



DeSoto County Planning Commission Meeting Agenda

Tuesday, December 3, 2024

5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SET OR AMEND THE AGENDA

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication

[24-586](#)

Sponsors: Administrator

Attachments: [Legal Ad - Publisher Affidavit](#)
[Legal Ad - Proof of Publication](#)

MEETING MINUTES

2. Planning Commission Meeting Minutes

[24-587](#)

Sponsors: Administrator

Attachments: [09-03-2024 Planning Commission Meeting Minutes](#)
[10-01-2024 Planning Commission Meeting Minutes](#)
[11-07-2024 Planning Commission Meeting Minutes](#)

DEVELOPMENT DIRECTOR COMMENTS

ACTION ITEMS

3. Ordinance / Cody & Emma Fussell / RZNE-0058-2024 [24-588](#)

Sponsors: Administrator

Attachments: [2024-11-25 Fussell RZNE 0058 2024 staff report FINAL](#)

[Location Map](#)

[ZONING MAP](#)

[FLUM](#)

[2024-11-25 Fussell RZNE-0058-2024 Ord](#)

4. Resolution / Thomas Estates Major Plat / PLAT-0162-2024 [24-589](#)

Sponsors: Administrator

Attachments: [Staff Report Thomas Estates PLAT-0162-2024 for PC](#)

[Location Map](#)

[Zoning Map](#)

[FLUM](#)

[Thomas Estates Plat APP RH 11-05-24](#)

[2024-11-25 Plat Resolution-Thomas Estates PLAT-0162-2024](#)

PLANNING COMMISSION MEMBER REMARKS

NEXT MEETING

ADJOURNMENT

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

12/3/2024

Item #: 1.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Proof of Publication

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Proof of Publication

REQUESTED MOTION:

A motion to approve the Proof of Publication that ran Friday, November 22, 2024

SUMMARY:

Legal ad ran in the Your Sun newspaper on Friday, November 22, 2024 noticing the following application for public hearing. Rezone filed by Cody & Emma Fussell.



Ticket: 3944988-1
BOA Hearing 12.03
3x8.5 with map
Laura McClelland
Publish: 11/22/24
379254 3944990

**PUBLISHER’S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/22/24

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 22nd day of November, 2024

(Signature of Notary Public)



Personally known X OR Produced Identification



Gabrielle "Gabby" Petito posed at Monument Rocks, Kansas during a road trip in the summer of 2021 that she took with Brian Laundrie. Sometime in August, Laundrie killed Petito by choking her to death in a camp in Wyoming. It has been a year since Petito and Laundrie were involved in a police incident in Moab, Utah.



ASSOCIATED PRESS PHOTOS

Nichole Schmidt, mother of Gabby Petito, whose death on a cross-country trip has sparked a manhunt for her boyfriend Brian Laundrie, speaks alongside, from left, Tara Petito, stepmother, Joseph Petito, father, Richard Stafford, family attorney, and Jim Schmidt, stepfather, during a news conference, Sept. 28, 2021, in Bohemia, N.Y.

Petito/from A1

National Park in Wyoming. Authorities determined that she had been strangled.

Laundrie's remains were found a month later in a wildlife reserve near his parents' house in Florida. He died of a self-inflicted gunshot wound after writing in a notebook that he killed Petito.

An independent investigation found that Moab police made "several unintentional mistakes" when they encountered the couple. In their report investigators said Petito very likely "was a long-term victim of domestic violence, whether that be physically, mentally, and/or emotionally."

Her parents, Joseph Petito and Nichole Schmidt, sued Moab Police in November 2022, seeking \$50 million in damages.

Burton, their lawyer, said Wednesday that Gabby Petito called them during the interaction with police and they wanted her to come home, but she assured them police would take care of things. The attorney said the parents relied on the police to handle the situation but a "grossly negligent" investigation increased the chances of their daughter being harmed.



The law firm of Parker & McConkie, based in Utah, released a selfie taken by Gabby Petito after being attacked by Brian Laundrie.


Burton said officers placed Gabby Petito in a police car and sympathized with Laundrie, laughing with him, which could have emboldened him. He said one of the responding officers explained the risk of domestic violence,

showing he understood the situation but did not respond properly.

Mitchell Stephens, the attorney representing the Moab Police Department, argued for dismissal on the grounds of governmental immunity, while adding that allegations about Moab's involvement in her death are completely speculative.

He said the couple left Moab together and continued traveling. He cited multiple instances where courts have not found police at fault when domestic violence escalated to murder.

"Moab is not liable for criminal conduct that occurred a month later in a different state. Brian Laundrie is the cause of Gabby Petito's death," Stephens said.



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**CITY OF ARCADIA, FLORIDA
NOTICE OF PUBLIC HEARING**

CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2024 AT 6:00 PM

NOTICE IS HEREBY GIVEN THAT THE CITY OF ARCADIA, FLORIDA, CITY COUNCIL WILL HOLD A PUBLIC HEARING ON TUESDAY, DECEMBER 3, 2024, AT 6:00 PM IN THE MARGARET WAY BUILDING IN THE ARCADIA CITY COUNCIL CHAMBERS, 23 NORTH POLK AVENUE, ARCADIA, FLORIDA TO CONSIDER THE FOLLOWING:

RESOLUTION 2024-22

A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA, APPROVING A REQUEST TO OBTAIN SPECIAL APPROVAL TO OPERATE A BED AND BREAKFAST USE ON A +/-1.12-ACRE PROPERTY, COMPRISED OF TWO (2) PARCELS OF LAND WITH A ZONING OF R-4, SINGLE-FAMILY/TWO-FAMILY/MULTIPLE-FAMILY RESIDENTIAL, LOCATED AT 601 WEST OAK STREET, ARCADIA, FLORIDA 34266.

The location map below pertains to Resolution 2024-22



ANY INTERESTED PERSONS WHO FEEL THEY ARE AFFECTED BY THESE CHANGES ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND BE HEARD. ANY PERSON(S) WISHING TO VIEW RELEVANT INFORMATION IN ADVANCE OF THE PUBLIC HEARING MAY VIEW SAID DOCUMENTS AT THE CITY OF ARCADIA ADMINISTRATION OFFICE AT 23 NORTH POLK AVENUE, ARCADIA, FLORIDA BETWEEN THE HOURS OF 8 AM AND 5 PM, MONDAY THROUGH FRIDAY.

ANYONE WISHING TO APPEAL ANY DECISIONS MADE AT THESE HEARING WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

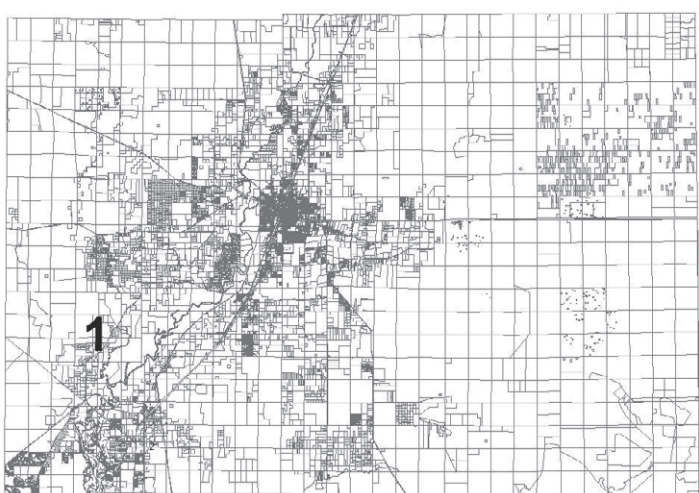
ANY PERSON WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE SHOULD CONTACT THE CITY CLERK PRIOR TO THE MEETING AT 863-494-4114.

NOTICE OF PUBLIC HEARING

The DeSoto County Board of Adjustment of DeSoto County, Florida will consider the adoption of a resolution regarding the below-described variance application. The resolution will be considered at regularly scheduled Public Hearing Meetings of the Board of Adjustment on the date listed and at the time listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the BoCC, you may need to arrange for a verbatim transcript to be prepared.

BOARD OF ADJUSTMENT: Tuesday, December 3, 2024 at 5:30 PM

- Resolution, John and Pauline Lipe (VAR-0003-2024)**
A RESOLUTION OF THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, DENYING / APPROVING / APPROVING WITH CONDITIONS, TO JOHN W. LIPE AND PAULINE E. LIPE A VARIANCE (VAR 0003-2024) TO REDUCE THE REQUIRED MINIMUM LOT SIZE FROM 10 ACRES TO 2.5 ACRES IN THE AGRICULTURE - 10 (A-10) ZONING DISTRICT FOR LAND LOCATED AT 9090 SW LIPE ROAD THE PROPERTY IDENTIFICATION NUMBER BEING 34-38-23-0000-0071-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.



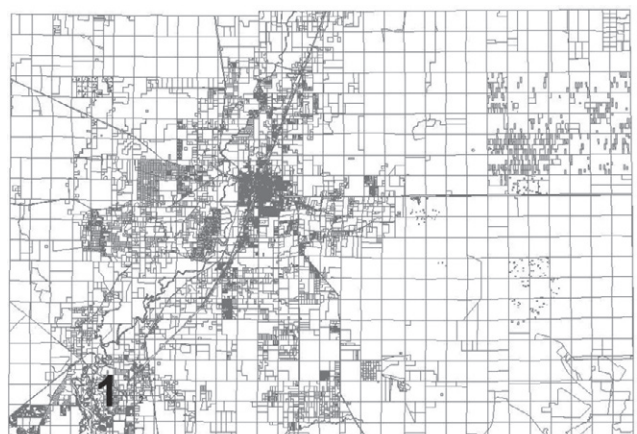
adno=3944988-1

NOTICE OF PUBLIC HEARING

The DeSoto County Planning Commission will consider recommending approval of the below-described matters to the DeSoto Board of County Commissioners (Board). The resolutions/ordinances will be considered at regularly scheduled Public Hearings/Meetings of the Planning Commission and Board of County Commissioners (Board) on the dates listed and at the times listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the Planning Commission or Board, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, December 3, 2024 at 5:30 PM
BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, December 17, 2024 at 6:30 PM

- Ordinance, Cody and Emma Fussell (RZNE-0058-2024) PC & Board**
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 OWNERS, CODY S. FUSSELL AND EMMA R. FUSSELL, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0058-2024) BY CHANGING THE ZONING DISTRICT OF 5 ACRES FROM AGRICULTURAL - 5 (A-5) TO RESIDENTIAL SINGLE FAMILY - 1 DWELLING UNIT PER ACRE (RSF-1), ON PROPERTY GENERALLY LOCATED IN SOUTHWEST DESOTO COUNTY, ON SW KISSIMMEE ROAD; THE PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0010-0000-0070 AND PROVIDING FOR AN EFFECTIVE DATE.



adno=3944989-1



DeSoto County

12/3/2024

Item #: 2.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Minutes

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:
Planning Commission Meeting Minutes

REQUESTED MOTION:
A motion to approve the Planning Commission meeting minutes from September 3, 2024, October 1, 2024, & November 7, 2024

SUMMARY:
Minutes for the Planning Commission meetings that were held on September 3, 2024, October 1, 2024, & November 7, 2024.

**Public Meeting of the DeSoto County Planning Commission
Held on Tuesday, September 3, 2024 at 5:30 PM
In the County Commissioners' meeting room
Arcadia, Florida**

I. CALL TO ORDER

The Planning Commission meeting was held on Tuesday, September 3, 2024 at 201 E. Oak St. Arcadia FL 34266 in the Board of County Commission Chambers. It began at 5:30 and was presided over by Vice-Chairperson, Brian Young.

II. PLEDGE OF ALLEGIANCE

Vice-Chairperson, Brian Young led the Planning Commission in the pledge of allegiance.

III. ROLL CALL

Laura McClelland called role and the following persons were in attendance:

Members in Attendance

Vice-Chairperson, Brian Young
Commissioner, Erik Howard
Commissioner, Jami Schueneman
Commissioner, George Davis
Commissioner, Roger Lowe

Others in Attendance

County Attorney, Barrie Buenaventura
Planning Director, Misty Servia
Planner I, Laura McClelland
Associate Planner, Tara Wilson

A quorum was present

Members not in Attendance

Chairperson, Bill Martin

IV. SET OR AMEND THE AGENDA

Vice-Chairperson, Brian Young requested a motion to set or amend the agenda. Planning Director, Misty Servia requested an amendment to the agenda placing the rezone application for Michele Weed to be the first case. Commissioner, Erik Howard moved to amend and set the agenda with the Weed rezone going first, which was seconded by Commissioner, Jami Schueneman. Motion carried unanimously.

V. PUBLIC FORUM FOR NON-AGENDA ITEMS

Vice-Chairperson, Brian Young opened the floor to the public so that they could address the Planning Commission on any non-agenda items. There being no public comments, the Chairperson closed the public forum and moved to the next agenda item.

VI. PROOF OF PUBLICATION

Vice-Chairperson, Brian Young requested a motion to approve proof of publication. Commissioner, George Davis moved to approve, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

VII. PLANNING COMMISSION MEETING MINUTES

Vice-Chairperson, Brian Young requested a motion to approve the meeting minutes from the June 4, 2024 Planning Commission meeting. Commissioner, Jami Schueneman moved to approve, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

VIII. PLANNING DIRECTOR COMMENTS

Planning Director Misty Servia introduced herself as the new Planning Director for DeSoto County.

