



Interoffice Memorandum

November 4, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman
Development Review Committee
Public Works Department
(407) 836-7971**

SUBJECT: December 3, 2024 – Public Hearing
Applicant(s): Garrett George, CESO, Inc.
Project Name: Dean Road DDCM Townhomes (fka Union Park
Condominiums) Planned Development (PD)
Project No.: CDR-23-03-088 / District 5

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of October 23, 2024, to approve the Dean Road DDCM Townhomes (fka Union Park Condominiums). The subject property consists of 10.66 gross acres and is generally located north of Elm Street and west of Dean Road. The request is to amend the existing Land Use Plan (LUP) to change the allowed use from 56 multi-family residential units to 46 single-family attached (townhome) units.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and approve Dean Road DDCM Townhomes (fka Union Park Condominiums) Planned Development (PD) (CDR-23-03-088) dated "Received September 18, 2024", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5

TW/JCK/rb

Attachments

CASE # CDR-23-03-088

Commission District: # 5

GENERAL INFORMATION

APPLICANT Garrett George, CESO, Inc.

OWNER SANC Properties, LLC

PROJECT NAME Dean Road DDCM Townhomes (fka Union Park Condominiums) Planned Development (PD)

PARCEL ID NUMBER(S) 18-22-31-0000-00-022, 18-22-31-0000-00-021

TRACT SIZE 10.66 gross acres / 7.36 net developable acres

LOCATION North of Elm Street / West of Dean Road

REQUEST A PD substantial change to amend the existing LUP to change the use from 56 multi-family units to 46 single-family townhome units.

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Three hundred and fifty-nine (359) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The Dean Road DDCM Townhomes (fka Union Park Condominiums) Planned Development (PD) consists of approximately 10.66 gross acres and is generally located north of Elm Street and west of Dean Road. The PD was originally approved in 2006 for 56 multi-family condominium units.

Through this Change Determination Request (CDR), the applicant is seeking to change the allowable use to 46 single-family townhome units.

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely affect any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has a Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR) and is zoned Planned Development (PD), which allows up to 10 dwelling units per developable acre.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

An Orange County Wetland Determination CAD-23-02-031 was completed with a certified survey of the wetland boundary approved by the Environmental Protection Division (EPD) on 5/12/23. The CAD identified 4.87 acres of wetland within the subject property boundaries. Conservation Area Impact (CAI) permit application CAI-23-09-040 was received on 9/7/23 for proposed wetland impacts and is currently under review. The CAI permit must be issued prior to approval of the PSP. No conservation area or buffer encroachments shall be permitted, unless an impact permit is approved by Orange County EPD consistent with OC Code Chapter 15, Article X Wetland Conservation Areas.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Natural Resource Impact (NRIP) permit approved by the county and obtaining other applicable jurisdictional agency permits.

Transportation Planning

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

CESO, Inc. (Garrett George) submitted a Capacity Encumbrance Letter (CEL) application in March 2023. The CEL application is pending transportation review as on March 20, 2023. If this project is located near failing roadway(s) a traffic study with the CEL. A Traffic Study and Proportionate Share Agreement will be required prior to CEL approval. Based on the Concurrency Management database (CMS) dated 3/16/2023, there are multiple failing roadway segments within the project's impact area along Econlockhatchee Tr, from Colonial Dr to Trevathon Rd and from Trevathon Rd to Central Florida Greenway (2 segment(s)). This information is dated and subject to change.

Community Meeting Summary

A community meeting was not required for this request.

Schools

Orange County Public Schools has reviewed this plan and did not identify any outstanding issues or concerns.

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.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (October 23, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Dean Road DDCM Townhomes (fka Union Park Condominiums) Planned Development (PD) (CDR-23-03-088) dated "Received September 18, 2024", subject to the following conditions:

1. Development shall conform to the Dean Road DDCM Townhomes Planned Development (PD) dated "Received September 18, 2024," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 18, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to

