

# DESOTO COUNTY

## PLANNING AND ZONING DEPARTMENT STAFF REPORT

**Case #** VAC-0017-2023

**REQUEST:** Vacation of Subdivision Plat  
Stoneybrook, Phase I

**PROPERTY OWNER:** Oak Stone, LLC

**AGENT:** Matthew Kneeland, PSM, MRIC Spatial  
701 S. Howard Ave, Suite 106-320, Tampa, FL  
33606

**PROPERTY:** 2998 SW Country Road 760, Nocatee, FL 34268

**VACATION AREA:** See Exhibits A, B, and C for legal description,  
sketch, and Parcel ID numbers

**TOTAL PARCEL SIZE:** 142.53 +/- acres (vacation area)

**EXISTING ZONING DISTRICT:** RMF-6

**FUTURE LAND USE DESIGNATION:** Low Density Residential

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### PROPOSED REQUEST:

Oak Stone, LLC (property owner) has requested a vacation of a portion of the Stoneybrook Oaks Subdivision Plat, as recorded in Plat Book 9, Page 92. The property is generally located on the SW corner of CR 769 and SW Peace River Street in the southwestern portion of DeSoto County. The portion of the original plat to be vacated is approximately 142.53 acres in size, and described more particularly in the legal description (Exhibit A), and sketch (Exhibit B) attached hereto. The Parcel ID numbers for the lots within the plat area to be vacated are listed in Exhibit C.

The proposed Stoneybrook vacation includes vacating 178 single family lots. Separately, there is a Development Plan application pending to plat 280 single-family lots in the area that is the subject of the instant plat vacation request. If the separate plat application is approved at a future hearing, it would result in a net increase of 110 lots.

The following is a screenshot from the application to provide a visual reference of the parcel ID's and their location (outlined in red).



The Board of County Commissioners may adopt a resolution vacating plat(s) in whole or in part of subdivisions located in DeSoto County, returning such property covered by such plat(s) either in whole or in part into acreage.

1. Proof of publications indicating notification of intent to vacate plat
2. Proof of ownership of subject tract of land
3. Certificates reflecting all required taxes have been paid

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The application was filed in the Development Department on December 26, 2023. The DRC had limited comments on the application. No code enforcement cases are open or pending on the subject properties.

## **STAFF REVIEW:**

The following LDRs regulate the vacation of plats:

### ***Sec. 20-1770. - Vacation of plats by owner.***

*No final plat for the re-subdivision of platted lands will be accepted for recording unless the underlying plat is vacated or a petition has been filed so that the vacation may be acted upon simultaneously with the acceptance of the new plat. The County will assist in the preparation of required notices, petitions and resolutions to the extent deemed necessary. The procedure shall be as follows:*

- (1) Payment of application fee set by the Board of County Commissioners.*

Staff review: applicant has paid fees.

- (2) Prepare notice of intention to vacate plat (or portion of plat).*

Staff review: notice of intent to vacate has been prepared.

- (3) Publish notice of intention to vacate plat (or portion of plat) in a newspaper of general circulation within the County in not less than two weekly issues. Request proof of publication.*

Staff review: notice of intent to vacate has been published in The Sun Newspaper for two weekly issues; March 7, 2025 and March 14, 2025.

- (4) Prepare petition for the vacation of plat and resolution to vacate plat.*

Staff review: staff report, and resolution drafted.

- (5) Provide Development Director with copy of petition and resolution for verification of description.*

Staff review: staff report, and resolution drafted and provided to Planning Director.

- (6) County staff will schedule appearance before the Board of County Commissioners on the petition for the vacation of plat. Proof of publication for the vacation of plat together with proof of ownership and certification that all taxes have been paid must be provided. If the plat is within the corporate limits of a municipality, a certified copy of a resolution by the governing body of such municipality is required indicating that such governing body concurs with the proposed vacation.*

Staff review: staff report, and resolution drafted and provided to Planning Director.

(7) *The vacation shall not become effective until the resolution for the vacation of the plat has been filed in the Office of the Clerk of Circuit Court and recorded in the public records.*

Staff review: if approved by the Board, the plat vacation will be effective once filed with the Clerk.

Staff review has determined that this application, VAC-0017-2023 meets the LDR criteria and the Board can find it to be consistent with the provisions of Chapter 177 Florida Statutes, DeSoto County's Comprehensive Plan and the DeSoto County Land Development Regulations.

#### **RECOMENDED CONDITIONS:**

None

#### **REQUIRED NOTIFICATIONS:**

In accordance with Section 177.101(4), Florida Statutes, notification of the intent to vacate the subject portion of the subject plat has been published in *The Sun Newspaper* on two (2) separate occasions, as required. Proof of these publications are available in the project file.

