



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE#: RZNE-0062-2025

REQUEST: Rezone from Commercial Neighborhood (CN) and Residential Multifamily Mixed District (RMF-M) to Planned Unit Development (PUD)

PROPERTY OWNER TMV Properties Inc & McAlpine (Briarwood) Inc.
3200 Bailey Lane #199,
Naples, FL 34105

APPLICANT: Tom Sacharski, AICP
RVI Planning + Landscape Architecture
8725 Penderly Place, Suite 101,
Bradenton, FL 34201

ATTORNEY: Chris Hayes, Esq.
Akerman LLP
420 S. Orange Ave, Suite 1200
Orlando, FL 32801

PROPERTY ID: 36-39-23-0000-0060-0000;
36-39-23-0000-0061-0000;
36-39-23-0254-0000-0121;
36-39-23-0000-0110-0000;
36-39-23-0000-0100-0000;
36-39-23-0000-0101-0000

TOTAL PARCEL SIZE: +/- 29.61 acres

FUTURE LAND USE DESIGNATION: Low Density Residential – 2 dwelling units per acre

ZONING DESIGNATION: Commercial Neighborhood (CN) & Residential Multifamily Mixed District (RMF-M)

APPLICABLE OVERLAY DISTRICTS: Conservation Overlay (partial)

DEVELOPMENT REVIEW REPORT

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0062-2025) filed by Tom Sacharski, AICP of RVi Planning + Landscape Architecture, on behalf of the Owner, TMV Properties Inc & McAlpine (Briarwood) Inc, to rezone six (6) contiguous parcels totaling +/- 29.61 acres from Commercial Neighborhood (CN) and Residential Multifamily Mixed District (RMF-M) to Planned Unit Development (PUD) with a Concept Development Plan for 49 dwelling units (single-family attached and detached) including +/- 10.14 acres of open space. The density requested is 1.65 dwelling units per acre.

The DeSoto County Land Development Regulations Article XI, Division 7 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a rezoning application and to make a recommendation on the application to the Board of County Commissioners (Board).

I. BACKGROUND

The Official Zoning District Atlas shows the property is mostly located within Commercial Neighborhood (CN) zoning district with a small portion zoned Residential Multifamily Mixed District (RMF-M). The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is TMV Properties Inc & McAlpine (Briarwood) Inc.

The application is a request to rezone the existing Commercial Neighborhood (CN) and Residential Multifamily Mixed District (RMF-M) Zoning Districts to the Planned Unit Development (PUD) district with a Concept Development Plan to allow for a maximum of 49 single family lots and associated infrastructure on 29.61 ± acres. The project area consists of 6 parcels (36-39-23-0000-0060-0000, 36-39-23-0000-0061-0000, 36-39-23-0254-0000-0121, 36-39-23-0000-0110-0000, 36-39-23-0000-0100-0000, and 36-39-23-0000-0101-0000) that are currently vacant.

The Interim 2040 Future Land Use Map shows the property is designated as Low-Density Residential Land Use. Future Land Use Element Objective 1.4 defines the Low-Density Residential Category.

The PUD Concept Development Plan includes a +/- 29.61-acre residential community with single-family and single-family attached units with amenities. The plan shows stormwater, wetlands and buffer areas, and the proposed open space is 34.2% (10.14 acres), exceeding the required minimum required 25% open space (+/- 7.40 acres). The applicant states the project will connect to public utilities.

The PUD applicant requests 4 deviations from the LDR 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 rights-of-way to have a minimum width of 40 feet.
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	50'
25	180'
30	300'

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

The project is proposed to have single-family attached and detached structures with associated amenities and infrastructure. The community is proposed to have private streets and may be gated. The Code defines a Planned Unit Development as a contiguous tract of land not less than two acres for commercial or industrial and/or five acres for residential (including recreational vehicles) in size under unified control which is planned and improved. A PUD district may be in any future land use category. This project is located within the Low Density Residential (LDR) future land use designation, which allows 2 dwelling units per acre.

The density is broken down with +/- 25.81 acres of upland area with 3.8 acres of wetland area. The 25.81 acres of upland at 2 dwelling units per acre will allow for 51.62 units and the 3.8 acres of wetland will allow for 0.95 units. This will be a net density of 1.93 dwellings per acres and gross density of 1.68 dwelling units per acre. A portion of this site is located within a Conservation Overlay and no residential unit will be placed within this overlay. This project is not requesting more than 50 units.

It is challenging to evaluate how density is properly evaluated in the Low Density Residential Future Land Use Category, as there are conflicting policies in the Comprehensive Plan. It has been historically interpreted that the minimum density of 2 dwelling units per acre is required when projects are connecting to public utilities.

The following policies show the conflict:

Policy 1.4.3: Low Density Residential Use Category Sustainability. The minimum density permitted within this category will be two dwelling units per acre.

Policy 1.1.2: Land Use Categories. The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density/Intensity	Bonus**(Policy 1.1.3)
Rural/Agriculture	Residential – Up to 1 du/10 acres Non-residential – Up to 0.4 FAR maximum	No bonus
Low-Density Residential	Residential – Up to 2 du/acre	3.5 du/ac maximum*
Medium-Density	Residential – Up to 3.5 du/acre	5 du/ac maximum *
Neighborhood (Live/Work) Mixed Use	Residential – Up to 3.5 du/acre Non-residential – Up to 0.4 FAR	5 du/ac maximum* 0.6 FAR maximum*
Employment Center	Non-residential – Up to 0.5 FAR	0.7 FAR maximum*
Urban Central Mixed Use	Residential – Up to 5 du/acre Non-residential – Up to 0.6 FAR	8 du/acre maximum 2.0 FAR maximum
Commercial	Non-residential- Up to 0.25	0.35 FAR maximum*
Public Land and Institutions	Publicly and semi-publicly owned lands that are effectively controlled from developing into a typical residential density or private non-residential land use not involved in service to the public. Examples include park, correctional facilities, sewer plants,	
Electrical Generating Facility	This land use category is intended for electrical power generating facilities, which includes electric power plants and related facilities. This public service use includes directly related facilities for the production of electricity.	
Preservation	Dedicated by plat, site plan, easement or similar designation; permanently protected environmentally sensitive lands that may only be utilized for limited passive recreation	
Overlays	Conservation: Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.	
	Generalized Phosphate Mining: Areas identified as having the highest potential for phosphate mining based on soil types and recognized mineral deposits.	
Master Planned Area	Identified and planned larger projects that must be developed as a whole. They are identified to ensure overall community/county integration and vision is achieved, versus isolated islands of development.	

Although our Comprehensive Plan does not require that net density is evaluated for projects, this is a standard practice in many communities to provide clarity to the project. For the utility analysis, it provides a clearer description of the infrastructure needed to serve the proposed units when there are wetlands within the project that will not be

developed.

