

OFFICIAL ZONING DISTRICT ATLAS AMENDMENT  
DEVELOPMENT ORDER APPLICATION

**Considerations for Applications for Rezoning**

Applicant: SBL Partnership & Affiliates as Agent for Sonoma Preserve, LLC

**1. Whether the proposed change would be consistent with the Comprehensive Plan.**

The proposed change would be consistent with the Comprehensive Plan. Specifically, the proposed change is consistent with or furthers the following Goals, Objectives and Policies:

**Future Land Use Element**

**Policy 1.1.2: *Land Use Categories.***

The proposed Planned Unit Development (PUD) is located within the Low Density Residential (LDR) land use category. Low Density Residential has a base density of up to 2 du/acre; up to a maximum of 3.5 du/acre are permitted with the award of bonus density. The proposed PUD is approximately 515 acres and includes a maximum 999 unit manufactured home community with onsite recreation and preserve areas.

Density is defined by the Comprehensive Plan as “[t]he average number of families, persons or dwelling units per unit of land, usually expressed ‘per acre.’” The Comprehensive Plan’s Future Land Use Element, at Policy 1.1.12, provides a more specific calculation of residential density:

Policy 1.1.12: *Density Measurement.* Residential density shall be defined as the amount of dwelling units allowed per gross acre. This calculation shall include the entire property including roads, stormwater facilities, recreation areas, agricultural areas, natural resource preserves, etc. It shall not include areas separated off for non-residential uses (outparcels) or those areas otherwise not included as part of an overall development plan. It shall also not include property within the conservation overlay area, for which density within the area shall be calculated separately.

“Dwelling unit” is defined by the Comprehensive Plan as a “*structure* in which occupants live and eat separately from anyone else, and have direct access to the outside (e.g. to a

hallway or street) of the unit.” “Structure” is defined by the Comprehensive Plan as “[a]nything constructed, installed, or portable, the use to which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. (§308.031 F.S.)”

A manufactured home is defined as:

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) U.S. Department of Housing and Urban Development Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations.

Thus, a manufactured home is expressly defined as a type of dwelling unit. The proposed 999 manufactured homes on 515 acres results in a density of 1.94 units/acre which is consistent with the density permitted by the Low Density Residential land use category.

**Policy 1.1.9: *Zoning District Application Table.* By June 2008, the County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that correspond to specific land use categories.**

No table has been established in the Land Development Regulations establishing zoning districts that correspond to specific land use categories.

**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.**

The subject property, as previously described, is located within the Low Density Residential land use category. The proposed PUD for a manufactured home community is consistent with the primary residential use of the LDR land use category.

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

The proposed community will have a density of 1.94 units/acre

**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.**

The proposed PUD concept plan provides for approximately 242 acres of open space or approximately 47 percent open space, well in excess of the minimum requirement. This is accomplished through clustering the development pods on the upland areas of the site while preserving existing wetlands and species habitat.

**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.**

The Preservation areas within the site are primarily clustered together within the central portion of the property.

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

The project will connect to existing centralized public water and wastewater systems.

**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.

**Policy 1.12.1: Conservation Overlay Designation Location.** The Conservation Overlay area on the Future Land Use Map consists of those lands that potentially contain environmentally sensitive areas, specifically the 100-year Floodplain as exists on the latest FEMA maps and viable wetland areas that exist on the latest National Wetlands Inventory Map. The lines shall not be considered the exact boundary of an area. The Conservation Overlay area is not all-inclusive; other areas do not show up on the FLUM within the overlay boundaries but are environmentally sensitive for other reasons, such as protected plant and animal habitat, are also subject to the applicable Land Development Regulations and any review by agencies with jurisdiction.

This is a major modification to an approved PUD. Alternative Site Plan B creates no new wetland impacts beyond those approved in the existing PUD.

**Policy 1.12.3: Conservation Overlay Designation Development Standards.**

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

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

A jurisdictional wetland line determination has been approved by the Southwest Florida Water Management District which has also issued Environmental Resource Permit No. 49025839.002 for the site. A copy of the SWFWMD permit accompanies this application.

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

The Protected Species Assessment prepared by Ian Vincent & Associates, Inc. provides an inventory of wetlands, soils, habitat and endangered wildlife and plant species.

