



*DESOTO COUNTY DEVELOPMENT DEPARTMENT
STAFF REPORT*

CASE #: SITE-0128-2023

REQUEST: Development Plan

PROPERTY OWNER: Rick L. Guinn & Denise B. D'Aprile
PO Box 195
Fort Ogden, FL 34267

ATTORNEY: Timothy Riley, Esq.
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PROPERTY ID: 35-38-23-0000-0413-0000,
35-38-23-0000-0414-0000,
35-38-23-0000-0411-0000

TOTAL PARCEL SIZE: +/- 17.74 acres

PROPERTY ADDRESS: 6420 SW CR 769, Arcadia, FL, 34269

FUTURE LAND USE DESIGNATION: Rural/Agricultural

ZONING DESIGNATION: Agricultural – 5 (A-5)

OVERLAY DISTRICT: Conservation Overlay

PROPOSED REQUEST:

The applicant requests approval of a Development Plan for a banquet hall, consisting of an existing “barndominium” to be used as the primary structure for the banquet hall with accessory structures on a +/- 17.74-acre parcel.

The property, identified with tax ID numbers 35-38-23-0000-0413-0000, 35-38-23-0000-0414-0000, and 35-38-23-0000-0411-0000 is located at 6420 SW CR 769, Arcadia (Exhibit A: Location).

BACKGROUND:

A boundary survey dated July 29, 2025, shows 3 parcels, Lots A, C, and D of the Powell Subdivision, 2-A. There is a gravel driveway leading from SW County Road 769 through the three parcels in a circular fashion.

The survey shows several structures, including a two-story residence (barndominium), porch, detached garage, future expansion (currently under construction as a guest house), a covered patio, several sheds and a variety of fencing.

The barndominium contains a homesteaded residence and the balance is used as a banquet hall.

The parcel is related to a code enforcement case (CE-23-0310) citing development without a permit. The subject Development Plan was filed to remedy the violation.

March 13, 2021: The applicant applied for a Zoning Verification (ZNVF-5583-2021) for a barn with living space. A building permit (BLDR-5628-2021) was issued on May 18, 2021, followed by the issuance of a Certificate of Occupancy on July 27, 2022.

April 28, 2023: A Code Enforcement complaint (CE-23-0310) was filed for development without a permit for a banquet hall that was operating without approval of a Development Plan.

November 6, 2025: a Zoning Verification (ZNVF-26136-2025) was issued for an expansion of an existing detached garage (aka pole barn) with living space (maximum of 699 square feet) for a guest house. The guest house was considered accessory to the homestead residence (2,796 square feet), located within the Banquet Hall/Barn. A building permit was subsequently issued for the new construction and inspections are ongoing.

Data and Analysis

Future Land Use Designation and Zoning

A. Comprehensive Plan and Future Land Use Review

1. **Objective 1.3: Rural/Agricultural Category Defined.**

DeSoto County shall recognize existing “Rural/Agricultural” areas by their designation and mapping on the Future Land Use Map as Rural/Agricultural. The intent of the Rural Land Use Category is primarily agricultural, pastoral, and rural residential development. This district is designed to accommodate traditional agricultural uses and conservatory measures, where appropriate, while protecting the rural areas of the County. The intent of this category is to permit a reasonable use of the property, at a gross density of no more than one dwelling per ten (10) acres, unless the underlying zoning and/or recorded parcel configuration would allow a greater density. In no case would the density created by zoning exceed 1 unit per 5 acres. At the same time, the intent is to prevent the creation of conditions, which would endanger, damage, or destroy the agricultural base of the County, the environmental resources of the County, the potable water supply and the wildlife resources. The first priority of this category is agricultural use.

Staff finding

This property is located within the Comprehensive Plan’s Rural/Agricultural Future Land Use Category. The current Agricultural - 5 (A-5) zoning is consistent with the future land use designation.

The Rural/Agricultural Future Land Use Category’s primary use and function is to protect and encourage agricultural activities, protect native habitats, and maintain open space while providing for rural residential uses. The category also allows for some non-residential uses, with limitations.

