

KATHLEEN RESERVE

RURAL RESIDENTIAL DEVELOPMENT (RRD)

MASTER REZONING & ADOPTION PACKAGE

Master Narrative + Findings + Conditions + Denial Rebuttal Matrix

Prepared For: Swan Capital Partners, LLC (Applicant)

Prepared By: Plan Florida LLC (Agent/Consultant)

Request: Rezoning to Rural Residential Development (RRD) with Binding Development Plan (BDP)

Location: Deeson Road corridor, west of Kathleen Road, unincorporated Polk County, Florida

Future Land Use: Residential Suburban (RS) within the Suburban Development Area (SDA)

Historic Entitlement Context: Prior SPD efforts; current request is a material downshift to address opposition and policy friction while remaining vertically consistent with the Comprehensive Plan.

TABLE OF CONTENTS

- I. Introduction and Purpose
- II. Subject Property and Request
- III. Future Land Use Structure and Vertical Consistency
- IV. Entitlement History and Lessons Learned
- V. SDA Framework: Utilities, "Sewer Not Planned," and Why This Request Is Not a Growth-Management Constraint
- VI. Comprehensive Plan Consistency Analysis (Policy-Keyed)
- VII. RRD Implementation + Binding Development Plan Compliance
- VIII. Neighbor Compatibility and Transition Strategy
- IX. Public Facilities / Transportation / Schools / Public Safety
- X. Requested Action, Adoption Motion, and Ordinance-Ready Findings
- XI. Conditions of Approval (Keyed to Historic Objections)
- XII. Quasi-Judicial Testimony Script
- XIII. Adoption Motion
- XIV. Signature

Appendix I – Denial Rebuttal Matrix (Narrative Format)

Appendix II – Denial Rebuttal Matrix (Staff-Packet Side-by-Side Format)

I. INTRODUCTION AND PURPOSE

This Master Rezoning & Adoption Package supports the request to rezone the KATHLEEN RESERVE property to the Rural Residential Development (RRD) zoning district, implemented through a Binding Development Plan (BDP), consistent with:

1. Residential Suburban (RS) Future Land Use (FLU);
2. Suburban Development Area (SDA) designation; and
3. The County's adopted implementation structure that recognizes clustering and low-impact design as appropriate mechanisms for SDA residential development.

The Applicant's objective is to secure a predictable, capped, and compatibility-focused development entitlement that is more responsive to prior opposition and County policy concerns than earlier proposals, while still lawfully implementing RS FLU in the SDA.

This document:

4. Demonstrates consistency with the Polk County Comprehensive Plan;
5. Integrates specific Future Land Use Element policy citations;
6. Aligns RS and RRD implementation mechanisms;
7. Addresses Suburban Development Area development criteria;
8. Establishes infrastructure timing and adequacy;
9. Provides ordinance-ready findings of fact; and
10. Strengthens the administrative record.

II. SUBJECT PROPERTY AND REQUEST

A. Subject Parcels / Location

The historic Deeson SPD staff report identifies the subject parcels (and the core development area) as:

- Parcel 232720-000000-032050 (+/- 90.57 acres)
- Parcel 232720-000000-024310 (+/- 27.11 acres)

Future Land Use: Residential Suburban (RS) | Development Area: Suburban Development Area (SDA).

Note: The overall project area is treated as a larger consolidated holding of 153.23 acres, with an updated yield and internal lot configuration. The purpose of this package is to provide the policy and quasi-judicial framework; the BDP governs the cap and configuration.

B. Requested Zoning Action

The Applicant requests approval of RRD rezoning with a Binding Development Plan, limiting development to an updated conceptual yield (as described herein) and incorporating compatibility buffering and open space preservation as the primary tools to bridge past objections.

C. Development Program Summary

Total Units	152 dwelling units
Overall Density	Approximately 0.9 dwelling units per acre
Total Acreage	153.23 acres (consolidated holding)
Lot Pattern Refinement	Internal lots adjusted from 83-foot width to 75-foot width; maintains reduced overall density vs. prior SPD; increases design flexibility for buffering and open space placement

III. FUTURE LAND USE STRUCTURE AND "VERTICAL CONSISTENCY"

A core issue in prior entitlement rounds is that analysis can become fragmented—RS density discussions, SDA "timing" discussions, utilities extension discussions, and neighborhood compatibility concerns can be treated as separate silos. The Comprehensive Plan is intended to be applied as a hierarchy.