#### **BOCC Hearing:**

The Board of County Commissioners is scheduled to consider the approval of the requested vacation on March 25, 2025.

#### **CORRESPONDENCE:**

Public comments received prior to the public hearing area available in the project file. At the time of staff report preparation, there was not any correspondence either in support or opposition received for the application.

#### **STAFF DETERMINATION:**

Staff review has determined that this application, VAC-0017-2023 as submitted meets the LDR, Comprehensive Plan, and provisions of Chapter 177 Florida Statutes, and the Board can find the application to be consistent and appropriate for approval of the plat vacation.

#### **ATTACHMENTS**

Exhibit A: Legal Description

Exhibit B: General Location Map

Exhibit C: List of Parcels

## Exhibit A

The legal description of said property in DeSoto County, Florida, being:

**DESCRIPTION:** PART of STONEYBROOK OAKS, according to the plat thereof, as recorded in Plat Book 9, Page 92, of the Public Records of DeSoto County, Florida, lying in Sections 29 and 30, Township 39 South, Range 23 East, DeSoto County, Florida, being more particularly described as follows:

**COMMENCE** at the Northwest corner of said Section 29 for a **POINT OF BEGINNING**, run thence along the North boundary thereof and along the Northerly boundary of said STONEYBROOK OAKS, S.89°36'38"E., 4605.86 feet to the Northeast corner of STONEYBROOK OAKS; thence along the Easterly boundary of said STONEYBROOK OAKS, the following nine (9) courses: 1) S.00°23'20"W., 34.71 feet; 2) Southerly, 100.85 feet along the arc of a curve to the left having a radius of 190.00 feet and a central angle of 30°24'43" (chord bearing S.06°48'06"W., 99.67 feet) to a point of reverse curvature; 3) Southerly, 83.35 feet along the arc of a curve to the right having a radius of 135.00 feet and a central angle of 35°22'29" (chord bearing S.09°16'59"W., 82.03 feet); 4) S.26°58'15"W., 61.41 feet to a point of curvature; thence Southwesterly, 82.82 feet along the arc of a curve to the right having a radius of 65.00 feet and a central angle of 73°00'14" (chord bearing S.63°28'22"W., 77.33 feet); 5) N.79°34'21"W., 46.99 feet; 6) S.10°01'10"W., 120.33 feet; 7) S.16°33'09"W., 80.52 feet; 8) Southeasterly, 285.38 feet along the arc of a curve to the left having a radius of 190.00 feet and a central angle of 86°03'29" (chord bearing S.41°37'10"E., 259.30 feet); 9) S.63°01'45"E., 65.00 feet to a point on the Westerly boundary of the right-of-way for State Road No. S-741 (Kings Highway) (County Road 769), according to Florida Department of Transportation Right of Way Map Section 04504-2601; thence along said Westerly boundary of the right-of-way for State Road No. S-741 (Kings Highway) (County Road 769) and the aforesaid Easterly boundary of STONEYBROOK OAKS, the following four (4) courses: 1) S.26°58'15"W., 176.42 feet; 2) S.29°13'31"W., 74.10 feet; 3) S.63°47'30"E., 17.90 feet; 4) S.26°12'30"W., 1236.72 feet to a point of intersection with the Northerly boundary of the right-of-way for 33rd Avenue, according to UNIT A PLATTSBURG SUBDIVISION, as recorded in Plat Book 4, Page 20, of the Public Records of DeSoto County, Florida; thence along said Northerly boundary of the right-of-way for 33rd Avenue and the aforesaid Easterly boundary of STONEYBROOK OAKS, S.89°36'40"W., 681.34 feet; thence N.78°35'43"W., 1585.32 feet; thence N.28°50'43"W., 595.04 feet; thence N.03°48'00"E., 962.44 feet; thence N.90°00'00"W., 14.72 feet to a point of curvature; thence Westerly, 152.27 feet along the arc of a curve to the left having a radius of 575.00 feet and a central angle of 15°10'24" (chord bearing S.82°24'48"W., 151.83 feet) to a point of tangency; thence S.74°49'36"W., 318.11 feet to a point of curvature; thence Southwesterly, 319.17 feet along the arc of a curve to the left having a radius of 475.00 feet and a central angle of 38°29'56" (chord bearing S.55°34'38"W., 313.20 feet) to a point of reverse curvature; thence Southwesterly, 67.91 feet along the arc of a curve to the right having a radius of 225.00 feet and a central angle of 17°17'33" (chord bearing S.44°58'27"W., 67.65 feet); thence Southwesterly, 88.40 feet along the arc of a curve to the left having a radius of 175.00 feet and a central angle of 28°56'35" (chord bearing S.37°04'58"W., 87.46 feet); thence N.72°34'51"W., 56.53 feet; thence Northeasterly, 122.34 feet along the arc of a curve to the right having a radius of 225.00 feet and a central angle of 31°09'11" (chord bearing N.39°35'54"E., 120.84 feet); thence Northeasterly, 52.82 feet along the arc of a curve to the left having a radius of 175.00 feet and a central angle of 17°17'33" (chord bearing N.44°58'27"E., 52.62 feet) to a point of reverse curvature; thence Northeasterly, 34.80 feet along the arc of a curve to the right having a radius of 525.00 feet and a central angle of 03°47'54" (chord bearing N.38°13'37"E., 34.80 feet); thence N.47°08'41"W., 16.31 feet to a point of curvature; thence Westerly, 129.70 feet along the arc of a curve to the left having a radius of 175.00 feet and a central angle of 42°27'57" (chord bearing N.68°22'39"W., 126.76 feet) to a point of tangency; thence N.89°36'38"W., 390.30 feet to a point of curvature; thence Northwesterly, 88.22 feet along the arc of a curve to the right having a radius of 100.00 feet and a central angle of 50°32'48" (chord bearing N.64°20'14"W., 85.39 feet) to a point of compound curvature; thence Northerly, 171.23 feet along the arc of a curve to the right having a radius of 250.00 feet and a central angle of 39°14'33" (chord bearing N.19°26'33"W., 167.90 feet) to a point of tangency; thence N.00°10'43"E., 81.54 feet; thence N.89°36'38"W., 245.34 feet; thence N.03°15'42"E., 179.36 feet to a point on the North boundary of the aforesaid Section 30 and the aforesaid Northerly boundary of STONEYBROOK OAKS; thence along said North boundary of Section 30 and said Northerly boundary of STONEYBROOK OAKS, N.89°58'19"E., 118.59 feet to the **POINT OF BEGINNING**.

