

Interoffice Memorandum

DATE: April 23, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

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

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes PSP received March 7, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 5.

PROJECT: Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes PSP (PSP-23-09-288)

PURPOSE: The subject property is located on the West side of Dean Road and north of East Colonial Drive. Through this request the applicant is seeking to subdivide 10.65 acres in order to construct the 46 single-family attached residential dwelling permitted by the recently approved amendment to the Dean Road DDCM Townhomes Planned Development Land Use Plan. No waivers from Code are associated with this request.

This proposal received a recommendation of approval from the DRC on March 5, 2025.

This case was continued from the April 22, 2025 Board meeting to allow the applicant to work with Zoning staff to identify healthy trees that may be preserved on the site in the area along Dean Road given the proposed site conditions and constraints.

BUDGET: N/A

CASE # PSP-23-09-288

Commission District # 5

1. GENERAL INFORMATION

Applicant:	Garrett George, CESO, Inc.
Owner:	SANC Properties, LLC
Project Name:	Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes PSP
Hearing Type:	Preliminary Subdivision Plan (PSP)
Request:	To subdivide 10.65 acres to construct 46 single-family attached residential dwelling units.

2. PROJECT INFORMATION

A. Overview:	The subject property is zoned Planned Development (PD) and is located within the Dean Road DDCM Townhomes PD. The subject property has an underlying Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The PD was originally approved for 56 multi-family condo units and was amended in 2024 to reduce the allowable use to 46 single-family townhome units. Through this request, the applicant is seeking to construct 46 single-family townhome units.
B. Location:	North of Elm Street / West of Dean Road
C. Parcel ID(s):	18-22-31-0000-00-022 18-22-31-0000-00-021
D. Total Acres:	10.65 overall PD acres / 7.36 developable acres
E. Water Supply:	Orange County Utilities
F. Sewer System:	Orange County Utilities
G. Schools:	Union Park ES Enrollment: 450 / Capacity: 601

	Union Park MS Enrollment: 647 / Capacity: 1,467 University HS Enrollment: 2,448 / Capacity: 2,402
H. School Population:	17
I. Parks:	Blanchard Park - 0.4 Miles
J. Proposed Use:	46 Single-Family Attached Residential Dwelling Units
K. Site Data:	Maximum Building Height: 35 ft Minimum Living Area: 500 sq ft Minimum Lot Width: 20 ft Building Setbacks: Front / Rear – 20 ft Side street – 15 ft Side end units – 10 ft Side – 0 ft
L. Fire Station:	Fire station 67 - 10679 University Boulevard
M. 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 forty nine (349) notices were mailed to those property owners in the mailing area.
N. Community Meeting Summary:	A community meeting was not required for this case.
O. Transportation:	Mr. Garrett George with CESO, Inc. submitted a Capacity Encumbrance Letter application (CEL-23-03-018) in March 2023 for 108 Townhomes on parcels 18-22-31-0000-00-021 and 18-22-31-0000-00-021. CEL-23-03-018 is currently under review. Transportation Planning has placed a comment requesting a Traffic Study since the project is located near failing roadways. Should Transportation Planning deny the application the Owner will have the option to remedy the deficiencies by entering into a Proportionate Share Agreement with Orange County (OC Code: Chapter 30, Sections 30-620 thru 30-624).

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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.

Based on the Concurrency Management database (CMS) dated 10/13/2023, 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.

P. Environmental Protection Division:

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management.

Use caution to prevent erosion during construction along the boundary of the property, into surface waters, wetlands and

buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping.

This site has soil that is suitable for gopher tortoise habitat. The applicant shall comply with the Florida Fish & Wildlife Conservation Commission (FWC) regulations. Forward any related permits to the Orange County Environmental Protection Division.

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.

Q. Comprehensive Plan:

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The subject property is designated PD (Planned Development) on the Zoning Map, which is consistent with the FLUM Designations.