A. Vertical Consistency Framework

For this site, the proper vertical alignment is:

SDA (broad scale) → RS (specific FLU) → RRD (zoning implementation tool) → BDP (binding cap + layout constraints)

This structure is consistent with the County's own recognition that:

- The site is within RS FLU and SDA;
- Utilities exist (water and sewer) and connection is required for the type/intensity being contemplated;
- Clustering / open space techniques are the appropriate mechanism where environmental constraints exist; and
- The County has already analyzed this corridor as one where modern subdivision design must be integrated carefully with older established patterns.

This hierarchy is critical: The SDA establishes the service and timing framework. The RS designation establishes allowable residential intensity. The RRD zoning district implements RS pursuant to Section 2.121-B of the LDC. The rezoning therefore aligns vertically: SDA → RS → RRD → Binding Development Plan.

B. Why RRD Is Not a "Workaround"

RRD is not being proposed to evade policy; it is being proposed to re-center the entitlement on the County's most common compatibility tools:

- A binding cap (fixed maximum units via BDP);
- Buffering;
- Graduated lot sizing; and
- Permanent open space preservation,

instead of relying on the SPD tool's broader intensity assumptions. RRD is therefore not a deviation — it is a contemplated implementation tool.

IV. ENTITLEMENT HISTORY AND LESSONS LEARNED

The County record reflects that this project has been under active entitlement effort for years and has encountered repeated friction.

A. Comprehensive Plan Change (RS/SDA)

The County staff report documents that, through LDCPAL-2021-17, a portion of the property was changed from Agricultural/Residential Rural (A/RR) and Rural Development Area (RDA) to RS and SDA by the BoCC on April 5, 2022.

B. Prior SPD Denial with Prejudice (2022 Round)

The County record further states that on July 19, 2022, the BoCC held a De Novo Hearing for LDSPD-2022-1 and voted 4-1 to deny with prejudice a request for 242 single-family lots with reduced lot sizes / setbacks and increased density.

C. 2023 SPD Round (Staff-Supported)

By 2023, the Applicant pursued a materially revised SPD concept for 147 lots, and County staff documented the environmental constraints and the logic of clustering on uplands while preserving wetlands/floodway areas. Staff also documented that the plan used 60-foot lots along the west and south edges, 25-foot landscape buffers, and over 20 acres of pasture open space to separate the development from nearby established residences.

The project has also undergone CLASAC nomination and denial, suburban planned development proposals, residential infill interpretations, administrative determinations, and public hearings.

D. Why the Present RRD Request Exists (Bridging Strategy)

The Applicant's RRD request is presented as a good-faith bridge to:

11. Reduce policy stress by lowering intensity from earlier proposals;
12. Improve predictability through BDP limits and recorded constraints;
13. Increase compatibility through edge buffering and lot graduation; and
14. Address the corridor's environmental and drainage realities with open space and low-impact design emphasis (without using density as the sole "solution").

This is not an attempt to relitigate prior SPD denials. It is a deliberate restructuring of the entitlement request so that the County and the community can evaluate a capped, compatibility-forward rezoning, rather than another flexible intensification request. The current RRD request:

- Reduces density from all prior proposals;
- Eliminates suburban intensification tools;
- Enhances buffering;
- Permanently preserves open space; and
- Fixes the development envelope via BDP.

This reflects responsiveness to community concerns while remaining policy compliant.

V. SDA FRAMEWORK: UTILITIES, "SEWER NOT PLANNED," AND WHY THIS REQUEST IS NOT A GROWTH-MANAGEMENT CONSTRAINT

A recurring risk in SDA rezonings is that staff may cite an SDA framework statement—often summarized as "sewer not planned"—as a growth-management constraint. This package addresses that risk directly.

A. The Record Establishes That Water and Sewer Are Present at the Corridor

County staff documented that water and sewer are available to the site. In the 2022 SPD staff report, County staff likewise documented that Polk County Utilities has a 12-inch transmission main for potable water and a 12-inch force main for wastewater service along Deeson Road.

Implication: whatever the generalized SDA narrative may say about sewer "not planned" in some SDA areas, the factual service condition along this corridor is different—and the County's own staff reports already acknowledge that difference.

B. The "Sewer Not Planned" SDA Concept Is Not a Blanket Prohibition

Policy 2.106-A1 describes SDA areas as predominantly residential, with potable water but historically lacking centralized sewer. The Kathleen Reserve area historically fit this description. However, the factual condition has materially changed:

- Centralized sewer has now been extended throughout the corridor.
- Public dollars have funded infrastructure expansion.
- Surrounding properties are connected or capable of connection.

This creates an inverted condition relative to Policy 2.106-A1's historical description. The Comprehensive Plan contemplates areas transitioning from water-only to sewer-served suburban environments. Once sewer infrastructure exists, the policy logic shifts toward supporting efficient utilization.