Containing 142.53 acres, more or less.



Staff Report: VAC-0017-2023 Oak Stone

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## Exhibit C

[illegible]

Parcel 29-39-23-0364-0000-1380; Parcel 29-39-23-0364-0000-1390; Parcel 29-39-23-0364-0000-1400;  
Parcel 29-39-23-0364-0000-1410; Parcel 29-39-23-0364-0000-1420; Parcel 29-39-23-0364-0000-1430;  
Parcel 29-39-23-0364-0000-1440; Parcel 29-39-23-0364-0000-1450; Parcel 29-39-23-0364-0000-1460;  
Parcel 29-39-23-0364-0000-1470; Parcel 29-39-23-0364-0000-1480; Parcel 29-39-23-0364-0000-1490;  
Parcel 29-39-23-0364-0000-1500; Parcel 29-39-23-0364-0000-1510; Parcel 29-39-23-0364-0000-1510;  
Parcel 29-39-23-0364-0000-1520; Parcel 29-39-23-0364-0000-1530; Parcel 29-39-23-0364-0000-1540;  
Parcel 29-39-23-0364-0000-1550; Parcel 29-39-23-0364-0000-1560; Parcel 29-39-23-0364-0000-1570;  
Parcel 29-39-23-0364-0000-1580; Parcel 29-39-23-0364-0000-1590; Parcel 29-39-23-0364-0000-1600;  
Parcel 29-39-23-0364-0000-1610; Parcel 29-39-23-0364-0000-1620; Parcel 29-39-23-0364-0000-1630;  
Parcel 29-39-23-0364-0000-1640; Parcel 29-39-23-0364-0000-1650; Parcel 29-39-23-0364-0000-1660;  
Parcel 29-39-23-0364-0000-1670; Parcel 29-39-23-0364-0000-1680; Parcel 29-39-23-0364-0000-1690;  
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Parcel 29-39-23-0364-0000-1730; Parcel 29-39-23-0364-0000-1740; Parcel 29-39-23-0364-0000-2630;  
Parcel 29-39-23-0364-0000-2640; Parcel 29-39-23-0364-0000-2650; Parcel 29-39-23-0364-0000-2660;  
Parcel 29-39-23-0364-0000-2670; Parcel 29-39-23-0364-0000-2680; Parcel 29-39-23-0364-0000-2690;  
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Parcel 29-39-23-0364-0000-2730; Parcel 29-39-23-0364-0000-2740; Parcel 29-39-23-0364-0000-2750;  
Parcel 29-39-23-0364-0000-2760; Parcel 29-39-23-0364-0000-2770; Parcel 29-39-23-0364-0000-2780;  
Parcel 29-39-23-0364-0000-2790; Parcel 29-39-23-0364-0000-2800; Parcel 29-39-23-0364-0000-2810;  
Parcel 29-39-23-0364-0000-2780; Parcel 29-39-23-0364-0000-2830; Parcel 29-39-23-0364-0000-2840