have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

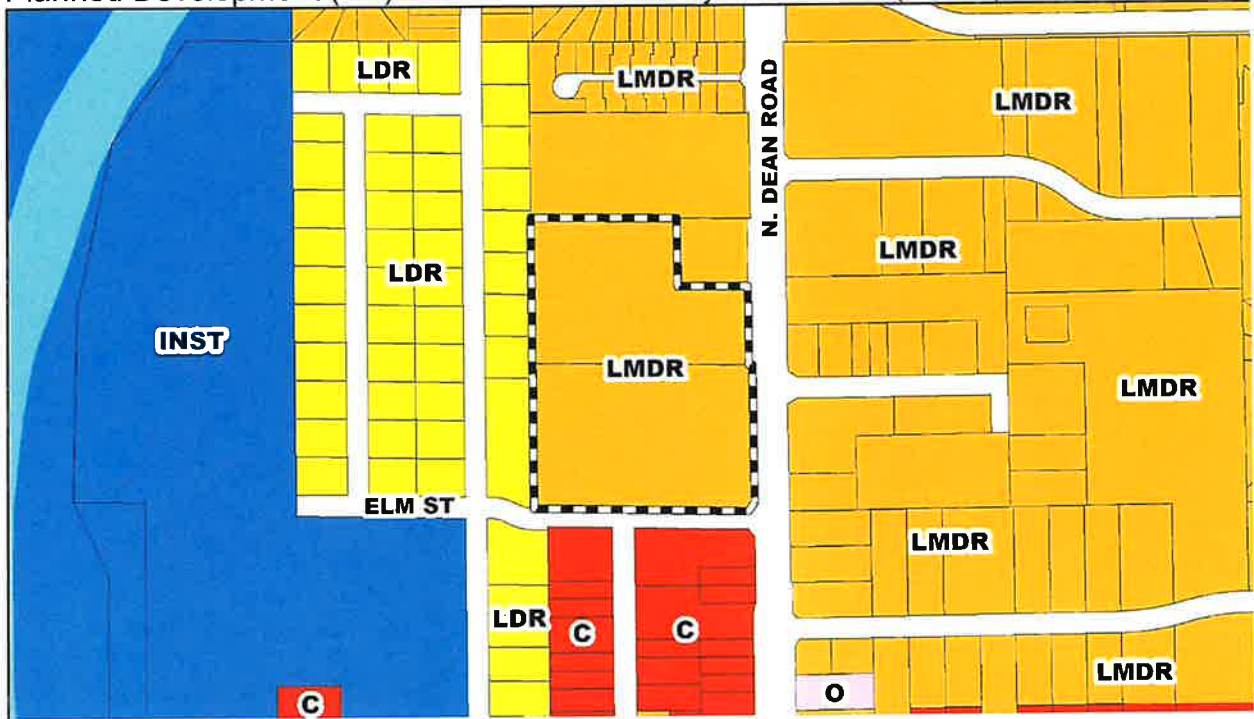
3. Pursuant to Section 125.022, Florida Statutes, as may be amended, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, 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.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Elm Street and Dean Road and any associated drainage as identified by the County Engineer.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).
9. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
10. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.
11. Northbound left turn lane on Dean Road (at the full access) must be constructed to meet FDM 212 standard, with 100 feet queue minimum. This will be an E-Plan and must be completed and accepted by the County prior to Certificate of Completion (CoC).
12. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
13. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.

14. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
15. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
16. Short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 19, 2006, shall apply:
 - a. All previous Conditions of Approval have been satisfied.

