



CATHCART TERRACE SUBDIVISION W/MODIFICATION OF STANDARDS



Location Map

SUMMARY

Owner

Ballew Enterprises, LLC

Applicant

Patrick Knight
Knight Family-Keys, LLC

Project Planner

Katy Magruder, CNU-A

Property Location: 835 Cathcart Ter. (east of Cathcart Terrace, west of Kennilworth Terrace, and south of E. Marks Street) (parcel #24-22-29-9080-00-170; 0.52 acres, District 3).

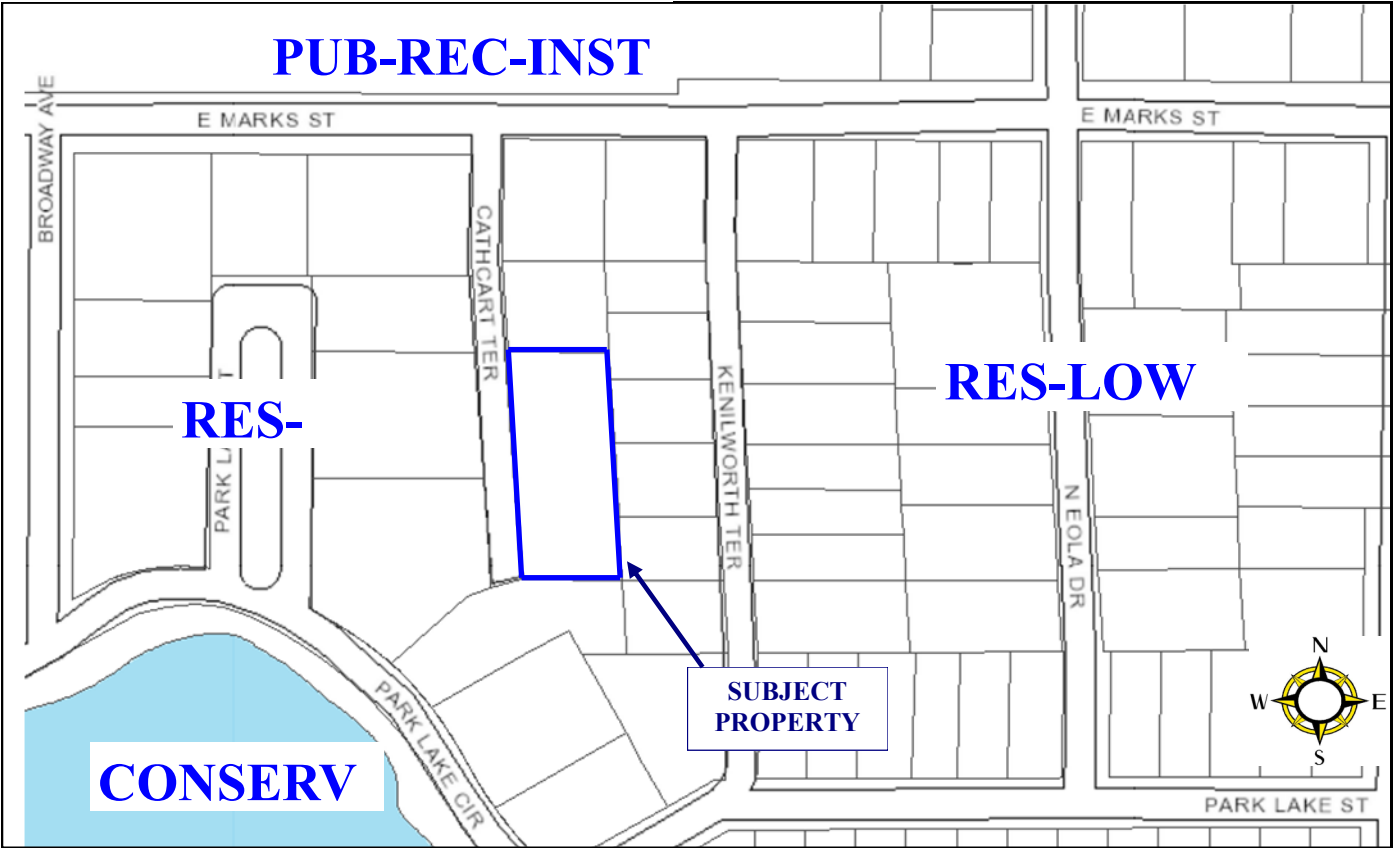
Applicant's Request: The applicant proposes to replat a developed residential property into three residential lots. The existing home will be on one lot. A Modification is needed for all three lots, which will not meet the minimum required 110 ft. lot depth under R-1/T zoning. The property is located in the Park Lake/Highland neighborhood.

