MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 27, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0638. 6444, 6450, 6470 Allison Road. Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a division of land/lot split to divide the existing site comprised of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION:
Approval with conditions.

HISTORY

June 27, 2023 The Planning Board granted approval to modify the existing property lines of the site comprised of two individual lots at 6444 and 6450 Allison Road (File No. PB23-0597).

January 30, 2024 The Planning Board continued the item to the February 27, 2024 meeting at the request of the applicant.

EXISTING STRUCTURES/SITE:
The subject application includes three platted lots located at 6444, 6450, and 6470 Allison Road. The request is to reconfigure the lots into two lots for two new single-family homes. This would supersede the lot split application that was approved on June 27, 2023 (File No. PB23-0597). The combined site is approximately 59,263 square feet.

A new home is currently being developed on the 6444-lot pursuant to Building Permit BR2206430 and the 6470 lot has design review approval for a new home (File No. DRB22-0802) and a building permit (BR2206430). The 6450 lot will be divided equally amongst the 6444 and 6470 lots and will allow for two homes to be larger and have larger open spaces. The proposed lot split would result in a reduction in the number of homes.

ZONING / SITE DATA:

Legal Description: 6444 Allison Road
Folio No. 02-3211-003-0410
The South 40 Feet of Lot 43 the North 40 Feet of Lot 44 of, Indian Creek Subdivision, according to the map or plat thereof, as recorded in Plat Book 31, Page 75 of the Official Public Records of Miami-Dade County, Florida.

6450 Allison Road

Folio No. 02-3211-003-0400
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, Page 75 of the Official Public Records of Miami-Dade County, Florida.

6470 Allison Road
Folio No. 02-3211-003-0390
The South 85 feet of Lot 41 and the North 15 Feet of Lot 42, Indian Creek Subdivision, according to the map or plat thereof, as recorded in Plat Book 31, Page 75 of the Official Public Records of Miami-Dade County, Florida.

Zoning: RS-3 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Current Lot Sizes: 6470: 21,550 SF (0.49 AC)
6450: 16,163 SF (0.37 AC)
6444: 21,550 SF (0.49 AC)
Total: 59,263 SF (1.36 AC)

Proposed Lot Sizes: 6470: 29,631 SF (0.68 AC)
6444: 29,631 SF (0.68 AC)
Total: 59,263 SF (1.36 AC)

Existing Lot Width: 6470: 100 FT
6450: 75 FT
6444: 100 FT
Total: 275 FT

Proposed Lot Width: 6470: 137.5 FT
6444: 137.5 FT
Total: 275 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 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 19,240 and the most common lot size is 16,200 SF. The proposed lots are 29,631 SF, which are larger than 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. The proposed homes on the two resulting lots would not be out of scale with the existing development pattern in the surrounding neighborhood. However, staff has recommended that any proposed unit size variances not exceed a 50%-unit size limit for new homes.

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 applicant is currently constructing a home on 6444 Allison Road. By increasing the lot width, the required setbacks would increase. As the home is already under construction with a previously conforming 10-foot setback along the south property line, that portion of the structure would be made nonconforming. However, the 10-foot setback is appropriate on this side of the property, and additional mitigation should not be necessary.

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 and the new sites will be free from encroachments.

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 homes on the site.

7. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

See below.

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.**

   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. **Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 4 in Land Development Regulations.**

   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. **The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

   Satisfied – The applicant indicated that the adopted sea level rise projections and land elevations of the subject and surrounding properties were taken into account. Furthermore, the applicant has indicated that the finished floor elevation will exceed the base flood elevation.

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, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.**

   Satisfied – The applicant indicated that proposed designs will be adaptable to the raising of the public right-of-way and adjacent land.

7. **As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location 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, wherever reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.**

   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 in the General Ordinances.**

   Satisfied – There will be no habitable space below the design flood elevation.

10. **As applicable to all new construction, stormwater 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.**

    Satisfied – The applicant indicated that cool and porous pavements will be utilized. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

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

    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, 6450 Allison LLC, and 6470 Allison Road Land Trust (collectively the applicants) who own 6444, 6450, and 6470 Allison Road. The three parcels span portions of four (4) platted lots (lots 41, 42, 43, and 44). The applicant proposes to split the 6450 parcel equally between the 6444 and 6470 parcels. This application will result in there being one less parcel than what exists today. 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. However, the additional lot width would result in greater side setbacks. The home is being developed with a 10-foot setback on the southern property line, which does not conform to the current requirements of the Code. As such, the design of the home will need to be modified, or the applicant may seek a variance.

