

**Applicant/Owner:** Keith A. Graham/David S. Rogers

**Location:** 13048 and 13054 S. Lake Mary Jane Road; Generally located along the east shore of Lake Mary Jane, west of S. Lake Mary Jane Road and south of Storys Ford Road

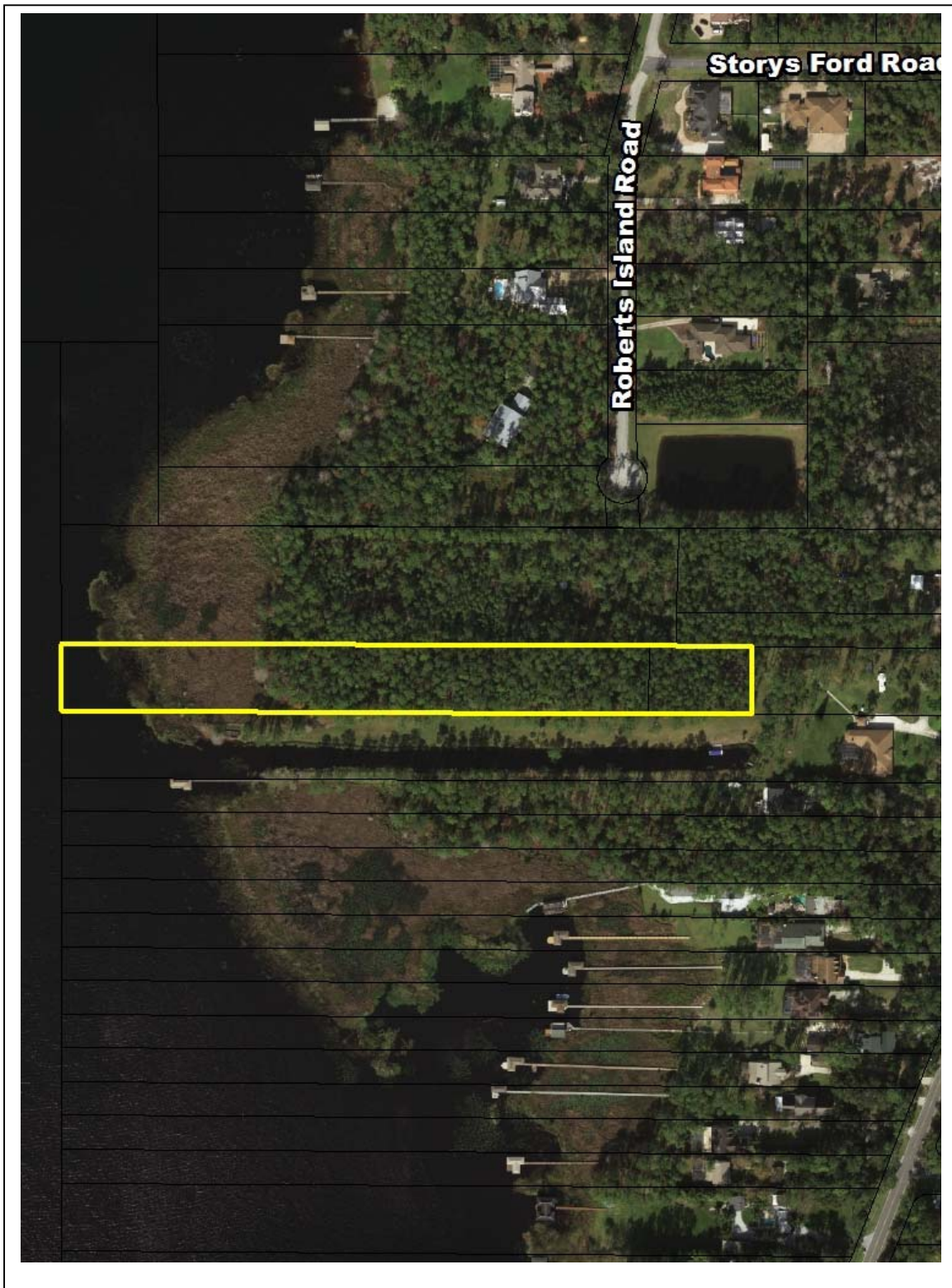
**Existing Use:** Undeveloped Land

**Parcel ID Numbers:**  
25-24-31-3872-00-041/042

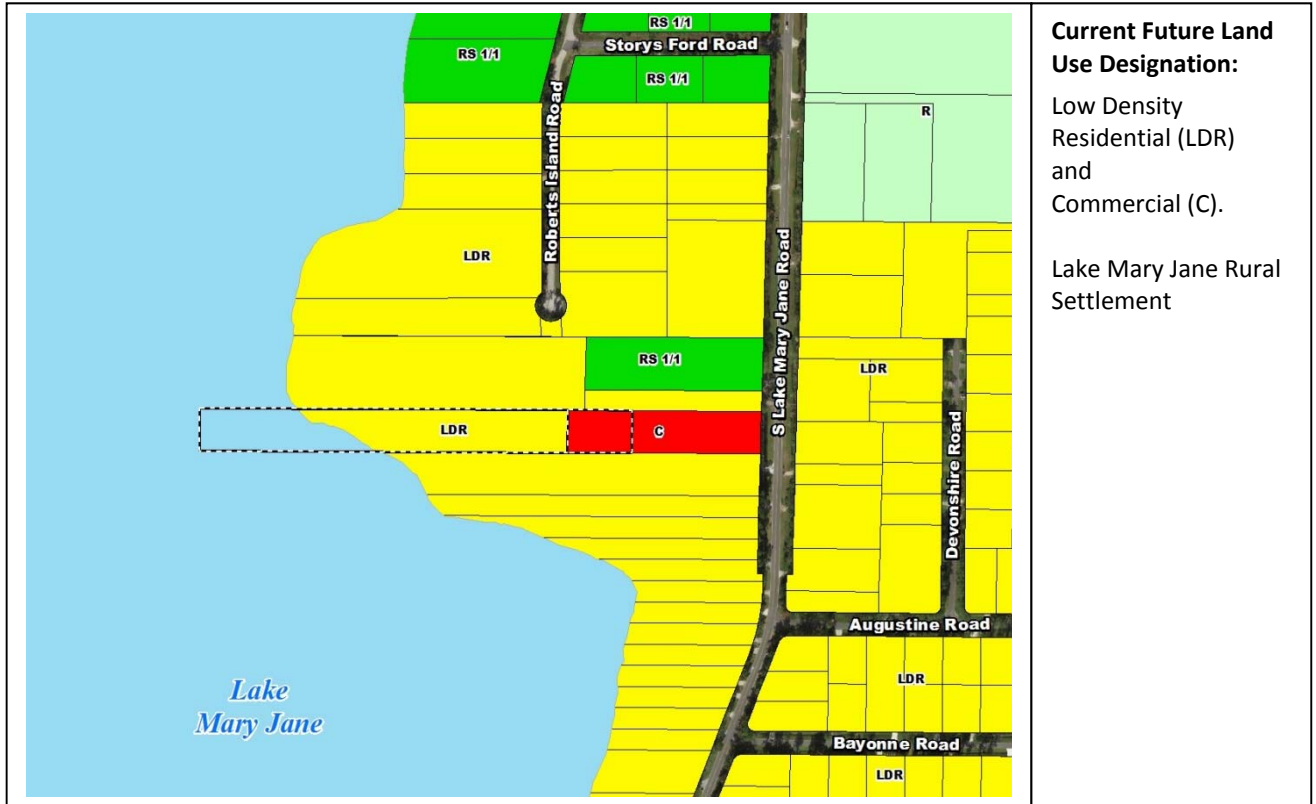
**Tract Size:** 3.36 gross acres;  
1.63 net acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Low Density Residential (LDR) and Commercial (C) to Rural Settlement 1/1 (RS 1/1)	
✓	Community Meeting	August 23 ,2017 Null – Zero Residents in attendance	Concurrent Rezoning: From A-2 (Farmland Rural District) and C-1 (Retail Commercial District) to R-CE (Country Estates District)	
✓	Staff Report	Recommend adoption and approval of the rezoning request	Proposed Development Program: The Rural Settlement 1/1 (RS 1/1) Future Land Use permits one dwelling unit an acre or for this proposal, 1 single-family residence	
✓	LPA Adoption October 19, 2017	Recommended Adoption (8-0)	Public Facilities and Services: Please the see Public Facilities Analysis Appendix for specific analysis on each public facility.	
✓	PZC Rezoning Hearing October 19, 2017	Recommended Approval (8-0)	Environmental: A portion of the site is located within Lake Mary Jane. Please see the Public Facilities Analysis Appendix for specific details.	
	BCC Adoption BCC Rezoning Hearing	November 14, 2017	Transportation: The request will generate 1 pm peak hour trip and therefore will not result in any traffic impacts to the surrounding roadway network.	