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

This is a major modification to an approved PUD. Alternative Site Plan B creates no new wetland impacts beyond those approved in the existing PUD.

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

The Protected Species Assessment prepared by Ian Vincent & Associates, Inc. provides an inventory of wetlands, soils, habitat and endangered wildlife and plant species.

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

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

The Southwest Florida Water Management District has issued Environmental Resource Permit No. 49025839.002 for the site. The ERP authorizes permanent impacts to 7.44 acres of forested and herbaceous wetlands and to 1.13 acres of upland-cut ditches and 1.78 acres of isolated wetlands less than 0.5 acres in size. Mitigation for impacts will be provided by a combination of 0.65 acres of on-site Hypericum marsh creation, 30.26 acres of wetland enhancement, 168.00 acres of wetland preserve, 22.88 acres of upland buffer and 16.87 acres of upland preserve resulting from expanding the upland buffer in several locations. A copy of the SWFWMD permit accompanies this application.

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

The Southwest Florida Water Management District has issued Environmental Resource Permit No. 49025839.002 for the site. The ERP authorizes permanent impacts to 7.44 acres of forested and herbaceous wetlands and to 1.13 acres of upland-cut ditches and 1.78 acres of isolated wetlands less than 0.5 acres in size. Mitigation for impacts will be provided by a combination of 0.65 acres of on-site Hypericum marsh creation, 30.26 acres of wetland enhancement, 168.00 acres of wetland preserve, 22.88 acres of upland buffer and 16.87 acres of upland preserve resulting from expanding the upland buffer in several locations. A copy of the SWFWMD permit accompanies this application.

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

The applicable underlying future land use category is Low Density Residential.

**Policy 1.12.4: Any development of a site which includes property determined to be in a Conservation Overlay Designation area, is required to submit a site-specific plan for approval. The plan shall include the clustering of density away from the protected areas and resources. Developments that include Conservation Overlay Designations, but cluster all development activities outside of the Overlay, may be reviewed via a Site Plan Approval process. The following restrictions shall apply to areas determined to be in the COD:**

**(1) Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed:**

- (a) Rural/Agricultural Land Uses shall be consistent with the underlying zoning**
- (b) Low Density Residential Land Uses shall be 1 unit per 4 acres.**
- (c) Medium Density Residential, Neighborhood Mixed Use, and General Mixed Use Districts shall be 1 unit per 2 acres.**
- (d) Urban Center Mixed Use Mixed Use shall be 1 unit per 1 acre. In the future, density transfers out of the Conservation Area may be able to occur offsite from Rural/Agricultural Future Land Uses to Non- Rural/Agricultural Future Land Uses as part of a Transfer of Development Rights Program.**

**(2) Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.**

Concept Development Plan Alternate B submitted as part of this application maintains the density approved in the existing PUD. Alternate B provides for approximately 242 acres of open space or approximately 47 percent open space, well in excess of the minimum requirement. This is accomplished through clustering the development pods on the upland areas of the site while preserving existing wetlands and species habitat.

**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.**

Concept Development Plan Alternate B submitted as part of this application proposes no wetland impacts beyond those approved in the existing PUD. Alternate B provides for approximately 242 acres of open space or approximately 47 percent open space, well in excess of the minimum requirement. This is accomplished through clustering the development pods on the upland areas of the site while preserving existing wetlands and species habitat. The Southwest Florida Water Management District has issued Environmental Resource Permit No. 49025839.002 for the site. The ERP authorizes permanent impacts to 7.44 acres of forested and herbaceous wetlands and to 1.13 acres of upland-cut ditches and 1.78 acres of isolated wetlands less than 0.5 acres in size. Mitigation for impacts will be provided by a combination of 0.65 acres of on-site Hypericum marsh creation, 30.26 acres of wetland enhancement, 168.00 acres of wetland preserve, 22.88 acres of upland buffer and 16.87 acres of upland preserve resulting from expanding the upland buffer in several locations. A copy of the SWFWMD permit accompanies this application.

