

**DESOTO COUNTY
DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION STAFF REPORT**

CASE #: SITE-0123-2023

REQUEST: Improvement Plan Approval

PROPERTY OWNER: Charlotte Harbor Landing, LLC
5348 Vegas Drive
Las Vegas, NV 89108

APPLICANT: D.R. Horton, Inc.
10541 Six Mile Cypress Pkwy.
Fort Myers, FL 33966

PROPERTY ID: West Parcels: 36-39-23-0000-0165-0000; 35-39-23-0177-0000-00N0; 35-39-23-0177-0000-00M1; 35-39-23-0177-0000-00M0; 25-39-23-0000-0096-0000; 26-39-23-0000-0030-0000 (215.49 ac)

East Parcel: 25-39-23-0000-0057-0000 (62.86 ac)

TOTAL PARCEL SIZE: +/- 278.35 acres

ZONING DISTRICT: Planned Unit Development (PUD)

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

PROPOSED REQUEST:

The property is generally located in southwest DeSoto County, on the west side of US 17, north of the Charlotte County line. The applicant requests approval of an Improvement Plan for a 920-unit single family residential development.

The property has a land development history dating back to May 2023, when the subject parcels were rezoned from RMF-6, A-5, and RSF-3 to PUD with a Concept Development Plan for 925 dwelling units, adopted by Ordinance 2023-04 (RZNE-0037-2022).

The project has two distinct and separate areas/sites. The first area is located on SW Liverpool Road, west of the railroad tracks. The second area is located north and east of the first parcel, on the east side of the railroad, along US 17, south of the Liverpool intersection.

The future land use designation for the site at the time of the original rezone and concept plan approval was Low Density Residential, with an allowed density of 3 du/ac and 3.5 du/ac (bonus density), respectively. Pursuant to Ordinance 2023-04, the approved concept plan and rezone to PUD permits a residential density of up to 3.32 du/ac, meeting the criteria for bonus density.

The original approval included seven (7) deviations from code that centered on transportation / roadway design standards.

Data and Analysis

Future Land Use Designation and Zoning

A. Comprehensive Plan and Future Land Use Review

1. **Objective 1.4: Low-Density Residential Use 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.

- **Staff finding**

This property is located within the Low-Density Residential Use designation. The property is currently undeveloped and is proposed to be developed as a residential subdivision consisting of a density of 3.31 units per acre, which is consistent with the Low-Density Residential Use Category, allowing 3.5 units per acre meeting the bonus density criteria. Portions of the site, generally consisting of wetland areas, are within the Conservation Overlay Area and are being preserved as such.

According to the 2040 Future Land Use Map, the property is bordered to the north and west by properties designated as Low-Density Residential, to the east by Low Density Residential and Employment Center, and to the South by properties designated as Rural / Agricultural.

Policy 1.4.2 of the Future Land Use Element states that, “the primary use of this category shall be residential, in a variety of low densities and styles.” The proposed development of this phase of the project meets the intent of this element as it is being developed as a low-density residential subdivision.

Policy 1.4.3 of the Future Land Use Element states that, “the minimum density permitted within this category will be two dwelling units per acre.” The Harbour Lakes Improvement Plan proposes 920 dwelling units on 278.35 acres. The development is proposed to be developed at a density of 3.31 units per acre, meeting the bonus density criteria. The plan illustrates the eastern site being developed in one phase, while the western portion of the project being divided into three phases.

Policy 1.4.4 states that all developments within the Low-Density Residential Category shall provide a minimum of 25% open space. As with density, the open space is evaluated project-wide, not with each individual phase, and provides 26.24% open space.

Policy 1.4.5 requires that open space areas shall be implemented to create natural corridors. The design of the subject project preserves much of the existing wetland system(s) that currently exist on the site which connect both internally and externally to other wetlands and water bodies (both existing and proposed), thus creating the required natural corridors prescribed by this policy.

Policy 1.4.6 prescribes that development within the Low-Density Residential Category shall connect to centralized public water and wastewater systems. The proposed development will connect to The project is proposing to connect to a privately owned and operated wastewater treatment facility located on the east side of US 17. Design details have been provided.

The project is also located within the Conservation Overlay District (COD). Policy 1.12.4 states that 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 Improvement Plan illustrated SWFWMD permit requirements amending the wetland jurisdiction line, wetlands, and protective buffers. Wetlands and buffer area make up 14.16 acres (5.1%) of the site. The plan also calculated density consistent with COD requirements.

