



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

REQUEST: RZNE-0065-2025 (Rezoning)
From Residential Multifamily 6 (RMF-6) Zoning
District to Planned Unit Development (PUD)

PROPERTY OWNER: Millrose Properties Florida LLC
5505 Waterford District Dr.
Miami, FL 33126

AGENT: Tom Sacharski, AICP
RVi Planning + Landscape Architecture
8725 Pendery Place, Suite 101
Bradenton, FL 34201

PROPERTY ID: 31-39-23-0000-0206-0000

TOTAL PARCEL SIZE: 109.64 acres

FUTURE LAND USE DESIGNATION: Low Density Residential – 2 dwelling units per
acre (with a bonus density limit of a maximum
3.5 dwelling units per acre)

ZONING DESIGNATION: Residential Multifamily 6 (RMF-6)

OVERLAY DISTRICT: Conservation Overlay District (COD)

Prepared by Green Street/June Fisher/M. Servia

DEVELOPMENT REVIEW REPORT

The request before the DeSoto County Board of County Commissioners, is an Official Zoning District Atlas Amendment application (Rezoning) (RZNE – 0065-2025) filed by Tom Sacharski, AICP of RVi Planning + Landscape Architecture, on behalf of the Applicant, Millrose Properties Florida, LLC, to rezone a 109.64 acre parcel. The applicant is requesting approval of the proposed Planned Unit Development (PUD) zoning district

to allow for a maximum of 230 single-family attached, townhomes, and detached dwelling units, supporting amenities, and associated infrastructure at a gross density of 2.10 dwelling units per acre, requesting Low Density Residential bonus density.

The property is generally located in southwest DeSoto County, west of County Road 769, north of I-75 and along SW Egret Circle in Lake Suzy, FL.

The DeSoto County Land Development Regulations (LDR) 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

I. BACKGROUND

The Official Zoning District Atlas Amendment Application states the request is to amend the Official Zoning District Atlas by changing the zoning district for 109.64 acres from Residential Multifamily 6 (RMF-6) to Planned Unit Development (PUD) to allow for a maximum of 230 single-family dwelling units (attached, detached, and townhomes), supporting amenities, and associated infrastructure with a Concept Development Plan.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.4 defines the Low Density Residential Future Land Use Category. The Low Density Residential Use category consist of low density residential uses in progressive degrees of urban intensity with higher density in areas adjacent to Medium Density Residential, Mixed Use Centers, General Mixed Use Centers and less density/intensity in areas adjacent to Rural/Agricultural categories.

The PUD Concept Development Plan includes a 41.92-acre Residential tract area (39.3%), a 6.58-acre stormwater area, and 38.25-acre recreational lake. It also meets the required 25% open space (+/- 27.5 acres), providing 25.1%. Usable open space is shown on Exhibit F.

The following table is a breakdown of the proposed uses:

Land Use Table	Acres	% of Site
Residential Area	41.92	38.3%
Stormwater Area	6.58	6%
Recreational Lake Area	38.25	34.9
Common Open Space Area	6.61	6%
Useable Open Space Area	6.72	6.1%
Right of Way Area	9.56	8.7%
Total	109.64	100%

The Applicant requests 7 deviations from the Code as follows:

- (1) Deviation from Section 20-504(c) to eliminate all street shoulder requirements where a closed drainage system is present.
- (2) Deviation from Section 20-503 to allow for private residential right-of-ways to have a minimum width of 40 feet where 60' is required.
- (3) Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the "Florida Greenbook") as follows:

DESIGN SPEED	CENTERLINE RADIUS
15	50'
20	95'
25	180'
30	300'

- (4) Deviation from Section 20-504(a)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.
- (5) Deviation from Section 20-144(f)(6) to allow for up to 50% of the stormwater

management areas to count towards useable open space.

- (6) Deviation from Section 20-505(1) to allow for a residential development over 51 units to have only one main access point.
- (7) Deviation from Engineering Detail D-15 “Maximum Cul-de-sacs Length” to allow for cul-de-sacs with lengths longer than 1,300 feet.

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 PROPERTY OWNER MILLROSE PROPERTIES FLORIDA, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0065-2025) BY CHANGING THE ZONING DISTRICT OF 109.64 ACRES FROM RESIDENTIAL MULTIFAMILY 6 (RMF-6) TO PLANNED UNIT DEVELOPMENT (PUD) FOR A RESIDENTIAL PROJECT UTILIZING BONUS DENSITY ON PROPERTY GENERALLY LOCATED SOUTHWEST DESOTO COUNTY, WEST OF COUNTY ROAD 769, ALONG SW EGRET CIRCLE IN LAKE SUZY, FL, THE PROPERTY IDENTIFICATION NUMBER BEING 31-39-23-0000-0206-0000 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 and the Comprehensive Plan. LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas (rezoning) amendment and text amendment applications. LDR Section 20-1650 defines the 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 County Commissioners, certified and dated by the Board Chairman, as may be amended from time to time. Zoning District symbols are depicted within each boundary.

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

1. Initiation. LDR 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 or agency of the County; or
- Any person other than those listed above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

Consistency analysis: The Official Zoning District Atlas Amendment application (RZNE-0065-2025) (the "Application") and fee were filed with the Development Department. The Application was executed by Tom Sacharski, AICP as authorized agent for the owner.

2. Filing requirements. LDR Section 20-1496(b) provides that all proposals for zoning amendments shall be submitted in writing to the Development Department, accompanied by all pertinent information required by the LDR and the application along with payment of the application fee.

Consistency analysis: The written Application and fees were filed with the Development Department on February 19, 2025.

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

B. The Planning Director review. LDR Section 20-1497 addresses the Planning Director review.

1. Section 20-1497(a) provides that upon receipt of an application, the Planning Director shall determine whether the application is complete. If the application is complete, it will be accepted for review. If the application is incomplete, the Planning Director shall specify in writing the additional information required in order for the application to be processed. No further action shall be taken on the application until the additional information is submitted and determined to be complete.

*Consistency analysis: The Planning Director provided notice that the rezone application was complete on February 19, 2025. The Planning Director finds that the Planning & Zoning Division of the Development Department processed the application in **conformance** with LDR Section 20-1497(a).*

2. Section 20-1497(b) provides that after receipt of a complete application, the Planning Director shall distribute the application for review by the Development Review Committee (DRC).

*Consistency analysis: The Planning Director finds the application package was distributed to DRC members after each filing. Thus, the Planning Director finds the Planning & Zoning Division of 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.

*Consistency analysis: The Development Review Report was provided to the authorized agent for review and comment. Thus, the Planning Director finds the Planning & Zoning Division of the Development Department has processed the application in **conformance** with LDR Section 20-1497(c).*

- C. Planning Commission Report.** LDR Section 20-1498(a) provides that the report and recommendations of the Planning Commission to the Board of County Commissioners shall show that the Planning Commission has studied and considered the proposed change in relation to the 15 factors listed below.

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

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

- *PUD zoning and proposed use are consistent with the requirements of the Low Density Residential Future Land Use Map category and eligible for the base density of 2 dwelling units (du)/acre.*
- *The Concept Plan is generally consistent with Comprehensive Plan with recommended conditions.*
- *Project is within DeSoto County Utilities Service Area and will connect*
- *Project is within Conservation Overlay District and meeting standards of density limitations, preservation, and impact mitigation with recommended conditions*
- *Project is within an area of the county where services and facilities are available to accommodate growth and must meet all concurrency requirements.*
- *Project is a high traffic generator and not located on an arterial or collector road as preferred by LDRs, but on an existing neighborhood / local street. Project also requesting deviations from code for fewer access points and longer dead-end streets. Project is not connecting*

to existing stub-out / inter-neighborhood tie to west. Conditions are recommended to help mitigate these issues.