IX. ACTION ITEMS

- A. County Attorney, Barrie Buenaventura announced the Quasi-Judicial hearings, and Laura McClelland administered the oath to those that wanted to speak.
- B. Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0054-2024 for Michele Weed. The request is to change the zoning district from Agricultural 5 (A-5) to Residential Single Family (RSF-1).

The applicant Michele Weed was present and available for questions.

A neighboring resident was present and questioned the potential size of the lots and how many homes could potentially be built.

Planning Director, Misty Servia answered questions brought up by the public and Board.

Vice-Chairperson, Brian Young requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued.

Vice-Chairperson, Brian Young requested a motion to approve or deny the rezone application. Commissioner, Erik Howard moved to approve, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

- C. Planning Director, Misty Servia gave a presentation for the transmittal of a Comprehensive Plan Future Land Use Map Amendment, COMP-0008-2023 for

Hudson Land & Cattle LLC. The request is to amend the map designation from Employment Center to Medium Density Residential.

The applicant's agent gave a presentation, she and her team were available for questions.

Planning Director, Misty Servia was available to answer questions.

Vice-Chairperson, Brian Young requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued.

Vice-Chairperson, Brian Young requested a motion to approve or deny the Transmittal of the Comp Plan Amendment. Commissioner, George Davis moved to deny, which was seconded by Commissioner, Roger Lowe. Motion carried 4-1.

- D.** Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0047-2023 for Hudson Land & Cattle LLC. The request is to change the zoning district from Industrial Light (IL) and Industrial Heavy (IH) to a Planned Unit Development (PUD).

The applicant's agent gave a presentation, she and her team were available for questions.

Planning Director, Misty Servia was available to answer questions.

Vice-Chairperson, Brian Young requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Jami Schueneman. Motion carried unanimously.

Board discussion ensued.

County Attorney, Barrie Buenaventura mentioned to the board to keep in mind the rezone application was contingent of the comprehensive plan amendment approval.

Vice-Chairperson, Brian Young requested a motion to approve or deny the rezone application. Commissioner, Jami Schueneman moved to approve with the added statement; This Ordinance shall take effect only if the Comprehensive Plan Map amendment, Comp-0008-2023, amending the Future Land Use Map designation for 502.47± acres owned by Hudson Land & Cattle LLC, Larry Hudson, and Sylvia Hudson, located in southwest DeSoto County, north of

Charlotte County is adopted with finality, which was seconded by Commissioner, Erik Howard. Motion carried unanimously.

- E. Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0053-2024 for MHC Riverside II LLC. The request is to modify the existing PUD to allow for a maximum of 467 manufactured home lots, 330 RV sites, supporting amenities, and associated infrastructure. The previous PUD approval was for a 1,058 unit single-family and multi-family community.

The applicant's agent gave a presentation, she and her team were available for questions.

Planning Director, Misty Servia was available to answer questions.

Many neighboring residents expressed concerns of increased traffic, flooding, earthwork being done in wetland areas, and privacy concerns, questioning the type of buffer that would separate the RV Park and their properties.

The applicant's agent and team answered questions and concerns for the neighboring residents and the Board. They stated they had no objections to stronger buffers between the RV Park and the abutting residential properties.

Vice-Chairperson, Brian Young requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, George Davis. Motion carried unanimously.

Board discussion ensued.

Commissioner, Erik Howard made a motion to table the agenda item to the October 1, 2024 Planning Commission meeting to allow the applicants agent to modify the buffer plans, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

X. DISCUSSION ITEMS

None

XI. INFORMATION ITEMS

None

XII. PLANNING COMMISSION MEMBER REMARKS

None

XIII. ADJOURNMENT

10:48 pm

**PLANNING COMMISSION
DESOTO COUNTY, FLORIDA**

By: _____
Brian Young, Vice-Chairperson

_____ Date

**Public Meeting of the DeSoto County Planning Commission
Held on Tuesday, October 1, 2024 at 5:30 PM
In the County Commissioners' meeting room
Arcadia, Florida**

I. CALL TO ORDER

The Planning Commission meeting was held on Tuesday, October 1, 2024 at 201 E. Oak St. Arcadia FL 34266 in the Board of County Commission Chambers. It began at 5:30 and was presided over by Chairperson, Bill Martin.

II. PLEDGE OF ALLEGIANCE

Chairperson, Bill Martin led the Planning Commission in the pledge of allegiance.

III. ROLL CALL

Laura McClelland called role and the following persons were in attendance:

Members in Attendance

Chairperson, Bill Martin
Vice-Chairperson, Brian Young
Commissioner, Erik Howard
Commissioner, Jami Schueneman
Commissioner, George Davis
Commissioner, Roger Lowe

Others in Attendance

County Attorney, Barrie Buenaventura
Planning Director, Misty Servia
Planner I, Laura McClelland
Associate Planner, Tara Wilson

A quorum was present

IV. SET OR AMEND THE AGENDA

Chairperson, Bill Martin requested a motion to set or amend the agenda. Commissioner, Erik Howard moved to set the agenda amending the order hearing agenda item 8 for Riverside RV first, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

V. PUBLIC FORUM FOR NON-AGENDA ITEMS

Chairperson, Bill Martin opened the floor to the public so that they could address the Planning Commission on any non-agenda items. There being no public comments, the Chairperson closed the public forum and moved to the next agenda item.

VI. PROOF OF PUBLICATION

Chairperson, Bill Martin requested a motion to approve proof of publication. Commissioner, George Davis moved to approve, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

VII. PLANNING COMMISSION MEETING MINUTES

None

VIII. PLANNING DIRECTOR COMMENTS

Planning Director, Misty Servia announced the November Planning Commission meeting date has been changed from Tuesday, November 5th to Thursday, November 7th due to the election.

She also asked the opinion of the Board on the agenda books, if the Board liked the books or for us to look into some sort of digital form.

IX. ACTION ITEMS

- A. County Attorney, Barrie Buenaventura announced the Quasi-Judicial hearings, and Laura McClelland administered the oath to those that wanted to speak.

- B. Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0053-2024 for Riverside RV. The request is to modify the existing PUD of fourteen contiguous parcels totaling 303.74 acres to allow for a maximum of 467 manufacture home lots, 330 RV sites, supporting amenities, and associated infrastructure.

The applicant's agent was present and gave their presentation. They were available for questions.

Discussion ensued.

Many neighboring residents expressed concerns of increased traffic, flooding, earthwork being done in wetland areas, and privacy concerns, questioning the type of buffer that would separate the RV Park and their properties.

Chairperson, Bill Martin requested a motion to close public comment. Commissioner, Jami Schueneman moved to close public comment, which was seconded by Commissioner, George Davis. Motion carried unanimously.

The applicant's agent rebutted questions and comments.

Planning Director, Misty Servia rebutted.

Chairperson, Bill Martin requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued. Commissioner, Roger Lowe has recused himself from voting on this agenda item due to being a property owner in that area.

Chairperson, Bill Martin requested a motion to approve or deny the rezone application. Commissioner, Erik Howard moved to approve with modifications, which was seconded by Commissioner, George Davis. Motion carried unanimously.

- C. Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0056-2024 for Lucky and Wendy Muse. The request is to change the zoning district of 10 acres from Agricultural-5 (A-5) to Residential Single Family – 1 (RSF-1).

The applicant's agent gave a presentation, and was available for questions.

A few neighboring residents had questions and concerns.

The applicant's agent rebutted questions and comments.

Planning Director, Misty Servia rebutted.

Commissioner, Erik Howard moved to close the public hearing, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued.

Chairperson, Bill Martin requested a motion to approve or deny. Commissioner, Roger Lowe moved to deny, which was seconded by Commissioner, Erik Howard. Motion carried 5-1.

- D. Planning Director, Misty Servia stated this presentation is for one project that consists of three applications for Eugene H. Turner & Son, Inc. The first presentation is for the transmittal of a Comprehensive Plan Future Land Use Map Amendment, COMP-00010-2024, to amend the map designation from Low Density Residential to Rural Agricultural.

The applicant's agent gave a presentation and was available for questions.

Commissioner, Erik Howard moved to close the public hearing, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued.

Commissioner, Erik Howard moved to approve the transmittal of the Comprehensive Plan Future Land Use Map Amendment, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

- E.** Planning Director, Misty Servia gave a presentation for the next two applications for Eugene H. Turner & Son, Inc. for a Special Exception, USE-0157-2023, to allow for excavation and a Type III Excavation, USE-0158-2023. She stated although she has combined the presentation, the applications must be voted on individually.

The applicant's agent gave a presentation and was available for questions.

Discussion ensued.

Commissioner, Erik Howard moved to close the public hearing, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Commissioner, Erik Howard moved to approve the application for the Special Exception USE-0157-2023, which was seconded by Commissioner, Roger Lowe. Motion carried 4-2.

Commissioner, Erik Howard moved to approve the application for the Type III Excavation USE-0158-2023, which was seconded by Commissioner, Roger Lowe. Motion carried 4-2.

- F.** Planning Director, Misty Servia gave a presentation for the transmittal of a Comprehensive Plan Future Land Use Map Amendment, COMP-0009-2024 for CEB Management Services, LLC. The request is to amend the map designation from Low Density Residential to Commercial.

The applicant's agent was available for questions.

Chairperson, Bill Martin requested a motion to close the public hearing. Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Roger Lowe. Motion carried unanimously.

Board discussion ensued.

Chairperson, Bill Martin requested a motion to approve or deny the rezone application. Commissioner, Erik Howard moved to approve, which was seconded by Commissioner, Brian Young. Motion carried unanimously.

- G.** Planning Director, Misty Servia gave a presentation for a rezone, RZNE-0009-2024 for CEB Management Services, LLC. The request is to change the zoning district on two parcels from Agricultural – 10 (A-10) and Commercial Neighborhood (CN) to Commercial General (CG)

The applicant's agent was available for questions.

Commissioner, Erik Howard moved to close the public hearing, which was seconded by Commissioner, George Davis. Motion carried unanimously.

Board discussion ensued.

Commissioner, Erik Howard moved to approve the rezone, which was seconded by Commissioner, Brian Young. Motion carried unanimously.

X. DISCUSSION ITEMS

None

XI. INFORMATION ITEMS

None

XII. PLANNING COMMISSION MEMBER REMARKS

None

XIII. ADJOURNMENT

9:44 pm

**PLANNING COMMISSION
DESOTO COUNTY, FLORIDA**

By: _____
Bill Martin, Chairperson

_____ Date

**Public Meeting of the DeSoto County Planning Commission
Held on Thursday, November 7, 2024 at 5:30 PM
In the County Commissioners' meeting room
Arcadia, Florida**

I. CALL TO ORDER

The Planning Commission meeting was held on Thursday, November 7, 2024 at 201 E. Oak St. Arcadia FL 34266 in the Board of County Commission Chambers. It began at 5:30 and was presided over by Chairperson, Bill Martin.

II. PLEDGE OF ALLEGIANCE

Chairperson, Bill Martin led the Planning Commission in the pledge of allegiance.

III. ROLL CALL

Laura McClelland called role and the following persons were in attendance:

Members in Attendance

Chairperson, Bill Martin
Vice-Chairperson, Brian Young
Commissioner, Erik Howard
Commissioner, Jami Schueneman

Others in Attendance

County Attorney, Don Conn
Planning Director, Misty Servia
Planner I, Laura McClelland
Associate Planner, Tara Wilson

A quorum was present

IV. SET OR AMEND THE AGENDA

Chairperson, Bill Martin requested a motion to set or amend the agenda. Commissioner, Jami Schueneman moved to set the agenda, which was seconded by Commissioner, Brian Young. Motion carried unanimously.

V. PUBLIC FORUM FOR NON-AGENDA ITEMS

Chairperson, Bill Martin opened the floor to the public so that they could address the Planning Commission on any non-agenda items. There being no public comments, the Chairperson closed the public forum and moved to the next agenda item.

VI. PROOF OF PUBLICATION

Chairperson, Bill Martin requested a motion to approve proof of publication. Commissioner, Brian Young moved to approve, which was seconded by Commissioner, Jami Schueneman. Motion carried unanimously.

VII. PLANNING COMMISSION MEETING MINUTES

None

VIII. PLANNING DIRECTOR COMMENTS

Planning Director, Misty Servia introduced the new County Attorney, Valerie Vicente.

She also reminded the Board the books available for pick up approximately a week prior to the PC meeting.

Requested when the motions are made and seconded that the chair announce the commissioners so there is no question when minutes are being prepared. The Planning Commission meeting date calendar will be handed out at the next meeting.

IX. ACTION ITEMS

- A. County Attorney, Donn Conn announced the Quasi-Judicial hearings, and Laura McClelland administered the oath to those that wanted to speak.

- B. Planning Director, Misty Servia gave a presentation for a Special Exception, USE-0186-2024 for T & T Environmental, LLC. The request is to allow within the Agricultural - 10 (A-10) zoning district, a composting / mulch facility on a 357.04-acre property located on SW Highway 72.
The applicant agent was present and gave their presentation. They were available for questions.

Many neighboring residents expressed concerns of increased heavy truck traffic, smells of the compost, and the size of the special exception area. One of the neighboring property owners did state her property is right beside the grove, and there is no odor coming from the site.

The applicant rebutted questions and comments.

Commissioner, Erik Howard moved to close public comment, which was seconded by Commissioner, Brian Young. Motion carried unanimously.

Board discussion.

