



*DESOTO COUNTY DEVELOPMENT DEPARTMENT
STAFF REPORT*

CASE #: RZNE-0046-2023

REQUEST: Rezoning from Planned Unit Development (PUD) to Residential Multi-Family - 8 (RMF-8)

PROPERTY OWNER: Maria's Rentals LLC
48 Meadow Way
Frostproof, FL 33843

PROPERTY ID: 27-38-25-0000-0072-0000

PROPERTY ADDRESS: 5906 SE Residential Way
Arcadia, FL 34266

TOTAL PARCEL SIZE: +/- 41.08 acres

FUTURE LAND USE DESIGNATION: Urban Center Mixed Use

DEVELOPMENT REVIEW REPORT

The request is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0046-2023) filed by the Owner, Maria's Rentals LLC, to change the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-Family - 8 (RMF-8).

The property is located in the Urban Center Mixed Use Future Land Use Category and generally located in central DeSoto County, west of SE Highway 31.

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 +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-family - 8 (RMF-8) district in the Urban Center Mixed Use Future Land Use category. The parcel, currently developed with 16 single-family homes on one parcel, that were built between the 1940's and 1960's, and was one of the original Power Auto Corp parcels that was known as the "Residence" parcel, located in the NE portion of the original Power Auto site. The larger area has a long history and was originally home to a US Army Air Corps airfield, then later a State mental hospital. Maria's Rentals LLC purchased the land on July 25, 2019.

PROPERTY HISTORY:

February 24, 2015: Board approved SE-2015-01 (Resolution No. 2015-25) to allow multiple uses in the A-10 zoning district.

April 28, 2015: Rezone from A-10 to PUD with a Concept Development Plan (RZNE-2015-03) (Resolution 2015-41) approved for the GPW property, which includes the subject property.

July 19, 2019: County approves Minor Administrative Subdivision Plat (PLAT-0006-2019)

The County subsequently determined that the Concept Development Plan associated with Resolution 2015-41 had lapsed, as no significant construction had occurred within 5 years of the time of the PUD enactment as required by Sec. 20-144(f)(10)(c)(4). Additionally, as a result of Power Auto selling portions of the GPW property to third parties, the Concept Development Plan associated with Resolution 2015-41 could never be developed as originally contemplated and approved, which has resulted in the need for each property owner to rezone their property and receive a separate development order.

Remedying the lapsed PUD approval is challenging for the subject land. The applicant described their intention to rehabilitate the 16 dwelling units as

the reason for the rezoning request, but approval of the RMF-8 rezone will allow the owner to redevelop the 41.08 acres with up to 205 units (per the base density allowance of 5 du/acre per acre under the Urban Center Future Land Use Category).

The maximum density of 8 du/acre, allowed by the RMF-8 zoning, cannot be achieved without Board approval of a density bonus, as density is governed by the Future Land Use Category (FLUC).

The Land Development Regulations have several zoning districts that allow multi-family units, but they don't align well with the Urban Center FLUC and none limit density below the 5 du/ac referenced in the FLUC.

The maximum density allowance in each of these zoning districts exceeds the 5 du/acre base density limitation of the FLUC:

Residential Multifamily District 6 (RMF-6)

Residential Multifamily District 8 (RMF-8)

Residential Multifamily District 12 (RMF-12)

Residential-Office-Institutional District (ROI): Maximum Density is 12 du/ac

The following zoning districts exist, but new zoning atlas amendments to these categories are prohibited:

Residential Mixed District (RM): (No new RM Districts)

Residential Multifamily Mixed District (RMF-M) (No new districts)

A new PUD rezoning is an alternative but also presents challenges.

II. PROPOSED ORDINANCE

An Ordinance of the DeSoto County, Florida Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 20-31, Establishment of Zoning Districts; granting to the Applicant, Maria's Rentals LLC, an Official Zoning District Atlas amendment (RZNE-0046-2023) by

changing the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-family-8 (RMF-8) on property generally located in central DeSoto County, at 5906 SE Residential Way; the Property Identification Number being 27-38-25-0000-0072-0000; and providing for an effective date.

III. LDR REZONING ANALYSIS

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 and staff offers a consistency analysis of each.

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

Consistency analysis: The Planning Director has reviewed the application against the Goals, Objectives, and Policies of the Comprehensive Plan in Exhibit E and finds and concludes the following.

The existing PUD zoning district is consistent with the Urban Center Mixed Use Future Land Use designation. The maximum density of 8 dwelling units per acre, as allowed by the proposed RMF-8 (Residential Multi-Family 8) zoning can only be realized with future approval of a bonus density via a Development Plan or a PUD rezoning with a Concept Development Plan, in accordance with the Comprehensive Plan. Absent those steps, the underlying Future Land Use Category maximum base density of 5 dwelling units per acre (maximum of 205 units) will prevail.