The 2023 staff report identifies a key policy mechanism: wastewater extension into the SDA is limited unless the BoCC deems it necessary based on enumerated factors, including environmental features or public health. This rezoning does not request a speculative, leapfrog sewer extension pattern. It relies on the already-documented presence of water and wastewater lines along Deeson Road (and, per staff, the corridor context of utilities expansion in northwest Polk).

C. Developer-Funded Service Connection and Limited Extension Footprint

The correct growth-management framing for this request is:

15. Connection to existing systems is required and expected where utilities exist;
16. Any last-mile extensions, internal collection, or service lateral improvements are developer-funded (normal utility extension practice) and are not being requested as a County capital expansion obligation;
17. The project's design does not require the County to build a broader westward sewer trunk "because of this project"; it is positioned as a service connection within an already served corridor, consistent with the staff-documented existence of force main infrastructure along Deeson Road.

Maintaining extremely low densities in a publicly sewer-served corridor:

- Promotes inefficient public service distribution;

- Raises per-unit cost burden on enterprise funds;
- Creates infrastructure underutilization; and
- Encourages leapfrog development elsewhere.

D. Why This Is the Opposite of Sprawl

County staff has recognized the planning logic that centralized wastewater + constrained soils + environmental constraints favor clustering and open space preservation in this corridor. Holding density to extremely low levels in a corridor that is already utility-served risks the very inefficiency and leapfrog patterns that growth management seeks to avoid (i.e., bypassing serviced areas). County staff expressly cites compact/contiguous growth principles as an infrastructure-efficiency goal in their analysis of the corridor.

The proposed RRD density accordingly:

- Supports efficient utilization of publicly funded infrastructure;
- Aligns with public health and safety objectives;
- Reduces per-unit infrastructure cost allocation; and
- Improves enterprise fund performance.

Therefore, the appropriate staff conclusion is not that "sewer not planned" blocks the request. The appropriate conclusion is that this request is structured to:

- Connect to existing utility infrastructure;
- Respect SDA timing/prematurity factors; and
- Implement RS through an approach that increases buffering and preserves substantial open space.

The rezoning therefore advances, rather than contradicts, Policy 2.106-A1.

VI. COMPREHENSIVE PLAN CONSISTENCY ANALYSIS (POLICY-KEYED)

This section is written to be findings-ready and to allow staff to lift language into a staff report.

A. RS + SDA: Existing Suburban Residential Pattern — Policy 2.106-A1

County staff describes the Kathleen community as a place where growth conflicts occur because older residential patterns predate modern standards, and newer utility expansions have encouraged development proposals with increased density. RRD rezoning is intended to reduce that conflict by lowering intensity and hard-binding the plan to a compatibility-forward layout. This policy is not a prohibition on rezoning—it establishes the contextual condition the County expects development to address. The RRD approach directly addresses it.

B. Policy 2.106-A5(h) — Development Criteria / Higher Densities in SDA

Policy 2.106-A5(h) states: "In order to achieve higher densities and intensities allowed by each land use, development in the SDA shall be required to connect to centralized water systems and incorporate clustering and other low impact design criteria as established under the Residential Suburban (RS), Conservation Development, RRD, or RMD sections."

This policy is pivotal. It expressly identifies RRD as an implementation mechanism for higher density within the SDA, conditioned upon:

18. Centralized water connection; and
19. Low-impact design / clustering.

The Kathleen Reserve RRD:

- Connects to centralized water and sewer;
- Preserves wetlands and open space;
- Utilizes clustering principles;
- Implements graduated lot sizing; and
- Preserves environmental corridors.

Thus, the rezoning directly complies with Policy 2.106-A5(h). Importantly, this policy does not discourage increased density — it conditions it on infrastructure and design. Those conditions are satisfied.

C. Environmental Constraints Favor Open Space + Clustering

County staff identified substantial wetlands/flood hazard constraints and described this as a closed basin with flooding realities; they expressly note that clustering development on uplands is encouraged to avoid sensitive areas and maximize stormwater management. RRD's binding plan and required open space tools are aligned with that logic.

D. Policy 2.106-A7 — Timing of Development / Prematurity Factors

Policy 2.106-A7 identifies factors indicating premature development:

20. Lack of functional relationship;
21. Displacement of viable agriculture;

22. Lack of urban services; and
23. Deficient road network.

County staff's SPD analysis articulates prematurity factors related to road adequacy, urban services (police/fire/EMS), and displacement of viable agriculture. Staff further documented that:

- Water and sewer are available;
- Schools have capacity;
- Fire/EMS and law enforcement are in close proximity; and
- Deeson Road is an urban collector with available capacity.

The Kathleen Reserve RRD does not meet any premature criteria:

Functional Relationship:

The site is contiguous to established residential development and located along an existing collector corridor.