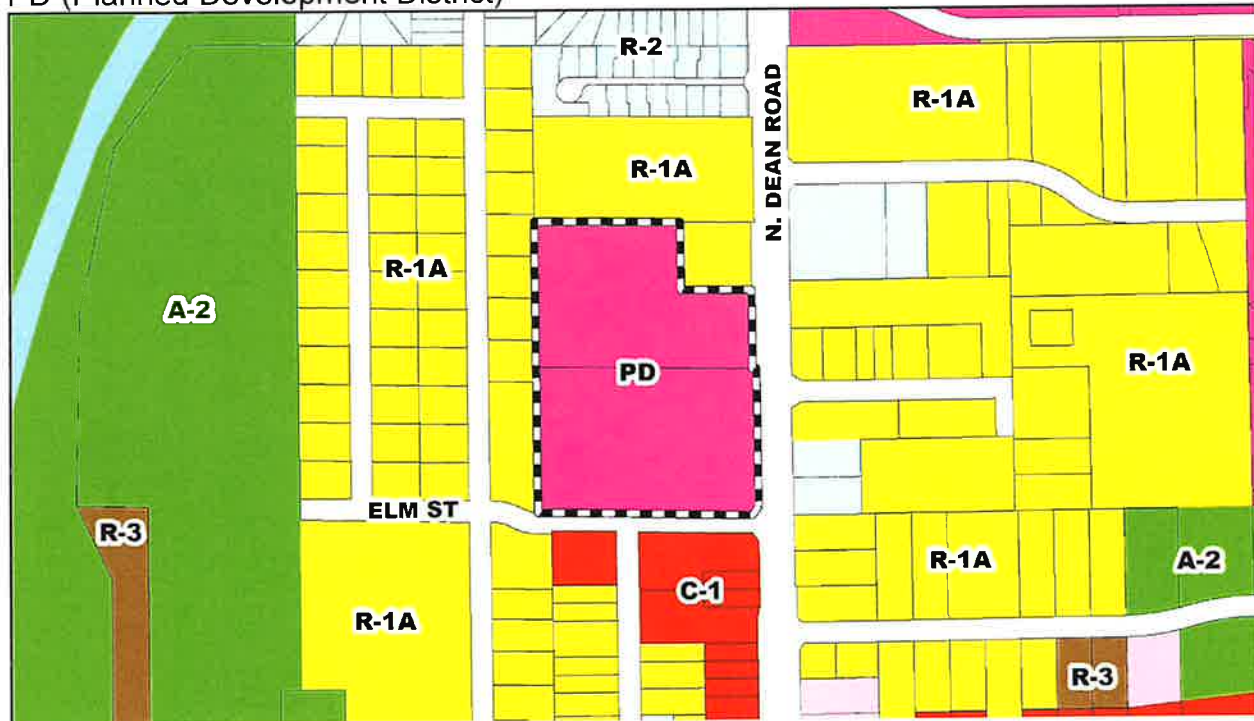
FUTURE LAND USE

Planned Development (PD) / Low Medium Density Residential (LMDR)

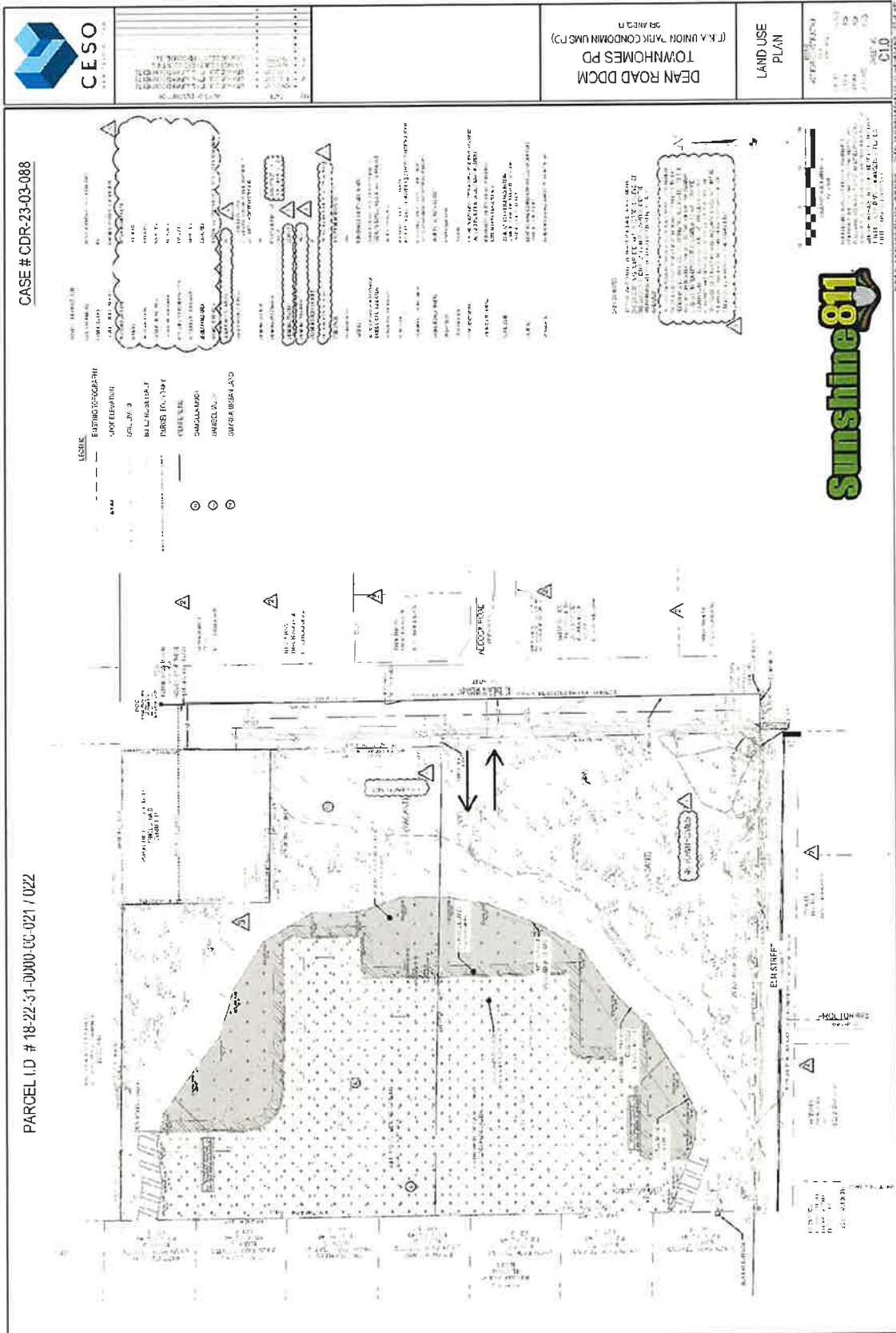


ZONING

PD (Planned Development District)