In summary, based upon the totality of the circumstances, the rezoning application can be found in conformance with the Comprehensive Plan, with the recommended conditions that require design changes.

2. The existing land use pattern.

Consistency analysis: The subject property is in the southwestern portion of the county, with the Sarasota County line directly on the western boundary and the Charlotte County line approximately 0.5 miles to the south. The subject property is currently undeveloped (non-agricultural) and is contiguous to (and within an area) of single-family residential uses. Table 1 shows the existing land use pattern. The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north is vacant pastureland, to the south and east are single- and multi-family developments, and to west is currently vacant platted residential land located in the City of North Port in Sarasota County.

The site will be compatible with the surrounding land use pattern via sensitive placement of units and recreational uses and perimeter buffers. The Land Development Regulations provide specific height, bulk, setback, density, buffering, and other regulations to help to achieve compatibility between uses. Development heights will be limited to 35 feet which is compatible with the maximum allowable heights of areas zoned for single-family homes. A 10' Type B buffer is proposed along the southern and western boundaries and a 5' Type A buffer is proposed along the eastern and northern boundaries.

*Table 1 illustrates that the surrounding uses are developing in a fashion consistent with the Low Density Future Land Use category. PUD zoned projects may establish their own specific height, bulk, setback, density, buffering, and other regulations for the zoning district to help to achieve compatibility between uses. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

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

Consistency analysis: The project is in a developing area, primarily consisting of residential uses, agricultural land, and vacant residential areas. The surrounding properties are in the Low Density Residential Future

Land Use Category. To the north is vacant pastureland, to the south and east are single- and multi-family developments, and to west is a vacant platted residential parcel located in the City of North Port in Sarasota County.

*Based on the above findings, it is concluded the application can be found 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: Policy 1.22.5 Concurrency Information/ Data requires that 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 as concurrency is granted with the Improvement Plan.

The project is a proposed Planned Unit Development (PUD) District, which requires a concept development plan with the Zoning Atlas Amendment. The Applicant also provides a supportive report as required by Sec. 20-144(g)(2).

The project is within the County's utility service area and is required to connect to the County's water and wastewater utilities. Applicant has indicated plans to connect to public water and wastewater facilities.

To address transportation LOS, a Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., February 2025). The PUD Concept Development Plan proposes one full access point on SW Egret Circle, a two-lane local street. The plan illustrates a "20' wide stabilized emergency access" at the SE corner of the development. Section 20-505 of the LDRs requires residential developments with more than 51 dwelling units to have 2 means of access, preferably to a minor collector (a functionally classified roadway). Proposed is one full means of access to a local street, SW Kingsway Circle. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. Staff does not support this deviation request and recommends a condition

requiring a second means of access.

One access point puts 230 additional trips in the PM Peak Hour at one location on SW Egret Circle, an existing 2 lane, 20' wide local street with a 5' wide sidewalk on one side within an approximate 60' ROW. The existing SW Egret Circle generally matches County Engineering standards for a non-functionally classified local street.

From a traffic perspective, future residents would access SW Egret Circle at one location. SW Egret Circle connects to SW Kings Circle, which connects to Kings Highway at two different locations. Depending upon where future residents are traversing to (north on Kings Highway or south), would likely dictate which leg they would utilize. There are approximately 989 dwelling units that utilize SW Kingsway Circle to get to Kings Highway and other properties along the circle that are yet to be developed.

According to FDOT's Generalized Service Volume Tables, 2 lane roads can carry approximately 1,330 vehicles during the PM peak hour. The proposed development will add approximately 230 trips during the PM peak hour. Generally speaking, 1 dwelling unit equates to 1 PM peak hour trip. The 989 dwelling units roughly equals 989 PM peak hour trips. Adding 230 units / 230 PM peak hour trips, is potentially pushing SW Kingsway Circle to its maximum capacity.

It's staff's professional opinion that two means of access are needed for trip distribution and public safety, in case one means of access is unavailable. The second access will provide a backup for ingress and egress for the community and for emergency vehicles. Given the number of units and that the project feeds on to a local street instead of minor collector, two full means of access is recommended, as required by the LDR. Staff recommends a condition requiring an additional access point in lieu of the stabilized emergency access shown on the Concept Development Plan.

With the Improvement Plan, a more detailed traffic impact analysis and safety and operational analysis will be required.

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

Consistency analysis.

The proposed boundaries are not illogically drawn. The residential PUD can be considered compatible with the surrounding land use pattern via sensitive placement of units and recreational uses, expansive preserves

and perimeter buffers. The Land Development Regulations provide specific height, bulk, setback, density, buffering, and other regulations to ensure compatibility between uses. Development heights will be limited to 35 feet which is compatible with the maximum allowable heights of areas zoned for single-family homes. A 10' Type B buffer is proposed along the southern and western boundaries and a 5' Type A buffer is proposed along the eastern and northern boundaries.

*The proposed PUD complements the surrounding properties and creates a logical development pattern. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

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

Consistency analysis: The area is transitioning to a suburban residential type of development and the proposed PUD zoning district can be found to be generally more consistent with the trends experienced and anticipated in the area. The proposed zoning generally aligns with the existing uses and development anticipated by the Future Land Use Category. The project is within the Low-Density Residential Future Land Use Category, which envisions the development of this area of the county at 2 dwelling units per acre with a bonus density of up to 3.5 du/acre. The project is proposing a max of 2.1 dwelling units per acre (requesting bonus density) with a concept plan for a 230-unit single family home development on 109.64 acres.

The transition of the area from rural to suburban, consistent with the Future Land Use Map are the changing conditions that make the passage of the proposed amendment necessary to amend the zoning and develop the property consistent with the Comprehensive Plan.

*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 in **conformance** with this factor.*

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

Consistency analysis The proposed change should not adversely influence living conditions in the area if approved with the recommended staff conditions. The project is within the Low-Density Residential Future Land Use Category, which envisions the development of this area of the county at a maximum of 2 dwelling units per acre with a bonus density of

up to 3.5 du/acre. The project is proposing a PUD with a concept plan for a 230-unit residential community with a gross density of 2.10 du/ac (bonus density requested).

The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential including single-family attached/detached and townhomes. The subject property is also located within the Conservation Overlay district, which has some density limitations per Policy 1.12.2(4).

The Concept Development Plan shows 0.60 acre of jurisdictional wetland areas. Policy 1.12.2(4) prohibits density greater than 1 du/10 acres for land that is part of a conservation area (jurisdictional wetland). The base density calculation when considering the COD limitation is provided below.

Total parcel: 109.64 acres

Wetlands: 0.60 acre (Wetlands limited to 1 unit per 10 acres) ($0.60 / 10 = 0.06$ unit)

Uplands: $109.64 - 0.60 = 109.04$ acres (Upland limited to base density of 2 units/acre) ($109.04 \times 2 = 218.08$ units)

$218.08 \text{ units} + 0.06 \text{ unit} = 218.14 \text{ units}$ (maximum allowable units at base density)

Maximum base density dwelling units = 218 units.

The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential types including single-family attached, detached, and townhomes and the proposed change will not adversely influence living conditions in the area.

The density, intensity, and type of development proposed and permitted within the proposed PUD zoning district can be found to be compatible with existing development and existing zoning of surrounding properties. A 10' Type B buffer is proposed along the southern and western boundaries and a 5' Type A buffer is proposed along the eastern and northern boundaries.

*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 in **conformance** with this factor.*

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

Consistency analysis: The proposed change should not create or excessively increase traffic congestion in the area – or affect public safety, if approved with the staff recommended conditions. A detailed traffic analysis will be provided with the Improvement Plan, which will highlight any needed improvements to address traffic congestion.

A Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., February 2025). The PUD Concept Development Plan proposes one full access point on SW Egret Circle, a two-lane local street. The Concept Development Plan also shows a “20’ wide stabilized emergency access” at the SE corner of the development.

Section 20-505 of the LDRs requires residential developments with more than 51 dwelling units to have 2 means of access, preferably to a minor collector (a functionally classified roadway). Proposed is one full means of access to a local street, SW Kingsway Circle. The applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more. Staff does not support this deviation request and recommends a condition for a second access for the project in lieu of the stabilized emergency access.

One access point will place approximately 230 additional trips in the PM Peak Hour at one location on SW Egret Circle, an existing 2 lane, 20’ wide local street with a 5’ wide sidewalk on one side within an approximate 60’ ROW. The existing SW Egret Circle generally matches County Engineering standards for a non-functionally classified local street.

From a traffic perspective, future residents would access SW Egret Circle at one location. SW Egret Circle connects to SW Kings Circle, which connects to Kings Highway at two different locations. Depending upon where future residents are traversing to (north on Kings Highway or south), would likely dictate which leg they would utilize. There are approximately 989 dwelling units that utilize SW Kingsway Circle to get to Kings Highway. There are other properties along the circle that are yet to be developed.

According to FDOT’s Generalized Service Volume Tables, 2 lane roads can carry approximately 1,330 vehicles during the PM peak hour. The proposed development will add approximately 230 trips during the PM peak hour. Generally speaking, 1 dwelling unit equates to 1 PM peak hour trip. The 989 dwelling units roughly equals 989 PM peak hour trips. Adding 230 units /

230 PM peak hour trips, is potentially pushing SW Kingsway Circle to its capacity.

Two means of access is needed for trip distribution and public safety in case one means of access is unavailable. It will provide a backup for ingress and egress for the community and for emergency vehicles. Given the number of units and limited access to a local street (LDR requires access to a minor collector) two full means of access is recommended.

With the Improvement Plan, a traffic methodology meeting will be required for the county to provide directions to the Applicant on the details to include in the Traffic Analysis

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

Consistency analysis: The proposed PUD is not expected to create a drainage problem, and drainage will be evaluated with the Improvement Plan when the stormwater calculations are prepared for the project. The State of Florida is the authority on this review. Stormwater will be maintained on-site and directed to a pond. The stormwater will be properly treated and attenuated per the State requirements prior to discharge. An environmental resource permit from the SWFWMD will be required prior to commencement of site development activities, thereby ensuring adequate drainage. There is a separate recreation lake area (38.25 acres) that is not part of the stormwater system.

The FEMA flood map for this area is number 12027C0266C effective on 11/06/2013. Based upon the flood map, the site is in Flood Zone X and AE.

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. Development heights will be limited to 35 feet which is compatible with the maximum allowable heights of areas zoned for single-family homes. The Concept Development Plan establishes yard setbacks and other building standards. The project is consistent with nearby development. Based upon the site design and location, the project will not seriously reduce light and air to the adjacent area.

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 PUD rezoning and Concept Development Plan will impact area property values. However generally, property that is developed into a residential development has a higher assessed value than agricultural property, and therefore an adverse impact on property values is not expected.

The proposed rezone should not adversely affect property values in the adjacent area.

- 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 changes should not be a deterrent to the improvement or development of adjacent property. The change in zoning can be found to be consistent with the Future Land Use Category and the uses in the overall area, as well the area development patterns. The proposed zoning is also compatible with the contiguous uses, which are consistent with the requested PUD zoning standards for lot size.

- 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 will not constitute a grant of 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 subject property is currently zoned RMF-6 (Residential Multi Family 6 du/ac.) with a Low Density Residential future land use category (which permits density up to 2 du/ac and up to 3.5 du/ac with the granting of a bonus density by the Board). The existing RMF-6 zoning on 109.64 acres allows for a base density of up to 218 dwelling units and a maximum of 383 dwelling units if the maximum bonus density was granted by the Board.

The advantage to the PUD process is that it provides design flexibility and allows the Board to grant deviations from standard code requirements. The Applicant has requested several deviations with this application.

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

Consistency analysis: The project can be found to be compatible with the surrounding scale of development. Building heights are limited to 35 feet, which is compatible with the maximum allowable heights of areas zoned for single-family homes. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential type uses.

In summary, the Planning Director finds that the application can be found in conformance with the Comprehensive Plan and the 15 factors found in LDR Section 20-1498(a) provided recommended conditions are imposed.

D. Planned Unit Development District - General Requirements and Limitations.

LDR Section 20-144(e) requires the following general requirements and limitations shall apply in PUD districts approved under the terms and provisions of these regulations.

- (1) Unified control. All land included for purpose of development within PUD district shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed development. The applicant shall:
 - a. Agree to be bound by:
 1. The concept development plan officially adopted as the PUD district; and
 2. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.
 - b. Provide agreements, contracts, deed restrictions or sureties acceptable to the County for completion of undertaking in accordance with the adopted concept development plan as well as for the continuous operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and
- (2) All conditions shall run with the land.

Consistency analysis: The Development Director concludes that these general requirements will apply when the PUD zoning district application, including the Concept Development Plan is approved. Any required documentation required by this requirement shall be imposed during the Improvement Plan review and approval process. Thus, the Development Director concludes this factor is

*premature and does not apply until the time the PUD and Concept Development Plan is approved. Thus, this factor is **not applicable**.*

E. Planned Unit Development District Specific Requirements. LDR Section 20-144(f) requires a PUD comply with 13 other requirements.

1. Location: PUD districts shall be located so as to maintain adopted level of service on all impacted public rights-of-way.

Consistency analysis: FLUE Policy 1.22.5 Concurrency Information/Data also 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. Future development applications will be required to be consistent with this policy as concurrency is granted with the Improvement Plan.

Refer to the previous transportation analysis and recommendations in this report.

The project is within the County's utility service area and is required to connect. Applicant has indicated plans to connect to public water and wastewater facilities.

2. Minimum Area Required: The minimum area required for a planned unit development district containing only residential uses shall be 5 acres: containing only commercial or industrial uses shall be 2 acres, and containing a mix of residential, commercial or industrial uses shall be 5 acres.

*Consistency analysis: The Development Director finds the PUD has a size of 109.64 acres and is for single-family detached, and townhouse residential use. Therefore, the application can be found in **conformance** with this factor.*

3. Character of the Site: The condition of soil, ground water level, drainage and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to adequately accommodate its proposed use and design.

Consistency analysis: The Soils Conditions Map shows the property consists of Eugallie Fine Sand, Farnton Fine Sand, and Felda Fine Sand. The Soil Survey of DeSoto County, Florida classifies these soils as being deep, poorly drained soils that formed in thick beds of sandy and loamy marine sediments.

These soils are on flatwoods and marine terraces. Slopes range from 0 to 2 percent. The soil conditions are suitable for residential development provided appropriate drainage and fill materials are provided to overcome wetness.

*The topographic map of the property shows the elevations range from 21 to 26 feet in elevation, not including the existing lake. Based on the above, it is concluded the topography is suitable for residential development. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

4. Uses Permitted: An applicant may propose any use or combination of uses within a proposed PUD subject to the minimum area requirements contained herein.

Consistency analysis: The applicant proposes the development of a residential subdivision on 109.64 acres. The development includes 230 dwelling units (density bonus requested), required open space, stormwater, wetland protection, and with design meeting PUD standards.

5. Density: The overall, gross density of the proposed PUD Concept Development Plan shall be calculated by dividing the total number of units proposed by the gross acreage of the PUD. In no event shall the gross density exceed the maximum density permitted by the Comprehensive Plan. In the event of multiple Future Land Use Map categories, no project may be authorized to utilize density averaging or blending techniques.