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 6470 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 %
6470 ALLISON RD	21,600			
6450 ALLISON RD	20,520	1953	5,897	29%
6444 ALLISON RD	17,280			

Surrounding Sites Summary:

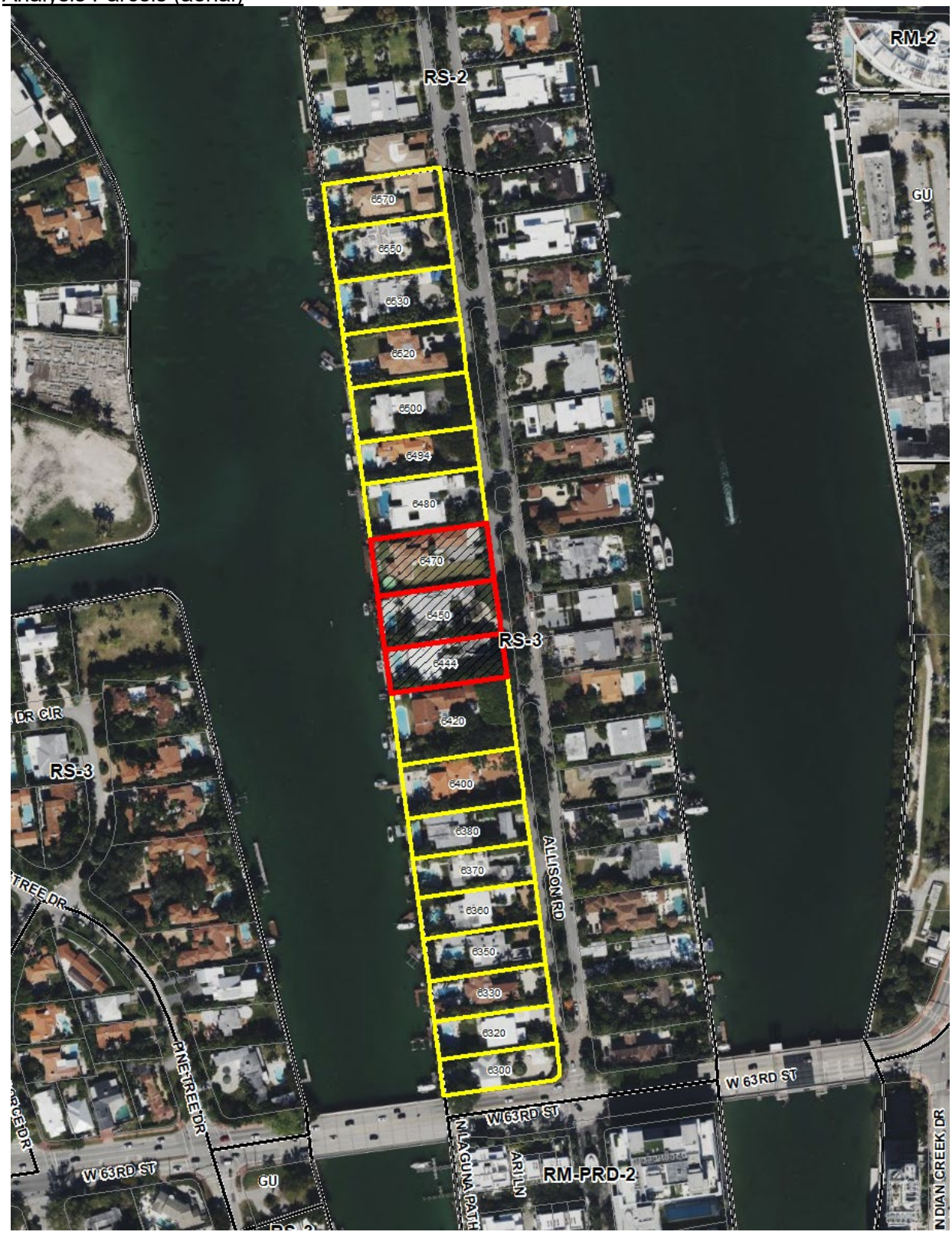
Statistic	Lot Size (SF)	Year Built	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	19,240	1967	6,415	33%	7,393	39%	2
Median	16,762	1952	5,603	32%	6,723	38%	2
Max	29,160	2017	14,803	62%	14,803	62%	2
Min	16,200	1936	3,966	18%	4,759	22%	1
First Quartile	16,200	1946	4,808	27%	5,770	32%	2
Third Quartile	21,600	2002	6,580	38%	7,710	45%	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
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 63rd Street and fronting the Indian Creek Waterway.
- There are 16 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 471 square feet larger than the current largest parcel.
- The average lot size is 19,240 square feet. The median lot size is 16,762 square feet. The proposed parcels will be larger than the average and median unit sizes
- The average adjusted unit size is 6,415 square feet (33% of lot area), the median unit size is 5,603 square feet (32% of lot area). There is one (1) home 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 7,393 SF (39% of lot area) and a median size of 6,723 (38% of lot area).
- The applicant is proposing unit sizes of 44.8% for 6444 Allison Road, which amounts to 14,815 SF and 50% for 6470 Allison Road, which amounts to 14,815 SF.
- There are two (2) vacant lots in the study area, not including those owned by the applicant.
- If the vacant lots were developed to their maximum potential (50% unit size), the average home size would be 33% or 40% 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 39% and a median of unit size of 38%. 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.