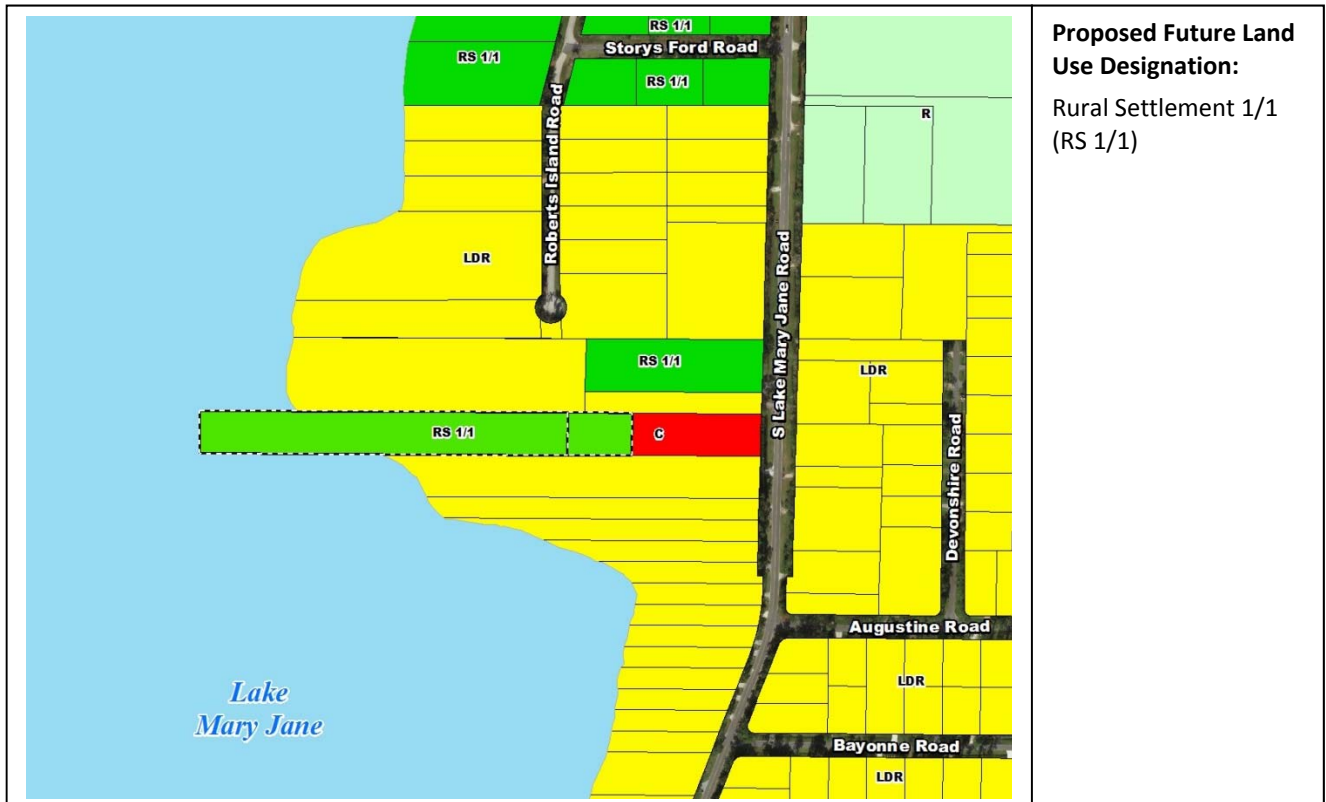
**AERIAL**



**FUTURE LAND USE - CURRENT**

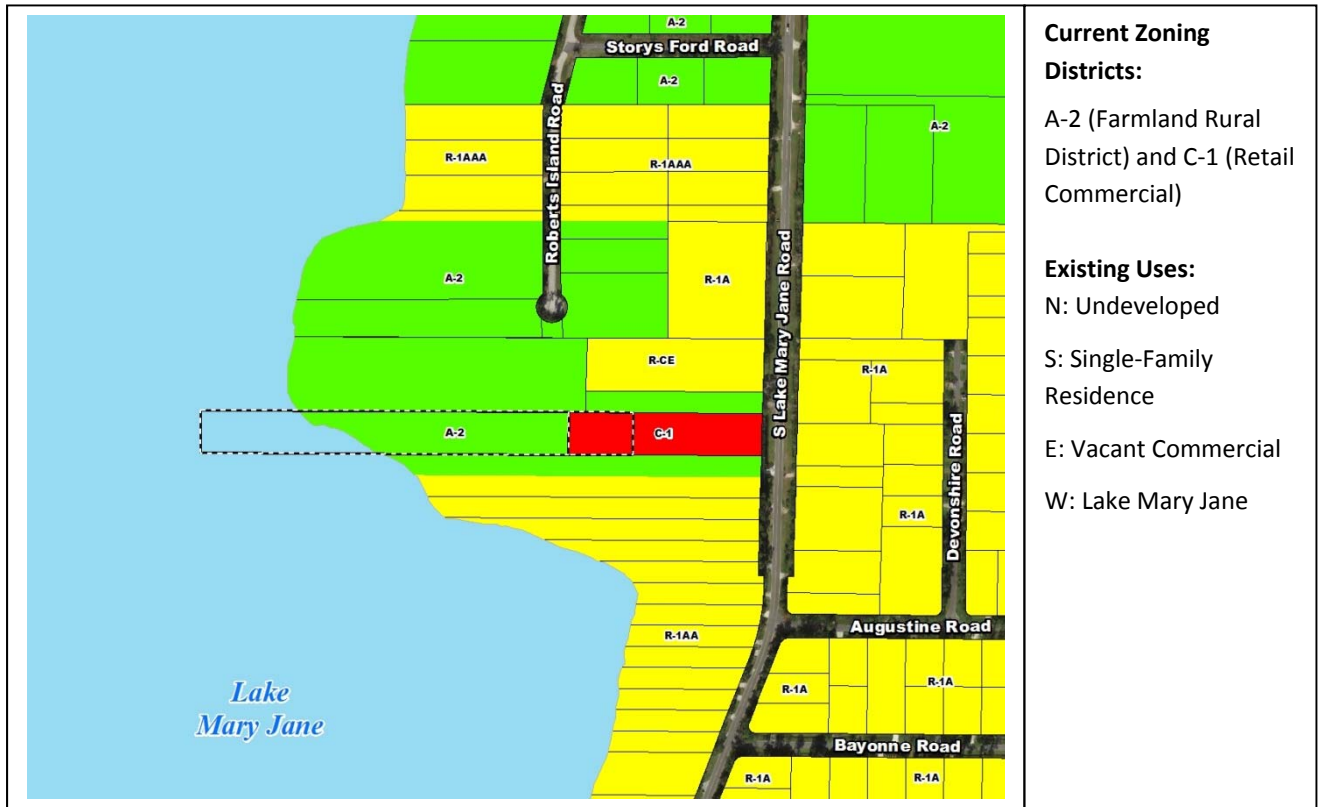


**FUTURE LAND USE - PROPOSED**

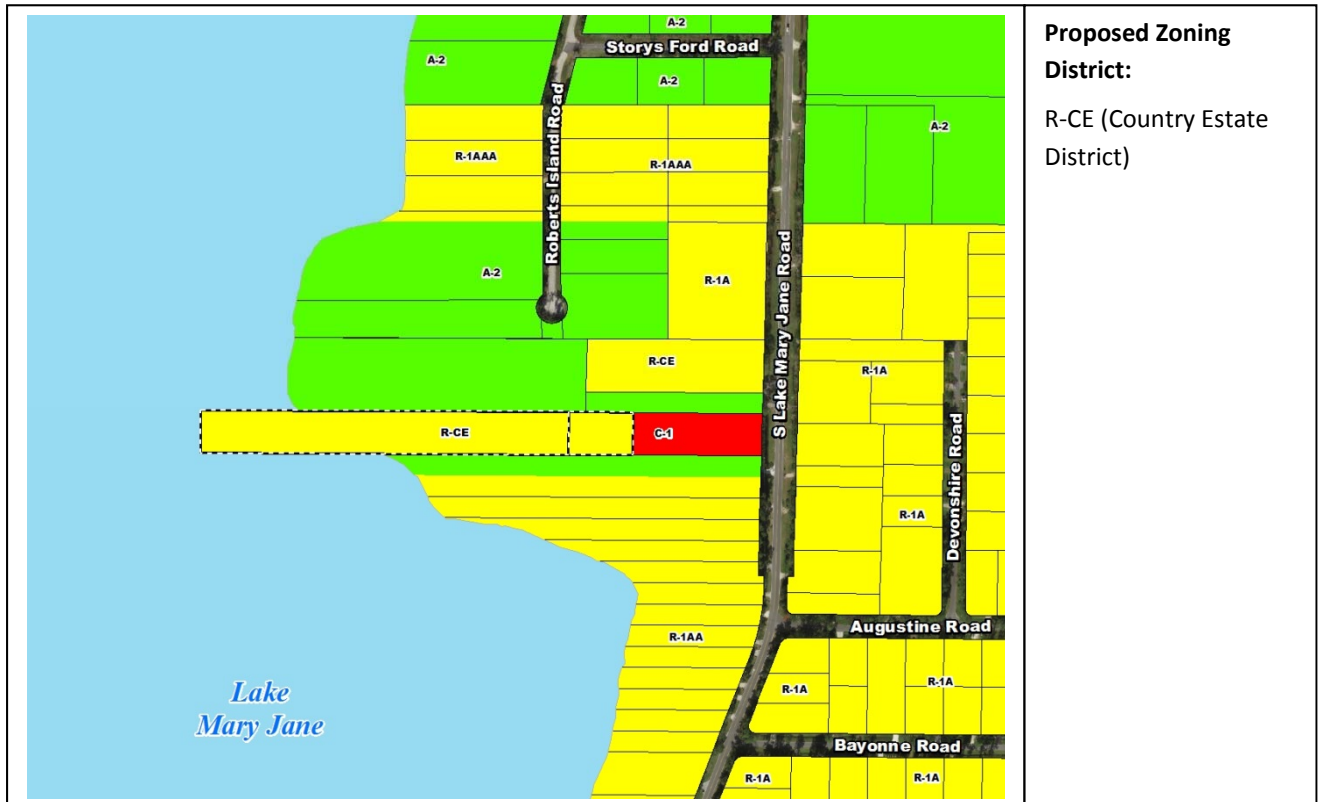




## ZONING – CURRENT



## ZONING – PROPOSED



## Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board would then need to take action on the requested rezoning. These items need to be addressed as two separate motions by the Board. Below are the staff recommendations for each of these items.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objective FLU1.1.4(H), Policies FLU1.4.4, FLU6.2.7, FLU6.2.8, and FLU8.2.