Commissioner, Erik Howard moved to approve with and added condition the grinding of materials for mulch and the storage of said mulch shall only occur on the northern portion of the property, which was seconded by Commissioner, Brian Young. Motion carried unanimously.

- C. Planning Director, Misty Servia presented the last two cases together mentioning they will need separate motions. These are both County initiated applications. The first is for the transmittal of a Comprehensive Plan Future Land Use Map Amendment, (COMP-0011-2024) for proposed amendments to the DeSoto County Comprehensive Plan related to existing Commercial General (CG) and ROI (Retail, Office, Institutional) zoned areas with Low Density Residential Future

Land Use Designations. These CG and ROI areas currently exist in Low Density Residential areas without the land use providing any guidance outside of large-scale PUD zoned projects. The following clarifies the type of non-residential development and what Floor-Area-Ratio (FAR) could be permitted in those areas. The second is for proposed amendments to the DeSoto County Land Development Regulation, (LDR-0009-2024) related to existing non-residential zoned properties within the Low Density Residential Future Land Use Map category. These proposed amendments are to provide clarity to the County and property owners of what can be developed on these sites. This amendment is accompanied by a text amendment to the Comprehensive Plan.

Planning Director, Misty Servia was available for questions.

Chairperson, Bill Martin requested a motion to approve or deny the transmittal of the Comprehensive Plan Future Land Use Map Amendment. Commissioner, Erik Howard moved to deny stating he feels the Comprehensive Plan should be amended all at once, not “piece milled”, no second, motion dies.

Chairperson, Bill Martin requested a new motion to approve or deny the transmittal of the Comprehensive Plan Future Land Use Map Amendment. Commissioner, Jami Schueneman moved to approve as written, which was seconded by Commissioner, Brian Young. Motion carried 3-1.

Chairperson, Bill Martin requested a new motion to approve or deny the proposed amendments to the DeSoto County Land Development Regulations. Commissioner, Jami Schueneman moved to approve striking from the definition “in a controlled access and fenced compound”, which was seconded by Commissioner, Brian Young. Motion carried 3-1.

X. DISCUSSION ITEMS

None

XI. INFORMATION ITEMS

None

XII. PLANNING COMMISSION MEMBER REMARKS

None

XIII. ADJOURNMENT

6:37 pm

**PLANNING COMMISSION
DESOTO COUNTY, FLORIDA**

By: _____
Bill Martin, Chairperson

Date



DeSoto County

12/3/2024

Item #: 3.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Ordinance

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Ordinance / Cody & Emma Fussell / RZNE-0058-2024

REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed ordinance.

SUMMARY:

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0058-2024) filed by the Owners, Cody S. Fussell & Emma R. Fussell, to change the zoning district of +/- 5 acres from Agricultural - 5 (A-5) to Residential Single Family - 1 (RSF-1).

BACKGROUND:

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

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category.

The Official Zoning District Atlas shows the property is located within the Agricultural - 5 (A-5) zoning district. The General Development Order application states the Owner/Applicant for this Official Zoning District Atlas amendment is Cody S. Fussell and Emma R. Fussell. The application proposes to change the zoning of +/- 5 acres of land

ITEM #: 3.

from Agricultural - 5 (A-5) to Residential Single Family -1 dwelling units per acre (RSF-1).

The parcel is identified by the DeSoto County Property Appraiser as being lot 7 of Greene Acres of Lettuce Lake subdivision, approved and platted May 28, 2024.



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE #: RZNE-0058-2024

REQUEST: Rezoning - Agricultural - 5 (A-5) to Residential Single Family - 1 (RSF-1) located at SW King Street, Arcadia, FL 34266

PROPERTY OWNER: Cody S. Fussell & Emma R. Fussell
7103 SW Lark Dr., Arcadia, FL 34269

APPLICANT: same as above

ATTORNEY: N/A

PROPERTY ID: 23-39-23-0010-0000-0070

TOTAL PARCEL SIZE: +/- 5 acres

FUTURE LAND USE DESIGNATION: Low Density Residential

OVERLAY DISTRICTS: Conservation Overlay District (partial)

ZONING: Existing Agricultural - 5 (A-5) to Residential Single Family – 1 proposed

DEVELOPMENT REVIEW REPORT

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0058-2024) filed by the Owners, Cody S. Fussell & Emma R. Fussell (“Owners”), to change the zoning district of a parcel (+/- 5 acres) from Agricultural – 5 (A-5) to Residential Single Family - 1 (RSF-1).

The property is generally located in southwest DeSoto County, on SW Kissimmee Road, south of County Road 761. 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 a parcel (+/- 5 acres) from Agricultural – 5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family -1 dwelling unit per acre (RSF-1) in the Low Density Residential land use.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category. A portion of the parcel is within the Conservation Overlay.

The Official Zoning District Atlas shows the property is located within the Agricultural – 5 (A-5) zoning district. The General Development Order application states the Owners/Applicants for this Official Zoning District Atlas amendment are Cody S. Fussell and Emma R. Fussell. The application proposes to change the zoning of +/- 5 acres of land from Agricultural – 5 (A-5) to Residential Single Family -1 dwelling units per acre (RSF-1).

The parcel is identified by the DeSoto County Property Appraiser as being Lot 7 of Greene Acres of Lettuce Lake Subdivision, approved and platted May 28, 2024.

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 Owners, Cody S. Fussell and Emma R. Fussell, an

Official Zoning District Atlas amendment (RZNE-0058-2024) by changing the zoning district of +/- 5 acres from Agricultural – 5 (A-5) to Residential Single Family - 1 dwelling unit per acre (RSF-1), on property generally located in southwest DeSoto County, on SW Kissimmee Road, Arcadia, further described as Lot 7 of the Greene Acres Lettuce Lake Subdivision; the Property Identification Number being 23-39-23-0010-0000-0070 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's and the Comprehensive Plan. LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas (rezoning) amendment 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 (2) 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.

*The Planning Director finds that on August 6, 2024, a General Development Order application and an Official Zoning District Atlas amendment application (RZNE-0058-2024) and fee were filed with the Development Department. The Planning Director finds the General Development Order application was executed by the property owner. Based on the above findings, it is concluded the application can be found to be 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.

The written General Development Order application and Official Zoning District Atlas application and fees were filed with the Development Department on August 6, 2024.

*Based on the above findings, the Planning Director concludes the application can be found to be **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 Development 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 Development 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 Development Director provided notice that the rezone application was complete on August 8, 2024. The Development 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 Development Director shall distribute the application for review by the Development Review Committee (DRC).

*The Development Director finds the application package was distributed to DRC members after each filing. DRC Comments were issued on October 1, 2024 and are attached to this Development Review Report. Thus, the Development 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 Development Department shall prepare a staff report and schedule review of the application at a public hearing by the Planning Commission.

*This Development Review Report was provided to the authorized agent of the Owners and scheduled for review of the application at a public hearing by the Planning Commission. Thus, the Development 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.

The Development 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
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 allows a maximum density of 1 dwelling unit per acre (+/- 5 acres x 1 dwelling unit per acre = 5 dwelling units maximum). The subject property is currently vacant.

The applicant is simultaneously processing a Minor Plat application (PLAT-0178-2024) for the property.

*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. The site is located in the southwest portion of the county and the following residential supporting services are the following approximate distances:

- *DeSoto County Sheriff's Office - 14 miles (offices)*
- *DeSoto County Fire Station #2 – 2.2 miles*
- *DeSoto County Library – 13.9 miles*
- *Nocatee Elementary School – 9.5 miles*
- *DeSoto Middle School – 14.7 miles*
- *DeSoto County High School – 15.4 miles*
- *Fort Ogden Park - 3 miles*
- *Deep Creek Preserve – 5.4 miles*

- *DeSoto Memorial Hospital - 14.8 miles*
- *HCA Florida Fawcett Hospital – 13.1 miles (Port Charlotte)*

The subject parcel is located in general proximity to zoning that allows similar density.

The site is Lot 7 of Greene Acres Lettuce Lake Subdivision and is surrounded by land zoned A-5, with the exception of the property located across SW Kissimmee Road to the west, which is zoned RMF – 6 (Residential Multi-Family – 6).

The site has access to the transportation network with frontage on SW Kissimmee Road.

*Based on these findings, it can be found that the application is **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.

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

Consistency analysis: The proposed rezoning to RSF-1 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently vacant and is adjacent to and within an area of Low Density Residential designated land uses to the north, east and west with Rural/Agricultural to the south.

The parcel is located in southwest DeSoto County, on SW Kissimmee Road, southwest of County Road 761. Abutting parcels have a Low

Density Residential future land use. Abutting parcels to the north, south, and west are zoned A-5 and are vacant and pastureland. The parcels to the north and west are lots between 5 and 8 acres, part of Greene Acres of Lettuce Lake subdivision.

The abutting parcel to the east, across SW Kissimmee Road, has Low Density Residential future land use and is zoned RMF-6 (Residential Multi-Family district, 6 units per acre).

Rezoning the parcel to the RSF-1 Future Land Use Category can be found to be generally consistent with progressive degrees of urban intensity with the lot sizes and development patterns in the surrounding area. 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 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: The proposed rezoning to RSF-1 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently vacant and is adjacent to and within an area of Low Density Residential designated land uses.

The parcel is located in southwest DeSoto County, on SW Kissimmee Road, south of County Road 761. Abutting parcels have a Low Density Residential future land use. Abutting parcels to the north, south, and west are zoned A-5 and are vacant and pastureland. The parcels to the north and west are lots between 5 and 8 acres, part of Greene Acres of Lettuce Lake subdivision.

The abutting parcel to the east, across SW Kissimmee Road, has Low Density Residential future land use and is zoned RMF-6 (Residential Multi-Family district, 6 units per acre).

Rezoning the parcel to the RSF-1 Future Land Use Category is generally consistent with progressive degrees of urban intensity with the lot sizes in the surrounding area.

*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 parcel is located in southwest DeSoto County, on SW Kissimmee Road, south of County Road 761. Abutting parcels to the north, south, and west are zoned A-5 and are vacant and pastureland. The parcels to the north and west are lots between 5 and 8 acres, part of Greene Acres of Lettuce Lake subdivision.

The abutting parcel to the east, across SW Kissimmee Road, has Low Density Residential future land use and is zoned RMF-6 (Residential Multi-Family district, 6 units per acre).

The proposed zoning results in a density of 1 dwelling unit per acre, lower than the minimum density of 2 dwelling units per acre permitted within the LDR future land use. However, the parcel is located in an

area without centralized public water and sewer. Therefore, the minimum density standards of this policy do not apply.

*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%.

Per Section 20-1650 Definitions, 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.

Any future development application shall be required to be consistent with this standard.

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

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: Any future development is required to be consistent with Section 20-128 Residential Single Family (RSF-1) District standards.

*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 project is not located within DCU's service area. The Utilities Department has no objections regarding the proposed rezone to RSF-1. The property anticipates providing potable water through private wells and onsite sewage treatment through septic systems which shall be permitted through the Florida Department of Health. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals.

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

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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** with this policy at this phase.*

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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance.

For future development applications, the following restrictions shall apply to areas determined to be in the COD:

(1) Pursuant to Policy 1.12.4, 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.

*Based on the above findings, it is concluded the application can be found to be **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is

consistent 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site; however, an Environmental Site Study will be required prior to development of the property. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site; however, an Environmental Site Study shall be required as provided in FLUE Policy 1.12.3(5). Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application can be found to be **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application can be found to be **consistent** 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 may be located within the Conservation Overlay, provided the area is determined to be developable, the underlying Future Land Use Category is Low-Density Residential with a base density of 2.0 du/ac and a bonus density of up to 3.5 du/ac. Based on the above findings, it is concluded the application can be found to be **consistent** 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:

(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.

Consistency analysis: The project is partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. No environmental survey was provided identifying the presence of any wetlands on site. Future development applications will be required to submit a site-specific plan for approval. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance.

For future development activities, 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.

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

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.

*Consistency analysis: The project is partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. Future development applications will be prohibited within, and be directed away from, wetlands, unless otherwise approved by the appropriate reviewing agency. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

(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.

*Consistency analysis: The project is partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** with this policy.*

(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.

*Consistency analysis: The project is partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Future development applications will be required to meet minimum setbacks from jurisdictional wetlands. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

(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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Future development applications will be required to comply with the aforementioned buffer requirements. Based on the above findings, it is concluded the application can be found to be **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Future development applications will be required to meet minimum setbacks from jurisdictional wetlands. 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	A-5	Vacant
North	Low Density Residential	A-5	Vacant
South	Low Density Residential	A-5	Pastureland
East	Low Density Residential	RMF-6	Vacant
West	Low Density Residential	A-5	Vacant

Table 1 illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category. The Land Development Code provides specific minimum lot area (43,560 SF) and lot width (100' interior lot), maximum density (1 dwelling unit per acre), minimum yard requirements, and maximum impervious lot coverage for the RSF-1 zoning district to help to achieve compatibility between uses. The concept plan proposes two 1-acre lots, 110' wide and 396' deep, with a 3 acre lot with 110' of frontage on SW Kissimmee Road. The site abuts SW Kissimmee Road with approximately 330 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. 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 project is not located within DCU’s service area. The Utilities Department has no objections regarding the proposed rezone to RSF-1. The property anticipates providing potable water through private wells and onsite sewage treatment through septic systems which shall be permitted through the Florida Department of Health. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals.

*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 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: The rezone is located in southwest DeSoto County, on SW Kissimmee Road, a local road. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.