Pursuant to FLUE Policy 1.12.3 of the Conservation Overlay District Development Standards, 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. The applicant provided a Wetland Delineation Survey and a Protected Species Assessment with the Improvement Plan.

Pursuant to FLUE Policy 1.12.6 of the Conservation Overlay District (2) states that the minimum wetland 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. The County shall prohibit all development within, and direct development away from, wetlands, unless otherwise approved by the appropriate reviewing agency. A 25-foot minimum wetland buffer is shown on the Improvement Plan.

- 2. Zoning District related issues.** Land Development Regulation zoning district related issues include the zoning district and its consistency with the FLUM, the

uses allowed within the zoning district, the minimum lot size, lot width, and the minimum building setbacks or open yards.

- **Staff finding**

The proposed development is zoned PUD with a density of 3.31 units per acre and is subject to Zoning Ordinance 2023-04, which is reflected in this Improvement Plan.

Adjacent Parcel	Zoning	FLU	Use	Buffer Requirements
North	RMF-6, MHS, RSF-3	Low Density Residential	Single family (Mobile home), pastureland (proposed Liverpool subdivision)	Type B
East	IL, RMF-6, RMF-M, A-5	Low Density Residential, Employment Center	Seminole Gulf Railway, SW Highway 17	Type B
South	RMF-6, RMF-M, A-5	Rural/Agricultural	Vacant, Orchards/groves	Type A (adj to Ag); Type B (adj to Res.)
West	A-5, RSF-3	Low Density Residential	Single family residential, vacant, Seminole Gulf Railway	Type B

The setbacks are as per the approved concept development plan and are shown on the Improvement Plan, for a 20' front, 0/5' side, 10' rear, and 20' waterfront setbacks for single family residences. Townhomes are proposed with 20' front, 0/5' side, 10' rear, and 20' waterfront setbacks.

The proposed 920 units of Harbour Lakes can be found to be consistent with previous approvals. Therefore, the proposed Improvement Plan can be found in conformance with the PUD zoning and Ordinance 2023-04.

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

- **Staff finding**

The west area has a proposed access on SW Liverpool Road, a local roadway, with an emergency access on Marlei Lane. The east parcel has a full access on US 17, an arterial roadway. Two inter-neighborhood ties are proposed with the

proposed Liverpool subdivision to the north. A condition of approval has been included that the inter-neighborhood ties extend through the proposed buffer to the property line. The Improvement Plan currently shows them to stub out on the south side of the proposed buffer. Sidewalks have been provided on one side of the internal streets within the community. The east area has a proposed access on US 17. Internal streets are proposed to be privately owned and maintained. A Traffic Impact Analysis (Updated February 2024, Kimley-Horn) was submitted. An operational analysis for existing (2022), background (2025), and buildout (2025) conditions was performed.

The intersection at US 17 and Liverpool was analyzed. This unsignalized intersection is estimated to meet warrant criteria at 87% development or upon project buildout. However, the Bridlewood project is required to signalize the intersection per FDOT.

The intersection at the east project at US 17 was analyzed. The study determined that the existing northbound left-turn lane is sufficient per FDOT turn lane standards. An ingress right-turn lane was not warranted.

The intersection of the west parcel and SW Liverpool Road was analyzed. Ingress right turn lanes were not warranted. An ingress left turn lane was warranted.

Several deviations from Code were previously approved with the concept development plan (RZNE-0037-2022, Ord. 2023-04) and the approved deviations are noted on the Improvement Plan:

1. Deviation from Section 20-503 to allow a minimum 40' road right of way.
2. Deviation from Section 20-504(C) to eliminate all street shoulder requirements where a closed drainage system is present.
3. Deviation from Section 20-537(A)(5) to allow for each regular parking space to be not less than nine feet in width and 18 feet in length.
4. Deviation from Section 20-503 to allow the minimum centerline radii to comply with the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly known as the "Florida Greenback") as follows:

DESIGN SPEED	CENTERLINE RADIUS
15	50'
20	95'
25	180'

30

300'

5. *Deviation from Section 20-504(A)(10) to allow for two streets to intersect on the same side of any other street at a minimum centerline to centerline distance of 300 feet.*
 6. *Deviation from Engineering Detail D-15 "Maximum cul-de-sac length" to allow for cul-de-sacs with lengths longer than 1,300 feet.*
 7. *Deviation from Sec. 20-505 (2)(a) access separation from 140 feet to 100 feet on a minor collector*
4. **Infrastructure issues.** Infrastructure issues include potable water, sanitary sewer, solid waste, stormwater management, and electricity.
- **Staff finding**
Water service is available to the site. The Project Narrative states that the project intends to connect to DCU water. Wastewater will be provided by a privately owned and operated wastewater treatment facility located on the east side of US 17. DCU has no objections to the Improvement Plan and has recommended conditions.

