MIAMIBEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB 18-0234 aka PB 18-0206. 5840 North Bay Road – Clarification of previously approved SFR Lot Split/Subdivision of Land**

Based upon revised surveys, the applicant, NBR 5840, LP, is requesting a clarification and reaffirmation of approval for a previously approved lot split for the division of the existing site comprised of more than two platted lots, into two individual buildable parcels pursuant to Chapter 118, Article VII of the City Code.

RECOMMENDATION:
Approval with conditions

HISTORY/REQUEST:
On July 24, 2018, the Planning Board reviewed and approved a lot split application for the subject parcel. Based upon the documents submitted as part of that application, the existing parcel contained a lot area of approximately 37,895 square feet, and with the resulting lot split into two (2) lots, each lot would contain approximately 18,947.5 square feet. This data was based partly on inaccurate County records.

Since the approval of the lot split application on July 24, 2018, as part of the required submittal to the Design Review Board for new homes on resulting lots, it was determined that the lot area was less than the area indicated as part of the original Planning Board application. Based upon revised surveys, the area of the existing combined site is 36,143 SF, and the resulting parcels after the lot split would each contain 18,071 SF vs. the previously indicated 18,947.5 SF. Based upon this discrepancy, even though the resulting sites comply with the minimum lot area and minimum lot width required for RS-2 zoned lots, it was determined that a clarification before the Planning Board was required to correct the record. The Planning Board must have accurate information and, therefore, the application is required to come back before the board with the correct square footage.

The following analysis includes both the prior (stricken text), and revised (underlined text) for clarification and comparison purposes.

EXISTING STRUCTURES/SITE:
The subject application includes one existing parcel of approximately 36,143 ~~37,895~~ square feet (Per revised surveys ~~Letter of Intent~~ submitted by the applicant) The applicant is proposing to divide the parcel into two individual single family sites.

ZONING / SITE DATA:

Legal Description:	Lots 28 and 29, and the south 2/3 of lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.
Zoning:	RS-2 Single-Family Residential District
Future Land Use:	Single Family Residential Category (RS)
Lot Size:	36,143 ~~37,895~~ Square Feet for the Combined Site (per LOI)

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-2 Zoning district are 18,000 square feet lot size and 75 feet lot width. The proposed area of the Northern lot is 18,072 ~~18,947.5~~ square feet and 98 feet lot width. The Southern one is 18,071 ~~18,947.5~~ square feet and 89.5 lot width according to the revised surveys. ~~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-2 zoning district consist of lots that have an average size of 35,100 square feet. The proposed lot split will create two lots smaller than the average (North lot 18,072 ~~18,948~~ square feet and South lot 18,071 ~~18,948~~ square feet) lot size. However, it should be noted that the waterfront lots in this immediate area are located along an irregular bay front with various lot depths, resulting in a large variation of lot sizes.

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.

Not Applicable– The property is currently vacant.

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).**

Not Applicable– The property is currently vacant.

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-2 residential single-family zoning district requires a minimum lot area of 18,000 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	18,072 ~~18,948~~	**7,228** ~~8,828~~	40.00% ~~46.59%~~
South Lot	18,071 ~~18,948~~	**7,228** ~~8,732~~	40.00% ~~46.09%~~

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	1966	35,100	10,390	11,955	33%	37%	2
Median	1950.5	26,922	9,550	11,460	30%	37%	2
Max	2020	102,090	19,648	23,578	63%	63%	3
Min	1929	17,532	3,373	4,048	15%	18%	0
First Quartile	1937	23,943	6,702	8,042	21%	25%	1
Third Quartile	2010	43,923	13,558	15,121	40%	47%	2
Mode	1956	24,000	#N/A	#N/A	#N/A	#N/A	2

