



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.