Non residential uses in the Rural/Agricultural category are limited to a maximum Floor Area Ratio (FAR) of 0.4. The Development Plan does not state the calculated FAR, but the maximum amount of gross floor area allowed based on a 0.4 FAR is 309,000 square feet. The existing structures total approximately 10,541 square feet.(excludes proposed future home site and garage/guest house expansion). The 5 buildings considered in this calculation (the barndominium, groom’s cabin, detached garage, water pump

house, and storage shed) equate to a Floor Area Ratio of 0.014 (10,541 / 772,754.4 = 0.014), which is compliant with the 0.4 maximum limitation.

Policy 1.3.6: In a Rural/Agricultural Future Land Use category, the lowest order of commercial goods and services which serve the daily needs of nearby residents, may be permitted with direct access on an arterial roadway. Commercial areas in a Rural/Agricultural category shall:

- (1) Not exceed 3 acres in size;
- (2) Shall not exceed impervious surface ratio (lot coverage) of 70 percent.
- (3) Shall be no less than 10 miles from other commercial development in a Rural/Agricultural area or in other Future Land Use categories.
- (4) Shall be appropriately buffered from agricultural and residential uses and zoning districts.
- (5) Must submit and receive site plan or preliminary plat (PUD) approval in conjunction with such zoning request.

Staff finding

Commercial uses are defined differently by county governments throughout the state. It is common to see “pecuniary gain” or “profitable businesses” used in commercial definitions. Some jurisdictions categorize land uses under broad categories, such as, “residential”, “commercial”, or “industrial” to define the type of use. Absent this guidance in the DeSoto County Comprehensive Plan and Land Development Regulations (LDR) it’s not clear if a Banquet Hall is considered a commercial use. Policy 1.3.6 allows for the “lowest order of commercial goods and services which serve the daily needs of nearby residents,” and provides direction for commercial uses.

If the Board considers the Banquet Hall a commercial use, then it would not be consistent with policy 1.3.6, as the parcel size exceeds 3-acres and the banquet hall use will serve a broader population than the daily needs of the nearby residents.

The LDR defines a Banquet Hall as:

“Banquet hall means a personal services use where the primary service is the temporary rental or offering of any room or group of rooms, building or buildings, covered structure or portions thereof, and outdoor area to any person and primarily intended to accommodate private or civic ceremonies, events, functions or gatherings such as, but not limited to, anniversaries, birthdays, graduation, weddings, and similar celebrations or to group membership. The sale of alcoholic beverages for on-premises consumption during the scheduled event and not open to the general public is allowed as an accessory and incidental use. This land use is allowed as a primary or principal use in some zoning districts and as an accessory use.”

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.

Staff finding

The site's southeast corner is located within the Conservation Overlay District (COD). An environmental report was not provided by the applicant with the Development Plan application and staff recommends a condition requiring an Environmental Site Study with the Improvement Plan and that the Improvement Plan show that development is planned outside of the state mandated wetland buffers.

Additionally, the applicant is responsible for obtaining all required state permits (e.g., SWFWMD, DEP, FDOT) with the Improvement Plan application and shall submit either a copy of the permit application filed with the state or a letter of exemption. All approved state permits shall be provided to the County prior to issuance of the Notice to Proceed.

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 South West Florida Water Management District or other agency with jurisdiction.
- (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.
- (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.
- (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).
 - (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.
 - (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.
 - (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.
 - (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.
 - (10) The Conservation Overlay District is comprised of data collected from other sources and utilized as a tool to assist in development decisions. As this data is modified, updated or altered, the County will update the Conservation Overlay District boundaries upon data being published to reflect the most accurate data and analysis available. Should other recognized professional sources or technology also provide for updates and improved accuracy, that data shall be reflected in updates to the DeSoto County Conservation Overlay District when made available. Staff shall review and update available data semi-annually.