*Based on the above, it is concluded the application can be found to be **consistent** 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: The rezone is located in southwest DeSoto County, on SW Kissimmee Road, a local road. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.

*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 rezone is located in southwest DeSoto County, on SW Kissimmee Road, a local road. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.

*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 development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review 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 is **consistent** 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: Development in the Low-Density Residential land use requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-1 zoning district.

*Future development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood map for this area is number 12027C0278D, effective on 10/07/2021. Based upon the flood map, the site is located in Zone X. Based on the above, it is concluded the application can be found to be **consistent** 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: Based upon DeSoto County GIS, the property possibly contains wetlands or other environmentally sensitive areas. No environmental survey was provided identifying the presence of any wetlands on site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Land development applications must meet County, State and Federal laws and permitting requirements. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application is **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows

*potential wetlands in the SW corner of the site. Future development applications must 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. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application can be found to be **consistent** 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 partially located within the Conservation Overlay and the USFWS NWI wetlands GIS layer shows potential wetlands in the SW corner of the site. Future development applications must 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. The applicant will be required to get any required permits from the State or provide correspondence from agencies that permitting is not required prior to any building permit issuance. Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

Based upon the totality of the circumstances, the Development Director concludes the rezoning application can be found to be consistent with the Comprehensive Plan.

2. The existing land use pattern.

Consistency analysis: Table 1 shows the existing land use pattern. The table illustrates that the surrounding uses are developing in a fashion

consistent with the Low Density Residential Future Land Use Category. The subject property is currently vacant and is adjacent to and within an area of Low Density Residential designated land uses.

The parcel is located in southwest DeSoto County, on SW Kissimmee Road, south of County Road 761. To the north, east, and west is vacant land. The property to the south is pastureland.

*The area is transitioning from agriculture to a rural residential development pattern. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-1) District standards, and meet Objective 1.12 of the Comprehensive Plan related to the Conservation Overlay Designation. 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 project, located in a rural residential area, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning to the north, south, and west, the zoning across SW Kissimmee Road to the west is RMF-6.

The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity and therefore, the proposed rezone would technically create an isolated district unrelated to the contiguous land. However, it can be found that the area is transitioning from agriculture to a rural residential development pattern and can be found to be generally consistent with nearby zoning districts. Based on the above findings, it is concluded the

*application can be found to be **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 data base 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. Future development applications will be required to be consistent with this policy.

*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 project, located in a rural residential area with a single-family residential use, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning, the zoning approximately 3,000' to the west is RSF-3. The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity. The proposed zoning generally 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 project, located in a rural residential area, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning to the north, south, and west, the zoning across SW Kissimmee Road to the west is RMF-6.

The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity. The proposed zoning generally aligns with the surrounding, existing uses and densities in the area. 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 to be in **conformance** with this factor.*

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

Consistency analysis: The project, located in a rural residential area, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning to the north, south, and west, the zoning across SW Kissimmee Road to the west is RMF-6.

The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity, but it will not adversely influence living conditions in the area. The proposed zoning generally aligns with the surrounding, existing uses and densities in the area. 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 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 rezone is located in southwest DeSoto County, on SW Kissimmee Road, a local road. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.

The property is 5 acres so the proposed RSF-1 zoning district could allow up to 5 units. The aerial concept plan in the application indicates that the applicant does not intend to develop the parcel to its maximum possible density, but proposes two 1-acre lots and one 3-acre lot.

*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: Development in the Low Density Residential land use requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-1 zoning district. Future development may be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources or negatively impact drainage in the area. The FEMA flood map for this area is number 12027C0278D, effective on 10/07/2021. Based upon the flood map, the site is located in 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. Any future site plans and building permits will have to be consistent with these standards, to include minimum open space and setbacks which should prevent a substantial reduction of light and air to adjacent areas. 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 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 of the site is A-5. The project, located in a rural residential area, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning, the zoning across SW Kissimmee Road to the west is RMF-6. The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity. 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: 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. Thus, the Development Director concludes the application is 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 contrasted 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: There are no substantial reasons why the property cannot be used with the existing zoning as the 5 acre parcel can be developed with one single family residence, but the proposed zoning can be found to generally align with the surrounding, existing uses and densities in the vicinity.

*Thus, 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 project, located in a rural residential area, is subject to requirements in the Land Development Code for setbacks, buffers, and open space. While the subject property is surrounded by A-5 zoning, the zoning across SW Kissimmee Road to the west is RMF-

6. *The proposed rezoning to RSF-1 is generally consistent with nearby uses, however there is no existing RSF-1 zoning in the vicinity. The proposed zoning generally aligns with the surrounding, existing uses and densities in the area. Thus, it is concluded the application can be found to be in **conformance** with this factor.*

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

A. **Conditions and Safeguards.** LDR Section 20-1499 allows the imposition of conditions to Preliminary Development Plan applications and site plans to safeguard surrounding areas from potential incompatibilities generated by the application.

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

Consistency analysis: The Development Director finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the RSF-1 zoning district to ensure compatibility between uses. Any future land development must conform to Objective 1.12 of the Comprehensive Plan related to the Conservation Overlay Designation, as well as 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. Any conditions and safeguards may be added to an accompanying Development Plan application and site plan 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 December 17, 2024, public hearing.

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 Development 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
- Exhibit D: 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 Development Director finds the subject property consists of a 5 ± acre site located in southwest DeSoto County, on SW Kissimmee Road, south of County Road 761.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Low Density Residential.
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural -5, 1 dwelling unit per 5 acres, (A-5).
- D. The Development Director finds that on August 6, 2024, an Official Zoning District Atlas amendment application (RZNE-0058-2024) was filed by the owners, Cody S. Fussell and Emma R. Fussell, which application proposes to change the zoning district from Agricultural -5, 1 dwelling unit per 5 acres, (A-5) to Residential Single Family - 1 dwelling unit per acre (RSF-1).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Development 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 Development Director finds the application was distributed to the DRC August 8, 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 that is scheduled for December 3, 2024.
- 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 generally consistent with the Comprehensive Plan.

- I. LDR Division 7 establishes an adoption process and the Development Director concludes the application has been processed in conformance with that requirement because 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 Development Director finds and concludes the application criteria has been considered in the analysis and the request can be found to meet the criteria.
- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Development 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. 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 denial of the proposed Ordinance.

- C. 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 Development Director time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. PUBLIC HEARINGS

- A. Planning Commission/Local Planning Agency recommendation. Scheduled for December 3, 2024.
- B. Board action. The Board public hearing dates is tentatively scheduled for December 17, 2024, public hearing.

Location Map: Cody S. & Emma R. Fussell



Parcel ID #(s) : 23-39-23-0010-0000-0070

Project Name: Cody S. & Emma R. Fussell
 Project #: N/A
 Application Number: RZNE-0058-2024

S/T/R: 23/39/23

Acreage: 5

Existing Zoning: Agricultural-5 (A-5)

Existing FLU: Low Density Residential

Overlays: Conservation Overlay

Special Areas:



Project Site



Desoto County
 Staff Report Map
 Map Prepared 11/12/2024

Commissioner: Elton A. Langford

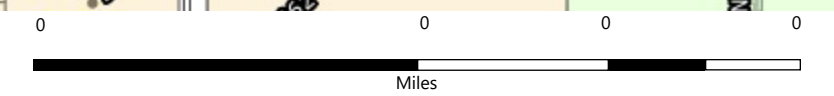
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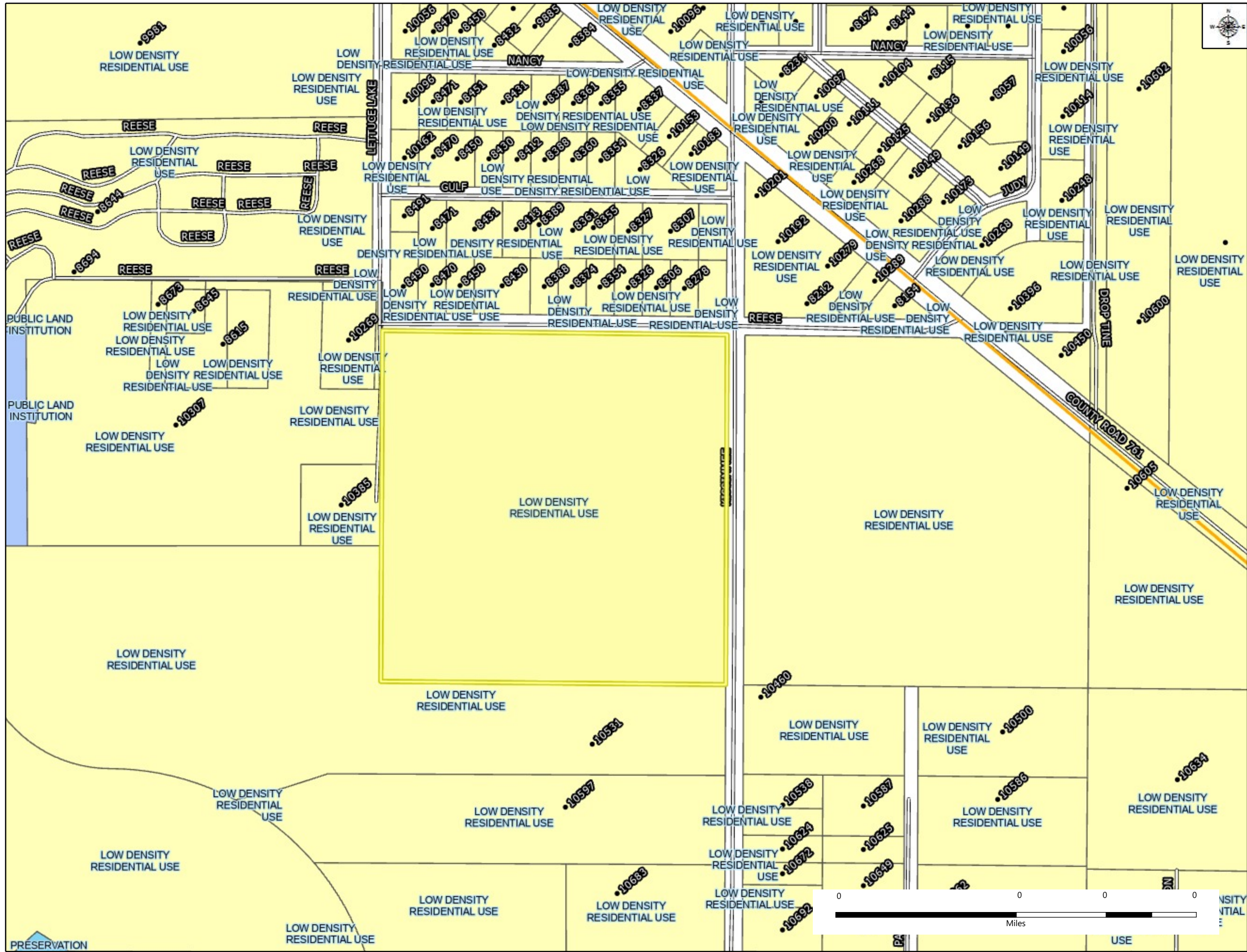
Title

- Address Point Labels
 - Street Labels
 - Major Road Labels
 - Zoning Labels
 - Zoning Designation
- | | |
|---|--------|
| | A-10 |
| | A-5 |
| | CE |
| | CG |
| | CITY |
| | CN |
| | IH |
| | IL |
| | ILE |
| | MHP |
| | MHS |
| | P/I |
| | PM-1 |
| | PUD |
| | RM |
| | RMF-12 |
| | RMF-6 |
| | RMF-8 |
| | RMF-M |
| | ROI |

August 8, 2024



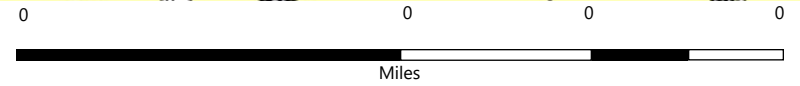
Prepared By
HORNER SHIFRIN



Title

- Address Point Labels
- Street Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels
- FLUM 2040
 - Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

August 8, 2024



Prepared By
HORNER SHIFRIN

DESOTO COUNTY, FLORIDA
ORDINANCE 2024- _____

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 OWNERS, CODY S. FUSSELL AND EMMA R. FUSSELL, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0058-2024) BY CHANGING THE ZONING DISTRICT OF 5 ACRES FROM AGRICULTURAL – 5 (A-5) TO RESIDENTIAL SINGLE FAMILY - 1 DWELLING UNIT PER ACRE (RSF-1), ON PROPERTY GENERALLY LOCATED IN SOUTHWEST DESOTO COUNTY, ON SW KISSIMMEE ROAD, ARCADIA, FURTHER DESCRIBED AS LOT 7 OF THE GREENE ACRES LETTUCE LAKE SUBDIVISION; THE PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0010-0000-0070 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is owned by Cody S. Fussell and Emma R. Fussell (“Owners”) and consists of a 5 acre parcel located in southwest DeSoto County, on SW Kissimmee Road, the Property Identification Number being 23-39-23-0010-0000-0070 (Exhibit A); and

WHEREAS, the Interim 2040 Future Land Use Map shows the +/- 5 acre parcel is designated Low Density Residential Land Use, a portion of which is within the Conservation Overlay (Exhibit B); and

WHEREAS, an Official Zoning District Atlas amendment application was filed by the Owners with the Development Department, to change the zoning district of the property from Agricultural-5 (A-5) to Residential Single Family - 1 (RSF-1) (Exhibit C); and

WHEREAS, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

WHEREAS, consistent with LDR Section 20-1502, the Development Director caused a duly noticed public hearing to be published at least ten calendar days before the December 3, 2024, Planning Commission meeting; and

WHEREAS, at the December 3, 2024, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

WHEREAS, on December 17, 2024, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0058-2024, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

WHEREAS, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

Section 2. *Property description.* A 5 acre property located in southwest DeSoto County, on SW Kissimmee Road, Arcadia, further identified as lot 7 of “Greene Acres of Lettuce Lake”, the Property Identification Number being 23-39-23-0010-0000-0070.

