

# DeSoto County

## Planning Commission

### Meeting Agenda

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Tuesday, May 7, 2024

5:30 PM

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#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### SET OR AMEND THE AGENDA

#### PUBLIC FORM FOR NON-AGENDA ITEMS

#### PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

Proof of Publication

[24-178](#)

Attachments: [Proof of Pub](#)

#### MEETING MINUTES

Meeting Minutes

[24-179](#)

Attachments: [11-07-2023 Planning Commission Meeting Minutes](#)

#### DEVELOPMENT DIRECTOR COMMENTS

#### ACTION ITEMS

Ordinance Amending Land Development Regulations Sections 20-537,  
20-126 through 20-143 and 20-136 through 20-140

[24-167](#)

Attachments: [Staff Report LDR 0007 2024 church substation live local](#)  
[Ordinance LDR-0007-2024](#)

Ordinance / Land South DeSoto (RZNE-0049-2024)

[24-168](#)

Attachments: [Land South Desoto Dixie South RZNE 0049 2024 staff report](#)  
[Location Map](#)  
[FLUM](#)  
[ZONING MAP](#)  
[Land South DeSoto Dixie South Ordinance BOCC](#)

**Ordinance / Land South DeSoto (RZNE-0050-2024) [24-169](#)**

**Attachments:** [Land South Airport Rd RZNE 0050 2024 040924 SR](#)  
[Location Map](#)  
[ZONING MAP](#)  
[FLUM](#)  
[Land South DeSoto Airport Road Ordinance BOCC](#)

**Ordinance / Florida Power & Light Company (RZNE-0051-2024) [24-170](#)**

**Attachments:** [FPL Dorr RZNE 0051 2024 staff report 032524](#)  
[Exhibit A Location Map](#)  
[Exhibit B Land Use Map](#)  
[Exhibit C Zoning Map](#)  
[FPL Dorr Field RZNE-0051-2024 Ordinance BOCC](#)

**Resolution / Florida Power & Light Company (USE-0167-2024) [24-171](#)**

**Attachments:** [FPL Dorr Field USE 0167 2024 staff report](#)  
[Exhibit A Location Map](#)  
[Exhibit B Land Use Map](#)  
[Exhibit C Zoning Map](#)  
[Resolution FPL Dorr USE 0167 2024](#)

**Resolution / Steve Fussell (PLAT-0159-2024) [24-172](#)**

**Sponsors:** Administrator  
**Attachments:** [PLAT-0159-2024 Green Ac BOCC](#)  
[PLAT-0159-2024 MAJOR REV RH 4-18-24](#)  
[Plat Resolution-Green Ac](#)

**PLANNING COMMISSION MEMBER REMARKS****NEXT MEETING****ADJOURNMENT**

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



# DeSoto County

5/7/2024

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**Item #:**

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- ☐ Consent Agenda    ☐ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Proof of Publication

**DEPARTMENT:**    Planning & Zoning  
**SUBMITTED BY:**    Laura McClelland  
**PRESENTED BY:**    Bill Martin

**TITLE & DESCRIPTION:**  
**Proof of Publication**

**REQUESTED MOTION:**  
**A motion to approve Proof of Publication**

**SUMMARY:**  
Click or tap here to enter text.

**BACKGROUND:**  
Click or tap here to enter text.

**FUNDS:**  
Budget Amount: Click or tap here to enter text.  
Actual Agenda Item: Click or tap here to enter text.  
Cost: Click or tap here to enter text.  
Account Number: Click or tap here to enter text.  
Explanation: Click or tap here to enter text.

# **NOTICE OF PUBLIC HEARING**

The DeSoto County Planning Commission will consider recommending approval of the below-described matters to the DeSoto County Board of County Commissioners. The resolutions/ordinances will be considered at regularly scheduled Public Hearings/Meetings of the Planning Commission and Board of County Commissioners on the dates listed and at the times listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at [www.desotobocc.com](http://www.desotobocc.com) under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the Planning Commission or Board, you may need to arrange for a verbatim transcript to be prepared.

**PLANNING COMMISSION: (PC) Tuesday, May 7, 2024 at 5:30**

**BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, May 28, 2024 at 6:30 PM**

**1. Ordinance, DeSoto County, Florida (LDR-0007-2024) (County Wide) (PC & Board)**

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-537 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS, ZONING DISTRICTS SECTIONS 20-126 THROUGH 20-143 ADDING ELECTRIC SUBSTATION AS PERMITTED USE, AMENDING ZONING DISTRICTS SECTIONS 20-136 THROUGH 20-140 ADDING AFFORDABLE RESIDENTIAL USES AS PERMITTED USES, DESOTO COUNTY LAND DEVELOPMENT REGULATIONS TO INCLUDE UPDATES; PROVIDING FOR AN EFFECTIVE DATE.

**2. Ordinance, Land South DeSoto, LLC (RZNE-0049-2024) (PC & Board)**

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, LAND SOUTH DESOTO, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0049-2024) BY CHANGING THE ZONING DISTRICT OF 112.4 ACRES FROM AGRICULTURAL - 5 (A-5) to RESIDENTIAL SINGLE FAMILY - 2 DWELLING UNITS PER ACRE (RSF-2), ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY AT THE NORTHWEST CORNER OF SE CR 760A AND SE TAYLOR AVENUE AND THE SOUTHWEST CORNER OF SE REYNOLDS STREET AND SE TAYLOR AVENUE; THE PROPERTY IDENTIFICATION NUMBERS BEING 19-38-25-0000-0031-0000, 19-38-25-0000-0100-0000, AND 19-38-25-0000-0103-0000 AND PROVIDING FOR AN EFFECTIVE DATE.

**3. Ordinance, Land South DeSoto, LLC (RZNE-0050-2024) (PC & Board)**

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, LAND SOUTH DESOTO, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0050-2024) BY CHANGING THE ZONING DISTRICT OF 323 ACRES FROM AGRICULTURAL - 5 (A-5) to RESIDENTIAL SINGLE FAMILY - 2 DWELLING UNITS PER ACRE (RSF-2) WITH CONDITIONS, ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY SOUTH OF HIGHWAY 70 ALONG THE WEST SIDE OF SE AIRPORT ROAD AND THE EAST SIDE OF SW HILLSBOROUGH AVENUE; THE PROPERTY IDENTIFICATION NUMBERS BEING 07-38-25-0000-0061-0000, 07-38-25-0000-0062-0000, AND 07-38-25-0000-0068-0000, AND PROVIDING FOR AN EFFECTIVE DATE.

**4. Ordinance, Florida Power & Light Company (RZNE-0051-2024) (PC & Board)**

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, FLORIDA POWER & LIGHT COMPANY, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0051-2024) BY CHANGING THE ZONING DISTRICT OF 14.99 ACRES FROM AGRICULTURAL - 10 (A-10) to INDUSTRIAL HEAVY (IH), ON PROPERTY GENERALLY LOCATED IN EAST CENTRAL DESOTO COUNTY NORTH OF STATE ROAD 70 AND NORTH OF THE DESOTO CORRECTIONAL INSTITUTION; THE PROPERTY IDENTIFICATION NUMBER BEING 36-37-26-0000-0012-0000 AND PROVIDING FOR AN EFFECTIVE DATE.

**5. Resolution, Florida Power & Light Company (USE-0167-2024) (PC & Board)**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (USE-0167-2024) APPROVAL WITH CONDITIONS TO ALLOW WITHIN THE INDUSTRIAL HEAVY (IH) ZONING DISTRICT THE EXPANSION OF AN EXISTING UTILITY SUBSTATION AND A PROPOSED STAGING AREA (OUTDOOR STORAGE), ON A 14.99 ACRE PARCEL, LOCATED AT 12942 NE HWY 70, THE PROPERTY IDENTIFICATION NUMBER BEING 36-37-26-0000-0012-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

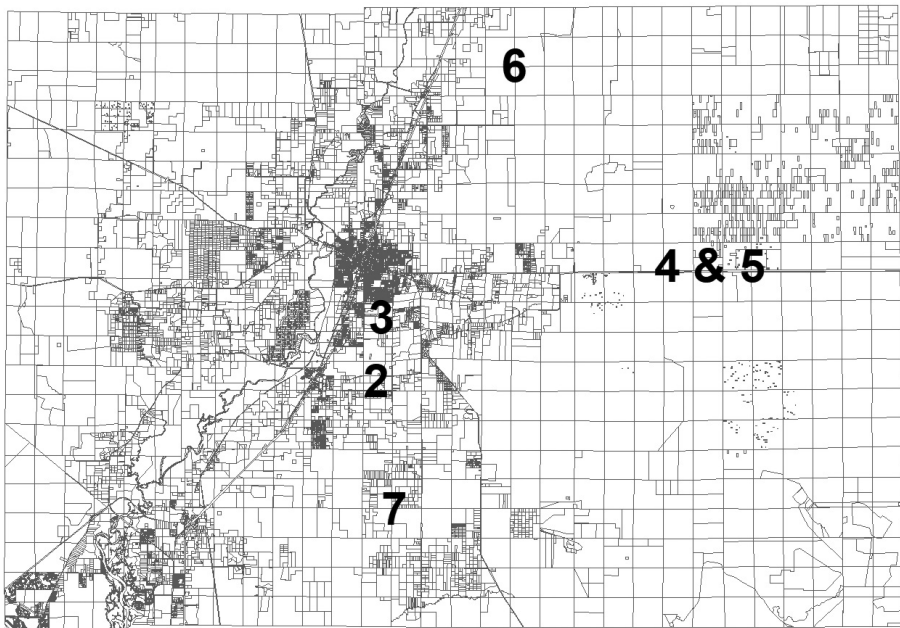
**BOARD OF COUNTY COMMISSIONERS: Tuesday, May 28, 2024 at 6:30 PM**

**6. Resolution, Florida Power & Light Company (SITE-0126-2023) (Board Only)**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY A DEVELOPMENT PLAN APPLICATION (SITE-0126-2023) APPROVAL WITH CONDITIONS FOR A SOLAR ENERGY FACILITY WITH ASSOCIATED INFRASTRUCTURE ON 1,937 ACRES, ZONED AGRICULTURAL - 10 (A-10) DISTRICT AND LOCATED EAST OF US 17 AT NE MCINTYRE STREET AND PROVIDING FOR AN EFFECTIVE DATE.

**7. Resolution, Florida Power & Light Company (SITE-0130-2023) (Board Only)**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY A DEVELOPMENT PLAN MODIFICATION APPLICATION (SITE-0130-2023) APPROVAL WITH CONDITIONS FOR PHOTOVOLTAIC (PV) SOLAR ENERGY CENTERS WITH ASSOCIATED INFRASTRUCTURE ON 2003.93 ACRES, ZONED AGRICULTURAL - 5 (A-5) AND AGRICULTURAL - 10 (A-10) DISTRICTS AND LOCATED AT SE MCCLELLAND DRIVE AND SW COUNTY ROAD 763 AND PROVIDING FOR AN EFFECTIVE DATE.







# DeSoto County

5/7/2024

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**Item #:**

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- ☐ Consent Agenda    ☐ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Minutes

**DEPARTMENT:**    Planning & Zoning  
**SUBMITTED BY:**    Laura McClelland  
**PRESENTED BY:**    Bill Martin

**TITLE & DESCRIPTION:**  
**Meeting Minutes**

**REQUESTED MOTION:**  
**A motion to approve Planning Commission Meeting Minutes from November 7, 2023**

**SUMMARY:**  
Click or tap here to enter text.

**BACKGROUND:**  
Click or tap here to enter text.

**FUNDS:**  
Budget Amount: Click or tap here to enter text.  
Actual Agenda Item: Click or tap here to enter text.  
Cost: Click or tap here to enter text.  
Account Number: Click or tap here to enter text.  
Explanation: Click or tap here to enter text.

**Public Meeting of the DeSoto County Planning Commission  
Held on Tuesday, November 7, 2023 at 5:30 PM  
In the County Commissioners' meeting room  
Arcadia, Florida**

**I. CALL TO ORDER**

The Planning Commission meeting was held on Tuesday, November 7, 2023 at 201 E. Oak St. Arcadia FL 34266 in the Board of County Commission Chambers. It began at 5:30 and was presided over by Commissioner, Brian Young.

**II. PLEDGE OF ALLEGIANCE**

Chairperson, Brian Young led the Planning Commission in the pledge of allegiance.

**III. ROLL CALL**

Cali Keene called role and the following persons were in attendance:

Members in Attendance

Commissioner, Brian Young  
Commissioner, Erik Howard  
Commissioner, Kelly Mercer  
Commissioner, George Davis

Others in Attendance

County Attorney, Don Conn  
Development Director, John Osborne  
Senior Planner, Kathy Heitman  
Planning Technician, Tara Wilson  
Planning Technician, Cali Keene

A quorum was present

Members not in Attendance

Commissioner, Brian Young  
Commissioner, Roger Lowe

**IV. SET OR AMEND THE AGENDA**

Commissioner, Brian Young requested a motion to set or amend the agenda. Commissioner, Erik Howard moved to set the agenda, which was seconded by Commissioner, George Davis. Motion carried.

**V. PUBLIC FORUM FOR NON-AGENDA ITEMS**

Commissioner, Brian Young opened the floor to the public so that they could address the Planning Commission on any non-agenda items. There being no public comments, the Chairperson closed the public forum and moved to the next agenda item.

**VI. PROOF OF PUBLICATION**

Commissioner, Brian Young requested a motion to approve proof of publication. Commissioner, Erik Howard moved to approve, which was seconded by Commissioner, Kelly Merce. Motion carried.

**VII. PLANNING COMMISSION MEETING MINUTES**

None

**VIII. DEVELOPMENT DIRECTOR COMMENTS**

None

**IX. ACTION ITEMS**

**A.** County Attorney, Don Conn announced the Quasi-Judicial hearings and their process, including the Board of Adjustment and the Planning Commission. The Board of Adjustment will make the final decision on the first item on the agenda, VAR-0002-2023. After the Board of Adjustment is closed, the Planning Commission will follow.

**B.** Cali Keene administered the oath to those that wanted to speak.

**C.** Planning Consultant, Jason Greene, gave a presentation for a Variance, VAR-0002-2023, on 7895 NE Cubitis Ave, to consider the lot buildable. The zoning district is A-10 and is 8.2 AC. Due to the widening of Highway 17, they lost a couple acres making it a non-conforming lot. Approval was recommended.

There were no questions for staff.

Applicant, Alan Wicky, was present and stated his son is interested in building on the property.

There were no questions for the applicant.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close the floor. This was seconded by Commissioner, George Davis. Motion carried.

Commissioner, Erik Howard moved to recommend approval of the variance, VAR-0002-2023, with no modifications. This was seconded by Commissioner, Kelly Mercer. Motion carried.

**D.** Commissioner, Brian Young closed the Board of Adjustment hearing, and opened the Planning Commission hearing.

**E.** Planning Consultant, Jason Greene, gave a presentation on a Special Exception Use, USE-0129-2023. The request is to allow a hydroponic garden in zoning

district Commercial General, located on 4426 SW Highway 17. Approval with conditions is recommended.

Commissioner, Erik Howard asked for clarification on conditions.

Applicant, Jeff Dentinger, was present and stated he would like to grow vegetables. The Applicant distributed photos showing what the garden would look like.

There were no questions for the applicant.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close, which was seconded by Commissioner, Kelly Mercer. Motion carried.

Commissioner, Erik Howard moved to adopt the resolution as presented, which was seconded by Commissioner, Kelly Mercer. Motion carried.

- F.** Planning Consultant, Jason Green gave a presentation for a Special Exception Use, USE-0135-2023, for Bethel International Ministries. The request is to allow a metal garage for storage on an Industrial Light zoning district of 3.62 acres, located at 7538 Cubitis Ave. Approval was recommended.

Applicant, Pastor Melinda Hernandez, stated their previous storage building was demolished and it needs to be replaced.

Commissioner, George Davis, asked for clarification on the phases of the church.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close the public hearing. This was seconded by Commissioner, George Davis. Motion carried.

Commissioner, Erik Howard moved to recommend approval of USE-0135-2023 as presented. This was seconded by Commissioner, Kelly Mercer. Motion carried.

- G.** Planning Consultant, Jason Green gave a presentation for a Special Exception Use, USE-0136-2023, for Jose Castro. The request is to allow parking of (5) commercial trucks on zoning district A-5. The property is 5-acres located at 8981 SE CO RD 763.

Commissioner, George Davis, asked for clarification on use and amount of trucks.

Applicant, Jose Luis Castro, was present and stated he needs truck parking for his business.

Commissioner, Erik Howard, asked for clarification on the nature of the trucking business. The applicant uses the trucks to haul construction supplies.

Commissioner, Brian Young opened the floor to the public.

Neighbors located at 2222 & 2134 SE McClelland DR, respectively, expressed concern of trucks entering the neighborhood for the safety of the children in the area, as well as the potential damage to the road. A petition signed by 8 individuals across 4 properties in the area was presented to the board.

Applicant, Jose Luis Castro, addressed the aforementioned concerns. Discussion regarding the truck route ensued.

Commissioner, Erik Howard moved to close the floor. This was seconded by Commissioner, George Davis. Motion carried.

Discussion among the board ensued.

County Attorney, Don Conn, made a statement to indict that the submitted petition will be recorded on file.

Commissioner, Brian Young requested a motion to approve or deny the Special Exception Use, USE-0136-2023. Commissioner, George Davis, made a motion to deny the request. This was seconded by Commissioner, Erik Howard, on the basis that the property owner is not a resident of the property, and there will be increased traffic and noise to the neighborhood.

County Attorney, Don Conn, indicated that there are 3 relevant conditions to which the SEU may be denied, which includes automotive/pedestrian safety and traffic flow, general compatibility with adjacent properties, and the SEU acting as a detrimental intrusion into the surrounding areas.

Commissioner, Brian Young requested a motion to amend the denial. Commissioner, George Davis, moved to deny the Special Exception Use, USE-0136-2023, based on the reasons provided both by Commissioner, Erik Howard, and County Attorney, Don Conn. This was seconded by Commissioner, Erik Howard. Motion carried.

Commissioner, Erik Howard moved to close the meeting. This was seconded by Commissioner, Brian Young. Motion carried.

**H.** Planning Consultant, Jason Green, gave a presentation for a rezone, RZNE-0043-2023, for Kimble Rentals LLC. The request is to change the zoning district from

RM to RSF-2 to allow for housing opportunities. It is 1.69 acres and is located at 2556 SE Quail Ave.

Commissioner, Erik Howard, asked a question regarding grazing animals.

The applicant was not present.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close the public hearing. This was seconded by Commissioner, Kelly Mercer. Motion carried.

Commissioner, Erik Howard moved to recommend approval of rezone, RZNE-0043-2023, as presented. This was seconded by Commissioner, George Davis. Motion carried.

- I. Planning Consultant, Jason Green, gave a presentation for a rezone, RZNE-0044-2023, for Jose Rivas. The request is to change the zoning district from A-5 to RSF-2. The property is 3.35 acres and is located at 2635 SW Hillsborough Ave.

There were no questions for staff or for applicant.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close the public hearing. This was seconded by Commissioner, Kelly Mercer. Motion carried.

Commissioner, Erik Howard moved to recommend approval of rezone, RZNE-0044-2023, as presented. This was seconded by Commissioner, George Davis. Motion carried.

- J. Interim Development Director, John Osborne, gave a presentation for a rezone, RZNE-0041-2023, for Dialys Gonzalez. The request is to change the zoning district from RSF to A-10. The property is 0.52 acres and located at 1163 Hansel Ave. The request is being submitted concurrently with a Special Exception Use, USE-0121-2023, the next item on the agenda.

Commissioner, Erik Howard, asked questions regarding the survey.

Applicant, Dialys Gonzalez, was present and stated she needed rezone to agricultural and apply for a SEU to grant the existing kennel, as it her income source.

Discussion regarding the placement of the kennel and the necessity of a surveyor ensued.

Chairperson, Brian Young, clarified with staff that a commercial dog kennel exists on the property without an SEU, and that the dog kennel does not currently have adequate noise buffering.

Chairperson, Brian Young, opened the floor to the public.

Neighbors protested the rezone and special exception (**K**) due to the noise complaints of the existing, non-conforming and non-compliant dog kennel.

Senior Planner, Kathy Heitman, clarified that Code Enforcement was not present for the hearing.

Commissioner, Erik Howard, moved to close the public hearing, which was seconded by Commissioner, Kelly Mercer. Motion carried.

Discussion amongst the board ensued.

Chairperson, Brian Young, requested a motion to approve, deny, or table the request. Commissioner, Erik Howard, moved to table the request for up to 6 months to allow the applicant to obtain an updated survey. This was seconded by Commissioner, Kelly Mercer. Motion carried.

- K.** Interim Development Director, John Osborne, gave a presentation on the Special Exception Use, USE-0121-2023, for applicant Dialys Gonzalez. The request is to allow a commercial dog kennel, which is conditional upon approval of previous agenda item, RZNE-0041-2023.

Applicant, Dialys Gonzalez, was present but did have new testimony.

Commissioner, Brian Young opened the floor to the public.

The public inquired whether the dog kennel would be permitted to remain during the 6 months the request may be tabled

There being no new public testimony, Commissioner, Erik Howard moved to close the public hearing. This was seconded by Commissioner, Kelly Mercer. Motion carried

Commissioner, Erik Howard, moved to table the request for up to 6 months to allow the applicant to obtain an updated survey. This was seconded by Commissioner, George Davis. Motion carried.

- L.** Interim Development Director, John Osborne, gave a presentation on the major plat, PLAT-0143-2023. The request is to divide 72.73 acres into 8 lots. The

property is in zoning district A-5 and is located at the North West corner of SE Reynolds ST and SE Airport RD.

There were no questions for staff.

The applicant, Justin harden, was present for questions, though staff had none.

Commissioner, Brian Young opened the floor to the public. There being no public comments, Commissioner, Erik Howard moved to close the public hearing. This was seconded by Commissioner, Kelly Mercer. Motion carried.

Commissioner, Erik Howard moved to recommend approval of the major plat, PLAT-0143-2023, as presented without modifications. This was seconded by Commissioner, George Davis. Motion carried.

**X. DISCUSSION ITEMS**

None.

**XI. INFORMATION ITEMS**

- A. Senior Planner, Kathy Heitman, addressed changing (2) PC meetings for the 2024 calendar-year due to holidays/office closures. She also mentioned potentially electing a new chair and vice-chair for the Planning Commission.

**XII. PLANNING COMMISSION MEMBER REMARKS**

None.

**XIII. ADJOURNMENT**

7:19 pm

**PLANNING COMMISSION  
DESOTO COUNTY, FLORIDA**

By: \_\_\_\_\_  
Brian Young, Commissioner

Date \_\_\_\_\_





# DeSoto County

5/7/2024

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Item #:

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- ☐ Consent Agenda    ☐ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☒ Public Hearing    Ordinance

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

## **TITLE & DESCRIPTION:**

**Ordinance Amending Land Development Regulations Sections 20-537, 20-126 through 20-143 and 20-136 through 20-140**

## **REQUESTED MOTION:**

**A motion to approve an Ordinance amending the Land Development Regulations Sections 20-537 Parking area design and development standards, zoning district sections 20-126 through 20-143 adding electric substation as permitted use, amending zoning districts sections 20-136 through 20-140 adding affordable residential uses as permitted uses.**

## **SUMMARY:**

**The following are proposed amendments to the DeSoto County Land Development Regulation related to parking areas for churches, electric substations, affordable housing (Live-Local Act). These proposed amendments will have the following schedule:**

**April 23, 2024 - First reading before the Board of County Commissioners**

**May 7, 2024 - Public hearing before the Planning Commission**

**May 28, 2024 - Final public hearing before the Board of County Commissioners**

## **BACKGROUND:**

**Proposed LDR Amendment to Parking Area Design and Development Standards for Churches**

### **Background**

**In March 2024, a local church received building permits to convert a pole barn to a church. A Development Plan was approved and conditioned that the Improvement Plan would be required and be reviewed against County requirements, including parking. Churches typically operate one or two days per week for a few hours. The current County requirements for churches allow 50% of the required parking to be grass. Staff believe this puts an inordinate burden on small churches and propose the**

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**Item #:**

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following amendment. This amendment allows churches under 5,000 s.f. to have 50% grass or if they feel this is an inordinate burden due to limited frequency of use, they can request grass parking for the parking areas less the ADA required spaces.

**Electric Substation Siting**

**Background**

Florida Statutes was amended in 2023 (HB 439/SB 1604). In recent months, FPL has been working in DeSoto on various projects and it has brought to the staff's attention the need for consistency for our LDRs with statutes. The regulation of electrical substations is mostly preempted by F.S. 163.3208. New substations are allowable in all Future Land Use designations and zoning districts. Local governments may adopt and enforce reasonable land development regulations for new and existing electric substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet. If the local government does not have regulations on these issues (DeSoto does), some are recommended in the Statute. Adding this use to the applicable zoning categories eases confusion with frontline staff when questions are asked, and land development applications are applied for.

**Affordable Housing (Live Local Act)**

**Background**

The law, which was signed by Governor Ron DeSantis in March 2021 and took effect on July 1, 2021, provides historic funding for affordable housing programs. It also requires local governments to approve multifamily projects administratively in atypical areas (e.g., industrial and commercial-zoned areas) if they meet affordability criteria. Adding this use to the applicable zoning categories eases confusion with frontline staff when questions are asked, and land development applications are applied for.

**FUNDS:**

Budget Amount: Click or tap here to enter text.

Actual Agenda Item: Click or tap here to enter text.

Cost: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Explanation: Click or tap here to enter text.

## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** County-Initiated Amendment to the Land Development Code  
Case # LDR-0007-2024

**PROPERTY OWNER:** DeSoto County Government

**PROPERTY ID:** NA

**PROPERTY ADDRESS:** NA

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### **OVERVIEW OF REQUEST**

The following are proposed amendments to the DeSoto County Land Development Regulation related to parking areas for churches, electric substations, affordable housing (Live-Local Act) and home-based businesses. These proposed amendments will have the following schedule:

- April 23, 2024 - First reading with the Board of County Commissioners
- May 7, 2024 - Public hearing by the Planning Commission
- May 28, 2024 - Final public hearing with the Board of County Commissioners

### **Proposed LDR Amendment to Parking Area Design and Development Standards for Churches**

#### **Background**

In March 2024, a local church received building permits to convert a pole barn to a church. A Development Plan was approved and conditioned that the Improvement Plan would be required and be reviewed against County requirements, including parking. Churches typically operate one or two days per week for a few hours. The current County requirements for churches allow 50% of the required parking to be grass. Staff believe this puts an inordinate burden on small churches and propose the following amendment. This amendment allows churches under 5,000 s.f. to have 50% grass or if they feel this is an inordinate burden due to limited frequency of use, they can request grass parking for the parking areas less the ADA required spaces.

#### **Proposed Amendment**

##### ***Sec. 20-537. - Parking area design and development standards.***

###### ***(a) Location and design standards.***

***(1) The off-street parking area required by this division shall be located on the same plot or parcel of land they are intended to serve or on a remote parcel as provided for in Section 20-538.***

(2) Off-street parking areas required by this division shall be arranged or designed in the same manner as depicted in Detail D-18, DeSoto County Engineering Standard Details, Typical On-Site Parking Space Layout.

(3) All driveways, parking and loading areas, and access thereto within residential multifamily and commercial zoning districts and commercial uses regardless of zoning district shall be paved at a minimum consistent with Detail D-17B, DeSoto County Engineering Standard Details, Typical Pavement Section No. 2. Notwithstanding, for places of worship and other public assembly uses, and commercial uses with a size less than 5,000 square feet, up to 50 percent of the required parking spaces (but not driveways and loading spaces) may be grass, gravel or similar material parking spaces but such spaces shall be marked with a wheel stop consistent with Detail D-19A, DeSoto County Engineering Standard Details, Typical Concrete Wheel Stop Detail. In addition, this standard does not apply to single-family dwellings, duplexes, sports arenas, agricultural uses, or within any agricultural zoning district.

The Department Director may approve the utilization of grassed parking areas for the required number of vehicular parking spaces for churches or other places of worship, for places of public assembly for meetings or other events, and for temporary uses; the buildings or use area are under 5,000 square feet and where it is clear that such grassed surface can be adequately maintained due to the infrequency of use, and that adequate permanent traffic control means will be provided to direct vehicular flow and parking. Paved parking will be provided for ADA spaces and meet related standards.

## **Electric Substation Siting**

### Background

Florida Statutes was amended in 2023 (HB 439/SB 1604). In recent months, FPL has been working in DeSoto on various projects and it has brought to the staff's attention the need for consistency for our LDRs with statutes. The regulation of electrical substations is mostly preempted by F.S. 163.3208. New substations are allowable in all Future Land Use designations and zoning districts. Local governments may adopt and enforce reasonable land development regulations for new and existing electric substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet. If the local government does not have regulations on these issues (DeSoto does), some are recommended in the Statute. Adding this use to the applicable zoning categories eases confusion with frontline staff when questions are asked, and land development applications are applied for.

### Proposed Amendment

Sec. 20-126. – Agricultural 10 District (A-10) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-127. – Agricultural 5 District (A-5) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-128. – Residential Single-Family District (RSF) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.

*Sec. 20-129. – Residential Mixed Use District (RM) (1) a. 9. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-130. – Residential Multi-Family District (RMF) (1) a. 7. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-131. – Residential Multi-Family Mixed District (RMF-M) (1) a. 8. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-132. – Mobile Home Subdivision District (MHS) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-133. – Mobile Home Park District (MHP) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-134. – Travel Trailer Recreational Vehicle Campground District (TTRVC) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-135. – Residential-Office-Institutional District (ROI) (1) a. 13. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-136. – Commercial Neighborhood District (CN) (1) a. 11. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-137. – Commercial General District (CG) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-138. – Commercial Established District (CE) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-139. – Industrial Light District (IL) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-140. – Industrial Heavy District (IH) (1) a. 19. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-141. – Phosphate Mining-Industrial District (PM-I) (1) a. 4. Electric Substation in compliance with F.S. 163.3208, as amended.*

*Sec. 20-142. - Public/Institutional (P/I) (1) a. 7. Electric Substation in compliance with F.S. 163.3208, as amended. C. Special Exception Uses and Structures 1. Utility substations, such as ~~electric power substations~~, water treatment, wastewater treatment and similar utility uses.*

*Sec. 20-143. - Recreational Vehicle Campground District (RVC) (1) a. 4. Electric Substation in compliance with F.S. 163.3208, as amended.*

## **Affordable Housing (Live Local Act)**

### **Background**

The law, which was signed by Governor Ron DeSantis in March 2021 and took effect on July 1, 2021, provides historic funding for affordable housing programs. It also requires local governments to approve

multifamily projects administratively in atypical areas (e.g., industrial and commercial-zoned areas) if they meet affordability criteria. Adding this use to the applicable zoning categories eases confusion with frontline staff when questions are asked, and land development applications are applied for.

#### Proposed Amendment

Sec. 20-136. – Commercial Neighborhood District (CN) (1) a. 12. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-137. – Commercial General District (CG) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-138. – Commercial Established District (CE) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-139. – Industrial Light District (IL) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-140. – Industrial Heavy District (IH) (1) a. 20. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

#### **RECOMMENDED ACTIONS**

1. Motion to enter into the record the Staff Report and approve.

**DESOTO COUNTY, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-537 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS, ZONING DISTRICTS SECTIONS 20-126 THROUGH 20-143 ADDING ELECTRIC SUBSTATION AS PERMITTED USE, AMENDING ZONING DISTRICTS SECTIONS 20-136 THROUGH 20-140 ADDING AFFORDABLE RESIDENTIAL USES AS PERMITTED USES, DESOTO COUNTY LAND DEVELOPMENT REGULATIONS TO INCLUDE UPDATES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapters 125, 163, and 553 Part IV, Florida statutes, authorize counties of the State of Florida to adopt and enforce regulations in the interest of public health, safety and welfare; and

**WHEREAS**, the DeSoto County Board of County Commissioners is authorized to adopt ordinances regulating the use of land in DeSoto County through adoption of the Land Development Regulations; and

**WHEREAS**, the purpose of this ordinance is to amend the DeSoto County Land Development regulations to allow the Department Director in specific instances to approve the utilization of grassed parking areas for the required number of vehicular parking spaces for churches or other places of worship; and

**WHEREAS**, the purpose of this ordinance is to amend the DeSoto County Land Development regulations to allow electrical substations as permitted uses consistent with F.S. 163.3208; and

**WHEREAS**, the purpose of this ordinance is to amend the DeSoto County Land Development regulations to allow affordable residential uses as permitted uses consistent with Florida Statutes; and

**WHEREAS**, the Board further finds that adoption of this ordinance is in the best interest of the residents of DeSoto County and serves a proper public purpose; and

**WHEREAS**, the Board has properly noticed and held public hearings in accordance with law prior to adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:**

**Section 1.** Sections 20-537 Parking area design and development standards, DeSoto County Land Development Regulations, are amended to read as follows:

*Sec. 20-537. – Parking area design and development standards.*

*(a) Location and design standards.*

(1) The off-street parking area required by this division shall be located on the same plot or parcel of land they are intended to serve or on a remote parcel as provided for in Section 20-538.

(2) Off-street parking areas required by this division shall be arranged or designed in the same manner as depicted in Detail D-18, DeSoto County Engineering Standard Details, Typical On-Site Parking Space Layout.

(3) All driveways, parking and loading areas, and access thereto within residential multifamily and commercial zoning districts and commercial uses regardless of zoning district shall be paved at a minimum consistent with Detail D-17B, DeSoto County Engineering Standard Details, Typical Pavement Section No. 2. Notwithstanding, for places of worship and other public assembly uses, and commercial uses with a size less than 5,000 square feet, up to 50 percent of the required parking spaces (but not driveways and loading spaces) may be grass, gravel or similar material parking spaces but such spaces shall be marked with a wheel stop consistent with Detail D-19A, DeSoto County Engineering Standard Details, Typical Concrete Wheel Stop Detail. In addition, this standard does not apply to single-family dwellings, duplexes, sports arenas, agricultural uses, or within any agricultural zoning district.

The Department Director may approve the utilization of grassed parking areas for the required number of vehicular parking spaces for churches or other places of worship, for places of public assembly for meetings or other events, and for temporary uses; where it is clear that such grassed surface can be adequately maintained due to the infrequency of use, and that adequate permanent traffic control means will be provided to direct vehicular flow and parking. Paved parking will be provided for ADA spaces and meet related standards.

**Section 2.** Division IV Zoning Districts, DeSoto County Land Development Regulations, are amended to read as follows:

Sec. 20-126. – Agricultural 10 District (A-10) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-127. – Agricultural 5 District (A-5) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-128. – Residential Single-Family District (RSF) (1) a. 17. Electric Substation in compliance with F.S. 163.3208, as amended.



Sec. 20-129. – Residential Mixed Use District (RM) (1) a. 9. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-130. – Residential Multi-Family District (RMF) (1) a. 7. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-131. – Residential Multi-Family Mixed District (RMF-M) (1) a. 8. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-132. – Mobile Home Subdivision District (MHS) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-133. – Mobile Home Park District (MHP) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-134. – Travel Trailer Recreational Vehicle Campground District (TTRVC) (1) a. 5. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-135. – Residential-Office-Institutional District (ROI) (1) a. 13. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-136. – Commercial Neighborhood District (CN) (1) a. 11. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-137. – Commercial General District (CG) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-138. – Commercial Established District (CE) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-139. – Industrial Light District (IL) (1) a. 10. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-140. – Industrial Heavy District (IH) (1) a. 19. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-141. – Phosphate Mining-Industrial District (PM-I) (1) a. 4. Electric Substation in compliance with F.S. 163.3208, as amended.

Sec. 20-142. - Public/Institutional (P/I) (1) a. 7. Electric Substation in compliance with F.S. 163.3208, as amended. C. Special Exception Uses and Structures 1. Utility substations, such as electric power substations, water treatment, wastewater treatment and similar utility uses.

Sec. 20-143. - Recreational Vehicle Campground District (RVC) (1) a. 4. Electric Substation in compliance with F.S. 163.3208, as amended.

**Section 3.** Division IV Zoning Districts, DeSoto County Land Development Regulations, are amended to read as follows:

Sec. 20-136. – Commercial Neighborhood District (CN) (1) a. 12. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-137. – Commercial General District (CG) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-138. – Commercial Established District (CE) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-139. – Industrial Light District (IL) (1) a. 11. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

Sec. 20-140. – Industrial Heavy District (IH) (1) a. 20. Affordable residential uses per F.S. 125.0103 (and related laws commonly known as the Live Local Act), as amended.

**Section 4.** This ordinance shall become effective immediately upon filing with the Secretary of State.

**DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA, THIS 23 DAY OF APRIL, 2024.**

ATTEST:

DESOTO COUNTY BOARD OF COUNTY  
COMMISSIONERS

\_\_\_\_\_

By: \_\_\_\_\_

Mandy Hines  
County Administrator

Jerod Gross  
Chairman

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Donald D Conn  
County Attorney





# DeSoto County

5/7/2024

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Item #:

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- ☐ Consent Agenda    ☒ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Ordinance

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

## TITLE & DESCRIPTION:

Ordinance / Land South DeSoto (RZNE-0049-2024)

## REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.

## SUMMARY:

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0049-2024) filed by the Owner, Land South DeSoto, LLC, to change the zoning district of 112.4  $\pm$  acres from Agricultural - 5 (A-5) to Residential Single Family - 2 (RSF-2).

## BACKGROUND:

The application is a request to amend the Official Zoning District Atlas by changing the zoning district of 112.4  $\pm$  acres from Agricultural - 5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family -2 dwelling units per acre (RSF-2).

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category.

The Official Zoning District Atlas shows the property is located within the Agricultural - 5 (A-5) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Land South DeSoto, LLC. The application proposes to change the zoning of 112.4  $\pm$  acres of land from Agricultural - 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2).

## FUNDS:

Budget Amount: Click or tap here to enter text.

Actual Agenda Item: Click or tap here to enter text.

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**Item #:**

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Cost: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Explanation: Click or tap here to enter text.



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** RZNE-0049-2024 (Rezoning)  
Agricultural - 5 (A-5) to Residential Single  
Family - 2 (RSF-2) located at SE Reynolds St.,  
SE Taylor Ave. and SE Co 760A, Arcadia, FL

**PROPERTY OWNER:** Land South DeSoto, LLC, PO Box 6165,  
Lakeland, FL 33807

**APPLICANT:** Land South DeSoto, LLC, PO Box 6165,  
Lakeland, FL 33807

**ATTORNEY:** N/A

**PROPERTY ID:** 19-38-25-0000-0031-0000,  
19-38-25-0000-0100-0000, 19-38-25-0000-  
0103-0000

**TOTAL PARCEL SIZE:** 112.4  $\pm$  acres

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

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### 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-0049-2024) filed by the Owner, Land South DeSoto, LLC, to change the zoning district of 112.4  $\pm$  acres from Agricultural – 5 (A-5) to Residential Single Family - 2 (RSF-2).

The property is generally located in central DeSoto County, at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue. 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 application is a request to amend the Official Zoning District Atlas by changing the zoning district of 112.4 ± acres from Agricultural – 5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family -2 dwelling units per acre (RSF-2).

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category.

The Official Zoning District Atlas shows the property is located within the Agricultural – 5 (A-5) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Land South DeSoto, LLC. The application proposes to change the zoning of 112.4 ± acres of land from Agricultural – 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2).

## **II. PROPOSED ORDINANCE**

An Ordinance of the DeSoto County, Florida Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 20-31, Establishment of Zoning Districts; granting to the Applicant, Land South DeSoto, LLC, an Official Zoning District Atlas amendment (RZNE-0049-2024) by changing the zoning district of 112.4 ± acres from Agricultural – 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2), on property generally located in central DeSoto County, at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue; the Property Identification

Numbers being 19-38-25-0000-0031-0000, 19-38-25-0000-0100-0000, and 19-38-25-0000-0103-0000 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.

*The Development Director finds that on January 30, 2024, a General Development Order application and an Official Zoning District Atlas amendment application (RZNE-0049-2024) and fee were filed with the*



*Development Department. The Development Director finds the General Development Order application was executed by Land South DeSoto, LLC, as owner of the property. 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.

*The written General Development Order application and Official Zoning District Atlas application and fees were filed with the Development Department on January 30, 2024.*

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

**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.

*The Development Director provided notice that the rezone application was complete on January 30, 2024. 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).

*The Development Director finds the application package was distributed to DRC members after each filing. DRC Comments were issued on February 6, 2024 and attached to this Development Review Report. 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.

*This 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.

*The Development Director has reviewed the application against the Comprehensive Plan and finds and concludes as follows:*

**FLUE Objective 1.1: Land Use Categories Established.** The generalized land use categories depicted in the Interim 2040 Future Land Use Map Series are intended to establish varying degrees of environmental

protection and intensity of development, transitioning from the natural environment to the most intense development areas by gradually increasing density and urban character.

**FLUE 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
Low Density Residential	Residential - up to 2 dwelling units per acre

*Consistency analysis: The property currently is designated Low Density Residential Land Use on the Future Land Use Map and the proposed residential use is permitted a maximum density of 2 dwelling units per acre (112.4 ± acres x 2 dwelling units per acre = 224 dwelling units maximum). The subject property is currently agriculture (orchards/groves).*

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

**FLUE Policy 1.1.9: Zoning District Application Table.** The County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that implement current and future land use categories.

*Consistency analysis: The existing A-5 zoning district is consistent with the Low Density Residential Future Land Use designation. The request to rezone to RSF-2 is also consistent with the Low Density Residential Future Land Use designation, with conformance to policies 1.4.1 through 1.4.6 and Section 20-128 for Residential Single Family (RSF-2) District standards. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Policy 1.1.11: Rezoning.** The zoning amendment criteria in the

Land Development Regulations shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the Comprehensive Plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection.

*Consistency analysis: The rezoning review process has considered the location, availability and capacity of public services and facilities; the proximity to similar densities/intensities; the location within the transportation network; and, environmental protection. The rezoning review has considered Section 20-128 Residential Single Family -2 District standards and the requirements therein. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Objective 1.4: Low Density Residential Category Defined.** The Low Density Residential Use category consists of low-density residential uses in progressive degrees of urban intensity with higher density in areas adjacent to the Medium Density Residential, Mixed Use Centers, General Mixed Use Centers and less density/intensity in areas adjacent to the Rural/Agricultural categories.

**MEASURABLE TARGET:** Location and total acreage added to the Low Density Residential Use category.

*Consistency analysis: The proposed rezoning to RSF-2 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently an agricultural use (orchards/groves) and is adjacent to and within an area of Low Density Residential designated land uses.*

*The parcels are located in central DeSoto County at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner*

*of SE Reynolds Street and SE Taylor Avenue. While the subject parcels and adjacent parcels have a Low Density Residential future land use, the adjacent parcels vary in size with A-5 zoning. Several adjacent parcels range from 0.6 acres to 3.6 acres. Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the adjacent parcels which are inconsistent with A-5 zoning lot size standards. Future development applications must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **consistent** with this Objective.*

**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 proposed rezoning to RSF-2 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently orchards/groves and is adjacent to and within an area of Low Density Residential designated land uses.*

*The parcels are located in central DeSoto County at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue. While the subject parcels and adjacent parcels have a Low Density Residential future land use, the adjacent parcels vary in size with A-5 zoning. Several adjacent*

*parcels range from 0.6 acres to 3.6 acres. Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the adjacent parcels which are inconsistent with A-5 zoning lot size standards. Future development applications must conform to all required Federal, State, and County permitting requirements.*

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

**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 parcels are located in central DeSoto County at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue. While the subject parcels and adjacent parcels have a Low Density Residential future land use, the adjacent parcels vary in size with A-5 zoning. Several adjacent parcels range from 0.6 acres to 3.6 acres. Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the adjacent parcels which are inconsistent with A-5 zoning lot size standards. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards.*

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

**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: Per the LDRs, open space means real property dedicated, designated, reserved or set-aside that is in a natural or unimproved state or landscaped and which is used to meet human*

*recreational or spatial needs, or to protect water, air, or plant areas. All flood plains, stormwater management areas, and waterbodies shall count toward meeting the open space standard; however, private yards shall not be included within the open space requirement and not more than 25 percent of any stormwater management area shall count toward meeting the open space requirement. Any future development will have to be consistent with the definition of open space and Section 20-128 Residential Single Family (RSF-2) District standards, including a maximum impervious lot coverage of 35%.*

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

**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: Any future development is required to be consistent with the definition of open space and Section 20-128 Residential Single Family (RSF-2) District standards.*

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

**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: The project is located outside of DCU's service area. The project will therefore not utilize central potable water or sanitary sewer. The Utilities Department has no comments regarding the proposed rezone to RSF-2. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals. A public drinking water permit will be required either from DOH, or DEP, if they are not connected to a municipal system. Based on the above findings, it is*

*concluded the application is 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 subject parcel:*



**TABLE 1**  
**USE COMPATIBILITY ANALYSIS**

Directions	Future Land Use	Zoning District	Types of Land Uses
<b>Site</b>	Low Density Residential	A-5	Orchards/groves
<b>North</b>	Rural/Agriculture	A-5	Orchards/groves, pastureland, single family residential
<b>South</b>	Low Density Residential	A-5	Orchards/groves, single family residential
<b>East</b>	Low Density Residential	A-5	Vacant, single family residential
<b>West</b>	Low Density Residential, Public Land Institution	A-5	Pastureland, single family residential

*Table 1 illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category. The Land Development Code provides specific minimum lot area and lot width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the RSF-2 zoning district to ensure compatibility between uses.*

*The proposed zoning generally aligns with the permitted uses and uses in the area and conditions are recommended to ensure compatibility with the surrounding uses.*

*The site abuts existing public roads, SE Reynolds Street, SE Taylor Avenue, and SW Co 760A, which are publicly maintained rights-of-way. Any future land development must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **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 in the Low Density Residential Future Land Use Category. The property is outside of DeSoto County's Utilities service area. DeSoto County Utilities and Engineering have no objections to the rezone. Based on the above findings, it is concluded the application is **consistent** with this policy.*

### **Transportation Element**

**Objective 1.1:** Level of Service. The County shall adopt and adhere to level of service standards for arterial and collector streets.

**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.

Roadway Type	State Road Urbanized Area	State Road Outside Urbanized Area	County Road
Limited Access Facilities	D	C	D
Controlled Access Highway	D	C	D

Other Multi-lane Roads	D	C	D
Two-lane Roads	D	C	D

*Consistency analysis: The rezone is located on SE Reynolds Street, SE Taylor Avenue, and SW Co 760A, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on SE Reynolds Street, SE Taylor Avenue, and SW Co 760A, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on SE Reynolds Street, SE Taylor Avenue, and SW Co 760A, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis. Based on the above, it is concluded the application is **consistent** with this policy.*

### **Conservation Element**

#### **Groundwater Resources:**

**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: Future development will be required to secure SWFWMD environmental resource permits, 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 is **consistent** with this policy.*

**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: Development in the Low-Density Residential land use requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-2 zoning district.*

*Future development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood maps for this area are numbers 12027C0186C and 12027C0188C, effective on 11/06/2013. Based upon the flood maps, the site is located in Zone X and Zone A. Based on the above, it is concluded the application is **consistent** with this policy.*

#### **Surface Water Resources:**

**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.

*Consistency analysis: Based upon DeSoto County GIS, the property is within the Conservation Overlay and possibly contains wetlands or other environmentally sensitive areas. Future development applications will require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

#### **Wetland Protection:**

**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.

**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 Wetlands Inventory (shown as part of the Conservation Overlay Area on the FLUM).

*Consistency analysis: Based upon DeSoto County GIS, the property is within the Conservation Overlay and possibly contains wetlands or other environmentally sensitive areas. Future development applications will require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

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

*Consistency analysis: Based upon DeSoto County GIS, the property is within the Conservation Overlay and possibly contains wetlands or other environmentally sensitive areas. Future development applications will require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**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: Based upon DeSoto County GIS, the property is within the Conservation Overlay and possibly contains wetlands or other environmentally sensitive areas. Future development applications will require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**Based upon the totality of the circumstances, the Development Director concludes the rezoning application is consistent with the Comprehensive Plan.**

2. The existing land use pattern.

*Consistency analysis: The area is transitioning from agriculture to a rural residential and agricultural development pattern. The subject property is currently orchards/groves. The parcels are located in central DeSoto County at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue with some single-family residential parcels nearby and adjacent. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards. Table 1 illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category.*

*The Land Development Code provides specific height, bulk, setback, density, buffering, and other regulations for the RSF-2 zoning district to ensure compatibility between uses. Any future land development must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The project is located in an agricultural area with single family residential uses, and subject to other requirements in the Land Development Code for setbacks, buffers, and open space, the proposed rezone will not create an isolated district unrelated to adjacent and nearby districts. While the subject property is surrounded by A-5 zoning, the existing area development pattern is more consistent with the standards of the RSF-2 zoning district. The proposed rezoning to RSF-2 is generally consistent with nearby uses. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is 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 maintain a concurrency data base and monitoring system. This is to ensure projects approved are subject to minimum criteria for public facilities requiring a concurrency determination that do not result in a reduction of the level of service below the adopted standard. Policy 1.22.5 provides for roadways, recreation and open space, solid waste, potable water and sanitary sewer. Future development applications will be required to be consistent with this policy.*

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

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



*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5. The proposed RSF-2 zoning district is generally more consistent with the adjacent existing single-family residential uses within the A-5 district, which are inconsistent with the A-5 standards for lot size. The proposed zoning generally aligns with the existing uses in the area and the code provides additional requirements to ensure compatibility with the surrounding uses.*

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

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

*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5. The proposed RSF-2 zoning district is generally more consistent with the adjacent existing single-family residential uses within the A-5 district, which are inconsistent with the A-5 standards for lot size. The proposed zoning generally aligns with the existing uses in the area and conditions are recommended to ensure compatibility with the surrounding uses. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5. The proposed RSF-2 zoning district is generally more consistent with the adjacent existing single-family residential uses within the A-5 district, which are inconsistent with the A-5 standards for lot size. The proposed zoning generally aligns with the existing uses in the area and conditions are*

*recommended to ensure compatibility with the surrounding uses. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The rezone is located at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue, local roads. No Trip Generation or traffic impact analysis information was submitted with the application.*

*The property is 112.4 acres so the proposed RSF-2 zoning district could allow up to 224 units. Future development applications may require additional traffic analysis.*

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

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

*Consistency analysis: The subject property is within the Low Density Residential Future Land Use Category and requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-2 zoning district. Future development will be required to secure SWFWMD environmental resource permits and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood maps for this area are numbers 12027C0186C and 12027C0188C, effective on 11/06/2013. Based upon the flood maps, the site is in Zone X and Zone A. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The reduction of light and air to the adjacent areas is a function of total development vs. open space, building height, and building setbacks. Any future site plans and building permits will have to be consistent with these standards, to include minimum open space and setbacks. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The Comprehensive Plan expressly permits residential uses in the Low Density Residential Future Land Use Category and the standards in the RSF-2 zoning district have criteria to minimize impacts to adjacent uses. The existing zoning district of the site is A-5, with the A-5 zoning district adjacent. This is consistent with the agricultural and residential uses in the area. Conditions are recommended to ensure compatibility of the proposed zoning with the surrounding uses. The RSF-2 zoning is consistent with the area development pattern and the adjacent existing single-family residential uses within the A-5 district, which are inconsistent with the A-5 standards for lot size. Therefore, the proposed change will not adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: With the LDR standards for setbacks and open space, the proposed change will not be a deterrent to the improvement*

*or development of adjacent property in accordance with existing regulations. Thus, the Development Director concludes the application is in **conformance** with this factor.*

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

*Consistency analysis: The proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare. The Comprehensive Plan expressly permits residential uses in the Low-Density Residential Future Land Use Category and the standards in the RSF-2 zoning district have criteria to minimize impacts to adjacent uses. Based on the above findings, it is concluded the application is 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 subject property is surrounded by the A-5 zoning district. Single family low density residential uses are located to the north, east, south, and west. The RSF-2 zoning district is generally more consistent with the adjacent existing single-family residential uses within the A-5 district, which are inconsistent with the A-5 standards for lot size.*

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

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

*Consistency analysis: The proposed rezone to RSF-2 is consistent with the transitional rural agricultural and low-density residential uses in proximity to the subject property. The LDRs provide specific regulations for the RSF-2 zoning district to ensure compatibility between uses. Thus, it is concluded the application is in **conformance** with this factor.*

***In summary, the Development Director finds the application is in conformance with the 15 factors and, therefore, concludes the application is in conformance with LDR Section 20-1498(a).***

A. **Conditions and Safeguards.** LDR Section 20-1499 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.

1. The Planning Commission may recommend that a rezoning application or an application to amend the 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 finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the RSF-2 zoning district to ensure compatibility between uses. Any future land development must conform to all required Federal, State, and County permitting requirements.*

2. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment and may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

*Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed May 28, 2024, public hearing.*

B. **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: 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 112.4 ± acre site located in central DeSoto County, at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Low Density Residential.

- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural -5 , 1 dwelling unit per 5 acres, (A-5).
- D. The Development Director finds that on January 30, 2024, an Official Zoning District Atlas amendment application (RZNE-0049-2024) was filed by the owner, Land South DeSoto, LLC, which application proposes to change the zoning district to Residential Single Family - 2 dwelling unit per acre (RSF-2).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Development Director found the filed application was submitted in writing and complete.
- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Development Director finds the application was distributed to the DRC February 6, 2024.
- G. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for May 7, 2024.
- 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 is consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process and the Development Director concludes the application has been processed in conformance with that requirement because 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 Development Director finds and concludes the application meets those requirements and should be recommended for approval.

- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Development Director finds and concludes the application has been noticed in conformance with the amendment public hearing requirements and public hearings have been scheduled before the Planning Commission and Board of County Commissioners.

## **VI. ALTERNATIVE ACTIONS**

The DeSoto County Planning Commission/Local Planning Agency may take one of the following alternative actions:

- A. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and recommend to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance as presented.
- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioner not adopt the proposed Ordinance.
- C. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioners to adopt the proposed Ordinance.
- D. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing; identify any additional data and analysis needed to support the proposed Ordinance. Recommend to the Board of County Commissioners to table the proposed Ordinance for up to six months in order to allow The Development Director time to provide the identified data and



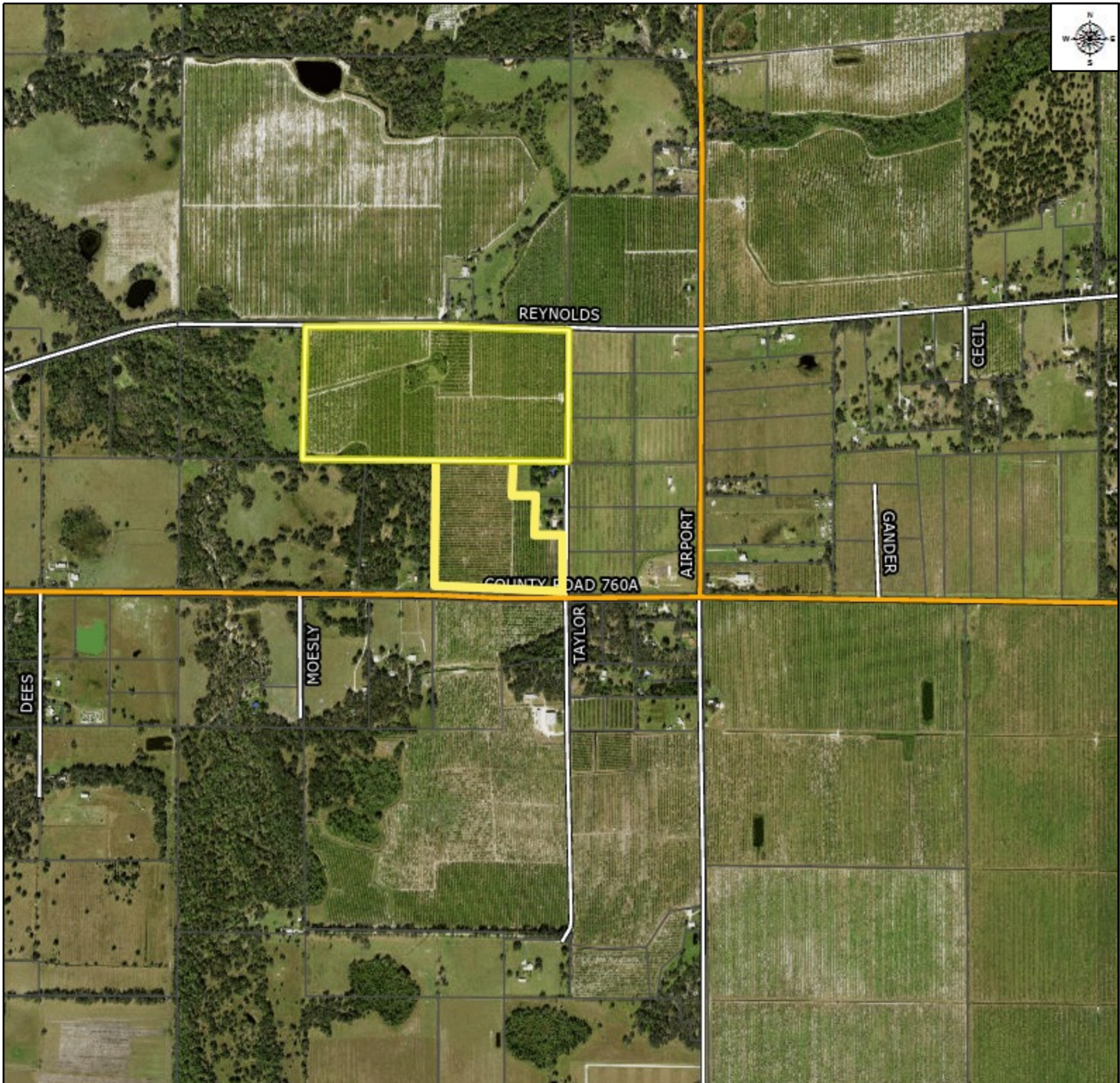
analysis needed to make an informed recommendation on the proposed Ordinance.

## **VII. RECOMMENDED CONDITIONS FOR APPROVAL**

Not conditions are recommended with this rezoning.

## **VIII. RECOMMENDED ACTIONS**

- A. Recommendation. The Development Director recommends the DeSoto County Planning Commission/Local Planning Agency enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.
- B. Planning Commission recommendation. Scheduled for May 7, 2024.
- C. Board action. The Board public hearing dates is tentatively scheduled for May 28, 2024, public hearing.

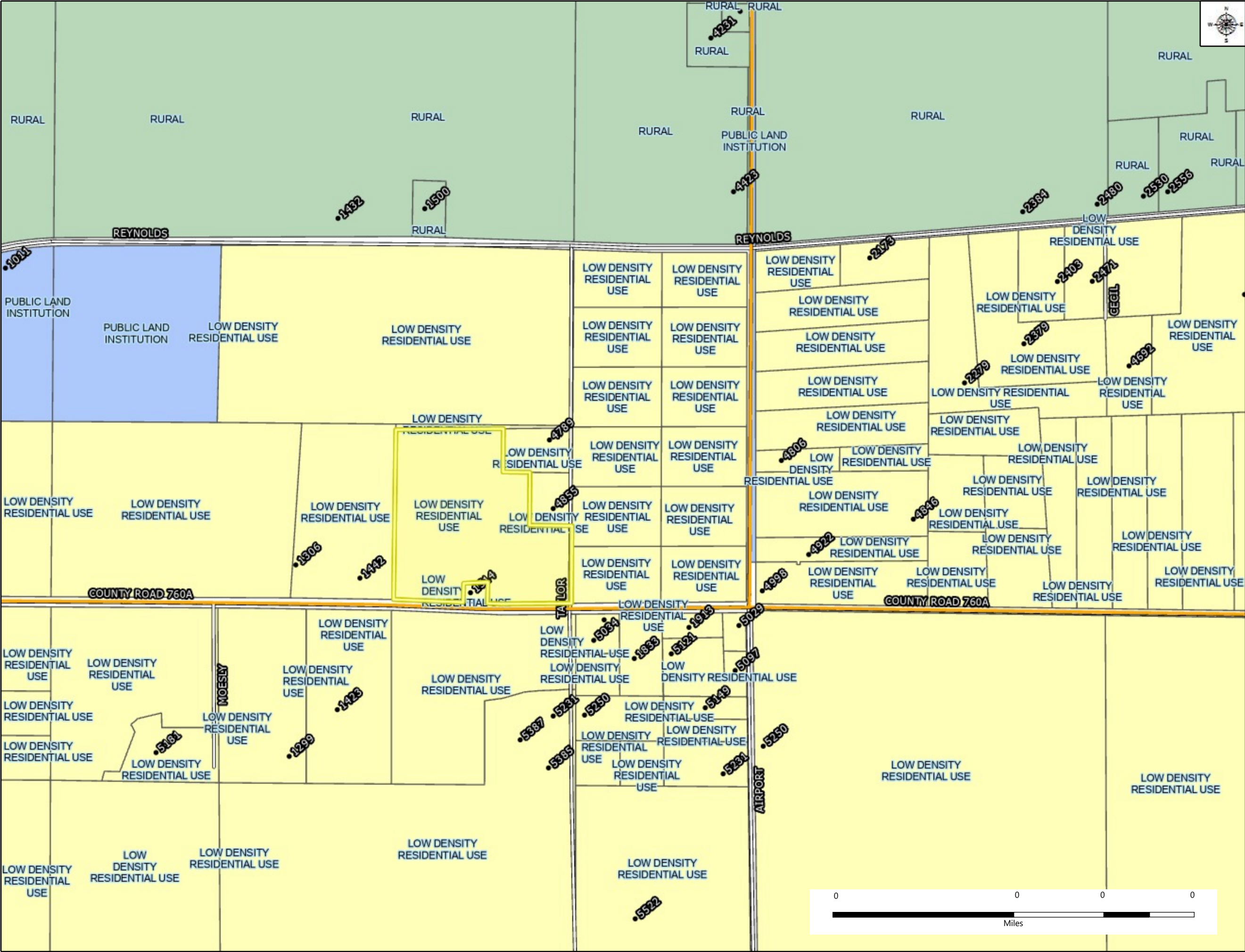


- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

April 22, 2024

Prepared By  
HORNER SHIFRIN

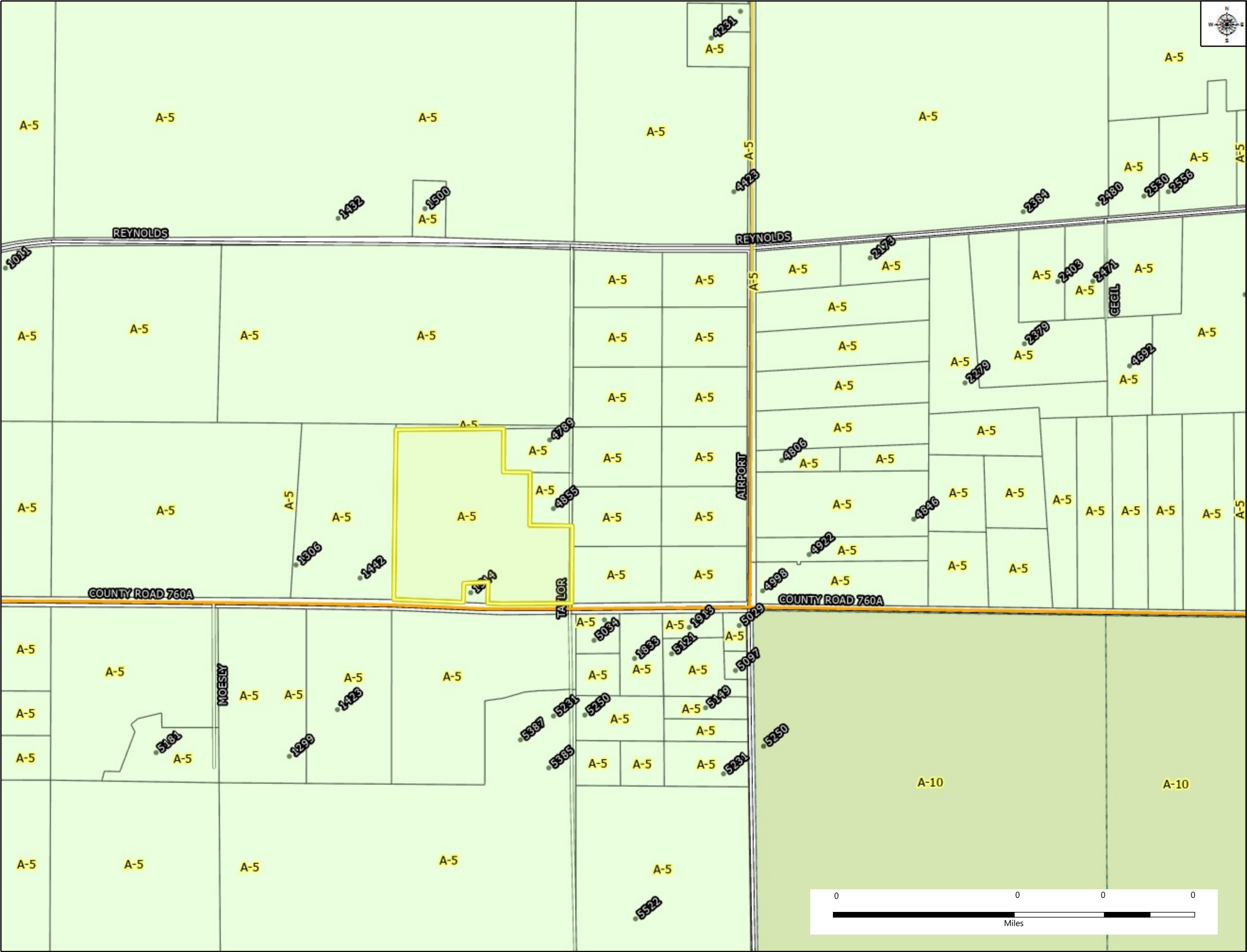




- Address Point Labels  
Street Labels  
Major Road Labels  
FLUM Labels
- County Boundary
  - Address Points
  - Major Roads
  - Streets
  - Parcels
- FLUM 2040
- Preservation
  - Rural/Agriculture
  - Low Density Residential
  - Medium Density Residential
  - Neighborhood Mixed Use
  - Employment Center
  - Commercial
  - Urban Center Mixed Use
  - Public Land/Institutional
  - Electrical Generating Facility

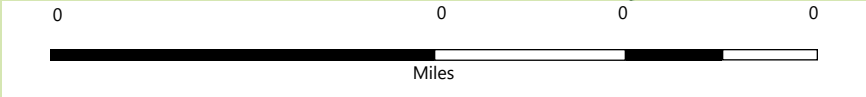
January 30, 2024





- Address Point Labels  
Street Labels  
Major Road Labels  
Zoning Labels  
Zoning Designation
- A-10
  - A-5
  - CE
  - CG
  - CITY
  - CN
  - IH
  - IL
  - ILE
  - MHP
  - MHS
  - P/I
  - PM-I
  - PUD
  - RM
  - RMF-12
  - RMF-6
  - RMF-8
  - RMF-M
  - ROI

January 30, 2024



**DESOTO COUNTY, FLORIDA**  
**ORDINANCE 2024- \_\_\_\_\_**

**AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, LAND SOUTH DESOTO, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0049-2024) BY CHANGING THE ZONING DISTRICT OF 112.4 ACRES FROM AGRICULTURAL – 5 (A-5) to RESIDENTIAL SINGLE FAMILY - 2 DWELLING UNITS PER ACRE (RSF-2), ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY AT THE NORTHWEST CORNER OF SE CR 760A AND SE TAYLOR AVENUE AND THE SOUTHWEST CORNER OF SE REYNOLDS STREET AND SE TAYLOR AVENUE; THE PROPERTY IDENTIFICATION NUMBERS BEING 19-38-25-0000-0031-0000, 19-38-25-0000-0100-0000, AND 19-38-25-0000-0103-0000 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is owned by Land South DeSoto, LLC and consists of a 112.4 acre property located in central DeSoto County, at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue, the Property Identification Numbers being 19-38-25-0000-0031-0000, 19-38-25-0000-0100-0000, and 19-38-25-0000-0103-0000 (Exhibit A); and

**WHEREAS**, the Interim 2040 Future Land Use Map shows the 112.4 acre parcel is designated Low Density Residential Land Use (Exhibit B); and

**WHEREAS**, an Official Zoning District Atlas amendment application was filed with the Development Department, to change the zoning district of the property from Agricultural-5 (A-5) (Exhibit C) to Residential Single Family - 2 (RSF-2); and

**WHEREAS**, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

**WHEREAS**, consistent with LDR Section 20-1502, the Development Director caused a duly noticed public hearing to be published at least ten calendar days before the May 7, 2024, Planning Commission meeting; and

**WHEREAS**, at the May 7, 2024, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

**WHEREAS**, on May 28, 2024, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0049-2024, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

**WHEREAS**, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

**Section 2.** *Property description.* A 112.4 acre property located in central DeSoto County, at the northwest corner of SE CR 760A and SE Taylor Avenue and the southwest corner of SE Reynolds Street and SE Taylor Avenue, the Property Identification Numbers being 19-38-25-0000-0031-0000, 19-38-25-0000-0100-0000, and 19-38-25-0000-0103-0000.

**Section 3.** *Development order approval*, Land South DeSoto, owner and applicant, is hereby granted an Official Zoning District Atlas amendment (RZNE 0049-2024) changing the zoning district 112.4 acres from Agricultural-5 (A-5) to Residential Single Family - 2 (RSF-2).

**Section 4.** The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

**Section 5.** This Ordinance shall take effect upon adoption.

**PASSED AND DULY ADOPTED** in DeSoto County, Florida this 28 day of May, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA**

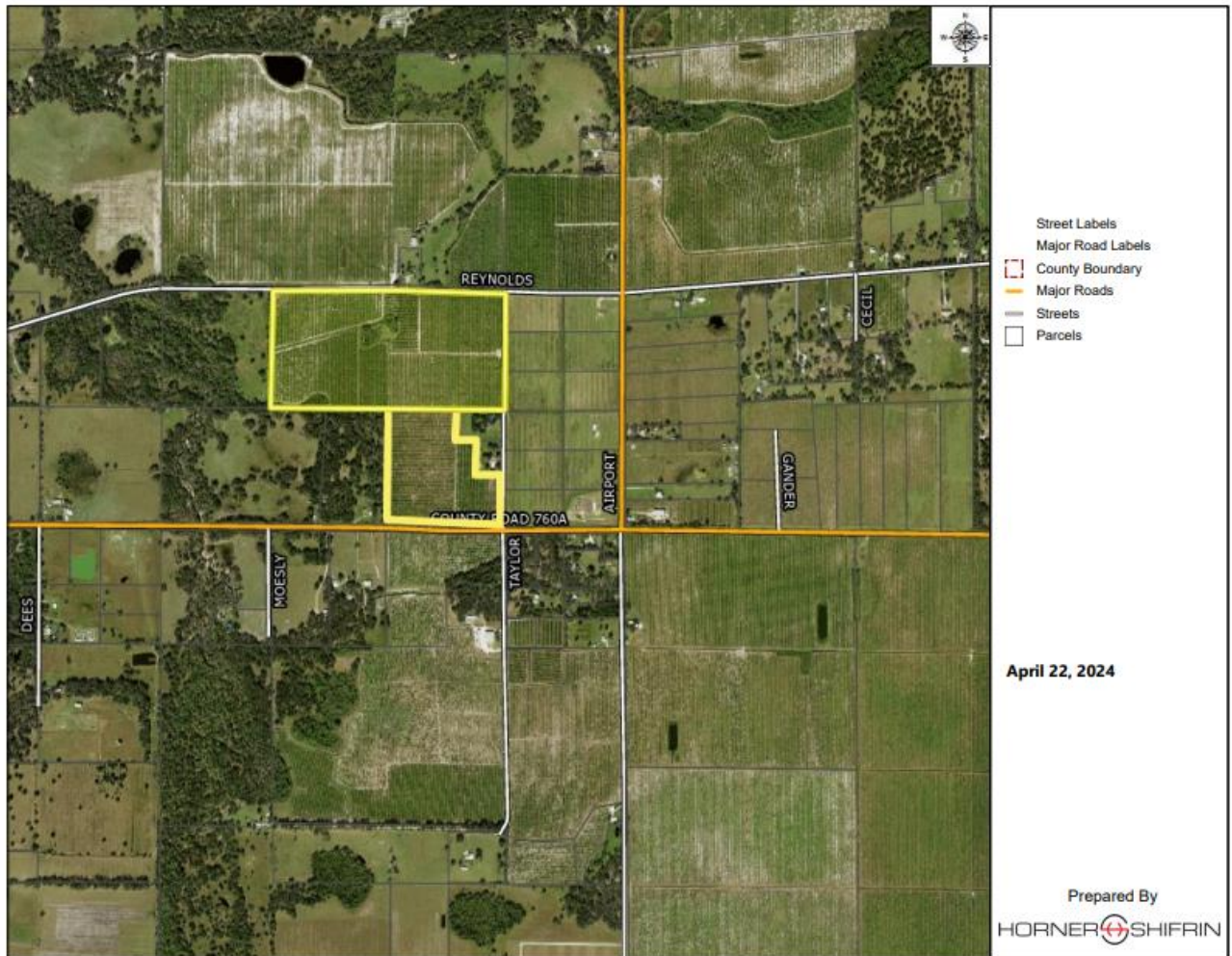
By: \_\_\_\_\_  
Mandy J. Hines  
County Administrator

By: \_\_\_\_\_  
Jerod Gross, Chair  
Board of County Commissioners

**Approved as to Form and Correctness:**

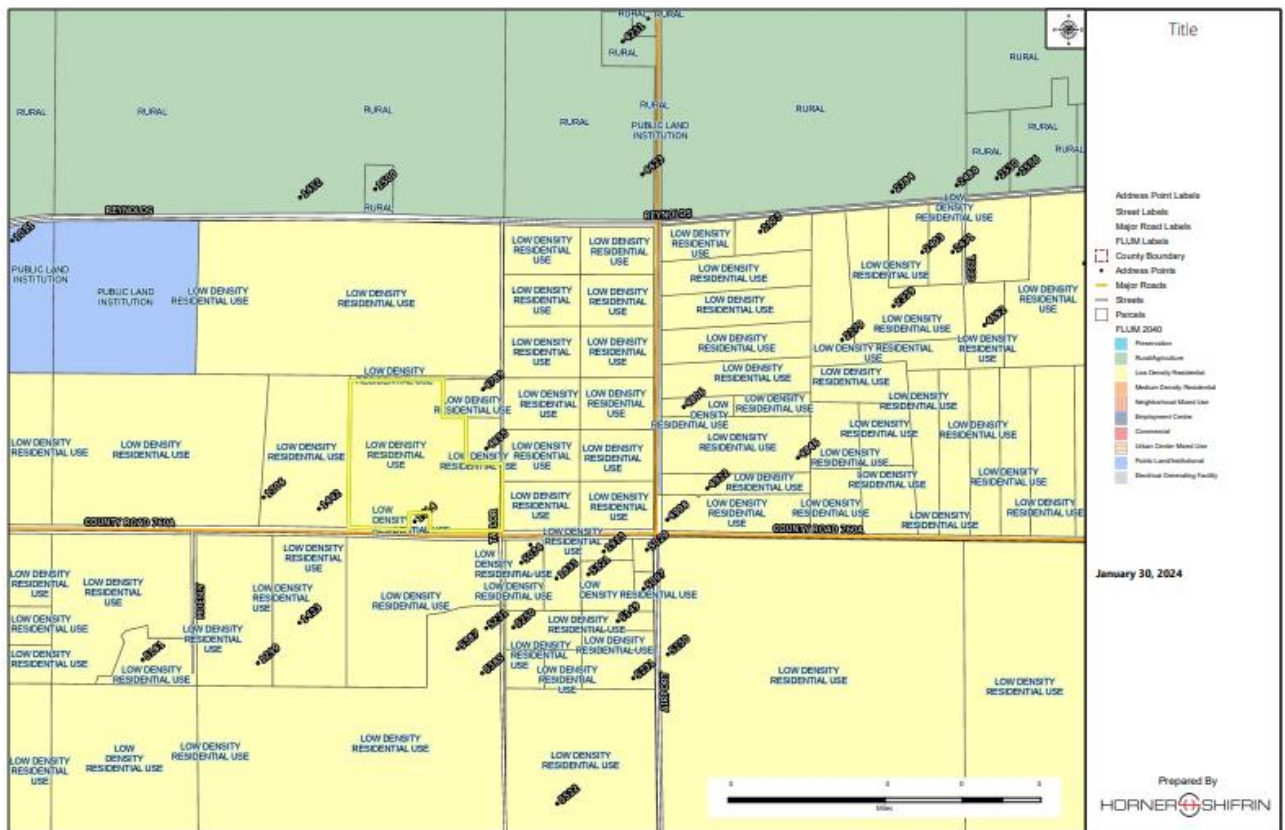
By: \_\_\_\_\_  
Donald D. Conn,  
County Attorney