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

**development away from site resources, to protect and preserve the natural functions of the resource.**

Upland preservation areas are provided around all wetlands on the site. The Southwest Florida Water Management District has issued Environmental Resource Permit No. 49025839.002 for the site. The ERP authorizes permanent impacts to 7.44 acres of forested and herbaceous wetlands and to 1.13 acres of upland-cut ditches and 1.78 acres of isolated wetlands less than 0.5 acres in size. Mitigation for impacts will be provided by a combination of 0.65 acres of on-site Hypericum marsh creation, 30.26 acres of wetland enhancement, 168.00 acres of wetland preserve, 22.88 acres of upland buffer and 16.87 acres of upland preserve resulting from expanding the upland buffer in several locations. A copy of the SWFWMD permit accompanies this application.

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

A 15-foot buffer and an average 25-foot setback shall be provided around the preserved wetland areas.

**(3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.**

Acknowledged.

**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.**

Concept Development Plan Alternate B provides for approximately 242 acres of open space or approximately 47 percent open space, well in excess of the minimum requirement. This is accomplished through clustering the development pods on the upland areas of the site while preserving existing wetlands and species habitat.

**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.**

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.” The following table provides a description of the Land Use Categories, Zoning Districts, and specific types of land uses surrounding the proposed PUD:

	<b>Land Use Category</b>	<b>Zoning</b>	<b>Types of Land Uses</b>
<b>North</b>	Low Density Residential; Preservation	RMF-M, A-5	Manufactured homes, managed preserve (SWFWMD)
<b>South</b>	Charlotte County Low Density Residential	RSF-3.5	Single-family detached dwellings
<b>East</b>	Preservation	A-5	Managed preserve (SWFWMD)
<b>West</b>	Commercial; Low Density Residential	CG; RSF-3	Vacant commercial; single-family detached dwelling (Lake Suzy)

A proposed project is surrounded adjacent on the north and east to vacant preserve lands managed by the Southwest Florida Water Management District. Also to the north is a community of platted lots containing primarily manufactured homes. To the east are vacant commercial lands and the Lake Suzy single family home community. The property abuts the DeSoto/Charlotte line to the south. The adjacent Charlotte County land is the Deep Creek Community, with a greenway immediately adjacent to the proposed site and single-family homes adjacent to the greenway.

Development heights will not extend beyond the height of the adjacent homes. Roads will be paved and utilities will be provided underground. The primary land uses proposed within the PUD (single-family detached dwellings) are consistent with the existing uses and potential uses allowed within the surrounding land use categories and zoning. The adjacent vacant commercial lands will be buffered from the manufactured homes by preservation and recreation areas. Thus, the proposed PUD’s land uses and conditions of development are compatible with and will have no negative impact on those uses and conditions in relative proximity to it.

Further, Future Land Use Element Policy 1.14.2: Use Compatibility states that “(c)ompatibility between uses will be defined by level of density and intensity rather than by use.” The level of density of the proposed PUD will be comparable to that of the adjacent residential communities to west and north and remains the same as the density already approved in the existing PUD on the site.

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

The property is located in an area of the county where service and facilities are currently available to support the land uses proposed for the PUD. As stated previously under Policy 1.4.6, the development will connect to existing centralized public water and wastewater systems.



**Traffic Circulation 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:** The County establishes the following peak hour /peak directional level of service standards for collector, arterial, local, and limited access facilities in the County.

	<b>State Roads</b>	<b>County Facilities</b>
<b>Limited Access Facilities</b>	<b>“D”</b>	<b>“D”</b>
<b>Controlled Access Highway</b>	<b>“B/C”</b>	<b>“D”</b>
<b>Other Multilane</b>	<b>“D”</b>	<b>“D”</b>
<b>Two-Lane Roads</b>	<b>“D”</b>	<b>“D”</b>

The subject property is accessed by Kings Highway, a two-lane arterial road. This is a major modification to an approved PUD which will retain the prior-approved concept development plan and additionally approved Concept Development Plan Alternate B. A traffic generation study prepared by TR Consulting, Inc. establishes that the proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. The traffic generation report has been submitted as part of the application package.

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

The site’s main access is directly onto Kings Highway. Two secondary, emergency-only access points are located at the southwest corner of the site, onto Courtly Manor and along the northern boundary of the site onto Glenadine.

**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.

This is a major modification to an approved PUD which will retain the prior-approved concept development plan and additionally approve Concept Development Plan Alternate B. A traffic generation study prepared by TR Consulting, Inc. establishes that the proposed Concept Development Plan Alternate B produces less traffic than the existing

approved PUD. The traffic generation report has been submitted as part of the application package.