Section 3. *Rezoning approval.* Cody S. Fussell and Emma R. Fussell, owners

and applicants, are hereby granted an Official Zoning District Atlas amendment (RZNE-0058-2024) changing the zoning district of the 5 acre subject property from Agricultural-5 (A-5) to Residential Single Family - 1 (RSF-1).

Section 4. The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

Section 5. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED in DeSoto County, Florida this 17th day of December, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy J. Hines
County Administrator

By: _____
J.C. Deriso, Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: _____
Valerie Vicente,
County Attorney

Exhibit A

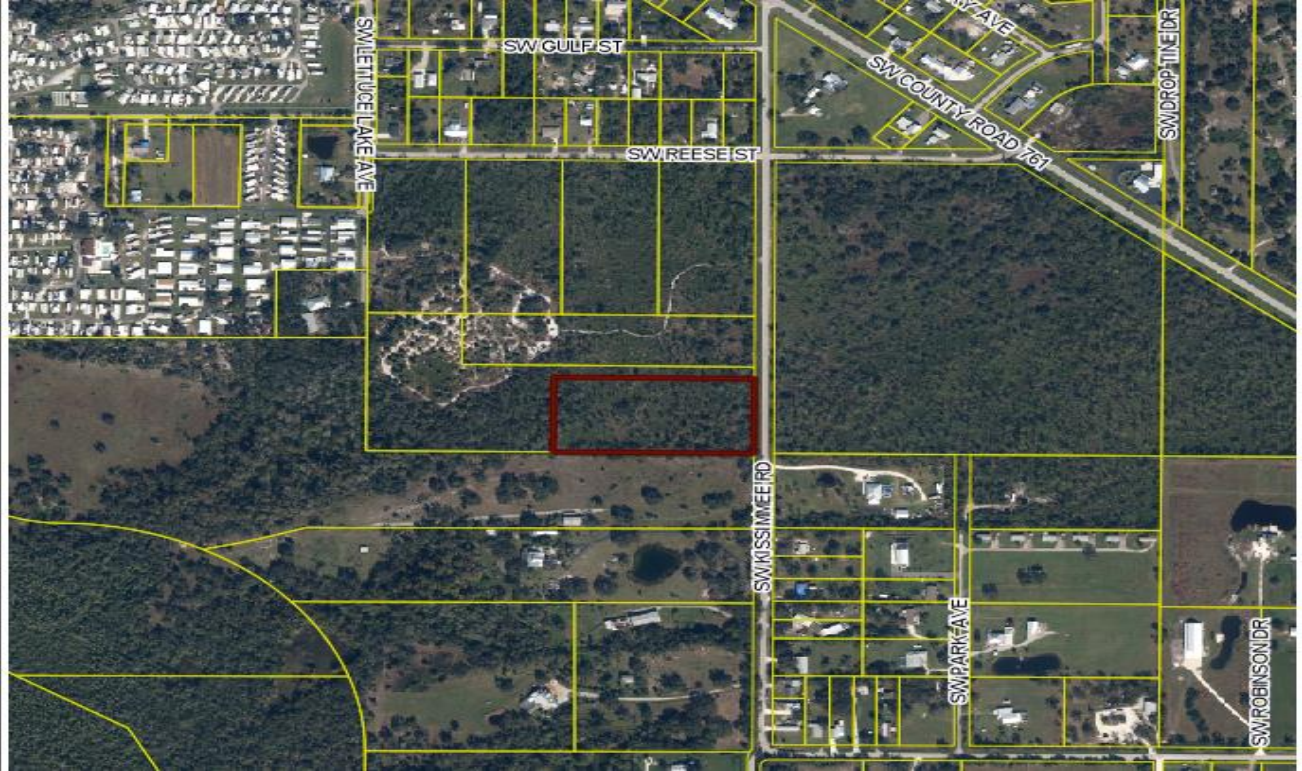


Exhibit B

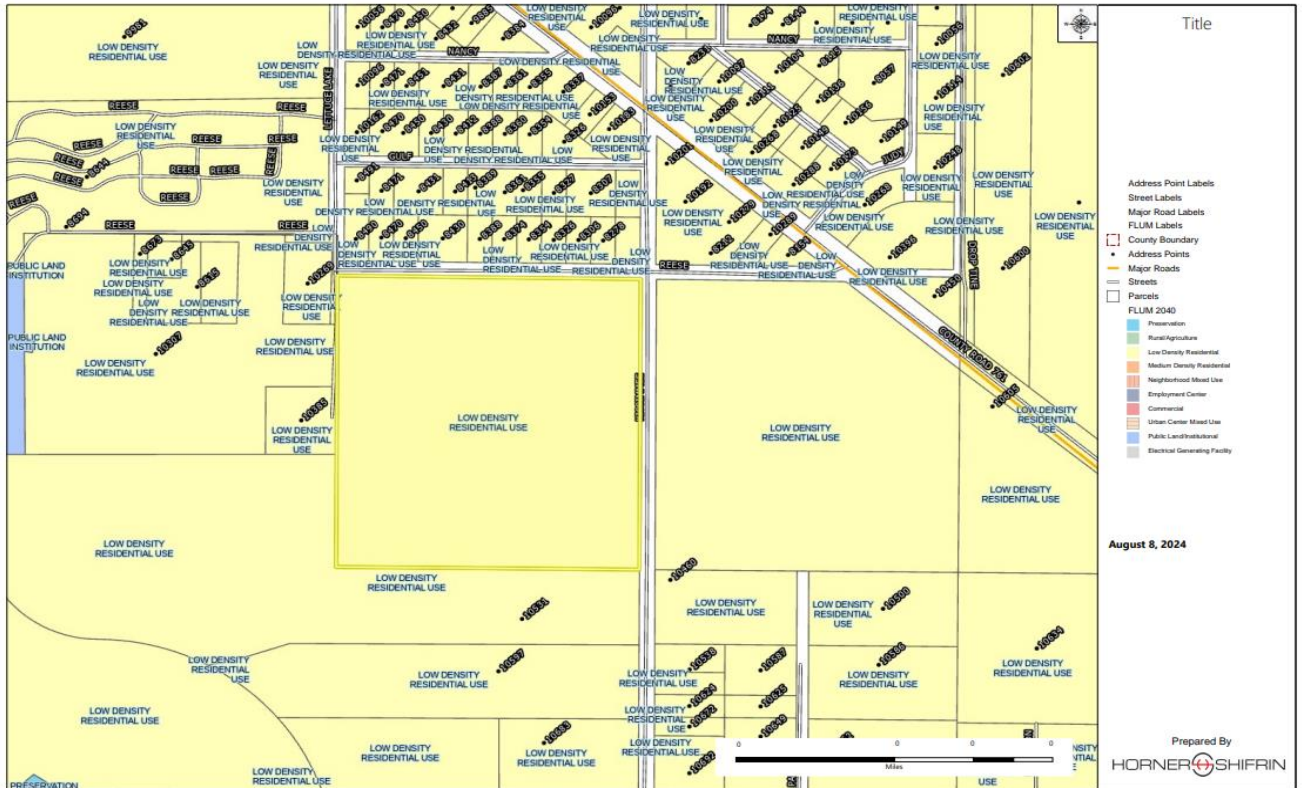


Exhibit C





DeSoto County

12/3/2024

Item #: 4.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Resolution

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Resolution / Thomas Estates Major Plat / PLAT-0162-2024

REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Resolution.

SUMMARY:

The request is subdivide the subject 139.41 acre property into 26 lots. The parcel currently is adjacent to SE Hansel Avenue and SE Brown Road. The property is located within the Agriculture-5 (A-5) zoning district and the Rural/Agricultural Land Use category.



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

REQUEST: Approval of Major Plat
(PLAT-0162-2024) Thomas Agricultural Estates

PROPERTY OWNER: Cozy Casa FL, Inc.
4346 SW Hull Avenue
Arcadia, Florida 34269

PROPERTY ID: 03-38-25-0000-0110-0000;
02-38-25-0000-0141-0000 (per Property Appraiser)/02-38-
25-0000-0140-0000 (per GIS)

PROPERTY ADDRESS: SE Hansel Avenue, Arcadia, FL 34266

OVERVIEW OF REQUEST

The matter before the Board of County Commissioners is a request to approve the revision of a Major Plat to be known as “Thomas Estates”.

Sec. 20-256 (c)(2) For major subdivisions, upon favorable recommendation by the Development Review Committee, the Development Director will notify the project surveyor and the subdivision plat shall be submitted to the Planning Commission and the Board of County Commissioners for their approval. Upon approval by the Board of County Commissioners, or approval with conditions, the original tracing of the subdivision plat will be returned to the owner or developer who will be responsible for completing the recording process.

The request is to subdivide the subject 139.41 acre property into 26 lots. The parcel is currently adjacent to SE Hansel Avenue and SE Brown Road. The property is located within the Agriculture-5 (A-5) zoning district and the Rural/Agricultural Land Use category.

The proposed 26 lots each meet the minimum lot size (5-acres) and minimum lot width (165-feet) and the plat can be found to be in compliance with the Comprehensive Plan and Land Development Regulations.

The plat has been reviewed by the Development Review Committee (DRC) and the conditions recommended herein were received from members of the DRC. The county surveyor’s review found the plat in compliance with Florida Statutes.

The subdivision of property into more than three (3) contiguous lots (under common ownership or control) is defined by the State of Florida as a common plan of development or sale and requires a

SWFWMD/FDEP permit for stormwater. State permits will be required prior to the issuance of any building permits.

The property has potential wetlands on-site, is located within the Conservation Overlay District, and is subject to permitting by State agencies prior to any building permits being issued for such lots.

The existing parcel currently has direct access to SE Hansel Avenue and SE Brown Road, both of which are local streets (not functionally classified). The proposed subdivision shows two access easements: one for lots 1-12 from SE Hansel Avenue, with a cul-de-sac length of approximately 1,772 feet, and one for lots 13-26 off SE Brown Road, with a cul-de-sac length of approximately 2,200 feet. Both of these cul-de-sacs exceed the maximum length allowed by the Desoto County Engineering Standard Details of 1,300-feet. In order to meet the intent of the regulation, a condition is recommended for construction of a mid-point turn around for each roadway, for public safety reasons. Access will be available to the 26-lots via the planned ingress/egress easements.

The access easement, travel-way, and all driveways for the subdivision shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Regulations and the County Engineering Standard Details Manual. Approval of an Improvement Plan at the next stage of development will ensure compliance with the required construction standards. A condition is recommended that the required improvements be constructed and inspections approved prior to conveying property.

Sec. 20-256 (c)(5) of the Code states "The Board may condition its approval of a plat on the developer's recording of the plat within five business days." In this case, the plat will be recorded after a redesign and final approval with the Improvement Plan.

Recommended Conditions of Approval:

1. The Preliminary Plat shall be revised to expand the two 60-foot wide access easements for the two planned cul-de-sac roadways to accommodate a mid-point turn-on each roadway, designed in accordance with Detail D-14 of the Engineering Standard Details Manual or a similar alternative. This shall be approved by the County Engineer prior to the Improvement Plan.
2. Recording of the plat will be withheld until after a redesign and final approval with the Improvement Plan. The redesign described herein shall solely refer to the redesign of the access easement to include the two planned cul-de-sacs as described above, which shall first be approved by the County Engineer, County Surveyor, and the Development Department prior to recordation as set forth herein to ensure conformance with this Resolution. Any revisions to the plat except as provided in this condition shall require the approval of the Board of County Commissioners.
3. Construction of and inspection approval of the cul-de-sac's and any other required improvements are required prior to conveying property.
4. Building permits for the lots shall not be issued until the revised Subdivision Plat and Improvement Plan are approved and the plat is recorded with the Clerk of Court.
5. The private access by easements shall be designed pursuant to the standards in Article XIII, Divisions 3 and 4, of the Land Development Code and the County Engineering Standard Details Manual and approved with the Improvement Plan.
6. All driveways and access points shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Code and the County Engineering Standard Details Manual prior to any building permits being issued.

7. All work within the County right-of-way will require a Right-of-Way permit from the Engineering Division.
8. The applicant is responsible for securing jurisdictional wetland and stormwater permits from the State and submit to the Planning Department or shall provide correspondence from agencies that the project is exempted, prior to approval of the Improvement Plan.
9. Minimum setback requirements are required as follows for the principle use:
 - Front Yard – 50-feet
 - Side Yard – 30-feet
 - Rear Yard – 50-feet
10. Accessory structures are prohibited in the front yard and the minimum setback requirements are as follows:
 - Front Yard – Accessory Structures Prohibited
 - Side Yard – 5-feet
 - Rear Yard – 5-feet

ATTACHMENTS

Exhibit A: General Location Map

Exhibit B: Proposed Plat

RECOMMENDED ACTIONS

Motion to enter into the record the Staff Report and approve the Resolution for the Major Plat to be known as “Thomas Estates” with the recommended conditions of approval.

