



*DESOTO COUNTY DEVELOPMENT DEPARTMENT
STAFF REPORT*

CASE #: RZNE-0077-2025 **Rapid Response**

REQUEST: Rezone from Agricultural - 5 (A-5) to PUD (Planned Unit Development)

PROPERTY OWNER: Desoto County Industrial Park, LLC
40906 US Hwy 72
Davenport, Florida 33837

APPLICANT: Kerri J. Burns, SWCA, Inc.
401 E Jackson Street, Suite 3300
Tampa, Florida 33602

PROPERTY ID: 28-37-25-0000-0031-0000

PROPERTY ADDRESS: 3800 NE Roan Street

TOTAL PARCEL SIZE: 34.22 Acres

ZONING DISTRICT: A-5 (Agricultural - 5)

FUTURE LAND USE MAP DESIGNATION: Rural/Agricultural

OVERLAY DISTRICTS: Conservation Overlay District

DEVELOPMENT REVIEW REPORT

The request before the DeSoto County Board of County Commissioners, is an Official Zoning District Atlas Amendment application (Rezoning) (RZNE – 0077-2025) filed by Kerri J. Burns of SWCA, Inc., on behalf of the Applicant, Desoto County Industrial Park, LLC, to rezone a 34.22 acre parcel. The applicant is requesting approval of the proposed Planned Unit Development (PUD) zoning district to allow a 35,134 SF data center facility and office with a Floor Area Ratio (FAR) not to exceed 0.7, as more particularly reflected in the Concept Development Plan.

The property is located in central DeSoto County, on the north side of NE

Roan Street, approximately 2 miles east of Turner Avenue with a property address of 3800 NE Roan Street.

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.

I. BACKGROUND

The General Development Order Application states the request is to amend the Official Zoning District Atlas by changing the zoning district for 34.22 acres from Agricultural - 5 (A-5) Zoning District to Planned Unit Development (PUD) to allow a 35,134 SF data center facility and office with an FAR not to exceed 0.7 and associated infrastructure with a Concept Development Plan. The site was previously used as an electric generating facility, with operations ceasing in 2017. The 11,526 SF office building/storage has remained operational since the facility was constructed between 2001 and 2002. Remnant and functional infrastructure remains on the Property, including a 1.3-million-gallon water aboveground storage tank (AST), a 1.5-million-gallon diesel fuel AST with associated unloading station, a 750-thousand-gallon raw water AST, three (3) water wells, two (2) intact exhaust stacks, two (2) transformers, a fire pump house, septic system, Florida Gas Transmission (FGT) gas conditioning station metering/heating station, as well as the existing office building and 15 parking spaces.

The Interim 2040 Future Land Use Map shows the property is designated as Rural/Agricultural. Future Land Use Element Objective 1.3 defines the Rural/Agricultural category. The PUD Concept Development Plan shows the existing office building, proposed data center, stormwater, parking, accessory uses (such as water tanks and electric generation equipment) as well as wetlands and buffers. The proposed Concept Development Plan indicates the project will meet the minimum required 25% open space, with 8.68 acres (25.37%) of impervious proposed and 25.54 acres (74.63%) of pervious proposed.

The applicant has coordinated with the DeSoto County Economic

Development Department, proposing 25 full time employees, and taking part in the County’s rapid response project program.

II. PROPOSED ORDINANCE

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, DESOTO COUNTY INDUSTRIAL PARK, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0077-2025) BY CHANGING THE ZONING DISTRICT OF 34.22 ACRES FROM AGRICULTURAL - 5 (A-5) TO PLANNED UNIT DEVELOPMENT (PUD) WITH A CONCEPT DEVELOPMENT PLAN FOR A 35,134 SQUARE FOOT DATA CENTER FACILITY AND OFFICE ON PROPERTY LOCATED IN CENTRAL DESOTO COUNTY AT 3800 NE ROAN STREET, THE PROPERTY IDENTIFICATION NUMBER BEING 28-37-25-0000-0031-0000 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 of agency of the County; or
 - Any person other than those listed above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

*Consistency analysis: The Planning Director finds that on September 17, 2025, a General Development Order application and an Official Zoning District Atlas Amendment application (RZNE-0077-2025) and fee were filed with the Development Department. The Planning Director finds the General Development Order Application was executed by Kerri J. Burns as authorized agent for the owner. Based on the above findings, it is concluded the application can be found in **conformance** with this requirement.*

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 General Development Order Application and Official Zoning District Atlas Amendment Development Order Application Form and fees were filed with the Development Department on September 17, 2025.