Density Breakdown			
	Acreage	Density	Unit Count
Upland	25.81	2 DU/ AC	51.62
Wetland	3.8	1 DU/ 4 AC	0.95
Total:			50*

*Not requesting more than 50 units (Net Density 1.93 DU/ acre & Gross Density 1.68 DU/ acre)

The following table is a breakdown of the proposed uses:

Land Use Table	Acres	% of Site
Residential Area	13.79	46.6%
Stormwater Area	4.78	16.2%
Wetland/Wetland Buffer Area	4.87	16.4%
Common Open Space Area	2.88	9.7%
Right of Way Area	3.29	11.8%
Total PUD Development Area	29.61	100%

II. PROPOSED ORDINANCE

An Ordinance of the DeSoto County Board of County Commissioners amending the Official Zoning Atlas for +/- 29.61 acres on six (6) contiguous parcels from parcel from Commercial Neighborhood (CN) and Residential Multi-family Mixed District (RMF-M) to Planned Unit Development (PUD) with a Concept Development Plan, for 49 attached and detached single-family homes, with conditions for TMV Properties Inc and McAlpine (Briarwood) Inc. The property is generally located in southwest DeSoto County, along SW Highway 17 and south of SW Ogden Acres Road. The Property Identification Numbers are 36-39-23-0000-0060-0000; 36-39-23-0000-0061-0000; 36-39-23-0254-0000-0121; 36-39-23-0000-0110-0000; 36-39-23-0000-0100-0000; and 36-39-23-0000-0101-0000; 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's and the Comprehensive Plan.

LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas (rezoning) amendment and LDR text amendment applications. LDR Section 20-1650 defines 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 Commissioners and certified and dated by the Chairman, as may be amended from time to time. Zoning District symbols are depicted within each boundary.

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

1. Initiation. 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 Development Director finds that on January 13, 2025, a General Development Order application and an Official Zoning District Atlas amendment application (RZNE-0062-2025) and fee were filed with the Development Department. The Development Director finds the General Development Order application was executed by Tom Sacharski, AICP, as authorized agent for the owner. Based on the above findings, it is concluded the application is in **conformance** with this requirement.*

2. Filing requirements. 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 application and fees was filed with the Development Department on January 13, 2025.

*Based on the above findings, the Development Director concludes the application is **in conformance** with the filing requirements in LDR Section 20-1496(b) and LDR Section 20-144.*

B. The Development Director review. LDR Section 20-1497 addresses The Development Director review.

1. Section 20-1497(a) provides that upon receipt of an application, the Development 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 Development 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 Development Director finds that 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 Development Director shall distribute the application for review by the Development Review Committee (DRC).

*Consistency analysis: The Development Director finds the application package was distributed to DRC members after each filing. Thus, the Development Director finds 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 Development Director finds the Development Department has processed 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 Development Director has reviewed the application against the Comprehensive Plan and finds and concludes as follows:

FUTURE LAND USE ELEMENT

GOAL 1: FUTURE GROWTH. Through 2040, future growth in DeSoto County will be managed using sustainability and smart growth principles to accommodate new growth without compromising the ability of future generations to meet their needs. The Future Land Use Element shall be used as a tool to direct the most intensive growth into the urban center and surrounding areas, optimizing services and infrastructure, protecting the rural character of the County, and protecting the environment.

Consistency analysis: The Future Land Use of the subject property is Low-Density Residential. The PUD petition proposes a density of 1.65 du/acre (2.0 maximum in accordance with Policy 1.1.2, DeSoto Comprehensive Plan) which aligns with the permitted density of the underlying FLUs, including the density requirements of the Conservation Overlay. The PUD clusters development on upland areas to preserve wetlands. Existing infrastructure will be utilized or phased for future public potable water and private, on-site sanitary sewer availability.

Proposed are 49 detached single-family homes on 29.61 ± acres. PUD Section 20-144(g)(2)(b)(2) states that the number and type of dwelling units involved, and the corresponding overall project density is calculated in dwelling units per gross acre for dwelling units.

*Based on these findings, it is concluded the application can be found **consistent** with Goal 1: Future Growth.*

FLUE Policy 1.4.2: Low Density Residential Use Category Uses. The primary use of this category shall be residential, in a variety of low densities and styles. A sustainable mix of neighborhood scale commercial uses may be introduced only as a part of the PUD process for developments of 1000 dwelling units or greater. The commercial area shall be located at the intersections of collector and/or arterial roads and shall be separated approximately 2 miles from other existing and/or future commercial designated areas. Schools and other public facilities shall be permitted with appropriate buffering. The zoning district uses and development standards contained in the Land Development Regulations shall carry out the specific intent of this land use category.

Consistency analysis: The primary use of the proposed PUD is a single-family residential community. The site abuts other existing residential uses in the Low Density Residential land use category. The project will be accessed from SW Highway 17, an arterial road. The site has been designed to limit impacts on

surrounding properties via the location of use areas, preservation of wetlands, and perimeter buffering.

*Based on the above findings, it is concluded the application can be found **consistent** with this Policy 1.4.2.*

FLUE Policy 1.4.3: Low Density Residential Use Category Sustainability. The minimum density permitted within this category will be two dwelling units per acre.

Consistency analysis: The PUD proposes 49 single-family residences on 29.61 acres. The site abuts other existing residential uses in the Low-Density Residential land use category. The PUD proposes a density of 1.65 du/ac, below the minimum density permitted by this policy. The goal of this policy is to provide a reasonable density when being served by County infrastructure, such as water and sewer, to ensure efficiency. Based upon the lot frontage widths, sizes, and number of customers/lots per linear foot of infrastructure, the proposed density meets the intent of this policy.

*Based on the above findings, it is concluded the application can be found **consistent** with this Policy 1.4.3.*

FLUE Policy 1.4.4: Low Density Residential Open Space. All development within the Low-Density Residential Category shall provide open space through clustering of units in order to reduce the footprint on a site. Development shall provide a minimum of 25 percent open space.

Consistency analysis: The proposed PUD clusters single-family dwellings as to preserve wetlands and increase open space. A total of 10.14 acres of open space (or 34.2% of the total site acreage) has been provided which includes wetlands, buffers, and common open space area, exceeding code requirements.

*Based on the above findings, it is concluded the application can be found **consistent** with this Policy 1.4.4.*

FLUE Policy 1.4.5: Open Space design. All open space areas shall be primarily located adjacent to other areas approved as development open space in order to create natural corridors.

Consistency analysis: The proposed PUD clusters single-family dwellings as to preserve wetlands and increase open space. A total of 10.14 acres of open space (or 34.2% of the total site acreage) has been provided which includes wetlands, buffers, and common open space area, exceeding code requirements. Properties adjacent to the proposed PUD are developed with

single family residential, a church, and FDOT stormwater.

*Based on the above findings, it is concluded the application can be found **consistent** with this Policy 1.4.5.*

FLUE Policy 1.4.6: Utilities. All development within the Low-Density Residential category shall connect to existing centralized public water and wastewater systems.

Consistency analysis: Desoto County Utilities has planned potable water and wastewater availability on the horizon. Additionally, enclosed within the Application is a public facilities impact analysis that determines adequate capacity of public facilities for the proposed development. The applicant will be required to connect to County utilities.

*Based on the above findings, it is concluded the application can be found **consistent** with this Policy 1.4.6.*

Objective 1.12: Conservation Overlay Designation (COD). The Interim 2040 Conservation Overlay Map (FLUEMS 4) identifies public and private lands that may possess environmental limitations, such as floodplain, wetland, and other environmentally sensitive areas, including but not limited to, sloping topography subject to soil erosion, wildlife habitat areas, hydric soils, and special vegetative communities, but have not been confirmed as such and shall be protected to the greatest extent possible. Modifications of the boundaries are permitted upon submittal of data and analysis, or field inspection by qualified personnel which support the establishment of a more appropriate boundary.

MEASURABLE TARGET: Acres of habitat and wetlands or species to be impacted or preserved as identified through environmental surveys, Environmental Resource Permits, and other actions in response to development in environmentally sensitive environments.

