

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 27, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB23-0597. 6444, 6450 Allison Road. Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a division of land/lot split, pursuant to Chapter 2, Article V of the Resiliency Code, to modify the existing property lines of the site comprised of two individual lots.

#### **RECOMMENDATION:**

Approval with conditions.

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

The subject application includes two existing parcels that are made up of three platted lots. 1) 6444 Allison Road (lot 43/44) is approximately 17,240 square feet and is approved for the development of a new single-family home which currently has an approved building permit (Permit No. BR2206430). 2) 6450 Allison Road (lots 43/42) which is approximately 20,473 square feet and has an existing approximately 4,996 square foot home that was built in 1953.

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

Legal Description: 6450 Allison Road: THE SOUTH 60 FEET OF LOT 42 AND ALL OF LOT 43, LESS THE SOUTH 40 FEET THEREOF, INDIAN CREEK SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, AT PAGE 75, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

6444 Allison Road: THE SOUTH 40 FEET OF LOT 43 AND THE NORTH 40 FEET OF LOT 44 OF INDIAN CREEK SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Zoning: RS-3 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Current Lot Size: 6444 Allison Road: 17,240 SF  
6450 Allison Road: 20,473 SF

Proposed Lot Sizes: 6444 Allison Road: 21,550 SF  
6450 Allison Road: 16,163 SF

Existing Lot Width: 6444 Allison Road: 80 FT  
6450 Allison Road: 95 FT

Proposed Lot Width: 6444 Allison Road: 100 FT  
6450 Allison Road: 75 FT

### **REVIEW CRITERIA:**

Pursuant to Section 2.5.4.2 of the Resiliency 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 for the RS-3 district is 10,000 SF and the minimum lot width is 50 feet. The two proposed lots significantly exceed these standards.

- 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** – The average lot size is 19,379 and the most common lot size is 16,200 SF. The proposed lots are 21,550 SF and 16,163 SF, which are consistent with the existing development pattern of the area.

- 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** – Staff has analyzed the average unit sizes and the proposed unit sizes. 6444 Allison Road already has a new home that is approved and under construction. The massing for the proposed home at 6450 Allison Road is consistent with the existing and expected development pattern in 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.**

**Consistent** – The applicant is proposing to demolish the existing home on 6450 Allison Road and develop a new home. The massing for the new home has been provided. The applicant has stated that the new home will conform to the requirements of the code; however, they would be seeking relief from the 40% unit size limitation for lots that do not follow the original platted lines. The site at 6444 Allison Road has an approved building

permit for a home that conforms to the land development regulations. As a result no existing structures would be made nonconforming.

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

**Consistent** – There are no encroachments from abutting 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 subsection 7.2.7.4.a.**

**Consistent** – There are no architecturally significant or historic homes on the site.

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the Resiliency Code 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.**

**Partially Satisfied** – The applicant has indicated that a recycling or salvage plan will be provided at the building permit phase.

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

**Satisfied** – The applicant has indicated that all windows will be hurricane proof impact windows.

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

**Partially Satisfied** – The applicant has indicated that where feasible, passive cooling systems will be provided. Any new homes require the approval of the Design Review Board (DRB) at which point the resiliency criteria will be addressed in greater detail.

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

**Satisfied** – The applicant has indicated that where resilient, Florida-friendly landscaping will be provided. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

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 applicant indicated that the adopted sea level rise projections and land elevations of the subject and surrounding properties were taken into account.

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 applicant indicated that proposed designs will be 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** – The applicant indicated that all critical mechanical and electrical systems will be located above the base flood elevation.

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

**Not Applicable** – All existing structures will 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** – There will be no habitable space below the design flood elevation.

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

**Partially Satisfied** – The applicant indicated that stormwater retention systems will be provided where feasible.

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

**Partially Satisfied** – The applicant indicated that cool and porous pavements will be utilized; however, new homes require the approval of the Design Review Board (DRB) at which point this criteria must be addressed in detail.

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

**Partially Satisfied** – The applicant indicated that the potential for the heat island effect will be minimized with landscaping and open spaces.