**Policy 1.5.3: *Analysis of FLUM and Zoning Amendments.*** The County 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.

This is a major modification to an approved PUD which will retain the prior-approved concept development plan and additionally approve Concept Development Plan Alternate B. A traffic generation study prepared by TR Consulting, Inc. establishes that the proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. The traffic generation report has been submitted as part of the application package.

**Policy 1.8.13: New residential developments with densities of one or more dwelling units per acre shall provide sidewalks on at least one side of every street and shall be constructed in coordination with the new street or building activity.**

A sidewalk will be constructed along the property line within the public right-of-way of Kings Highway. The site will not be platted and no public streets will be created. Internal access will be provided by private drives which are not subject to the sidewalk requirement.

### **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.**

Concept Development Plan Alternate B will be reviewed during the formal SWFWMD environmental resource permitting process and any applicable county staff review to ensure that the development improvements will not degrade the water quality and quantity of groundwater resources.

**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.**

Concept Development Plan Alternate B provides greater than the required 25% pervious open space. The overall site provides 47% pervious open space through an extensive amount of wetland preservation and buffer areas.

#### **Surface Water:**

**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.**

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

Concept Development Plan Alternate B provides an upland preserve area adjacent to the identified wetlands.

#### **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**

This is a major modification to an approved PUD. Alternative Site Plan B creates no new wetland impacts beyond those approved in the existing PUD. The Southwest Florida Water Management District has issued Environmental Resource Permit No. 49025839.002 for the site. The ERP authorizes permanent impacts to 7.44 acres of forested and herbaceous wetlands and to 1.13 acres of upland-cut ditches and 1.78 acres of isolated wetlands less than 0.5 acres in size. Mitigation for impacts will be provided by a combination of 0.65 acres of on-site Hypericum marsh creation, 30.26 acres of wetland enhancement, 168.00 acres of wetland preserve, 22.88 acres of upland buffer and 16.87 acres of upland preserve resulting from expanding the upland buffer in several locations. A copy of the SWFWMD permit accompanies this application.

**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.**

A Protected Species Assessment in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidelines, which also includes an inventory of habitats on site and the approximate jurisdictional limits accompanies this application. Preserved wetlands are also depicted on the concept plan and are buffered from the proposed PUD improvements.

### **Floodplain and Floodways:**

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

Encroachment into the 100-Year Floodplain will be compensated by equivalent excavation to offset project filling per Section 4.4 of the Southwest Florida Water Management District's Basis of Review pursuant to Environmental Resource Permit No. 49025839.002 which has been issued for the project. A copy of the SWFWMD permit accompanies this application.

**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.**

A Protected Species Assessment, which also includes an inventory of habitats on site, accompanies this application. The site is located within the Core Foraging Area of several wood stork nesting colonies, the Consultation Areas of the crested caracara, Florida scrub jay, Florida Fish and Wildlife Service Consultation Area of the Florida bonneted bat. Gopher tortoise burrows were observed during the survey. Rezoning of the site creates no impacts to either wildlife habitat or endangered or threatened species; if any impacts are proposed during the development permitting and review process, additional coordination relative to the identified species may be required.

## **2. The existing land use pattern.**

The area surrounding the proposed project to the north and east is a designated preserve. Existing development to the north is platted single-family homes, primarily manufactured homes. To the west is vacant commercial land and platted single family homesites. To the south are platted single family homes within Charlotte County's Deep Creek community. The following table provides a breakdown of the land use pattern surrounding the proposed project site.

	<b>Land Use Category</b>	<b>Zoning</b>	<b>Types of Land Uses</b>
<b>North</b>	Low Density Residential; Preservation	RMF-M, A-5	Manufactured homes, managed preserve (SWFWMD)
<b>South</b>	Charlotte County Low Density Residential	RSF-3.5	Single-family detached dwellings
<b>East</b>	Preservation	A-5	Managed preserve (SWFWMD)
<b>West</b>	Commercial; Low Density Residential	CG; RSF-3	Vacant commercial; single-family detached dwelling (Lake Suzy)

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

The proposed rezoning would not create isolated districts unrelated to adjacent and nearby districts. As listed in the table above, the surrounding area in which the subject property is located contains a mix of zoning districts ranging from A-5 to RMF-M to CG. The areas not within the SWFWMD preserve are primarily developed with single family homes, consistent with what is proposed for this PUD and consistent with the site's Low Density Residential land use category.