*Consistency analysis: The project is partially within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.80 acres of the property are jurisdictional. The Project Narrative indicates that all 3.80 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.12.2: Conservation Overlay Designation Uses. This designation is not intended to prevent development, but rather to identify

environmentally sensitive areas (i.e. floodplains and wetlands) that need to be reviewed carefully during the development review process to determine whether mitigation or conservation protection are needed. If the areas are determined not to be environmentally sensitive, then the underlying future land use category is applicable. The following uses are specifically prohibited from being located within Conservation Areas:

- (1) Junkyards, gas station, and vehicle repair facilities.
- (2) The use or storage of hazardous materials or wastes on the Florida Substance List shall be restricted in the 100-year floodplain, except that such use or storage pursuant to phosphate mining within the Generalized Phosphate Mining Overlay Designation shall be restricted within that portion of the 100-year floodplain shown on FLUEMS-9 and as regulated by the Florida Department of Environmental Protection.
- (3) New underground fuel and other hazardous chemicals within these areas. Existing facilities are required to demonstrate that adequate technology is being employed on-site to isolate the facilities from the water supply.
- (4) Residential Development greater than a density of 1 unit per 10 gross acres and non-residential development greater than a FAR of 0.10 unless stated herein. All development shall be clustered to non-wetland portions of any site and buffered from the wetland appropriately.
- (5) Agricultural uses shall utilize “Best Management Practices” published in conjunction with the US Department of Agriculture.

Consistency analysis: The project is partially within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.80 acres of the property are jurisdictional. The Project Narrative indicates that all 3.80 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas.

The following restrictions shall apply to areas determined to be in the COD:

- (1) *Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed: (b) Low Density Residential Land Uses shall be 1 unit per 4 acres.*
- (2) *Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.*

The Project Narrative and Concept Plan show a gross density of 1.65 du/ac, using the proposed 49 residential home sites to calculate density. When applying the COD requirements, the maximum number of units allowed is 52, versus the proposed 49 units.

	Acreage	Density	Unit Count
Upland	25.81	2 du/ac	51.62

Wetland	3.80	1 du/4ac	0.95
Total	29.61		52.57

*Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.12.3: Conservation Overlay Designation Development Standards.

(1) A final determination of the suitability for development of any individual parcel, as it relates to a Conservation Overlay area on the Future Land Use Map, shall be determined prior to issuance of any development approval.

(2) The Conservation Overlay Designation area on the Future Land Use Map is not to be considered the exact boundary of the conservation area, but to act as an indicator of a potential conservation area. The exact boundary shall be determined by an environmental site study by a qualified professional at the expense of the Developer and submitted for a determination to the Southwest Florida Water Management District or other agency with jurisdiction.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) providing an inventory of vegetative communities and listed species. Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 3.8 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(3) The Conservation Overlay Designation area is not all inclusive and other areas that do not fall within the COD boundaries that meet the definition of being environmentally sensitive areas are also subject to the regulations affecting them. These areas include protected plant and animal habitat.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 3.8 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(4) Development proposals shall require the submittal of an Environmental Site Study indicating as to the extent of the impact of development or redevelopment for any lands within Conservation Overlay Designation areas and other environmental concerns.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 3.8 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(5) Environmental Site Studies shall provide evidence and an inventory of wetlands; soils posing severe limitations to construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; and areas prone to periodic flooding (areas within the 100-year floodplain).

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 3.8 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(6) DeSoto County shall require identification of proposed impacts to the natural functions of any resources by any development or redevelopment that proposes to be placed in/on, to disturb, or to alter identified areas. Compensation and Mitigation plans shall also be provided.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates that 3.8 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(7) Such identification shall occur during the development review process and provide the opportunity for DeSoto County to review the proposed project so that direct and irreversible impacts on the identified resources are avoided, minimized, or in the extreme, mitigated.

Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) providing an inventory of vegetative communities and listed species. Conservation Overlay boundaries have been maintained. No impacts are being proposed. Based on the assessment, the property contains habitats which meet the criteria to be claimed as wetland or

other surface water by SWFWMD and DEP. Any impacts to jurisdictional wetlands will require a permit and compensatory mitigation subject to State requirements. The Concept Plan indicates no proposed wetland impacts.

The environmental study identified fourteen (14) potentially occupied Gopher Tortoise burrows that will have to be mitigated consistent with State and Federal criteria. If any impacts are proposed which trigger federal wildlife review, additional coordination and surveys relative to the species will be required.

*Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found **consistent** with this policy, **with conditions**.*

(8) Natural resources discovered as a result of the required Environmental Site Study will be protected in accordance with state and federal law. The Environmental Site Study will require that a qualified professional analyze the natural functions of eco-systems and connectivity of resource corridors. A conservation easement, or other protective measure, may be required to protect the functions of natural resources. Mitigation may be allowed on a case-by-case basis through the appropriate reviewing agencies.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) providing an inventory of vegetative communities and listed species. Conservation Overlay boundaries have been maintained. No impacts are being proposed. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(9) If an area is determined to be developable and not within the Conservation Overlay Designation, then the underlying future land use category shall apply.

*Consistency analysis: While the project is partially within the Conservation Overlay, the underlying Future Land Use Category is Low-Density Residential with a base density of 2.0 du/ac and a bonus density of up to 3.5 du/ac. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.12.6: The County shall prohibit all development within, and direct development away from, wetlands, unless otherwise approved by the appropriate reviewing agency. Site enhancement for conservation purposes and Best Management Practices including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall not be deemed “development” for the purposes of this policy, when used pursuant to phosphate mining.

*Consistency analysis: There are no impacts being proposed. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. The Project Narrative states that the approximate area of wetland on site is 3.8 acres. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in no net loss of wetlands or wetland functions and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource.

*Consistency analysis: There are no impacts being proposed to the wetlands. The applicant is illustrating wetland buffers providing an average 25-foot wetland buffer around the preserved wetland areas per State regulations. The Project Narrative states that the approximate area of wetland on site is 3.8 acres. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(2) The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency. Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall be permitted within the setback areas, when used pursuant to phosphate mining.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) which provides an inventory of wetlands, habitat and endangered wildlife and plant species. A permit is required from the Southwest FL Water Management District (SWFWMD) and Florida Department of Environmental Protection (DEP) to amend a jurisdictional wetland line. The applicant is illustrating wetland buffers providing an average 25-foot wetland buffer around the preserved wetland areas per State regulations. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

(3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best

Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.

Consistency analysis: A Development Suitability Assessment was submitted (Passarella & Associates, Inc, November 2024) providing an inventory of vegetative communities and listed species. Conservation Overlay boundaries have been maintained. No impacts are being proposed to wetlands. Wetland buffers provide an average 25-foot setback around the preserved wetland areas per State regulations.

*Mitigation of any impact must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. A management plan will be required with the application for approval of an Improvement Plan. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.12.8: On all existing parcels of land, development shall be located away from wetlands and floodplains on the upland portion of the site, unless otherwise permitted by an authorized agency and permissible within this Plan. Where no upland exists, development may occur so long as all applicable environmental permitting requirements can be satisfied. All future subdivision of land shall contain adequate uplands for the permitted use.

Consistency analysis: A Development Suitability Assessment was submitted (Passarella & Associates, Inc, November 2024) providing an inventory of vegetative communities and listed species. Conservation Overlay boundaries have been maintained. No impacts are being proposed to wetlands. Wetland buffers provide an average 25-foot setback around the preserved wetland areas per State regulations.

*The Concept Plan are not proposing impacts to wetlands. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. A management plan will be required with the application for approval of an Improvement Plan. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.14.2: Use compatibility. Compatibility between uses will be defined by level of density and intensity rather than by use, with the exception of large-scale public uses such as airports, regional hospitals, refineries and correctional institutions.

