon DeSoto County GIS, the property does not contain the probability of wetlands or other environmentally sensitive areas. Should any wetlands be identified on site, it will be the applicant's responsibility to coordinate with the State of Florida on any required permits. Based on the above findings, it is concluded the application **can be found to be consistent** with this policy.*

Based upon the analysis above, the Planning Director concludes the rezoning application can be found to be consistent with the Comprehensive Plan.

2. The existing land use pattern.

Consistency analysis: The area is transitioning from agriculture to a rural residential/suburban agricultural development pattern. The subject property is currently occupied with a mobile home. The land use pattern will not be affected with approval of the RSF-1 zoning. The parcel is located in central DeSoto County SW Hillsborough Avenue, with residential parcels nearby and adjacent. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-1) District standards. Table 1 illustrates that the surrounding uses are consistent with the Low-Density Residential Future Land Use Category.

*The Land Development Code provides specific height, bulk, setback, density, buffering, and other regulations for the RSF-1 zoning district to help to achieve compatibility between uses. Any future land development must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The property is located in an area with similar residential uses and is subject to other requirements in the Land Development Code for setbacks, buffers, and open space. The proposed rezoning will not create an isolated district, as the area contains other low-density residential zoning. Based on the above findings, it can be concluded the application **is in conformance** with this factor.*

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: FLUE Policy 1.22.5 Concurrency Information/Data requires the County maintain a concurrency database and monitoring system. This is to ensure projects approved are subject to minimum criteria for public facilities requiring a concurrency determination 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. The change in zoning is not expected to change the existing single-family residential use of the property and therefore will not have a detrimental effect on public facilities. Based on the above findings it is concluded the application can be found to be in **conformance** with this factor.*

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

*Consistency analysis: The property is within a rural residential area with a majority of the surrounding properties zoned A-5. However, the proposed RSF-1 zoning district is generally more consistent with nearby uses. The proposed zoning aligns with the surrounding, existing uses and densities in the area. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The property is within a rural residential area with a majority of the surrounding properties zoned A-5. However, the proposed RSF-1 zoning district is generally more consistent with nearby uses and will eliminate the existing lot area non-conformity. The proposed zoning aligns with the surrounding, existing uses and densities in the area. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The property is within a rural residential area with a majority of the surrounding properties zoned A-5, and the rezoning will not adversely affect living conditions in the area. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

Consistency analysis: The proposed rezone is located SW Hillsborough Avenue, a major collector. The site will obtain access from SW Hillsborough Avenue.

*If approved, the RSF-1 zoning district will only allow 1 home on the property. There is currently a manufactured home on the property, and if replaced, will generate a similar amount of vehicle trips. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The rezone to RSF-1 will not negatively impact drainage in the area. The FEMA flood map for this area is number 12027C0186C, effective on 11/06/2013. Based upon the flood map, the site is in an area of minimal flood hazard - Zone X. Based on the above, it is concluded the application **can be found to be 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. A 1.1-acre parcel that is developed with a manufactured home, which may be replaced with a single-family home will not negatively reduce light and air to adjacent areas. Based on the above findings, it is concluded

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

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

*Consistency analysis: The Comprehensive Plan expressly permits residential uses in the Low-Density Residential land use designation and the standards in the RSF-1 zoning district have criteria to minimize impacts to adjacent uses. The existing zoning district surrounding the site is A-5 (undeveloped RSF-5 to west) and consistent with the agricultural and residential uses in the area. The proposed zoning will align with the property's proposed use. The RSF-1 zoning is consistent with the area development pattern and other uses on SW Hillsborough Avenue. Therefore, the proposed change should not adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The proposed change in zoning will allow one single-family home on the parcel. With the LDR standards for setbacks and open space, the proposed change should not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations. Based on the above finding, it is concluded the application **can be found to be 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: The proposed change does not grant a special privilege to an individual owner as compared to the public welfare. The Comprehensive Plan expressly permits residential uses in the Low-Density Residential land use designation and the standards in the RSF-1 zoning district have criteria to minimize impacts to adjacent uses. Based on the above findings, it is concluded the application **can be found to be 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 parcel is non-conforming to the minimum required lot area with the existing A-5 zoning. A rezone to RSF-1 will eliminate the non-conformity and allow the owner to apply for a building permit for a single-family home. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

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

*Consistency analysis: The proposed rezone to RSF-1 will not be out of scale with the surrounding area and is consistent with the transitional rural agricultural and low-density residential uses in proximity to the subject property. The LDRs provide specific regulations for the RSF-1 zoning district to ensure compatibility between uses. Based on the above, it is concluded the application **can be found to be in conformance** with this factor.*

In summary, the Planning Director finds the application is in conformance with the 15 factors for rezoning and, therefore, concludes the application can be found to be in conformance with LDR Section 20-1498(a).

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 approve or deny such rezoning or amendment.

Consistency analysis: The Planning Commission hearing is scheduled for October 7, followed by the Board of County Commissioners hearing on October 28, 2025.

- B. **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 application, Excerpt

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 ±1.11-acre site located in central DeSoto County, south of Highway 70, east of US Highway 17 off SW Hillsborough Avenue.
- 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 Agricultural-5 (A-5), 1 dwelling unit per 5 acres.
- D. The Planning Director finds that on March 25, 2025, an Official Zoning District Atlas amendment application (RZNE-0070-2025) was filed by the owner, Maria G. Mendieta Olvera, which proposes to change the zoning district to Residential Single Family-1 (RSF-1), 1 dwelling unit per acre.

- E. LDR Section 20-1345 requires the application to 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 May 1, 2025.
- G. LDR Section 20-1496(b) requires the Planning Commission to review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for October 7, 2025.
- H. 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 can be found to be consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process, and the Planning Director concludes the application has been processed in conformance with such and the application has been scheduled for Planning Commission and Board of County Commissioners public hearings.
- J. LDR Section 20-1498 also includes criteria that must be considered when reviewing the application. The Planning Director finds and concludes the application can be found to meet those requirements.
- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Planning Director finds and concludes the application has been noticed in conformance with the amendment 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. Approval:** Based upon the staff report, evidence presented, and comments made at the Public Hearing, the Planning Commission hereby finds the application to be CONSISTENT with the DeSoto County Comprehensive Plan and in compliance with

the applicable review standards of the Land Development Regulations, and move to recommend that the Board of County Commissioners ADOPT the Ordinance approving the Official Zoning District Atlas Amendment application, RZNE-0070-2025, for Maria G. Mendieta Olvera.

B. Denial: Based upon the staff report, evidence presented, and comments made at the Public Hearing, the Board hereby finds the application to be INCONSISTENT with the DeSoto County Comprehensive Plan and not in compliance with the applicable review standards of the Land Development Regulations, and move to recommend that the Board of County Commissioners DENY the Official Zoning District Atlas Amendment application, RZNE-0070-2025, for Maria G. Mendieta Olvera.

PUBLIC HEARING SCHEDULE

Planning Commission: October 7, 2025

Board of County Commissioners: October 28, 2025

Planning Commission recommendation.

Board action.