Staff finding:

As previously mentioned, staff recommends a condition requiring an Environmental Site Study with the Improvement Plan to address the criteria of the COD policies.

Policy 1.12.4: Any development of a site which includes property

determined to be in a Conservation Overlay Designation area, is required to submit a site-specific plan for approval. The plan shall include the clustering of density away from the protected areas and resources. Developments that include Conservation Overlay Designations, but cluster all development activities outside of the Overlay, may be reviewed via a Site Plan Approval process. 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:
 - (a) Rural/Agricultural Land Uses shall be consistent with the underlying zoning
 - (b) Low Density Residential Land Uses shall be 1 unit per 4 acres.
 - (c) Medium Density Residential, Neighborhood Mixed Use, and General Mixed Use Districts shall be 1 unit per 2 acres.
 - (d) Urban Center Mixed Use Mixed Use shall be 1 unit per 1 acre.In the future, density transfers out of the Conservation Area may be able to occur off-site from Rural/Agricultural Future Land Uses to Non- Rural/Agricultural Future Land Uses as part of a Transfer of Development Rights Program.
- (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.

Staff finding:

As previously mentioned, staff recommends a condition requiring an Environmental Site Study with the Improvement Plan to address the criteria of the COD policies.

2. **Zoning District related-issues.** Land Development Regulation zoning district related issues include the zoning district and its consistency with the FLUM, the uses allowed within the zoning district, the minimum lot size and width, the minimum building setbacks or open yards.

Staff finding: The site is zoned A-5 and may be found to be consistent with the Rural/Agricultural Land Use designation if the Board determines the Banquet Hall is not subject to the commercial limitations of the Rural/Agricultural Future land Use Category.

The 17.74-acre property is comprised of 3 parcels (Parcels A, C, and D) and is currently used as pastureland, a Banquet Hall (Code Enforcement Case) that is within a large barn (also containing a homesteaded residence), a guest house, and several accessory buildings.

The

Existing Structures	SF (per PAO)	
<i>2 story Barndominium with covered porch</i>	<i>5,520 SF non-residential</i>	<i>2,796 SF single family</i>
<i>Detached garage</i>	<i>1,536 SF</i>	
<i>Water Pump House shed</i>	<i>199 SF</i>	
<i>Storage shed</i>	<i>160 SF</i>	
<i>Groom's Shed</i>	<i>330 SF</i>	
<i>Covered patio</i>	<i>N/A</i>	

development plan (Kings Crossing Numbered Site Plan for BOCC 6.24.25) shows these existing structures on Parcel A as well as a proposed future home site on Parcel D. The table above shows the breakdown of the existing structures that are used for agricultural uses and the Banquet Hall, located on Parcel "A". As previously noted in the report, a guest house and garage expansion are currently under construction and the applicant shows a future home site on the development plan, but neither of these two homes will be affiliated with the Banquet Hall portion of the project.

The A-5 district permits one single family dwelling per parcel. One guest house per residential lot is also allowed as an accessory use in the A-5 district, pursuant to the LDR standards of Sec. 20-660, which includes a size limitation of no larger than 50% of the principal structure. The LDR defines a guest house, as follows:

"Guest house means a building separate from and in addition to the principal residential building on a lot but not exceeding 50 percent of the floor area of said principal residential building, intended for intermittent or temporary occupancy. These living quarters shall be used exclusively for noncommercial accommodations for friends and relatives of the occupant or owner of the principal dwelling."

The Agricultural - 5 zoning district permits banquet halls, provided it is on property with a minimum size of 15 acres. A condition of approval has been provided that the applicant shall maintain a minimum of 15 contiguous acres of property to operate. If they sell a contiguous parcel (or otherwise fall short of the 15-acre minimum), they will be considered in violation of their development approval.

