

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 30, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 19-0257. f.k.a. PB 18-0220, 320 S Hibiscus Road – Modification of previously approved Lot Split**

The applicant, 320 South Hibiscus Drive, LLC, is requesting a modification for a previously approved Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code. Specifically, the applicant is requesting to modify the conditions of approval in order to allow the filing of an application to the Design Review Board including design waivers.

#### **RECOMMENDATION:**

Approval with conditions

#### **HISTORY**

November 27, 2018 The Board approved the Division of Land/Lot split for this property. (PB 18-0220).

March 26, 2019 The application was continued to the April 30, 2019 Planning Board meeting.

#### **EXISTING STRUCTURES/SITE:**

The subject application includes one existing parcel of approximately 32,212 square feet (Per Survey and Letter of Intent submitted by the applicant) The applicant is proposing to divide the parcel into two individual single family sites.

#### **ZONING / SITE DATA:**

Legal Description: Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

Zoning: RS-3 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Lot Size: 32,212 Square Feet for the Combined Site

**REVIEW CRITERIA:**

Pursuant to Section 118-321(b) of the City Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

1. **Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

**Consistent**– The minimum lot size and lot width requirements for RS-3 Zoning district are 10,000 square feet lot size and 60 feet lot width. The proposed area of the Eastern lot is 16,096 square feet with a lot width of 90 feet. The proposed Western site is 16,116 square feet with a lot width of 90 feet.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

**Partially Consistent**– The surrounding lots in the RS-3 zoning district consist of lots that have an average size of 12,590 square feet. The proposed lot split will create two (2) lots larger than the average (Eastern lot 16,096 square feet western lot 16,116 square feet) lot size.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

**Consistent**– No adverse impacts are expected to be created by the lot split and the proposed homes, the scale of the proposed home is compatible with the as-built character of the surrounding area.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

**Consistent**– The existing 1952 single family home is going to be demolished.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

**Consistent**–The building sites created would be free of encroachments from abutting buildable sites.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2) of the City Code.**

**Consistent**– The existing 1952 single family home is has not been classified.

### **ANALYSIS**

The subject property consists of a single owner (the applicant) who proposes to divide the subject property, which consists of three (3) platted lots, into two (2) separate parcels. An Opinion of Title was submitted in conformance with the requirements of the City Code.

The RS-3 residential single-family zoning district requires a minimum lot area of 10,000 square feet and a minimum lot width of 60 feet. The proposed parcels comply with the minimum lot area and lot width.

The table below summarizes the statistical data of similar properties in the surrounding area, (see also analysis parcels aerial). The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser's Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias, covered patios, etc. and for non-air-conditioned garages. As per the City's definitions, these items are generally excluded from unit size calculations. In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser's office. Staff has included a "20% allowance" column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes.

### **Area Analysis Data:**

#### **Subject Site:**

| <b>Adress</b> | <b>Lot Size<br/>(SF)</b> | <b>Proposed<br/>Unit Size<br/>(SF)</b> | <b>Proposed<br/>Unit Size %</b> |
|---------------|--------------------------|----------------------------------------|---------------------------------|
| Eastern Lot   | 16,096                   | 7,563                                  | 47%                             |
| Western Lot   | 16,116                   | 8,050                                  | 50%                             |

Surrounding Sites Summary:

| Statistic      | Year Built | Lot Size (SF) | Unit Size (SF) | Unit Size +20% Allowance (SF)* | Unit Size % | Unit Size +20% Allowance % | Floors |
|----------------|------------|---------------|----------------|--------------------------------|-------------|----------------------------|--------|
| Average        | 1970       | 12,590        | 5,300          | 5,751                          | 43%         | 46%                        | 2      |
| Median         | 1957       | 10,500        | 4,998          | 5,520                          | 40%         | 48%                        | 2      |
| Max            | 2016       | 21,000        | 11,761         | 11,761                         | 84%         | 84%                        | 3      |
| Min            | 1924       | 9,625         | 1,028          | 1,234                          | 10%         | 12%                        | 1      |
| First Quartile | 1940       | 10,500        | 3,671          | 4,405                          | 27%         | 32%                        | 1      |
| Third Quartile | 2007       | 14,438        | 6,756          | 6,756                          | 58%         | 58%                        | 2      |
| Mode           | 1938       | 10,500        | N/A            | 5,250                          | N/A         | 50%                        | 2      |

The following aerial and table describe the make-up of the parcels in the surrounding lots utilized for the previous analysis:

Analysis Parcels (aerial)