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2017-1-S-4-2, Low Density Residential (LDR) and Commercial (C) to Rural Settlement 1 dwelling unit per acre (RS1/1).
2. **REZONING REQUEST:** Make a finding of **consistency** with the Comprehensive Plan and recommend **APPROVAL** of the requested zoning change from Farmland Rural District (A-2) and C-1 (Retail Commercial) to R-CE (Country Estate District) Zoning.

## Analysis

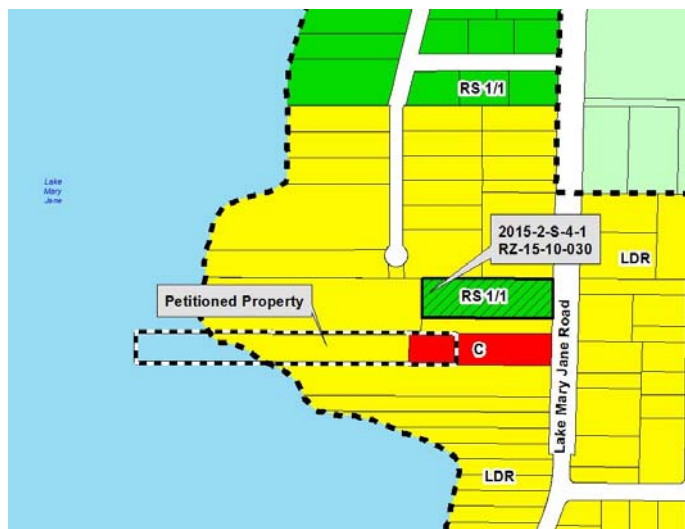
### 1. Background Development Program

As permitted by **Future Land Use Element Policy FLU8.8.2**, David S. Rogers, submitted an application to request to change the Future Land Use Map (FLUM) designation for the 3.36 gross-acre/1.63 net-acre site<sup>2</sup> located at 13048 and 13054 S. Lake Mary Jane Road. The request would allow for the consideration for the construction of a single-family residence. In conjunction with the FLUM Amendment, there is an application for rezoning of the subject site (RZ-17-10-019). The petitioned site, located on the west side of South Lake Mary Jane Road, consists of two (2) parcels with a cumulative acreage of 3.36 gross and 1.63 net acres.

The petitioned site extends into Lake Mary Jane on the west and is surrounded by residential dwelling units on the north, east, and south. A parcel to the northeast applied for and was granted approval of the same request as the petitioned property, in 2015:

- **Amendment 2015-2-S-4-1 and RZ-15-10-030**

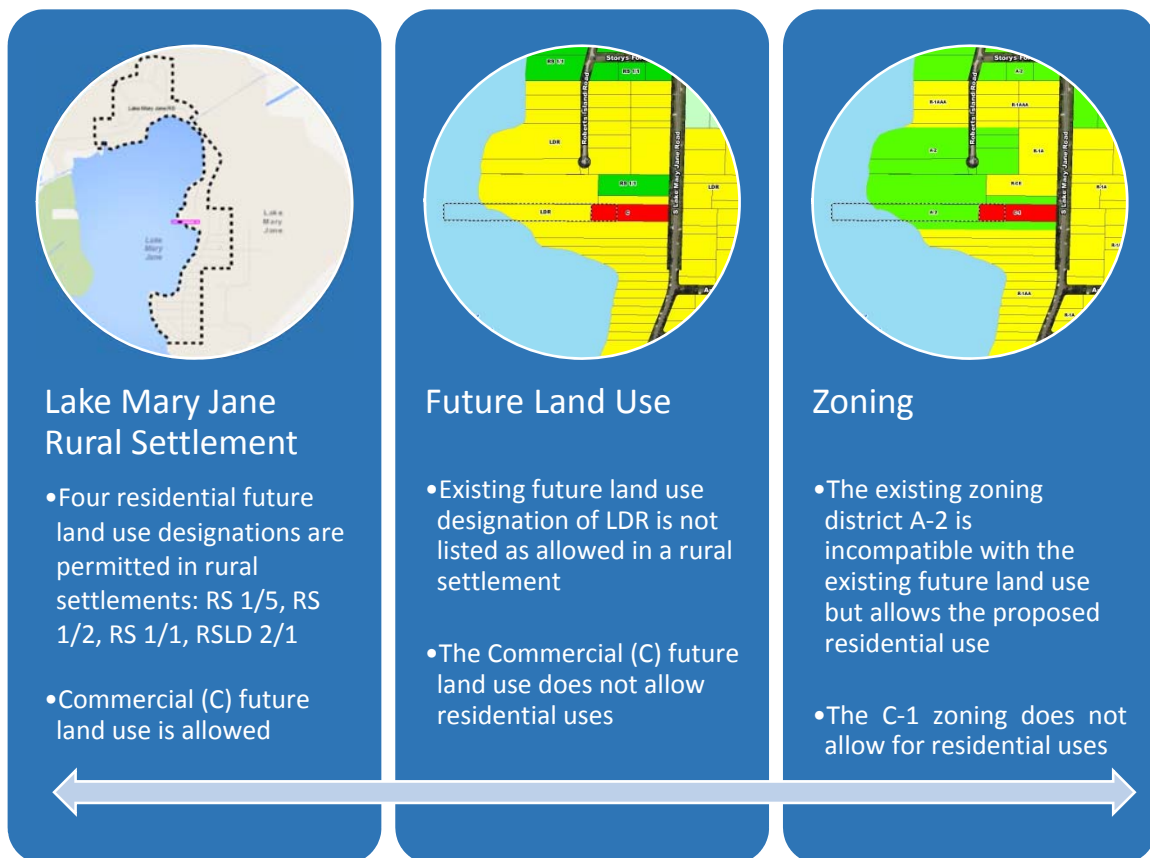
This request granted **approval** of a Future Land Use Map Amendment (FLUM) and rezoning request on a 1.72 gross acre site located at 13024 South Lake Mary Jane Road (Parcel IDs 25-24-31-3872-00-021/022/023) from Commercial (C) to Rural Settlement 1/1 (RS 1/1). The rezoning request from C-1 Retail Commercial District to R-CE (Country Estate District).



<sup>2</sup> The petitioned site consists of two parcels, one parcel is 0.5 acres and the other is 2.862 acres.

The petitioned site consists of two (2) undeveloped parcels. One parcel has a Future Land Use designation of Low Density Residential (LDR) and is zoned Farmland Rural District (A-2). The other parcel has a Future Land Use designation of Commercial (C) and is zoned C-1 (Retail Commercial District). The applicant is requesting to amend the FLUM designation to Rural Settlement 1/1 (RS 1/1) and the zoning map to allow a zoning district of R-CE (County Estate District) on the petitioned property. This would allow for the consideration of a single-family residence.

The petitioned site is located within the Lake Mary Jane Rural Settlement. The Lake Mary Jane Rural Settlement is one of the twenty-two (22) recognized by the Comprehensive Plan **Future Land Use Policy FLU6.2.1**. The basis of the policy is to recognize communities that existed at the time of the 1991 Comprehensive Plan adoption to preserve the existing character of the area. **Future Land Use Element Policy FLU1.1.4.H** lists the Future Land Use Designations that are applied to areas in the Rural Service Areas and Rural Settlements. The existing Future Land Use Designation of Low Density Residential (LDR) is not listed as a permitted Future Land Use designation in rural settlements. The existing zoning district of Farmland Rural District (A-2) is inconsistent with the Future Land Use designation of Low Density Residential (LDR). FLU1.1.4.A allows for non-residential future land use designations to be located within Rural Settlements on a limited bases. The diagram below illustrates the relationship between the rural settlement, future land use, and zoning.



The combined acreage of the petitioned property is 3.36 with a net developable acreage of 1.63. To allow for the construction of a single-family residence on the commercial parcel the Future Land Use and zoning must be amended to allow for a residential use. This parcel is 0.5 acres. The LDR and A-2 zoned parcel allows for the construction of a single-family residence but has inconsistent Future

Land Use and zoning. This parcel is 2.862 acres; however, approximately 1.12 acres are developable while the remaining approximately 1.74 acres are wetlands.

The subject site is adjacent to South Lake Mary Jane Road to the east, and due to its curvilinear nature, Lake Mary Jane Road to the north and extends into Lake Mary Jane on the west. Lake Mary Jane Road ends almost a mile before the Orange County/Osceola County line. There are no major roads in the area.

A community meeting was held for this request on August 23, 2017, which no members of the public attended.

## 2. Project Analysis

### ***Consistency***

The requested FLUM amendment and concurrent rezoning request appear to be consistent with the applicable Goals, Objectives, and Policies of the Orange County Comprehensive Plan.

The two (2) petitioned parcels are under common ownership and have two Future Land Use and zoning designations. To provide consistency and to allow for residential development both must be amended to allow for residential use. The Lake Mary Jane Rural Settlement is predominately residential and through amending the Future land use map designation to RS 1/1, the existing rural residential development pattern is preserved, consistent with **Future Land Use Policy Element FLU1.1.4(H)**.

The petitioned site is surrounded by properties with the Low Density Residential LDR (LDR) Future land use designation and are located within the rural settlement. The Future Land Use designation was in place at the time the rural settlement was created. **Future Land Use Policy Element FLU6.2.7** designates land as Low Density Residential (LDR). Low Medium Density Residential (LMDR) is not permitted except for County certified affordable housing projects that are rural in character. No amendments to residential densities of the Rural Settlement shall allow residential development to exceed one (1) dwelling unit per acre.

### ***Compatibility***

**Future Land Use Element Policy FLU8.2.1** states land use changes shall be required to be compatible with the existing development and development trend in the area. The overwhelming development pattern in the area is residential. The petitioned site is within the Isle of Pines neighborhood of the Lake Mary Jane Rural Settlement. As development northwest of the Rural Settlement intensifies in the Lake Nona and Moss Park areas, the desire for preserving a rural residential lifestyle has become increasingly important to maintain the rural character of the existing rural settlements. Therefore, the requested RS 1/1 future land use map designation is compatible with both the existing development and the area's development trend.

**Future Land Use Element Policy FLU6.2.8** requires amendments to residential densities of the Rural Settlements to not exceed one dwelling unit per acre. The proposed amendment would allow the development of a 1.63 net acre site with a single-family residence.

### ***Divisional Comments: Environmental and Public Facilities and Services***

**Environmental Protection Division.** The petitioned site includes a portion of Lake Mary Jane. Prior to any development or lot split approvals, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed a

Conservation Area Impact (CAI) Permit, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot average undisturbed upland buffer along the wetland boundary, signage, pollution abatement swales, split rail fence, retaining wall or native plantings adjacent to the wetlands. Contact the EPD Environmental Permitting staff at 407-836-1400 to obtain approval for the measures employed to prevent adverse impacts and show them in all plans and permit applications.

The Normal High Water Elevation (NHWE) of Lake Mary Jane was established at 60.52 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE line of the lake on all plans or permit applications, in addition to any wetland and setback lines. Approval of this request does not grant any permission for construction or alteration of a boat dock, boardwalk, observation pier, fishing pier, lake shore vegetation, or seawalls on the lake. Any person desiring these types of permanently fixed or floating structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

**Transportation Planning Division.** The proposed rezoning request and approval to construct one single family dwelling unit will generate 1 pm peak hour trip and therefore will not result in any traffic impacts to the surrounding roadway network.

## Rezoning Analysis

### SITE DATA

<b>Adjacent Zoning</b>	N:	A-2 (Farmland Rural District) (1957)
	E:	C-1 (Retail Commercial District) (1959)
	W:	Lake Mary Jane
	S:	A-2 (Farmland Rural District) (1957)



---

Adjacent Land Uses	N:	Undeveloped
	E:	Vacant Commercial
	W:	Lake Mary Jane
	S:	Residential

**APPLICABLE R-CE (Country Estate District) DEVELOPMENT STANDARDS\***

Minimum Lot Area:	43,560 sq. ft. (1 acre)
Minimum Lot Width:	130 ft.
Maximum Building Height:	35 ft.
Minimum Living Area:	1,500 sq. ft.

**Minimum Building Setbacks**

Front:	35 ft.
Rear:	50 ft.
Side:	10 ft.
Lake Setback:	50 ft. from the normal high water elevation contour

*\*These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

**PERMITTED USES**

The intent of purpose of the R-CE Country Estate District is to establish areas where very low residential densities may be maintained and where investment in homes will be protected from the adverse effects sometimes found in agricultural districts. This district is primarily residential. However, certain uses found only in agricultural districts may be permitted as special exceptions.

Specific uses shall be identified by the letter “P” in the use table set forth in Section 38-77 of the Orange County Code.

**SPECIAL INFORMATION**

**Rural Settlement**

The subject property is located within the Lake Mary Jane Rural Settlement (FLU6.2.1). As per FLU1.1.4.H, the proposed future land use designation is permitted only in rural settlements.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an overlay district.

**Airport Noise Zone**

The subject property is not located within an airport noise zone.

---

**Water / Wastewater / Reclaim**

Existing service or provider

**Water:** Orange County Utilities – no mains

**Wastewater:** Orange County Utilities – no mains

**Reclaimed:** Orange County Utilities

**Schools**

Orange County Public Schools (OCPS) did not comment on this case as it does not involve an increase in residential units or density.

**Parks and Recreation**

Orange County Parks and Recreation found that an active recreation acreage impact of 0.003 and resource recreation acreage impact of 0.015.

**Code Enforcement**

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**State of Florida Notice**

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

**3. Policy References**

**FLU1.1.4** In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

- F. **RURAL AND RURAL SETTLEMENT RELATED** – These Future Land Use designations can be applied only to areas outside the County's Urban Service Area. Uses such as agricultural or agricultural-related activities predominate. These Future Land Use designations also are appropriate for locations in which residents prefer a rural lifestyle with limited services. Policies for these locations are found in Chapter 5.

FLUM Designation	General Description	Density/Intensity
<b>Rural – Rural Service Area</b>		
Rural/Agricultural (R)	Rural promotes long-term viability of agricultural uses as an economic asset while allowing single family residential on large lots. Compatible non-residential activity may be related to agribusiness.	1 DU/10 AC
<b>Rural Settlement related</b>		
Rural Settlement 1/5 (RS 1/5)	RS 1/5 recognizes and preserves existing development patterns, provides for a rural residential lifestyle, and manages the transition of rural areas near the USA.	1 DU/5 AC
Rural Settlement 1/2 (RS 1/2)	Similar to above but the acreage required is less.	1 DU/2 AC
Rural Settlement 1/1 (RS 1/1)	Similar to above, but lots once again are smaller size.	1 DU/1 AC
Rural Settlement Low Density (RSLD 2/1)	RSLD is intended to recognize existing development patterns and rural and suburban lots at 2 DU/AC. However, this category may be suited for new residential projects abutting urban development in adjacent municipalities.	2 DU/1 AC
<p>The following are footnotes applicable to the above tables related to FLU1.1.4.</p> <p>FAR – Floor Area Ratio: The amount of permitted, developable floor area of a building to the area of the lot.</p> <p>ISAR – Impervious Surface Area Ratio: Ratio of impervious surface area to area of the affected wetland or recreation, as applicable. Commonly referred to as impervious coverage.</p> <p>*** Any area outside the impervious surface areas of a conservation area shall remain undisturbed in a natural state. Furthermore the encroachments shall be limited to restrictions in C1.4.1 of the Conservation Element.</p>		

**FLU1.4.4** The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

**FLU6.2.7** With the exception of land designated Low Density and Low-Medium Density Residential on the Future Land Use Map within the Rural Settlement at the time of plan adoption, additional land designated Low Density Residential shall not be permitted in Rural Settlements except for County certified affordable housing projects that are rural in character and meet the Small Scale FLUM criteria and requirements. All other amendments to residential densities of the Rural Settlement shall not allow residential development to exceed one (1) dwelling unit per acre.

**FLU6.2.8** Amendments to residential densities of the Rural Settlements shall not allow residential development to exceed 1 DU/Acre except as provided for in Future Land Use Policy FLU6.2.7.

**FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**Site Visit Photos**

**Subject Site – Undeveloped**



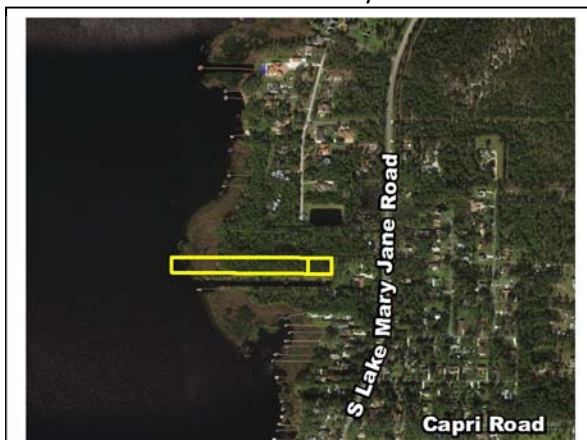
**North – Residential**



**East – Vacant Commercial**



**West – Lake Mary Jane**



**South – Residential**