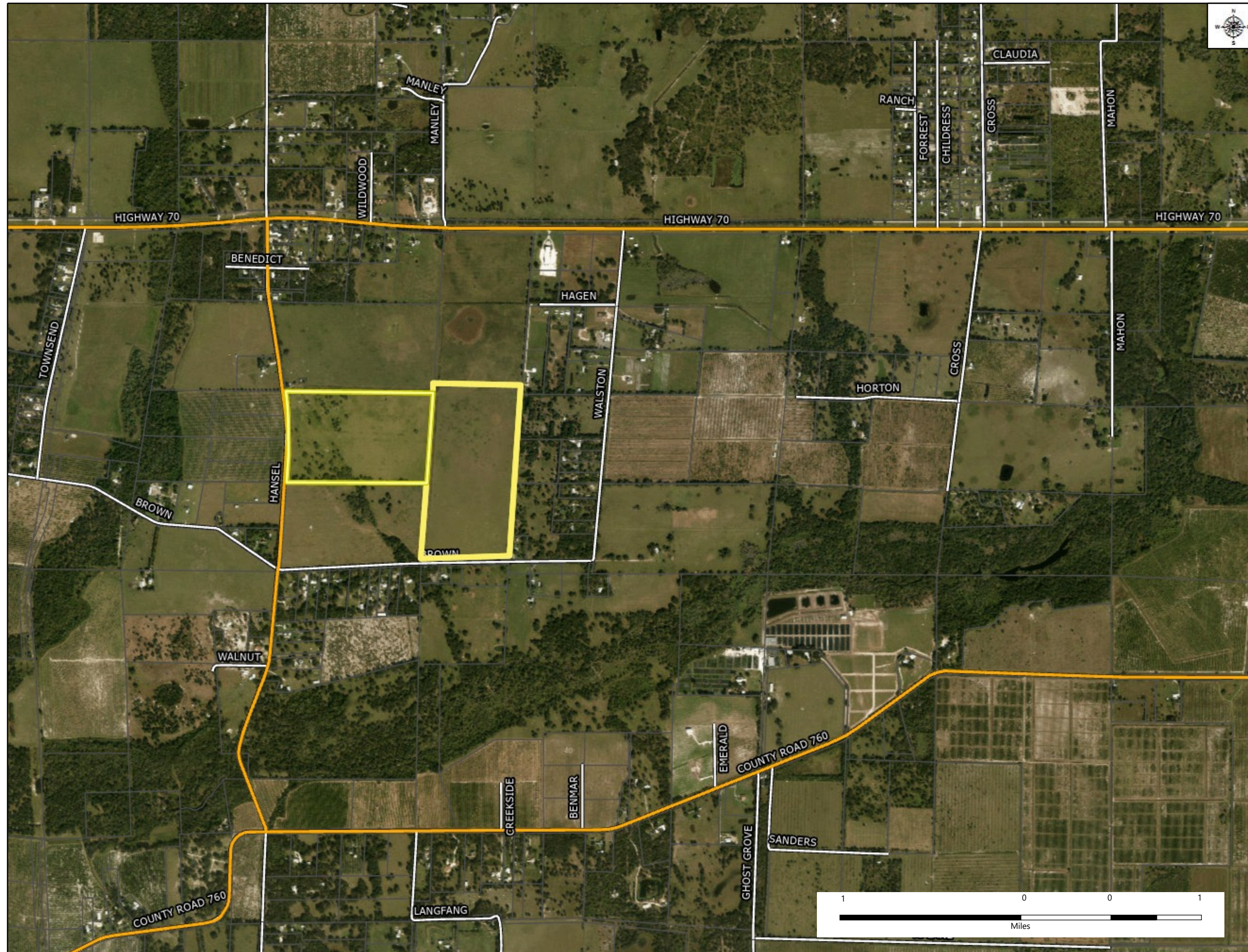
PLANNING COMMISSION

Scheduled for June 4, 2024.

BOARD OF COUNTY COMMISSIONERS

Scheduled for June 25, 2024

Location Map



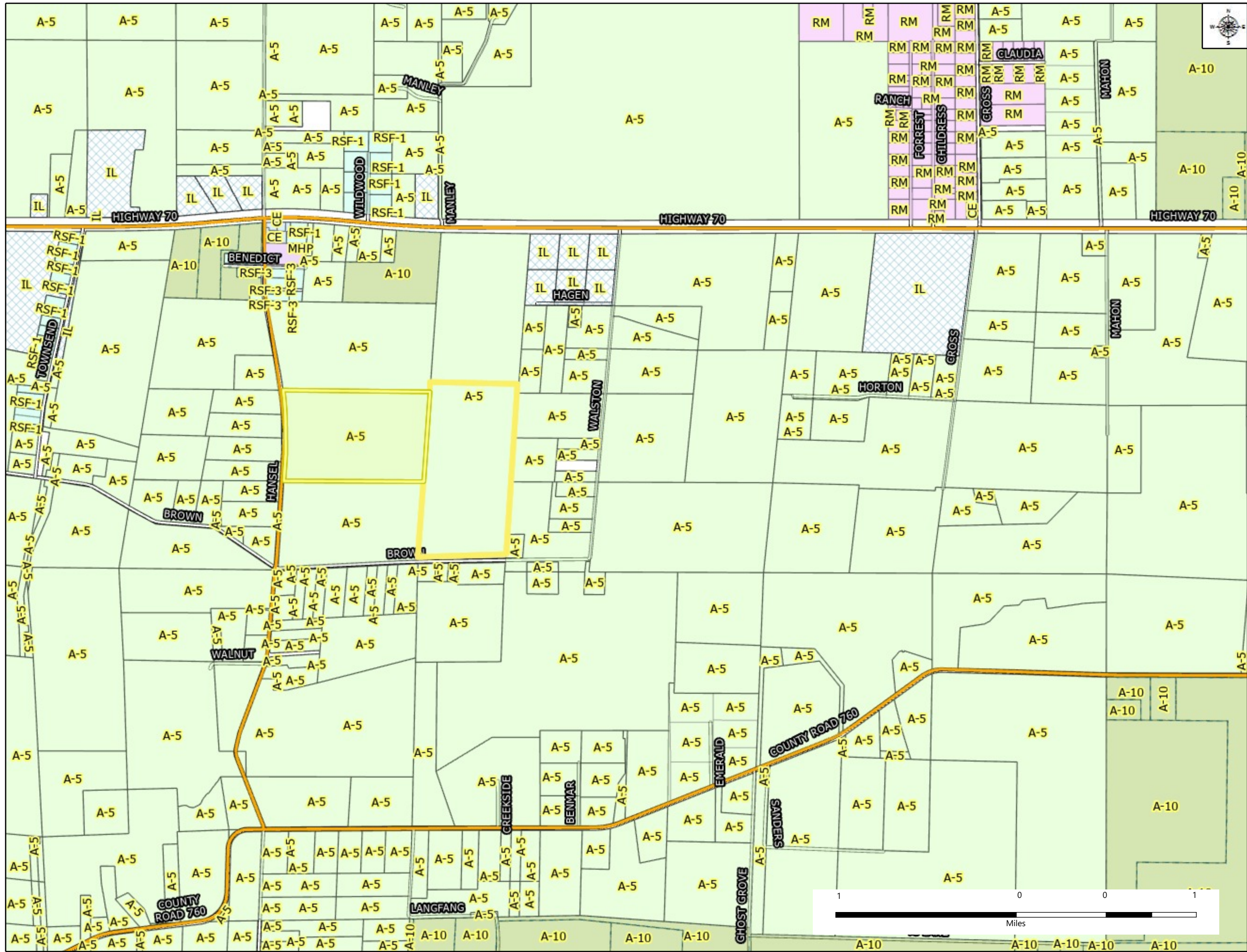
- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

November 25, 2024



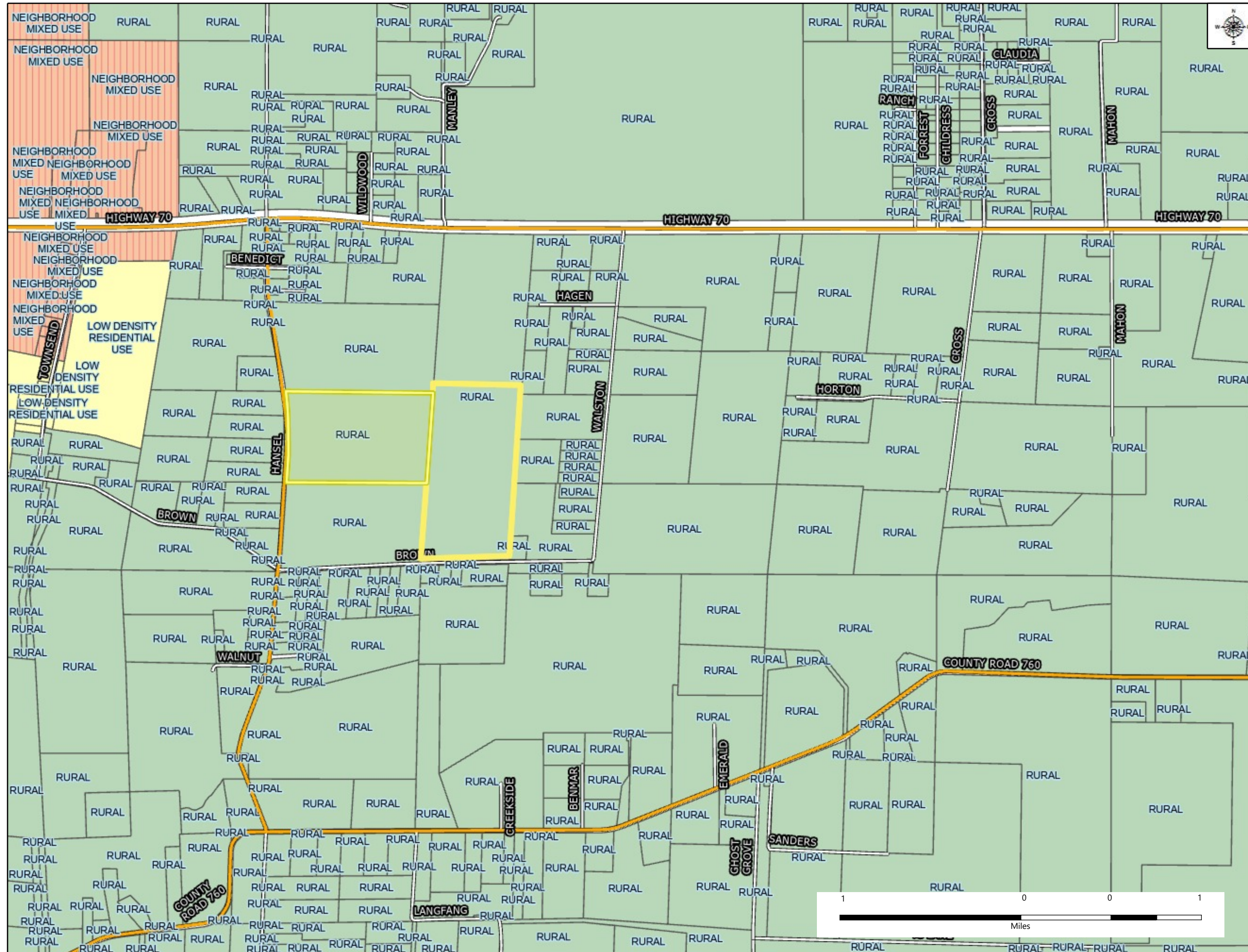
Prepared By
HORNER SHIFRIN

Zoning Map



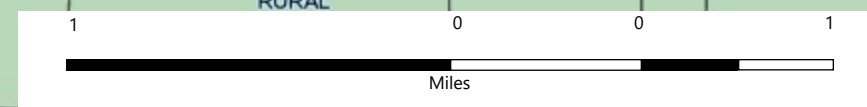
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 - RMF-6
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 - ROI
 - RSF

November 25, 2024



- Street Labels
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 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

November 25, 2024



DESCRIPTION:

A TRACT OF LAND LOCATED IN SECTIONS 2 AND 3, TOWNSHIP 38 SOUTH, RANGE 25 EAST, DESOTO COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE N.03°51'25"E. ALONG THE EAST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 169.09 FEET TO THE NORTHERLY MAINTAINED RIGHT-OF-WAY LINE OF SOUTHEAST BROWN ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST BOUNDARY N.03°49'05"E., A DISTANCE OF 1,152.51 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N.89°44'32"W. ALONG THE SOUTH BOUNDARY OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 3, A DISTANCE OF 2,084.00 FEET TO THE EASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SOUTHEAST HANSEL AVENUE; THENCE ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY LINE, THE FOLLOWING SEVEN (7) COURSES; (1) N.03°31'35"E., A DISTANCE OF 282.22 FEET; (2) N.01°40'06"E., A DISTANCE OF 283.32 FEET; (3) N.03°04'50"E., A DISTANCE OF 226.52 FEET; (4) N.03°06'55"W., A DISTANCE OF 162.19 FEET; (5) N.09°13'42"W., A DISTANCE OF 155.72 FEET; (6) N.08°21'06"W., A DISTANCE OF 101.66 FEET; (7) N.07°59'22"W., A DISTANCE OF 116.25 FEET TO THE NORTH BOUNDARY OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE S.89°58'06"E. ALONG SAID NORTH BOUNDARY, A DISTANCE OF 2,203.44 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N.04°04'09"E. ALONG THE AFORESAID EAST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 68.09 FEET; THENCE S.89°57'30"E., A DISTANCE OF 1,299.51 FEET TO THE EAST BOUNDARY OF THE WEST 1/4 OF SECTION 2, TOWNSHIP 38 SOUTH, RANGE 25 EAST DESOTO COUNTY; THENCE S.04°31'35"W. ALONG SAID EAST BOUNDARY, A DISTANCE OF 2,536.81 FEET TO THE AFORESAID NORTHERLY MAINTAINED RIGHT-OF-WAY LINE OF SOUTHEAST BROWN ROAD; THENCE S.89°09'45"W. ALONG SAID NORTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1,273.56 FEET TO THE POINT OF BEGINNING. CONTAINING 139.38 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

STATE OF FLORIDA
COUNTY OF DESOTO

COZY CASA FL INC. (OWNER) CERTIFIES THAT IT IS THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THIS PLAT OF THOMAS AGRICULTURAL ESTATES, A SUBDIVISION LYING IN SECTIONS 2 AND 3 TOWNSHIP 38 SOUTH, RANGE 25 EAST, DESOTO COUNTY, FLORIDA AND HEREBY DEDICATES THE FOLLOWING TRACTS AND EASEMENTS.