Fire hydrants are proposed to be installed on internal water mains at regular intervals, as required by Fire Department.

Solid waste will be provided by private can collection for each residential unit. The developer is required to coordinate with Womack Sanitation.

Stormwater is shown on the improvement plan with multiple interconnected wet ponds and wetlands and has been designed in accordance with DeSoto County stormwater management requirements and will be permitted by the Southwest Florida Water Management District prior to construction.

Overhead power lines provide electric service into the development, at which point new underground electric power lines will be installed in proposed utility easements along the road rights-of-way to serve each residential unit and ancillary structures.
5. **Miscellaneous issues.** These include impervious surface area, maximum density, required recreation, and dead storage.

- **Staff finding**

The Low Density Residential Future Land Use designation requires all development within that category to provide a minimum of 25% open space on site. The Improvement plan indicates a proposed open space calculation of 73.04 acres (26.24%).

The proposed Improvement Plan demonstrates that the project will be developed consistently with the maximum density allowed in the Low Density Residential future land use category, which is evaluated for the project as a whole rather than each phase individually. The development will provide for its own internal recreational facilities and open space recreational areas.

The Improvement Plan proposes a Type B buffer where adjacent to residential and agricultural uses. A 50' minimum natural buffer is proposed when adjacent to existing wetlands. No buffer is proposed adjacent to the Seminole Gulf Railway corridor.

STAFF REVIEW

Staff review has determined that this application, SITE-0123-2023, can be found consistent with the Comprehensive Plan, Land Development Regulations, and Ordinance 2023-04, with the recommended conditions to be imposed.

RECOMMENDED CONDITIONS FOR APPROVAL:

1. All work within the County right-of-way will require approval of a right-of-way permit through the Engineering Division. The County may request a modification of the limits of the paving operation with the right-of-way permit, depending on the construction timing in relation to the County's FDOT funded Liverpool paving project from US 17 to the railroad right of way.
2. The two inter-neighborhood ties along the north property line, shall be extended to connect to internal roadways planned in the Liverpool PUD. A temporary emergency turn-around (designed to the satisfaction of the Public Safety Director) shall be installed at the terminus of each roadway, if said road is constructed prior to the planned connection roadway in the Liverpool PUD.
3. All lighting shall be arranged and designed to prevent any glare or excessive light on adjacent properties, including lighting for the amenity center and mail kiosk parking areas. At a minimum, lighting shall be installed in public parking areas and along the pedestrian path from the parking lot(s) to the main amenity area building entrance, with a minimum illumination level of one footcandle.
4. Applicant shall be responsible for the perpetual required roadway repairs and maintenance of the proposed secondary and emergency access point planned between SW Liverpool Road and the site (unimproved Marlei Lane).

5. The applicant shall provide an access permit from the Florida Department of Transportation for the access on US 17 to DeSoto County Engineering prior to issuance of the Notice to Proceed.
6. Applicant shall provide an Environmental Resource Permit from the Southwest Florida Water Management District to DeSoto County, prior to issuance of the Notice to Proceed.
7. DR Horton & Charlotte Harbor Landings, LLC has reserved 930 Phase II Equivalent Residential Units (ERUs) of wastewater capacity. The Phase II ERUs reservation is for future capacity, which is not currently available, and the timing of the availability of Phase II ERUs is unknown. The Notice to Proceed shall be conditioned to allow the construction of Phase II only after wastewater capacity has been secured from the DCU (DeSoto County Utilities) Department.
8. The applicant shall supply floor plans and other needed information to calculate the required Water and Sewer ERUs for the proposed club house and other amenities. Capacity shall be purchased prior to building permit issuance.
9. The contractor shall schedule a construction kick off meeting with DCU 2 weeks prior to construction. Additionally, the Contractor shall provide DCU with a construction schedule prior to the kickoff meeting. Inspection requirements will be determined at the aforementioned meeting.
10. Submittals/shop drawings for all products to be used for the water and sewer construction shall first be approved by the owner's engineer and then submitted to DCU for approval, prior to ordering.
11. The owner shall have inspection(s) performed by a private professional engineer. The owner's engineer shall be responsible for certifications to FDEP post construction prior to issuance of the first Certificate of Occupancy
12. Once construction is completed, the owner's engineer shall provide a dedicated overall water system map (1 sheet 24 x 36 or similar size) for the onsite system and connection to the existing County water main. The water system map shall include road names, valve locations, hydrant locations, blow-off locations, water main sizes and all other significant components. This shall be provided prior to sign off on FDEP water permit completion certification and issuance of the first Certificate of Occupancy.
13. Once construction is completed, the owner's engineer shall provide a dedicated overall sewer system map (1 sheet 24 x 36 or similar size) for the onsite wastewater system and connection to the existing County sewer system to the DCU The sewer system map shall include road names, valve locations, manhole locations, force main size, force main and gravity main locations, lift station locations and all other significant components. This shall be provided prior to the county signing off on the FDEP sewer permit completion certification and issuance of the first Certificate of Occupancy.
14. Surveyed record drawings signed and sealed by Florida Licensed Professional Land Surveyor or Engineer shall be provided for DCU approval. This shall be completed prior

