



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

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

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

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

PROPERTY ADDRESS: SE Hansel Avenue, Arcadia, FL 34266

OVERVIEW OF REQUEST

The matter before the Board of County Commissioners is a request to approval of a Preliminary Major Plat to be known as "Thomas Estates".

Pursuant to **Section 20-256 (c)(2)** of the County Land Development Regulations (LDR) for major subdivisions, upon favorable recommendation by the Development Review Committee, the Development Director will notify the project surveyor, and the subdivision plat shall be submitted to the Planning Commission and the Board of County Commissioners for their approval. Upon approval by the Board of County Commissioners, or approval with conditions, the original tracing of the subdivision plat will be returned to the owner or developer who will be responsible for completing the recording process. The plat has been prepared by a licensed Florida surveyor and has been reviewed by the County Surveyor who found the plat compliant with Chapter 177, Florida Statutes.

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

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

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

The subdivision of property into more than three (3) contiguous lots (under common ownership or control) is defined by the State of Florida as a common plan of development or sale and requires a SWFWMD/FDEP permit for stormwater. State permits will be required prior to the issuance of any building permits.

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

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

Sec. 20-256 (c)(4) of the Code states “The Board may condition its approval of a plat on the developer’s recording of the plat within five business days, or other specific time period as appropriate.” In this case, the plat will be recorded after approval of the Improvement Plan and Final Plat approval by the Board of County Commissioners.

Additional Condition recommended by the Planning Commission:

“The two proposed cul-de-sac roadways shall be hard surface paved in conformance with the DeSoto County Engineering standards. This shall be approved by the County Engineer with the Improvement Plan.”

Staff did not include the recommendation for paved roadways in the final staff recommended stipulations.

Recommended Conditions of Approval:

Based on a meeting held with representatives from the engineering, fire, and planning departments after the Planning Commission meeting, staff recommends the following conditions to the Board of County Commissioners:

1. Improvement Plan approval is required prior to any site development.
2. Construction of and inspection approval of the cul-de-sac roadways, and any other required improvements, are required prior to Final Plat approval and recordation, and conveying property.
3. Building permits for the lots shall not be issued until the Final Plat is approved by the Board of County Commissioners and recorded with the Clerk of Court.
4. The two private access easements/Roads shall be designed pursuant to the standards in Article XIII, Divisions 3 and 4, of the Land Development Code and the County Engineering Standard Details Manual and approved with the Improvement Plan by the County Engineer.
5. All driveways shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Code and the County Engineering Standard Details Manual prior to building permits being issued for individual lots. Either asphalt or concrete driveway aprons are required for each lot, as approved by the County Engineer.

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

PLANNING COMMISSION ACTION The case was heard at a public hearing on December 3, 2024. The Planning Commission voted to adopt the findings and conclusions contained in the staff report with a recommendation to adopt the proposed ordinance, revising condition # 2 to read, "Recording of the plat will be withheld until after a redesign and final approval by the Board of County Commissioners. The redesign described herein shall solely refer to the redesign of the access easement to include the two planned mid-point turn-arounds, as described above, which shall first be approved by the County Engineer, County Surveyor, and the Development Department. Any revisions to the plat except as provided in this condition shall require the approval of the Board of County Commissioners.

And adding all proposed roads be hard surface paved roads in conformance with the DeSoto County Engineering standards.

Motion: Brian Young made a motion recommending approval revising condition # 2 and adding an additional recommendation, which was 2nd by Roger Lowe. Motion carried unanimously 5-0.

BOARD OF COUNTY COMMISSIONERS

Scheduled for March 25, 2025

ALTERNATIVE MOTIONS:

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

A. Approval: Based upon the staff report, evidence presented, the recommendation of the Planning Commission, and comments made at the Public Hearing, the Board hereby finds the application to be CONSISTENT with the DeSoto County Comprehensive Plan and in compliance with the applicable review standards of the Land Development Regulations, and I move to ADOPT PRELIMINARY PLAT-0162-2024 with the staff recommended conditions.

B. Denial: Based upon the staff report, evidence presented, the recommendation of the Planning Commission, and comments made at the Public Hearing, the Board hereby finds the request to be INCONSISTENT with the DeSoto County Comprehensive Plan and not in compliance with the

applicable review standards of the Land Development Regulations, I move to DENY PRELIMINARY PLAT-0162-2024.

- C. Table:** Based upon the staff report evidence presented, the recommendation of the Planning Commission, and comments made at the Public hearing, the Board hereby finds that additional information is needed to make a recommendation, I move to TABLE PRELIMINARY PLAT-0162-2024 and require the applicant to readvertise the project with the new hearing dates.

ATTACHMENTS

Exhibit A: General Location Map
Exhibit B: Proposed Plat