R. Zoning:

PD (Planned Development)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (March 5, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to the Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes PSP dated "Received March 7, 2025", subject to the following conditions:

1. Development shall conform to the Dean Road DDCM Townhomes (fka Union Park Condominiums) PD Land Use Plan; Board approvals; Dean Road DDCM Townhomes Preliminary Subdivision Plan dated "Received March 7, 2025," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the Board, or by action of the Board. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received March 7, 2025," 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, 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 preliminary subdivision 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, 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. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
8. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU

approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

9. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
10. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the Countys satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
11. If it is anticipated that retaining wall(s) will be designed and constructed, it shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs): For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA; removal of this section from the CC&Rs is prohibited unless approved by the Orange County Board of County Commissioners. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for: 1.) Annual routine maintenance of the retaining wall, including an engineers report to be submitted to the HOA on a three year cycle. 2.) Capital-repair/replacement of the retaining wall based on a 50-year life cycle. Initial funding of the accounts shall be approved by County Engineer, or their designee, and on the basis of a professional engineer's estimate for the above referenced accounts.
12. Prior to construction plan approval, the engineer of record must demonstrate that no adverse flooding impacts will occur to surrounding properties as a result of any decreased storage in the wetland.
13. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
14. 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

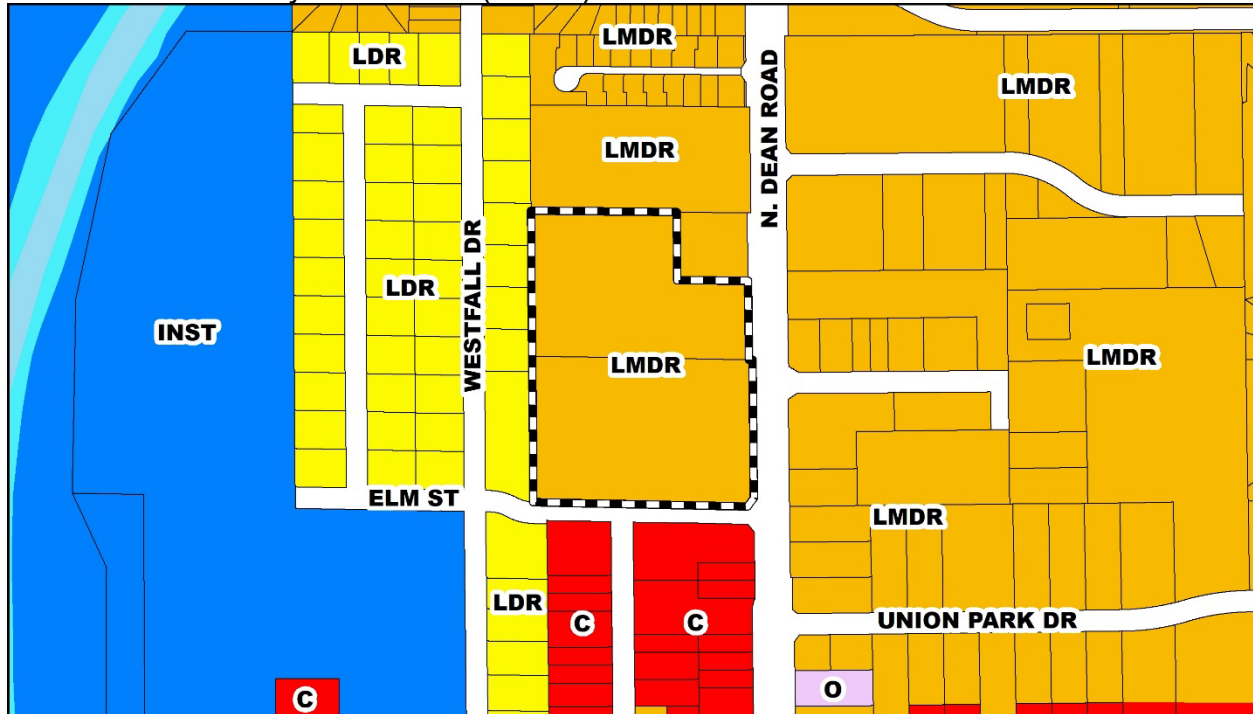
or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water impacts.