Agricultural Displacement:

The property is not part of an ongoing, economically viable agricultural enterprise.

Urban Services:

Urban services now exist: centralized water and sewer; police, fire, and EMS service coverage; and proximity to arterial road network.

Road Adequacy:

Deeson Road functions as an established collector corridor. Traffic impacts are lower than previously proposed SPD intensities. RRD is less intense than the prior SPD concepts, and therefore prematurity risk is reduced, not increased, relative to earlier proposals.

Accordingly, the project is not premature under Policy 2.106-A7.

E. RS Future Land Use Implementation — Sections 2.120-A and 2.121-B

Section 2.120-A (Residential Suburban) permits suburban and rural residential development patterns. Section 2.121-B (RRD) provides a zoning mechanism implementing RS while:

- Allowing clustering;
- Preserving open space;
- Establishing graduated lot patterns; and
- Fixing maximum unit count via BDP.

RRD is therefore not a deviation — it is a contemplated implementation tool.

F. Infrastructure Economic Logic & Enterprise Fund Support

Public dollars extended sewer and water into the SDA corridor. If surrounding properties remain vacant, large-lot isolated, or low-density, then per-unit service cost remains high, enterprise fund recovery is delayed, and infrastructure underperforms financially. Moderate density increases within RS parameters:

- Distribute infrastructure cost across more users;

- Improve enterprise fund sustainability;
- Enhance tax base;
- Support police, fire, EMS coverage; and
- Improve fiscal efficiency.

Thus, the rezoning supports fiscal responsibility consistent with public investment.

VII. RRD IMPLEMENTATION + BINDING DEVELOPMENT PLAN COMPLIANCE

A. Why the BDP Is the Correct Legal Tool Here

The County's own SPD conditions describe the concept of a "binding site plan" and require major modifications to return for public process. RRD uses the same governance logic — bind the plan, cap the units, and make changes public and reviewable.

B. Binding Controls Offered by the Applicant

The Applicant's BDP structure is intended to bind, at minimum:

24. Maximum units (cap);
25. Open space / conservation tracts;
26. Edge buffering locations (especially west and south adjacency areas);
27. Access points / circulation concept; and
28. Utility commitment (connect to water/wastewater where available and developer-fund internal distribution).

C. Open Space / Buffering Commitments Track County Compatibility Tools

County staff explicitly listed buffering, limiting intensity, and transition techniques as the compatibility tools the Comprehensive Plan expects. The Applicant's design approach mirrors what staff previously recognized as effective mitigation:

- 60-foot-wide lots along western/southern edges for transition;
- 25-foot landscape buffers along Deeson and the west edge; and
- Substantial open space/pasture separation.

The updated RRD plan direction (wider edge lots, stronger buffers, more preserved area) is consistent with these same mitigation strategies — just placed within a rezoning framework that is less controversial than SPD because it is unit-capped and binding.

VIII. NEIGHBOR COMPATIBILITY AND TRANSITION STRATEGY

A. Established West-Side Neighborhood Pattern and the "Modern Standard" Problem

County staff recognized the corridor challenge: modern subdivision designs must adhere to standards not in place when surrounding development was approved, causing perceived incompatibility conflicts. RRD is presented specifically to bridge that mismatch by placing compatibility and transition ahead of maximum yield.

B. Edge Treatment and "Graduated Lot" Logic

County staff previously documented how the applicant proposed larger lots along the west edge to soften impacts and create a ratio-based transition to older lots. The updated RRD concept continues that transition logic and further tightens predictability by binding the edge condition in the BDP and (where needed) expanding preserved open space and buffering. Compatibility under the Comprehensive Plan requires reasonable transition, not identical lot sizes. The RRD provides that transition.

C. Lighting, Landscaping, and Streetscape Commitments

Staff previously identified shielded lighting, frontage sidewalk connection, crosswalk lighting, and tree requirements as standard compatibility commitments for the corridor. These items are appropriate to carry forward as BDP notes and conditions of approval (see Section XI).

D. Compatibility Findings Summary

The project achieves compatibility through:

- Enlarged western lots;
- Enhanced landscape buffer;
- Interior clustering;
- Fixed BDP envelope; and
- Wetland preservation tracts.

IX. PUBLIC FACILITIES / TRANSPORTATION / SCHOOLS / PUBLIC SAFETY

This section supports "competent substantial evidence" that the request is not premature and is supported by public service proximity.

A. Schools

Staff's 2023 report indicates school capacity exists and identifies expected student generation, capacity percentages, and distances. The project is not premature based on school capacity.