#### **ANALYSIS:**

The subject properties are owned by Allison Road LLC and 6450 Allison LLC (the applicant) who own 6444 and 6450 Allison Road. The two parcels span portions of three (3) platted lots (lots 42, 43, and 44). The applicant proposes to modify the existing shared property line to the south. No new parcels will be created as a result of this application. 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 50 feet. The proposed parcels comply with the minimum lot area and lot width.

The tables in the section below summarize 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.

The applicant has an approved building permit to construct a new home at 6444 Allison Road. This lot is proposed to increase in size, so the new home will continue to comply with the requirements of the Resiliency Code.

The applicant is proposing to demolish the existing home on 6450 Allison Road. Per the Property Appraiser, the home was built in 1953 and is not considered architecturally significant. Section 7.2.2.3 (xi) of the Resiliency Code provides that new homes on lots resulting from a lot split application are subject to the review and approval of the DRB. There is already an active building permit for 6444 Allison Road, and that home conforms to the requirements of the Resiliency Code.

Additionally, this section of the Resiliency Code requires that that when the resulting lot lines of the newly created lots do not follow the originally platted lot lines that the maximum unit size of the new homes cannot exceed 40% of the lot area and that the lot coverage for a two-story home not exceed 25% of the lot area, or such less number determined by the Planning Board. Neither the current parcels nor the proposed parcels will follow the originally platted lot lines, therefore the proposal is affected by these limits on unit size and lot coverage.

The applicant has indicated that they will be seeking relief from the 40% unit size limitation on homes that do not follow the original platted lines for the proposed home on 6450 Allison Road. Staff is not opposed to the applicant seeking such a variance given that the current parcel lines do not follow the original platted lot lines, and as the vacant lots develop, the average unit size in the area will increase. Additionally, a variance request will require separate review and analysis as part of the DRB application. However, staff is recommending conditions to ensure that variances are not sought which would provide for a unit size that exceeds 50% of the lot size.

**Area Analysis Data:**

Subject Site:

Address	Lot Size (SF)	Year Built	Unit Size (SF)	Unit Size %
6450 ALLISON RD	20,520	1953	5,897	29%
6444 ALLISON RD	17,280			

Surrounding Sites Summary:

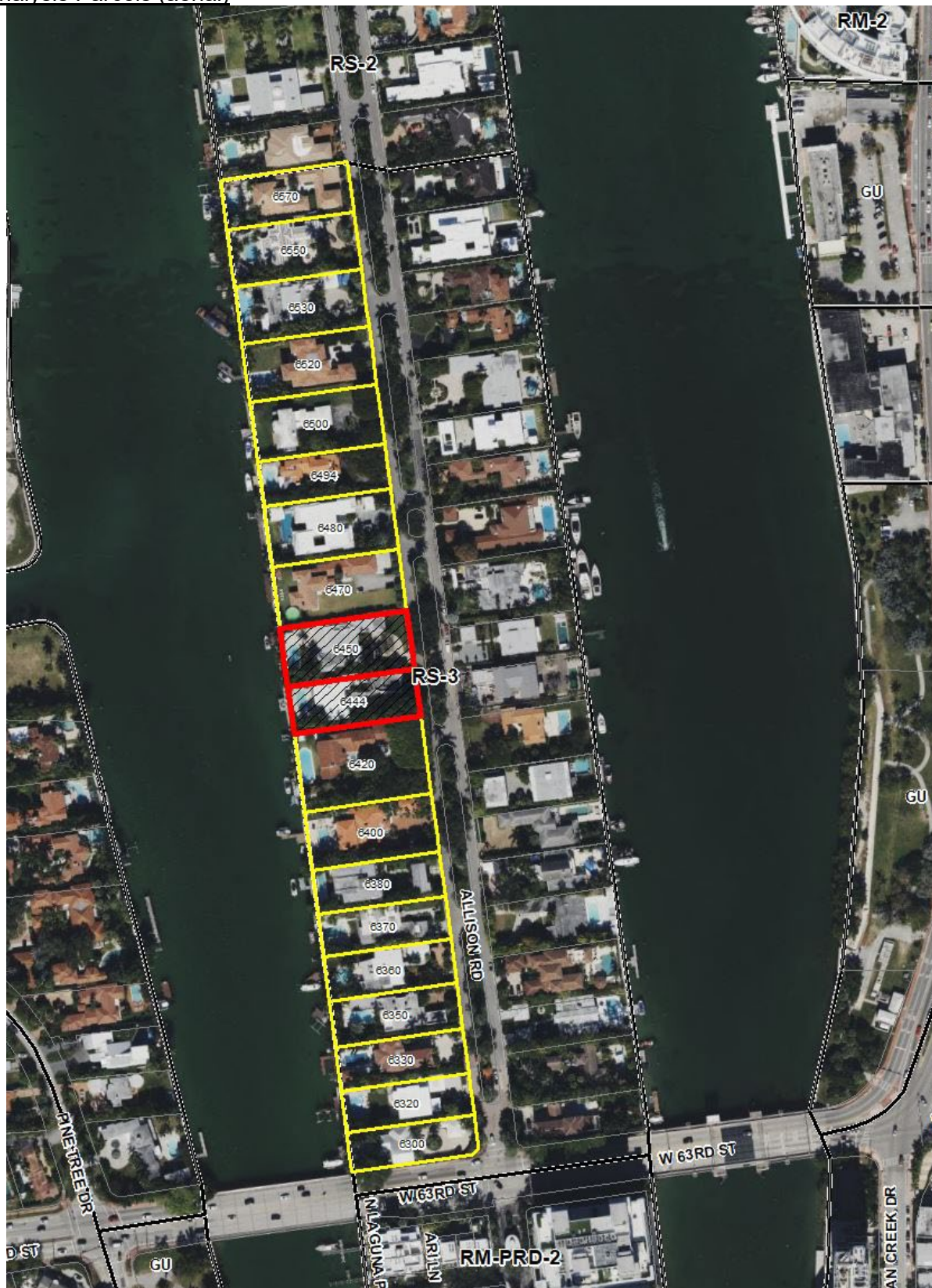
Statistic	Lot Size (SF)	Year Built	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	19,379	1964	6,288	33%	7,260	38%	2
Median	17,280	1952	5,524	30%	6,629	36%	2
Max	29,160	2017	14,803	62%	14,803	62%	2
Min	16,200	1935	3,966	18%	4,759	22%	1
First Quartile	16,200	1943	4,763	25%	5,715	31%	2
Third Quartile	21,600	1996	6,307	36%	7,568	43%	2
Mode	16,200	1952	N/A	N/A	N/A	50%	2

**Analysis Parcels Data**

Address	Lot Size (SF)	Year Built	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
6570 ALLISON RD	17,280	2001	6,317	37%	7,580	44%	2
6550 ALLISON RD	21,600	1937	4,933	23%	5,920	27%	1
6530 ALLISON RD	21,600						
6520 ALLISON RD	21,600	2006	9,474	44%	10,800	50%	2
6500 ALLISON RD	21,600	1936	3,966	18%	4,759	22%	2
6494 ALLISON RD	16,200						
6480 ALLISON RD	23,760	2017	14,803	62%	14,803	62%	2
6470 ALLISON RD	21,600	1935	4,507	21%	5,408	25%	2
6420 ALLISON RD	29,160	1938	5,896	20%	7,075	24%	2
6400 ALLISON RD	21,600	1953	6,296	29%	7,555	35%	2
6380 ALLISON RD	16,200	2003	7,370	45%	8,100	50%	2
6370 ALLISON RD	16,200	1952	4,671	29%	5,605	35%	1
6360 ALLISON RD	16,200	1950	4,552	28%	5,462	34%	1
6350 ALLISON RD	16,200	1991	5,681	35%	6,817	42%	2
6330 ALLISON RD	16,200	1952	5,524	34%	6,629	41%	2
6320 ALLISON RD	16,200	1948	5,470	34%	6,564	41%	2
6300 ALLISON RD	16,243	1948	4,854	30%	5,825	36%	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.