15. 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).
16. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the Orange County Environmental Protection Division National Pollutant Discharge Elimination System (NPDES) Supervisor at NPDES@ocfl.net for details.
17. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
18. 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 Supervisor at NPDES@ocfl.net. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
19. 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.
20. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5, as may be amended.
21. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.
22. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

23. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.
24. 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 properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") 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.
25. "No Parking" signage shall be installed within the development as shown on the approved plan, prior to the county issued certificate of completion for the infrastructure.
26. A 240-feet northbound left turn lane on Dean Road (at the full access) must be constructed to meet FDM 212 standard. This will be an E-Plan and must be completed and accepted by the County prior to Certificate of Completion (CoC).
27. A Master Utility Plan (MUP) for the PSP 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 PSP 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.

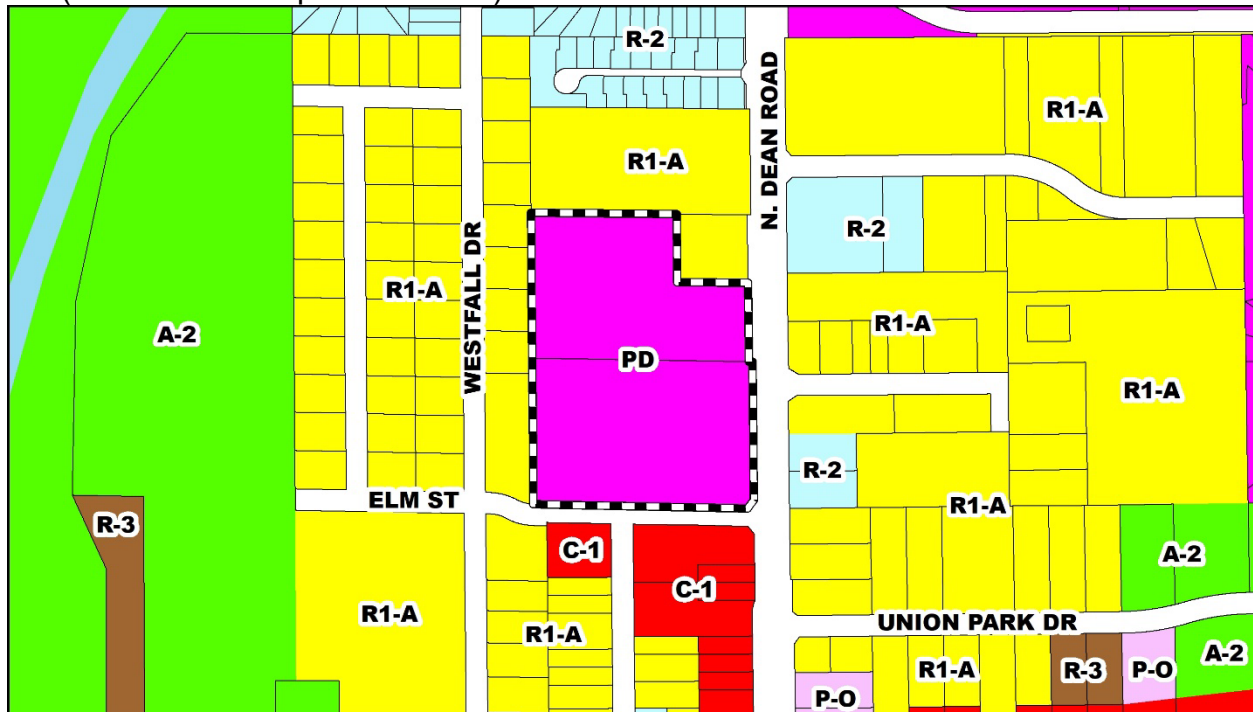
FUTURE LAND USE

Low Medium Density Residential (LMDR)



ZONING

PD (Planned Development District)