- 1. OWNER HEREBY DEDICATES TO DESOTO COUNTY AN EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS IN THE AREAS SHOWN AND DEPICTED HEREON AS "INGRESS/EGRESS EASEMENT".
2. OWNER HEREBY GRANTS, CONVEYS AND DEDICATES TO THE COUNTY, STATUTORILY AUTHORIZED PUBLIC UTILITY ENTITIES AND ALL LICENSED PRIVATE UTILITY ENTITIES A NON-EXCLUSIVE, UNOBSTRUCTED UTILITY EASEMENT FOR TELEPHONE, ELECTRIC, CABLE TELEVISION, WATER, SEWER, STREET LIGHTS, FIRE PROTECTION AND OTHER UTILITIES OVER AND ACROSS THOSE PORTIONS OF THE PLAT SHOWN AS "UTILITY EASEMENT", AND IDENTIFIED HEREON FOR SUCH PURPOSES, THE USE AND BENEFIT OF WHICH SHALL EXTEND AND INURE TO THE BENEFIT OF THE "COUNTY", STATUTORILY AUTHORIZED PUBLIC UTILITY ENTITIES AND ALL DULY LICENSED PRIVATE UTILITY COMPANIES. IN THE EVENT UTILITY IMPROVEMENTS ARE CONSTRUCTED WITHIN SUCH UTILITY EASEMENT AREAS, IT SHALL BE THE RESPONSIBILITY OF THE UTILITY ENTITIES TO REPAIR OR REPLACE SAID UTILITY IMPROVEMENTS AS NECESSARY FOR MAINTENANCE OF SAID UTILITIES.
3. OWNER(S) FURTHER GRANT, CONVEY, WARRANT AND DEDICATE TO THE COUNTY A NON-EXCLUSIVE FLOW THROUGH EASEMENT AND REASONABLE RIGHT OF ACCESS TO ENSURE THE FREE FLOW OF WATER FOR GENERAL PUBLIC DRAINAGE PURPOSES OVER, THROUGH AND UNDER ALL DRAINAGE EASEMENTS OR COMMONLY OWNED PROPERTY SHOWN ON THIS PLAT. IN THE EVENT THE OWNER, OR THE ASSOCIATION FAILS TO PROPERLY MAINTAIN ANY DRAINAGE EASEMENTS/FACILITIES PREVENTING THE FREE FLOW OF WATER, THE COUNTY SHALL HAVE THE REASONABLE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS AND ENTER UPON ANY DRAINAGE EASEMENT FOR THE PURPOSE OF PERFORMING MAINTENANCE TO ENSURE THE FREE FLOW OF WATER.
4. OWNER FURTHER GRANTS, CONVEYS, AND DEDICATES TO THE COUNTY A PERPETUAL EASEMENT OVER AND ACROSS ALL STREET RIGHTS-OF-WAY WHICH ARE SHOWN AND DEPICTED HEREON AS "INGRESS/EGRESS EASEMENT" FOR ANY AND ALL GOVERNMENTAL PURPOSES INCLUDING (WITHOUT LIMITATION) FIRE AND LAW ENFORCEMENT AND EMERGENCY MEDICAL SERVICES.
5. OWNER(S) RESERVE UNTO THEMSELVES, THEIR SUCCESSORS AND ASSIGNS, THE TITLE TO ANY LANDS OR IMPROVEMENTS DEDICATED TO THE PUBLIC OR TO THE COUNTY, IF FOR ANY REASON SUCH DEDICATION SHALL BE EITHER VOLUNTARILY VACATED, VOIDED, OR INVALIDATED TO THE EXTENT CONSISTENT WITH S. 177.085(1).

OWNER
COZY CASA FL INC.:

JORDAN DERISO PRESIDENT WITNESS SIGNATURE WITNESS TITLE
WITNESS NAME WITNESS NAME

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
COUNTY OF) SS:

I HEREBY CERTIFY ON THIS ___ DAY OF ___, 2024, BEFORE ME PERSONALLY APPEARED BY MEANS OF PHYSICAL PRESENCE JORDAN DERISO, PRESIDENT, [] KNOWN TO ME OR [] HAS PRODUCED ___ AS IDENTIFICATION, WHO HAS IDENTIFIED HIMSELF AS THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND SEAL AT ___ COUNTY, FLORIDA, THE DAY AND YEAR AFORESAID.
MY COMMISSION EXPIRES: ___ COMMISSION NUMBER: ___

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

THOMAS AGRICULTURAL ESTATES
SECTION 2 & 3, TOWNSHIP 38 SOUTH, RANGE 25 EAST,
DESOTO COUNTY, FLORIDA
PRELIMINARY PLAT

CERTIFICATE OF ACCEPTANCE FOR THE OWNERS ASSOCIATION

THOMAS AGRICULTURAL ESTATES, A FLORIDA NOT-FOR-PROFIT CORPORATION, HEREBY ACCEPTS THE PROPOSED CONVEYANCE AND MAINTENANCE RESPONSIBILITY AS SHOWN HEREON.

JC DERISO PRESIDENT WITNESS WITNESS
PRINT NAME PRINT NAME

ACKNOWLEDGMENT

STATE OF FLORIDA)
COUNTY OF DESOTO) SS:

I HEREBY CERTIFY ON THIS ___ DAY OF ___, 2024, BEFORE ME PERSONALLY APPEARED BY MEANS OF PHYSICAL PRESENCE, JC DERISO AS PRESIDENT OF THOMAS AGRICULTURAL ESTATES A FLORIDA NOT-FOR-PROFIT CORPORATION, PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED ___ AS IDENTIFICATION, WHO HAS IDENTIFIED HIMSELF AS THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE OF ACCEPTANCE AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND SEAL AT ___ COUNTY, FLORIDA, THE DAY AND YEAR AFORESAID.
MY COMMISSION EXPIRES: ___ COMMISSION NO. ___

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:

FLYING STARFISH LLC., HOLDER OF MORTGAGE DATED MARCH 15, 2024 AND RECORDED IN INSTRUMENT NUMBER 2024414001054, PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON. IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THESE PRESENT TO BE EXECUTED, THIS

___ DAY OF ___, 2024

CYNTHIA ROGERS, PRESIDENT

BY: _____

PRINTED NAME: _____

FIRST WITNESS: _____ SECOND WITNESS: _____

PRINTED NAME: _____ PRINTED NAME: _____

TITLE: _____ TITLE: _____

STATE OF FLORIDA
COUNTY OF DESOTO
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF ___, 2024

BY CYNTHIA ROGERS, PRESIDENT OF FLYING STARFISH CYNTHIA ROGERS IS PERSONALLY KNOWN TO ME OR HAS PRODUCED ___ AS IDENTIFICATION AND WHO DID (DID NOT) TAKE AN OATH.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

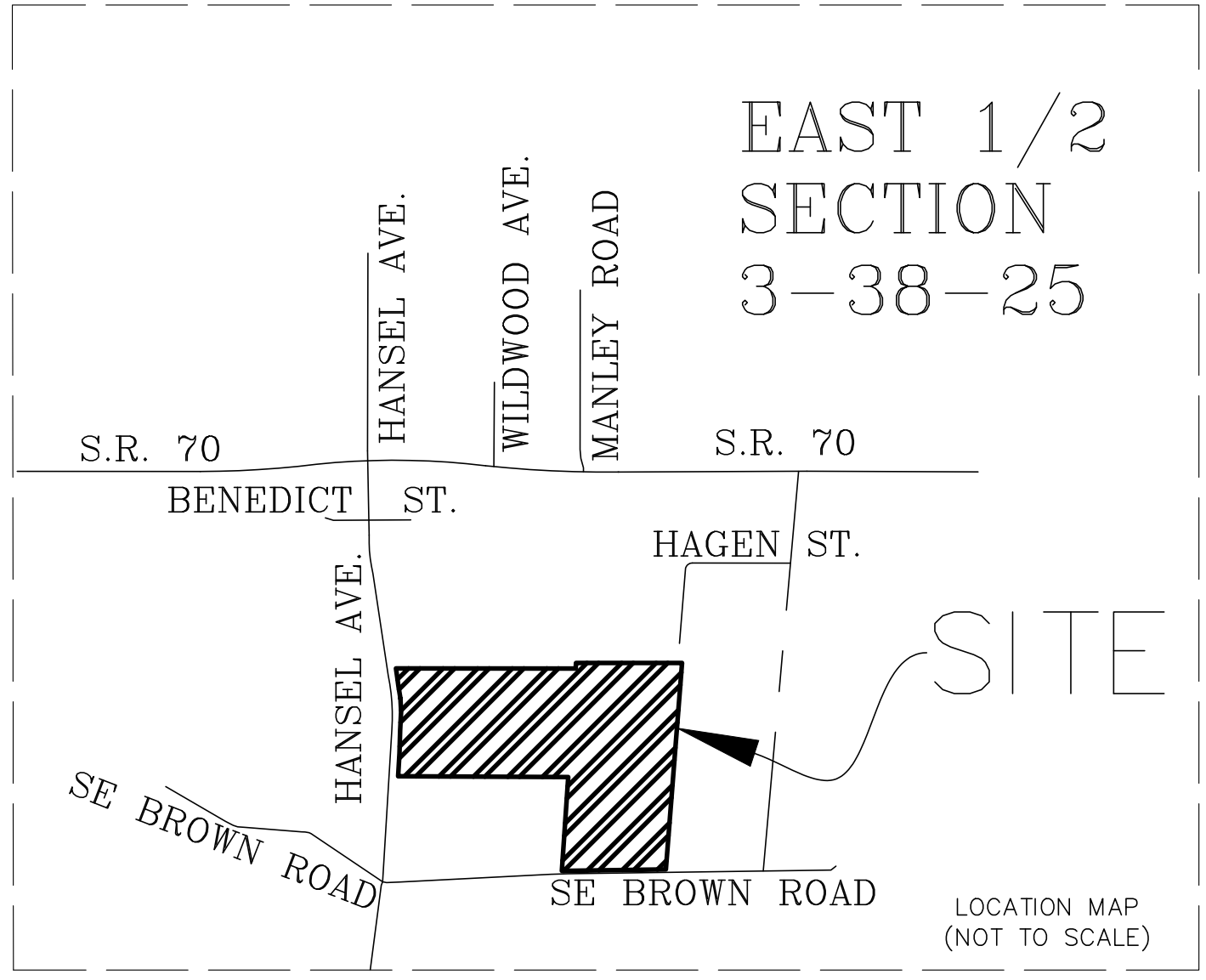
DEVELOPMENT DIRECTOR APPROVAL:

STATE OF FLORIDA
COUNTY OF DESOTO

THIS PLAT HAS BEEN APPROVED FOR RECORD BY THE DEVELOPMENT DIRECTOR OF DESOTO COUNTY, FLORIDA, THIS ___ DAY OF ___, 2024.

DESOTO COUNTY DEVELOPMENT DIRECTOR

PRINT NAME



CERTIFICATE OF APPROVAL OF COUNTY CLERK:

I HEREBY CERTIFY THAT THIS PLAT OF THOMAS AGRICULTURAL ESTATES HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES IN FORM WITH ALL REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES.

I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT ___ THIS ___ DAY OF ___, 2024 A.D. AND WAS DULY RECORDED

IN PLAT BOOK ___ PAGES ___ OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA.

CLERK OF THE CIRCUIT COURT IN AND FOR DESOTO COUNTY
NADIA K. DAUGHTREY, CFC,

CERTIFICATE OF APPROVAL OF COUNTY COMMISSIONERS:

IT IS CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA THIS ___ DAY OF ___, 2024 A.D.

APPROVED:

COUNTY ATTORNEY CHAIRMAN BOARD OF COUNTY COMMISSIONERS

DEPUTY COUNTY ENGINEER

CERTIFICATE OF APPROVAL OF COUNTY SURVEYOR:

KNOW ALL MEN THESE PRESENT, THAT I, THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY DESOTO COUNTY, HEREBY CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES AND THE DEVELOPMENT CODE OF DESOTO COUNTY, FLORIDA.