# Exhibit A

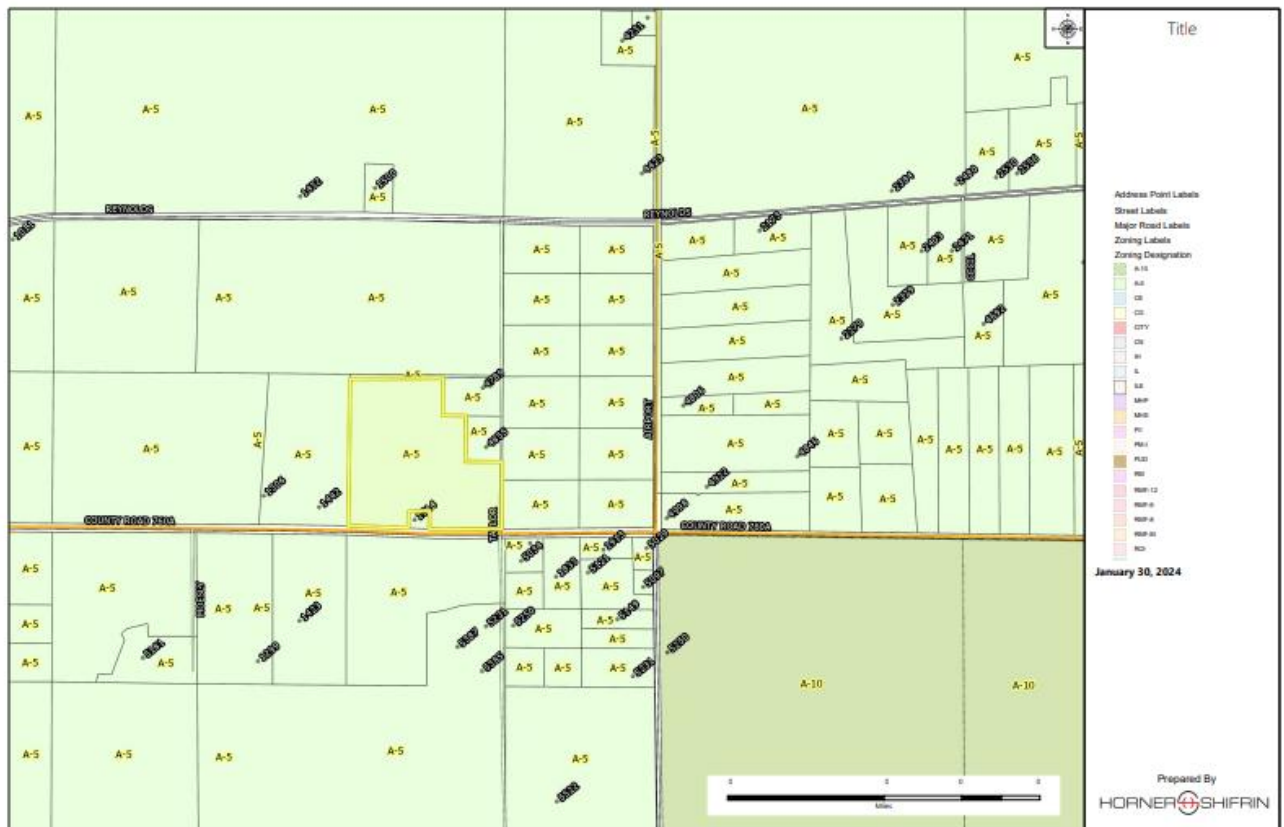




# Exhibit B



# Exhibit C





# DeSoto County

5/7/2024

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Item #:

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- ☐ Consent Agenda    ☒ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Ordinance

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

## TITLE & DESCRIPTION:

Ordinance / Land South DeSoto (RZNE-0050-2024)

## REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.

## SUMMARY:

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0050-2024) filed by the Owner, Land South DeSoto, LLC, to change the zoning district of 323 ± acres from Agricultural - 5 (A-5) to Residential Single Family - 2 (RSF-2).

## BACKGROUND:

The application is a request to amend the Official Zoning District Atlas by changing the zoning district of 323 ± acres from Agricultural - 5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family -2 dwelling units per acre (RSF-2) in the Low Density Residential land use.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category.

The Official Zoning District Atlas shows the property is located within the Agricultural - 5 (A-5) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Land South DeSoto, LLC. The application proposes to change the zoning of 323 ± acres of land from Agricultural - 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2).

## FUNDS:

Budget Amount: Click or tap here to enter text.

Actual Agenda Item: Click or tap here to enter text.

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**Item #:**

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Cost: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Explanation: Click or tap here to enter text.



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** RZNE-0050-2024 (Rezoning)  
Agricultural - 5 (A-5) to Residential Single  
Family - 2 (RSF-2) located at SW Hillsborough  
Ave and SE Airport Rd, Arcadia, FL 34265

**PROPERTY OWNER:** Land South DeSoto, LLC, PO Box 6165,  
Lakeland, FL 33807

**APPLICANT:** Land South DeSoto, LLC, PO Box 6165,  
Lakeland, FL 33807

**ATTORNEY:** N/A

**PROPERTY ID:** 07-38-25-0000-0061-0000, 07-38-25-0000-  
0062-0000, 07-38-25-0000-0068-0000

**TOTAL PARCEL SIZE:** 323  $\pm$  acres

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

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### 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-0050-2024) filed by the Owner, Land South DeSoto, LLC, to change the zoning district of 323  $\pm$  acres from Agricultural – 5 (A-5) to Residential Single Family - 2 (RSF-2).

The property is generally located in central DeSoto County, south of Highway 70 on SE Airport Road and SW Hillsborough Avenue. 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 application is a request to amend the Official Zoning District Atlas by changing the zoning district of 323 ± acres from Agricultural – 5 (A-5), 1 dwelling unit per 5 acres, to Residential Single Family -2 dwelling units per acre (RSF-2) in the Low Density Residential land use.

The Interim 2040 Future Land Use Map shows the property is designated as Low Density Residential. Future Land Use Element Objective 1.6 defines the Low Density Residential category.

The Official Zoning District Atlas shows the property is located within the Agricultural – 5 (A-5) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Land South DeSoto, LLC. The application proposes to change the zoning of 323 ± acres of land from Agricultural – 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2).

## **II. PROPOSED ORDINANCE**

An Ordinance of the DeSoto County, Florida Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 20-31, Establishment of Zoning Districts; granting to the Applicant, Land South DeSoto, LLC, an Official Zoning District Atlas amendment (RZNE-0050-2024) by changing the zoning district of 323 ± acres from Agricultural – 5 (A-5) to Residential Single Family -2 dwelling units per acre (RSF-2), on property generally located in central DeSoto County, south of Highway 70, along the west side of SE Airport Road and the east side of SW Hillsborough Avenue. The Property Identification Numbers being 07-38-25-

0000-0061-0000, 07-38-25-0000-0062-0000, and 07-38-25-0000-0068-0000 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.

*The Development Director finds that on January 30, 2024, a General Development Order application and an Official Zoning District Atlas amendment application (RZNE-0050-2024) and fee were filed with the*

*Development Department. The Development Director finds the General Development Order application was executed by Land South DeSoto, LLC, as owner of the property. 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.

*The written General Development Order application and Official Zoning District Atlas application and fees were filed with the Development Department on January 30, 2024.*

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

**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.

*The Development Director provided notice that the rezone application was complete on January 30, 2024. 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).

*The Development Director finds the application package was distributed to DRC members after each filing. DRC Comments were issued on March 20, 2024 and attached to this Development Review Report. 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.

*This 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.

*The Development Director has reviewed the application against the Comprehensive Plan and finds and concludes as follows:*

**FLUE Objective 1.1: Land Use Categories Established.** The generalized land use categories depicted in the Interim 2040 Future Land Use Map Series are intended to establish varying degrees of environmental

protection and intensity of development, transitioning from the natural environment to the most intense development areas by gradually increasing density and urban character.

**FLUE 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
Low Density Residential	Residential - up to 2 dwelling units per acre

*Consistency analysis: The property currently is designated Low Density Residential Land Use on the Future Land Use Map and the proposed residential use is permitted a maximum density of 2 dwelling units per acre (323 ± acres x 2 dwelling units per acre = 646 dwelling units maximum). The subject property is currently vacant pastureland.*

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

**FLUE Policy 1.1.9: Zoning District Application Table.** The County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that implement current and future land use categories.

*Consistency analysis: The existing A-5 zoning district is consistent with the Low Density Residential Future Land Use designation. The request to rezone to RSF-2 is also consistent with the Low Density Residential Future Land Use designation, with conformance to policies 1.4.1 through 1.4.6 and Section 20-128 for Residential Single Family (RSF-2) District standards. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Policy 1.1.11: Rezoning.** The zoning amendment criteria in the

Land Development Regulations shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the Comprehensive Plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection.

*Consistency analysis: The rezoning review process has considered the location, availability and capacity of public services and facilities; the proximity to similar densities/intensities; the location within the transportation network; and, environmental protection. The rezoning review has considered Section 20-128 Residential Single Family -2 District standards and the requirements therein. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Objective 1.4: Low Density Residential Category Defined.** The Low Density Residential Use category consists of low-density residential uses in progressive degrees of urban intensity with higher density in areas adjacent to the Medium Density Residential, Mixed Use Centers, General Mixed Use Centers and less density/intensity in areas adjacent to the Rural/Agricultural categories.

**MEASURABLE TARGET:** Location and total acreage added to the Low Density Residential Use category.

*Consistency analysis: The proposed rezoning to RSF-2 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently vacant pastureland and is adjacent to and within an area of Low Density Residential designated land uses.*

*The parcels are located in central DeSoto County on SE Airport Road and SW Hillsborough Ave, south of Highway 70. While the parcels and*

*adjacent parcels have a Low Density Residential future land use, the parcels vary in size and zoning districts (A-5, RSF-3 and PUD adjacent). Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the actual makeup of the area in terms of parcel sizes. Future development applications must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **consistent** with this Objective.*

**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 proposed rezoning to RSF-2 is generally consistent with low-density residential uses in progressive degrees of urban intensity. The subject property is currently vacant pastureland and is adjacent to and within an area of Low Density Residential designated land uses.*

*The parcels are located in central DeSoto County on SE Airport Road and SW Hillsborough Ave, south of Highway 70. While the parcels and adjacent parcels have a Low Density Residential future land use, the parcels vary in size and zoning districts (A-5, RSF-3. And PUD adjacent). Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the actual makeup of the area*

*in terms of parcel sizes. Future development applications must conform to all required Federal, State, and County permitting requirements.*

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

**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 parcels are located in central DeSoto County on SE Airport Road and SW Hillsborough Ave, south of Highway 70. While the parcels and adjacent parcels have a Low Density Residential future land use, the parcels vary in size and zoning districts (A-5, RSF-3. And PUD adjacent). Rezoning the parcel to the RSF-2 Future Land Use Category, makes the parcel more consistent with the actual makeup of the area in terms of parcel sizes. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards.*

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

**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: Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards, including a maximum impervious lot coverage of 35%.*

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

**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: Any future development is required to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards.*

*Based on the above findings, it is concluded the application is **consistent** with this Policy, with conditions.*

**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: The project is located outside of DCU's service area. The project will therefore not utilize central potable water or sanitary sewer. The Utilities Department has no comments regarding the proposed rezone to RSF-2. This project maybe within the City of Arcadia Utility service area. The owner will need to contact the City of Arcadia Utilities Department to discuss availability of ERU's. Any future development must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals. A public drinking water permit will be required either from DOH, or DEP, if they are not connected to a municipal system. Based on the above findings, it is concluded the application is consistent with this Policy.*

**Policy 1.14.1: Intergovernmental Coordination.** When reviewing Future Land Use Map amendments, the County shall consider the existing and proposed land uses that are adjacent to the proposed amendment in the City of Arcadia, Arcadia Municipal Airport, as well as neighboring counties.

**Policy 1.14.1.a:** The County shall notify the Arcadia Municipal Airport of any amendment to the Future Land Use Map that would increase density around the airport.

**Policy 1.14.1.b:** The County shall strictly enforce building height requirements around the Arcadia Municipal Airport pursuant to FAA regulations and the County Land Development Regulations.

**Policy 1.14.1.c:** The County shall protect the Arcadia Municipal Airport from the encroachment of incompatible land uses through appropriate zoning and other land development regulations in a manner consistent with the provisions of Section 330.02 and 330.03(2), Florida Statutes. In addition, FDOT's "Airport Compatible Land Use Guidebook" shall serve as a reference when assessing land use compatibility

*Consistency analysis: The approaches of the runway for the City of Arcadia Airport overlap the subject property. The County notified the Airport of this zoning application. Given this application is a rezoning only without any specific development / use proposed, future site plan submittals must be consistent with County and FAA regulations.*

**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 subject parcel:*

**TABLE 1**  
**USE COMPATIBILITY ANALYSIS**

Directions	Future Land Use	Zoning District	Types of Land Uses
<b>Site</b>	Low Density Residential Use	A-5	Vacant pastureland
<b>North</b>	Low Density Residential Use	A-5, RSF-3	Single family residential, pastureland
<b>South</b>	Low Density Residential Use	A-5, PUD	Single-family residential, multi-family, pastureland
<b>East</b>	Low Density Residential Use, Public Land Institution (across SE Airport Rd)	A-5, IL (across SE Airport Rd)	Single family residential, City of Arcadia Airport (across SE Airport Rd)
<b>West</b>	Low Density Residential Use	A-5, PUD, RMF-6 (across SW Hillsborough Ave)	Multi-family, vacant

*Table 1 illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category. The Land Development Code provides specific minimum lot area and lot width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the RSF-2 zoning district to ensure compatibility between uses.*

*The proposed zoning generally aligns with the permitted uses and uses in the area. Future development applications will include specific uses and be reviewed to ensure compatibility with the surrounding uses.*

*The site abuts existing public roads, SE Airport Road and SW Hillsborough Ave, which are publicly maintained rights-of-way. Any*



*future land development must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **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 in the Low Density Residential Future Land Use Category. The property is outside of DeSoto County's Utilities service area. DeSoto County Utilities and Engineering have no objections to the rezone. Based on the above findings, it is concluded the application is **consistent** with this policy.*

### **Transportation Element**

**Objective 1.1:** Level of Service. The County shall adopt and adhere to level of service standards for arterial and collector streets.

Roadway Type	State Road Urbanized Area	State Road Outside Urbanized Area	County Road
Limited Access Facilities	D	C	D
Controlled Access Highway	D	C	D
Other Multi-lane Roads	D	C	D
Two-lane Roads	D	C	D

**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 rezone is located on SE Airport Road and SW Hillsborough Avenue, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on SE Airport Road and SW Hillsborough Avenue, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on SE Airport Road and SW Hillsborough Avenue, local roads. No Trip Generation or traffic impact analysis information was submitted with the application. Future development applications may require additional traffic analysis. Based on the above, it is concluded the application is **consistent** with this policy.*

### **Conservation Element**

#### **Groundwater Resources:**

**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: Future development will be required to secure SWFWMD environmental resource permits, 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 is **consistent** with this policy.*

**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: Development in the Low-Density Residential land use requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-2 zoning district.*

*Future development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood maps for this area are numbers 12027C0178C and 12027C0186C, effective on 11/06/2013. Based upon the flood maps, the site is located in Zone X and Zone A. Based on the above, it is concluded the application is **consistent** with this policy.*

#### **Surface Water Resources:**

**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.

*Consistency analysis: Based upon DeSoto County GIS, the property likely contains wetlands or other environmentally sensitive areas. Future development applications may require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

#### **Wetland Protection:**

**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.

**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 Wetlands Inventory (shown as part of the Conservation Overlay Area on the FLUM).

*Consistency analysis: Based upon DeSoto County GIS, the property likely contains wetlands or other environmentally sensitive areas. Future development applications may require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

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

*Consistency analysis: Based upon DeSoto County GIS, the property likely contains wetlands or other environmentally sensitive areas. The applicant has not provided an environmental assessment, which includes an inventory of not only wetlands, but soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**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: Based upon DeSoto County GIS, the property likely contains wetlands or other environmentally sensitive areas. The applicant has not provided an environmental assessment, which*

*includes an inventory of not only wetlands, but soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**Based upon the totality of the circumstances, the Development Director concludes the rezoning application is consistent with the Comprehensive Plan.**

2. The existing land use pattern.

*Consistency analysis: The area has transitioned from agriculture to a rural residential and agricultural development pattern. The subject property is currently vacant pastureland. The parcels are located in central DeSoto County on SE Airport Road and SW Hillsborough Ave, south of Highway 70 with some low density single-family residential parcels nearby and adjacent. Any future development will have to be consistent with Section 20-128 Residential Single Family (RSF-2) District standards. Table 1 illustrates that the surrounding uses are consistent with the Low Density Residential Future Land Use Category.*

*The Land Development Code provides specific height, bulk, setback, density, buffering, and other regulations for the RSF-2 zoning district to ensure compatibility between uses. Any future land development must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The project is located in an area with similar residential uses, and subject to other requirements in the Land Development Code for setbacks, buffers, and open space, the proposed rezone will not create an isolated district unrelated to adjacent and nearby districts. The existing area development pattern is more consistent with the standards of the RSF-2 zoning district. The proposed rezoning to RSF-2 is generally consistent with nearby uses.*

*Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is 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 maintain a concurrency data base and monitoring system. This is to ensure projects approved are subject to minimum criteria for public facilities requiring a concurrency determination that do not result in a reduction of the level of service below the adopted standard. Policy 1.22.5 provides for roadways, recreation and open space, solid waste, potable water and sanitary sewer. Future development applications will be required to be consistent with this policy.*

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

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

*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5, RSF-3, and PUD. The proposed RSF-2 zoning district is generally more consistent with the adjacent residential uses within the RSF-3 and PUD zoned areas. The proposed zoning generally aligns with the existing uses in the area. Future development applications with specific uses will be reviewed to ensure compatibility with the surrounding uses.*

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

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

*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5, RSF-3, and PUD. The proposed RSF-2 zoning district is generally more consistent with the adjacent residential uses within the RSF-3 and PUD zoned areas. The proposed zoning generally aligns with the permitted uses and uses in the area. Future development applications with specific uses will be reviewed to ensure compatibility with the surrounding uses. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The property is within a rural residential area and the existing zoning district adjacent to the site is A-5, RSF-3, and PUD. The proposed RSF-2 zoning district is generally more consistent with the adjacent residential uses within the RSF-3 and PUD zoned areas. The proposed zoning generally aligns with the permitted uses and uses in the area. Future development applications with specific uses will be reviewed to ensure compatibility with the surrounding uses. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The rezone is located on SE Airport Road and SW Hillsborough Avenue, local roads. No Trip Generation or traffic impact analysis information was submitted with the application.*



*The property is 323 acres so the proposed RSF-2 zoning district could allow up to 646 units. Future development applications may require additional traffic analysis.*

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

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

*Consistency analysis: Development in the Low Density Residential land use requires a minimum 25 percent open space consistent with Section 20-128(2)(e), which allows a maximum impervious lot coverage of 35% in the RSF-2 zoning district. Future development will be required to secure SWFWMD environmental resource permits and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood maps for this area are numbers 12027C0178C and 12027C0186C, effective on 11/06/2013. Based upon the flood maps, the site is in Zone X and Zone A. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The reduction of light and air to the adjacent areas is a function of total development vs. open space, building height, and building setbacks. Any future site plans and building permits will have to be consistent with these standards, to include minimum open space and setbacks. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The Comprehensive Plan expressly permits residential uses in the Low Density Residential land use designation and the standards in the RSF-2 zoning district have criteria to minimize impacts to adjacent uses. The existing zoning district of the site is A-5, with A-5, RSF-3, and PUD zoning districts adjacent. This is consistent with the agricultural and residential uses in the area. Future development applications with specific uses will be reviewed to ensure compatibility of the proposed zoning with the surrounding uses. The RSF-2 zoning is consistent with the area development pattern and other uses on SE Airport Road and SW Hillsborough Ave. Therefore, the proposed change will not adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: With the LDR standards for setbacks and open space, the proposed change will not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations. Thus, the Development Director concludes the application is in **conformance** with this factor.*

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

*Consistency analysis: The proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare. The Comprehensive Plan expressly permits residential uses in the Low-Density Residential land use designation and the standards in the RSF-2 zoning district have criteria to minimize impacts to adjacent uses. Based on the above findings, it is concluded the application is 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 subject property is adjacent to the A-5, RSF-3, and PUD zoning districts. Single and multi-family low density residential uses are developed to the north and west.*

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

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

*Consistency analysis: The proposed rezone to RSF-2 is consistent with the transitional rural agricultural and low density residential uses in proximity to the subject property. The LDRs provide specific regulations for the RSF-2 zoning district to ensure compatibility between uses. Thus, it is concluded the application is in **conformance** with this factor.*

***In summary, the Development Director finds the application is in conformance with the 15 factors and, therefore, concludes the application is in conformance with LDR Section 20-1498(a).***

- A. **Conditions and Safeguards.** LDR Section 20-1499 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.

1. The Planning Commission may recommend that a rezoning application or an application to amend the 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 finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the RSF-2 zoning district to ensure compatibility between uses. Any future land development must conform to all required Federal, State, and County permitting requirements.*

2. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment and may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

*Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed May 28, 2024, public hearing.*

**B. 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: 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 323 ± acre site located in central DeSoto County, south of Highway 70, west of SE Airport Road and east of SW Hillsborough Avenue.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Low Density Residential.
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural -5 , 1 dwelling unit per 5 acres, (A-5).
- D. The Development Director finds that on January 30, 2024, an Official Zoning District Atlas amendment application (RZNE-0050-2024) was filed by the owner, Land South DeSoto, LLC, which application proposes to change the zoning district to Residential Single Family - 2 dwelling unit per acre (RSF-2).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Development Director found the filed application was submitted in writing and complete.
- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Development Director finds the application was distributed to the DRC March 20, 2024.

- G. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for May 7, 2024.
- 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 is consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process and the Development Director concludes the application has been processed in conformance with that requirement because 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 Development Director finds and concludes the application meets those requirements with conditions and should be recommended for approval.
- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Development Director finds and concludes the application has been noticed in conformance with the amendment public hearing requirements and public hearings have been scheduled before the Planning Commission and Board of County Commissioners.

## **VI. ALTERNATIVE ACTIONS**

The DeSoto County Planning Commission/Local Planning Agency may take one of the following alternative actions:

- A. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and recommend to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed

Ordinance as presented.

- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioner not adopt the proposed Ordinance.
- C. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioners to adopt the proposed Ordinance.
- D. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing; identify any additional data and analysis needed to support the proposed Ordinance. Recommend to the Board of County Commissioners to table the proposed Ordinance for up to six months in order to allow The 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**

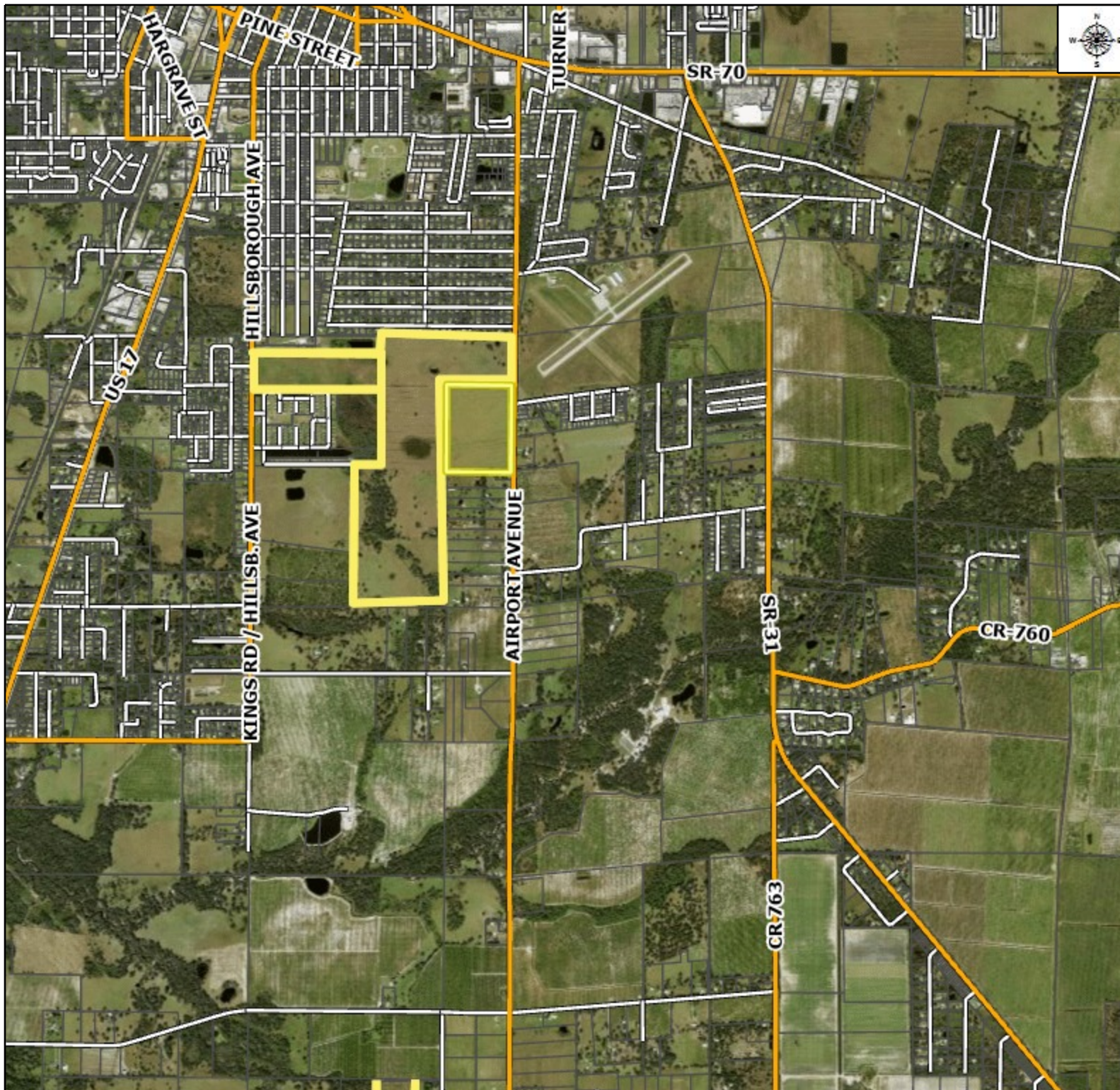
Not applicable for rezonings

## **VIII. RECOMMENDED ACTIONS**

- A. Recommendation. The Development Director recommends the DeSoto County Planning Commission/Local Planning Agency enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.

