

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 23, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0415, a.k.a. PB file No. 2075. 520 Lakeview Court. Single Family Lot Split Modification.**

An application has been filed requesting modifications to a previously approved lot split. Specifically, the applicant is requesting modifications to the conditions of approval for Lot 4 to modify the condition limiting the unit size, pursuant to Chapter 118, Article VII of the City Code.

RECOMMENDATION:

Approval with conditions.

HISTORY:

July 24, 2012: The Planning Board approved a division of land/lot split application for the property (PB file No. 2075).

EXISTING STRUCTURES/SITE:

The subject application includes one existing parcel of approximately 16,064 square feet, which was part of a previously approved lot split (lot 3 – 528 Lakeview Court and lot 4 - 520 Lakeview Court) of approximately 37,700 square feet. Both parcels were developed with new homes. The new home on lot 4 is proposed to be replaced due to property damage (see letter of intent and drawings).

REQUEST:

The applicant is proposing to modify the condition of the original lot split to increase the allowable unit size for lot 4.

ZONING / SITE DATA:

Legal Description: Lots 4, "Surprise Point," according to the Plat Thereof, as Recorded in Plat Book 43, Page 77, of 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: 16,064 Square Feet for the subject property (520 Lakeview Court – Lot 4))

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– As previously approved.

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.**

Consistent– As previously approved.

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.**

Partially Consistent – Staff has analyzed the average unit sizes and provided a recommendation to ensure compatibility with the surrounding neighborhood.

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– The proposed home will require a waiver for an additional open space but no variances for setbacks are requested.

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

Consistent–

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– As previously approved, the house that was there before the lot split approval was from 1949.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

Satisfied – Per applicant, this will be provided at building permit.

2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Satisfied – Windows will be hurricane proof impact windows.

3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Satisfied – Operable windows will be provided as appropriate.

4. **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Satisfied – Per letter of intent, all landscaping will consist of Florida friendly plants.

5. **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Satisfied – The development is designed so that it can adapt to future sea level rise. The applicant is proposing to use the maximum base flood elevation plus 5.

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

Satisfied – The proposed home is going to be built to the maximum elevation permitted by City Code such that is adaptable to the raising of the public right-of-way and adjacent land.

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Satisfied – All critical mechanical and electrical systems will be located above BFE.

8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Not Applicable – The existing structure is proposed to be demolished.

9. **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

Satisfied – no habitable space will be located below base flood elevation.

10. **Where feasible and appropriate, water retention systems shall be provided.**

Partially Consistent – The applicant has indicated that they will utilize appropriate stormwater retention systems and will ensure appropriate drainage is provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Partially Consistent – The applicant proposed appropriate materials for the driveway and other hardscaped areas, this will be revised prior to obtaining a building permit.

12. The design of each project shall minimize the potential for heat island effects on-site.

Partially consistent – The applicant has indicated that abundant landscaping is proposed at ground level. The applicant will have to address the requirements of the urban heat island ordinance prior to obtaining a building permit.

ANALYSIS:

The lot area on the survey provided (16,372 SF) differs from the previously approved lot split application and property appraiser information (16,064 SF). For the purposes of this report staff is using the more conservative number, which is the lot area from the previously approved lot split application (16,064 SF). The lot area will be verified on the DRB application and building permit.

The applicant is proposing to modify the following condition in the Final Order, regarding the allowable unit size for lot 4:

3. *As proposed, the new structure for Lot 3, shall not exceed 5,521 gross square feet and the new structure for Lot 4, shall not exceed **5,445** gross square feet. No variances shall be permitted for either parcel.*

The current house on the subject property (520 Lakeview Court - lot 4) has a unit size of 5,445 square feet, which is 33.9% of the lot area. The applicant is proposing a unit size of 8,045 SF, which is 49.2% of the lot area.