**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.**

The proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. There is no public transit servicing this area of the county. The project will be served by central water and wastewater provided by DeSoto County Utilities which has adequate capacity to meet the increased demand. The community will be restricted to 55+ so will not impact the availability of the public schools.

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

The existing PUD district boundaries are not proposed to be changed by this request.

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

The existing PUD was not created by an end user, but by an experienced developer creating a plan that reflects the current demands of national homebuilders. The proposed Concept Development Plan Alternate B has been created to the specifications of an end user and meets actual development demands.

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

Living conditions in the area will not be adversely affected. The density, intensity and type of development proposed and permitted within the proposed PUD zoning district is compatible with existing development and existing zoning on surrounding properties. Both the existing PUD and the proposed alternative PUD create residential communities. A minimum 25-foot buffer area is proposed abutting all property lines adjacent to other residential development. A 15-foot Type B landscape buffer will be installed adjacent to the manufactured/mobile home lots to the north of the site and Charlotte County's Deep Creek community to the south of the site. A 20-foot wide Type C buffer will be installed adjacent to the single-family Lake Suzy community to the west of the site. Traffic impacts from the proposed alternative PUD are less than those under the existing PUD.

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

This is a major modification to an approved PUD which will retain the prior-approved concept development plan and additionally approve Concept Development Plan Alternate B. A traffic generation study prepared by TR Consulting, Inc. establishes that the proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. The traffic generation report has been submitted as part of the application package. The site provides a main access and two emergency access points which will provide sufficient access for public safety personnel.

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

The proposed change will not create a drainage problem. The project will be developed with a master stormwater drainage system as permitted by the Southwest Florida Water Management District and managed/maintained to function as designed and permitted.

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

The proposed change will not reduce light and air to adjacent areas as ensured by the proposed development standards which contain requirements for setbacks, buffers, open space and separation between homes.

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

Property values in adjacent areas will not be adversely affected as determined by the study conducted by Maxwell, Hendry & Simmons, LLC, which is included with this application. The results of the study indicate that the approval of the proposed Concept Development Plan Alternate B and the introduction of manufactured housing at this location will not negatively impact the surrounding communities or individual contiguous properties. Additionally, the density, intensity and type of development proposed for this PUD zoning district is compatible with existing development and existing zoning on adjacent properties and with the level of density and intensity contemplated by the Comprehensive Plan. A landscaped buffer will separate the site from adjacent residential properties. The proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. The level of development requested within the proposed PUD zoning district is consistent with the type, density and intensity permitted by the Comprehensive Plan and will not impact adjacent properties and their value.

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

The proposed change will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations. Living conditions on adjacent properties will not be adversely affected. Internal drives will be paved and utilities will be provided underground. A buffer will be constructed between the site and all adjacent residential properties. The proposed Concept Development Plan Alternate B produces less traffic than the existing approved PUD. Additionally, lands adjacent to the north and east of the site are preserve areas managed by the Southwest Florida Water Management District; no development will occur on these lands.

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

The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare. The proposed zoning district is consistent with the type, density and intensity permitted by the Comprehensive Plan with no identifiable objective factors of the proposed PUD negatively impacting the public's health, safety, and welfare.

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

The site can be developed in accordance with the existing zoning. However, the existing PUD approval does not permit manufactured homes. The applicant has developed a number of successful manufactured home communities throughout Florida and requires a modification of the existing PUD in order to construct such a community on this site.

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

The proposed change is not out of scale with the surrounding area and is consistent with the intent of land uses contemplated by the Comprehensive Plan. Traffic and utility impacts will be reduced while school impacts will be eliminated under the proposed development scenario. Development will not extend upward beyond the height of the adjacent single-family homes. The proposed Concept Development Plan Alternate B covers an area that is larger than the surrounding communities, however, the layout and design of the plan preserves significant wetland areas and provides open space and buffers resulting in a scale of development that is consistent with the surrounding area.