The Urban Center category promotes multiple types of land uses in a pattern of transitioning intensities around historic commerce centers and for future mixed-use communities.

The Urban Center Mixed Use Future Land Use category allows a base residential density up to 5 dwelling units per acre with a bonus

density up to 8 dwelling units per acre and the category is expected to capture the most intensive uses and is found in areas served by high-capacity transportation systems. The character of the Urban Center land use category is a mixture of non-residential uses providing retail and service support to the community as a whole, interspersed with higher intensity residential uses to create a vibrant and diverse urban atmosphere. The category is generally found in areas where infrastructure includes central water and sewer systems, stormwater management systems, and major paved public streets or highways. Center, at an appropriate scale to serve the surrounding area, can be demonstrated with a market study. Direct access to collector or arterial roads is a requirement for residential development between 5-8 dwelling units per acre), unless located within a mixed-use planned unit development.

Staff has considered the location, availability of public services and facilities; the proximity to similar densities/intensities; and the location within the transportation network. The location of the nearest DeSoto County Fire Rescue station, Station 1, is 8 miles to the north. The parcels are located within the DeSoto County Utilities service area. The DeSoto County Utilities and Engineering Departments have no objections to the rezone and are coordinating with the applicant on rebuilding their utility infrastructure onsite.

The FEMA flood map for this area is number 12027C0195C, effective on 11/06/2013. Based upon the flood maps, the site is not located within the 100-year floodplain or the Conservation Overlay Designation. Future plan submittals will be required to secure all applicable SWFWMD environmental resource permits, ACOE permit, and County review.

The Comprehensive Plan Policy 1.14.2 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	Zoning District	Future Land Use	Adjacent Land Uses
Site	PUD	Urban Center Mixed Use	Residential - multi family
North	PUD	Urban Center Mixed use	Office buildings
East	A-10	Employment Center, Urban Center Mixed use	Vacant agricultural, pastureland
South	PUD	Urban Center Mixed use	Vacant Office buildings
West	PUD	Urban Center Mixed use	Vacant Office buildings

The applicant plans to utilize the existing homes on site, which have been vacated for years. If the rezoning is approved, it would be the only residential development in the area. While the multi-family development is not similar to surrounding development, the Board may find that it is a good step forward to promote redevelopment of the long-abandoned G. Pierce Wood facility and may spur more development in the area.

Based on the above findings, it is concluded the application can be found to be generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

2. The existing land use pattern.

Consistency analysis: Table 1 shows the existing land use pattern including surrounding uses, zoning, and future land use categories. The adjacent property to the south is vacant agricultural and pastureland zoned A-10. The adjacent properties to the north, east, and west are office buildings with PUD zoning. The proposed RMF-8 zoning is not an extension of the existing land use patterns; however, the Board may find the rezone to be an opportunity to promote redevelopment of the area.

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

Consistency analysis: The primary use of the proposed rezone is for the existing multi-family residential buildings. The adjacent uses are consistent with the Urban Center Mixed Use land use designation. Rezoning to RMF would permit the continued use of the existing buildings as multi-family residential.

The proposed rezone, if adopted, will create an isolated district, as it will be the only multi-family zoning in the area. As mentioned above, the area was vacated years ago and repurposing the existing buildings and infrastructure may spur additional redevelopment in the area, which may be more important to the Board than creating an isolated zoning district.

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

Consistency analysis: FLUE Policy 1.22.5 Concurrency Information/Data requires the County maintain a concurrency database and monitoring system. This is to ensure projects approved are subject to the minimum criteria required for public facilities. This is done via a concurrency determination

showing that there is not 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.

Policy 1.9.4 of the Future Land Use Element requires all development within the Urban Center Mixed Use category to connect to centralized public water and wastewater facilities. The County's utility ordinance provides more specific guidance and requires a connection if the land is located within 200 feet of existing utility infrastructure. This level of review will be performed with the Development Plan and Improvement Plan, in addition to an analysis of the remaining wastewater treatment facility capacity.

In terms of traffic, the applicant will be required to submit a traffic analysis showing how the project will affect the roadway network and identify any improvements needed to support the future project.

Based on the above findings it is concluded the application will be more thoroughly reviewed with future development applications to determine the impact and availability of adequate public facilities to support the level of service standards

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

Consistency analysis: The existing PUD zoning district boundaries were drawn to reflect a rezoning application with a Concept Development Plan and are not considered to be illogically drawn. However, since the PUD project was never fully executed and has now expired, rezoning to a different district may be found to be an appropriate change for the area.

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

Consistency analysis: Conditions have changed since the PUD zoning was adopted in 2015, as it was expected that the applicant would continue with the required development approval steps and building permits to realize the vision of their Concept Development Plan. Today, the PUD plan has expired, and the site must be rezoned to authorize a new course.