Consistency analysis: The Comprehensive Plan defines “compatibility” as “(a) condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion such that no use or condition is negatively

impacted directly or indirectly by another use or conditions.”

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

TABLE 1: USE COMPATIBILITY ANALYSIS

Directions	Future Land Use	Zoning District	Types of Land Uses
Site	Low Density Residential (LDR)	PUD (proposed)	Vacant
North	Low Density Residential (LDR)	RMF-M, CN	Mobile home, vacant
South	Low Density Residential (LDR)	RMF-M, A-5, CN	Single family residential, FDOT property (stormwater), Church
East	Employment Center	IL	Pastureland, Warehouse-Storage (Walmart distribution center), Utilities
West	Low Density Residential (LDR)	RMF-M	Mobile Homes, Single family, Vacant

The above table illustrates that the surrounding uses are developing in a fashion consistent with the Low-Density Residential Future Land Use Category. The Land Development Code provides specific height, bulk, setback, density, buffering, and other regulations to ensure compatibility between uses.

*The proposed PUD Concept Plan is consistent with the standards established by the Comprehensive Plan and Land Development Code. Based on the above, it is concluded the application can be found **consistent** with FLUE Policy 1.14.2.*

FLUE Policy 1.14.8: Buffers. Increased buffering and landscape standards shall be maintained or expanded in the County’s Land Development Regulations to protect various types of development from the impact of others. *Consistency analysis: A Type A buffer is proposed on the east property boundary and a Type B buffer is proposed on the north, south, and west*

*property boundaries. The proposed buffers can be found consistent with Section 20-600 Buffer Matrix. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.16.2: The County shall direct development to areas where services and facilities are available to accommodate additional growth.

Consistency analysis: The property is located in area that has the Low-Density Residential Future Land Use Category, where the County is planning for growth consistent with that designation. Connection to County central potable water and sanitary sewer services are required.

The site is located in the southern portion of the county, approximately 0.67 miles from the Charlotte County line, and the following residential supporting services are the following approximate distances:

DeSoto County Sheriff's Office – 14.3 miles (offices)

DeSoto County Fire Station #2 – 4.8 miles

DeSoto County Library – 14.3 miles

Nocatee Elementary School – 9.5 miles

DeSoto Middle School - 15 miles

DeSoto County High School – 15.6 miles

Deep Creek Park – 12.5 mile

Deep Creek Preserve – 8.1 miles

Harold Avenue Regional Park – 12.4 miles (Port Charlotte)

ShorePoint Health (hospital) - 15.7 miles (Port Charlotte)

DeSoto Memorial Hospital - 15 miles

*The County has approved several development projects in the immediate area. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.17.2: Land uses that generate high traffic counts shall be encouraged to locate adjacent to arterial and collector roads.

*Consistency analysis: The proposed PUD proposes a full access off SW Highway 17. Based on the above, it is concluded the application can be found **consistent** with this policy.*

FLUE Policy 1.17.4: The County shall require new developments to provide safe and convenient on-site pedestrian and vehicular traffic flow.

Consistency analysis: The PUD Concept Plan states that sidewalks are proposed on one side of the internal private roadways. It is recommended to improve pedestrian circulation to adjacent neighborhoods that the sidewalk extend to the west to Lexington Place. These details shall be illustrated on the

*Improvement Plan. Based on the above, it is concluded the application can be found **consistent** with this policy, **with conditions**.*

FLUE Policy 1.17.6: Curb cuts and points of access to the transportation system shall be minimized. Developments shall be required to share driveways and provide cross access between adjacent properties.

*Consistency analysis: The proposed PUD proposes a full access off SW HWY 17. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs. Based on the above, it is concluded the application can be found **consistent** with this policy **with conditions**.*

TRAFFIC CIRCULATION ELEMENT

TRAFFIC Policy 1.1.1: Service Standards. The County establishes the following peak hour/peak directional level of service standards for collector, arterial, local, and limited access facilities in the County.

Consistency analysis: The applicant provided a Public Facilities Impact Analysis and trip generation analysis. The subject property is accessed by SW Highway 17, a two-lane principal arterial roadway which is a major throughfare that travels through the entirety of DeSoto County and SW Ogden Acres Road, a two-lane local street. The accompanying traffic study that was performed by TR Transportation and concluded that the traffic levels at peak hours/peak direction on SW Highway 17 will remain within adopted levels of service.

*Based on the above findings, it is concluded the application can be found **consistent** with this Transportation Policy 1.1.1.*

TRAFFIC Policy 1.2.8: Access Points. The County shall require that future subdivisions with 50 units or more, at a minimum, have at least two (2) points of access open to motor vehicle traffic. Secondary access points, at the discretion of the BOCC and as further defined in the LDR's may be established as emergency only access points per County standards.

*Consistency analysis: As shown on the enclosed Concept Plan prepared by Atwell Engineering, the proposed PUD is proposing 49 dwelling units. The plan proposes one (1) point of ingress/egress access to service the development in compliance with this policy. Based on the above findings, it is concluded the application can be found **consistent** with this Transportation Policy 1.2.8.*

TRAFFIC Policy 1.2.8: Access Points. The County shall require that future subdivisions with 50 units or more, at a minimum, have at least two (2) points of access open to motor vehicle traffic. Secondary access points, at the discretion of the BOCC and as further defined in the LDR's may be established as emergency only access points per County standards.

*Consistency analysis: The proposed PUD is a maximum of 49 units and proposes a full access off SW HWY 17, a collector road. The County is conditioning a second means of pedestrian only access to the west. Based on the above, it is concluded the application can be found **consistent** with this policy with **conditions**.*

TRAFFIC Policy 1.2.14: Traffic Study. High traffic generators shall require a project-specific traffic study. The study will include methodology accepted by the County and will evaluate, at a minimum, existing traffic conditions and LOS, determine project traffic generation, cumulative traffic conditions, mitigation of traffic impacts for on- and off-site, and evaluate LOS for transportation linkages to collector and arterial roadways, if appropriate.

*Consistency analysis: The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs. Based on the above, it is concluded the application can be found **consistent** with this policy **with conditions**.*

TRAFFIC Policy 1.5.3: Analysis of FLUM and Zoning Amendments. The County's shall consider the potential maximum impacts of all Future Land Use map and zoning amendments on the LOS for all roadways directly and indirectly affected by the amendment when making such decisions. However, specific impacts and any required roadway improvements shall only be determined based on the submittal of a defined development proposal as part of the County's overall concurrency system.

Consistency analysis: The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by

*the LDRs. Based on the above, it is concluded the application can be found **consistent** with this policy **with conditions**.*

CONSERVATION ELEMENT

Groundwater Resources:

Conservation Policy 1.2.10: All requests for development shall be reviewed to ensure that potential impacts of the proposed development do not degrade the water quality and quantity of groundwater resources.

*Consistency analysis: The PUD will be required to secure SWFWMD environmental resource permits, an ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. Based on the above, it is concluded the application can be found **consistent** with this policy.*

Conservation Policy 1.2.15: DeSoto County shall protect groundwater recharge areas throughout the County by requiring properly functioning stormwater management systems meeting drainage LOS standards and a minimum percentage of 15% pervious open space for all non-residential development projects and a minimum of 25% pervious open space for residential development projects. This may be further restricted in the LDRs through individual zoning districts and other development performance standards.