The development plan shows building setbacks for the existing structures meet or exceed the minimum requirements for the A-5 zoning district:

	Proposed	Required A-5
Front	Min. 395'	50'
Side	Min. 110'	30'
Rear	Min. 55.9'	50'

The maximum impervious lot coverage in the A-5 zoning district is unrestricted. The site is located in FEMA Flood Zone X and 0.2% annual chance flood hazard, map panel 12027C0163D (effective 10/7/2021). All improvements must comply with all building-related requirements on future site plan and building permit submittals.

The following table illustrates the adjacent uses, land use, and zoning designations.

Direction	Existing Use	Land Use	Zoning
Site	Pastureland, single family residential	Rural/Agricultural	A-5
North	Pastureland	Rural/Agricultural	A-5
South	Pastureland	Rural/Agricultural	A-5
East	Pastureland, single family residential (across SW CR 769)	Rural/Agricultural	A-5
West	Pastureland	Rural/Agricultural	A-5

Landscape buffers are not required for the banquet hall adjacent to agricultural. The Improvement Plan shall indicate the adjacent uses and provide landscape buffers in accordance with Sec. 20-600 if applicable.

The proposed Development Plan can be found to be in conformance with the Agricultural – 5 zoning district.

- 3. Transportation related issues.** Transportation related issues include roadway access, right-of-way width, and off-street parking and loading requirements.

Staff finding: The existing rural homesite/pastureland and proposed banquet hall is located on SW CR 769 and has an existing shell driveway. A traffic study was not provided with the Development Plan application. Staff recommends a condition requiring that the applicant attends a traffic methodology meeting with staff prior to submittal of the Improvement Plan to determine if a traffic analysis is required.

The driveway will be required to conform to commercial driveway standards and staff recommends a condition that upgrades to the driveway and culvert may be required with the Improvement Plan, as approved by the County Engineer. A right-of-way permit will be required for any improvements with the right-of-way of CR 769.

The applicant provided a note on the Development Plan indicating that access is consistent with County Standard D-17A 12" compaction clay base required, additional 6" asphalt 1/2" milling base, 8" shell base required, min. width in field 14'. DeSoto County Fire visited the site to review access and found it to be acceptable once a certification is provided that it meets the required design to support the fire apparatus loads. The specific details will be approved by DeSoto County Fire and Engineering with the Improvement Plan, as recommended and conditioned, herein..

The Land Development Regulations define a banquet hall as a personal services use. Table 20-536 requires parking at 1 space per 300 SF for retail sales/personal services uses and 1 loading space per 10,000 SF. The development plan notes that 100 parking spaces are required for 200 maximum guests. However, based on the development plan (Kings Crossing Numbered Site Plan for BOCC 6.24.25) and using the parking calculation in Table 20-536, the proposed banquet hall is required to provide 36 parking spaces for the total building square footage of 10,541 SF for all structures identified as being used as a banquet hall. Four (4) ADA spaces are proposed in accordance with Table 20-537. The applicant shall demonstrate compliance with LDR Section 20-537 standards and DeSoto County Engineering Standard Details with the Improvement Plan, as conditioned herein.

The regular parking spaces are proposed to be grassed while the ADA spaces are proposed to be paved. Section 20-537(a)(3)

provides the Department Director with limited authority to approve such.

According to Table 20-536, 2 loading spaces are required for the total 10,541 SF of structures proposed for the banquet hall. The development plan shows one 1,400 SF loading space is proposed. Section 20-537(f)(1) requires that loading spaces shall be not less than ten feet wide and 25 feet long with 14 feet of vertical clearance but for tractor trailer parking, a minimum 12 feet wide by 50 foot long with 16 feet clearance is recommended. Given the proposed size of the loading area, this is sufficient to meet the loading space requirement.

- 4. Infrastructure issues.** Infrastructure issues include potable water, sanitary sewer, solid waste, stormwater management, and electricity.

Staff finding: The site is not located within the Desoto County Utility (DCU) service area. The survey and development plan show an existing well and septic system on site. The existing septic system for a 3,096 SF single family residence was inspected, approved, and finalized on July 26, 2022. The Florida Department of Health requires the applicant to apply for an existing system application in order to determine if the existing septic system is adequate for the proposed use. A modification may be required.