The following table and aerial 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
5900 N BAY RD	1934	59,652	8,703	10,444	15%	18%	2
5930 N BAY RD	1956	66,135	13,694	16,433	21%	25%	2
5940 N BAY RD	1936	102,090	19,648	23,578	19%	23%	2
6466 N BAY RD	2017	23,258	14,033	14,033	60%	60%	2
6440 N BAY RD	2016	27,577	13,386	13,386	49%	49%	3
6500 N BAY RD	1950	17,532	6,637	7,964	38%	45%	2
6420 N BAY RD	1987	24,625	6,288	7,546	26%	31%	2
6410 N BAY RD	1949	24,000	4,832	5,798	20%	24%	2
6396 N BAY RD	2009	24,000	14,949	14,949	62%	62%	0
6380 N BAY RD	1951	27,013	5,622	6,746	21%	25%	1
6360 N BAY RD	2017	27,608	13,480	13,480	49%	49%	2
6342 N BAY RD	1935	24,407	7,184	8,621	29%	35%	1
6324 N BAY RD	1937	24,703	8,626	10,351	35%	42%	2
6300 N BAY RD	1939	25,215	7,765	9,318	31%	37%	2
6100 N BAY RD	2012	19,453	12,214	12,214	63%	63%	2
6070 N BAY RD	1967	39,215	6,723	8,068	17%	21%	1
6050 N BAY RD	1951	19,685	4,036	4,843	21%	25%	1
6030 N BAY RD	1950	19,918	3,373	4,048	17%	20%	1
6020 N BAY RD	1935	23,773	9,500	11,400	40%	48%	1
6000 N BAY RD	1937	35,100	8,897	10,676	25%	30%	2
5980 N BAY RD	1940	43,615	15,200	18,240	35%	42%	2
5970 N BAY RD	1941	30,800	6,151	7,381	20%	24%	2
5860 N Bay RD	2020	33,041	13,032	15,638	39%	47%	2
5848 N Bay RD	2016	17,954	8,857	8,857	49%	49%	2
5820 N BAY RD	1936	68,431	16,341	19,609	24%	29%	2
5800 N BAY RD	1929	52,881	11,039	13,247	21%	25%	2
5790 N BAY RD	1948	54,243	17,886	21,463	33%	40%	3
5760 N BAY RD	2013	26,830	10,479	12,575	39%	47%	2
5750 N BAY RD	1956	25,392	9,600	11,520	38%	45%	1
5740 N BAY RD	2003	44,846	13,513	16,216	30%	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.

Summary of Data Analysis:

- The analysis area consists of waterfront RS-2 lots south and north of the subject parcel.
- There are 30 parcels in the analysis area, excluding the applicant's site (5840 North Bay Road).
- All parcels range in size from 17,532 to 102,090 square feet.

- The average lot size is 35,100 square feet. The median lot size is 26,922 square feet, the most common lot size (mode) is not applicable as the waterfront lots in the immediate area are located on an irregular Bayfront. With various lot depths. all lot sizes vary.
- The average adjusted unit size is 10,390 square feet (33% of lot area), the median unit size is 9,550 square feet (30% of lot area).Only three (3) 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 11,955 SF (37% of lot area).
- The applicant is proposing a unit size for the Northern lot of 40% ~~46.5%~~ of the lot area (7,228 ~~8,828~~ SF), the southern lot will have a unit size of 40% ~~46.09%~~ of the lot area (7,228 ~~8,732~~ SF).

It should be noted that because the proposed lot split is not along originally platted lot lines, the maximum unit size for a new home on each of the lots is 40%. This condition was previously reflected in the Final Order for the lot split when initially approved by the Board on July 24, 2018.

Lastly, the applicant is in the process of acquiring the property located to the west of the western property line from the State, which would include the portion of the property from the mean high water line eastward. This added area is likely to increase the overall size of the parcel by a few hundred square feet or more.

STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved based upon the revised data and subject to the conditions enumerated in the attached Draft Order. The prior order, from the July 24, 2018 hearing was never executed, as the newly discovered evidence put the approval in question. This order would substitute for the July 24, 2018 hearing order, as it contains accurate information.

TRM/MAB/RAM/AG

ZONING/SITE PLAN



PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 5840 North Bay Road

FILE NO. PB 18-0234 aka PB 18-0206

IN RE: Based upon revised surveys, the applicant, NBR 5840, LP, requested a clarification and reaffirmation of approval for a previously approved lot split for the division of the existing site comprised of more than two platted lots, into two individual buildable parcels pursuant to Chapter 118, Article VII of the City Code.

LEGAL DESCRIPTION: Lots 28 and 29, and the south 2/3 of lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida

MEETING DATE: November 27, 2018

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

The applicant, NBR 5840, LP, 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 5840 North Bay 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 Delta Mapping and Surveying, Inc, dated 10-19-2018. ~~Gunter Group, INC. Land Surveying, dated 04-30-2018~~.

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 25% 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. 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.

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.

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. The July 24, 2018 order is superseded by this order, as, due to newly discovered evidence (correct square footage) that order could not be finalized. This order shall be the final order as to the lot split application.

Dated this _____ day of _____, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush,
Chief of Planning & Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Zoning Manager 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:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department ( )

Filed with the Clerk of the Planning Board on_____( )

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