

## Interoffice Memorandum

**DATE:** April 25, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

**CONTACT:** Jim Resta, AICP, Chief Planner

**PHONE:** (407) 836-5624

**DIVISION:** Planning Division

**ACTION REQUESTED:**

ADOPT the requested Medium Density Residential (MDR) Future Land Use Map designation *and* Make a finding of consistency with the Comprehensive Plan and APPROVE the requested R-2 (Residential District) zoning and make a finding of consistency with the comprehensive plan.

**PROJECT:** North Dean Road Townhomes – SS-25-01-070 & RZ-25-01-070

**PURPOSE:** Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.87-acre subject property from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR), and to rezone from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to allow for the construction of twelve (12) single-family attached residential dwelling units (townhomes.)

This proposal received a recommendation of approval from the LPA on March 20, 2025.

**BUDGET:** N/A

Case Planner:  
Sue Watson

**Small-Scale Map Amendment and Rezoning Staff Report**  
**Orange County Planning Division**  
**BCC Hearing Date: May 6, 2025**

**CASE # SS-25-01-070**

**RZ-25-01-070**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Sissy Sanchez, BBW Group, LLC

**OWNERS:** German Vivas and Hortencia Margarita Silva Vivas

**HEARING TYPE:** Planning and Zoning Commission / Local Planning Agency

**FLUM REQUEST:** **Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR)**

**ZONING REQUEST:** **R-1A (Single-Family Dwelling District) to R-2 (Residential District)**

**LOCATION:** 2038 N. Dean Rd.; generally located on the west side of N. Dean Rd., south of Sali Dr., north of Elm St., and east of Westfall Dr.

**PARCEL ID NUMBER:** 18-22-31-0000-00-018

**SIZE / ACREAGE:** 0.87 gross/net developable acre

**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Ninety-five (95) notices were mailed to those property owners in the surrounding area.

**COMMUNITY MEETING:** A community meeting was held on March 5, 2025, and is summarized further in this report.

**PROPOSED USE:** Up to twelve (12) single-family attached residential dwelling units (Townhome Units)

**STAFF RECOMMENDATION**

**PLANNING**

**Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and ADOPT the requested Medium Density Residential (MDR) Future Land Use Map designation.**

**Rezoning**

**Make a finding of consistency with the Comprehensive Plan and APPROVE the requested R-2 (Residential District) zoning.**

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

Through this request, the applicant is seeking a Small-Scale Land Use Map Amendment to change the Future Land Use of the 0.87-acre subject property from Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR), and to rezone from R-1A (Single-Family Dwelling District) to R-2 (Residential District) in order to allow for the construction of twelve (12) single-family attached residential dwelling units (townhomes).

The subject property is located on the west side of N. Dean Road, south of Sali Drive, north of Elm Street, and east of Westfall Drive. N. Dean Road is a four-lane major collector roadway. Presently, a 2,916-square-foot single-family home, constructed in 1945, exists on the property. The applicant is now seeking to develop the subject property with twelve townhome dwelling units. It is the owner's intent to demolish the existing single-family home if the FLUM Amendment and rezoning requests are approved.

A church, Orlando Gospel Assembly Church, is located immediately north of the subject property, has a LMDR Future Land Use Map (FLUM) designation, and is zoned R-1A. Vacant residentially-zoned properties are located immediately west and south of the subject property. Both properties possess LMDR Future Land Use Map designations and are zoned Planned Development (Dean Road DDCM Townhomes PD fka Union Park Condominiums PD). The Board of County Commissioners (BCC) approved the original Planned Development (PD)/Land Use Plan (LUP) on December 19, 2006, for fifty-six (56) condominium units. On December 3, 2024, the BCC approved a Change Determination Request (CDR-23-03-088) to amend the existing Land Use Plan (LUP) to change the use from fifty-six 56 multi-family units to forty-six (46) single-family townhome units. Residential homes, located directly across the street at the southeast corner of N. Dean Road and Sali Drive, east of the subject site, have LMDR FLUM designations and are zoned R-2. Residential homes and vacant residential properties are located southeasterly of the subject property, across the street on N. Dean Road and Alcock Road, have LMDR FLUM designations and are zoned R-1A.

The current Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR), which allows for the consideration of single- and multi-family residential development at a maximum density of ten (10) dwelling units per net acre. Currently, the subject property's LMDR FLUM designation and R-1A zoning classification would allow for up to eight (8) single-family detached dwelling units.