A proposed 31,000-gallon water storage tank for firefighting, located less than 100 feet from the “barndominium” structure, is noted on the Development Plan.

The applicant is required to coordinate with Womack Sanitation to obtain and maintain a commercial garbage collection contract for all waste types generated as per County Ordinance 2006-35. The applicant has noted that no trash of any kind is left overnight after an event. Vendors remove all waste at the end of scheduled events.

Stormwater facilities are not shown on the Development Plan and will be addressed with the Improvement Plan. The proposed development will require a state stormwater permit. Due to the size of the property, this project will likely need an Environmental Resource Permit through the Southwest Florida Water Management District. It is the applicant’s responsibility to obtain any needed State and/or federal permits or approval for the proposed development activities. The applicant may be exempt from a county stormwater review; however, the Engineering Division will review to ensure there will be no adverse impacts to

adjacent properties resulting from the proposed development. The Improvement Plan must demonstrate that the project will not negatively affect offsite areas or historical drainage patterns.

5. **Miscellaneous issues.** These include impervious surface area, maximum density, required recreation, and dead storage.

Staff finding: The DeSoto County Land Development Regulations does not limit the impervious surface in the A-5 zoning district.

There is an open Code Enforcement case on this site, and approval of the Development Plan is the first step to remedy the violation.

STAFF REVIEW

If the Board determines the use is appropriate, staff recommends that this application, SITE-0128-2023, be approved with the following conditions:

RECOMMENDED CONDITIONS FOR APPROVAL:

1. The banquet hall use shall be permitted only so long as a minimum of fifteen (15) contiguous acres comprising the approved development site remain under common ownership or unified control. Any division, conveyance, or other action that results in the subject property no longer meeting the minimum 15-acre requirement shall constitute a violation of this approval and the Land Development Regulations and shall render the banquet hall use noncompliant.
2. The applicant is responsible for obtaining all required state permits (e.g., SWFWMD, DEP, FDOT) with the Improvement Plan application and shall submit either a copy of the permit application filed with the State or a letter of exemption. All approved state permits shall be provided to the County prior to issuance of the Notice to Proceed.
3. The applicant shall submit an Environmental Site Study showing the extent of the impact of development on any lands within Conservation Overlay Designation areas and other environmental concerns with the Improvement Plan. The Improvement Plan shall show that development is buffered from the protected areas and resources, as permitted by the State of Florida.
4. The Improvement Plan shall show the adjacent uses and provide landscape buffers in accordance with LDR Sec. 20-600.
5. The driveway shall conform to commercial driveway standards. Upgrades to the driveway and culvert will be evaluated with the Improvement Plan and may be required by the county engineer.
6. A right-of-way permit is required prior to any improvements within the right-of-way of CR 769.
7. The applicant shall meet all DeSoto County Fire and Engineering standards for emergency vehicle access and circulation. This shall be

- approved by the Public Safety Department and the County Engineer with the Improvement Plan.
8. The applicant shall attend a traffic methodology meeting with DeSoto County and submit a traffic analysis with the Improvement Plan, if required.
 9. The applicant shall demonstrate compliance with all parking area design and development standards contained in LDR Section 20-537 and the DeSoto County Engineering Standard Details. This shall be approved by the Planning Department and the County Engineer with the Improvement Plan.
 10. The applicant shall apply for an existing septic system application from the Florida Department of Health to determine if the existing system is adequate for all proposed and on-site development, including the residence, guest house, banquet hall, and all accessory facilities. Any required septic system upgrades shall be completed within 60-days of Improvement Plan approval.
 11. The Improvement Plan shall demonstrate that the project will not negatively affect offsite areas in terms of flooding or historical drainage patterns.
 12. The Development Plan shall expire 3 years from the date of this resolution unless the development has commenced within that 3- year period as provided in LDR Section 20-1345(d)(1).

PUBLIC HEARING SCHEDULE

Board of County Commissioners

May 26, 2026