B. Fire / EMS / Sheriff

Staff documented proximity to Fire/EMS station service areas and response logic, including distance to Station 23 and sheriff district response information. Police, fire, and EMS service coverage exists and is available to the site.

C. Road Network

Staff documented Deeson Road as an Urban Collector with available capacity and that the project would access Deeson Road. Given that the RRD concept is less intense than the earlier SPD, transportation impact risk is reduced relative to prior proposals.

D. Utilities

County staff has documented that Polk County Utilities has a 12-inch transmission main for potable water and a 12-inch force main for wastewater service along Deeson Road. The property lies within the County's utility service area. All connections are developer-funded, and no broader trunk extension is required of the County.

X. REQUESTED ACTION, ADOPTION MOTION, AND ORDINANCE-READY FINDINGS

A. Requested Action

Approve rezoning of the Kathleen Reserve property to RRD, and approve the associated Binding Development Plan and conditions of approval.

B. Ordinance-Ready Findings of Fact (County Attorney Style)

1. Jurisdiction / Authority.

Polk County has authority to approve rezonings within the unincorporated area pursuant to its home rule powers and adopted Land Development Code.

2. Future Land Use Consistency.

The subject property's Future Land Use is Residential Suburban (RS) within the Suburban Development Area (SDA). The rezoning to RRD implements RS pursuant to Sections 2.120-A and 2.121-B.

3. Entitlement History / Reason for RRD.

The property has been subject to prior entitlement efforts, including a prior SPD denial with prejudice in 2022 for 242 lots. The present RRD request is a material reduction and restructuring intended to address prior opposition through binding caps, buffering, and open space commitments.

4. Utility Service Condition.

County staff has documented that water and sewer are available to the subject site. Staff has also documented utility infrastructure (12-inch water transmission main and 12-inch wastewater force main) along Deeson Road. The rezoning is consistent with Policy 2.106-A5(h).

5. SDA Timing / Not Premature.

The record supports that public services and infrastructure are available, including school capacity, public safety proximity, and roadway capacity. The project does not meet any of the four prematurity indicators under Policy 2.106-A7.

6. Environmental Constraints and Appropriate Design Response.

The record reflects wetlands/flood hazards and basin flooding constraints, and staff has recognized clustering on uplands and preservation of sensitive areas as appropriate planning responses. The RRD structure and BDP are aligned with that approach.

7. Compatibility / Mitigation.

The Applicant's approach is grounded in compatibility strategies previously recognized in the record, including larger edge lots, landscape buffers, and preserved open space separation. Compatibility requires reasonable transition, not identical lot sizes.

8. Binding Development Plan.

The BDP provides enforceable predictability by capping units and binding key design commitments, ensuring compatibility and limiting future intensification beyond what is approved. The rezoning is supported by competent substantial evidence.

C. Adoption Motion (Script)

"Move to approve the rezoning to Rural Residential Development (RRD) for Kathleen Reserve, adopt the Findings of Fact as set forth in the Master Adoption Package, and approve the Binding Development Plan and Conditions of Approval."

XI. CONDITIONS OF APPROVAL (KEYED TO HISTORIC OBJECTIONS)

These are drafted to be staff-friendly, enforceable, and directly responsive to the recurring themes in the corridor record (density concern, compatibility, utilities, drainage/environment, and predictability).

Condition 1 — BDP Governs / Unit Cap.

Development shall be limited to the maximum unit count shown on the approved Binding Development Plan ("BDP"). No plat, site plan, or development order shall authorize units in excess of that cap.

Condition 2 — BDP Is Binding.

The approved BDP and these conditions shall be binding on the Applicant and successors. Any change that increases unit count, reduces required buffers/open space, relocates primary access, or materially changes the development envelope shall be processed as a major modification requiring public hearing. (Mirrors the County's "binding plan" logic used in prior PD/SPD approvals.)

Condition 3 — Edge Compatibility: West Buffer.

A continuous landscape buffer (minimum width per BDP) shall be installed and maintained along the western boundary adjacent to existing residences. No principal structure shall be located within the buffer.

Condition 4 — Edge Compatibility: Graduated Lots.

Lots adjacent to existing west-side residences shall reflect the graduated lot sizing shown on the BDP (larger edge lots / reduced intensity edge condition), consistent with the compatibility transition concept previously documented in the corridor record.

Condition 5 — Open Space / Conservation Tracts.

All wetlands, floodway areas, and designated conservation/open space tracts shown on the BDP shall be preserved in perpetuity through recordable instruments acceptable to the County (easement or tract language) and shall not be converted to lots.

Condition 6 — Stormwater / Drainage Compliance.

Stormwater facilities shall be designed to meet all applicable County and water management district requirements; post-development discharge shall not exceed pre-development discharge consistent with applicable standards described in the corridor record.