Analysis Parcels (aerial)





**Summary of Data Analysis:**

- The analysis area consists of RS-3 lots to the north and south of the subject parcels located on the western half of Allison Island to the north of 63<sup>rd</sup> Street and fronting the Indian Creek Waterway.
- There are 17 parcels in the analysis area, excluding the applicant's parcels.
- All parcels range in size from 16,200 to 29,160 square feet. The proposed parcels will be sized within this range.
- The average lot size is 19,379 square feet. The median lot size is 17,280 square feet. The parcel at 6444 Allison Road will be 2,171 SF larger than the average square footage. The parcel at 6450 Allison Road will be 1,117 SF smaller than the median square footage.
- The average adjusted unit size is 6,288 square feet (33% of lot area), the median unit size is 5,524 square feet (30% of lot area). There is one (1) homes that exceeds the current maximum unit size of 50%.
- Current homes range from a unit size of 3,966 SF (18% of lot area) to 14,803 SF (62% of lot area).
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home unit size increases to 7,260 SF (38% of lot area) and a median size of 6,629 (36% of lot area).
- The applicant is proposing a unit size of 40% for 6450 Allison Road, which amounts to 6,465 SF.
- There are three (3) vacant lots in the study area, including one owned by the applicant.
- If the vacant lots were developed to their maximum potential (50% unit size), the average home size would be 35% or 39% with the reasonable assumption for future additions. In such a situation, the most common unit size would be 50%.

Staff would note that the existing homes in the study area with a reasonable allowance for additions would have an average unit size of 38% and a median of unit size of 30%. The applicant has indicated that they will be requesting a variance from the 40% unit size limitation on homes subject to a lot split where the proposed lines do not follow the originally platted lines in order to authorize the maximum unit size of 50%, as permitted by the Resiliency Code.

There are currently (2) vacant parcels that are likely to develop to the maximum unit size as permitted by the LDRs, as well as the applicant's approved home at 6444 Allison Road, which would increase the average unit size with a reasonable allowance for additions to 40% and a median unit size of 41%. The 9% difference between the current median unit size with a 20% allowance and the unit size of 50% requested by the applicant should not create a major impact to the surrounding community. However, those impacts will be analyzed as part of a DRB application.