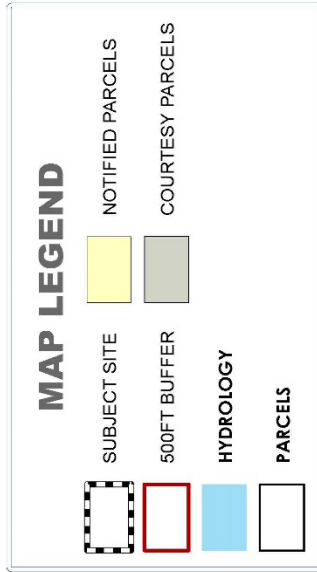
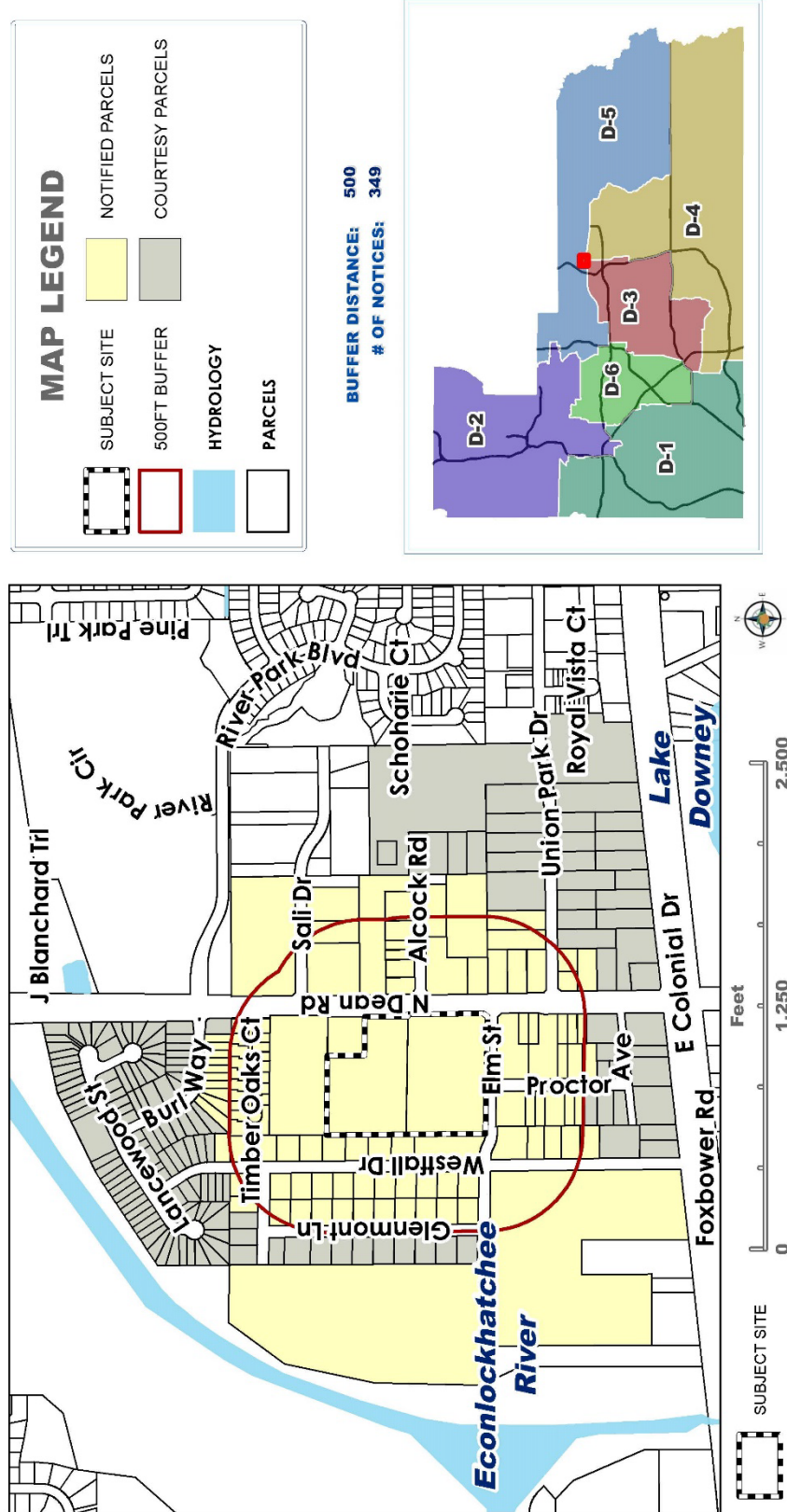


Notification Map

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Public Notification Map

PSP-23-09-288



BUFFER DISTANCE: 500
 # OF NOTICES: 349