Analysis Parcels Data

| Address           | Year Built | Lot Size (SF) | Unit Size (SF) | Unit Size +20% Allowance (SF)* | Unit Size % | Unit Size +20% Allowance % | Floors |
|-------------------|------------|---------------|----------------|--------------------------------|-------------|----------------------------|--------|
| 224 S HIBISCUS DR | 2012       | 18,814        | 7,625          | 9,150                          | 41%         | 49%                        | 2      |
| 240 S HIBISCUS DR | 2012       | 10,500        | 6,245          | 6,245                          | 59%         | 59%                        | 2      |
| 250 S HIBISCUS DR | 1938       | 10,500        | 2,021          | 2,425                          | 19%         | 23%                        | 2      |
| 254 S HIBISCUS DR | 2014       | 10,500        | 7,438          | 7,438                          | 71%         | 71%                        | 2      |
| 266 S HIBISCUS DR | 1940       | 10,500        | 2,819          | 3,383                          | 27%         | 32%                        | 2      |
| 270 S HIBISCUS DR | 1956       | 10,500        | 4,050          | 4,860                          | 39%         | 46%                        | 1      |
| 280 S HIBISCUS DR | 2010       | 10,500        | 7,342          | 7,342                          | 70%         | 70%                        | 1      |
| 290 S HIBISCUS DR | 1954       | 10,500        | 2,607          | 3,128                          | 25%         | 30%                        | 1      |
| 294 S HIBISCUS DR | 1991       | 10,500        | 4,588          | 5,250                          | 44%         | 50%                        | 2      |
| 306 S HIBISCUS DR | 1938       | 10,500        | 2,113          | 2,536                          | 20%         | 24%                        | 1      |
| 340 S HIBISCUS DR | 1936       | 10,500        | 4,567          | 5,250                          | 43%         | 50%                        | 2      |
| 350 S HIBISCUS DR | 1976       | 15,750        | 4,251          | 5,101                          | 27%         | 32%                        | 2      |
| 360 S HIBISCUS DR | 1952       | 15,750        | 4,412          | 5,294                          | 28%         | 34%                        | 2      |
| 370 S HIBISCUS DR | 2016       | 21,000        | 10,614         | 10,614                         | 51%         | 51%                        | 3      |
| 394 S HIBISCUS DR | 1930       | 18,375        | 5,434          | 6,521                          | 30%         | 35%                        | 2      |
| 400 S HIBISCUS DR | 1924       | 13,125        | 2,697          | 3,236                          | 21%         | 25%                        | 1      |
| 410 S HIBISCUS DR | 1924       | 12,221        | 6,714          | 6,714                          | 55%         | 55%                        | 2      |
| 387 N HIBISCUS DR | 1926       | 10,500        | 1,028          | 1,234                          | 10%         | 12%                        | 2      |
| 375 N HIBISCUS DR | 1955       | 15,750        | 5,437          | 6,524                          | 35%         | 41%                        | 1      |
| 369 N HIBISCUS DR | 1954       | 15,750        | 8,216          | 8,216                          | 52%         | 52%                        | 1      |
| 355 N HIBISCUS DR | 2002       | 10,500        | 6,175          | 6,175                          | 59%         | 59%                        | 2      |
| 345 N HIBISCUS DR | 1952       | 21,000        | 4,461          | 5,353                          | 21%         | 25%                        | 1      |
| 333 N HIBISCUS DR | 2001       | 10,500        | 3,893          | 4,672                          | 37%         | 44%                        | 2      |
| 325 N HIBISCUS DR | 1957       | 10,500        | 5,032          | 5,250                          | 48%         | 50%                        | 2      |
| 305 N HIBISCUS DR | 1996       | 10,260        | 6,370          | 6,370                          | 62%         | 62%                        | 2      |
| 301 N HIBISCUS DR | 2009       | 10,500        | 5,997          | 5,997                          | 57%         | 57%                        | 2      |
| 297 N HIBISCUS DR | 2007       | 10,500        | 6,883          | 6,883                          | 66%         | 66%                        | 3      |
| 289 N HIBISCUS DR | 1938       | 10,500        | 2,155          | 2,586                          | 21%         | 25%                        | 1      |
| 279 N HIBISCUS DR | 1978       | 10,500        | 4,093          | 4,912                          | 39%         | 47%                        | 2      |
| 271 N HIBISCUS DR | 2007       | 14,000        | 11,761         | 11,761                         | 84%         | 84%                        | 3      |
| 269 N HIBISCUS DR | 2007       | 12,250        | 9,864          | 9,864                          | 81%         | 81%                        | 3      |
| 265 N HIBISCUS DR | 1957       | 11,375        | 5,346          | 5,688                          | 47%         | 50%                        | 2      |
| 255 N HIBISCUS DR | 1952       | 9,625         | 3,004          | 3,605                          | 31%         | 37%                        | 1      |
| 235 N HIBISCUS DR | 1951       | 14,000        | 4,964          | 5,957                          | 35%         | 43%                        | 2      |

The 20% allowance was added to the adjusted square footage only if the increase remained within permissible limits pursuant to the Land Development Regulations.