Staff Recommendation: Approval of the Minor Plat with Modification of Standards, per the conditions in this staff report.

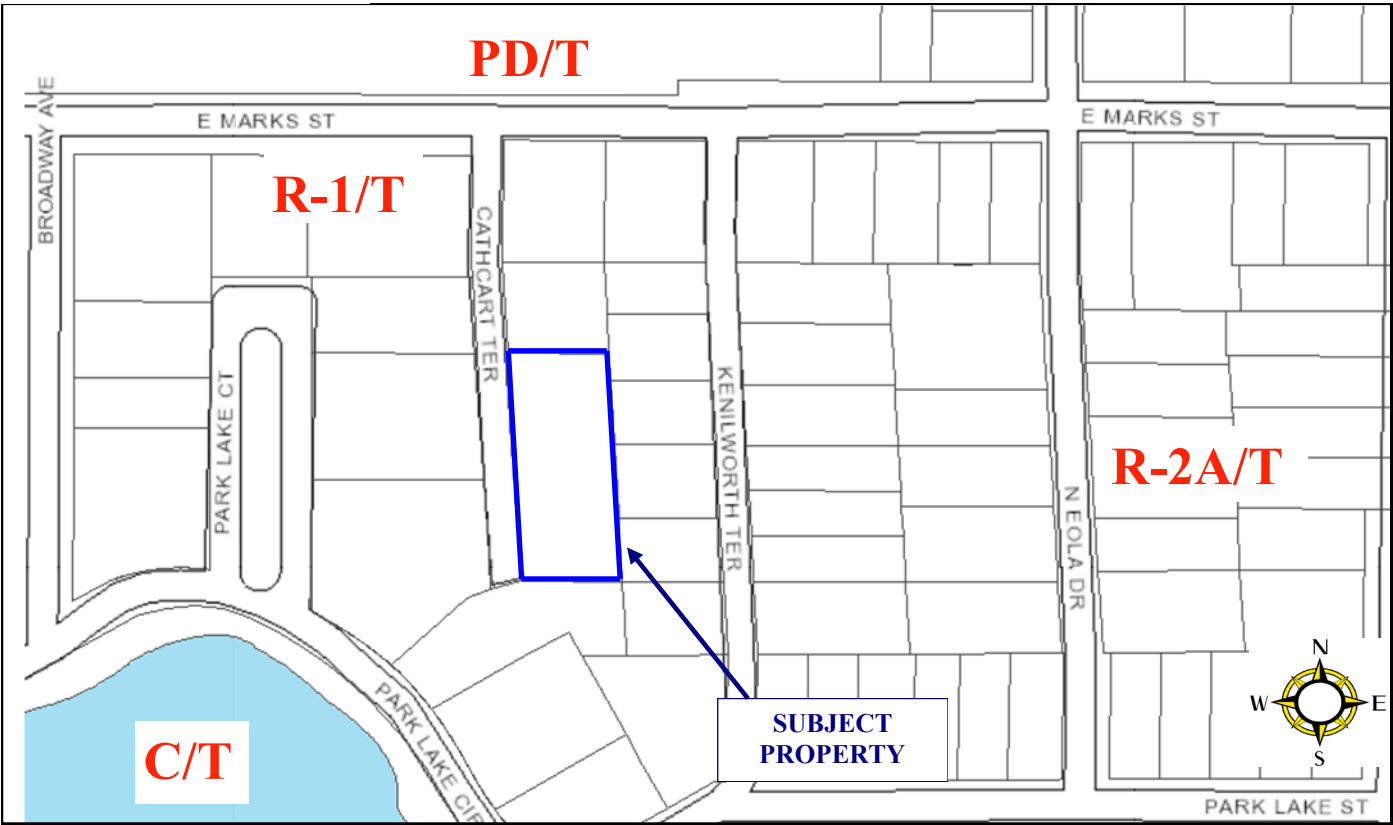
Public Comment:

Courtesy notices were mailed to property owners within 300 ft. of the subject property the week of November 9, 2015. As of the mail-out of the staff report, staff has no public comments.

FUTURE LAND USE MAP



ZONING MAP



PROJECT ANALYSIS

Project Description

The applicant is requesting to replat a partially developed 0.52-acre property for the development of two single-family homes in addition to the one existing single family home. The property is located east of Cathcart Ter., west of Kennilworth Ter., and south of E. Marks St., in the Park Lake/Highland neighborhood. The proposed three lots will not meet the minimum required 110 ft. lot depth, mandating a plat with modifications.

Previous Actions

1902: Subject property including lots 17, 20, 21, 24, and 25 platted into the Ways Addition Subdivision

1926: A one-story, 2092 sq. ft. single family home was constructed

2014: A letter of determination issued for recommended development of the five parcels of land into three lots (LDC2014-00290)

Adjacent uses, zoning and future land use designations are shown in Table 1 below:

TABLE 1 - PROJECT CONTEXT			
<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Adjacent Uses</i>
North	Residential Low Intensity (RES-LOW)	R-1/T (One-Family Residential, Traditional City Overlay)	Single-Family Home
East	RES-LOW	R-1/T	Single-Family Home
South	RES-LOW	R-1/T	Single-Family Home
West	(Across Cathcart Ter.) RES-LOW	R-1/T	Single-Family Home

Minor Subdivision Plat

Minor Subdivision Plat Review (LDC Section 65.420) is intended for subdivisions that do not require construction of streets or public improvements. In so doing, this review ensures that development in the City of Orlando takes place in an orderly and efficient manner. In this case, the property is being replatted to allow for the development of two new single-family homes in addition to the one existing single family home via a plat with modifications.

Existing Zoning and Future Land Use

The property is designated Residential Low Intensity on the City's Future Land Use Map, and is zoned R-1/T (One-Family Residential in the Traditional City Overlay). Per Table 2 at right, the replat request *does not* comply with standards for platting of lands as contained in LDC Chapter 65 Part 3G and needs a Modification of Standards relative to lot depth for all three lots.

Table 2 - Development Standards & Proposed (R-1/T)		
<i>Use & Proposed Lot</i>	<i>Lot Size (sq. ft.)</i>	<i>Lot Dimensions (minimums)</i>
Single-Family Homes	6,000	55 ft. (w) x 110 ft. (d)
Lot 1	7,498	74.98 ft. (w) x 100 ft. (d)
Lot 2	7,498	74.98 ft. (w) x 100 ft. (d)
Lot 3	7,498	74.98 ft. (w) x 100 ft. (d)

Proposed Development/Modification of Standards

Via the Replat with Modification of Standards process (LDC Section 65.452), the applicant seeks to divide the property into three equal parcels, at 74.98 ft. wide x 100 ft. deep (7,498 sq. ft.), where the minimum required 110 ft. lot depth will not be met. Accordingly, these lots will be non-conforming and are subject to the rules below.

Non-conforming Lot Requirements

LDC Section 58.1152, Permitted Uses of Nonconforming Lots, states "when a platted residential lot or Lot of Record is non-conforming in lot area, lot width, or lot depth, the following regulations shall apply

A. Height. The maximum building height shall be two -stories. **The heights of the proposed homes will be two—stories.**

B. Floor Area Ratio (FAR). The maximum floor area ratio shall be 0.50. **The FAR of the proposed homes will be limited to a max of 0.40.**

C. Location of Required Parking. All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principal facade of the principal building. For each lot, the combined width of all garage door(s) facing a street shall not

exceed fifty percent (50%) of the combined width of all building elevations facing the same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure shall be set back a minimum of twenty (20) feet from the street side property line and the combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure. **The detached garages will be behind the principal buildings.**

- D. Appearance Review Required. No conceptual elevations were provided with the application for this replat with modification of standards, which are typically submitted with the application. **See the conditions of approval on page 9.**
- E. Modification of Standards Prohibited. Modifications to development standards on nonconforming residential lots under Chapter 65 of this Code are prohibited. Only variances approved by the Board of Zoning Adjustment (BZA) shall be allowed.

Staff looked at the prevailing development pattern along the block between Cathcart Ter. and Kennilworth Ter. and determined that building living area and FARs were considerably lower than the maximum allowed 0.50 FAR. The average FAR for the six homes east of the subject property and parcel north of the subject property is 0.25. (including 840, 834, 826, 822, 818, and 812 Kennilworth Ter.; and 841 Cathcart Ter.) The existing single family home will have an FAR of 0.25 with the proposed replat. The applicant will be held to an FAR of 0.40 and a max ISR of 0.55.

In addition, the applicant will also be responsible for the construction of a 43 ft. easement for garbage trucks and emergency vehicles. This easement will be split between the proposed second and third lots with 12 ft. width on each property. The applicant will pave Cathcart Terrace with concrete to access the easement, which will be the first 43 ft. of the shared driveway between the proposed second and third lot. A sign shall be erected indicating that no parking will be permitted on the first 43 ft. of the easement.

Plat w. Modification of Standards

LDC Section 65.452 provides the following four criteria for approving plat with Modification of Standards applications:

- (A) *Purpose and Intent of GMP.* The modification would be consistent with the stated purpose and intent of this Code and with the City's adopted GMP;
- (B) *Public Interest.* The modification would not have a significantly adverse impact on the public interest;
- (C) *Public Facilities.* The modification would not overburden or otherwise adversely impact public facilities; and
- (D) *Hardship.* Strict application of the development standard would create a legal hardship due to the unusual size, shape, topography, natural conditions, or location of the subject property (provided that such conditions were not existing at the time of the property owner's purchase of the property or created by the property owner or their agent); due to best engineering, design, or construction practices; or due to required preservation of existing environmental or cultural features.

Generally, Planning staff supports Plat with Modification of Standard requests when all lots meet the minimum required lot area under the applicable zoning designation. In this case, all three proposed lots meet both the minimum required lot area and the minimum required lot width under R-1/T zoning.

School Impacts

The replatting would re-activate the 2nd and 3rd lots and the increase of 2 dwelling units would result in a *diminimus* increase to area school capacity. Thus, no further school impact analysis is needed.

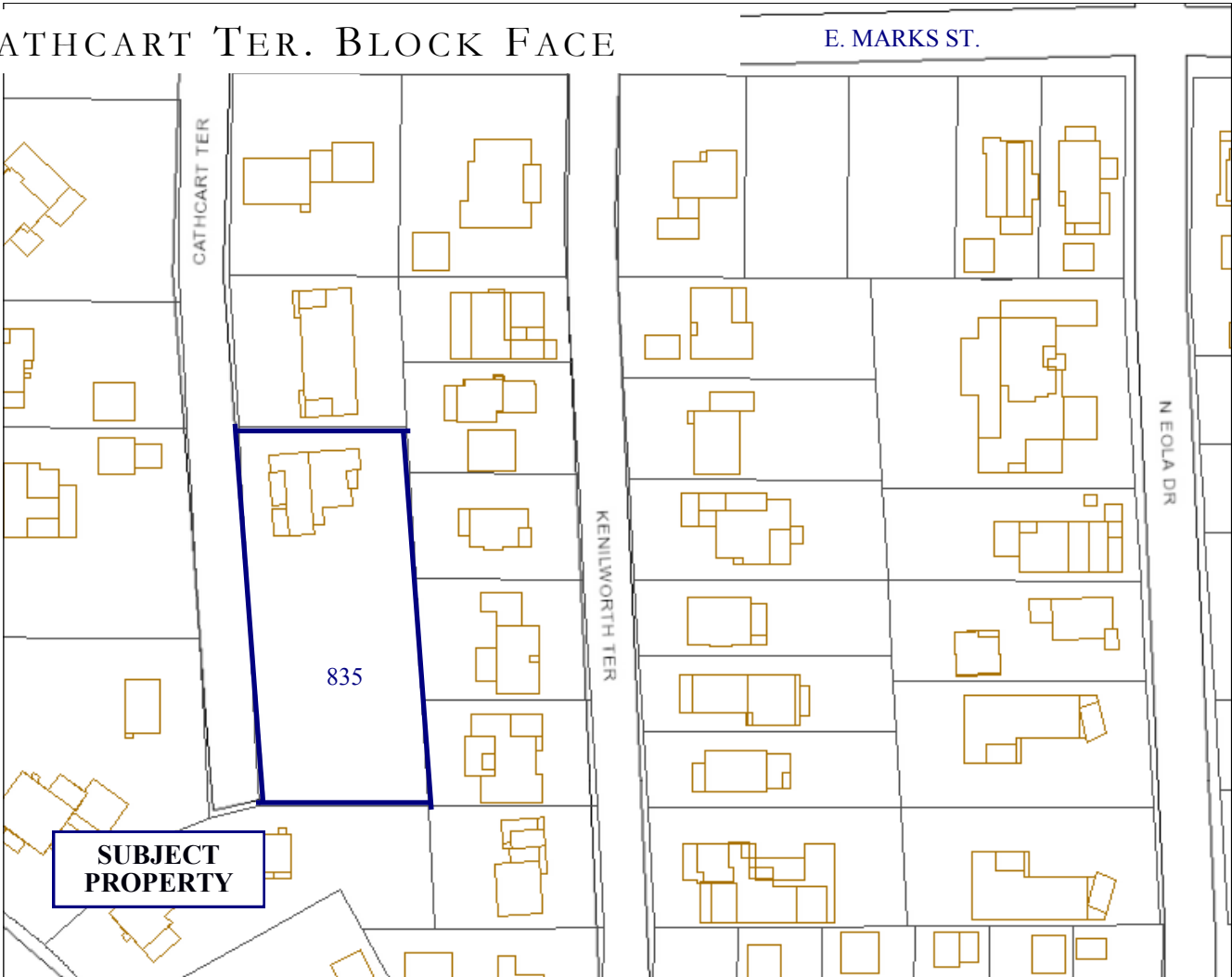
Findings/Recommendation

The Highland Terrace Subdivision Replat with Modification of Standards is consistent with the requirements for approval of a Minor Subdivision Plat with Modification of Standards as contained in Section 65 Part 3G of the Land Development Code (LDC), per the findings below:

1. The modification is consistent with the stated purpose and intent of the Code and with the City's adopted GMP;
2. The modification would not have a significant adverse impact on the public interest;
3. The modification would not overburden or otherwise adversely impact public facilities; and
4. In terms of hardship, the lot depth of the subject property prior to the proposed replat is 100 ft. The subject property is legally non-conforming and therefore would be impossible to meet the LDC requirement of 110 ft. lot depth.

Based on the information provided in the staff report and the findings noted above, staff recommends **approval** of the Highland Terrace Subdivision Replat with Modification of Standards, per the conditions in this staff report.

CATHCART TER. BLOCK FACE



AERIAL PHOTO



SITE PHOTOS



Existing home at 835 Cathcart Terr.



Side yard of 835 Cathcart Terr.

SITE PHOTOS



Vacant lots - 835 Cathcart Terr.

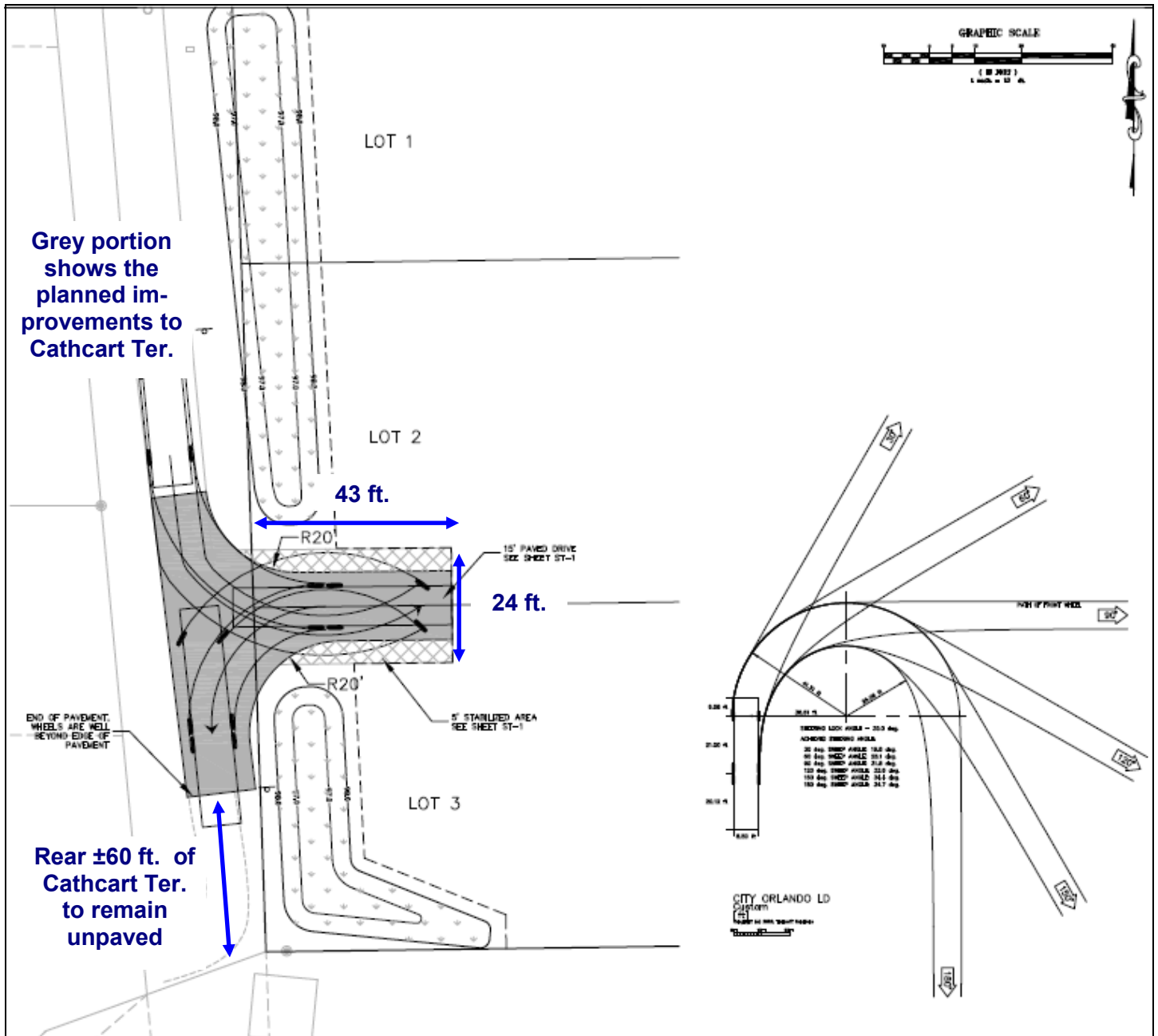


SITE PHOTOS

Looking south at Cathcart Terr. dead-end into the driveway of 429 Park Lake Cir.

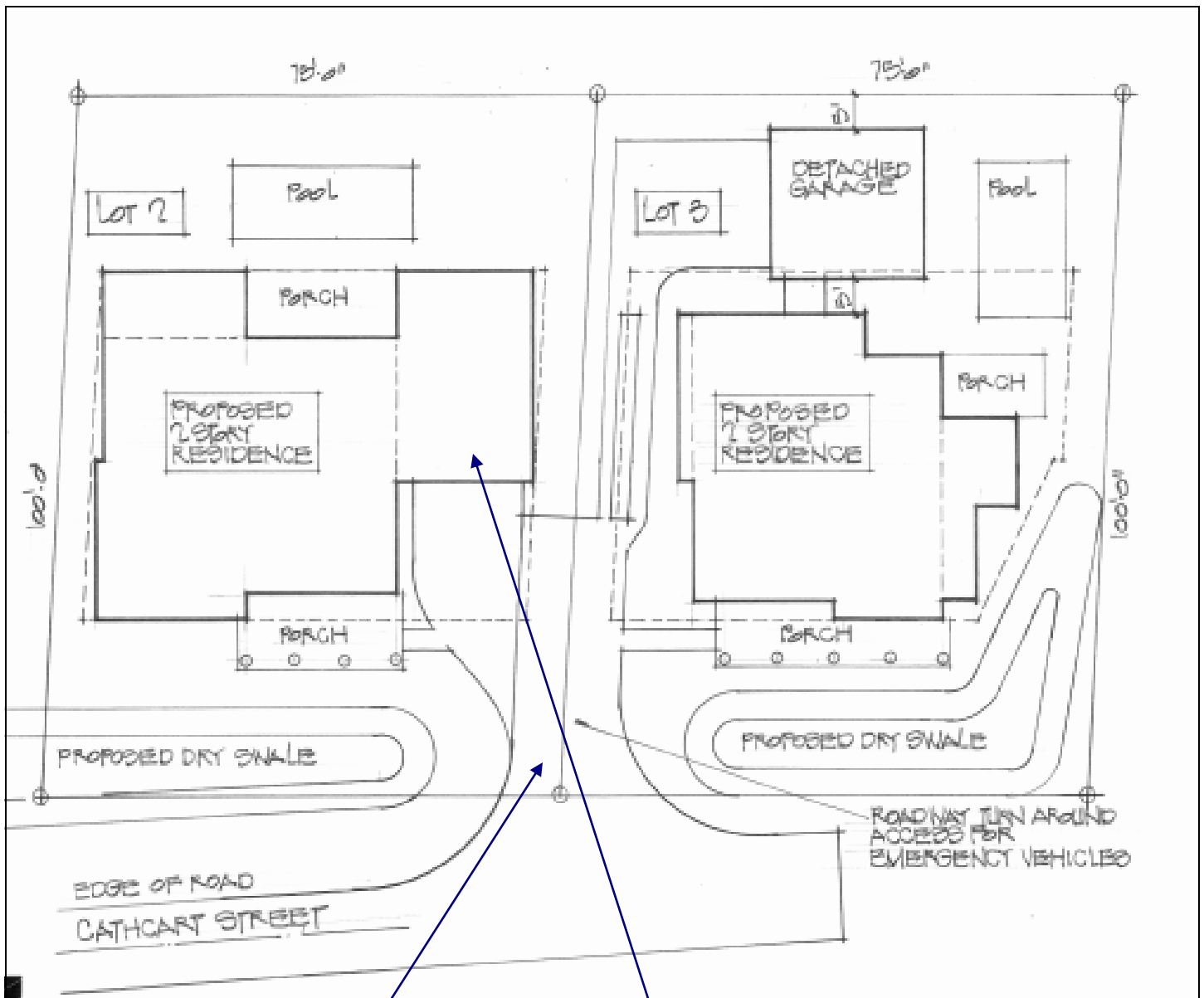


PROPOSED HAMMERHEAD ON CATHCART TER.



PROPOSED SITE PLAN

To show the proposed easement, this site plan is shown in full. The applicant has agreed to replace the attached garage on Lot 2 with a detached garage in the rear to provide ample parking space behind the required easement where no parking will be permitted. He will be allowed to create a front loaded detached garage in the rear if all other code requirements are met including ISR and setbacks. The applicant is also allowed to create Lot 3 in mirror image for Lot 2. Lastly, the applicant has agreed to erect a no parking sign in the easement.



Required 43 ft. by 24 ft. easement for emergency vehicles.

City staff condition: Must become a detached garage in the rear. May be front or side loaded. See page 11.

CONDITIONS OF APPROVAL - REQUIRED

Land Development

1. Maximum FAR - In order for the proposed houses to “blend” with the existing neighborhood development pattern, the maximum living area of the houses, as provided in this report, shall not exceed 3,000 sq. ft. living area (FAR of 0.40).
2. Nonconforming Lots - The attached garages for both units shall be recessed at least 5 ft., in accordance with LDC Section 58.1152. In this case, the applicant has agreed to two detached garages in the rear.
3. Consistency with Staff Report - Building permits shall match the development plan for Lot 3 with a detached garage. Lot 2 may include a detached garage that is front loaded. Modifications to the site plan not meeting Code shall require approval of a variance prior to permitting.

Transportation Engineering

No portion of the proposed stormwater pond shall be allowed within City ROW.

Public Sidewalk Requirements

As per Jim Hunt: Sidewalks requirements along the whole subdivision frontage will be waived. Payment in lieu of construction to the construction fund will be required.

Urban Design

Appearance Review shall be required pursuant to the requirements and procedures provided in LDC Section 62.300; however, a formal planning official determination is required to document this process prior to permitting. At minimum, no two elevations shall be similar, nor shall any roof forms be identical. Each building shall express an authentic architectural style, utilizing the Baldwin Park Residential Design Guidelines for guidance during the formal appearance review process.

Legal

1. A title opinion or certificate pursuant to FS 177.041 must be provided for further review.
2. If nothing is to be dedicated to the public it must so state in the dedication.
3. Pursuant to Florida Law, dedications must be executed in the same manner as a deed. Authorized Representatives are not authorized to execute deeds/dedications unless documentation from the LLC (owner) specifically authorizing the AR is provided.

Sewer

Per section 9.02.01(I)(1) sewer mains shall be installed near the center of rights-of-way (ROW's). Sewer mains shall be located to allow excavation for maintenance and repair without impacting properties outside of the ROW or placed within easements having a minimum width of 20'. Sewer laterals shall have a minimum 3' of cover at the ROW line.

City Surveyor

The plat you have submitted for the first time called Highland Terrace has not passed the review process for the following reasons:

1. Sheet: (Survey) The submitted Survey didn't have a raised seal.
2. Sheet: (Survey) The POB Legal Description doesn't match the Survey along with the bearings on the east and south lines.
3. Sheet: (Survey) The leader line on the Un-Dimensioned Area on Plat should be changed to Line, the lots 1-7 distances are referenced on PB. H PG. 27.
4. The Survey didn't show the required Tree & Woodlands Survey page 5 (b) on the Subdivision Application.
5. The completed review will resume once the Title Opinion is submitted per FS177.041 (2).
6. Field Review has not passed. Email Dean Hill and copy Ken Brown at Kenneth.brown@cityoforlando.net to schedule future field checks. Dean can be reached a dean.hill@cityoforlando.net. FS 177.091(7)
7. Orange County Property Appraiser has not completed their review at this time.
8. Reminder: A copy of the Statement of Lien Settlement must be provided to the Office of Permitting Services when the plat is ready for recording. CO(17)
9. Survey will need the following documents for the next review in addition to copies required by other departments:
 - a. 2 copies of the plat
 - b. 2 copies of survey
 - c. 2 copies of the title opinion
 - d. 2 copies of the closure report
 - e. Email, CD, or flash drive containing PDF files of all documents.