*Consistency analysis: The proposed PUD Concept Development Plan exceeds the required 25% open space for a PUD ($7.40 \pm$ acres), providing 34.2% ($10.14 \pm$ acres). Provided open space includes common open space area, stormwater area, and wetland/wetland buffer area. Stormwater facilities will be required to secure any required SWFWMD permits. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

Surface Water Resources:

Conservation Objective 1.4: Surface Water. DeSoto County shall pursue identification, conservation, protection, and restoration of surface waters from known and identifiable pollution sources. The surface waters of DeSoto County shall be protected to ensure that their quality is maintained or improved to, at a minimum, meet the standards established by Chapter 62-302, F.A.C. and the Clean Water Act, 3 USC 1251.

Conservation Policy 1.4.2: DeSoto County shall protect its surface waters through implementation of the following standards and guidelines:

- On-site sewage disposal systems, including their associated drainfields, will be located as far landward as feasible on waterfront properties so as to reduce or prevent unnecessary nutrient and pathogen loading into surface waters.
- The discharge of run off, wastewater, or other potential sources of contamination into surface waters resulting in the degradation of the quality of the receiving body below the standards set forth in, but not limited to, Chapters 62-3, 62-4, 62-302, 62-520, 62-522 and 62-550, F.A.C., (including and antidegradation provisions of section 62-4.242 (l)(a) and (b), 62- 4.242(2) and (3) and 62-302.300, F.A.C.), and any special standards for Outstanding Florida Waters and Outstanding Natural Resources Waters set forth in Sections 62-4.242(2) and (3), F.A.C. (as required for environmental resources permitting process) will be prohibited.
- The most current best management practices identified in the Handbook, Urban Runoff Pollution Prevention and Control Planning, EPA/625/R-93/004, September 1993 which control erosion and limit the amount of sediment reaching surface waters shall be used during all development activities.
- Removal or control of submerged, emergent, or floating vegetation shall be limited to that necessary to provide reasonable access to aquatic weed control and conducted according to the guidelines provided in Chapter 62C-20, F.A.C., as permitted by the Florida Department Environmental Protection and in compliance with control standards outlined in Environmental Control, F.S. 403 and 369. This policy shall not apply to the removal of nuisance species such as hydrilla, water hyacinth, or water lettuce.
- DeSoto County will continue to provide treatment for the control of aquatic weeds and mosquitoes as governed by Chapter 388 F.S. and where feasible, use non-chemical means and best management practices as alternatives to insecticides and herbicides.
- Withdrawals from, or discharges to, surface waters which alter hydroperiods shall require the appropriate permits through the Florida Department of Environmental Protection, Southwest Florida Water Management District, or the U.S. Army Corp of Engineers, and shall not reduce the quality or productive capability of water dependent ecosystems.
- Development proposals must demonstrate that post development discharges into surface waters, or diversion of freshwater inflow into surface waters, will not lower the quality or productive capability of the receiving water body. All development proposals which require Environmental Resource Permits as provided by Chapter 40D-4 and 62-330, F.A.C., will be reviewed for consistency with the other Elements of the Comprehensive Plan.
- All development proposals must demonstrate post development discharges into marine and estuarine systems, or waters which flow into estuarine systems will not adversely affect the aquatic system in questions. Such discharge must not exceed the legal limit for established surface water quality parameters to including, but not limited to, biological oxygen demand, dissolved oxygen, nutrients, bacteriological quality and turbidity, for the appropriate class water, as outlined in 62-302, F.A.C.

Consistency analysis: The PUD Concept Development Plan does not provide details for the required stormwater design other than proposed pond locations. Stormwater will be maintained on-site and directed to a series of dry retention and wet retention ponds, as illustrated on the concept plan and permitted by the Southwest Florida Water Management District and managed/maintained to function as designed and permitted. The stormwater will be properly treated and attenuated per the State requirements prior to discharge.

The Listed Species Survey conducted by (Passarella & Associates, November 2024) identified wetlands on the site. The proposed PUD is located within FEMA flood zone X.

*Land development applications must meet County, State and Federal laws and permitting requirements for stormwater. Based on these findings, it is concluded the application can be found **consistent** with this policy, with conditions.*

Conservation Policy 1.4.3: The County shall identify and require the creation of upland buffer zones, in accordance with the regulations of the water management districts, between development and surface water, environmentally sensitive areas, and wetlands in order to protect these natural resources from the activities and impacts of development.

Conservation Policy 1.4.5: Buffer zones shall serve as protection to surface water from intrusive activities and impacts of development.

Consistency analysis: The project is located partially within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates all wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas.

*Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. The PUD Concept Development Plan includes the required stormwater, wetland protection and buffer areas, and exceeds the required 25% open space for a PUD (7.40 ± acres), providing 34.2% (10.14 ± acres). Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

Wetland Protection:

Conservation Objective 1.5: Wetland Protection. Wetlands and the natural functions of wetlands shall be conserved, protected, and restored from activities which alter their physical and hydrological nature to ensure the filtration of water to enhance water quality, provide flood control, maintain wildlife habitat, and offer recreational opportunities, which enhance the quality of life in DeSoto County.

Conservation Policy 1.5.1: The County, as part of its development review process, shall require the coordination of development plans with the Florida Department of Environmental Protection, the Southwest Florida Water Management District or other appropriate regulatory agency, to assist in monitoring land uses which may impact potential wetlands as shown on the National

*Consistency analysis: The proposed concept plan takes into consideration of natural resources such as wetlands. All of the +/- 3.80-acres of wetlands onsite are being preserved. Additionally, all wetland protection measures will comply with the requirements of the Southwest Florida Water Management District Environmental Resource Permit. Based on the above findings, it is concluded the application can be found **consistent** with this policy, **with conditions**.*

Conservation Policy 1.5.2: The County shall require that all development proposals be accompanied by evidence that an inventory of wetlands; soils posing severe construction limitations; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; has been conducted.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) and a Geotechnical Report was submitted (UES, March 2025). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates all wetlands are preserved with wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found **consistent** with this policy, **with conditions**.*

Floodplain and Floodways:

Conservation Objective 1.6: Floodplains and Floodways. DeSoto County shall ensure long-range protection and restoration of functions of the remaining floodplains.

Consistency analysis: Any encroachment into the 100-Year Floodplain will be compensated by equivalent excavation to offset project filling per Section 4.4

*of the Southwest Florida Water Management District's Basis of Review. The property is not located within the floodway. The proposed PUD is located within FEMA flood zone X. All aspects of proper development standards within special flood hazard areas shall be applied in future development applications. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

Conservation Policy 1.9.16: Developers shall be required to identify wildlife habitat, and endangered and threatened species as part of the development review process and shall be required to submit mitigation measures for review as part of the County's development review process.

*Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024). Approximately 3.80 acres of the property are jurisdictional. The Project Narrative indicates that all 3.80 acres of wetlands are preserved with no wetlands being impacted. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

The environmental study identified fourteen (14) potentially occupied Gopher Tortoise burrows that will have to be mitigated consistent with State and Federal criteria. If any impacts are proposed which trigger federal wildlife review, additional coordination and surveys relative to the species will be required.

*Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above findings, it is concluded the application can be found **consistent** with this policy.*

2. The existing land use pattern.

*Consistency analysis: **Table 1** shows the existing land use pattern. The table illustrates that the surrounding uses are developing in a fashion consistent with the Low-Density Residential Future Land Use Category. The Future Land Use Category of surrounding properties is Low Density Residential to the north, south, and west. The properties to the east have Employment Center future land use.*

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. The Concept Plan proposes a Type A buffer along the east property line and the

*remaining perimeter will be a Type B buffer is required by the LDRs. 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 proposed rezone and PUD Concept Plan will not create an isolated district unrelated to adjacent and nearby districts. The surrounding area contains a mix of zoning districts including, A-5, RMF-M, RMF-6, TTRVC, IL, and PUD. The PUD proposes 49 residential units, which is adjacent to single family residential to the north, west, and south, with industrial across SW Highway 17 to the east.