The requested Medium Density Residential (MDR) FLUM designation allows for the consideration of single- and multi-family residential development at a maximum density of twenty (20) dwelling units per net acre. The proposed R-2 zoning classification provides for the development of single-family detached and attached dwelling units containing a maximum of four (4) units per residential building. The applicant is proposing to develop twelve (12) single-family attached residential dwelling units (townhomes).

### **Land Use Compatibility**

The proposed FLUM designation of Medium Density Residential (MDR) and the requested R-2 zoning classification would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

### **Site Analysis**

#### **Rural Settlement**

The subject property is not located within a Rural Settlement.

#### **Joint Planning Area (JPA)**

The subject property is not located in a JPA.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### **Airport Noise Zone**

The subject property is not located in an Airport Noise Zone.

#### **Code Enforcement**

No cases found.

### **Comprehensive Plan (CP) Consistency**

The proposed R-2 (Residential District) zoning classification is consistent with the proposed Medium Density Residential (MDR) FLUM designation. The proposed request is consistent with the following Comprehensive Plan provisions:

**FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with 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.

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**H1.3.8** states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

## **SITE DATA**

**Existing Use**                      Single-family residence

<b>Adjacent</b>	<b>FLUM</b>	<b>Zoning</b>
<b>North</b>	Low-Medium Density Residential (LMDR)	R-1A (Single-Family Dwelling District) 1962
<b>East</b>	Low-Medium Density Residential (LMDR)	R-2 (Residential District) 1990 and R-1A (Single-Family Dwelling District) 1967
<b>West</b>	Low-Medium Density Residential (LMDR)	PD (Dean Road DDCM Townhomes PD, fka Union Park Condominiums PD) 2006
<b>South</b>	Low-Medium Density Residential (LMDR)	PD (Dean Road DDCM Townhomes PD, fka Union Park Condominiums PD) 2006

**Adjacent Land Uses**      N:    Religious Institution (Orlando Gospel Assembly Church)  
   E:    Single-Family Residential and Vacant Residential  
   W:    Vacant Residential  
   S:    Vacant Residential

### **R-2 (Residential District) Development Standards**

#### *One-Family Dwelling*

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

Two Dwelling Units

Min. Lot Area:	8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width:	80 ft. / 90 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. / 1,000 sq. ft.
Building Setbacks:	
Front:	20 ft.
Rear:	25 ft.
Side:	5 ft.
Side Street:	15 ft.

Three Dwelling Units

Min. Lot Area:	11,250 sq. ft.
Min. Lot Width:	85 ft. (attached units only)
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	15 ft.

Four or More Dwelling Units

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.
Max. Height:	35 ft.
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft. (30 ft. where adjacent to single-family)
Side Street:	15 ft.

*\* 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 R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

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****Staff Comments**

Enhanced Septic/Sewer Requirement - This site is located within the Little Econlockhatchee River Bacteria Pollution Reduction Plan (PRP) Area and must comply

with the applicable requirements of Section 373.811 and Section 403.067, Florida Statutes, as amended.

Within a Basin Management Action Plan (BMAP) Area, a Reasonable Assurance Plan (RAP) Area, or a PRP Area, the installation of new onsite sewage treatment and disposal systems (OSTDS) is prohibited where connection to a central wastewater system is available as defined in s. 381.0065(2)(a).

On lots of one acre or less within a BMAP Area, a RAP Area, or a PRP Area where a central wastewater system is not available, the installation of enhanced nutrient-reducing OSTDS that achieve at least 65 percent overall nitrogen reduction is required.

Contact the Florida Department of Health (FDOH) for individual determination and details of this enhanced OSTDS. Contact the utility provider regarding options to connect to sewer.

Existing Septic and Well - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District about the system permit application, modification, or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.

#### **Transportation / Access**

The Applicant is requesting to change ~0.87 acre from LMDR to MDR and rezone from R-1A to R-2 to allow 12 townhomes.

Analysis of the project trips that would be generated under the current future land use versus the proposed use indicates that the proposed development will result in an increase of two (2) pm peak trips, which is considered de minimis. The subject property is located on Dean Road.

For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) peak hour trips on the roadways within the area of influence. When evaluating for school concurrency, any residential development that creates an impact of less than one (1) student shall be considered de minimis.

#### **Schools**

The Orange County Public Schools (OCPS) capacity determination letter (OC-25-001, 2038 N. Dean Road) was issued January 10, 2025. OCPS states that school capacity for this proposed development is available at the elementary school (Union Park Elementary School) and middle school (Union Park Middle School) expected to serve the project but is not available at the high school (University High School). Currently, University High School has an adjusted utilization rate of 101.2%. If this development is approved, the adjusted utilization rate would remain the same at 101.2%, with only 0.452 students generated from the development. This determination letter expires July 8, 2025.