Condition 7 — Wetland Buffers.

Development shall maintain required wetland buffers, and no lots shall be placed within wetlands; any permitted impacts shall be limited to lawful circumstances (access/utility) and mitigated as required by agencies with jurisdiction, consistent with corridor record discussions.

Condition 8 — Utilities: Connection Required Where Available.

The project shall connect to centralized potable water and centralized wastewater where service is available, consistent with staff's documented utility availability to the site.

Condition 9 — Utilities: Developer-Funded Extensions / No Leapfrog Obligation.

Any internal distribution, lateral extensions, and on-site utility infrastructure required to serve the project shall be developer-funded. This approval does not obligate Polk County to extend trunk utilities beyond planned/installed segments; the project is designed to connect to existing corridor infrastructure already documented along Deeson Road.

Condition 10 — Lighting / Streetscape.

Shielded lighting, frontage sidewalk connectivity, and minimum tree planting requirements shall be provided consistent with the corridor compatibility commitments described in the record.

XII. QUASI-JUDICIAL TESTIMONY SCRIPT

Commissioners:

This request implements the Residential Suburban Future Land Use designation through the RRD zoning district.

Utilities have already been extended using public dollars. The question is not whether infrastructure exists — it does. The question is whether it will be efficiently utilized.

RRD provides moderate density, clustering, buffering, and permanent open space.

The project is consistent with Policies 2.106-A1, A5(h), and A7.

It is not premature.
It is not inconsistent.
It is not an intensification beyond RS.

It is a responsible implementation of the Comprehensive Plan.

We respectfully request approval.

XIII. ADOPTION MOTION

Motion to approve the rezoning to Rural Residential Development (RRD), adopt the Findings of Fact contained herein, and approve the Binding Development Plan and Conditions of Approval.

XIV. SIGNATURE

Respectfully submitted,

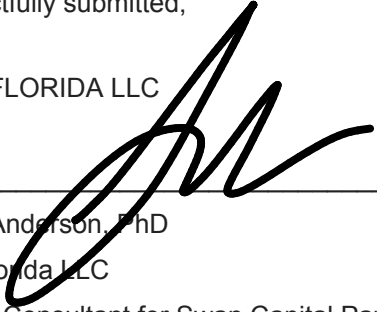
PLAN FLORIDA LLC

By: _____

Jesse Anderson, PhD

Plan Florida LLC

Agent / Consultant for Swan Capital Partners, LLC



APPENDIX I

DENIAL REBUTTAL MATRIX

Kathleen Reserve — Rural Residential Development Rezoning

PURPOSE OF THIS MATRIX

This Denial Rebuttal Matrix is included to:

29. Anticipate potential bases for denial;
30. Tie each anticipated objection to specific Comprehensive Plan policies and Land Development Code sections;
31. Demonstrate competent substantial evidence supporting approval;
32. Provide structured findings for quasi-judicial review; and
33. Strengthen the administrative record.

This matrix is not argumentative in nature. It is structured to ensure that any decision rendered by the Board is grounded in adopted policy language and supported by the record.

SECTION A — DENSITY / "TOO INTENSE FOR THE AREA"

Anticipated Denial Statement:

"The proposed density is incompatible with surrounding development."

Applicable Policies:

- Future Land Use Element — Policy 2.106-A1 (SDA Description)
- Policy 2.106-A5(h) (Higher Densities in SDA)
- Residential Suburban (RS) Implementation — Section 2.120-A
- RRD Zoning District — Section 2.121-B

Record Evidence:

34. The property is designated Residential Suburban (RS).
35. RRD is an expressly authorized implementation mechanism.
36. Policy 2.106-A5(h) contemplates higher densities within the SDA when centralized water is provided.
37. Centralized water and sewer now serve the corridor.
38. Density is materially reduced from prior SPD proposals.
39. The Binding Development Plan fixes maximum unit count.

Rebuttal Conclusion:

Density is within the RS allowance and is implemented through an expressly permitted zoning mechanism (RRD). The Comprehensive Plan anticipates increased density in the SDA when infrastructure exists. The project complies with Policy 2.106-A5(h). A denial based solely on density would conflict with the adopted Future Land Use designation.

SECTION B — PREMATURE DEVELOPMENT (POLICY 2.106-A7)

Anticipated Denial Statement:

"The project is premature under the Suburban Development Area timing criteria."

Applicable Policy:

- Policy 2.106-A7 (Timing of Development — Prematurity Criteria)

Policy Criteria Analysis:

a. Functional and proximate relationship?

Yes. The property is contiguous to existing residential development along Deeson Road.

b. Displacement of viable agriculture?