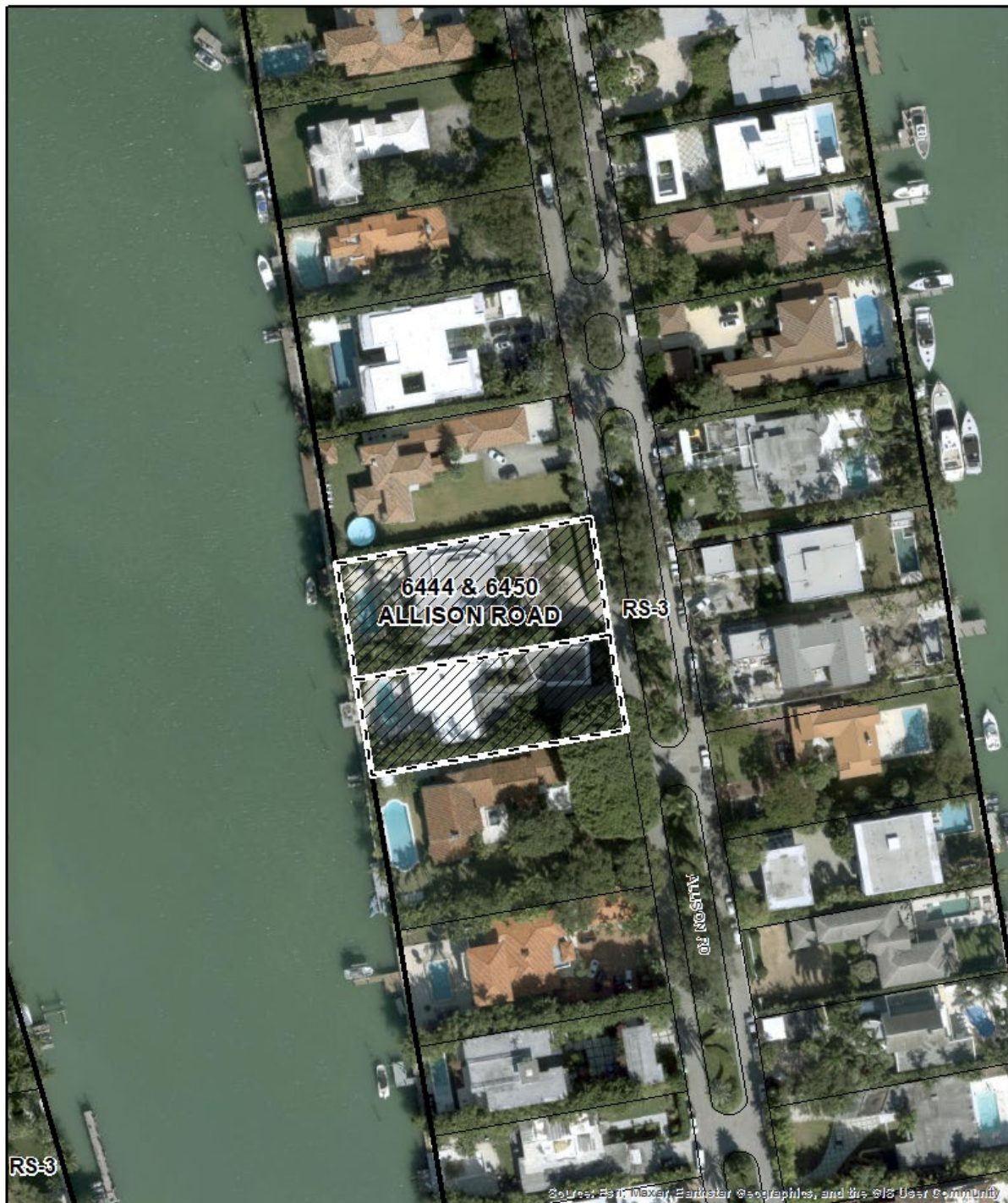
Additionally, once all vacant lots develop, it is expected that the most common unit size will be 50%, making the proposed homes consistent with the homes that are expected to develop. As result, staff is not opposed to the applicant's requested maximum unit size. However, staff recommends conditions to ensure that variances are not sought which would allow the applicant to exceed the maximum allowable unit size of 50% that is permitted for homes not subject to a lot split.

**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 MAP



**MIAMI BEACH**  
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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

**PROPERTY:** 6444, 6450 Allison Road

**FILE NO.** PB23-0597

**IN RE:** An application has been filed requesting a division of land/lot split, pursuant to Chapter 118, Article VII of the City Code, to modify the existing property lines of the site comprised of two individual lots.

**LEGAL DESCRIPTION:** 6450 Allison Road: THE SOUTH 60 FEET OF LOT 42 AND ALL OF LOT 43, LESS THE SOUTH 40 FEET THEREOF, INDIAN CREEK SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, AT PAGE 75, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

6444 Allison Road: THE SOUTH 40 FEET OF LOT 43 AND THE NORTH 40 FEET OF LOT 44 OF INDIAN CREEK SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**MEETING DATE:** June 27, 2023

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

The applicant, Allison Road LLC and 6450 Allison LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to modify the existing property lines of the site comprised of two individual lots.

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 modifications authorized to the two (2) lots at 6444 Allison Road and 6450 Allison Road by this lot split application, 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 at 6450 Allison Road.
  - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by ECS Land Surveyors, Inc., dated May 1, 2023.
  - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility 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. 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.
  - g. Request and approval of variances related to maximum unit size above 50 percent shall not be permitted.
  - h. 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.
  - i. 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 shall maintain the land clean and free from debris.
  3. 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.
  4. 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.

5. 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.
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. 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.
8. 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.
9. 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.

PB23-0597. 6444 & 6450 Allison Road  
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PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

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

Approved As To Form:  
Legal Department \_\_\_\_\_ ( )

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