*Based upon the requirements in the Land Development Regulations for setbacks, buffers, and open space, the proposed PUD Concept Plan will not create an isolated district unrelated to adjacent and nearby districts. 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: FLUE Policy 1.22.5 Concurrency Information/Data requires the County to maintain a concurrency database and monitoring system 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.

The project is a proposed Planned Unit Development (PUD) District, which requires a concept plan with the submittal. The concept plan provides a supportive report (Public Facilities Impact Analysis and traffic analysis) as required by Sec. 20-144(g)(2), which would classify the PUD and concept plan as an Intermediate Development Order.

The proposed PUD proposes a full access off SW Highway 17, a collector roadway. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs. Based on the above, it is concluded the application can be found consistent

with this policy.

Connection to DeSoto County Utilities has planned potable water and wastewater availability on the horizon. Additionally, enclosed within the General Development Application is a public facilities impact analysis that determines adequate capacity of public facilities for the proposed development. This is addressed in detail with the analysis of Policy 1.4.6 Utilities.

*The project is required to secure concurrency reservations as required by the Comprehensive Plan prior to Improvement Plan approval. Based on the above findings and recommended conditions, it is concluded the application can be found **in conformance** with this policy, **with conditions**.*

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

*Consistency analysis: The proposed PUD zoning district is consistent with the Low Density Residential Future Land Use category and would allow the proposed single-family residential community. The PUD boundaries can be found to be logically drawn in relationship to the existing conditions on the property. The existing condition of the property is vacant/undeveloped pastureland. The existing zoning of CN does not permit the proposed development. Existing zoning district boundaries adjacent to the site are RMF-M, CN, A-5, and IL. The proposed PUD will align with the surrounding uses of single family residential and a church. 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 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 max of 1.65 dwelling units per acre with a concept plan for a 49-unit single family home subdivision. The general area is developing in a pattern consistent with the proposed PUD.

*The request to rezone to PUD will accommodate DeSoto's growing population and create a community that is carefully designed to provide safe interconnectivity for both vehicular and pedestrian networks while taking into consideration of the sensitive environmental areas of the site. 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 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. Proposed is a 49-residential unit on 29.61 ± acres. PUD Section 20-144(g)(2)(b)(2) states that the number and type of dwelling units involved and the corresponding overall project density is calculated in dwelling units per gross acre. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of agricultural and residential type uses and the proposed change will not adversely influence living conditions in the area. However, staff is conditioning the residential portion of the site to be consistent with the density requirements of the Low-Density Residential future land use category in accordance with Policy 1.1.2, DeSoto Comprehensive Plan.

*The density, intensity, and type of development proposed and permitted within the proposed PUD zoning district is compatible with existing development and existing zoning of surrounding properties. A Type A buffer is proposed on the east property boundary and a Type B buffer is being proposed on the north, south, and west property boundaries. The proposed buffers can be found consistent with Section 20-600 Buffer Matrix. Based upon the design and location, living conditions in the area will not be adversely affected by the proposed PUD. Based on the above it is concluded the application can be found **in conformance** with this factor, with **conditions**.*

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

*Consistency analysis: The proposed change will not create or excessively increase traffic congestion or otherwise affect public safety. The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs. Based on the above, it is concluded the application can be found **in conformance** with this factor, **with conditions**.*

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

Consistency analysis: The proposed PUD will not create a drainage problem. Stormwater will be maintained on-site and directed to a series of dry retention and wet retention ponds. 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. 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 building height and building setbacks. 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. Based on the above, the Development Director concludes 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: Staff is conditioning the residential be consistent with the density requirements of the Low Density Residential future land use category in accordance with Policy 1.1.2, DeSoto Comprehensive Plan. A Type A buffer is proposed on the east property boundary and a Type B buffer is being proposed on the north, south, and west property boundaries. The proposed buffers can be found consistent with Section 20-600 Buffer Matrix. The proposed PUD is consistent with the type, density, and intensity permitted by the Low Density Residential future land use category. The proposed rezone should not adversely affect property values in the adjacent area. Property values are based on many factors, including the sale prices of similar land/homes in the area. Based on the above finding, it is concluded the application can be found **in conformance** with this factor, with **conditions**.*

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 proposed PUD, landscape and screening buffers are proposed around the project perimeter. Therefore, the proposed change should not be a deterrent to the improvement or development of adjacent property in accord with existing regulations. Thus, the Development Director concludes the application can be found **in conformance** with this requirement.*

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 PUD is consistent with the type, density, and intensity permitted by the Low-Density Residential future land use category. The project is also consistent with nearby development in the Low-Density Residential Future Land Use Category area. Therefore, the proposed rezone does not grant a special privilege to an owner as contrasted to the public welfare. Based on the above findings, it is concluded the application 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 property cannot be utilized for the proposed project due to the density and uses allowed by the current CN and RMF-M zoning districts. The project is located 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 max of 1.65 dwelling units per acre with a concept plan for a 49-unit single family residential development. The surrounding area is developing in a pattern consistent with the proposed PUD. Thus, 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 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. Proposed is a 49-residential unit on 29.61 ± acres. PUD Section 20-144(g)(2)(b)(2) states that the number and type of dwelling units involved, and the corresponding overall project density is calculated in dwelling units per gross acre. The surrounding area is developing in a pattern consistent with the proposed PUD, with a mix of agricultural and residential type uses and the proposed change will not adversely influence living conditions in the area. However, staff is conditioning the residential portion of the site to be consistent with the density requirements of the Low Density Residential future land use category in accordance with Policy 1.1.2, DeSoto Comprehensive Plan.

*The density, intensity, and type of development proposed and permitted within the proposed PUD zoning district is compatible with existing development and existing zoning of surrounding properties. A Type A buffer is proposed on the east property boundary and a Type B buffer is being proposed on the north, south, and west property boundaries. The proposed buffers can be found consistent with Section 20-600 Buffer Matrix. Based upon the design and location, living conditions in the area will not be adversely affected by the proposed PUD. Based on the above it is concluded the application can be found **in conformance** with this factor, with **conditions**.*

*The proposed PUD is not out of scale with the surrounding area and is consistent with the Low-Density Residential land use designation. Overall, the request to rezone to PUD and concept plan are consistent with the Goals, Objectives, and Policies of the DeSoto County Comprehensive Plan. Thus, it is concluded the application can be found **in conformance** with this factor, with **conditions**.*

In summary, the Development Director finds the application is in conformance with the 15 factors and, therefore, concludes the application can be found in **conformance** with LDR Section 20-1498(a) **provided** recommended conditions are imposed.

- D. Planned Unit Development District General Requirements.** LDR Section 20-144(e) requires all land included for purpose of development within a PUD District 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 is required to conform to three requirements.