No. The property is not an ongoing economically viable agricultural operation.

c. Lack of urban services?

No. Water, sewer, police, fire, and EMS services exist and serve the corridor.

d. Deficient road network?

No. Deeson Road functions as a collector corridor. Traffic impacts are lower than previously proposed SPD concepts.

Rebuttal Conclusion:

The project does not meet any of the four prematurity indicators under Policy 2.106-A7. Denial on premature grounds would not be supported by the policy's enumerated criteria.

SECTION C — SEWER NOT PLANNED IN SDA

Anticipated Denial Statement:

"Sewer is not planned in the Suburban Development Area."

Applicable Policies:

- Policy 2.106-A1 (SDA Description)
- Policy 2.106-A5(h) (Connection Requirement for Higher Density)

Record Evidence:

40. Sewer infrastructure has already been extended along Deeson Road.
41. The property lies within the County's utility service area.
42. Surrounding properties are served or capable of service.
43. All connections are developer-funded.
44. No outward expansion corridor is required.

Rebuttal Conclusion:

The policy language describing historical absence of sewer does not prohibit utilization where sewer exists. Policy 2.106-A5(h) explicitly anticipates connection to centralized systems to support higher density. Denial on this basis would contradict the Plan's conditional density framework.

SECTION D — COMPATIBILITY WITH WESTERN NEIGHBORS

Anticipated Denial Statement:

"The development is incompatible with adjacent established residences."

Applicable Policies:

- RS Compatibility Criteria — Section 2.120-A
- RRD Development Standards — Section 2.121-B
- Comprehensive Plan Compatibility Policies

Record Evidence:

45. Enlarged lots are placed along western boundary.
46. Enhanced landscaped buffering exceeds minimum standards.
47. Graduated lot sizing provides transition.
48. Wetland and open space tracts create physical separation.
49. Density reduced relative to prior proposals.

Rebuttal Conclusion:

Compatibility requires reasonable transition, not identical lot sizes. The Binding Development Plan provides enforceable transition measures. The record supports compatibility.

SECTION E — URBAN SPRAWL CONCERNS

Anticipated Denial Statement:

"The rezoning promotes sprawl."

Applicable Policies:

- SDA Framework — Policy 2.106
- Infrastructure Efficiency Principles within FLUE

Record Evidence:

50. Infrastructure is already extended using public funds.
51. Development occurs along an established corridor.
52. The project increases efficiency of existing infrastructure.
53. Low density would perpetuate underutilized public investment.
54. No leapfrog development is created.

Rebuttal Conclusion:

Moderate density within an already serviced corridor reduces per-unit infrastructure cost and improves fiscal efficiency. Denial based on "sprawl" would be inconsistent with the factual infrastructure condition.

SECTION F — PUBLIC OPPOSITION

Anticipated Denial Statement:

"The project is opposed by nearby residents."

Legal Standard:

Generalized public opposition does not constitute competent substantial evidence absent factual support contradicting adopted policy.

Record Evidence:

55. The project complies with the Future Land Use designation.

56. The project implements permitted zoning (RRD).
57. The Binding Development Plan addresses prior concerns.
58. Infrastructure exists and is adequate.

Rebuttal Conclusion:

While public comment is valued, denial must be grounded in adopted policy and supported by competent substantial evidence. The record supports approval.

SECTION G — ENTITLEMENT HISTORY AS BASIS FOR DENIAL

Anticipated Denial Statement:

"Prior proposals were denied; therefore this request should also be denied."

Record Evidence:

59. Initial PD was approved for 252 dwelling units.
60. More recent proposals were Suburban Planned Development (SPD).
61. The current request is RRD.
62. Density has been reduced.
63. Intensification tools have been removed.
64. Buffering has been enhanced.
65. BDP fixes development envelope.

Rebuttal Conclusion:

The current application is materially different. Prior denial does not predetermine the outcome of a distinct rezoning request.

MATRIX SUMMARY FINDING

The Kathleen Reserve RRD rezoning is consistent with FLUE Policies 2.106-A1, 2.106-A5(h), and 2.106-A7. The rezoning implements Residential Suburban (RS) pursuant to Sections 2.120-A and 2.121-B. Infrastructure exists and supports development. The project is not premature. Compatibility measures are enforceable through the Binding Development Plan. Denial on any of the anticipated bases above would require findings inconsistent with the adopted Comprehensive Plan and record evidence.

APPENDIX II

DENIAL REBUTTAL MATRIX

Staff-Packet Side-by-Side Format — Kathleen Reserve RRD

How to use: This table is drafted so staff can paste it directly into a packet. Each row ties (1) a likely denial rationale, (2) the applicable policy/standard hook, (3) what the record shows, and (4) what condition/BDP feature cures the concern.