*Based on the above findings, the Planning Director concludes 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 deemed complete on September 29, 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 F** and finds and concludes the following.*

The subject property is currently developed with an existing office building and was formerly utilized as an electrical generating facility. The property is adjacent to pastureland on all sides, with an FPL substation located adjacent to the south.

The subject property is designated Rural/Agricultural on the Future Land Use Map. Policy 1.3.4 allows the rezoning of lands to industrial within the Rural/Agricultural category, when permitted by the Board of County Commissioners in conjunction with approval for a Planned Unit Development (PUD). The proposed use is considered an Industrial use and will be required to be consistent with the standards established in the DeSoto County Comprehensive Plan Policy 1.3.4. Under this policy, the project is required to have a minimum of 10 acres; shall be

appropriately buffered from agricultural and residential zoning districts and uses; a maximum Floor Area Ratio (FAR) of 0.7; shall receive sit plan approval; and shall exclude electrical generating facilities (power plants). The applicant is requesting a rezoning of the subject property from the existing A-5 zoning to PUD, providing for an optional alternative zoning procedure so that planned developments may be instituted at appropriate locations in the County.

The site, with existing A-5 zoning, is proposing a PUD rezone to allow for the construction and operation of a Computer Data Processing Facility in accordance with Policy 1.3.4. The PUD Concept Development Plan is proposing constructing a 25,278 SF data center building on the 34.22-acre property not to exceed an FAR of 0.7.

Approximately 14% of the site contains wetlands and surface waters, identified in the April 2025 Ecological Assessment by SWCA. Any impacts to jurisdictional wetlands associated with development of the Site will require submittal of an Environmental Resource Permit (ERP) application [Form 62-330.060(1)] to the Florida Department of Environmental Protection (FDEP) and potentially a Section 404 permit application to the US Army Corps of Engineers (USACE) for state and federal authorization, respectively. Although development of the Site may be designed to avoid any wetland impacts, a stormwater management system will likely be required, therefore an Individual ERP application would be necessary. If <0.5 acre of impact to Section 404-jurisdictional wetlands are proposed, development of the Site may be designed in accordance with the criteria for a USACE Nationwide Permit. If development of the Site results in unavoidable wetland impacts, the Site is within the Peace River drainage basin and the service area of six wetland mitigation banks, Peace River, Tippen Bay, Horse Creek, Boran Ranch Phase 1, Boran Ranch Phase 2, and Long Island Marsh.

The proposed development is outside of the County's service area and onsite utilities will provide potable water and sanitary sewer.

*Based on the above, it is concluded that the rezoning application can be found in **conformance** with the Comprehensive Plan.*

2. The existing land use pattern.

Consistency analysis: The subject property is in north central DeSoto County on NE Roan Street approximately 2 miles east of Turner Avenue, known as 3800 NE Roan Street. The subject property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility. The facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Dismantling and removal of the electric generating equipment was conducted in 2017. Remnant and functional infrastructure remains on the Property, including a 1.3-million-gallon water aboveground storage tank (AST), a 1.5-million-gallon diesel fuel AST with associated unloading station, a 750-thousand-gallon raw water AST, three (3) water wells, two (2) intact exhaust stacks, two (2) transformers, a fire pump house, septic system, Florida Gas Transmission (FGT) gas conditioning station metering/heating station, and 11,526 SF Office/storage building, inclusive of a control room, warehouse, and fifteen (15) employee and visitor parking spaces. The office/storage building has remained operational since the Facility was constructed.