Site Plan Sheet



DEAN ROAD DDCM
 (TOWNHOMES PD)
 (R.A. UNION PARK CONDOMINIUMS P2)
 98 ACRES

LAND USE
 PLAN

C1.0

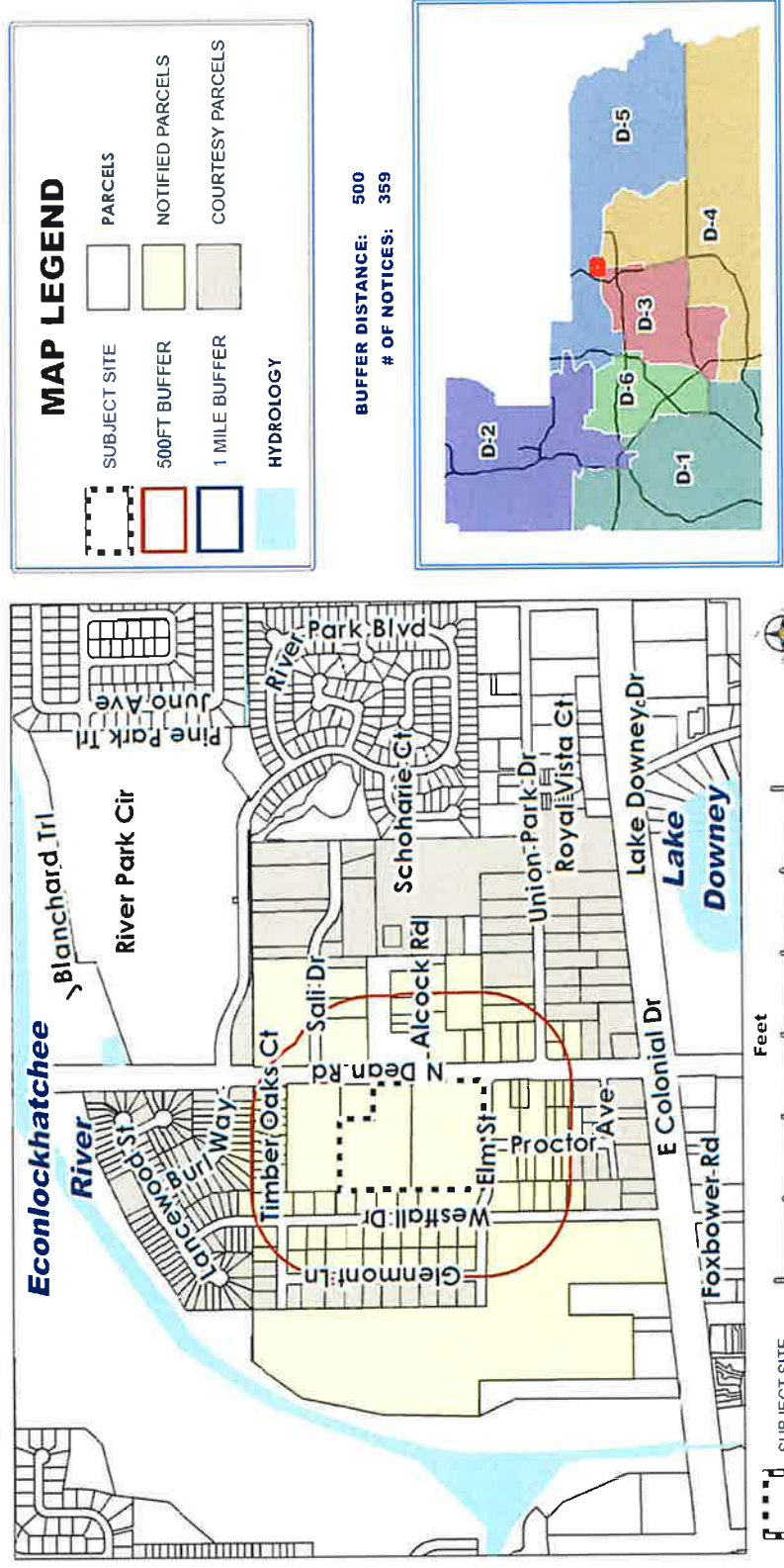


Notification Map

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Public Notification Map

CDR-23-03-088



MAP LEGEND

	SUBJECT SITE		PARCELS
	500FT BUFFER		NOTIFIED PARCELS
	1 MILE BUFFER		COURTESY PARCELS
	HYDROLOGY		

BUFFER DISTANCE: 500
 # OF NOTICES: 359