DATE _____

RUSSELL HYATT, P.S.M.
INTERIM COUNTY SURVEYOR, DESOTO COUNTY, FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER NO. LS 5303
STATE OF FLORIDA

SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED, BEING CURRENTLY LICENSED BY THE STATE OF FLORIDA AS A PROFESSIONAL LAND SURVEYOR, DOES HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND SAID PLAT COMPLIES WITH ALL SURVEY REQUIREMENTS OF FLORIDA STATUTES CHAPTER 177, PART 1. LAST DATE OF FIELD SURVEY 4/05/2024

SIGNED AND SEALED THIS ___ DAY OF ___, 2024.

D.C. JOHNSON & ASSOCIATES, INC.
FLORIDA LICENSED BUSINESS NO. 4514

DANIEL C. JOHNSON
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 3653



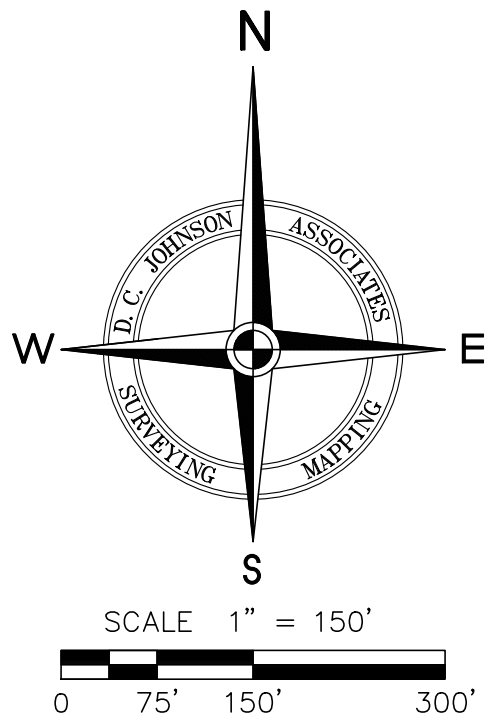
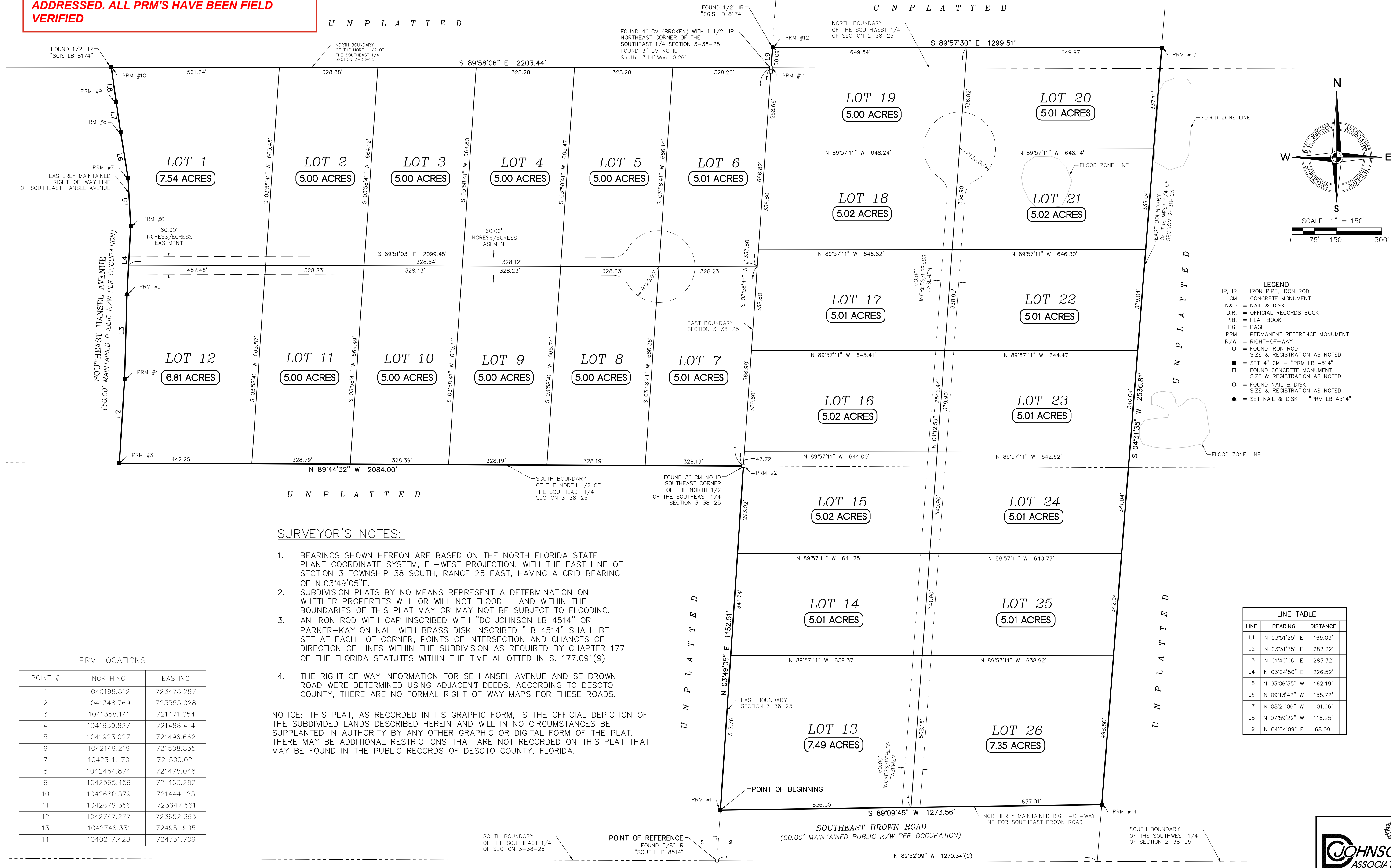
APPROVED
By R.Hyatt at 3:00 pm, November 05, 2024

THOMAS AGRICULTURAL ESTATES

SECTION 2 & 3, TOWNSHIP 38 SOUTH, RANGE 25 EAST, DESOTO COUNTY, FLORIDA

PRELIMINARY PLAT

**ALL COMMENTS FROM THE REVIEW HAVE BEEN
ADDRESSED. ALL PRM'S HAVE BEEN FIELD
VERIFIED**



- LEGEND**
- IP, IR = IRON PIPE, IRON ROD
 - CM = CONCRETE MONUMENT
 - N&D = NAIL & DISK
 - O.R. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - PRM = PERMANENT REFERENCE MONUMENT
 - R/W = RIGHT-OF-WAY
 - = FOUND IRON ROD
 - = SET 4" CM - "PRM LB 4514"
 - = FOUND CONCRETE MONUMENT
 - ◇ = FOUND CONCRETE MONUMENT
 - △ = FOUND NAIL & DISK
 - ▲ = SET NAIL & DISK - "PRM LB 4514"

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH FLORIDA STATE PLANE COORDINATE SYSTEM, FL-WEST PROJECTION, WITH THE EAST LINE OF SECTION 3 TOWNSHIP 38 SOUTH, RANGE 25 EAST, HAVING A GRID BEARING OF N.03°49'05"E.
2. SUBDIVISION PLATS BY NO MEANS REPRESENT A DETERMINATION ON WHETHER PROPERTIES WILL OR WILL NOT FLOOD. LAND WITHIN THE BOUNDARIES OF THIS PLAT MAY OR MAY NOT BE SUBJECT TO FLOODING.
3. AN IRON ROD WITH CAP INSCRIBED WITH "DC JOHNSON LB 4514" OR PARKER-KAYLON NAIL WITH BRASS DISK INSCRIBED "LB 4514" SHALL BE SET AT EACH LOT CORNER, POINTS OF INTERSECTION AND CHANGES OF DIRECTION OF LINES WITHIN THE SUBDIVISION AS REQUIRED BY CHAPTER 177 OF THE FLORIDA STATUTES WITHIN THE TIME ALLOTTED IN S. 177.091(9)
4. THE RIGHT OF WAY INFORMATION FOR SE HANSEL AVENUE AND SE BROWN ROAD WERE DETERMINED USING ADJACENT DEEDS. ACCORDING TO DESOTO COUNTY, THERE ARE NO FORMAL RIGHT OF WAY MAPS FOR THESE ROADS.

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA.

PRM LOCATIONS		
POINT #	NORTHING	EASTING
1	1040198.812	723478.287
2	1041348.769	723555.028
3	1041358.141	721471.054
4	1041639.827	721488.414
5	1041923.027	721496.662
6	1042149.219	721508.835
7	1042311.170	721500.021
8	1042464.874	721475.048
9	1042565.459	721460.282
10	1042680.579	721444.125
11	1042679.356	723647.561
12	1042747.277	723652.393
13	1042746.331	724951.905
14	1040217.428	724751.709

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 03°51'25" E	169.09'
L2	N 03°31'35" E	282.22'
L3	N 01°40'06" E	283.32'
L4	N 03°04'50" E	226.52'
L5	N 03°06'55" W	162.19'
L6	N 09°13'42" W	155.72'
L7	N 08°21'06" W	101.66'
L8	N 07°59'22" W	116.25'
L9	N 04°04'09" E	68.09'



DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO THE OWNER, COZY CASA FL, INC., APPROVAL WITH CONDITIONS OF THE THOMAS ESTATES SUBDIVISION PLAT FOR RECORDATION IN THE AGRICULTURE-5 (A-5) ZONING DISTRICT THAT WOULD SUBDIVIDE THE PARENT PROPERTY INTO TWENTY-SIX (26) LOTS FOR PROPERTY GENERALLY LOCATED AT SE HANSEL AVENUE, THE PROPERTY IDENTIFICATION NUMBERS BEING 03-38-25-0000-0110-0000 AND 02-38-25-0000-0141-0000 (PER PROPERTY APPRAISER)/02-38-25-0000-0140-0000 (PER GIS); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cozy Casa FL, Inc., is the owner of the parcel located at SE Hansel Avenue; and

WHEREAS, on March 26, 2024, the owner filed a Major Subdivision Plat for Recordation application and fee with the Development Department for the above described property; and

WHEREAS, the application proposes to subdivide the property into twenty-six (26) lots; and

WHEREAS, the county surveyor has found the plat in compliance with Florida Statutes; and

WHEREAS, property is zoned Agriculture-5 (A-5) district on the Official Zoning District Atlas, which district is consistent with its 2040 FLUM designation; and

WHEREAS, the Development Department has prepared a Development Department Report concluding the application is in conformance with the applicable provisions of the Code of Ordinances and the intent of the LDRs, including the minimum acreage and lot width requirements of the A-5 zoning district; and

WHEREAS, access will be available for all lots; and

WHEREAS, the DeSoto County Board of County Commissioners, having considered the Development Department Report and public comment at the December 17, 2024, Board meeting, concludes the application is in conformance with all applicable requirements provided the recommended conditions of approval are imposed; and

WHEREAS, the Board finds that approval of this Resolution is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “WHEREAS” clauses and the Development Department Report are hereby incorporated by reference as part of this Resolution and are ratified and confirmed as being true and correct.

Section 2. The Board of County Commissioners hereby grants to the owner, Cozy Casa FL, Inc., approval of the Thomas Estates application (PLAT-0162-2024), attached herein as Exhibit A, with the following conditions:

1. The Preliminary Plat shall be revised to expand the two 60-foot wide access easements for the two planned cul-de-sac roadways to accommodate a mid-point turn-on each roadway, designed in accordance with Detail D-14 of the Engineering Standard Details Manual or a similar alternative. This shall be approved by the County Engineer prior to the Improvement Plan.
2. Recording of the plat will be withheld until after a redesign and final approval with the Improvement Plan. The redesign described herein shall solely refer to the redesign of the access easement to include the two planned cul-de-sacs as described above, which shall first be approved by the County Engineer, County Surveyor, and the Development Department prior to recordation as set forth herein to ensure conformance with this Resolution. Any revisions to the plat except as provided in this condition shall require the approval of the Board of County Commissioners.
3. Construction of and inspection approval of the cul-de-sac’s and any other required improvements are required prior to conveying property.
4. Building permits for the lots shall not be issued until the revised Subdivision Plat and Improvement Plan are approved and the plat is recorded with the Clerk of Court.
5. The private access by easements shall be designed pursuant to the standards in Article XIII, Divisions 3 and 4, of the Land Development Code and the County Engineering Standard Details Manual and approved with the Improvement Plan.
6. All driveways and access points shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Code and the County Engineering Standard Details Manual prior to any building permits being issued.
7. All work within the County right-of-way will require a Right-of-Way permit from the Engineering Division.
8. The applicant is responsible for securing jurisdictional wetland and stormwater permits from the State and submit to the Planning Department or shall provide correspondence from agencies that the project is exempted, prior to approval of the Improvement Plan.
9. Minimum setback requirements are required as follows for the principle use:
 - Front Yard – 50-feet
 - Side Yard – 30-feet
 - Rear Yard – 50-feet
10. Accessory structures are prohibited in the front yard and the minimum setback requirements are as follows:
 - Front Yard – Accessory Structures Prohibited

- Side Yard – 5-feet
- Rear Yard – 5-feet

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 17th day of December, 2024.

ATTEST: **BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
J.C. Deriso, Chairman

Approved as to form and legal sufficiency:

By: _____
Valerie Vicente
County Attorney