Table 1 provides a description of the Future Land Use Categories, Zoning Districts, and specific types of land uses surrounding the proposed PUD:

Table 1 Use Compatibility Analysis			
Adjacent Parcel	Zoning	FLU	Use
North	A-5	Rural/Agricultural	Pastureland
East	A-5	Rural/Agricultural	Pastureland
South– and across NE Roan St	A-5	Rural/Agricultural	Utilities (FPL), Pastureland
West	A-5	Rural/Agricultural	Pastureland

Table 1 shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use Category. The subject property is surrounded by pastureland and FPL related utilities to the south.

Based on the above, it is concluded the application can be found **not in conformance** with this factor as the rezoning would constitute a single PUD zoning district with industrial uses amongst adjoining A-5 zoning districts.

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

Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does create an isolated district with PUD zoning involving an industrial use.

*Based on the above findings, it is concluded the application can be found **not in conformance** with this factor as the PUD zoning district involving industrial uses is isolated and unrelated to adjacent and nearby districts.*

- 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: DeSoto County reviews development to ensure projects are subject to minimum criteria for public facilities requiring a concurrency review 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.

The project is a proposed Planned Unit Development (PUD) District for an industrial use, 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).

The project is not located within DeSoto County's utility service area and is non-residential, so it does not rely on residential support uses.

A traffic statement was provided with the PUD rezone application. Given the proposed Computer Data Processing Facility use, traffic is expected to be minimal as these facilities have very low trip generation rates. Access to the site is proposed on NE Roan Street.

The site is in proximity to DeSoto County Fire Station #1, approximately 3.8 miles to the west.

*Based on the above findings, the application can be found to be in **conformance** with this factor.*

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

Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.

*Based on the above findings, 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 subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.

The zoning amendment is necessary for the project based on the proposed use and the request to rezone to PUD.

*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 subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.

The zoning amendment is necessary for the project based on the industrial use within the Rural/Agricultural category, only when permitted by the Board of County Commissioners. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses.

***Table 1** shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use Category. The subject property is surrounded by pastureland and FPL related utilities to the south.*

The Site will operate 24/7/365 and will require up to 25 full-time employees that will work in a three-shift rotation, with tenants visiting the site, along with periodic site/ground maintenance. Traffic from Computer Data Processing Facilities is minimal, in comparison to other industrial uses.

*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: A traffic study was provided with the PUD rezone application. Given the proposed use, traffic is expected

to be minimal. The ITE Trip Generation rates for these facilities are very low.

The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns.

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

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

Consistency analysis: The proposed PUD shows proposed stormwater areas on the Concept Development Plan. The FEMA flood maps for this area are numbers 12027C0185C effective on 11/06/2013. Based upon the flood maps, the site is mostly located in Flood Zone X, with portions of the site in Zone A, which are existing wetland and retention areas. Stormwater will be maintained on-site and directed to retention ponds. The stormwater will be properly treated and attenuated per the State requirements prior to discharge. An environmental resource permit from SWFWMD is required with the Improvement Plan.

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

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

Consistency analysis: The reduction of light and air to the

adjacent areas is a function of total development vs. open space, building height, and building setbacks.

Based upon the site design and location, the project will not reduce light and air to the adjacent area.

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

11. Whether the proposed change will adversely affect property values in the adjacent area.

Consistency analysis: The project is a redevelopment of an existing industrial site located on NE Roan Street, a local roadway. For an industrial facility, these are generally more benign uses that generate limited traffic trips and noise.

*Therefore, the proposed change in zoning should not adversely affect property values in the immediate area. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

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

*Consistency analysis: With the PUD established standards for setbacks and LDR required open space, the proposed change should not be a deterrent to the improvement or development of adjacent property. The subject property is in an undeveloped area and the redevelopment of an older industrial site. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

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

Consistency analysis: The Comprehensive Plan expressly permits this type of industrial uses if it meets all standards and criteria in the Rural / Agricultural Future Land Use Category. Standards in the PUD zoning district have criteria to minimize impacts to adjacent uses. It can be found that the proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare for the proposed PUD.