**Parks and Recreation**

No comments.

**Community Meeting Summary**

A community meeting was held for these applications on March 5, 2025, at Union Park Middle School, with approximately six (6) residents in attendance. Residents' concerns were drainage and flooding issues in the surrounding area. The applicant's engineer stated that they will design the stormwater retention area for the subject property so all stormwater is retained onsite.

**Utilities Service Area (Availability of services may vary)**

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

**Detailed Utility Information:**

This property is within Orange County Utilities' (OCU's) Potable Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:

Potable Water: Development within this property will be required to connect to OCU's water system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Wastewater: Development within this property will be required to connect to OCU's wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**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.

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

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



## **ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – March 20, 2025**

### **Future Land Use Map Amendment**

**Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use Map designation.**

### **Rezoning**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning.**

## **PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use designation and recommend APPROVAL of the requested R-2 (Residential District). The applicant was present and agreed with the staff recommendation. One member of the public spoke during public comment of the request and expressed concerns about drainage and flooding issues in the surrounding area.

Staff indicated that ninety-five (95) notices were sent to property owners and residents extending 500 feet surrounding the property, and that staff had received zero (0) responses in favor and zero (0) responses in opposition of the request.

After a brief discussion regarding the drainage and flooding issues in the surrounding area, a motion was made by Commissioner Holt and seconded by Commissioner Gray to recommend ADOPTION of the requested Medium Density Residential (MDR) Future Land Use and APPROVAL of the requested R-2 (Residential District). The motion carried on an 8-0 vote.

### **Motion / Second**

*Marjorie Holt / Eric Gray*

### **Voting in Favor**

*George Wiggins, Eddie Fernandez, Eric Gray, Marjorie Holt, Camille Evans, Michael Arrington, Evelyn Cardenas, and Nelson Pena*