- B. Planning Commission recommendation.** Scheduled for May 7, 2024.
- C. Board action.** The Board public hearing dates is tentatively scheduled for May 28, 2024, public hearing.





- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

April 22, 2024

Prepared By  
HORNER SHIFRIN

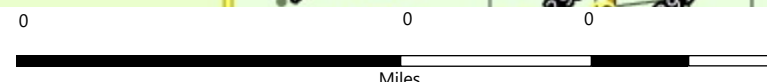




Title

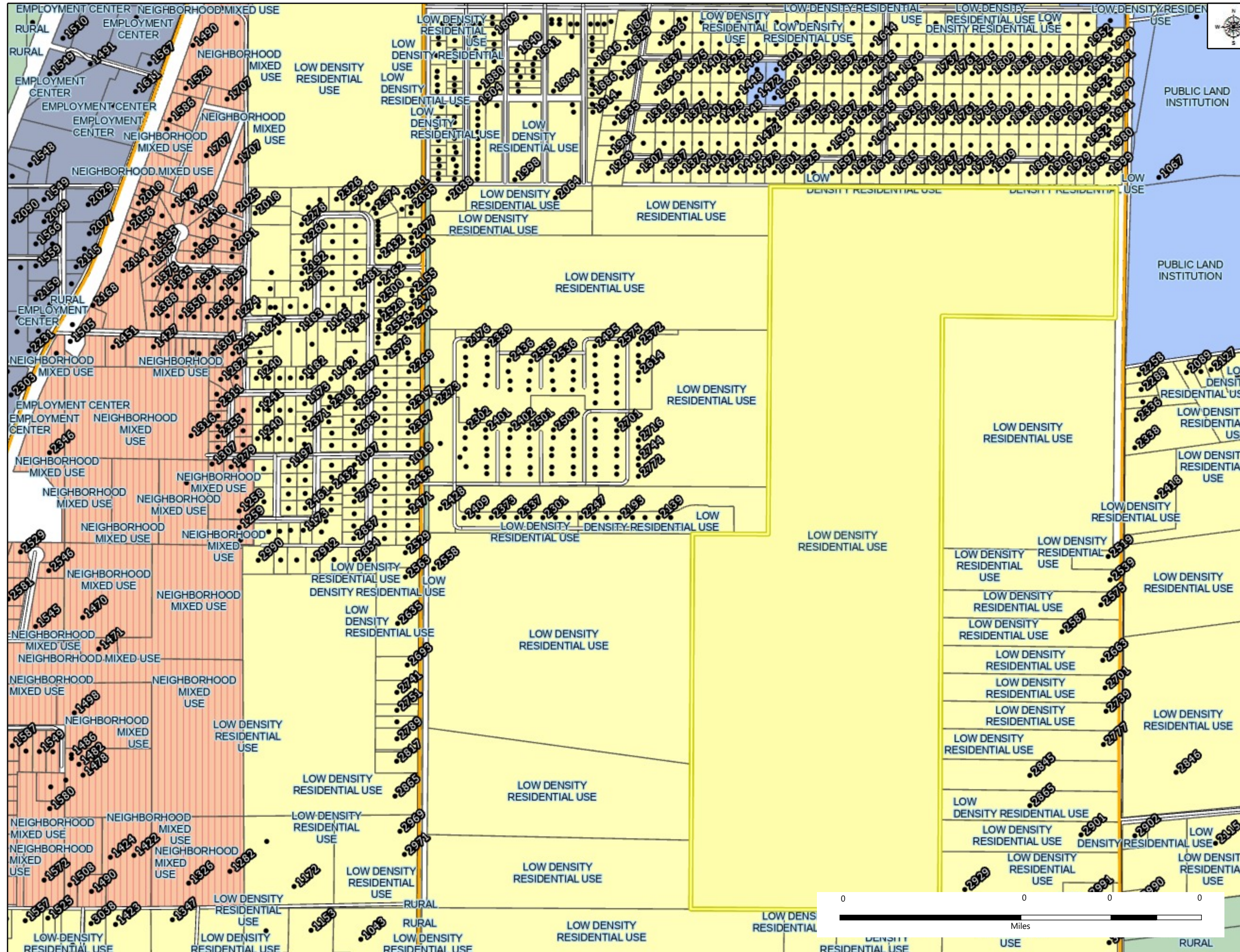
- Address Point Labels  
Major Road Labels  
Zoning Labels  
Zoning Designation
- A-10
  - A-5
  - CE
  - CG
  - CITY
  - CN
  - IH
  - IL
  - ILE
  - MHP
  - MHS
  - P/I
  - PM-I
  - PUD
  - RM
  - RMF-12
  - RMF-6
  - RMF-8
  - RMF-M
  - ROI
  - RSF

January 30, 2024



Prepared By  
**HORNER SHIFRIN**





Title

- Address Point Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels
- FLUM 2040
  - Preservation
  - Rural/Agriculture
  - Low Density Residential
  - Medium Density Residential
  - Neighborhood Mixed Use
  - Employment Center
  - Commercial
  - Urban Center Mixed Use
  - Public Land/Institutional
  - Electrical Generating Facility

January 30, 2024

Prepared By





**DESOTO COUNTY, FLORIDA**  
**ORDINANCE 2024- \_\_\_\_\_**

**AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, LAND SOUTH DESOTO, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0050-2024) BY CHANGING THE ZONING DISTRICT OF 323 ACRES FROM AGRICULTURAL – 5 (A-5) to RESIDENTIAL SINGLE FAMILY - 2 DWELLING UNITS PER ACRE (RSF-2) WITH CONDITIONS, ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY SOUTH OF HIGHWAY 70 ALONG THE WEST SIDE OF SE AIRPORT ROAD AND THE EAST SIDE OF SW HILLSBOROUGH AVENUE; THE PROPERTY IDENTIFICATION NUMBERS BEING 07-38-25-0000-0061-0000, 07-38-25-0000-0062-0000, AND 07-38-25-0000-0068-0000, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is owned by Land South DeSoto, LLC and consists of a 323 acre property located in central DeSoto County, south of Highway 70 along the west side of SE Airport Road and the east side of SW Hillsborough Avenue, the Property Identification Numbers being 07-38-25-0000-0061-0000, 07-38-25-0000-0062-0000, and 07-38-25-0000-0068-0000 (Exhibit A); and

**WHEREAS**, the Interim 2040 Future Land Use Map shows the 323 acre parcel is designated Low Density Residential Land Use (Exhibit B); and

**WHEREAS**, an Official Zoning District Atlas amendment application was filed with the Development Department, to change the zoning district of the property from Agricultural-5 (A-5) (Exhibit C) to Residential Single Family - 2 (RSF-2); and

**WHEREAS**, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

**WHEREAS**, consistent with LDR Section 20-1502, the Development Director

caused a duly noticed public hearing to be published at least ten calendar days before the May 7, 2024, Planning Commission meeting; and

**WHEREAS**, at the May 7, 2024, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented with conditions; and

**WHEREAS**, on May 28, 2024, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0050-2024, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations provided conditions are imposed; and

**WHEREAS**, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

**Section 2.** *Property description.* A 323 acre property located in central DeSoto County, south of Highway 70 along the west side of SE Airport Road and the east side of SW Hillsborough Avenue, the Property Identification Numbers being 07-38-25-0000-0061-0000, 07-38-25-0000-0062-0000, and 07-38-25-0000-0068-0000.

**Section 3.** *Development order approval,* Land South DeSoto, owner and applicant, is hereby granted an Official Zoning District Atlas amendment (RZNE

0050-2024) changing the zoning district 323 acres from Agricultural-5 (A-5) to Residential Single Family - 2 (RSF-2); subject to the following conditions:

1. Future plan submittals will be required to meet RSF-2 zoning district standards in Section 20-128 of the Land Development Regulations as well as standards for access, open space, and landscape buffers.
2. Future development applications shall conform to the Land Development Regulations Storm Water Management regulations.
3. The project will be required to secure SWFWMD environmental resource permits and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources.
4. Future development applications will be required to provide an environmental assessment report consistent with LDRs.
5. Future development applications will be required to provide an traffic impact analysis consistent with LDRs.
6. The project is located outside of DCU's service area. The project must comply with all State, County and FDEP requirements for water and sewer with future plan and building permit submittals. A public drinking water permit will be required either from DOH, or DEP, if development is not connected to a municipal system.

**Section 4.** The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

**Section 5.** This Ordinance shall take effect upon adoption.

**PASSED AND DULY ADOPTED** in DeSoto County, Florida this 28 day of May, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA**

By: \_\_\_\_\_

Mandy J. Hines  
County Administrator

By: \_\_\_\_\_

Jerod Gross, Chair  
Board of County Commissioners

**Approved as to Form and Correctness:**

By: \_\_\_\_\_

Donald D. Conn,  
County Attorney



# DeSoto County

5/7/2024

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## Item #:

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- ☐ Consent Agenda    ☒ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Ordinance

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

**TITLE & DESCRIPTION:**  
Ordinance / Florida Power & Light Company (RZNE-0051-2024)

### REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.

### SUMMARY:

The agenda request before the DeSoto County Planning Commission/Local Planning Agency, is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0051-2024) filed by the Owner, Florida Power & Light, to change the zoning district of 14.99 ± acres from Agricultural - 1 (A-10) to Industrial Heavy (IH).

### BACKGROUND:

The application is a request to amend the Official Zoning District Atlas by changing the zoning district of 14.99 ± acres from Agricultural - 10 (A-10), 1 dwelling unit per 10 acres, to Industrial Heavy (IH) district in the Rural/Agricultural land use to allow the expansion of an existing utility substation and proposed staging area.

The Interim 2040 Future Land Use Map shows the property is designated as Rural/Agricultural. Future Land Use Element Objective 1.3 defines the Rural/Agricultural category. An application for a Special Exception (USE-0167-2024) has also been submitted to allow for an industrial use in the Rural/Agricultural land use.

The Official Zoning District Atlas shows the property is located within the Agricultural - 10 (A-10) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Florida Power & Light Company. The application proposes to change the zoning of 14.99 ± acres of land from Agricultural - 10 (A-10) to Industrial Heavy (IH).

### FUNDS:

Budget Amount: Click or tap here to enter text.

Actual Agenda Item: Click or tap here to enter text.

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**Item #:**

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Cost: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Explanation: Click or tap here to enter text.





## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** RZNE-0051-2024 (Rezoning)  
Agricultural - 10 (A-10) to Industrial Heavy (IH)  
located at 12942 NE Hwy 70, Arcadia, FL 34266

**PROPERTY OWNER:** Florida Power & Light Company, 700 Universe  
Blvd (TS4-JW), Juno Beach, FL 33408

**APPLICANT:** Florida Power & Light Company, 700 Universe  
Blvd (TS4-JW), Juno Beach, FL 33408

**ATTORNEY:** N/A

**PROPERTY ID:** 36-37-26-0000-0012-0000

**TOTAL PARCEL SIZE:** 14.99  $\pm$  acres

**FUTURE LAND USE DESIGNATION:** Rural/Agricultural

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### 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-0051-2024) filed by the Owner, Florida Power & Light, to change the zoning district of 14.99  $\pm$  acres from Agricultural – 1 (A-10) to Industrial Heavy (IH).

The property is generally located in east central DeSoto County, north of State Road 70 and the DeSoto Correctional Institution at 12942 NE Highway 70. 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 application is a request to amend the Official Zoning District Atlas by changing the zoning district of 14.99 ± acres from Agricultural – 10 (A-10), 1 dwelling unit per 10 acres, to Industrial Heavy (IH) district in the Rural/Agricultural land use to allow the expansion of an existing utility substation and proposed staging area.

The Interim 2040 Future Land Use Map shows the property is designated as Rural/Agricultural. Future Land Use Element Objective 1.3 defines the Rural/Agricultural category. An application for a Special Exception (USE-0167-2024) has also been submitted to allow for an industrial use in the Rural/Agricultural land use.

The Official Zoning District Atlas shows the property is located within the Agricultural – 10 (A-10) zoning district. The General Development Order application states the Applicant for this Official Zoning District Atlas amendment is Florida Power & Light Company. The application proposes to change the zoning of 14.99 ± acres of land from Agricultural – 10 (A-10) to Industrial Heavy (IH).

## **II. PROPOSED ORDINANCE**

An Ordinance of the DeSoto County, Florida Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 20-31, Establishment of Zoning Districts; granting to the Applicant, Florida Power & Light Company, an Official Zoning District Atlas amendment (RZNE-0051-2024) by changing the zoning district of 14.99 ± acres from Agricultural – 10 (A-10) to Industrial Heavy (IH), on property generally located in east central DeSoto County, north of State Road 70 and north of the DeSoto Correctional Institution. The Property Identification Number being 36-37-26-0000-0012-0000 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.

*The Development Director finds that on February 20, 2024, a General Development Order application and an Official Zoning District Atlas amendment application (RZNE-0051-2024) and fee were filed with the Development Department. The Development Director finds the General Development Order application was executed by Florida*

*Power & Light Company, as owner of the property. 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.

*The written General Development Order application and Official Zoning District Atlas application and fees were filed with the Development Department on February 20, 2024.*

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

**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.

*The Development Director provided notice that the rezone application was complete on February 20, 2024. 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).

*The Development Director finds the application package was distributed to DRC members after each filing. DRC Comments were issued on April 4, 2024 and are attached to this Development Review Report. 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.

*This 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.

*The Development Director has reviewed the application against the Comprehensive Plan and finds and concludes as follows:*

**FLUE Objective 1.1: Land Use Categories Established.** The generalized land use categories depicted in the Interim 2040 Future Land Use Map Series are intended to establish varying degrees of environmental

protection and intensity of development, transitioning from the natural environment to the most intense development areas by gradually increasing density and urban character.

**FLUE 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
Rural/Agricultural	Non-residential – up to 0.4 FAR maximum

*Consistency analysis: The property currently is designated Rural/Agricultural Land Use on the Future Land Use Map and the proposed non-residential use is permitted a maximum intensity of 0.4 FAR. The subject property is currently a utility substation yard. The proposed proposed substation expansion and staging area does not proposed to increase the floor area.*

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

**FLUE Policy 1.1.9: Zoning District Application Table.** The County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that implement current and future land use categories.

*Consistency analysis: The existing A-10 zoning district is consistent with the Rural/Agricultural Future Land Use designation. The request to rezone to IH is also consistent with the Rural/Agricultural Future Land Use designation, with conformance to policies 1.3.4 through 1.3.5 and Section 20-140 for Industrial Heavy (IH) District standards. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Policy 1.1.11:** Rezoning. The zoning amendment criteria in the Land Development Regulations shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the Comprehensive Plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection.

*Consistency analysis: The rezoning review process has considered the location, availability and capacity of public services and facilities; the proximity to similar densities/intensities; the location within the transportation network; and, environmental protection. The location of the nearest DeSoto County Fire Rescue station, Station 1, is 12.4 miles to the west. The property is located outside of DeSoto County Utilities service area and the existing utility substation utilizes existing well and septic. The rezoning review has considered Section 20-140 Industrial Heavy District standards and the requirements therein. Based on these findings, it is concluded the application is **consistent** with this policy.*

**FLUE Objective 1.3:** Rural/Agricultural Use Category Defined.

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. 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.

**MEASURABLE TARGET:** Total acres taken out of Rural/Agricultural Land Use category.

*Consistency analysis: The existing utility substation use is a permitted use in the A-10 zoning district. However the proposed staging area (included with the expansion), is not a permitted use in A-10. Rezoning to IH would permit the existing utility substation use with the proposed expansion and staging area by Special Exception and is generally consistent with the Rural/Agricultural designated land uses.*

*The Industrial Heavy District standards will be used as the baseline requirements as follows: front (50 feet), side (50 feet adjacent to residential and agricultural districts), and rear (50 feet). Maximum impervious lot coverage is 70%. The Site Development Plan provides 8 acres of open space and proposes a total of 6.99 acres of impervious surface area. These must be illustrated on future plan submittals. The proposed use must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **consistent** with this Objective.*

**FLUE Policy 1.3.1:** The primary use and function of the Rural/Agricultural areas, as designate on the Future Land Use Map, shall be to protect and encourage agricultural activities and to protect unique native habitats and maintain open space, while providing for rural residential uses.

*Consistency analysis: Consistent with Policy 1.3.4, the Site Development Plan proposes a non-residential industrial use, an expansion of an existing utility substation yard with a proposed staging area. As stated, the intent of this Objective, 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.*



*Land development regulations provide proportionate protections to surrounding property owners and their uses in terms of setbacks, buffers, and open space. The plan does intensify the use on the site by expanding the existing substation yard by 0.34 acres and constructing a 5.53 acre staging area. There are no residential uses in the general vicinity of the proposed industrial use. However, the DeSoto Correctional Institution is located across State Road 70 to the south. The adjacent property to the west, north, and east is agricultural.*

*The Industrial Heavy District standards will be used as the baseline requirements as follows: front (50 feet), side (50 feet adjacent to residential and agricultural districts), and rear (50 feet). Maximum impervious lot coverage is 70%. The Site Development Plan provides 8 acres of open space and proposes a total of 6.99 acres of impervious surface area. These must be illustrated on future plan submittals. The proposed use must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is **consistent** with this Objective.*

**FLUE Policy 1.3.2:** Agricultural uses, as defined by F.S. 193.461, are permitted within the Rural/Agricultural category. Additional setbacks are required for intense uses when adjacent to non-agricultural future land use categories and zoning districts.

*Consistency analysis: Properties surrounding the parcel also have the Rural/Agricultural Future Land Use designation. The surrounding adjacent parcels are all zoned A-10. The Site Development Plans indicates the proposed expansion area and staging area meet and exceed the required setbacks of 50' front, 50' side, and 50' rear in the IH zoning district.*

*Based on these findings, it is concluded the application is **consistent** with this Objective.*

**FLUE Policy 1.3.4:** The rezoning of lands to industrial may be allowed

within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses. The following minimum standards shall apply:

- (1) A minimum of 10 acres;
- (2) Shall be no less than 5 miles from another Industrial zoning district if non-contiguous;
- (3) Shall be appropriately buffered from agricultural and residential uses and zoning districts;
- (4) Maximum Floor Area Ratio of 0.7;
- (5) Shall submit and receive site plan or preliminary plat (PUD) approval in conjunction with such zoning request;
- (6) Exclude electrical generating facilities (power plants)

*Consistency analysis: The primary use of the proposed rezone is industrial, consistent with the criteria in Policy 1.3.4. The site is 14.99 acres and located approximately 35' from a non-contiguous IH zoned property (owned by DeSoto Recycling & Disposal, LLC). The existing utility substation yard is proposing a staging area (outdoor storage) to enable the applicant to provide an essential service to DeSoto County. The applicant has not indicated any screening or buffers on the Site Development Plan, which will be required by Code with future applications. The parcel is consistent with a maximum FAR 0.7 (0.47 proposed). The applicant has submitted a Site Development Plan. The proposed industrial use is not proposing an electrical generating facility, but the transformation, regulation, and distribution of electricity.*

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

**FLUE Policy 1.3.5:** Property rezoned to Industrial is intended for uses of a nature not permitted within an urban center, new community, or other non-industrial area. Those uses include:

- (1) Sales and service of trucks and heavy equipment;
- (2) Wholesale establishments, warehousing, bulk storage;
- (3) Asphalt and cement plants, saw mills;
- (4) Railroad siding;
- (5) Manufacturing, warehousing, storing, processing, canning, packing, slaughter houses, marinas, commercial boat houses, commercial boat storage, boat building, boat yards;
- (6) Storage of agricultural vehicles not used on subject property for agricultural purposes;
- (7) In and outdoor firing range
- (8) Sale and repair of new & used automobiles, motorcycles, trucks & tractors, mobile homes, boats, automotive vehicle parts & accessories, heavy machinery & equipment, farm equipment, retail establishments for sale of farm supplies;
- (9) Bulk storage yards, not including bulk storage of flammable liquids, subject to the provisions of the County or State Fire Codes;
- (10) And other similar uses

*Consistency analysis: The rezone to IH with the Site Development Plan proposes the expansion of an existing non-residential industrial use, a utility substation yard with staging area. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**FLUE 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 parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay.*

**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: The parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay. Based upon DeSoto County GIS, the property may contain wetlands or other environmentally sensitive areas along the State Road 70 right-of-way. The applicant may be required to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species, with future plan submittals, if improvements are located within the Conservation Overlay. Based on the above findings, it is concluded the application is **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: The parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay. Based upon DeSoto County GIS, the property may contain wetlands or other environmentally sensitive areas along the State Road 70 right-of-way. The applicant may be required to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species, with future plan submittals, if improvements are located within the Conservation Overlay. Based on the above findings, it is concluded the application is **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 subject parcel:*

**TABLE 1**

### **USE COMPATIBILITY ANALYSIS**

Directions	Future Land Use	Zoning District	Types of Land Uses
<b>Site</b>	Rural/Agricultural	A-10	Existing substation yard
<b>North</b>	Rural/Agricultural	A-10	Ornamentals
<b>South</b>	Rural/Agricultural	A-10	Department of Corrections facility
<b>East</b>	Rural/Agricultural	A-10	Ornamentals
<b>West</b>	Rural/Agricultural	A-10	Ornamentals

*Table 1 illustrates that the surrounding uses are consistent with the Rural/Agricultural Future Land Use Category. The Land Development Code provides specific minimum lot area and lot width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the IH zoning district to ensure compatibility between uses.*

*The proposed zoning generally aligns with the permitted uses and uses in the area.*

*The site abuts an existing public road, State Road 70, which is a publicly maintained right-of-way. Any future land development must conform to all required Federal, State, and County permitting requirements.*

*Based on the above findings, it is concluded the application is **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 in the Rural/Agricultural Future Land Use Category. The property is outside of DeSoto County's Utilities service area. DeSoto County Utilities and Engineering have no objections to the rezone. Based on the above findings, it is concluded the application is **consistent** with this policy.*

### **Transportation Element**

**Objective 1.1:** Level of Service. The County shall adopt and adhere to level of service standards for arterial and collector streets.

**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.

Roadway Type	State Road Urbanized Area	State Road Outside Urbanized Area	County Road
Limited Access Facilities	D	C	D
Controlled Access Highway	D	C	D
Other Multi-lane Roads	D	C	D
Two-lane Roads	D	C	D

*Consistency analysis: The rezone is located on the north side of State Road 70. No Trip Generation or traffic impact analysis information was submitted with the application however the application states that the substation is unmanned and access is restricted to authorized personnel. Future development applications may require additional*

*traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on the north side of State Road 70. No Trip Generation or traffic impact analysis information was submitted with the application however the application states that the substation is unmanned and access is restricted to authorized personnel. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

**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 rezone is located on the north side of State Road 70. No Trip Generation or traffic impact analysis information was submitted with the application however the application states that the substation is unmanned and access is restricted to authorized*



*personnel. Future development applications may require additional traffic analysis.*

*Based on the above, it is concluded the application is **consistent** with this policy.*

### **Conservation Element**

#### **Groundwater Resources:**

**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: Future development will be required to secure SWFWMD environmental resource permits, 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 is **consistent** with this policy.*

**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: Development in the Rural/Agricultural land use does not have a minimum open space requirement. Section 20-140 of the LDC allows a maximum impervious lot coverage of 70% in the IH zoning district. The Site Development Plan indicates that 8 acres of the 14.99 acre site is proposed to be open space/pervious area and 2.37 acres are proposed for dry detention stormwater facilities.*

*Future development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood map for this area is number 12027C0210C, effective on 11/06/2013. Based upon the flood maps, the site is located in Zone X and Zone A. The proposed improvements are located in Flood Zone X. Based on the above, it is concluded the application is **consistent** with this policy.*

#### **Surface Water Resources:**

**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.

*Consistency analysis: Based upon DeSoto County GIS, the property likely contains wetlands or other environmentally sensitive areas. Future development applications may require the applicant to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species. Based on the above findings, it is concluded the application is **consistent** with this policy.*

#### **Wetland Protection:**

**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.

**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 Wetlands Inventory (shown as part of the Conservation Overlay Area on the FLUM).