*The public's health, safety, and welfare have been considered and the change in zoning can be found in **conformance** with this factor.*

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

Consistency analysis: The zoning amendment is necessary for the project based on the industrial use and the request to rezone the subject parcel to PUD as may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners.

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

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

Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized industrial facility. It is not out of scale as an industrial use was previously located on the subject property. It can be found that the

proposed rezone to PUD will allow for development at an appropriate scale, consistent with the surrounding development trends which are limited in the area. Furthermore, the required landscape buffers will help to mitigate the size appearance of the any buildings and site improvements.

*Overall, the request for the PUD district and concept development plan are consistent with the Goals, Objectives, and Policies of the DeSoto County Comprehensive Plan. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

In summary, the Planning Director finds that the application can be found in conformance with the Comprehensive Plan and the 13 of 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 Planning Director concludes that these general requirements will apply if and 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 Planning 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: A traffic study was provided with the PUD rezone application. Given the proposed use, traffic is expected to be minimal. The ITE Trip Generation rates for these facilities are very low.

The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns.

*Thus, it is concluded the application can be found in **conformance** with this factor.*

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 Planning Director finds the PUD consist of 34.22 acres and is intended for industrial 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 Project will be a secure facility and will be designed to avoid and/or minimize adverse effects on natural, environmental, and cultural resources. The Project will utilize, to the greatest extent practicable, existing on-site utility provisions (e.g., well water, septic sanitary sewage, storage tanks, fire suppression, parking/loading areas), existing access, existing landscape buffers, and existing stormwater management provisions.

Site design and facility layout have incorporated provisions similar to requirements under the A-5 zoning district, with setback – buffering – visual – noise abatement similar to Industrial and Utility design standards. The request to rezone the property has been presented in accordance with the Comprehensive Plan and the LDRs, therefore demonstrating compliance with this provision.

*Based on the above, it is concluded the site can be found to be suitable for industrial development subject to future site plan and permitting by other agencies. 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 proposed improvements to the existing site include a Computer Data Processing Facility, which is an industrial use. The request to rezone the property and the project has been presented in accordance with the Comprehensive Plan, and the LDRs, therefore demonstrating compliance with this provision. Thus, the Planning Director concludes the application can be found in **conformance** with this factor.*

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 a non-residential industrial use and not subject to a density evaluation. However, the project will include use of the existing 11,526 SF office/storage building, introduce (approximately) 48,000 square feet of Data Center building(s), and include outdoor equipment and infrastructure provisions. The proposed improvements will comply with gross intensity provisions (0.7 FAR maximum) and maximum impervious surface area ratio (70%) Thus, the Planning Director concludes the application can be found in **conformance** with this factor.*

6. Minimum Open Space: Planned Unit Developments shall set aside at least 25% of the gross area as usable open space. Usable open space shall include active and passive recreation 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. In addition, not more than 25 percent of any stormwater management area shall count toward meeting the usable open space standard.

*Consistency analysis: The project is a non-residential, industrial use, so public recreation is not applicable. The PUD Concept Development Plan appears to be consistent with the open space requirements. However, this calculation will be required with the Improvement Plan. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

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 Development Plan shows the proposed setbacks for the Computer Data Processing Facility are consistent with the setbacks for the A-5 district (existing zoning of the site). A 50' front setback, 30' side setback, and 50' rear setback. The site is flag lot shape, with frontage and access from NE Roan St. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

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 Development Plan shows the location of the proposed parking and loading areas. The Land Development Regulations do not address parking and loading for Computer Data facility uses specifically. The 11,526 SF one-story office/storage building is equipped with a control room, warehouse, utility provisions (i.e., potable water and septic facilities), and 15 employee and visitor parking spaces, and additional parking will be provided based on the square footage of the new Data Center Building(s). A condition is recommended to provide parking based upon the required 1 space per 1,000 SF required for industrial uses consistent with Sec. 20-537 of the LDRs with the Improvement Plan or deviation from code requested with the Improvement Plan.

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

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: A traffic study was provided with the PUD rezone application. Given the proposed use, traffic is expected to be minimal. The ITE Trip Generation rates for these facilities are very low.