### **Voting in Opposition**

*None*

### **Absent**

*David Boers*

SITE AERIAL

SS-25-01-070 & RZ-25-01-070



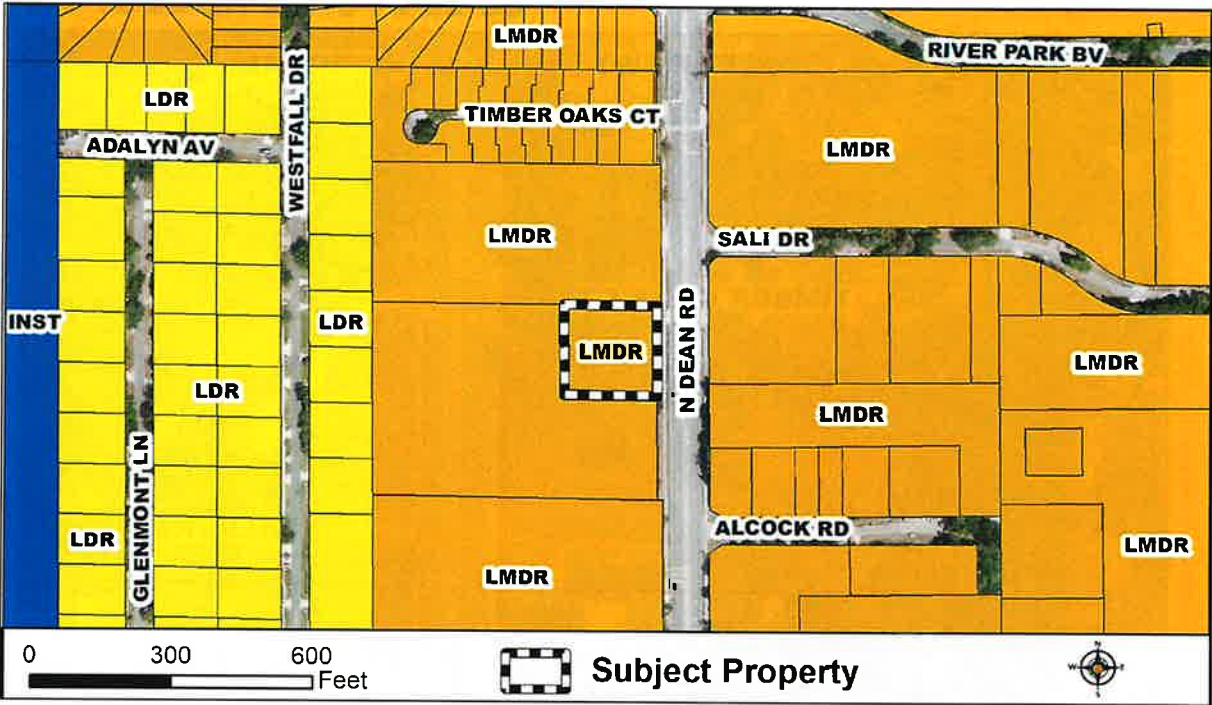
 Subject Property



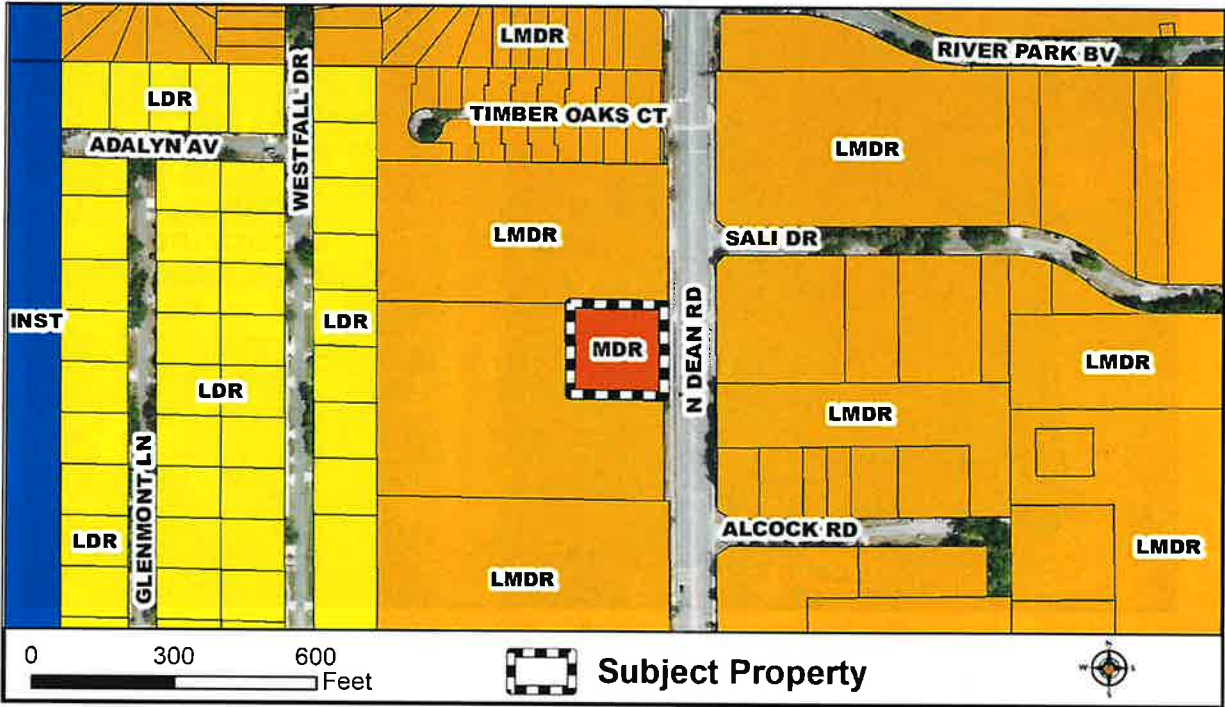
0 150 300 Feet



**FUTURE LAND USE – CURRENT**  
Low-Medium Density Residential (LMDR)