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

*Consistency analysis: The 41.08-acre multi-family residential site, with 16 existing dwellings, is in an area of primarily office uses and vacant agricultural land. The Urban Center Mixed Use future land use category is placed in areas that can be found to support more intensive development. The rezone to RMF-8 is not expected to adversely influence living conditions in the area and can be found to be an appropriate transition from PUD. Based on the above it is concluded the application can be found in **conformance** with this factor.*

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

Consistency analysis: A traffic study was not provided with the application. Future development applications will require a traffic analysis to demonstrate the maintenance of adopted levels of service on the roadway network.

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

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

Consistency analysis: The rezoning itself will not impact drainage and the applicant will be required to demonstrate compliance with drainage and stormwater needs with the future Improvement Plan.

The applicant is responsible for coordinating with the required State agencies (i.e., SWFWMD or DEP) and obtaining any required state permits prior to issuance of the Notice to Proceed.

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

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

Consistency analysis: Approval of the rezone will not have an impact on reducing light and air to adjacent areas. Additionally, a 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 the LDR standards, including maximum impervious surface coverage and setbacks.

*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: Absent an analysis from a certified property appraiser, it is difficult to understand how the proposed rezoning will impact area property values. The Comprehensive Plan expressly permits multi-family residential uses in the Urban Center Mixed Use Future Land Use Category, as set forth in Policy 1.9.2. The development standards contained in the RMF-

*8 zoning district regulate minimum lot size, setbacks, maximum impervious lot coverage, and the required separation between structures. Given that the existing PUD zoning will not currently allow for any development since it is out of compliance with the PUD approval, rezoning the property to RMF-8 is not expected to adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application can be found in to be in **conformance** with this factor.*

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

*Consistency analysis: The proposed RMF-8 rezoning is not expected to be a deterrent to the improvement or development of adjacent properties and could be a catalyst for the redevelopment of the area. Changing the zoning from PUD to RMF-8 will bring the existing multi-family residential parcel into conformance with the LDR. Based on the above finding, it is concluded the application can be found to be in **conformance** with this factor.*

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

Consistency analysis: The proposed change, as evaluated pursuant to the Comprehensive Plan and LDR will not grant special privilege to an individual owner, as contrasted with the public welfare.

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

Consistency analysis:

The property cannot be used under the current PUD zoning approval, as the project has been split into several parcels and sold to different owners, which is inconsistent with the adopted concept plan and in violation of a condition of the PUD Ordinance. If adopted, the rezone to RMF-8 will allow for the use of the existing homes on site, including utility upgrades planned by the property owner, but it will also allow for redevelopment of the parcel up to 205 multi-family units.

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

Consistency analysis: The proposed rezone is an existing multi-family residential parcel with PUD zoning. The concept plan approved with the PUD was never implemented and portions of the PUD were sold to various owners.

The 41.08-acre multi-family residential site, with 16 existing dwellings, is a part of the original Power Auto Corp PUD, which is currently an abandoned development made up of residential, office, industrial, and commercial uses as well as vacant agricultural land. Staff is not currently aware of any additional structures planned for the property, but the property could be redeveloped in accordance with the RMF-8 zoning, if adopted.

The Land Development Regulations provide proportionate protection to surrounding property owners and their uses in terms of setbacks, and buffers. Residential Multi-Family District – 8 (RMF-8) standards are as follows: front (35 feet), side (20 feet), and rear (30 feet). Maximum impervious lot coverage is 50%.

Given the plan to use the existing homes, with these standards, the proposed rezoning will not result in development that is out of scale with the surrounding area.

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

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

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

Consistency analysis: Conditions cannot be placed on a Euclidean zoning district, and therefore, this criterion is not applicable.

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

Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed May 26, 2026, public hearing. As stated above, conditions cannot be placed on a straight rezoning.

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.

Public notice was provided in accordance with the LDR requirements, and such notice is on file.

IV. ATTACHMENTS

Exhibit A: General Location Map

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

Exhibit C: Official Zoning District Atlas

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 +/- 41.08-acre site located in central DeSoto County, west of SE Highway 31 at 5906 SE Residential Way.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Urban Center Mixed Use.
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Planned Unit Development (PUD).
- D. The Development Director finds that on November 21, 2023, an Official Zoning District Atlas amendment application (RZNE-0046-2023) was filed by the owner, Maria's Rentals LLC, which application proposes to change the zoning district to Residential Multi-Family - 8 (RMF-8).
- 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.

- G. LDR Section 20-1496(b) requires the Planning Commission to review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for May 5, 2026.
- 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 is 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 rezone application generally meets those requirements, and the RMF-8 zoning may be adopted by the Board.
- 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 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 deny the proposed Ordinance.

VII. PUBLIC HEARINGS

A. Planning Commission. Scheduled for May 5, 2026.

B. Board of County Commissioners: Scheduled for May 26, 2026.