

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: April 19, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. 2223. 1030 15th Street – Modification to a Previously approved Lot Split/subdivision of Land Conditional Use Permit.**

### **REQUEST**

The applicant, Shoma Lincoln Investments, LLC, is requesting a modification to a previously issued Conditional Use Permit, pursuant to Section 118, Article IV of the City Code. Specifically, the applicant is requesting a modification to the CUP regarding the prohibition of variances.

### **RECOMMENDATION**

Approval with conditions

### **ZONING / SITE DATA**

**Legal Description:** See Exhibit A

**Future Land Use:** RM-1 (Residential Low-Intensity Zoning District)

**Zoning:** RM-1 (Residential Low-Intensity Zoning District)

**Lot Size:** 54,920 square feet for the combined site.  
31,904 (North Lot) & 23,016 SF (South Lot), as proposed.

### **HISTORY**

*February 24, 2015* A lot split was granted by the Board, subject to the conditions enumerated in the Final Order.

### **REVIEW CRITERIA**

Pursuant to Section 118-321(d), 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, the size of each of the lots after the proposed lot split meet the minimum size requirements (5,600 square feet) and lot width (50 feet) in the RM-1 zoning district.

- 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, the immediate area consists primarily of 50 foot wide platted lots. The smallest lot is 6,000 SF, the largest lot is 30,050 SF, the average lot area is 9,821 SF, and the median lot is 7,500. See analysis for further details.

- 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**– as previously approved, the applicant presented a massing study that was consistent 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**– as previously approved.

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

**Consistent**– as previously approved.

- 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).**

N/A

### **ANALYSIS**

The subject property consists of a large at-grade parking lot that received a Conditional Use Permit (CUP) in 1995 (File No. 1216). In 1999, the Board approved an additional CUP to construct a small storage facility on the existing parking lot (File No. 1362). The applicant, BellSouth Telecommunications LLC, d/b/a/ AT&T Florida, received approval on February 24, 2015 to divide the subject property into two (2) separate parcels.

As previously indicated the south lot will remain an at-grade parking lot, and the north lot received approval by the Historic Preservation Board (File No. 7522) on May 12, 2015 for the construction of a new 3-story multi-family residential building. As part of the original Planning Board lot split approval a condition was placed on the property prohibiting variances. However

in light of the elevated roadwork currently being done in the surrounded streets, the applicant is proposing to elevate the project 2'-4" higher than the minimum elevation of Base Flood Elevation plus one (1') foot, which is the current base point from which heights are measured for a multifamily project. There is an ordinance amendment in process, which was reviewed by the Board last month, which would allow a maximum 'freeboard' of up to five (5') feet. This would allow a project's height to be measured from a starting point up to five (5') feet above the minimum Base Flood Elevation, in order to take a proactive approach towards flooding and sea level rise.

If this ordinance is ultimately adopted by the City Commission, a variance would not be required for the applicant's project. However, due to the additional timing that it will take for the ordinance to be reviewed and potentially approved, the applicant desires to request a height variance from the Design Review Board in order to continue with the Building Permit process without delay.

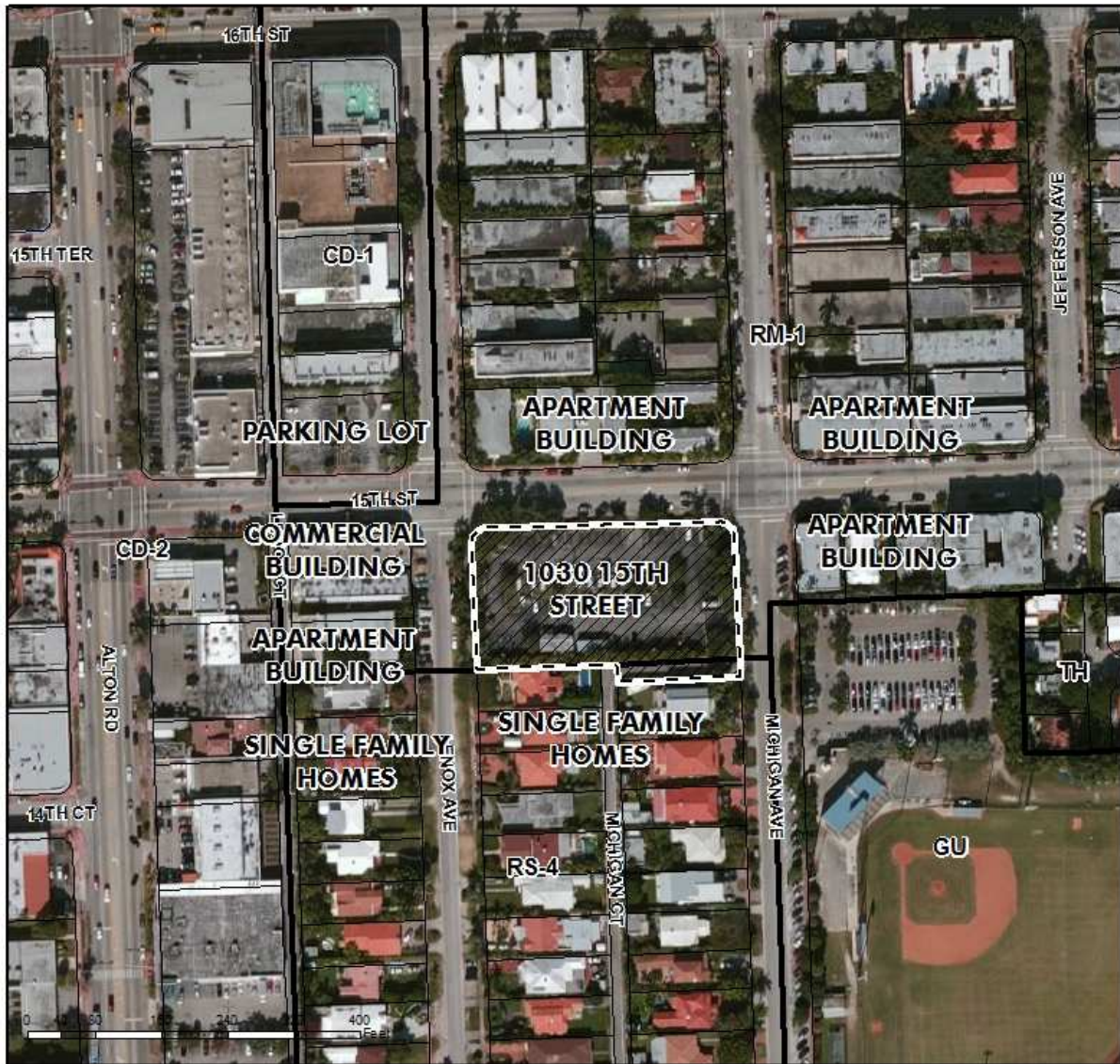
**STAFF RECOMMENDATION**

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

TRM/MAB/AG

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### ZONING SITE MAP



City of Miami Beach Planning Board  
File No. 2223  
1030 15th street



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**Exhibit A**

Lots 1,2,3, and 4, Block 69 “Lincoln Subdivision”, According to the Plat Thereof, as Recorded in Plat Book 9, At Page 69, of the Public Records of Miami-Dade County, Florida.

And

Lots 1 and 24 and 20 feet of Alley Lying Between Lots 1 and 24, Block 93, Ocean Beach FLA Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, At Page 81, of the Public Records of Miami-Dade County, Florida.