1. Agree to be bound by:
 - a. The Concept Development plan officially adopted as the PUD district; and
 - b. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.
2. Provide agreements, contracts, deed restrictions or sureties acceptable to the County for completion of undertaking in accord 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.
3. All conditions shall run with the land

*Consistency Analysis: Future plan submittals will be required to be consistent with these requirements. Thus, this factor is **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: The applicant provided a Public Facilities Impact Analysis and trip generation analysis. The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs. 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 Development Director finds the PUD has a size of +/- 29.61 acres and proposes 49 single-family units. 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 subsurface soil conditions encountered at this site generally consist of very loose to dense sands (SP), medium dense slightly silty sands (SP-SM), loose to medium dense slightly clayey sands (SP-SC) and very loose to medium dense clayey sands (SC) to the boring termination depths. The subsurface soil conditions encountered at this site generally consist of very loose to dense sands (SP), medium dense slightly silty sands (SP-SM), loose to medium dense slightly clayey sands (SP-SC) and very loose to medium dense clayey sands (SC) to the boring termination depths. 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 49 residential unit PUD Concept Development Plan is consistent with the uses allowed in the Low-Density Residential land use. The Concept Plan exceeds the required 25% open space for a PUD (7.40 + acres), providing 34.2% (+/- 10.14 acres). Provided open space includes common open space area, stormwater area, and wetland/wetland buffer area. Stormwater facilities will be required to secure any

*required SWFWMD permits. Thus, the Development 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 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 per Policy 1.1.2, but a minimum density of 2 du/ac per Policy 1.4.3. The project is proposing a concept plan for a 49-unit single-family housing community at a density of 1.65 du/ac and is proposing to connect to DeSoto County water and sewer. The surrounding area is developing in a pattern consistent with the proposed PUD.

PUD Section 20-144(g)(2)(b)(2) states that the number and type of dwelling units involved and the corresponding overall project density is calculated in dwelling units per gross acre. The surrounding area is developing in a pattern consistent with the proposed PUD.

*Overall, the request to rezone to PUD and concept plan show the gross density to be at or lower than the LDC requirement. Thus, the Development 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 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.

*Consistency analysis: The proposed 49 residential unit PUD Concept Development Plan exceeds the required 25% open space for a PUD (7.40 + acres), providing 34.2% (10.14 + acres). Provided open space includes common open space area, stormwater area, and wetland/wetland buffer area. However, it is not clear if the open space is usable or the amenity area proposed is consistent with this section. Based on the above, it is concluded the application can be found **in conformance** with this factor, **with 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 illustrates proposed principal uses, setbacks, open space, buffers, amenity center, etc. Many of these specifications are consistent with existing standards and conditions are proposed to mitigate potential incompatibilities with the community. The PUD zoning district provides the flexibility to consider alternatives to typical zoning categories and for additional conditions to be placed on the concept plan. The concept plan indicates each lot for single family detached units to be a minimum of 40' x 100' or 4,000 square feet, with a minimum setback of 20' from the PUD boundary. Attached single family residential lots are proposed to be 30' x 100'.

The proposed PUD proposes a full access off SW HWY 17. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs.

The PUD Concept Plan requests 4 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.*
- 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	50'

25	180'
30	300'

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

The deviations from LDRs have been reviewed by County staff and have no objections. Deviations are reflected in the conditions.

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

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 shows the general location of the proposed residential housing units. The concept plan indicates 2 parking spaces per unit. Given the small size of the subdivision and proximity of any amenity center location, the amenity center should provide ADA and bicycle parking at a minimum. Based upon the PUD Concept Plan and site layout, the Development Director concludes 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: The proposed PUD proposes a full access off SW HWY 17. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and

*access analysis will be required with future plan submittals as required by the LDRs. Visibility triangles are required to be shown on the Improvement Plan. 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 Concept Plan illustrates a Type A buffer along the east property line fronting US 17 and the remaining perimeter will be a Type B buffer consistent with the LDRs. Based on the above findings, the Development Director concludes the application can be found **in conformance** with this factor.*

10. Phasing of Development: 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 subunits 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.

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. 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:

- a. 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: Per the Concept Plan, the proposed PUD will be completed in multiple phases and indicated on the Improvement Plan. This factor is **applicable**.*

- b. Internal commercial areas shall not be platted prior to, but may be platted concurrent with, the platting of at least twenty-five (25%) percent of the total permitted dwelling units or recreational vehicles.

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

- c. 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**.*

- d. If no significant construction has begun or no use is established in the PUD within five (5) 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 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 sixty (60) day period during which the applicant may begin construction and thereby cure the lapse. The Board may extend the PUD for two (2) 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. system.

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

- e. After the original phase(s) containing twenty-five (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 twenty-five percent (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:
 - (1) Enters into a long term road and drainage maintenance agreement with the County, or

- (2) 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: 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 partially within the Conservation Overlay. Land development applications must meet County, State and Federal laws and permitting requirements. A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) and a Geotechnical Report was submitted (UES, March 2025). Approximately 3.8 acres of the property are jurisdictional wetlands. The Project Narrative indicates all wetlands are preserved. Wetland buffers provide an average 25-foot setback around the preserved wetland areas. Mitigation of any impacts must be consistent with State and Federal laws and permitting requirements, which will be provided to the County with engineering plans prior to any development. Based on the above, 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 thru more detailed plan submittals, these requirements will be addressed. This factor is **not applicable** at this 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: Per Policy 1.17.4, the PUD Concept Plan states that sidewalks are proposed on one side of the internal private roadways. A condition is recommended to provide a 5' wide sidewalk along the frontage of the property along US 17. These details shall be illustrated on the Improvement Plan. This factor is **applicable, with conditions**.*

- 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: Stub-outs for future inter-neighborhood ties and connections are not recommended to the vacant property to the south due to the existence of a stormwater pond and existing single-family residence. The Concept Plan does not provide a connection to Lexington Place, a local street and neighborhood to the west. If a future resident desired to visit the adjacent neighborhood to the north or west, they would have to get on to US 17, drive south approximately ½ mile and perform a U-turn, drive north ¾ of a mile and turn left on SW Ogden Acres Blvd to access adjacent neighbors.

*To encourage better inter-neighborhood connectivity and minimize additional vehicle trips on arterial roadways, at least to provide for pedestrians and bicycles, the internal sidewalk should be extended and connect to Lexington Place to the west. These details shall be illustrated on the Improvement Plan. This factor is **applicable, with conditions**.*

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

*Consistency analysis: Internal uses have vehicle and sidewalk connections. This factor is **applicable**.*

F. Other PUD requirements. LDR Section 20-144(g) imposes additional requirements.

1. 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.

- a. 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.*

- b. 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.*

- c. 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. The plan also provides buffers and setbacks as required. Thus, the application can be found **in conformance** with this factor.*

- d. 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 displays the proposed use for the site as residential. The Concept Plan provides a land use table with the tabulations of uses, density, open space,

*preservation area, and stormwater area. Any amendments to this table shall be addressed with the Improvement Plan. Thus, the application can be found **in conformance** with this factor.*

- e. 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 Concept Development Plan displays the location, size, and character of the open space areas. However, usable open space is not addressed on this Concept Plan. A condition is recommended to provide usable open space per the LDRs on the Improvement Plan. Thus, the application can be found **in conformance** with this factor, **with conditions**.*

- f. 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 indicates the proposed residential units to be single family detached and attached with respective lot sizes. An amenity center is also proposed. Future plan submittals will be required to address these requirements in more detail. Thus, the application can be found **in conformance** with this factor.*

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

Consistency analysis: The applicant of the proposed PUD plans to connect to DeSoto County centralized public water and wastewater systems. The Utilities Department does not object to the approval of this rezoning application. The review and approval of any Development/Improvement Plans does not constitute commitment of utility service by DCU. Conditions regarding utilities have been outlined elsewhere in this report.

The internal street network is proposed to be privately maintained. The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with

the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs.