POTENTIAL DENIAL BASIS	CORRECT POLICY / STANDARD LENS	RECORD EVIDENCE ALREADY IN FILE	BINDING RESPONSE (BDP / CONDITIONS)
"Too dense / incompatible with surrounding area."	Compatibility is achieved through buffering, limiting intensity at edges, and transition tools (as staff described). Policy 2.106-A5(h); Sections 2.120-A and 2.121-B.	Staff previously documented use of larger edge lots + buffers + substantial open space separation as compatibility tools. Density reduced from prior SPD proposals. BDP fixes maximum unit count.	Unit cap fixed in BDP; west edge lots graduated; mandatory west buffer; major modifications require hearing. Conditions 1–5.
"Premature development in SDA."	Prematurity factors focus on services/roads/ag displacement; staff documented services and road adequacy. Policy 2.106-A7(a-d).	Water & sewer available; school capacity confirmed; public safety proximity documented; Deeson Road collector capacity available.	RRD is less intense than prior SPD; utilities connect; no leapfrog extension obligation. Conditions 8–9.
"SDA says sewer not planned, so rezoning can't rely on sewer."	The proper inquiry is factual service condition + lawful extension criteria; staff documents sewer availability to site. Policies 2.106-A1 and 2.106-A5(h).	Deeson corridor has water and wastewater infrastructure documented (12" water transmission / 12" force main). Property within service area. Surrounding parcels served.	Developer-funded internal/lateral work; project connects to existing corridor infrastructure; no requirement for County to build broader extensions. Conditions 8–9.
"Flooding / closed basin / drainage risk makes it unsuitable."	Appropriate response is clustering on uplands, maximizing stormwater management, preserving sensitive areas; staff recognized this logic.	Environmental constraints described; staff explicitly supports clustering/open space/wetland preservation approach. Closed basin flooding realities documented.	Conservation/open space tracts recorded; stormwater designed per standards; wetland buffer protected; discharge limits met. Conditions 5–7.
"Modern subdivision design conflicts with older neighborhood patterns."	Compatibility tools: buffering + limiting intensity + transition techniques. Sections 2.120-A and 2.121-B.	Staff recognized corridor challenge integrating modern standards with older patterns. Prior record documents graduated lot approach.	Edge lots graduated; west buffer required; predictable BDP envelope; lighting/streetscape controls. Conditions 3–4, 10.
"Prior SPD was denied; this is just a re-try."	Proper legal lens is whether the current request is consistent with FLU and whether it materially addresses prior	Record shows 2022 SPD denial with prejudice for 242 lots. Current RRD request is substantially reduced in intensity and binding in nature.	Current request is materially reduced and binding; conditions convert key concerns into enforceable limits; BDP

POTENTIAL DENIAL BASIS	CORRECT POLICY / STANDARD LENS	RECORD EVIDENCE ALREADY IN FILE	BINDING RESPONSE (BDP / CONDITIONS)
	concerns. Sections 2.120-A and 2.121-B.		prevents intensification drift. Conditions 1–5.
"Utilities extension would create sprawl / inefficient service pattern."	Compact/contiguous growth is supported by using existing services and avoiding bypass patterns; staff cited this growth principle. Policy 2.106 SDA Framework.	Staff described corridor context of wastewater expansion encouraging development to utilize urban services. Infrastructure already present along Deeson Road.	Development connects to existing corridor utilities; internal work developer-funded; no broader trunk extension required. Conditions 8–9.
"Wetland impacts / buffers not adequately protected."	Wetlands protected; no lots in wetlands; buffers required; limited impacts only for access/utility with mitigation.	Staff record describes wetland/floodway restrictions and buffer expectations. Substantial wetlands documented on site.	Conservation tracts preserved via recorded instruments; wetland buffers required; impacts limited and mitigated. Conditions 5–7.
"No enforceable plan — future drift likely."	Binding plan concept requires that deviations be processed publicly; staff used this model in SPD conditions.	County already uses "binding plan" governance model for corridor PD/SPD approvals. Prior SPD approvals used same structure.	BDP is binding; major modifications require hearing; unit cap fixed. Conditions 1–2.

WHAT THIS PACKAGE ACCOMPLISHES (IN STAFF TERMS)

- It re-anchors the record to what County staff already documented: utilities exist, environmental constraints exist, and compatibility tools can solve adjacency concerns.
- It prevents the SDA "sewer not planned" shorthand from being misused as a denial crutch by showing the corridor's actual utility condition already in the record.
- It reframes the new RRD request as a material downshift and "bridge" after a documented denial history.
- It provides staff with lift-and-drop findings and conditions.