**Summary of Data Analysis:**

- The analysis area consists of waterfront RS-3 lots south and north of the subject parcel.
- There are 34 parcels in the analysis area, excluding the applicant's site. All parcels range in size from 9,625 to 21,000 square feet.
- The average lot size is 12,590 square feet. The median lot size is 10,500 square feet, the most common lot size (mode) is 10,500.
- The average adjusted unit size is 5,300 square feet (43% of lot area), the median unit size is 4,998 square feet (40% of lot area). (9) homes exceed the current maximum unit size of 50%.
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home size increases to 5,771 SF (46% of lot area).
- The applicant is proposing a unit size for the Eastern lot of 47% of the lot area (16,096 SF), the Western lot will have a unit size of 50% of the lot area (16,116 SF).

Staff would note that the existing homes average unit size of 43% (for the study area) is larger than the average for most of the City's single family neighborhoods, which is typically around 31%. Because of the relatively high existing larger average unit size, staff is not opposed to the applicant's request to allow the filing of a variance application to exceed the maximum unit size required which is 40%. Such variance request will be reviewed by the Design Review Board for consistency with the practical difficulty and hardship criteria. The 40% cap is a code requirement because the lots are proposed to split along lines that vary from the original platted lots. If the lot was divided into three parcels consistent with the platted lot lines, the maximum unit size allowed would be 50%.

**March 26, 2019 Update - Variances and Waiver Analysis:**

On November 27, 2018 the Board approved the Division of Land/Lot split for this property. (PB - 18-0220). The conditions of approval allow the applicant to seek variances for Unit Size and Lot Coverage (see table below), but do not allow the applicant to seek design waivers from the Design Review Board.

The applicant is requesting to modify the conditions of approval in the Planning Board Order to allow the filing of an application to the Design Review Board with design waivers.

The variances (V) and waivers (W) requested are as follows:

**WEST PARCEL**

(320 Hibiscus Dr.- DRB 18-0359)

- |       |                                    |          |
|-------|------------------------------------|----------|
| V #1  | Lot coverage:                      |          |
|       | Permitted:                         | 25%      |
|       | Proposed:                          | 30%.     |
| V #2  | Unit size:                         |          |
|       | Permitted:                         | 40%      |
|       | Proposed:                          | 49%      |
| W #1: | Height:                            |          |
|       | Proposed:                          | +2'      |
| W #2: | Second floor volumetric unit size: |          |
|       | Permitted:                         | 70% Max. |
|       | Proposed:                          | 78%      |

**EAST PARCEL**

(310 Hibiscus Dr. – DRB 18-0358)