*Stormwater will be maintained on-site and directed to a series of dry retention and wet retention ponds as illustrated on the concept plan and permitted by the Southwest Florida Water Management District and managed/maintained to function as designed and permitted. The stormwater will be properly treated and attenuated per the State requirements prior to discharge. Thus, the application can be found **in conformance** with this factor.*

- h. 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 the proposed residential housing units. The concept plan indicates 2 parking spaces per unit. Given the small size of the subdivision and proximity of any amenity center location, the amenity center should provide ADA and bicycle parking at a minimum. Thus, the application can be found **in conformance** with this factor, **with conditions**.*

- i. 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 basic vehicular circulation. Sidewalks are being proposed to one side of the road, as noted in the PUD notes. The PUD Concept Plan states that sidewalks are proposed on one side of the internal private roadways. It is recommended to improve pedestrian circulation to adjacent neighborhoods that the sidewalk extend to the west to Lexington Place. These details shall be illustrated on the Improvement Plan. The application can be found **in conformance** with this factor, **with conditions**.*

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

Consistency analysis: A Listed Species Survey was submitted (Passarella & Associates, Inc, November 2024) and included a FLUCFCS analysis. The applicant is responsible for additional soil / compaction testing to ensure conditions are consistent with

*development requirements. Thus, the application can be found **in conformance** with this factor.*

- k. 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: Per the Concept Plan, the proposed PUD will be completed in multiple phases and indicated on the Improvement Plan. Thus, the application can be found **in conformance** with this factor.*

- l. 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 for this level of application per the LDRs. Thus, the application can be found **in conformance** with this factor.*

- m. A list of deviations with appropriate justifications or support evidence, which may include design safety standards, independent studies, professionally acceptable alternative design(s),

Consistency analysis: A list of deviations and justifications is included with the application 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 rights-of-way to have a minimum width of 40 feet.*
- 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	50'

25	180'
30	300'

4. *Deviation from Engineering Detail D-15 "Maximum Cul-De-Sac Length" to allow for cul-de-sacs with lengths longer than 1,300 feet.*

*The deviations from LDRs have been reviewed by County staff and have no objections. Deviations are reflected in the conditions. Thus, the application can be found **in conformance** with this factor, **with conditions**.*

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

Consistency analysis: The applicant provided a Public Facilities Impact Analysis and trip generation analysis. The proposed PUD proposes a full access off SW HWY 17, a collector road. A Trip Generation Analysis (TR Transportation Consultants, Inc., December 2024, revised April 9, 2025) was submitted and determined that there is sufficient capacity on US 17 to serve the development. However, the analysis did not provide an operational analysis for access/turn lanes or for all intersections with the study area. A more detailed transportation and access analysis will be required with future plan submittals as required by the LDRs.

*The proposed PUD plans to connect to DeSoto County centralized public water and wastewater systems. The Utilities Department does not object to the approval of this rezoning application. The review and approval of any Development/Improvement Plans does not constitute commitment of utility service by DCU. Conditions have been recommended to ensure compliance with designated level-of-service. Based on the above findings, the application can be found **in conformance** with this factor.*

2. 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 project narrative addressing Comprehensive Plan consistency. Thus, the application can be found **in conformance** with this factor.*

- 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 applicant provided a project narrative addressing Comprehensive Plan consistency. Thus, the application can be found **in conformance** with this factor.*

2. 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. Thus, the application can be found **in conformance** with this factor, with **conditions**.*

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

*Consistency analysis: The application includes proposed residential and subdivision amenity uses. Thus, the application can be found **in conformance** with this factor.*

4. 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 displays the overall project size, layout, residential unit lot sizes, setbacks, open space, and buffers. Thus, the application can be found **in conformance** with this factor.*

- c. 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: Per the Concept Plan, the proposed PUD will be completed in multiple phases and indicated on the Improvement Plan. This factor is **not applicable**.*

- d. 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: Per the Concept Plan, the internal streets are proposed to be privately owned and maintained. This factor is **applicable**.*

- 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: **Table 1** shows the existing land use pattern. The table illustrates that the surrounding uses are developing in a fashion consistent with the Low-Density Residential Future Land Use Category. The Future Land Use Category of surrounding properties is Low Density Residential to the north, south, and west. The properties to the east have Employment Center future land use.*

*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. The project narrative a Type A buffer is proposed along the east property line and the remaining perimeter will be a Type B buffer is required by the LDRs. Based on the above, it is concluded the application can be found **in conformance** with this factor.*

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 submitted.*

I. Conditions and Safeguards. LDR Section 20-1449 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.

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

Consistency analysis: The Development Director recommends the Planning Commission impose any conditions on the Concept Development Plan. The Planning Commission, however, may recommend the imposition of additional Concept Development Plan conditions to safeguard the public health, safety and general welfare.

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 September 23, 2025, public hearing.

J. 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 Development Director caused written notice of the hearings to be mailed to all property owners within 1000 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 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 Development Director finds the subject property consists of a 29.61 acres site located in south DeSoto County, on the west side of SW HWY 17.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Low-Density Residential (LDR).
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Commercial Neighborhood (CN) & Residential Multi-family Mixed District (RMF-M).
- D. The Development Director finds that on January 6, 2025, an Official Zoning District Atlas amendment application (RZNE 0062-2025) was filed on behalf of the Applicant, TMV Properties Inc & McAlpine (Briarwood) Inc, which application proposes to rezone to Planned Unit Development (PUD).

- E. LDR Sections 20-1345(c) and 20-144(h)(2)a provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Development Director finds the application was distributed to the DRC.
- F. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing in accordance with quasi-judicial procedure, scheduled for October 7, 2025.
- G. 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 October 28, 2025 Board public hearing.
- 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 consistent with the Comprehensive Plan with conditions.
- 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 with conditions.
- 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 Development 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. All environmental permitting requirements shall be reflected on the Improvement Plan and copies of any required State and Federal permits or a letter of exemption shall be provided to the Development Department prior to issuance of the Notice to Proceed.
- 2. Landscape buffers shall be consistent with Section 20-600 Buffer Matrix or Sec. 20-603 Alternative Buffer Proposals and approved by the Development Department with the Improvement Plan.
- 3. A detailed transportation and access analysis, including safety and operational improvements needed shall be approved by the County Engineer with the Improvement Plan.
- 4. Stormwater engineering design and copies of State or Federal permit applications shall be provided with the Improvement Plan. The approved permits or letters of exemption shall be provided prior to issuance of the Notice to Proceed.
- 5. The Improvement Plan shall designate and provide usable open space per Section 20-144(f)(6) for Planned Unit Development projects and be approved by the Development Department.
- 6. The Improvement Plan shall show an internal neighborhood sidewalk extended to Lexington Place to the west and approved by the county engineer.

The following LDR deviations have been recommended for approval by the county engineer and are included as conditions of approval, to be shown on the Improvement Plan:

7. Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.
8. Deviation from Section 20-503 to allow for private residential rights-of-way to have a minimum width of 40 feet.
9. 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	50’
25	180’
30	300’

VIII. ALTERNATIVE MOTIONS & PC ACTION

Approval. Motion to enter into the record the Staff Report and **approve** the Ordinance for the Rezoning to PUD, **with conditions**.

Denial. Motion to enter into the record the Staff Report and **deny** the Ordinance for the Rezoning to PUD.

Table. Motion to enter into the record the Staff Report and **table** the Ordinance for the Rezoning to PUD to a future date.

Planning Commission Recommendation.

Motion:

Board action.