

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 25, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB 18-0222 10, 11, and 12 Star Island Drive. – Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into three individual buildable parcels.

RECOMMENDATION:

Approval with conditions

EXISTING STRUCTURES/SITE:

The subject application includes one existing parcel of approximately 120,000 square feet (Per Survey and Letter of Intent submitted by the applicant). The applicant is proposing to divide the parcel into three individual single-family sites.

ZONING / SITE DATA:

Legal Description: LOTS 10, 11, AND 12 OF CORRECTED PLAT STAR ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31 AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Zoning: RS-1 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Lot Size: 120,000 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-1 Zoning district are 30,000 square feet lot size and 100 feet lot width. The proposed area for each of the three lots are 40,000 square feet with a lot width of 100 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-1 zoning district consist of lots that have an average size of 45,217 square feet. The proposed lot split will create two (3) lots smaller than the average (40,000 square feet), however that size is equal to the majority of the existing lot sizes.

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 any future homes. The scale of the proposed homes will be 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.**

Partially Consistent– There is an existing dock which spans the lots, which will have to be removed or modified to comply with the setback requirements for each lot.

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

Partially Consistent– There is an existing dock which spans the lots, which will have to be removed or modified to comply with the setback requirements for each lot.

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 site is currently vacant.

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 three (3) separate parcels. An Opinion of Title was submitted in conformance with the requirements of the City Code.

The RS-1 residential single-family zoning district requires a minimum lot area of 30,000 square feet and a minimum lot width of 100 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:

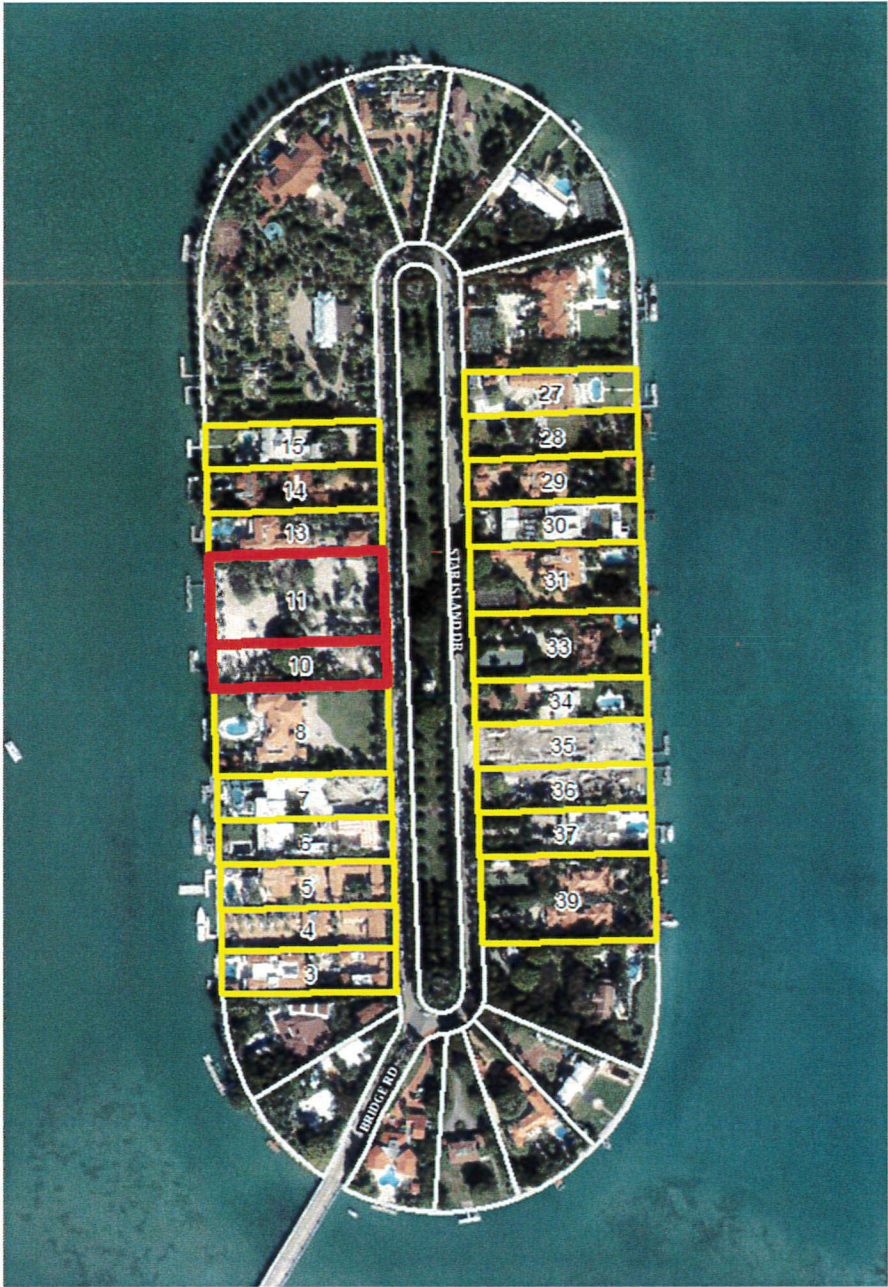
Address	Lot Size (SF)	Unit Size (SF) Shown	Unit Size Shown %	Maximum Unit Size	Maximum Unit Size
10 Star Island	40,000	13,512	34%	20,000	50%
11 Star Island	40,000	12,226	31%	20,000	50%
12 Star Island	40,000	12,367	31%	20,000	50%