Consistency analysis: The project is within the Low Density Residential Future Land Use Category. The LDR FLUC established 2.0 du/acre as the minimum density. As previously mentioned, the base density allowed for the project is as follows:

Total parcel: 109.64 acres

Wetlands: 0.60 acre (Wetlands limited to 1 unit per 10 acres) ($0.60 / 10 = 0.06$ unit)

Uplands: $109.64 - 0.60 = 109.04$ acres (Upland limited to base density of 2 units/acre)
($109.04 \times 2 = 218.08$ units)

$218.08 \text{ units} + 0.06 \text{ unit} = 218.14 \text{ units}$ (maximum allowable units at base density)

The project is proposing 230 units, which can be authorized with Board approval of a density bonus. Without it, the project will be limited to 218 units.

6. Minimum Open Space: Planned Unit Developments shall set aside at least 25% of the gross area as open space. Usable open space shall include active and passive areas such as playgrounds, golf courses, water frontage, waterways, lagoons, flood plains, nature trails and other similar open spaces. Open water area beyond the perimeter of the site and street rights-of-way, driveways, off-street parking areas and off-street loading areas, or private yards shall not be counted in determining usable open space.

*Consistency analysis: The PUD Concept Development Plan notes a proposed amenity area and provides 6% of the site as stormwater area (6.58 acres) and meets the required 25% open space, providing 25.1% (27.5 acres). The applicant has proposed a deviation from code for Section 20-144(f)(6) to allow for up to 50% of stormwater management areas to count towards useable open space requirement. A condition has been proffered by the applicant. Stormwater design permits will be issued by the State of Florida. Based on the above, it is concluded the application can be found in **conformance** with this factor, if approved **with the staff recommended conditions**.*

7. Minimum Lot Area and Frontage Requirements within a PUD: No minimum lot size or yards shall be required within a PUD, except that peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries limited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use must be served directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road or street.

Consistency analysis: The concept plan does not provide the detailed layout of the proposed 230 dwelling units and only provides a maximum number of units (230) and shows that units may be single-family, single-family attached, or townhomes. Staff includes an Exhibit G recommending where townhomes and single-family attached units can be located. The Applicant also shows setbacks, useable open space, buffers, including a 20' wide perimeter buffer, and accessory uses on-the Concept Development Plan.

The PUD zoning district provides flexibility to consider alternatives to Euclidean zoning districts regulations and allows the Board to approve conditions with the project.

8. Off-Street Parking and Off-Street Loading Requirements: Off-street parking and off-street loading requirements shall be as for comparable uses set out in the Land Development Regulations. Shared parking facilities may be approved

as part of the request upon review of an acceptable alternative parking strategy study.

*Consistency analysis: The Concept Plan provides a parking calculation of 2 spaces per dwelling unit for the proposed PUD, consistent with LDR requirements. Loading is not required. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

9. Development Planning - External Relationships: Development planning within a PUD district shall provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences generated by or within the district.

- a. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. Where streets within the district intersect adjoining streets, appropriate visibility triangles shall be maintained.

Consistency analysis: With the Improvement Plan, a traffic methodology meeting is recommended so that the county can provide direction to the Applicant for the traffic analysis. Additionally, staff recommends a condition for a second means of access. See transportation analysis comments and staff recommendations addressed elsewhere in this report.

- b. Fences, walls or vegetative screening at edges of PUD districts shall be provided where needed to protect residents from lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels. In particular, off-street parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

Consistency analysis: A 10' Type B buffer is proposed along the southern and western boundaries and a 5' Type A buffer is proposed along the eastern and northern boundaries. A note on the concept plan states all landscape buffers are proposed to be in conformance with Section 20-604 buffer diagrams. Based on the above findings, it

*is concluded the application can be found in **conformance** with this policy.*

10. Phasing of Development

a. It is the intent of DeSoto County that to the extent possible, each approved PUD development be carried through to completion in essentially the form in which it is approved at the Concept Development Plan level. Therefore, each phase of the development will be expected to adhere closely to the design principles of the Concept Development Plan. However, the County recognizes as a practical matter, that the long-term nature of the proposed buildout of the PUD will likely justify changes based on changing economic or other factors. Therefore, provision is made for the submission of individual phases or sub units of the entire PUD. All such phases shall, in their timing, nature, intensity and location, be determined to be consistent with the larger PUD and to contribute to its completion in a unified fashion. Where such consistency is not feasible, it is assumed that the overall PUD Concept Development Plan will be modified to reflect changed conditions or factors.

b. These phases shall be so located and related that should for any reason the full PUD not be developed, the completed portion will be self-contained.

c. If the PUD is to be phased and more than one (1) final plat is required, successive plats must be filed so that development activity shall be of a reasonable continuous nature, and shall adhere to the following:

1. All public service facilities, major recreation facility or facilities, including open space, parks, nature areas or environmentally sensitive areas to serve the designated phase shall be platted prior to the platting of more than the first twenty-five (25%) percent of the total permitted dwelling units or recreational vehicles. The above may be accomplished by phases. As each phase is approved, the public service facilities, recreation and environmentally sensitive areas within the proposed phase shall be dedicated to such public or private entity for such use.

*Consistency analysis: This factor **is applicable**.*

2. Internal commercial areas shall not be platted prior to, but may be platted concurrent with, the platting of at least 25 percent of the total permitted dwelling units or recreational vehicles.

*Consistency analysis: This factor **is not applicable**.*

3. After rezoning to PUD district, no plat or building permit shall be issued by the County, and no development shall commence unless in conformance with the approved concept development plan.

*Consistency analysis: This factor **is applicable**.*

4. If no significant construction has begun or no use is established in the PUD within five years from the time of rezoning the site to PUD, the concept development plan shall lapse and be of no further effect. If a concept development plan lapses under the provisions of this section, the Board of County Commissioners may initiate a petition to rezone the said PUD to an appropriate zoning classification. No rezoning petition may be initiated until the County has provided the applicant with notice of its intent to rezone and further provided a 60-day period during which the applicant may begin construction and thereby cure the lapse. The Board may extend the PUD for two years provided the applicant can show good cause why said development cannot proceed. There shall be no limit to the number of extensions that may be granted by the Board.

*Consistency analysis: This factor **is applicable**.*

5. After the original phase containing 25 percent of the total permitted dwelling units is approved and platted, subsequent phases containing areas of residential development shall not be approved for final plat until a minimum of 25 percent of the residential units have been developed and certificates of occupancy issued; provided, however, that the developer of the PUD shall be exempt from this provision if the developer:
 - (i) Enters into a long term road and drainage maintenance agreement with the County; or
 - (ii) Creates a community development district, special taxing district, property owners association or other acceptable legal entity that will assume ownership and maintenance responsibility of the road and drainage system.

*Consistency analysis: The PUD is proposed to be completed in multiple phases. The proposed phasing will be provided with the Improvement Plan. This factor **is applicable**.*

11. Preservation and Protection of Natural Historic or Archeological Features: Every effort shall be made in the planning and development of the PUD District to preserve and protect desirable natural, historic or archaeological features of

the site, including trees and other vegetation of consequence. Preliminary evidence from the appropriate agency shall be submitted with the application indicating potential impacts or areas to consider for more detailed study.

*Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws. A Listed Species Survey Report was submitted (Ian Vincent & Associates, February 2024) providing an inventory of vegetative communities and listed species. Approximately 0.60 acres of the property are jurisdictional wetlands. The existing 38.25-acre lake is preserved with impacts proposed to the 0.60 acres of wetlands. No known historic structures exist on this site. Future development of the site will provide setbacks and buffering consistent with the Land Development Regulations. Prior to the issuance of a "Notice to Proceed," the applicant must provide an Environmental Resource Permit. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

12. Utilities: It is intended that within the developed portions of a PUD District, all utilities, including telephone, television cable and electrical systems shall be installed underground, within approved utility easements, except that:
- a. Appurtenances to these systems more than four'(4') feet in height and two'(2') feet in diameter must be effectively screened;
 - b. Main or feeder lines may require overhead installation based on environmental or technical problems
 - c. Primary facilities providing service to the site of development or necessary to service areas outside the development shall be exempt from this requirement; and
 - d. In cases of overhead main or feeder lines, service laterals from the point of connection shall be underground to the structure or dwelling

*Consistency analysis: As the project goes through more detailed plan submittals, these requirements will be addressed. This factor is **not applicable** during the concept development review phase.*

13. Connectivity: All proposed development shall consider internal and external connectivity. Connectivity is intended to provide alternative routes between uses and neighborhoods, and in turn, reducing travel time. All applications shall provide at least a minimum:
- a. Sidewalks along both sides of all arterial and collector roads and a minimum of one side along all local roads located within and adjacent to the proposed development. Proper connections (i.e. handicap accessibility) at intersections shall be included.

*Consistency analysis: Consistency analysis: The PUD Concept Plan states that sidewalks are proposed on one side only of internal roadways. The Concept Plan also states that existing sidewalks are located adjacent to PUD property on SW Egret Circle. The PUD proposes to connect to the existing sidewalk on SW Egret Circle. This factor is **applicable**.*

- b. Stub-outs to vacant land of similar development designation (future urban areas) shall be provided. Requests for waiver to this requirement may be considered based on agreements that internal roadways will remain private and portions of development are gated.

Consistency analysis: The PUD Concept Plan states that the development proposes internal sidewalks or pathways on one side of internal roadways, and staff recommends a condition requiring sidewalks rather than pathways. All roads within the PUD will be privately owned and maintained. Staff expressed preference for full public access through the development with public streets, continuing the street grid and connecting to existing local public street network to the west (Yvette Place) in the City of North Port. However, the Applicant stated that they reached out to Gabriel Quintas, Assistant Director of Development Services, with the City of North Port who confirmed that the City does not want connection from this site to the Yorkshire area of North Port. This area is outside of the City's urban service boundary. Additionally, the City is working to assemble these lots and potentially create a master planned area, along with vacating existing rights of way.

- c. Internal connections between uses to allow proper internal traffic flow shall be required.

Consistency analysis: See the analysis above.

F. Other PUD requirements. LDR Section 20-144(g) imposes additional requirements. LDR Section 20-144(g)(1) addresses the procedure for applying for Planned Unit Development zoning.

This section requires submission of a concept development plan that addresses 14 factors and supportive document that responds to four issues. The 14 factors and a response to those factors are shown below.

- 1. Location and size of the site including its legal description.

*Consistency analysis: The application includes a general location map, boundary survey, Property Identification Map, and legal description. Thus, the application can be found in **conformance** with this factor.*

2. An ownership and encumbrance report showing recorded ownership Interests including liens and encumbrances. If the applicant is not the owner, a statement of the developer's interest if the property and authorization from the owner for the PUD rezoning.

*Consistency analysis: An ownership and encumbrance report showing recorded ownership Interests was included with the application. Thus, the application can be found in **conformance** with this factor.*

3. Relationship of the site to existing development in the area, including streets, utilities, residential, commercial and industrial development, and physical features of the land including pertinent ecological features.

*Consistency analysis: The Concept Development Plan and general location map address the relationship of the site to existing development in the area and physical features of the land including pertinent ecological features. Thus, the application can be found in **conformance** with this factor.*

4. Density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.

Consistency analysis: The Concept Development Plan shows this information.

5. Location, size and character of any common open space or preservation areas and the form of organization proposed to own and maintain any common open space.

Consistency analysis: The PUD Concept Development Plan shows the common open space areas which will be privately maintained

6. Use and type of buildings, i.e., single-family detached, townhouses, garden apartments, medium rise or high rise, proposed for each portion of the area included within the Concept Development Plan.

Consistency analysis: The Concept Development Plan and application narrative include development details and proposed building types (single family detached, single family attached, and townhomes). Development heights will be limited to 35 feet which is compatible with the maximum allowable heights of areas zoned for single-family homes

7. Proposed method of providing required improvements such as streets, water supply, storm water management and sewage collection.

Consistency analysis: The applicant's narrative and concept development plan provide details regarding required improvements.

8. Provisions for the parking of vehicles and the function and location of vehicular and pedestrian system facilities.

Consistency analysis: The Concept Plan shows the general location of residential areas and basic vehicular circulation. Sidewalks have been proposed on one side of all local roads. All residential uses are proposed to have 2 parking spaces per unit, which is noted on the Concept Plan. Sidewalks are planned inside the community and connecting to the existing network.

9. A plan for pedestrian and vehicular circulation showing the general locations, widths and recommended surface treatment of all major internal thoroughfares and pedestrian access ways, and diagrammatic traffic movement to, within and through the planned development unit.

Consistency analysis: The Concept Development Plan shows internal roadways and describes plans for sidewalks on one side of local roads within the PUD. A condition is recommended for connecting the internal sidewalk network to the sidewalk on SW Egret Circle.

10. Information about existing vegetative cover and soil conditions in sufficient detail to indicate suitability for proposed structures and uses.

Consistency analysis: The project is within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey Report was submitted (Ian Vincent & Associates, February

2024). *The applicant is responsible for additional soil / compaction testing to ensure conditions are consistent with development requirements.*

11. In case of plans which call for development over a period of years or in phases, a schedule showing the times within which application for final approval of all sections of the planned unit development are intended to be filed.

Consistency analysis: The plan is proposed to be developed in multiple phases. Detailed phasing will be provided with the Improvement Plan.

12. Any additional data, plans or specifications as the applicant may believe is pertinent to the proposed planned unit development.

Consistency analysis: No additional data is required and none was provided.

13. A list of deviations with appropriate justifications or support evidence, which may include design safety standards, independent studies, professionally acceptable alternative design.

Consistency analysis: A list of deviations and justifications is included with the application. The requested deviations are included on the Concept Development Plan dated February 16, 2026, as follows:

- 1) *Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.*

Consistency analysis: The justification states that the proposed roadway design is applicable to internal streets only and allows for a reduction in impervious area on the site, while maximizing area for permanent preservation. Staff has no objection to this deviation.

- 2) *Deviation from Section 20-503 to allow for private residential rights-of-way to have a minimum width of 40 feet.*

Consistency analysis: The justification states that the internal roadways will be privately owned and maintained without access to the general public. Speeds will be decreased throughout the

private development with increased visibility creating safer streets. Staff has no objection to this deviation.

- 3) *Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the “Florida Greenbook”) as follows:*

DESIGN SPEED	CENTERLINE RADIUS
15	50’
20	95’
25	180’
30	300’

Consistency analysis: The justification states that the internal roadways will be privately owned and maintained without access to the public. Speeds will be decreased throughout the private development with increased visibility creating safer streets. Staff has no objection to this deviation.

- 4) *Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.*

Consistency analysis: The justification states that the proposed development will be a low-speed gated community. The smaller blocks will allow for a more walkable residential area with clustered lots. Staff has no objection to this deviation.

- 5) *Deviation from Section 20-144(f)(6) to allow for up to 50% of the stormwater management areas to count towards useable open space.*

Consistency analysis: Exhibit F shows 6.52 acres of common open space (uplands), 50% of the Kayak Lake, which is 19.62 acres and 25% of the stormwater facility (1.88 acres) to make up the useable open space. The Applicant requests the deviation to allow a greater percentage of the stormwater management areas

to count as usable open space. Given the kayaking ability on the large central lake, staff has no objection to this deviation.