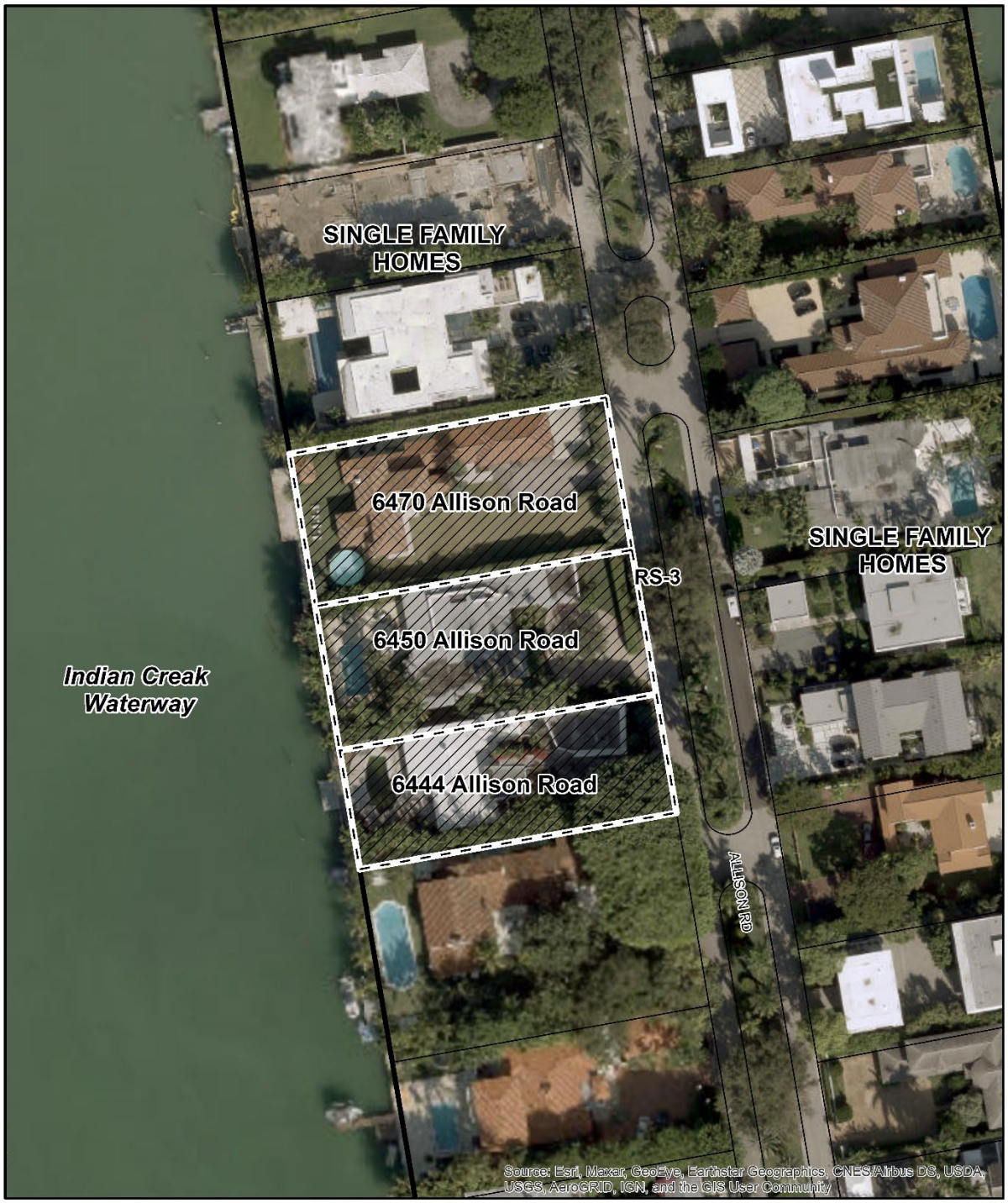
There are currently (2) vacant parcels that are likely to develop to the maximum unit size as permitted by the LDRs, as well as the applicants' expected homes, which would increase the average unit size with a reasonable allowance for additions to 41% and a median unit size of 42%. The 8% difference between the current median unit size with a 20% allowance and the unit size of 50% being requested by the applicant at 6470 Allison Drive 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



MIAMIBEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

0 20 40 80 120 160 200 Feet

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 6444, 6450, and 6470 Allison Rd

FILE NO. PB23-0638

IN RE: An application has been filed requesting a division of land/lot split to divide the existing site comprised of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION:

6444 Allison Road
Folio No. 02-3211-003-0410
The South 40 Feet of Lot 43 the North 40 Feet of Lot 44 of, Indian Creek Subdivision, according to the map or plat thereof, as recorded in Plat Book 31, Page 75 of the Official Public Records of Miami-Dade County, Florida.

6450 Allison Road
Folio No. 02-3211-003-0400
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, Page 75 of the Official Public Records of Miami-Dade County, Florida.

6470 Allison Road
Folio No. 02-3211-003-0390
The South 85 feet of Lot 41 and the North 15 Feet of Lot 42, Indian Creek Subdivision, according to the map or plat thereof, as recorded in Plat Book 31, Page 75 of the Official Public Records of Miami-Dade County, Florida.

MEETING DATE: February 27, 2024

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

Allison Road LLC, 6450 Allison LLC, and 6470 Allison Road Land Trust (collectively the applicants) requested a Division of Land/Lot Split, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, to modify the existing property lines of the site comprised of three 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 Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

B. The project would remain consistent with the criteria and requirements of Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, subject to the following conditions, to which the Applicant has agreed:

1. The modifications authorized to the three (3) lots at 6444, 6450, 6470 Allison Road, by this lot split application, shall comply with the following:

    a. The parcel at 6450 Allison Road shall be divided equally amongst the lots located at 6444 Allison Road and 6470 Allison Road, resulting in two developable sites.

    b. The subject lots shall not be subdivided any further.

    c. Design Review Board review and approval shall be required for the proposed home at 6444 and 6470 Allison Road.

    d. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by American Services of Miami, Consulting Engineers, Planners, Surveyors, dated November 26, 2023 (6444 Allison Road) and October 28, 2023 (6470 Allison Road).

    e. 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.

    f. 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.

    g. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Chapter 7, Article II Section 7.2.2.3 of the Miami Beach Resiliency Code.

    h. The applicant shall not seek variances for new homes to exceed a unit size of 50%.

    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 a 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 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 Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency 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 Miami Beach Resiliency Code, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, Section 1.3.8 of the Miami Beach Resiliency 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 Miami Beach Resiliency Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the Miami Beach Resiliency 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. 1-9, inclusive) hereof, to which the applicant has agreed.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development and Resiliency Officer
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Development and Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
[NOTARIAL SEAL] 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 _____( )