CONDITIONS OF APPROVAL

Verify the total number of copies needed with John Groenendaal.

Building Plans

Building Plan Review is not applicable to this case at this time.

INFORMATIONAL (pertains more to development/permitting of the new uses)

Land Development

Except as provided herein, the proposed plat is subject to all codes and ordinances of the State of Florida, City of Orlando, and all other applicable state regulatory agencies. Any applicable state or federal permits must also be obtained before commencing development.

Engineering/Zoning

1. Minor Plat w. Modification of Standards - Upon approval of the project by the Municipal Planning Board, submit ten (10) folded and collated sets of the following items to Permitting:
 - > Copy of the plat
 - > Title opinion, no more than 90 days old with 1 set of supporting documents (can be a digital file) (1 original)
 - > Joinder and Consent (1 original), if applicable.
 - > Boundary Survey
 - > Topographic Survey.
 - > Signed and Sealed Appendix C and lot closure report.
 - > Page 1 of the subdivision application making reference to the SUB case # assigned by Planning.
 - > Any other documents required in the Planning staff report.

Orlando Police Department

The Orlando Police Department has no objections to the replat request for Highland Terrace located at 835 Cathcart Ter. A complete CPTED review for this project will be completed when detailed development plans are submitted to the City.

We encourage developers and property owners to incorporate CPTED strategies in their projects. A brochure entitled Crime Prevention Through Environmental Design, Your Guide to Creating a Safe Environment, which includes crime prevention techniques for various land uses, is available by email.

Transportation Impact Fees

1. Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact Fees. An estimated Transportation Impact Fee in the amount of \$7,636.00, based on the construction of two new single family residential units, will be due at the time of building permit issuance, subject to change upon final permit plan review.

For a copy of the complete ordinance or impact fee rate chart, you may reference our website at: <http://www.cityoforlando.net/planning/Transportation/ifees.htm>

2. The applicant shall comply with all applicable requirements of Chapter 59, the Concurrency Management Ordinance, to ensure that all public facilities and services are available concurrent with the proposed development, and that the potential impacts on public facilities and services are mitigated.

All new construction, changes in use, additions or redevelopment are required to submit a Concurrency Management application as a part of the building plan review process. A Concurrency Management application is available on the City's website: <http://www.cityoforlando.net/permits/forms/concurrency.htm>

CONTACT INFORMATION

Land Development

For questions regarding Land Development review, contact Katy Magruder at 407-246-3355 or at kathleen.magruder@cityoforlando.net.

City Surveyor

If you have any questions, please do not hesitate to call Ken Brown at 407.246.3812 or at Kenneth.brown@cityoforlando.net. You may also contact Richard Allen at 407.246.2788 or at Richard.allen@cityoforlando.net.

Engineering/Zoning

For questions regarding Plat & Engineering/Zoning review, contact Shirley Green at 407-246-2134 or at Shirley.green@cityoforlando.net. To obtain plan review status, schedule/cancel an inspection or obtain inspection results, please call PROMPT, our Interactive Response System at 407.246.4444.

Urban Design

For questions regarding Urban Design review, please contact Jason Burton at (407) 246-9792 or Jason.burton@cityoforlando.net.

Growth Management

For questions regarding Growth Management plan review, please contact Colandra Jones at (407) 246-3415 or Colandra.Jones@cityoforlando.net.

Sewer

For questions regarding Sewer review, contact David Breitrick at 407-246-3525 or at david.breitrick@cityoforlando.net.

Building Plan Review

For questions regarding Building Plan Review issues contact Don Fields at (407) 246-2654 or don.fields@cityoforlando.net.

Orlando Police Department

For questions regarding Orlando Police Department plan reviews or to obtain a copy of the brochure, contact Audra Nordaby at 407.246.2454 or Audra.Nordaby@cityoforlando.net.

Transportation Impact Fees

For questions and information regarding Transportation Impact Fee Rates you may contact Nancy Ottini at (407)246-3529 or nancy.jurus-ottini@cityoforlando.net

REVIEW/APPROVAL PROCESS-NEXT STEPS

1. Following the MPB meeting, the City Council will review and approve the MPB meeting minutes on Mon. December 7, 2015.
2. Following the November MPB meeting, the applicant can re-submit plat and subdivision revisions to Engineering/Zoning (1st floor), who will coordinate the remainder of the plat review process, including scheduling City Council approval of the plat (date to be determined by Engineering/Zoning). The applicant may elect to provide a Hold Harmless Agreement at time of plat resubmittal to allow building permits for the two (2) houses to be issued (if ready for issuance).