The reason a lower unit size was required on each of the newly created lots was the result of an analysis of the surrounding properties at the time of the application. The following is part of the analysis from the staff report in 2012:

As part of the application package, plans for the two new single-family homes were submitted showing that each home would meet the development regulations for the RS-3 district. Each home individually would be approximately 8,800 square feet on lot 3 and 8,600 square feet on lot 4, two stories, and 30 feet in height, both meeting the 50% lot coverage allowed by the Code. Noting that the proposed homes seemed out of scale and somewhat overwhelming with the size of the resulting lots, which are long and narrow, and with the immediate neighboring area, staff met with the applicant's attorney and architect and expressed the concerns. After a lengthy discussion about the massing, height and scale, revised drawings were submitted showing that the proposed homes would be approximately 5,500 square feet on Lot 3 and 5,400 square feet on Lot 4, and a lot coverage of +/- 31% and 34% respectively, and well within the range of the average and median size of homes in the immediate area.

The applicant, representatives and architect are to be commended for their cooperation and sense of community when discussing these issues with staff and reducing the scale of each home considerably. Staff very much appreciates the cooperation.

In 2012 there were 17 parcels in the analysis area that included waterfront properties in both the RS-3 and RS-2 zoning districts, excluding the applicant's site.

For this proposed revision staff reviewed the analysis area and only included parcels from the same zoning classification (RS-3). This resulted in an analysis of 14 properties and excluded the subject property (Lot 4). This revised analysis area is more standardized and includes only waterfront properties in the same zoning district.

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 subject parcel complies with these minimum lot area and lot width requirements.

The table below summarizes the statistical data of similar properties in the surrounding area. 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 existing 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)	Existing unit size (SF)	Existing unit size %	Proposed Unit Size (SF)	Proposed Unit Size %
520 Lakeview Court	16,064	5,445	34%	8,067	50%

Surrounding Sites Summary:

Statistic	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	1958	21,267	6,845	33%	7,932	38%	2
Median	1950	16,880	5,933	30%	7,120	36%	2
Max	2015	39,496	14,967	49%	16,238	50%	2
Min	1936	15,225	3,955	21%	4,746	25%	1
First Quartile	1941	16,050	4,917	26%	5,900	31%	1
Third Quartile	1960	29,451	7,689	43%	8,678	50%	2
Mode	1949	15,225	N/A	N/A	N/A	50%	2

Analysis Parcels (aerial)



Analysis Parcels Data

Address	Year Built	Lot Size (SF)	Unit size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
590 LAKEVIEW DR	1938	15,225	5,951	39%	7,141	47%	2
588 LAKEVIEW DR	1960	15,225	4,650	31%	5,580	37%	2
580 LAKEVIEW DR	1945	15,600	4,946	32%	5,935	38%	1
560 LAKEVIEW DR	1956	17,250	7,586	44%	8,625	50%	1
554 LAKEVIEW DR	1939	28,443	5,915	21%	7,098	25%	2
4801 LAKEVIEW DR	1949	16,960	5,076	30%	6,091	36%	1
4825 LAKEVIEW DR	1941	33,301	6,845	21%	8,214	25%	2
4835 LAKEVIEW DR	1950	16,200	7,996	49%	8,100	50%	2
4901 LAKEVIEW DR	1961	16,650	4,944	30%	5,933	36%	1
4955 LAKEVIEW DR	1936	16,800	4,836	29%	5,803	35%	2
544 LAKEVIEW CT	1957	39,496	10,586	27%	12,703	32%	2
528 LAKEVIEW CT	2014	17,676	7,576	43%	8,838	50%	2
510 LAKEVIEW CT	2015	32,476	14,967	46%	16,238	50%	2
500 LAKEVIEW CT	1949	16,440	3,955	24%	4,746	29%	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 west and north east of the subject parcel.
- There are 14 parcels in the analysis area, excluding the applicant's site (520 Lakeview Court).
- All parcels range in size from 15,225 to 39,496 square feet.
- The average lot size is 21,267 square feet. The median lot size is 16,880 square feet, the most common lot size (mode) is 15,225.
- The average adjusted unit size is 6,845 square feet (33% of lot area), the median unit size is 5,933 square feet (30% of lot area). (0) 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 7,932 SF (38% of lot area).
- The applicant is proposing a unit size for 520 Lakeview Court (lot 4) of 50% of the lot area (16,064 SF).

