

MIAMI BEACH

PLANNING DEPARTMENT Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: September 25, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0217. 6431 Allison Road – SFR Lot Split/Subdivision of Land**

The applicant, Clara Homes, LLC, is requesting Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of one platted lot and a portion (2/3) of a second platted lot, into two individual buildable parcels.

RECOMMENDATION:

Approval with conditions

EXISTING STRUCTURES/SITE:

The subject application includes one existing parcel of approximately 32,325 square feet (Per Survey submitted by the applicant), which contains an approximately 8,000 square feet single family home constructed on 1930 according to the Miami-Dade County Property Appraiser. The applicant is proposing to demolish the existing structure and divide the parcel into two individual single family sites.

ZONING / SITE DATA:

Legal Description: Lot 10 and the south 50 feet of lot 11, INDIAN CREEK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 31, 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)

Lot Size: 32,325 Square Feet for the Combined Site (per survey)

REVIEW CRITERIA:

Pursuant to Section 118-321(b), 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-3 Zoning district are 10,000 square feet lot size and 60 feet lot width. The proposed area of the northern lot is 16,162.5 square feet and 75 feet lot width. The southern one is 16,162 square feet

and 75 lot width according to the survey, as per the Letter of Intent and zoning data sheet.

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-3 zoning district consist of lots that have an average size of 18,784 square feet. The proposed lot split will create two lots smaller than the average lot size. However the most common lot size is smaller than the proposed sites (see surrounding sites summary table - mode).

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 the proposed homes, the scale of the proposed home is 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– The existing house will be demolished, however, the existing dock will have to be removed or reconfigured to comply with City Code (See Final Order).

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

Consistent–The building sites created would be free of encroachments from abutting buildable 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 section 142-108 (2).**

Consistent– The existing pre-1942 architecturally significant home is proposed to be demolished. Because the home is centrally located on the lot, its retention with the lot split is not feasible. Further the applicant has submitted documentation substantiating the very poor structure conditions of the current home. In accordance to section 142-105 (9) the maximum unit size for each lot cannot exceed 40%, which will help mitigate

adverse impacts of what could otherwise be a large home on the current site with a unit size up to 50%.

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.**
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
All windows in the proposed structures will be hurricane proof impact windows.
3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
The windows for residential units will be operable.
4. **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**
All new 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.**
According to the survey the lowest point at the rear yard (Indian Creek Canal) is 3.79 NGVD and the lowest point at the front yard (Allison Rd) is 3.21 NGVD

Per LOI, The applicant has considered the elevation of the right-of-way and surrounding properties, and plans to grade the yards accordingly.
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.**
Per LOI, the applicant has taken into consideration the raising of the public right-of-ways and has designed the proposed home accordingly; the additional 1' of freeboard used to elevate the home will allow the front yard to address the future raising of the streets.
7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**
All critical mechanical and electrical systems will be located above base flood elevation.
8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**
Not applicable, the existing structure is going 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.**

Not Applicable.

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

Per LOI, a water retention system will be provided.

ANALYSIS:

The subject property consists of a single owner (the applicant) who proposes to divide the subject property into two (2) separate parcels. 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 75 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)	Proposed Unit Size %
North Lot	16,162	6,465	40.00%
South Lot	16,162	6,465	40.00%

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	1962	18,748	5,752	6,559	31%	35%	2
Median	1950	17,280	5,054	6,065	28%	34%	2
Max	2017	29,160	11,470	11,470	54%	54%	3
Min	1931	16,200	3,397	4,076	18%	22%	0
First Quartile	1939	16,200	4,551	5,461	24%	28%	1
Third Quartile	1992	21,600	6,405	7,618	36%	43%	2
Mode	1952	16,200	5,524	6,629	34%	41%	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	Unit Size (SF)	Unit Size +20% Allowance (SF)	Unit Size %	Unit Size +20% Allowance %	Floors
6300 ALLISON RD	1948	16,243	4,854	5,825	30%	36%	2
6307 ALLISON RD	1997	16,200	3,397	4,076	21%	25%	2
6320 ALLISON RD	1948	16,200	5,524	6,629	34%	41%	2
6325 ALLISON RD	1992	18,641	5,027	6,032	27%	32%	3
6330 ALLISON RD	1952	16,200	5,524	6,629	34%	41%	2
6341 ALLISON RD	1942	16,200	4,088	4,906	25%	30%	1
6350 ALLISON RD	1991	16,200	5,681	6,817	35%	42%	2
6355 ALLISON RD*	2013	18,900	7,105	8,526	38%	45%	3
6360 ALLISON RD	1950	16,200	4,552	5,462	28%	34%	1
6365 ALLISON RD	1954	18,900	4,877	5,852	26%	31%	1
6370 ALLISON RD	1952	16,200	4,229	5,075	26%	31%	1
6380 ALLISON RD	2003	16,200	7,566	7,566	47%	47%	2
6381 ALLISON RD	1949	16,200	4,954	5,945	31%	37%	2
6391 ALLISON RD	1949	16,200	8,150	8,150	50%	50%	2
6400 ALLISON RD	1953	21,600	6,431	7,717	30%	36%	2
6411 ALLISON RD*	2016	17,280	7,732	7,732	45%	45%	2
6415 ALLISON RD	1934	20,520	4,024	4,829	20%	24%	1
6420 ALLISON RD	1938	29,160	6,379	7,655	22%	26%	2
6444 ALLISON RD	1952	17,280	9,400	9,400	54%	54%	2
6450 ALLISON RD	1953	20,520	4,903	5,884	24%	29%	1
6455 ALLISON RD	1950	21,600	4,549	5,459	21%	25%	1
6470 ALLISON RD	1935	21,600	4,557	5,468	21%	25%	2
6475 ALLISON RD	1938	21,600	5,436	6,523	25%	30%	1
6480 ALLISON RD	2017	23,760	11,470	11,470	48%	48%	0
6491 ALLISON RD	1931	16,200	3,985	4,782	25%	30%	2
6493 ALLISON RD	1979	16,200	5,358	6,430	33%	40%	2
6494 ALLISON RD	1937	16,200	3,883	4,660	24%	29%	2
6500 ALLISON RD	1936	21,600	3,966	4,759	18%	22%	2
6505 ALLISON RD	1947	21,600	4,793	5,752	22%	27%	1
6520 ALLISON RD	2006	21,600	9,474	9,474	44%	44%	2
6525 ALLISON RD	1937	16,200	3,871	4,645	24%	29%	2
6530 ALLISON RD	1952	21,600	4,842	5,810	22%	27%	1
6535 ALLISON RD	1942	16,200	5,565	6,678	34%	41%	1
6550 ALLISON RD	1937	21,600	5,054	6,065	23%	28%	1
6555 ALLISON RD*	2013	21,600	9,724	9,724	45%	45%	2
6565 ALLISON RD	1940	16,200	5,570	6,684	34%	41%	1
6570 ALLISON RD	2001	17,280	6,317	7,580	37%	44%	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.

* Unit size value per City of Miami Beach approved permit.

Summary of Data Analysis:

- The analysis area consists of RS-3 lots along Allison Road W 63rd Street to 6570 Allison Road, as they are most uniform in character in relation to the subject parcel.
- There are 37 parcels in the analysis area, excluding the applicant's site (6431 Allison Road).
- All parcels range in size from 16,200 to 29,160 square feet.
- The average lot size is 18,748 square feet. The median lot size is 17,280 square feet, the most common lot size (mode) is 16,200.
- The average adjusted unit size is 5,752 square feet (31% of lot area), the median unit size is 5,054 square feet (28% of lot area).
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home size increases to 6,559 SF (35% of lot area).
- The applicant is proposing a unit size for both lots of 40% of the lot area (6,465 SF).
- Consistent with similar lot split applications and the Land Development Regulations, staff recommends that the unit size for any proposed home on each of the lots, not to exceed 40%.

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/RAM/AG

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ZONING/SITE PLAN



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

PROPERTY: 6431 Allison Road

FILE NO. PB 18-0206

IN RE: The applicant, Clara Homes, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of one platted lot and a portion (2/3) of a second platted lot, into two individual buildable parcels.

LEGAL DESCRIPTION: Lot 10 and the south 50 feet of lot 11, INDIAN CREEK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 31, Page 75, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: September 25, 2018

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

The applicant, Clara Homes, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two 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 Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 6431 Allison Road, 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 Longitude Survey, dated 07-26-2018.
 - 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 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), 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), as may be revised from time to time.
 - h. The existing dock shall be removed or reconfigured if needed to comply with City Code, in a manner to be reviewed and approved by staff.
 - i. 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, 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.
 - 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.
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 City Code Sec. 118-323.

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 and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
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 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.

Dated this _____ day of _____, 2018.