to the DCU signing off on the FDEP construction completion certifications and issuance of the first Certificate of Occupancy.

15. All lift station start up information, operations and maintenance manual materials, and all system testing required by the DeSoto County Utilities Standards shall be completed with final reports supplied to the DCU prior to the DCU signing off on the FDEP construction completion certifications and issuance of the first Certificate of Occupancy.
16. Prior to the DCU signing off on the FDEP Construction Completion Certificates and the county issuing the first Certificate of Occupancy, the developer shall provide a signed and sealed (by a Florida Licensed Land Surveyor) sketch and legal description for the Public Utility and Access Easements, along with conveyance documents in a form acceptable to the County Attorney's Office. The Easement must include the design approved on the Improvement Plan for the right of way and the 10 foot Public Utility Easement on both sides. Final easement instruments must be approved and accepted by the Board of County Commissioners. The applicant shall record the Board approved easement documents with the Clerk of Court and provide the DCU with a copy of the recorded documents prior to DCU signing off on FDEP Construction Completion Certifications and issuance of the first Certificate of Occupancy.
17. Once construction is completed, the DCU shall perform any required repairs or maintenance on the utility system. All surface restoration will be the responsibility of the property owner.
18. The applicant shall coordinate the preparation and execution of a license agreement between the DeSoto County Board of County Commissioners and the Seminole Gulf Railway, providing for the County's occupation, use, and access to the proposed water main located in the railroad right of way upon conveyance of the water main infrastructure from the applicant to the County ("County-Seminole Gulf License Agreement"). Additionally, the applicant shall coordinate and secure an agreement between the CDD and the County requiring that the CDD pay for the Seminole Gulf licensing fees associated with the aforementioned license agreement between the County and Seminole Gulf Railway ("CDD Payment Agreement). Final approval and execution of the County-Seminole Gulf License Agreement and the CDD Payment Agreement by all involved parties is required prior to the DCU acceptance of the water main installation, sign-off on the FDEP certification, issuance of the first Certificate of Occupancy, and water service being provided.

ALTERNATIVE MOTIONS

- A. Approval:** Based upon the staff report, evidence presented, and comments made at the Public Hearing, the Board hereby finds the application to be CONSISTENT with the DeSoto County Comprehensive Plan, in compliance with the applicable review standards of the Land Development Regulations, and I move to approve the Harbour Lakes Improvement Plan (SITE-0123-2023).
- B. Denial:** Based upon the staff report, evidence presented, comments made at the Public Hearing, the Board hereby finds the request to be INCONSISTENT with the DeSoto County

Comprehensive Plan and not in compliance with the applicable review standards of the Land Development Regulations, and I move to DENY the Harbour Lakes Improvement Plan (SITE-0123-2023).

C. Table: Based upon the staff report evidence presented, comments made at the Public hearing, the Board hereby finds that additional information is needed to make a recommendation, I move to TABLE consideration of the Harbour Lakes Improvement Plan (SITE-0123-2023) and require the applicant to readvertise the project with the new hearing dates.

ATTACHMENTS

Exhibit A: Location Map

Exhibit B: Official Zoning District Atlas

Exhibit C: Future Land Use Map

Exhibit D: Harbour Lakes Improvement Plan – Overall Site Plan (Sheet 5)

PUBLIC HEARING SCHEDULE

Board of County Commissioners

August 26, 2025