Staff would note that the existing homes in the study area have an average unit size of 38%. This is larger than the average unit size for most of the City's single-family neighborhoods, which is typically around 31%. Because of the higher average unit size in the study area, staff is not opposed to allowing an increase in unit size above the approved limit of 34%. In this regard, staff recommends that the increase in unit size be limited to 38% and would not recommend the unit size of close to 50% that the applicant is proposing,

The recommended increase to 38% unit size is based on the addition to existing homes of 20% to the unit size data that the property appraiser provides. Additionally, staff is taking into consideration the new single family regulations that the applicant is addressing like the larger front and sides setbacks. The recommended increase to 38% unit size equates to a 6,104 square foot home, which is an increase of 659 square feet from the current limitation.

STAFF RECOMMENDATION:

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

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

PROPERTY: 520 Lakeview Court

FILE NO: PB20-0415, a.k.a. 2075

IN RE: An application has been filed requesting modifications to a previously approved lot split. Specifically, the applicant is requesting modifications to the conditions of approval for Lot 4 to modify the condition limiting the unit size, pursuant to Chapter 118, Article VII of the City Code.

LEGAL

DESCRIPTION: Lots 3 and 4, "Surprise Point," according to the Plat Thereof, as Recorded in Plat Book 43, Page 77, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: February 23, 2021 July 24, 2012.

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

The applicant, Deep Pockets, LLC ~~Joseph Porrello, as Trustee of the 520 Lakeview Ct. Land Trust~~, filed an application with the Planning Director pursuant to Article VII, "Division of Land/Lot Split" of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach 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:

That the property in question is located in the RS-3, Residential Single Family zoning district

That the lots that would be created are divided in such a manner that they are in compliance with the regulations of the land development regulations of the City code;

That the building site that would be created would be equal to the most common existing lot size, and of the same character as the surrounding area;

That the scale of any proposed new construction is compatible with the as-built character of the surrounding area;

That the building site that would be created is free of encroachments from abutting buildable sites;

That the proposed lot split does not adversely affects architecturally significant or historic homes;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

IT IS THEREFORE 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 the staff recommendations which were amended by the Board, that the Lot Split as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. The properties involved in this request for Division of Land/Lot Split shall not be subdivided any further.
2. The building parcels created by this lot split, as depicted on the surveys signed and sealed by Francisco F. Fajardo, Professional Land Surveyor and Mapper of Lannes & Garcia, Inc, and dated May 10, 2012, shall comply with the development regulations for the RS-3 single family zoning district existing at the time of applying for a building permit.
3. As proposed, the new structure for Lot 3, shall not exceed 5,521 gross square feet and the new structure for Lot 4, shall not exceed ~~5,445~~ (38%) 6,104 gross square feet. No variances shall be permitted for either parcel.
4. Individual underground utility connections, individual water, sewer, electric, telephone and cable connections, payment of any applicable impact fees and the removal and replacement of necessary sections of the sidewalk, curb and gutter shall be provided. This condition shall apply to the new construction located on the lot created by this subdivision. The applicant shall be in total compliance with this condition prior to the issuance of a Certificate of Occupancy.
5. Within a reasonable time after applicant's receipt of the Final Order, as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit shall be issued until this requirement has been satisfied.
6. 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.
7. 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.
8. The applicant shall abide by the "Construction Management Conditions," attached as Exhibit "A" proffered and entered into evidence at the time of the public hearing.

Dated this _____ day of _____, 2021.

BY: _____
 Rogelio Madan, AICP,
 Chief of Chief of Community Planning &
 Sustainability
 FOR THE CHAIRMAN

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Richard G. Lorber, AICP, LEED AP Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

3 of 3