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	1983	45,217	14,055	15,941	32%	36%	2
Median	1993	40,000	11,980	15,811	30%	36%	2
Max	2017	80,000	25,276	25,276	63%	63%	3
Min	0	40,000	6,508	7,810	16%	20%	2
First Quartile	0	40,000	9,526	11,431	21%	25%	2
Third Quartile	2003	40,000	18,152	20,425	41%	46%	2
Mode	0	40,000	N/A	0	N/A	0%	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
3 STAR ISLAND DR	2015	40,000	25,276	25,276	63%	63%	2
4 STAR ISLAND DR	1947	40,000	8,667	10,400	22%	26%	2
5 STAR ISLAND DR	1996	40,000	11,980	14,376	30%	36%	2
6 STAR ISLAND DR	2016	40,000	6,872	8,246	17%	21%	2
7 STAR ISLAND DR	1971	40,000	18,454	20,000	46%	50%	3
8 STAR ISLAND DR	1993	80,000	16,449	19,739	21%	25%	2
10 STAR ISLAND DR	0	40,000	0	0	0%	0%	0
11 STAR ISLAND DR	0	40,000	0	0	0%	0%	0
12 STAR ISLAND DR	0	40,000	0	0	0%	0%	0
13 STAR ISLAND DR	2003	40,000	12,526	15,031	31%	38%	2
14 STAR ISLAND DR	1949	40,000	14,268	17,122	36%	43%	2
15 STAR ISLAND DR	2017	40,000	14,131	16,957	35%	42%	2
27 STAR ISLAND DR	1925	40,000	6,508	7,810	16%	20%	2
28 STAR ISLAND DR	0	40,000	0	0	0%	0%	0
29 STAR ISLAND DR	2000	40,000	10,384	12,461	26%	31%	2
30 STAR ISLAND DR	2013	40,000	20,850	20,850	52%	52%	2
31 STAR ISLAND DR	0	60,000	0	0	0%	0%	0
33 STAR ISLAND DR	1937	60,000	13,176	15,811	22%	26%	2
34 STAR ISLAND DR	1961	40,000	7,395	8,874	18%	22%	2
35 STAR ISLAND DR	2015	40,000	21,822	21,822	55%	55%	2
36 STAR ISLAND DR	0	40,000	0	0	0%	0%	0
37 STAR ISLAND DR	1992	40,000	12,334	14,801	31%	37%	2
39 STAR ISLAND DR	1959	80,000	17,849	21,419	22%	27%	3

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-1 lots south, north and east of the subject parcel.
- There are 20 parcels in the analysis area, excluding the applicant's site
- All parcels range in size from 40,000 to 80,000 square feet.
- The average lot size is 45,217 square feet. The median lot size is 40,000 square feet, the most common lot size (mode) is 40,000.
- The average adjusted unit size is 14,055 square feet (32% of lot area), the median unit size is 11,980 square feet (30% of lot area). (3) 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 15,941 SF (32% of lot area).
- The applicant is proposing a unit size for 10 Star Island Drive of 34% (lot area: 40,000 SF), 11 Star Island Drive of 31% (lot area: 40,000 SF) and 12 Star Island Drive of 31% (lot area: 40,000 SF).

Staff would note that the existing homes average unit size of 32% (for the study area) is consistent with the average of the City's single-family neighborhoods, which is typically around 31%. Staff is not opposed to the applicant's request; the proposed unit sizes are below the maximum unit size allowed by code (50%. When lots-splits are divided into parcels consistent with the platted lot lines.)

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: 10, 11, and 12 Star Island Drive

FILE NO. PB 18-0222

IN RE: An application for a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into three individual buildable parcels.

LEGAL DESCRIPTION: LOTS 10, 11, AND 12 OF CORRECTED PLAT STAR ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31 AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MEETING DATE: June 25, 2019

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

The applicant, Brian Bilzin as trustee of the 11 Star Island Residence Land Trust Agreement, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into three 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 three (3) lots created pursuant to this lot split application at 10,11 and 12 Star Island 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 American Services of Miami, CORP., dated 04-11-2019.
 - 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. The maximum unit size for each lot shall be limited to the lesser of 50% 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. The maximum lot coverage for each lot shall be limited to the lesser of 30% 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. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
 - i. Prior to the issuance of a Building Permit the existing Docks shall be removed or modified to comply with setbacks and projection requirements for each lot, per Section 66-113 and 142-1132 of the City Code.
 - j. 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.
 - k. 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.