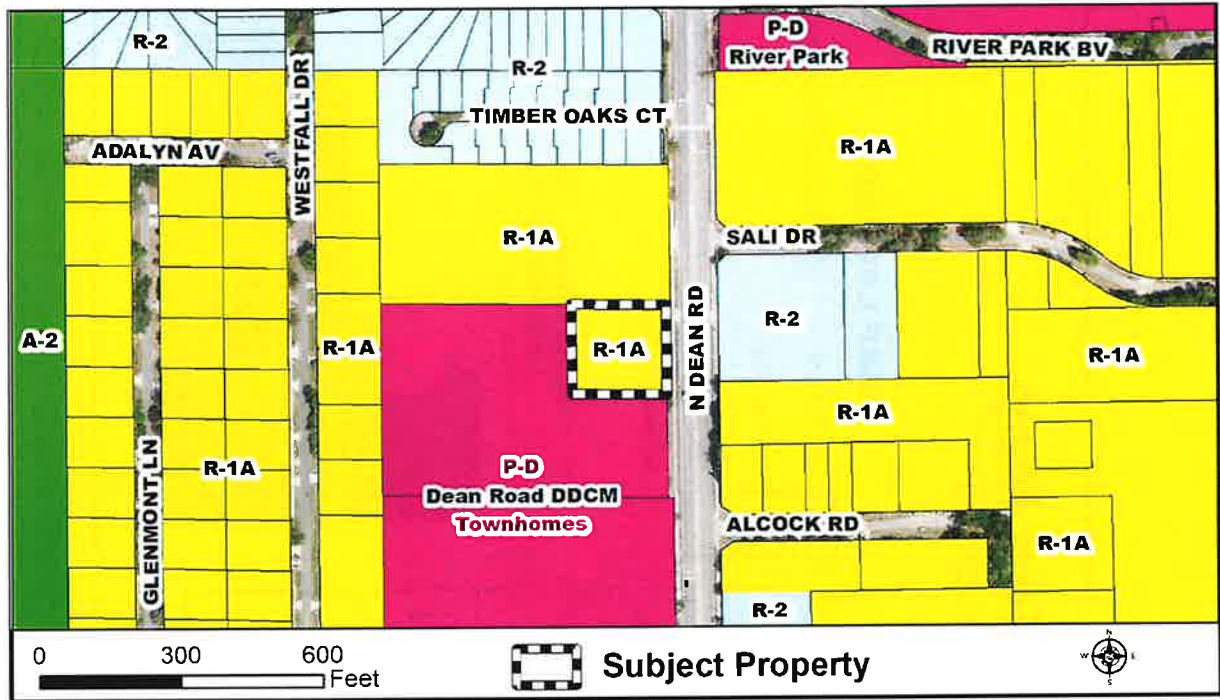


**FUTURE LAND USE – PROPOSED**  
Medium Density Residential (MDR)



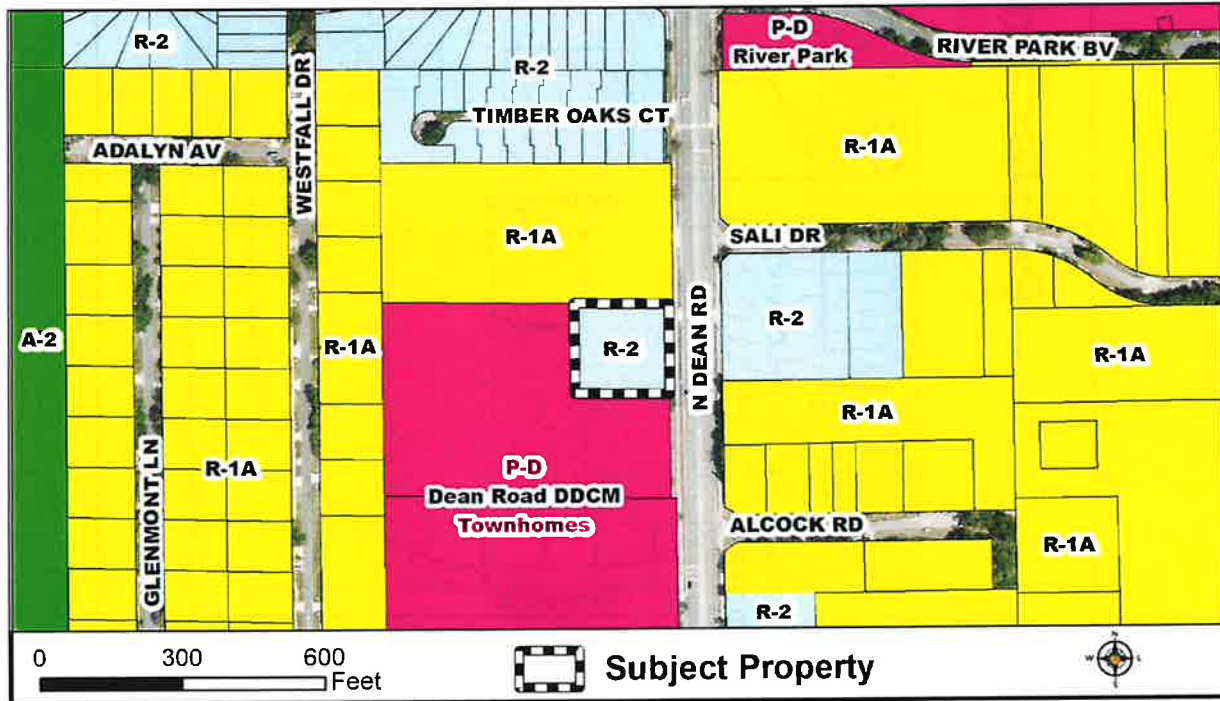
**ZONING – CURRENT**

R-1A (Single-Family Dwelling District)



**ZONING – PROPOSED**

R-2 (Residential District)



NOTIFICATION MAP