*The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

- 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: The Project plans to maintain the existing Type B buffer, 55-foot vegetative buffer on the NE Roan Street frontage and the 30-foot planted side buffers that consist of 2.4 trees, 9.6 shrubs per 100 linear feet which shall be illustrated on the Improvement Plan. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

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 principals 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: The proposed PUD is a non-residential use, so no platting is required. The Concept Plan indicates a future data center expansion area. A condition is recommended that any future expansion will be required to amend this Concept Plan and provide another Improvement Plan meeting all County and State requirements. 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 **not 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 not applicable to the analysis of the initial PUD rezone.

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 proposed PUD is a non-residential use, and this approval is for the Concept Plan and details shown. The Concept Plan indicates a future data center expansion area. A condition is recommended that any future expansion will be required to amend this Concept Plan and provide another Improvement Plan meeting all County and State requirements. This factor is **not 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 Property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility (Facility). The Facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Some dismantling and removal of equipment occurred, but there is existing significant developed infrastructure remaining.

Approximately 14% of the site contains wetlands and surface waters, identified in the April 2025 Ecological Assessment by SWCA. Any impacts to jurisdictional wetlands associated with development of the Site will require submittal of an Environmental Resource Permit (ERP) application [Form 62-330.060(1)] to the Florida Department of Environmental Protection (FDEP) and

*potentially a Section 404 permit application to the US Army Corps of Engineers (USACE) for state and federal authorization, respectively. Although development of the Site may be designed to avoid any wetland impacts, a stormwater management system will likely be required, therefore an Individual ERP application would be necessary. If <0.5 acre of impact to Section 404-jurisdictional wetlands are proposed, development of the Site may be designed in accordance with the criteria for a USACE Nationwide Permit. If development of the Site results in unavoidable wetland impacts, the Site is within the Peace River drainage basin and the service area of six wetland mitigation banks, Peace River, Tippen Bay, Horse Creek, Boran Ranch Phase 1, Boran Ranch Phase 2, and Long Island Marsh. 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: The site is existing, and the following are the plans for related utilities:

- *Power: Existing FPL electric service will remain for administrative facilities and standby provisions as a private generation facility.*

- *Water: Property has permitted access to three (3) existing water wells.*
- *Sewer: Property has permitted access to existing site septic system.*
- *Telecommunications: Broadband internet service and high-speed on-site communications are planned.*
- *Natural Gas: Property has existing connection to Florida Gas Transmission (FGT) terminal to remain in service, and the Property has an existing FGT utility easement.*

*As the project goes thru more detailed plan submittals, these requirements will be addressed. This factor is **not applicable** at this concept development plan 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: The site has limited frontage and there are no existing sidewalks on NE Roan St., a local street. This factor is **not 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 site is an existing industrial facility with security requirements and a gated entrance. No stub outs will be provided to adjacent properties. This factor is **not applicable**.*

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

*Consistency analysis: The site is an existing industrial facility with security requirements and a gated entrance. No stub outs will be provided to adjacent properties. This factor is **not applicable**.*

F. 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 subject property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility. The facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Dismantling and removal of the electric generating equipment was conducted in 2017. Remnant and functional infrastructure remains on the Property.

Table 1 shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use

Category. The subject property is surrounded by pastureland and FPL related utilities to the south.

*Based upon the project meeting the requirements found in the Land Development Code as conditioned for setbacks, buffers, and open space, the proposed rezone and PUD Concept Development Plan mitigate any potential incompatibilities with the proposed use at this location. Based on the above findings, it is concluded the application can be found in **conformance** with this factor, with conditions.*

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.*

G. Other PUD Regulations.

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

*The Planning 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 submitted.*

H. 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 Code 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 March 24, 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 1,000 ft and such notice is on file.