*Consistency analysis: The parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay. Based upon DeSoto County GIS, the property may contain wetlands or other environmentally sensitive areas along the State Road 70 right-of-way. The applicant may be required to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species, with future plan submittals, if improvements are located within the Conservation Overlay. Based on the above findings, it is concluded the application is **consistent** with this policy.*

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

*Consistency analysis: The parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay. Based upon DeSoto County GIS, the property may contain wetlands or other environmentally sensitive areas along the State Road 70 right-of-way. The applicant may be required to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species, with future plan submittals, if improvements are located within the*

*Conservation Overlay. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**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: The parcel is partially located within the Conservation Overlay in the southernmost portion of the site, along the State Road 70 right-of-way. The proposed staging area and expansion of the existing substation yard appears to be located outside of the Conservation Overlay. Based upon DeSoto County GIS, the property may contain wetlands or other environmentally sensitive areas along the State Road 70 right-of-way. The applicant may be required to provide an environmental assessment, which includes an inventory of wetlands, soils, habitat and endangered wildlife and plant species, with future plan submittals, if improvements are located within the Conservation Overlay. Based on the above findings, it is concluded the application is **consistent** with this policy.*

**Based upon the totality of the circumstances, the Development Director concludes the rezoning application is consistent with the Comprehensive Plan,**

2. The existing land use pattern.

*Consistency analysis: Table 1 shows the existing land use pattern. Properties adjacent to the north, east, west, and south also have the Rural/Agricultural Future Land Use designation. There are no residential uses in the general vicinity of the proposed industrial use. The DeSoto Correctional Institution is located across State Road 70 to the south. The adjacent property to the west, north, and east is agricultural.*

*The table illustrates that the surrounding uses are consistent with the Rural/Agricultural Future Land Use Category. The surrounding adjacent parcels are all zoned A-10. The Site Development Plans*

*indicates the proposed expansion area and staging area meet and exceed the required setbacks of 50' front, 50' side, and 50' rear in the IH zoning district. Landscape buffers shall be required for future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: Policy 1.3.4 provides the required criteria for the Board to consider industrial uses in the Rural/Agricultural Future Land Use Category. The property is contiguous to A-10 (Agricultural 10). The Site Development Plan proposes a non-residential industrial use, an expansion of an existing utility substation yard with a proposed staging area (outdoor storage) to enable the applicant to provide an essential service to DeSoto County. Rezoning to IH would permit the existing utility substation use with the proposed expansion and staging area by Special Exception and is generally consistent with the Rural/Agricultural designated land uses.*

*The primary use of the proposed rezone is industrial, consistent with the criteria in Policy 1.3.4. The site is 14.99 acres and located approximately 35' from a non-contiguous IH zoned property (owned by DeSoto Recycling & Disposal, LLC). The applicant has not indicated any screening or buffers on the Site Development Plan. Future plan submittals will require these elements as required by Code. The parcel is consistent with a maximum FAR 0.7 (0.47 proposed). The applicant has submitted a Site Development Plan. The proposed industrial use is not proposing an electrical generating facility, but the transformation, regulation, and distribution of electricity.*

*Based upon the project is located in an area with similar industrial uses and is an existing utility substation, and meets and addresses related*

criteria) found in Policy 1.3.4 and other requirements in the Land Development Code for setbacks, buffers, and open space, the proposed rezone and Site Development Plan will not create an isolated district unrelated to adjacent and nearby districts. Based on the above findings, it is concluded the application is 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 maintain a concurrency data base and monitoring system. This is to ensure projects approved are subject to minimum criteria for public facilities requiring a concurrency determination that do not result in a reduction of the level of service below the adopted standard. Policy 1.22.5 provides for roadways, recreation and open space, solid waste, potable water and sanitary sewer. Future development applications will be required to be consistent with this policy.*

*The property is outside of DeSoto County's service area. The project will not utilize central potable water or sanitary sewer but utilize existing well and onsite sewage treatment and disposal systems (OSTDS) per FDEP permitting requirements.*

*No Trip Generation or traffic impact analysis information was submitted with the application however the application states that the substation is unmanned and access is restricted to authorized personnel. NO FIRE DRC COMMENTS*

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

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

*Consistency analysis: The property is within a rural agricultural area and the existing zoning district adjacent to the site is A-10. The proposed IH zoning district consistent with Policy 1.3.4 would allow industrial uses on the property designated as Rural/Agricultural. The proposed zoning will align with the property's existing and proposed use as a utility substation yard with staging area (outdoor storage). Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The Site Development Plan proposes the expansion of a non-residential use, a utility substation yard with proposed staging area (outdoor storage) as an essential service to DeSoto County. The applicant has also applied for a Special Exception to allow the outdoor storage in the Rural/Agricultural land use under Policy 1.3.4.*

*The proposed change in zoning will align the property's existing and proposed use with its zoning and allow conditions to ensure compatibility and consistency with other requirements. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The Site Development Plan proposes the expansion of a non-residential use, a utility substation yard with proposed staging area (outdoor storage) as an essential service to DeSoto County. The applicant has also applied for a Special Exception to allow the outdoor storage in the Rural/Agricultural land use under*

*Policy 1.3.4.*

*The proposed change in zoning will align the property's existing and proposed use with its zoning and allow conditions to ensure compatibility and consistency with other requirements. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The rezone is located on the north side of State Road 70. No Trip Generation or traffic impact analysis information was submitted with the application however the application states that the substation is unmanned and access is restricted to authorized personnel. Future development applications may require additional traffic analysis.*

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

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

*Consistency analysis: Development in the Rural/Agricultural land use does not have a minimum open space requirement. Section 20-140 of the LDC allows a maximum impervious lot coverage of 70% in the IH zoning district. The Site Development Plan indicates that 8 acres of the 14.99 acre site is proposed to be open space/pervious area and 2.37 acres are proposed for dry detention stormwater facilities.*

*Future development will be required to secure SWFWMD environmental resource permits, ACOE permit, and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources. The FEMA flood map for this area is number 12027C0210C, effective on 11/06/2013. Based*



*upon the flood maps, the site is located in Zone X and Zone A. The proposed improvements are located in Flood Zone X. Based on the above, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The reduction of light and air to the adjacent areas is a function of total development vs. open space, building height, and building setbacks. Any future site plans and building permits will have to be consistent with these standards, to include minimum open space and setbacks. Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above findings, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: The Comprehensive Plan expressly permits industrial uses in the Rural/Agricultural land use designation, under Policy 1.3.4, and the standards in the IH zoning district have criteria to minimize impacts to adjacent uses. The existing zoning district of the site is A-10, with A-10 zoning district adjacent. This is consistent with the agricultural uses in the area. The IH zoning is consistent with the area development pattern and other uses on State Road 70. Therefore, the proposed change will not adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application is in **conformance** with this factor.*

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

*Consistency analysis: With the LDR standards for setbacks and open space, the proposed change will not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations. Thus, the Development Director concludes the application is in **conformance** with this factor.*

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

*Consistency analysis: The proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare. The Comprehensive Plan expressly permits industrial uses in the Rural/Agricultural land use designation, under Policy 1.3.4, and the standards in the IH zoning district have criteria to minimize impacts to adjacent uses. Based on the above findings, it is concluded the application is 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 Site Development Plan proposes a non-residential industrial use, a proposed staging area (outdoor storage) as well as the expansion of an existing utility substation yard. Outdoor storage is not a permitted use in the A-10 zoning district.*

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

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

*Consistency analysis: Consistent with Policy 1.3.4, the Site Development Plan proposes a non-residential industrial use, an expansion of an existing utility substation yard with a proposed staging area.*

*Land development regulations provide proportionate protections to*

*surrounding property owners and their uses in terms of setbacks, buffers, and open space. The plan does intensify the use on the site by expanding the existing substation yard by 0.34 acres and constructing a 5.53 acre staging area. There are no residential uses in the general vicinity of the proposed industrial use. However, the DeSoto Correctional Institution is located across State Road 70 to the south. The adjacent property to the west, north, and east is agricultural.*

*The Industrial Heavy District standards will be used as the baseline requirements as follows: front (50 feet), side (50 feet adjacent to residential and agricultural districts), and rear (50 feet). Maximum impervious lot coverage is 70%. The Site Development Plan provides 8 acres of open space and proposes a total of 6.99 acres of impervious surface area. These must be illustrated on future plan submittals. The proposed use must conform to all required Federal, State, and County permitting requirements. Given the existing and proposed use, the proposed change is not out of scale with the surrounding area and is consistent with industrial development within the Rural/Agricultural land use designation as set forth in the goals, objectives and policies of the Comprehensive Plan. Thus, it is concluded the application is in **conformance** with this factor.*

***In summary, the Development Director finds the application is in conformance with the 15 factors and, therefore, concludes the application is in conformance with LDR Section 20-1498(a).***

- A. **Conditions and Safeguards.** LDR Section 20-1499 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.
  - 1. The Planning Commission may recommend that a rezoning application or an application to amend the 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 finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the IH zoning district to ensure compatibility between uses. Any future land development applications must conform to all required Federal, State, and County permitting requirements.*

2. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment and may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

*Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed June 25, 2024, public hearing.*

- B. **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: 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 14.99 ± acre site located in east central DeSoto County, north of State Road 70, at 12942 NE Highway 70.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Rural/Agricultural.
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural -10 , 1 dwelling unit per 10 acres, (A-10).
- D. The Development Director finds that on February 20, 2024, an Official Zoning District Atlas amendment application (RZNE-0051-2024) was filed by the owner, Florida Power & Light Company, which application proposes to change the zoning district to Industrial Heavy (IH).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Development Director found the filed application was submitted in writing and complete.

- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Development Director finds the application was distributed to the DRC February 21, 2024.
- G. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for May 7, 2024.
- 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 is consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process and the Development Director concludes the application has been processed in conformance with that requirement because 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 Development Director finds and concludes the application meets those requirements and should be recommended for approval.
- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Development Director finds and concludes the application has been noticed in conformance with the amendment public hearing requirements and public hearings have been scheduled before the Planning Commission and Board of County Commissioners.

## **VI. ALTERNATIVE ACTIONS**

The DeSoto County Planning Commission/Local Planning Agency may take one of the following alternative actions:

- A. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and recommend to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance as presented.
- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioner not adopt the proposed Ordinance.
- C. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioners to adopt the proposed Ordinance.
- D. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing; identify any additional data and analysis needed to support the proposed Ordinance. Recommend to the Board of County Commissioners to table the proposed Ordinance for up to six months in order to allow The 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**

Not applicable for rezoning applications

## **VIII. RECOMMENDED ACTIONS**

- A. Recommendation. The Development Director recommends the DeSoto County Planning Commission/Local Planning Agency enter into the record

this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Ordinance.

- B. Planning Commission recommendation.** Scheduled for May 7, 2024.
- C. Board action.** The Board public hearing dates is tentatively scheduled for May 28, 2024, public hearing.



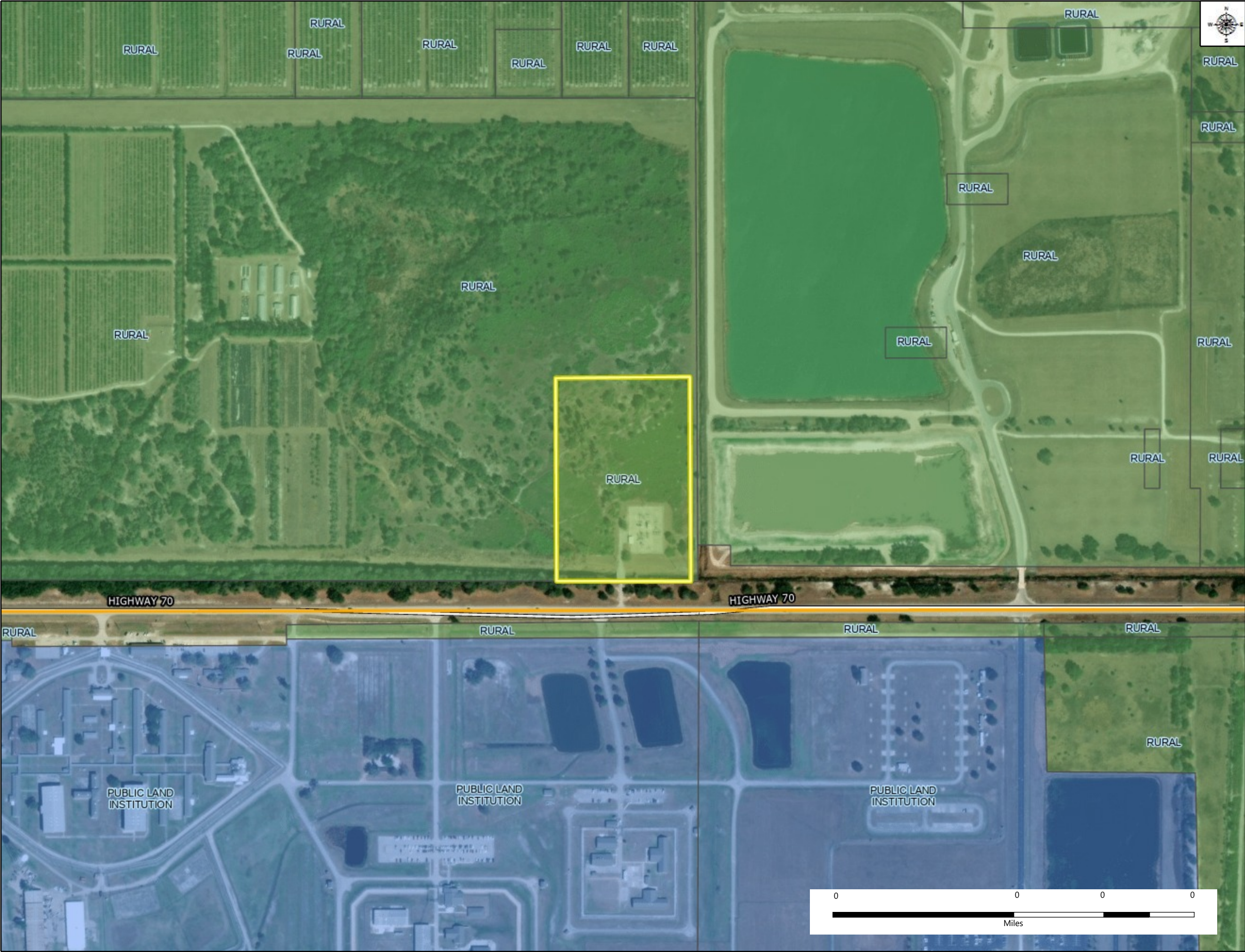


LOCATION MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT A

- Street Labels
- Major Road Labels
- Major Roads
- Streets
- Parcels

July 6, 2023



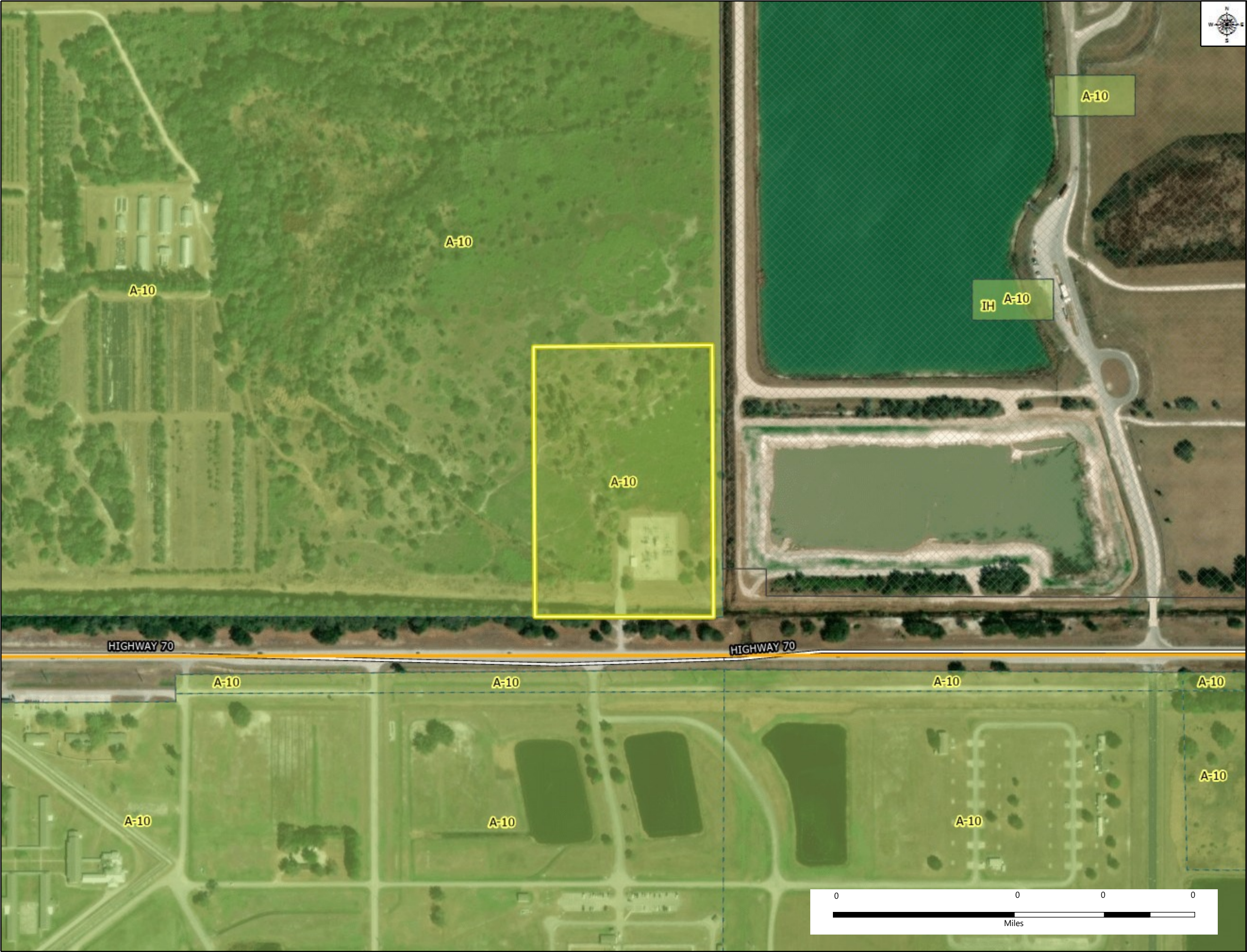


LAND USE MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT B

- Street Labels
- Major Road Labels
- FLUM Labels
- Major Roads
- Streets
- Parcels
- FLUM 2040
  - Preservation
  - Rural/Agriculture
  - Low Density Residential
  - Medium Density Residential
  - Neighborhood Mixed Use
  - Employment Center
  - Commercial
  - Urban Center Mixed Use
  - Public Land/Institutional
  - Electrical Generating Facility

July 6, 2023





ZONING MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT C

- Street Labels  
Major Road Labels  
Zoning Labels  
Zoning Designation
- A-10
  - A-5
  - CE
  - CG
  - CITY
  - CN
  - IH
  - IL
  - ILE
  - MHP
  - MHS
  - P/I
  - PM-I
  - PUD
  - RM
  - RMF-12
  - RMF-6
  - RMF-8
  - RMF-M
  - ROI
  - RSF

July 6, 2023



**DESOTO COUNTY, FLORIDA**  
**ORDINANCE 2024- \_\_\_\_\_**

**AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, FLORIDA POWER & LIGHT COMPANY, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0051-2024) BY CHANGING THE ZONING DISTRICT OF 14.99 ACRES FROM AGRICULTURAL – 10 (A-10) to INDUSTRIAL HEAVY (IH), ON PROPERTY GENERALLY LOCATED IN EAST CENTRAL DESOTO COUNTY NORTH OF STATE ROAD 70 AND NORTH OF THE DESOTO CORRECTIONAL INSTITUTION; THE PROPERTY IDENTIFICATION NUMBER BEING 36-37-26-0000-0012-0000 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is owned by Florida Power & Light Company and consists of a 14.99 acre property located in east central DeSoto County, north of State Road 70 and north of the DeSoto Correctional Institution, the Property Identification Number being 36-37-26-0000-0012-0000 (Exhibit A); and

**WHEREAS**, the Interim 2040 Future Land Use Map shows the 14.99 acre parcel is designated Rural/Agricultural Land Use (Exhibit B); and

**WHEREAS**, an Official Zoning District Atlas amendment application was filed with the Development Department, to change the zoning district of the property from Agricultural-10 (A-10) (Exhibit C) to Industrial Heavy (IH); and

**WHEREAS**, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

**WHEREAS**, consistent with LDR Section 20-1502, the Development Director caused a duly noticed public hearing to be published at least ten calendar days before the June 4, 2024, Planning Commission meeting; and

**WHEREAS**, at the May 7, 2024, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

**WHEREAS**, on May 28, 2024, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0051-2024, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

**WHEREAS**, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

**Section 2.** *Property description.* A 14.99 acre property located in east central DeSoto County, north of State Road 70 and north of the DeSoto Correctional Institution, the Property Identification Number being 36-37-26-0000-0012-0000.

**Section 3.** *Development order approval,* Florida Power & Light Company, owner and applicant, is hereby granted an Official Zoning District Atlas amendment (RZNE-0051-2024) changing the zoning district 14.99 acres from Agricultural-10 (A-10) to Industrial Heavy (IH).

**Section 4.** The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

**Section 5.** This Ordinance shall take effect upon adoption.

**PASSED AND DULY ADOPTED** in DeSoto County, Florida this 28<sup>th</sup> day of May, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA**

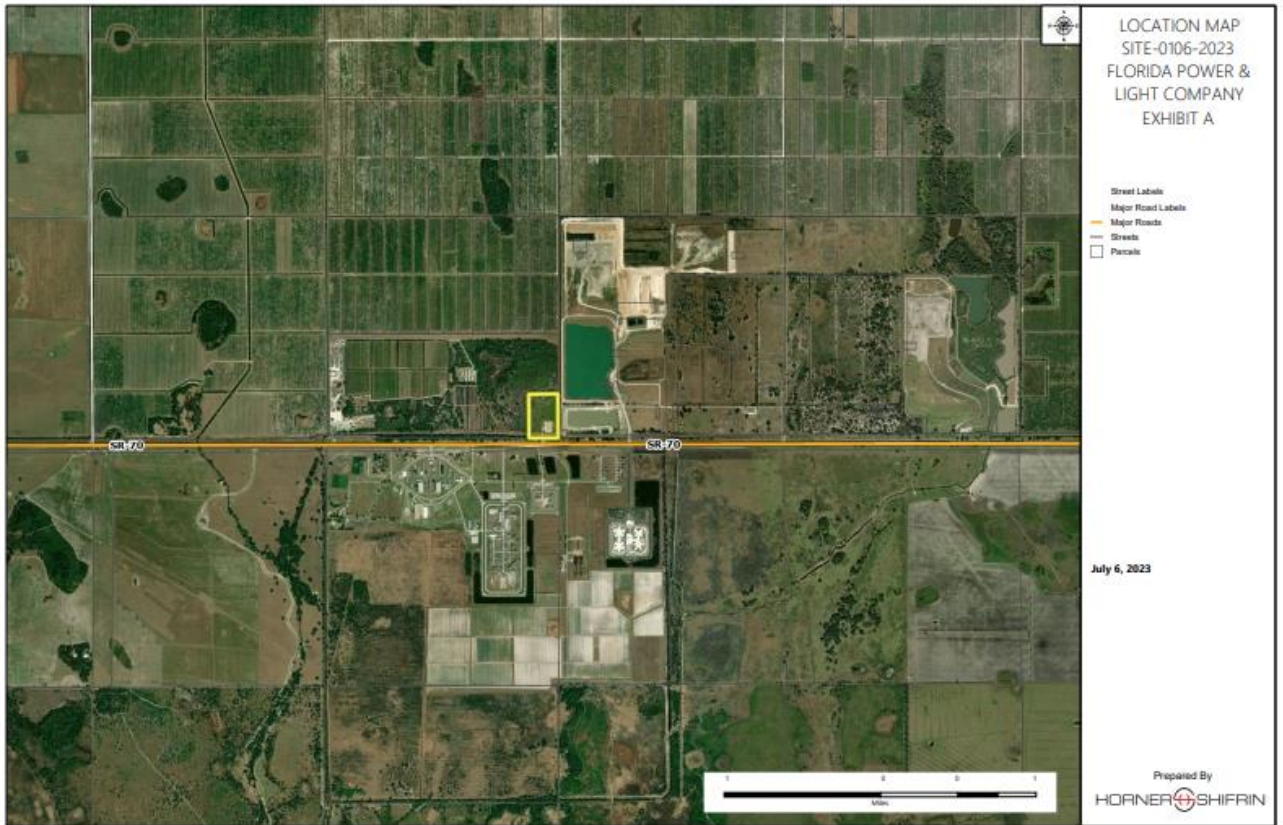
By: \_\_\_\_\_  
Mandy J. Hines  
County Administrator

By: \_\_\_\_\_  
Jerod Gross, Chair  
Board of County Commissioners

**Approved as to Form and Correctness:**

By: \_\_\_\_\_  
Donald D. Conn,  
County Attorney

## Exhibit A



## Exhibit B





[illegible]



# DeSoto County

5/7/2024

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## Item #:

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- ☐ Consent Agenda    ☒ Quasi-Judicial Public Hearing  
☐ Regular Business    5:30 pm  
☐ Public Hearing    Resolution

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

**TITLE & DESCRIPTION:**  
**Resolution / Florida Power & Light Company (USE-0167-2024)**

### REQUESTED MOTION:

A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Resolution.