6) *Deviation from Section 20-205(1) to allow for a residential development over 51 units to have only one main access point.*

Consistency analysis: A Trip Generation Analysis (TR a Trip Generation Analysis was provided with the application (TR Transportation Consultants, Inc., February 2025). The PUD Concept Development Plan shows one full access point on SW Egret Circle, a two-lane local street. The Concept Development Plan illustrates a “20’ wide stabilized emergency access” at the SE corner of the development. Section 20-505 of the LDRs requires residential developments with more than 51 dwelling units to have 2 means of access, preferably to a minor collector (a functionally classified roadway). and the Applicant has requested a deviation from Section 20-505, which requires two access points (preferably on a minor collector) for residential developments with 51 units or more.

One access point will put approximately 230 additional trips in the PM Peak Hour at one location on to SW Egret Circle, an existing 2 lane, 20’ wide *local street*. with approximately 60’ of right of way.. The existing SW Egret Circle generally matches County Engineering standards for a local street.

From a traffic perspective with the proposed design, future residents would only have one point of access to SW Egret Circle, which connects to SW Kings Circle, which connects to Kings Highway at two different locations.

Depending upon where future residents are traversing to (north on Kings Highway or south), would likely dictate their travel path. There are currently approximately 989 dwelling units that utilize SW Kingsway Circle to get to Kings Highway, and there are vacant properties along the circle that are yet to be developed.

According to FDOT’s Generalized Service Volume Tables, 2 lane roads can carry approximately 1,330 vehicles during the PM peak hour. The proposed development will add approximately 230 trips during the PM peak hour. Generally speaking, 1 dwelling unit equates to 1 PM peak hour trip. The 989 dwelling units roughly equals 989 PM peak hour trips. Adding 230 units / 230 PM peak

hour trips, is potentially pushing SW Kingsway Circle to its capacity.

Two means of access is recommended for trip distribution and for public safety reasons, in the event that one means of access is unavailable. For these reasons, staff does not support the deviation request and recommends a condition for a 2nd means of access.

7) *Deviation from Engineering Detail D-15 “Maximum Cul-de-sacs Length” to allow for cul-de-sacs with lengths longer than 1,300 feet.*

Consistency analysis: The applicant's justification states that the proposed deviation will allow for the flexibility of design needed to develop around the existing natural features onsite while providing for the greatest amount of open space as possible.

The applicant is proposing looped roads except for one-dead end street with a cul-de-sac. From the project main entrance to the farthest turnaround point to the south is approximately 3,800 feet ($\frac{3}{4}$ of a mile), almost 3 times the maximum length allowed. However, given the existing lake and the inability to connect to the road to the south or west, the applicant has limited design choices. Staff has no objection to this deviation.

14. Data and analysis demonstrating preliminary compliance with designated level-of-service.

Consistency analysis: The detailed traffic analysis that is forthcoming with the Improvement Plan will have to show compliance with maintaining levels of service.

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 as concurrency is granted with the Improvement Plan.

The project is a proposed Planned Unit Development (PUD) District, which requires a concept development plan with the Zoning Atlas Amendment. The concept development plan provides a supportive report as required by Sec. 20-144(g)(2), which would classify the PUD and concept development plan as an Intermediate Development Order.

The project is within the County's utility service area and is required to connect. Applicant has indicated plans to connect to public water and wastewater facilities.

G. Section 20-144(g)(2) also requires that supportive documents address four factors. The factors and an analysis of those factors is shown below.

- a. A statement describing the character and intended use of the planned unit development, and indicating how and why the proposed project complies with the Comprehensive Plan of the County and the statement of purposes on planned unit development.

Consistency analysis: The applicant provided a supportive document demonstrating compliance with the Comprehensive Plan.

- b. A general description of the proposed development, including information as to:

1.Total acreage involved in the project. The Concept Development Plan shows the number of total number of acres.

Consistency analysis: The Concept Development Plan includes the required information.

- c. The number and type of dwelling units involved and the corresponding overall project density in dwelling units per gross acre.

Consistency analysis: The Concept Development Plan includes the required information. As previously mentioned, the surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of residential including single-family attached/detached and townhomes. The subject property is also located within the Conservation Overlay district, which has some density limitations per Policy 1.12.2(4).

The Concept Development Plan shows 0.60 acre of jurisdictional wetland areas. Policy 1.12.2(4) prohibits density greater than 1 du/10 acres for

land that is part of a conservation area (jurisdictional wetland). The base density calculation when considering the COD limitation is provided below:

Total parcel: 109.64 acres

Wetlands: 0.60 acre (Wetlands limited to 1 unit per 10 acres) ($0.60 / 10 = 0.06$ unit)

Uplands: $109.64 - 0.60 = 109.04$ acres (Upland limited to base density of 2 units/acre) ($109.04 \times 2 = 218.08$ units)

$218.08 \text{ units} + 0.06 \text{ unit} = 218.14 \text{ units}$ (maximum allowable units at base density)

Maximum base density dwelling units = 218 units.

1.A list of proposed uses, both residential and non-residential.

Consistency analysis: The application includes proposed residential uses.

2.The minimum design standards reflected by the site plan for such features as lot shape and size, setbacks, internal streets and pedestrian ways, open space provisions, off-street parking, signs and landscaping.

Consistency analysis: The Concept Development Plan shows the overall project size, and general layout, setbacks, open space, and buffers. Design deviations have been requested. More detail will be required with the Improvement Plan.

3.A proposed schedule of development which identifies the anticipated phase start and completion date, and the area and location of common open space to be provided at, or by said stage.

Consistency analysis: The PUD is proposed to be completed in multiple phases. The detailed phasing will be provided with the Improvement Plan.

4.A statement indicating whether streets or roads (and pedestrian ways) shall be of private ownership and maintenance, public ownership and maintenance, or some other form of ownership.

Consistency analysis: The concept development plan states that all internal roadways will be private.

G. Planning Commission/Board review criteria. LDR Subsection 20-144(h)(2) addresses the Concept Development Plan approval process and Paragraph 20-144(h)(2)2 requires Planning Commission review while Paragraph 20-144(2)(h)3 requires the Board of County Commission to consider the Concept Development Plan at a hearing and either grant approval or disapproval based on the same criteria used by the Planning Commission, these being whether the following criteria can be satisfied:

1. The proposed use or mix of uses is appropriate at the subject location.

Consistency analysis: The residential project can be found to be appropriate at the subject location.

The subject property is in the southwestern portion of the county, with the Sarasota County line directly on the western boundary and the Charlotte County line approximately 0.5 miles to the south. The subject property is currently undeveloped (non-agricultural) and is contiguous to (and within an area) of single-family residential uses, including developments to the east and south. Table 1 shows the existing land use pattern. The surrounding properties are primarily in the Low Density Residential Future Land Use Category. To the north is vacant pastureland, to the south and east are single- and multi-family developments, and to west is currently vacant residential in the City of North Port in Sarasota County.

The table illustrates that the surrounding uses are developing in a fashion consistent with the Low Density Future Land Use category. PUD zoned projects may establish their own specific height, bulk, setback, density, buffering, and other regulations for the zoning district to help to achieve compatibility between uses.

Based upon the project meeting the requirements found in the Land Development Regulations for setbacks, buffers, and open space, the proposed rezone and PUD Concept Plan mitigate any potential incompatibilities with the proposed use at this location.

2. The recommended conditions to the concept development plan and other applicable regulations provide sufficient safeguards to the public interest.

*Consistency analysis: The proposed ordinance accompanying this Development Review Report recommends conditions which are intended to provide sufficient safeguards to protect the public interest. Thus, the application can be found in **conformance** with this requirement.*

3. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

*Consistency analysis: This Development Review Report documents why the conditions have been imposed and demonstrate that they are reasonably related to the impacts caused by the development in relation to the public interest. Thus, the application can be found in **conformance** with this requirement.*

H. Other PUD Regulations.

1. LDR Section 20-144(i) is in regard to improvement plan approval.

*Consistency analysis: The Development Director concludes this factor is **not applicable** to the rezoning application because a Concept Development Plan needs to be approved before an Improvement Plan can be approved.*

J. 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 LDR 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: The Planning Director finds that the Land Development Regulations provides specific height, bulk, setback, density, and other regulations for the PUD zoning district to ensure compatibility between uses. Applications for Planned Unit Development (PUD) provide the Board with the ability to attach conditions to a project for unique situations, items that are needed outside of the standard requirements of the LDR, sometimes needed to allow the project to fit into the built environment.

Future development must conform to 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 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 August 25, 2026, public hearing.

K. Public notice requirements. LDR Section 20-1502 requires notice of the date, time and place of the public hearings by the Planning Commission and Board of County Commissioners shall:

1. Be sent at least 10 days in advance of the hearings by mail to ten surrounding property owners or all owners of property within 1,000 feet of the property line of the land subject to the special exception use application; and
2. Have at least one sign posted on each road frontage; and
3. Be advertised in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing.

The Planning Director caused written notice of the hearings to be mailed to all property owners within 1000 ft and such notice is on file.

L. Criteria for award of bonus density. LDR Section 20-1626 establishes three criteria for the award of a density bonus: (a) infrastructure improvements, (b) quality of life, and (c) development standard enhancements. The intent of bonus density/intensity is to allow an increase in a project's extent of development based on the applicant providing public amenities and community improvements. LDR Section 20-1627 provides the Board shall determine whether and to what extent the requested bonus density implements the above criteria, which shall be considered equally and in their totality, is in the best interest of the public, and is consistent with related need assessments or findings. No one criteria or category of criteria shall outweigh all others, either for approval or denial. LDR Section 20-1627 also provides the Board may evaluate and base its decision on unique requests or additional

improvements that are consistent with the intent of these categories for award of bonus density/intensity.

- a. *Infrastructure improvements* include off-site or on-site improvements which increase and reserve capacity for other uses or create efficiencies and reduce duplicative efforts in providing necessary infrastructure for the general public. Proposed improvements are those that provide a specific public benefit not otherwise required by the LDR. Improvements are those that are found or identified in the following documents:
- The Comprehensive Plan, including specifically FLUE Policy 1.1.4;
 - A Capital Improvement Plan;
 - A local or regional transportation plan;
 - Any County Master Plan.

Applicant's proposed benefits: The applicant states in the Project Narrative that no off-site improvements are proposed at this time.

Staff Analysis: At the Concept Development Plan stage, it is difficult to determine what additional transportation capacities may be created because a detailed traffic analysis is created and submitted after the zoning is approved. Off-site roadway improvements may be needed based on this analysis. Concurrency, which is the impact of the proposed development on all infrastructure, is addressed at the Improvement Plan stage, where traffic studies, water and sewer, and stormwater are designed.

*Based on the above, it is concluded the application can be found **not in conformance** with these criteria.*

- b. *Quality of life* refers to the development and dedication of land and/or facilities, improvement of corridors and gateways, or enhancement and improvement of the ecological quality of natural resources. Environmental assessments identifying how and why the proposed improvements will meet these goals may be required by the County. Depending on the proposed facility, the County may require evidence of resources to ensure maintenance and management of the facility or resource. Improvements shall be those that implement or improve the following:
- (1) Economic development, including redevelopment;
 - (2) Conservation and enhancement of natural or scenic resources, including farmland;
 - (3) Protection of streams or water supply beyond those

- protections required by federal, state or local regulation;
- (4) Enhancement of parks, forests, wildlife preserves, nature preserves or sanctuaries;
 - (5) Enhancement of recreational opportunities consistent with related master plan(s), Comprehensive Plan, Capital Improvement Plan, or corridor plan(s);
 - (6) Implementation of gateway plans;
 - (7) Preservation of historic structures;
 - (8) Improvement in regionally connected and significant trail connectivity;
 - (9) Connectivity between developments with similar densities;
 - (10) Donation of land that provides a benefit to the public;
 - (11) Clustering of development and protection of environmentally sensitive areas beyond what is required by federal, state or local regulations.

Applicant's proposed benefits: The applicant states in the Project Narrative that the proposed PUD clusters development around existing natural features located on the property and a kayak launch is proposed. The proposed concept development plan provides 27.5 acres (25.1%) open space, which is made up of useable open space (6.72 ac), 50% of the recreational lake area (19.13 ac), and 25% of the stormwater lake area (1.65 ac).

Staff analysis: The project design does not specifically address items 1-8. For number 9, there are no options to connect to the north or south. Shown to the east, is a vehicular connection to SW Egret Circle and a pedestrian connection via a sidewalk.

There is a potential connection point to the west in the City of North Port, but according to the applicant, the City does not desire the connection. Number 10 is not proposed.

For number 11, the PUD is generally clustering development around the recreational lake, preserving 38.25 acres of the lake.

The project proposes a density of 2.10 du/ac, but this density is contingent on the Board approving a density bonus. The Applicant states that 0.60 acre is comprised of jurisdictional wetlands. Any wetland impacts or required mitigation will be permitted by the State of Florida. The PUD Concept Development can be found to meet the required 25% open space, providing 25.1% (27.5 acres) but does not

substantially exceed the requirements and the usable open space is only met if the Board grants the deviation allowing for more than 50% of the stormwater facilities to be counted. The Improvement Plan will be required to comply with Exhibit F, showing the usable open space areas, if the recommended condition is approved.

The project can be found to meet the minimum standards but does not exceed any standards or provide protections or enhancements that are above and beyond to contribute to the overall enhancement of the quality of life, and therefore, is not in conformance with this criterion.

- c. *Development Standards.* Design standards related to the appearance and function of the proposed project, which create opportunities for diverse housing types, unique character and a sense of place, creative design. Improvements shall be those that implement or improve the following:

- (1) Mixed use housing types (examples), such as: single family (detached), multifamily (low/mid-rise), attached single family (townhouses, carriage homes) within development and phase boundaries;
- (2) Design features such as: neighborhood and historically relevant architectural styles, multimodal and complete street enhancements, architectural street lighting;
- (3) Affordable housing inclusion;
- (4) Pervious surface and long-term maintenance, reduction in run-off;
- (5) Water conservation.

Applicant's proposed benefits: *The project shows a mix of residential development, including both single-family attached, detached, and townhomes. The mixture of housing types will allow for greater accessibility in housing options for the community.*

The proposed PUD concept plan is proposing fewer than the potential maximum density that could be achieved with the existing RMF-6 zoning designation (assuming a density bonus and when focused only on the zoning). However, because density is governed by the Future Land Use Category, the density limitations are the same with the existing and proposed zoning.

Staff analysis: *For number 1, the application and concept development plan show a mixture of housing types within the proposed PUD: single-family detached, single-family attached, and*

townhomes. If approved, the project will diversify the types of residential homes in the area.

Number 2, design features, no commitment has been made for neighborhood and historically relevant architectural styles, multimodal and complete street enhancements beyond providing a sidewalk on one side of the street internally, or architectural street lighting.

The project meets minimum standards but does not exceed those standards or provide protections or enhancements that are above and beyond or contribute to the overall community.

*Based on the above, it is concluded the application can be found **not in conformance** with these criteria.*

Overall Staff Analysis: Land Development Regulations (LDR) Section 20-1627 provides that an applicant seeking approval of bonus density/intensity has the burden of proving based on competent substantial evidence that the development qualifies for bonus density/intensity and the extent to which bonus density/intensity shall be awarded. The Code does not require all criteria to be met. Most of the improvements identified are required by County, State, and Federal agencies.

The applicant is proposing 230 dwelling units, at a density of 2.10 du/ac, which is 12 additional units above the allowable base density. The maximum number of units possible through the bonus density procedure is 381 total dwelling units if the Board granted a density of 3.5 du/acre.

In this case, the project does not meet the density bonus density criteria of LDR Section 20-1626.

However, the project does meet many of the criteria contained in Comprehensive Plan Policy 1.1.4, including a cluster design to conserve environmental areas, proximity to public infrastructure, schools, public safety(Fire/EMS) facilities.

Egret Road is a public local roadway and there are public utilities in this area.

The Faith Preparatory School of Lake Suzy is located at 12100 SW Academy Drive in Lake Suzy. The public schools, including Nocatee Elementary, West Elementary, Memorial Elementary, Desoto Middle, and Desoto County High are all located 10-15 miles northeast of this area.

Fire station 2 is located at 8789 SW County Road 761 and Station 3 is located

at 8120 SW Highway 72, which are both near the Lake Suzy area.

Additionally, the project is designed to cluster the development and incorporate the large lake into the project, which is proposed to be used for kayaking.

Based on compliance with some of the Comprehensive Plan criteria, the relatively small number of additional units in the requested density bonus may be found to be acceptable to the Board of County Commissioners.

IV. ATTACHMENTS

- Exhibit A: General Location Map
- Exhibit B: Interim 2040 Future Land Use Map (FLUM), Excerpt
- Exhibit C: Proposed PUD Zoning District Map
- Exhibit D: Proposed Ordinance
- Exhibit E: Comprehensive Plan Policies
- Exhibit F: Usable Open Space Exhibit
- Exhibit G: Townhomes & SF Attached Locations
- Exhibit H: Concept Development Plan

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Planning Director finds the subject property consists of a +/- 109.64-acre site located in southwest DeSoto County, approximately 0.5 miles north of the Charlotte County line.
- B. The Planning Director finds the Interim 2040 Future Land Use Map shows the property is designated Low Density Residential.

- C. The Planning Director finds the Official Zoning District Atlas shows the property is currently zoned Residential Multi-Family 6 (RMF-6).
- D. The Planning Director finds that on February 19, 2025, an Official Zoning District Atlas amendment application (RZNE-0065-2025) was filed by Tom Sacharski, AICP, as authorized agent for the owner, which proposed to change the zoning district to Planned Unit Development (PUD).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Planning Director found the filed application was submitted in writing and complete.
- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Planning Director finds the application was distributed to the DRC on February 20, 2025.
- 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, scheduled August 25, 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 can be found to be consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process, and the Planning Director concludes the application has been processed in conformance with the adoption process, as the application has been scheduled for Planning Commission and Board of County Commissioners public hearings.
- J. LDR Section 20-1498 also includes criteria that must be considered when reviewing the application. The Planning Director finds and concludes the application meets those requirements and can be approved by the Board of County Commissioners.
- K. The LDR establishes specific public notice requirements for an Official Zoning District Amendment Development Order Application. The Planning Director finds and concludes the application has been duly 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 not adopt the proposed Ordinance.
- C. 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 Commissioners to adopt the proposed Ordinance.
- D. 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 Planning Director time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. RECOMMENDED CONDITIONS FOR APPROVAL

- 1. Approval of an Improvement Plan and subdivision plat are required prior to issuance of any building permits, unless excepted by State law.
- 2. Any proposed lighting will require approval of a photometric plan that shows a design to prevent glare or excessive light on adjacent properties or public streets. This shall be approved by the Development Department with the Improvement Plan.
- 3. A point-by-point analysis of the Comprehensive Plan Conservation Overlay District policies and an Environmental Site Report shall be prepared by the Applicant and approved by the Development Department with the Improvement Plan.
- 4. The applicant shall submit a copy of the permit application filed with the State/Federal agencies (e.g. SWFWMD, DEP, ACOE, FDOT) with the Improvement Plan Application. All required and approved permits shall be provided to the County prior to issuance of the Notice to Proceed.
- 5. Prior to submittal of each Improvement Plan, the Applicant shall schedule and attend a traffic methodology meeting with the County to understand

the required information that shall be provided on the Traffic Analysis to support maintenance of the adopted Levels of Service and address safety and operational standards.

6. All on-site stormwater facilities shall be privately owned and maintained.
7. Useable open space shall be in general conformance with Exhibit F and shall include a 5-foot-wide shell (or similar surface) walking path along the western portion of the site and around the lake. Additionally, depicted larger open space areas shall include passive/active recreation including, but not limited to kayak launches, benches, dog park, open field, playgrounds. Useable open space shall also include 50% of the proposed kayak lake, and 25% of the stormwater lake. Signage shall be provided at the trail connection points, as shown on Exhibit F. This shall be approved by the Development Department with the Improvement Plan to satisfy the requirements of Sec. 20-144(f)(6) of the LDR.
8. Water and sewer capacity can only be reserved through a completed reservation agreement with paid capacity reservation fees. The review and approval of any development applications does not constitute commitment of utility service by Desoto County Utilities (DCU). Available capacity is limited. If the applicant elects to proceed with the water main and force main extensions prior to capacity reservation, the applicant is doing this at their own risk.
9. The 40-foot private right of way (minimum) and the two 10' wide Public Utility Easements illustrated on the typical roadway section of the Concept Development Plan shall include a 60' wide public utility maintenance easement shall be approved by the County Engineer with the Improvement Plan. The Applicant shall convey the easement(s) to the County prior to sign-off on the Florida Department of Environmental Protection construction certifications and county ownership acceptance of the water and sewer utilities.
10. Internal sidewalks are required along one side of all internal roadways, continuing around the whole cul-de-sac turnaround, and shall be designed to connect to the existing sidewalk on SW Egret Circle from all vehicular access points. This shall be approved by the Development Department with the Improvement Plan.
11. Townhomes and single-family attached units are restricted to the purple-colored areas shown on Exhibit G. The Improvement Plan shall identify the location of all types of residential units and be approved by the Development Department.
12. The project shall be redesigned and include a full secondary access with a sidewalk connection point onto SW Egret Circle rather than a 20' wide stabilized emergency access. This shall be approved by the County Engineer with the Improvement Plan, consistent with the Desoto County engineering design standards.

13. The following design deviations from the Code requested by the applicant are approved as follows and shall be illustrated on the Improvement Plan:

- i. Deviation from Section 20-504(c) to eliminate all street shoulder requirements where a closed drainage system is present.
- ii. Deviation from Section 20-503 to allow for private residential street easements to have a minimum width of 40 feet.
- iii. Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the “Florida Greenbook”) as follows:

DESIGN SPEED	CENTERLINE RADIUS
15	50'
20	95'
25	180'
30	300'

- iv. Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.
- v. Deviation from Section 20-144(f)(6) to allow for up to 50% of the stormwater management areas to count towards useable open space, as shown on Exhibit F.
- vi. Deviation from Engineering Detail D-15 “Maximum Cul-de-sacs Length” to allow for cul-de-sacs with lengths longer than 1,300 feet.

VIII. MOTIONS FOR CONSIDERATION

- A.** Approval: I move to adopt proposed Ordinance, (RZNE-0065-2025), approving the rezone amendment and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.
- B.** Denial: I move to deny the proposed Ordinance, (RZNE-0065-2025) and ask the county attorney to bring forward an Ordinance with findings for denial to be voted on at the next scheduled Board meeting.
- C.** Planning Commission Recommendation. The Planning Commission met on _____ and recommended approval/denial by a vote of _____.
- D.** Board action. The Board public hearing dates is tentatively scheduled for _____, public hearing.