IV. ATTACHMENTS

Exhibit A: General Location Map

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

Exhibit C: Official Zoning District Atlas Amendment Development Order Application, Excerpt

Exhibit D: Concept Development Plan

Exhibit E: Proposed Ordinance

V. FINDINGS AND CONCLUSIONS

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

- A. The Planning Director finds the subject property consists of a 34.22-acre site located in central DeSoto County, at 3800 NE Roan St, Arcadia, FL.
- B. The Planning Director finds the Interim 2040 Future Land Use Map shows the property is designated Rural /Agricultural.
- C. The Planning Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural - 5 (A-5).
- D. The Planning Director finds that on September 17, 2025 an Official Zoning District Atlas amendment application (RZNE-0077-2025) was filed by Kerri Burns, 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 October 14, 2025 and November 12, 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 March 3, 2026.

- H. LDR Section 20-144(4)(2)3 requires that after the Planning Commission hearing, the application and staff report be forwarded to the Board for a public hearing. The application has been scheduled for the March 24, 2026, Board public hearing.
- I. LDR Section 20-1498(a) requires consistency with the Comprehensive Plan. The application has been reviewed against the Comprehensive Plan, and it is concluded the application is generally consistent with the Comprehensive Plan.
- J. 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.
- K. 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.
- L. 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 OF PLANNING COMMISSION

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 approval of the PUD rezone and concept development plan to the Board of County Commissioners, adoption the findings and conclusions contained herein, and adoption 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 denial of the proposed ordinance to the Board of County Commissioners.

VII. RECOMMENDED CONDITIONS FOR APPROVAL

1. The applicant shall provide parking based upon the required 1 space per 1,000 SF required for industrial uses consistent with Sec. 20-537 of the LDRs with the Improvement Plan or a deviation from the LDRs can be requested with the Improvement Plan application.
2. The Concept Plan indicates a future data center expansion area. Any expansion will require Board approval of an amendment to the Concept Plan with a PUD application, subject to County and State requirements.
3. Any onsite power generation will not be a Florida Public Service Commission (FPSC) public electric utility and will not provide power to outside users, as more particularly set forth in Condition 8.
4. Landscape buffers shall be provided and illustrated on the Improvement Plan consistent with Division 6 of the LDRs to include Type B landscape buffering around perimeter of the existing chain link fenceline.
5. Solid waste collection shall be provided by County franchisee and the receptacles approved on the Improvement Plan.
6. Improvement Plan shall include all fire department requirements.
7. Detailed traffic, safety and operational analysis shall be approved with the Improvement Plan.
8. On-site electric generation:
 - A. Approval does not grant, convey, or imply any franchise, right, privilege, or authorization to provide electric utility service within the County. Any on-site electric generation and associated facilities shall

be limited solely to serving the Project on-site and shall not include the sale, transmission, wheeling, or distribution of electricity to any third party or across public rights-of-way.

B. All on-site electric generation facilities shall be designed, constructed, and operated in a manner that does not violate or impair the County's franchise agreement with Florida Power & Light Company (FPL).

C. In the event the County determines, after notice from FPL or otherwise, that the project's on-site electric generation or related facilities conflict with or violate the County's franchise obligations with FPL, the Owner shall, at its sole cost and expense:

- a. promptly cease operation of the non-compliant electric generation facilities;
- b. take all actions necessary to cure such conflict; and
- c. if required by the County, connect the project to the FPL franchised electric utility system for service.

D. The County makes no representation or warranty regarding the permissibility of on-site generation under the County/FPL franchise agreement or State law, and the Owner assumes all risk associated with the installation and operation of such facilities

VIII. MOTIONS FOR CONSIDERATION BY THE BOARD OF COUNTY COMMISSIONERS

A. Approval: I move to adopt proposed Ordinance, (RZNE-0077-2025), approving the rezoning to PUD and Concept Development Plan, with conditions 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 and application for rezoning to PUD (RZNE-0077-2025) and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.

C. Defer. Motion to enter into the record the Development Review

Report and all other evidence in the record, and defer the Ordinance for the Rezoning to PUD to a future hearing date of _____, 2026.

IX. PROCEDURAL HISTORY

- A. Planning Commission Recommendation. The Planning Commission met on March 3, 2026, and recommended approval/denial by a vote of _____.
- B. Board action. The Board public hearing dates is tentatively scheduled for March 24, 2026, public hearing.