### SUMMARY:

The matter before the Planning Commission/ Local Planning Agency is a special exception use application (USE-0167-2024) to allow within the Industrial Heavy (IH) zoning district, the expansion of an existing utility substation and a proposed staging area on a 14.99 acre property located on the north side of State Road 70, north of the DeSoto Correctional Institution. The application is before the Planning Commission/Local Planning Agency because Land Development Regulations (LDR) Section 20-140(1)(c)(7) provides for "Indoor and outdoor firing ranges, airports and landing fields, public utility transmission facilities" and Comprehensive Plan Future Land Use Element Policy 1.3.4 provides for "The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development" as a special exception use and LDR Article XI, Division 5 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a special exception use application and to make a recommendation on the application to the local governing body.

### BACKGROUND:

Click or tap here to enter text.

### FUNDS:

Budget Amount: Click or tap here to enter text.

Actual Agenda Item: Click or tap here to enter text.

Cost: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

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**Item #:**

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Explanation: Click or tap here to enter text.



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** Special Exception: FPL Dorr Field USE-0167-2024

**PROPERTY OWNER:** Florida Power & Light Company  
700 Universe Blvd (TS4-JW)  
Juno Beach, FL 33408

**APPLICANT:** Florida Power & Light Company  
700 Universe Blvd (TS4-JW)  
Juno Beach, FL 33408

**PROPERTY ID:** 36-37-26-0000-0012-0000

**PROPERTY ADDRESS:** 12942 NE Hwy 70, Arcadia, FL 34266

**TOTAL PARCEL SIZE:** 14.99 acres

**ZONING DISTRICT:** IH (Industrial Heavy)

**FUTURE LAND USE DESIGNATION:** Rural/Agricultural

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### **DEVELOPMENT REVIEW REPORT**

The matter before the Planning Commission/ Local Planning Agency is a special exception use application (USE-0167-2024) to allow within the Industrial Heavy (IH) zoning district, the expansion of an existing utility substation and a proposed staging area on a 14.99 acre property located on the north side of State Road 70, north of the DeSoto Correctional Institution. The application is before the Planning Commission/Local Planning Agency because Land Development Regulations (LDR) Section 20-140(1)(c)(7) provides for "Indoor and outdoor firing ranges, airports and landing fields, public utility transmission facilities" and Comprehensive Plan Future Land Use Element Policy 1.3.4 provides for "The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development" as a special exception use and LDR Article XI, Division 5 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a special exception use application and to make a recommendation on the application to the local governing body.

## **OVERVIEW OF REQUEST**

The subject parcel is located at 12942 NE Hwy 70 (See Exhibit A) in east central DeSoto County and is owned by Florida Power & Light Company. The owner is requesting a Special Exception to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on a 14.99 acre property with associated improvements, on Industrial Heavy property.

The 2040 Future Land Use Map shows the property is located within the Rural/Agricultural Land Use designation (See Exhibit B) and the Official Zoning District Atlas displays the property is situated within the Industrial Heavy (IH) zoning district (See Exhibit C).

Land Development Regulations (LDR) 20-140(1)(c)(7) provides for “Indoor and outdoor firing ranges, airports and landing fields, public utility transmission facilities” and Comprehensive Plan Future Land Use Element Policy 1.3.4 provides for “The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development” as a special exception use.

An application for a Special Exception was received in the Development Department on February 20, 2024.

## **PROPOSED RESOLUTION**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (USE-0167-2024) APPROVAL WITH CONDITIONS TO ALLOW WITHIN THE INDUSTRIAL HEAVY (IH) ZONING DISTRICT THE EXPANSION OF AN EXISTING UTILITY SUBSTATION AND A PROPOSED STAGING AREA (OUTDOOR STORAGE), ON A 14.99 ACRE PARCEL, LOCATED AT 12942 NE HWY 70, THE PROPERTY IDENTIFICATION NUMBER BEING 36-37-26-0000-0012-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

## **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 Comprehensive Plan.

- A. **Application requirements.** LDR Section 20-1431 provides that a special exception use application shall be submitted indicating the basis in this LDR under which the special exception use is sought and stating the grounds upon which it is requested, with particular reference to the types of findings which the Planning Commission must make as described below. The application must include material necessary to demonstrate that the approval of the special exception use will be in harmony with the LDRs general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such

material includes, but is not limited to, the following, where applicable:

1. *Plans at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking, and off-street loading areas, refuse and services areas, and required yards and other open spaces.*
  - a. Placement of structures. The applicant has submitted a site development plan showing the proposed location of the proposed 0.34 acre substation expansion and 5.53 acre staging area, as well as the location of the existing improvements. The site development plan indicates setbacks for the proposed building consistent with the standards for the IH zoning district. The minimum setbacks in the IH zoning district are 50' front, 50' side (adjacent to residential and agricultural districts), and 50' rear. Based upon the above, it is concluded the application is in **conformance** with this factor.
  - b. Provisions for ingress and egress. The property is currently served by an existing driveway on State Road 70 to access the existing utility substation yard. A 20' wide paved access drive is proposed to access the expansion and staging area. Based upon the above, it is concluded that the application is in **conformance** with this factor. NO FIRE DRC COMMENTS
  - c. Off-street parking. The proposed use is to allow the expansion of an existing utility substation yard with proposed staging area (outdoor storage) (permitted in IH and Rural/Agricultural by special exception). No parking is proposed for the unmanned facility. The proposed 20' access drive provides a 75' paved turnaround area at the entrance gate to the proposed staging area. NO FIRE DRC COMMENTS Based upon the above, it is concluded that the application is in **conformance** with this factor.
  - d. Off-street loading. The proposed use is to allow the expansion of an existing utility substation yard with proposed staging area (outdoor storage) (permitted in IH and Rural/Agricultural by special exception). No loading is proposed for the unmanned facility. Based upon the above, it is concluded that the application is in **conformance** with this factor.
  - e. Refuse and service areas. No solid waste collection plan has been provided with the proposed concept plan for the expansion of an existing utility substation yard with proposed staging area (outdoor storage). The site development plan indicates that the unmanned facility will not generate any solid waste. The applicant or their designee must obtain and maintain a construction waste contract with the franchisee for all construction and demolition waste generated as per County Ordinance 2006-35 through project completion. Based upon the above, it is concluded the application is in **conformance** with this factor **with conditions**.
  - f. Required yards and open space. LDR 20-140(2)(c) requires a front yard setback of 50', a side yard setback of 50' (adjacent to residential and agricultural districts), and a rear yard setback of 50' in the IH zoning district. The site development plan indicates setbacks for the proposed expansion and staging area consistent with the standards for the IH zoning district.

Development in the IH zoning district has a maximum impervious lot coverage of 70% open space. The site development plan indicates that 8 acres of the 14.99 acre site is open space/pervious area.

The Development Director finds that the application is in **conformance** with this factor.

2. *Plans showing proposed locations for utilities hook-up.* The property is served by existing electric, well, and septic. No additional utilities are proposed. Water and sewer service are not available by DeSoto County Utilities (DCU). Thus, the application is **in conformance** with this factor.
3. *Plans for screening and buffering with reference as to type, dimensions and characters.* The Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage). The adjacent parcel to the north, east, and west is zoned A-10 and is active agriculture (ornamentals). A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard. Thus, the application is **in conformance** with this factor **with conditions**.
4. *Plans for proposed landscaping and provisions for trees.* The Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage). The adjacent parcel to the north, east, and west is zoned A-10 and is active agriculture (ornamentals). A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard. Thus, the application is **in conformance** with this factor **with conditions**.
5. *Plans for proposed signs and lighting, including type, dimensions, and character.* The Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage). No signs or lighting are proposed on the concept plan. The existing unmanned facility incorporates emergency lighting for use during unplanned night maintenance. Any lighting in the proposed staging area will be temporary for limited use during nighttime activities. Future plan submittals should be consistent with the standards for signs and lighting in the LDRs. Thus, the application is **in conformance** with this factor **with conditions**.

The Development application and proposed site development plan were considered in applying the standards for the expansion of an existing utility substation and a proposed staging area (outdoor storage), allowed by special exception in the Industrial Heavy zoning district. The property meets the minimum lot area of 40,000 SF. The site plan indicates setbacks for the proposed expansion and staging area consistent with the standards for the IH zoning district.

Based upon the findings and conclusions above, with conditions, it is concluded the application demonstrates that the approval of the special exception use will be in harmony with the LDRs

general intent and purpose, not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare.

**B. Staff review.** LDR Section 20-1432 addresses staff review.

1. *Section 20-1432(a) provides that upon receipt of an application for Special Exception, the Development Director shall determine whether the application is complete. The Development Director may waive some or all of the plans required by Section 20-1431(1) if the Special Exception includes only a change/addition in use without any new construction. 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.*

On February 20, 2024, the applicant filed with the Development Department a special exception use application to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) in the IH zoning district. The Development Director subsequently determined the application was complete.

2. *Section 20-1432(b) states that after receipt of a complete application, the Development Director shall distribute the application for review by County staff and/or the Development Review Committee.*

The Development Director caused the application to be distributed to Development Review Committee members.

3. *Section 20-1432(c) provides that upon completion of review, the Development Department shall prepare a staff report and schedule review of the application by the Planning Commission.*

This Development Review Report is the staff report required by Section 120-1432(c). A draft copy was provided to the Applicant/Owner for review and comment. The application is scheduled for June 4, 2024, Planning Commission meeting. The application is also scheduled for the June 25, 2024, Board of County Commissioners public hearing agenda.

**C. Planning Commission findings.** LDR Section 20-1433 provides that before any Special Exception use shall be recommended for approval to the Board of County Commissioners, the Planning Commission shall make a written finding that the granting of the Special Exception Use will not adversely affect the public interest, that the specific requirements governing the individual Special Exception Use, if any, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning twelve (12) matters, where applicable. These 12 matters and staff's evaluation of conformance with these matters is addressed below.

1. *Compliance with all elements of the Comprehensive Plan.* The 2040 Future Land Use Map shows the subject property is located within the Rural/Agricultural Land Use (See Attachment B). The subject parcel is a lot of record. According to the County's Comprehensive Plan, Policy 1.3.4, "*The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit*



*Development. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses. The following minimum standards shall apply:*

- (1) A minimum of 80 acres;*
- (2) Shall be no less than 5 miles from another Industrial zoning district if non-contiguous;*
- (3) Shall be appropriately buffered from agricultural and residential uses and zoning districts;*
- (4) Maximum Floor Area Ratio of 0.7;*
- (5) Shall submit and receive site plan or preliminary plat (PUD) approval in conjunction with such zoning request;*
- (6) Exclude electrical generating facilities (power plants)”*

The property's zoning district is IH (Industrial Heavy), which allows utility substation yards and the staging area (outdoor storage) by Special Exception. The Future Land Use Designation of Rural/Agricultural allows industrial uses by Special Exception. The existing substation use and proposed expansion and staging area serve an essential service to DeSoto County. This application is in **conformance** with all elements of the Comprehensive Plan.

2. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.* Ingress and egress was addressed elsewhere in this report.
  - a. Automotive safety and convenience. This Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property. One existing driveway on State Road 70 serves the substation yard. A 20' wide paved access drive is proposed to access the expansion and staging area. Thus, it is concluded that this is **in conformance**. NO FIRE DRC COMMENTS
  - b. Pedestrian safety and convenience. The subject property is improved with an existing utility substation yard. The proposed special exception is to allow for the expansion of the substation and a proposed staging area (outdoor storage) on the subject property. The facility is unmanned and no sidewalks are proposed. Thus, it is concluded that this is **in conformance**.
  - c. Traffic flow and control. This Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property. One existing driveway on State Road 70 serves the substation yard. No parking is proposed for the unmanned facility. The proposed 20' access drive provides a 75' paved turnaround area at the entrance gate to the proposed staging area. Thus, it is concluded that this is **in conformance**.
  - d. Access in case of fire or catastrophe. This Special Exception request is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property. One existing driveway on State Road 70 serves the substation yard. No parking is proposed for the unmanned facility. The proposed 20' access drive provides a 75' paved turnaround area at the entrance gate to the proposed staging area. The location of the nearest DeSoto

County Fire Rescue station, Station 1, is 12.4 miles to the west. The Fire Inspector had no other objections with regards to access. Thus, it is concluded that this is in **conformance**.

3. *Off-street parking and loading areas, where required, and economic, noise, vibration, dust, glare or odor effects of the Special Exception on adjoining properties and properties generally in the district.* Issues generally related to off-street parking and loading has been addressed elsewhere in this report.
  - a. Economic impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property. Based on the above, it is concluded the application is in **conformance** with this factor.
  - b. Noise impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage). Based on the above, it is concluded the application is in **conformance** with this factor.
  - c. Vibration impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property and will not generate adverse vibration impacts. It is concluded the application is in **conformance** with this factor.
  - d. Dust impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property and will not generate adverse dust impacts. Based on the above, it is concluded the application is in **conformance** with this factor.
  - e. Glare impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property and will not have any negative impacts on glare. Based on the above, it is concluded the application is in **conformance** with this factor.
  - f. Odor impacts. The proposed special exception is to allow for the expansion of an existing utility substation and a proposed staging area (outdoor storage) on the subject property and will not have any negative impacts on odors. Based on the above, it is concluded the application is in **conformance** with this factor.
4. *Utilities, with reference to locations, availability, and compatibility.* Utilities were addressed elsewhere in this report.
5. *Screening and buffering with reference to type, dimensions, and character.* Screening and buffering were addressed elsewhere in this report.
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.* Signs and lighting were addressed elsewhere in this report.
7. *Required yards and other open space.* Required yards and other open space were addressed elsewhere in this report.

8. *General compatibility with adjacent properties and other property in the district.* Table 1 and Figure 1 show the subject property is located within an Agricultural- 5 (A-5) zoning district.

**TABLE 1  
LAND USE AND ZONING**

DIRECTION	EXISTING USE	LAND USE	ZONING
SITE	EXISTING SUBSTATION YARD	RURAL/AGRICUL TURAL	IH
NORTH	ORNAMENTALS	RURAL/AGRICUL TURAL	A-10
SOUTH	DEPARTMENT OF CORRECTIONS FACILITY	RURAL/AGRICUL TURAL	A-10
EAST	ORNAMENTALS	RURAL/AGRICUL TURAL	A-10
WEST	ORNAMENTALS	RURAL/AGRICUL TURAL	A-10

**Sources:** DeSoto County Property Appraiser (2022); DeSoto County Geographic Information System maps.

The subject property is in an area predominantly located in the Rural/Agricultural future land use designation. The site is currently developed with a utility substation yard. The Special Exception request is to expand the substation and provide a staging area (outdoor storage). The adjacent parcel is agricultural (ornamentals) with the DeSoto Correctional Institution to the south, across State Road 70 and an industrial use, DeSoto Recycling & Disposal, to the east. Based on the above, it is concluded the application is in **conformance** with this factor.

9. *Any special requirements set out in the zoning district regulations for the particular use involved.* The Development Director finds the LDR does not have any special requirements in the IH zoning district with regard to the expansion of the existing utility substation and proposed staging area (outdoor storage), besides the special exception in addition to the special exception requirement for industrial uses in the Rural/Agricultural future land use designation in Policy 1.3.4. Based on the above, it is concluded the

application is in **conformance** with this factor.

10. *Public and private utilities, structures, or uses required for public or private utilities, including but not limited to wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a special exception use unless determined by the Board to be essential service. In addition to items 1 through 9 above, the review of the request for a Special Exception Use shall include consideration of a plan showing all improvements or alterations that are proposed for the utilities or facilities. The proposed location of such utilities or facilities shall be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the County. The public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface or ground water drinking supplies, and whether the facility can properly be located on the site and in the development which it is to service shall also be taken into consideration where appropriate. Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare of the public or surrounding property owners.*

The special exception use application is for the expansion of an existing utility substation yard and proposed staging area (outdoor storage) on the subject property. A Site Development Plan was submitted with the application showing the existing and proposed improvements. A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard. Thus, this factor or criteria is in **conformance**.

11. *The proposed use shall not act as a detrimental intrusion into the surrounding area. The proposed special exception is to allow for the expansion of an existing utility substation yard and proposed staging area (outdoor storage) on the subject property. The 2040 Future Land Use Map shows the subject property is located within the Rural/Agricultural Land Use (See Attachment B). The subject parcel is a lot of record. According to the County's Comprehensive Plan, Policy 1.3.4, "The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses."*

The property's zoning district is IH (Industrial Heavy), which does allow utility substation yards by Special Exception as well as the proposed staging area. The Future Land Use Designation of Rural/Agricultural is consistent with the proposed use. The existing utility substation yard received previous approval and is proposing a 0.34 acre expansion of the substation with the addition of a 5.53 acre staging area (outdoor storage). A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard. The Development Director concludes the application is in **conformance** with this factor **with conditions**.

12. *The proposed use shall meet the performance standards of the district in which the proposed use is permitted.* The proposed special exception is to allow for the expansion of an existing utility substation yard with proposed staging area (outdoor storage) on the subject property and meets the performance standards of the IH zoning district. The Development Director concludes the application is in **conformance** with this factor.

In conclusion, based upon the totality of the circumstances as documented herein, the Development Director finds the application includes material necessary to demonstrate, with competent substantial evidence, that granting of the special exception use will not adversely affect the public interest, that the specific requirements governing the individual special exception use application have been met by the applicant, and that satisfactory provisions, arrangements or conditions have been made concerning the above factors.

**D. Public notice requirements.** LDR Section 20-1439(c) 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 Department staff caused written notice of the hearings to be mailed to all property owners and such notice is on file with the Development Department and incorporated herein by reference.

### **ATTACHMENTS**

- Exhibit A: General Location Map
- Exhibit B: Interim 2040 Future Land Use Map, Excerpt
- Exhibit C: Official Zoning District Atlas, Excerpt
- Exhibit D: Site Development Plan

### **ALTERNATIVE ACTIONS**

- A. Enter into the record the Development Review Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to the Board of County Commissioners to adopt the proposed Resolution.

- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein and make a recommendation to the Board of County Commissioners to deny the proposed Resolution.
- 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 to support any necessary conditions, and make a recommendation to the Board of County Commissioners to adopt the proposed Resolution with the 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 Resolution, and make a recommendation to the Board of County Commissioners to table for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Resolution.

### **RECOMMENDED CONDITIONS**

1. Future plan submittals will be required to meet IH zoning district standards in Section 20-140 of the Land Development Regulations.
2. A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard.
3. Future plan submittals shall specify the material and equipment stored at the proposed staging area.
4. The site is in FEMA Flood Zones A and X (Panel 12027C0210C). Pursuant to the requirements of Federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this division: (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity. The Improvement Plan, future plans, and building permit submittals shall conform to all related requirements.
5. Future development applications shall conform to the Land Development Regulations Storm Water Management regulations.
6. The project will be required to secure SWFWMD environmental resource permits and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources.
7. Future development applications will be required to provide an environmental assessment report consistent with LDRs.
8. The project is located outside of DCU's service area and is not required to connect.
9. Future plan submittals should be consistent with the standards for signs and lighting in the LDRs.
10. The applicant or their designee must obtain and maintain a construction waste contract with the franchisee for all construction and demolition waste generated as per County Ordinance 2006-35 through project completion.

### **RECOMMENDED ACTION**

- A. Recommendation. The Development Director recommends the DeSoto County Planning Commission enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein and adopt the proposed Resolution with conditions.
- B. Planning Commission: Scheduled for May 7, 2024
- C. Board action. Scheduled for May 28, 2024

Submitted by:

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John Osborne  
Interim Development Director



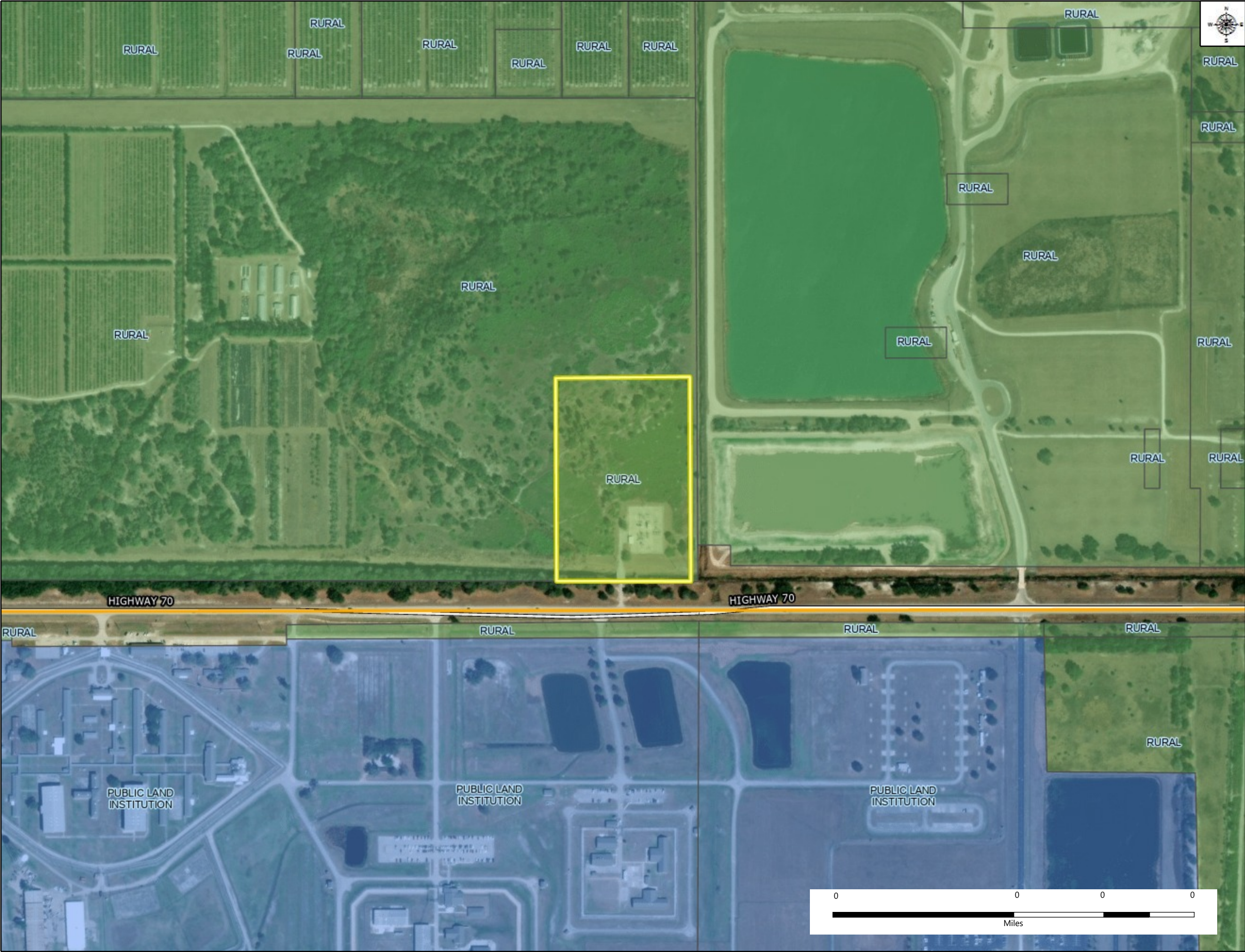


LOCATION MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT A

- Street Labels
- Major Road Labels
- Major Roads
- Streets
- Parcels

July 6, 2023



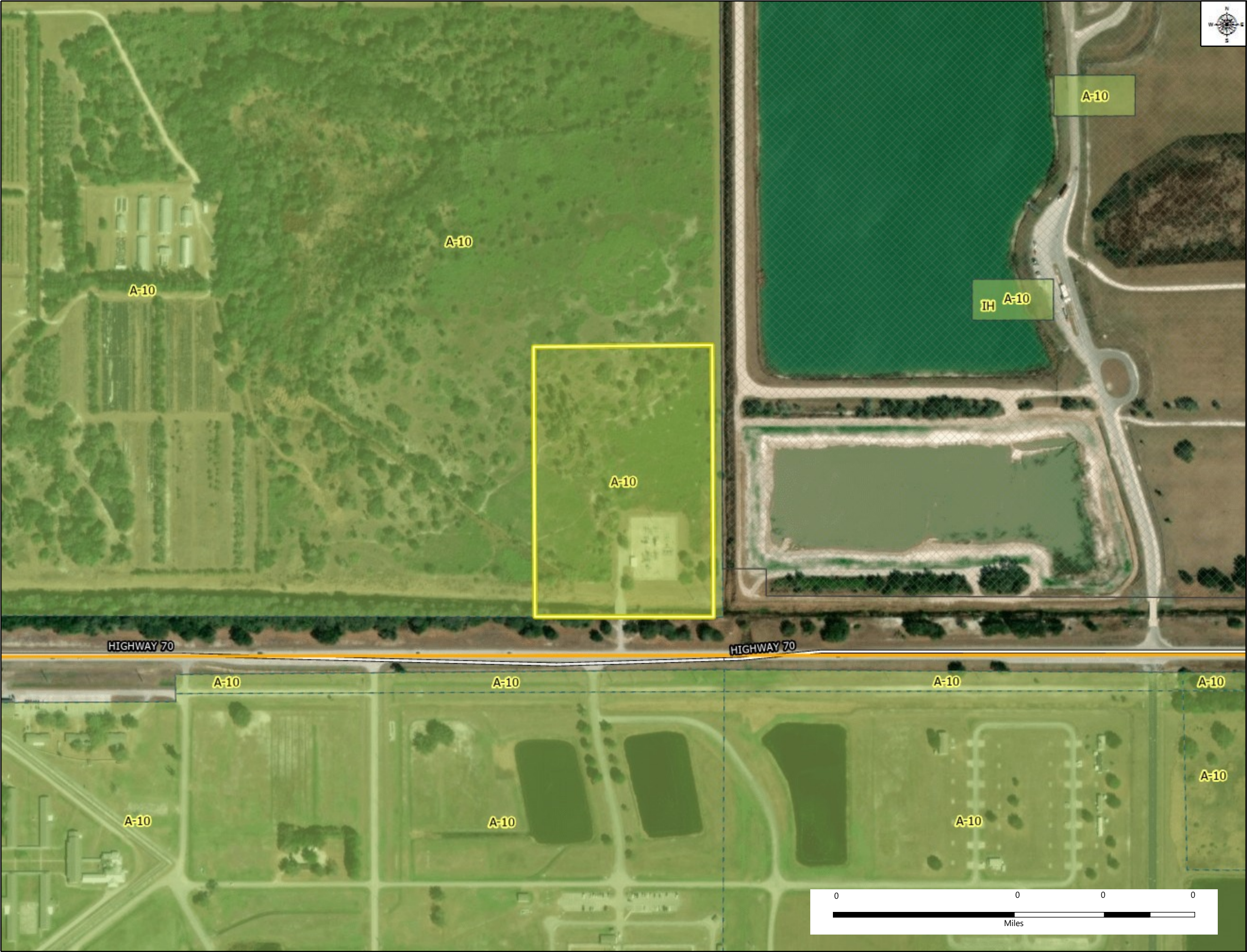


LAND USE MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT B

- Street Labels
- Major Road Labels
- FLUM Labels
- Major Roads
- Streets
- Parcels
- FLUM 2040
  - Preservation
  - Rural/Agriculture
  - Low Density Residential
  - Medium Density Residential
  - Neighborhood Mixed Use
  - Employment Center
  - Commercial
  - Urban Center Mixed Use
  - Public Land/Institutional
  - Electrical Generating Facility

July 6, 2023





ZONING MAP  
SITE-0106-2023  
FLORIDA POWER &  
LIGHT COMPANY  
EXHIBIT C

- Street Labels  
Major Road Labels  
Zoning Labels  
Zoning Designation
- A-10
  - A-5
  - CE
  - CG
  - CITY
  - CN
  - IH
  - IL
  - ILE
  - MHP
  - MHS
  - P/I
  - PM-I
  - PUD
  - RM
  - RMF-12
  - RMF-6
  - RMF-8
  - RMF-M
  - ROI
  - RSF

July 6, 2023

Prepared By

HORNER SHIFRIN



**DESOTO COUNTY, FLORIDA**

**RESOLUTION NO. 2024 - \_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (USE-0167-2024) APPROVAL WITH CONDITIONS TO ALLOW WITHIN THE INDUSTRIAL HEAVY (IH) ZONING DISTRICT THE EXPANSION OF AN EXISTING UTILITY SUBSTATION AND A PROPOSED STAGING AREA (OUTDOOR STORAGE), ON A 14.99 ACRE PARCEL, LOCATED AT 12942 NE HWY 70, THE PROPERTY IDENTIFICATION NUMBER BEING 36-37-26-0000-0012-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the DeSoto County Property Appraiser records show that the subject property is located at 12942 NE Hwy 70 and is owned by Florida Power & Light Company (Exhibit A: Location Map); and

**WHEREAS**, the 2040 Future Land Use Map shows the 14.99 acre property is located within the Rural/Agricultural Land Use designation and the Official Zoning District Atlas shows the property is situated within the Industrial Heavy (IH) zoning district; and

**WHEREAS**, Land Development Regulations (LDR) Section 20-140(1)(c)(7) provides for “Indoor and outdoor firing ranges, airports and landing fields, public utility transmission facilities” and Comprehensive Plan Future Land Use Element Policy 1.3.4 provides for “The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development” as a special exception use provided the criteria for special exception uses in LDR Article XI, Division 5, of this chapter are met; and

**WHEREAS**, on February 20, 2024, a Special Exception Use application and fee was submitted to the Development Department (USE-0167-2024) with the fee for a Special Exception to allow within the Industrial Heavy (IH) zoning district, the expansion of an existing utility substation and a proposed staging area (outdoor storage) on a 14.99 acre property located at 12942 NE Hwy 70; and

**WHEREAS**, the Development Department has reviewed the Development Plan application and concludes the application is in conformance with the LDR provided conditions are imposed; and

**WHEREAS**, on May 7, 2024, the Planning Commission held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and forwarded the record to the Board of County Commissioners (Board) with the recommendation that the Board adopt the proposed Resolution; and

**WHEREAS**, on May 28, 2024, the Board of County Commissioners held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the Planning Commission and Board hearings; and

**WHEREAS**, the Board concluded the Special Exception use application established through competent substantial evidence the application was in harmony with the LDRs general intent and purpose, is not injurious to the neighborhood or to adjoining properties or is otherwise detrimental to the public welfare based on the findings herein and conditions of approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** *Whereas clauses incorporated.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

**Section 2.** *Property description.* The 14.99 acre parcel is located at 12942 NE Hwy 70, the Property Identification Number being 36-37-26-0000-0012-0000.

**Section 3.** *Findings and conclusions.* The Development Review Report, incorporated herein by reference, represents the written findings of fact and conclusions to support granting to Florida Power & Light Company, a Special Exception use development order within the Industrial Heavy (IH) zoning district, the expansion of an existing utility substation and a proposed staging area (outdoor storage) on a 14.99 acre property located on State Road 70 as displayed on the site development plan (Exhibit D: Site Development Plan), in accordance with the Land Development Regulations subject to the following conditions:

1. Future plan submittals will be required to meet IH zoning district standards in Section 20-140 of the Land Development Regulations.
2. A Type B perimeter landscape buffer is required for an industrial use adjacent to agriculture and shall be shown on future plan submittals in accordance with Article VI, Division 6 of the LDR. An alternative landscape buffer plan may be provided where landscaping may pose a hazard with the improvements in the substation yard.
3. Future plan submittals shall specify the material and equipment stored at the proposed staging area.
4. The site is in FEMA Flood Zones A and X (Panel 12027C0210C). Pursuant to the requirements of Federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this division: (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity. The Improvement Plan, future plans, and building permit submittals shall conform to all related requirements.
5. Future development applications shall conform to the Land Development Regulations Storm Water Management regulations.

6. The project will be required to secure SWFWMD environmental resource permits and County review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources.
7. Future development applications will be required to provide an environmental assessment report consistent with LDRs.
8. The project is located outside of DCU's service area and is not required to connect.
9. Future plan submittals should be consistent with the standards for signs and lighting in the LDRs.
10. The applicant or their designee must obtain and maintain a construction waste contract with the franchisee for all construction and demolition waste generated as per County Ordinance 2006-35 through project completion.

**Section 4.** *Effective date.* This Resolution shall take effect immediately upon its adoption.  
**PASSED AND ADOPTED** this 28th day of May, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA**

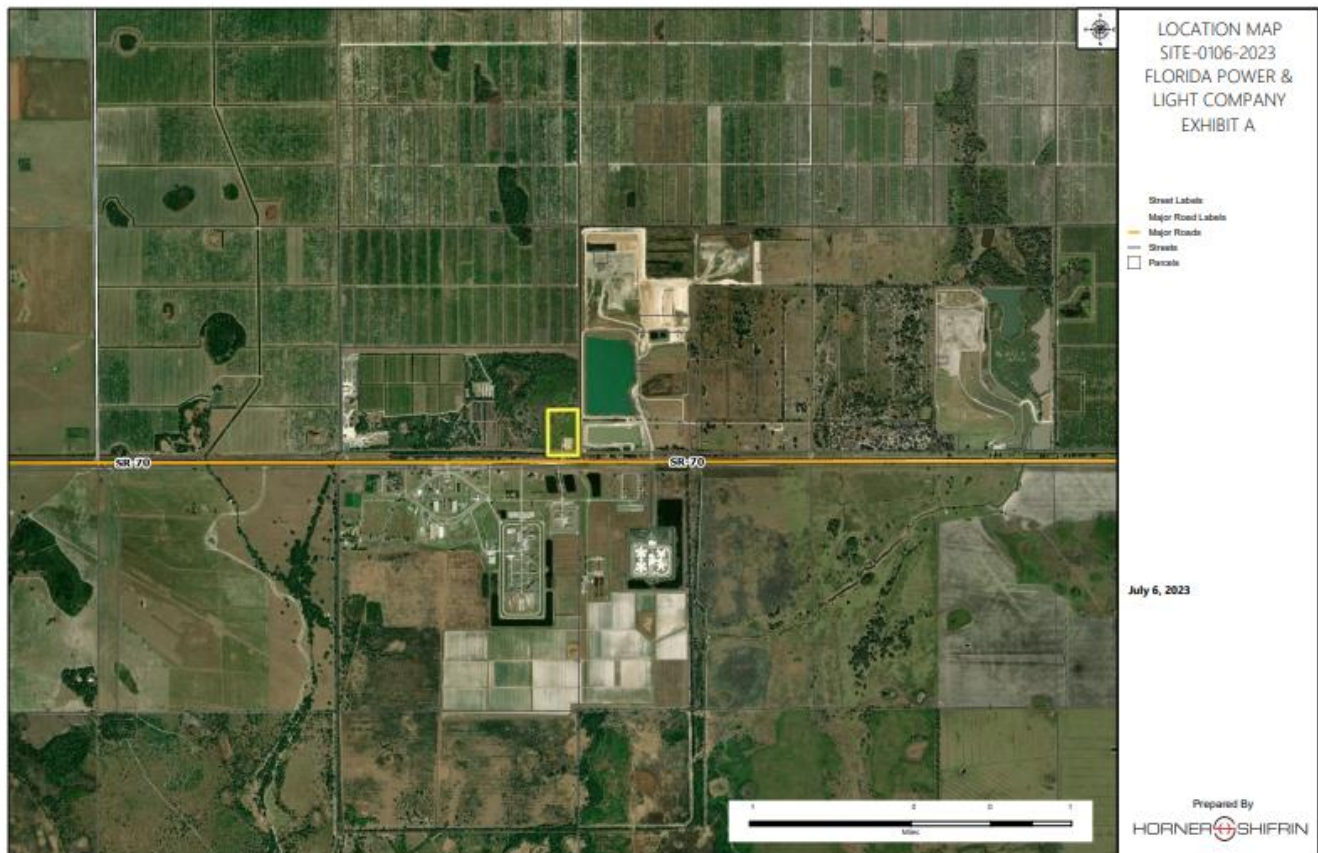
By: \_\_\_\_\_  
Mandy Hines  
County Administrator

By: \_\_\_\_\_  
Jerod Gross, Chairman  
Board of County Commissioners

**APPROVED AS TO LEGAL FORM**

By: \_\_\_\_\_  
Donald D. Conn  
County Attorney

## Exhibit A







# DeSoto County

5/7/2024

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**Item #:**

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- ☐ Consent Agenda    ☐ Quasi-Judicial Public Hearing  
☒ Regular Business    5:30 pm  
☐ Public Hearing    Resolution

**DEPARTMENT:**    Planning & Zoning  
**SUBMITTED BY:**    Laura McClelland  
**PRESENTED BY:**    John Osborne

**TITLE & DESCRIPTION:**  
**Resolution / Steve Fussell (PLAT-0159-2024)**

**REQUESTED MOTION:**  
**A motion to enter into the record this Development Review Report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed Resolution.**

**SUMMARY:**  
**The matter before the Board of County Commissioners is a request to approve a Major Plat to be known as "Green Acres of Lettuce Lake". The request is to subdivide one (1) property into seven (7) lots. The property is located within the Agriculture-5 (A-5) zoning district, the Rural Land Use category and within the Conservation Overlay.**

**BACKGROUND:**  
Click or tap here to enter text.

**FUNDS:**  
Budget Amount: Click or tap here to enter text.  
Actual Agenda Item: Click or tap here to enter text.  
Cost: Click or tap here to enter text.  
Account Number: Click or tap here to enter text.  
Explanation: Click or tap here to enter text.

## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**REQUEST:** Approval of Major Plat  
(PLAT 0159-2024) Green Acres of Lettuce Lake

**PROPERTY OWNER:** Steve Fussell  
PO Box 1695  
Arcadia, Florida 34265

**PROPERTY ID:** 23-39-23-0000-0010-0000

**PROPERTY ADDRESS:** SW Kissimmee Road, Arcadia, FL

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### **OVERVIEW OF REQUEST**

The matter before the Board of County Commissioners is a request to approve a Major Plat to be known as "Green Acres of Lettuce Lake". The request is to subdivide one (1) property into seven (7) lots. The property is located within the Agriculture-5 (A-5) zoning district, the Rural Land Use category and within the Conservation Overlay.

**Sec. 20-256 (c)(2)** For major subdivisions, upon favorable recommendation by the Development Review Committee, the Development Director will notify the project surveyor and the subdivision plat shall be submitted to the Planning Commission and the Board of County Commissioners for their approval. Upon approval by the Board of County Commissioners, or approval with conditions, the original tracing of the subdivision plat will be returned to the owner or developer who will be responsible for completing the recording process.

The subdivision of property into more than three (3) contiguous lots under common ownership or control is defined as a common plan of development or sale, or larger plan of other commercial or residential development by the State and requires a SWFWMD/FDEP permit for stormwater. State permits will be required prior to any building permits being issued.

The property has potential wetlands on-site and is subject to permitting by State agencies prior to any building permits being issued for those affected lots.

Lots 1-4 will have direct access to SW Reese Street and Lots 5-7 will have direct access to SW Kissimmee Road, both local streets (not functionally classified).

### **Recommended Conditions of Approval:**

1. Following approval by the Board of County Commissioners, the property owner is required to record the plat with the DeSoto County Clerk of Courts within 5 business days.
2. The subdivision is subject to permitting by State agencies prior to any building permits being issued.

3. The site has potential wetlands is subject to permitting by State agencies prior to any building permits being issued on those affected lots.
4. All driveways and access points shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Code and the County Engineering Standard Details Manual prior to any building permits being issued.
5. All work within the County right-of-way will require a Right-of-Way permit from the Engineering Division.

## **ATTACHMENTS**

Exhibit A: General Location Map  
Exhibit B: Proposed Plat

## **RECOMMENDED ACTIONS**

Motion to enter into the record the Staff Report and approve the Resolution for the Major Plat to be known as "Green Acres of Lettuce Lake" with the recommended conditions of approval.

## **PLANNING COMMISSION**

Scheduled for May 7, 2024

## **BOARD OF COUNTY COMMISSIONERS**

Scheduled for May 28, 2024



(PRELIMINARY PLAT) **GREENE ACRES OF LETTUCE LAKE**

BEING LOCATED IN SECTION 23, TOWNSHIP 39 SOUTH,  
RANGE 23 EAST, DESOTO COUNTY, FLORIDA

**MINOR PLAT BOOK**

**PAGE**

**SHEET 1 OF 1**

**OWNERSHIP AND DEDICATION:**

STATE OF TENNESSEE **REPLACE WITH FLORIDA**  
COUNTY OF GILES **REPLACE WITH DESOTO**

KNOW ALL MEN BY THESE PRESENTS THAT JAMES I. GREENE, LLC THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED THIS PLAT OF "GREENE ACRES OF LETTUCE LAKE" TO BE MADE AND DOES HEREBY DEDICATE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED.

WITNESS  
PRINTED NAME: \_\_\_\_\_  
BY: JAMES I. GREENE, MANAGER

WITNESS  
PRINTED NAME: \_\_\_\_\_

**ACKNOWLEDGEMENT:**

STATE OF TENNESSEE **REPLACE WITH FLORIDA**  
COUNTY OF GILES **REPLACE WITH DESOTO**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ( ) PHYSICAL PRESENCE ( ) OR ONLINE NOTARIZATION APPEARED JAMES I. GREENE, WHO IS [ ] PERSONALLY KNOWN TO ME OR HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

(SIGNATURE OF NOTARY PUBLIC)

(PRINTED NAME NOTARY PUBLIC)

**SURVEYOR'S NOTES:**

- 1.) NORTH, THE COORDINATES AND THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), ADJUSTMENT OF 2011. THE BEARING OF SOUTH 00°22'54" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 39 SOUTH, RANGE 23 EAST AS SHOWN HEREON IS HELD AS A BEARING REFERENCE.
- 2.) PROPERTY IS LOCATED IN FLOOD ZONES "X - AREA OF MINIMAL FLOOD HAZARD", "X - 0.2% ANNUAL CHANCE FLOOD HAZARD, AREA OF 1% ANNUAL CHANCE FLOOD WITH AN AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREA OF LESS THAN 1 SQUARE MILE" AND "AE - SPECIAL FLOOD HAZARD AREA WITH BASE FLOOD ELEVATION OR DEPTH DETERMINED", ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 12027C0278C, WITH AN EFFECTIVE DATE OF 10/07/21. THE FLOOD ZONE BOUNDARIES WERE DIGITIZED FROM SAID MAP AS SHOWN AND LABELED.
- 3.) THE ARCADIA ABSTRACT & TITLE COMPANY, INC., CHAIN OF TITLE SEARCH FILE #2023-32592, WAS REVIEWED AND NO EASEMENTS AND/OR RESTRICTIONS WERE LISTED AS ENCUMBERING THE PROPERTY.
- 4.) A 5/8" STEEL ROD AND CAP STAMPED "CORNER LB 8474" HAS BEEN SET AT ALL LOT CORNERS NOT ALREADY OCCUPIED BY A PRM.
- 5.) LIMITS OF WETLANDS UNDER GOVERNMENTAL JURISDICTION, IF ANY, WERE NOT FIELD DETERMINED AS A PART OF THIS PLAT.
- 6.) THE LIMITS OF RIGHT OF WAY MAINTENANCE WERE CONFIRMED IN THE FIELD ON 2/07/2024 BY TROY HUGHES, DIRECTOR OF THE DESOTO COUNTY ROAD AND BRIDGE DEPARTMENT. THE LIMITS OF MAINTENANCE FOR EACH ROAD IS BASED ON THE FOLLOWING:  
SW KISSIMMEE ROAD - HELD THE VISIBLE LIMITS OF MAINTENANCE AT THE EDGE OF HEAVY VEGETATION THAT ALSO FOLLOWS THE BACK OF THE ROADSIDE DITCH  
SW REESE STREET - HELD THE VISIBLE LIMITS OF MAINTENANCE AT THE EDGE OF HEAVY VEGETATION THAT ALSO FOLLOWS THE BACK OF THE ROADSIDE DITCH  
SE LETTUCE LAKE AVENUE - HELD THE VISIBLE LIMITS OF MAINTENANCE AT THE EDGE OF HEAVY VEGETATION THAT ALSO FOLLOWS THE BACK OF THE ROADSIDE DITCH/SWALE. THE ROAD ENDS AS IT BECOMES THE ACCESS INTO OAK HAVEN MOBILE HOME PARK. AT THE POINT OF ACCESS, A TRANSITION AREA BETWEEN COUNTY MAINTENANCE AND PRIVATE MAINTENANCE WAS HELD AS SHOWN.
- 7.) NOTICE: THIS PLAT AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**CERTIFICATE OF APPROVAL BY COUNTY SURVEYOR:**

STATE OF FLORIDA  
COUNTY OF DESOTO

THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER HAS REVIEWED THIS PLAT FOR CONFORMITY TO FLORIDA STATUTES 177, PART 1, AND FOUND IT TO BE IN COMPLIANCE WITH THE PROVISIONS OF SAID STATUTE.

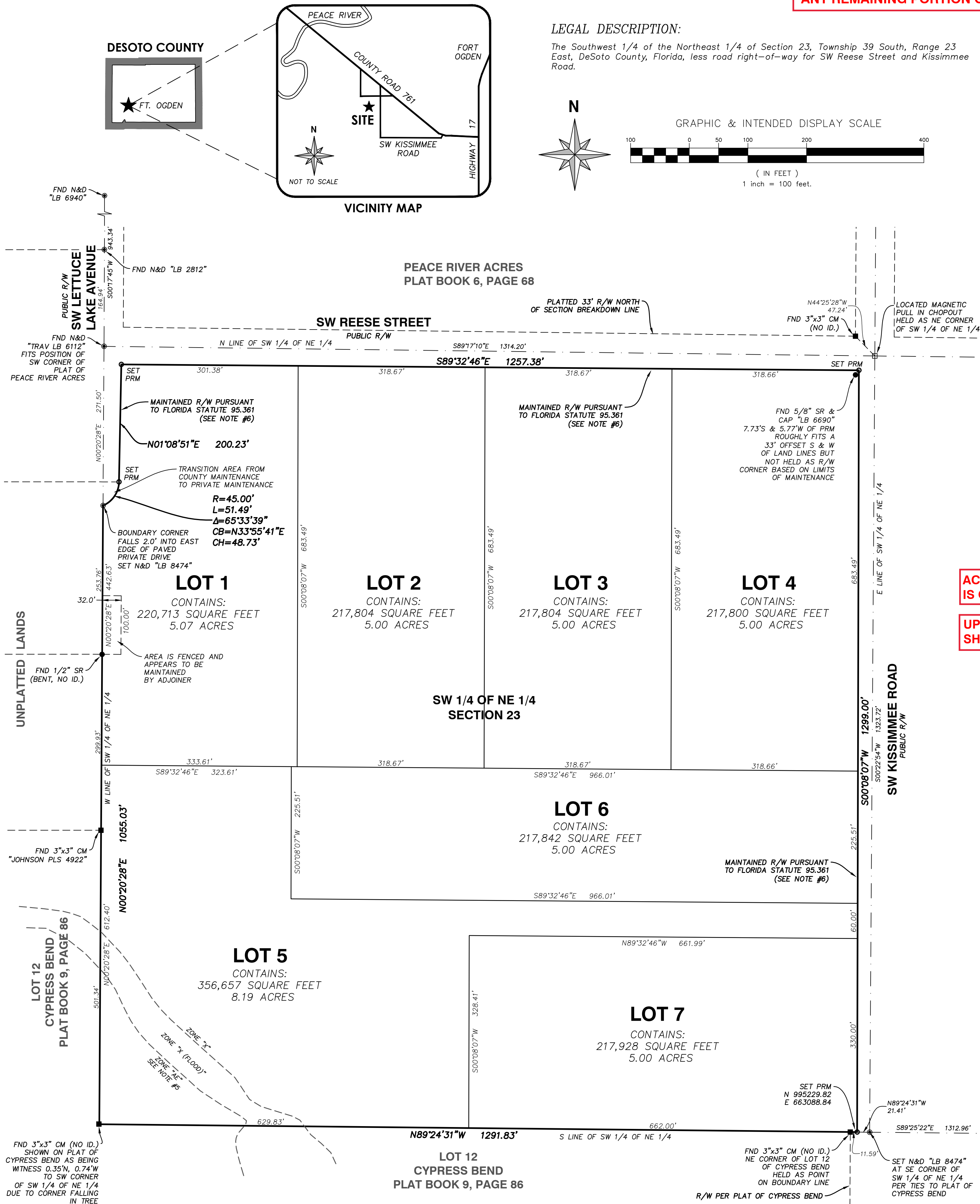
**ROBBY WALKER HAS RETIRED**

ROBBY J. WALKER, PSM-  
FLORIDA REGISTRATION NO. 6629  
DESOTO COUNTY SURVEYOR

DATE  
**REPLACE WITH RUSSELL HYATT**

**REPLACE WITH PSM 6303**

**INSERT "INTERIM"**



**DESOTO COUNTY, FLORIDA**

**RESOLUTION NO. 2024 - \_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO THE OWNER, LAND STEVE FUSSELL, APPROVAL WITH CONDITIONS OF THE GREEN ACRES OF LETTUCE LAKE SUBDIVISION PLAT FOR RECORDATION IN THE AGRICULTURE-5 (A-5) ZONING DISTRICT THAT WOULD SUBDIVIDE THE PARENT PROPERTY INTO SEVEN (7) PARCELS FOR PROPERTY GENERALLY LOCATED AT SW KISSIMMEE ROAD, THE PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0000-0010-0000; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Steve Fussell, is the owner of the parcel located at SW Kissimmee Road; and

**WHEREAS**, on March 1, 2024, the owner filed a Major Subdivision Plat for Recordation application and fee with the Development Department for the above described property; and

**WHEREAS**, the application proposes to subdivide the property into seven (7) lots; and

**WHEREAS**, the property is zoned Agriculture-5 (A-5) district on the Official Zoning District Atlas, which district is consistent with its 2040 FLUM designation; and

**WHEREAS**, the Development Department has prepared a Development Department Report concluding the application is in conformance with the applicable provisions of the Code of Ordinances and the intent of the LDRs; and

**WHEREAS**, the DeSoto County Board of County Commissioners, having considered the Development Department Report and public comment at the May 28, 2024, Board meeting, concludes the application is in conformance with all applicable requirements provided the recommended conditions of approval are imposed; and

**WHEREAS**, the Board finds that approval of this Resolution is in the best interest of the residents of DeSoto County, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses and the Development Department Report are hereby incorporated by reference as part of this Resolution and are ratified and confirmed as being true and correct.

**Section 2.** The Board of County Commissioners hereby grants to the owner, Steve Fussell, approval of the Green Acres of Lettuce Lake application (Plat-0159-2024), attached herein as Exhibit B, with the following conditions:

1. Following approval by the Board of County Commissioners, the property owner is required to record the plat with the DeSoto County Clerk of Courts within 5 business days.
2. The subdivision is subject to permitting by State agencies prior to any building permits being issued.
3. The site has potential wetlands is subject to permitting by State agencies prior to any building permits being issued on those affected lots.
4. All driveways and access points shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the County Land Development Code and the County Engineering Standard Details Manual prior to any building permits being issued.
5. All work within the County right-of-way will require a Right-of-Way permit from the Engineering Division.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 28 day of May, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA**

By: \_\_\_\_\_  
Mandy Hines  
County Administrator

By: \_\_\_\_\_  
Jerod Gross, Vice-Chairman

**Approved as to form and legal sufficiency:**

By: \_\_\_\_\_  
Donald D. Conn  
County Attorney