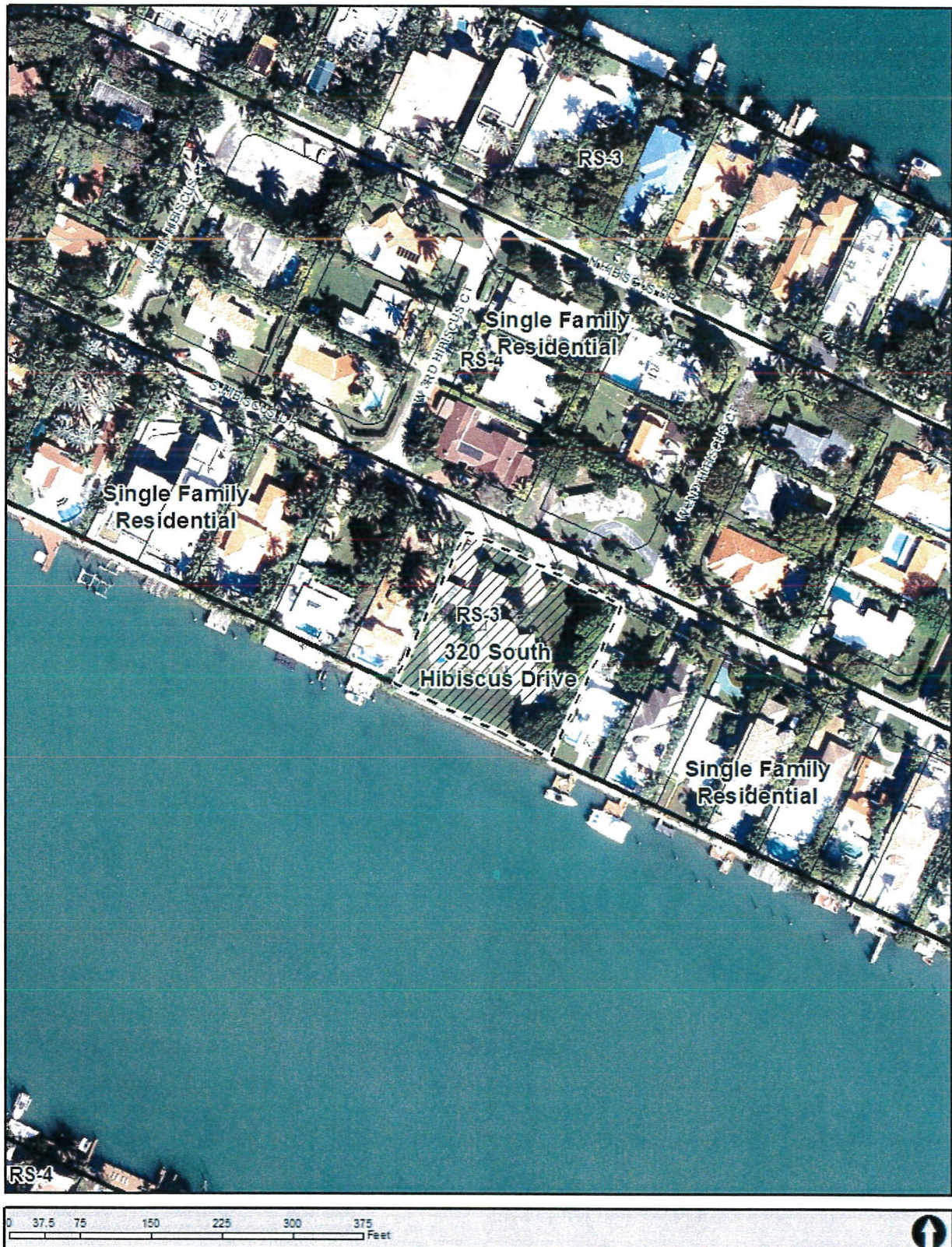
- |       |                                    |          |
|-------|------------------------------------|----------|
| V #1  | Lot coverage:                      |          |
|       | Permitted:                         | 25%      |
|       | Proposed:                          | 30%.     |
| V #2  | Unit size:                         |          |
|       | Permitted:                         | 40%      |
|       | Proposed:                          | 49%      |
| W #1: | Height:                            |          |
|       | Proposed:                          | +2'      |
| W #2: | Second floor volumetric unit size: |          |
|       | Permitted:                         | 70% Max. |
|       | Proposed:                          | 86%      |
| W #3: | Open Space North Side.             |          |
| W #4: | Open Space South Side.             |          |

As the Board may recall, the issue of waivers was discussed at the initial Planning Board meeting, however the plans that were submitted did not include detailed plans and elevations. The Board indicated that in order to consider modifying the staff recommended condition against design waivers, detailed plans should be provided for the Board to review. The applicant has submitted detailed plans as part of this application for a modification. Although staff may not recommend in favor of the variances or waivers requested as part of the Design Review Board application, and ultimately the final decision will be subject to the review and approval of the DRB, staff does not object to the proposed modification to allow the applicant to seek waivers from the DRB.

**STAFF RECOMMENDATION:**

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

**ZONING/SITE PLAN**



# **PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 320 South Hibiscus Drive

**FILE NO.** PB 19-0257 f.k.a. PB 18-0220

**IN RE:** The applicant, 320 South Hibiscus Drive, LLC, is requesting a modification for a previously approved Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code. Specifically, the applicant is requesting to modify the conditions of approval in order to allow the filing of an application to the Design Review Board including design waivers.

**LEGAL DESCRIPTION:** Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8 Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** November 27, 2018, April 30, 2019

## **DIVISION OF LAND/LOT SPLIT MODIFIED FINAL ORDER**

The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:
  - 1. The two (2) lots created pursuant to this lot split application at 320 South Hibiscus Drive, shall comply with the following:
    - a. The subject lots shall not be subdivided any further.

- b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.
  - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by John Ibarra & Associates, Inc., Land Surveyors, dated ~~08-06-2018~~ 12-04-2018.
  - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
  - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
  - f. Unless otherwise approved through the variance process, the maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.
  - g. Unless otherwise approved through the variance process, the maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.
  - h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time, unless waived by the Design Review Board. ~~Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted, with the exception noted in Conditions B.1.f. and B.1.g. above.~~
  - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
  - j. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )