

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: April 25, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0099. 3115 Pine Tree Drive – SFR Lot Split/Subdivision of Land**

The applicants, Solomon Felling and Suri Felling, are requesting 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.

RECOMMENDATION:

Approval with conditions

EXISTING STRUCTURES/SITE:

The subject application includes one existing parcel of approximately 28,944 square feet (Per boundary survey submitted by the applicant) which contains an approximately 7,602 square feet single-family home constructed in 1936. The applicant is proposing to keep the existing structure and divide the parcel into two individual single family sites.

ZONING / SITE DATA:

Legal Description: All of Lot 9 and the Southerly 86.12 feet of Lot 10, Block 6, FLAMINGO TERRACE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 10, Page 3, 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: 28,944 Square Feet for the Combined Site (per submitted 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 (Parcel 1) is 18,919 square feet and the southern one (Parcel 2) is 10,025 According to submitted surveys.

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 14,334 square feet. The proposed lot split will create one larger than the average (North lot 18,919 square feet) and one smaller than average (South lot 10,025 square feet) lot size.

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 home, 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 pool and pool deck are proposed to be demolished in order to comply with the land development regulations.

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 proposed lot split will not adversely affect any architecturally significant homes, as the existing pre-1942 architecturally significant home will be retained.

ANALYSIS:

The subject property consists of the owners (the applicants) 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 60 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 block. 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:

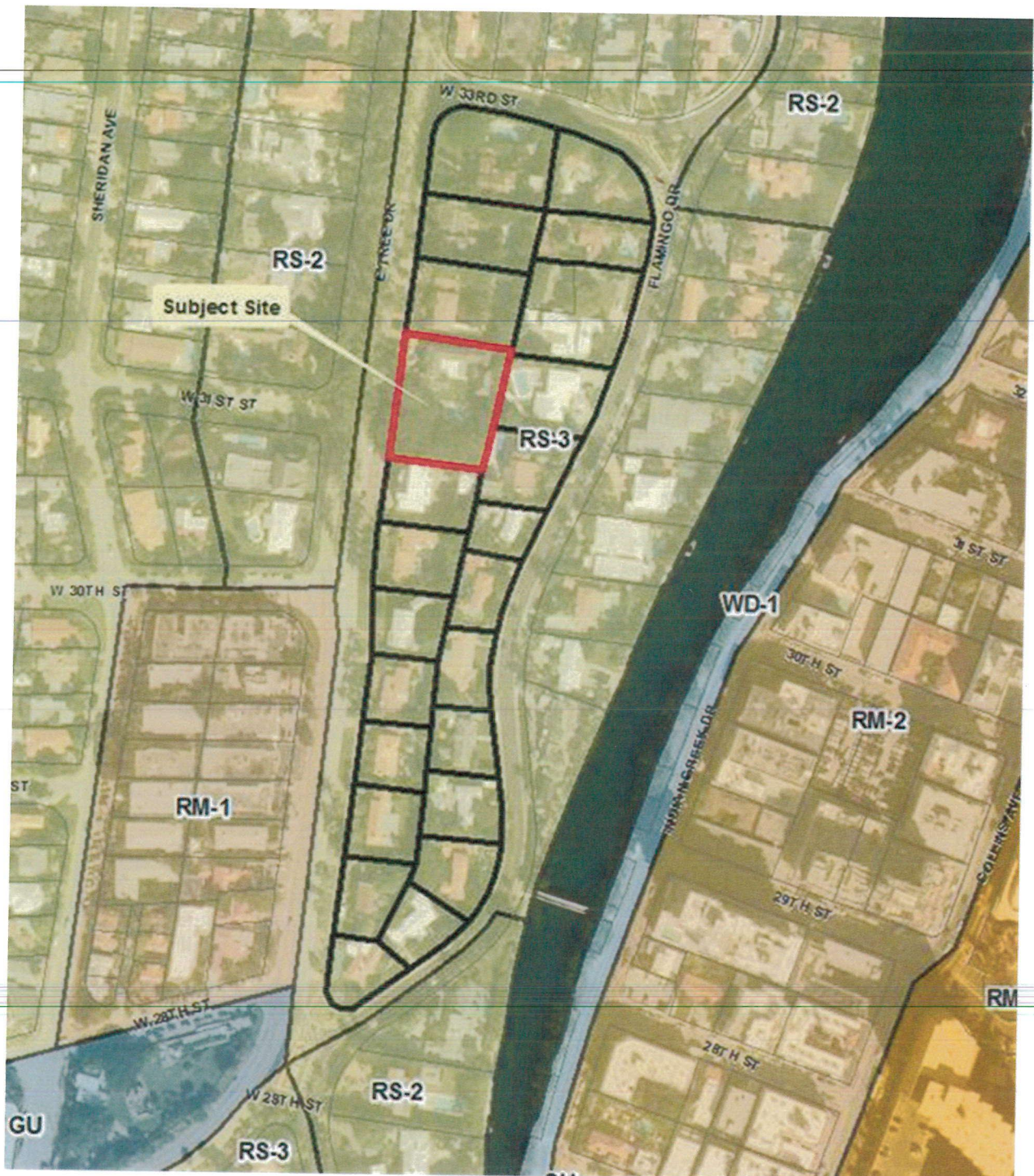
Address	Lot Size (SF)	Unit Size (SF)	Proposed Unit Size %
North Lot (Parcel 1)	18,919	7,602	40.18%
South Lot (Parcel 2)	10,025	4,900	48.88%

Surrounding Sites Summary:

	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)	Unit Size %	Unit Size +20% Allowance %	Floors
Average	1941	14,334	4,018	4,822	30%	35%	2
Median	1936	12,313	3,790	4,548	30%	36%	2
Max	2015	29,742	7,602	9,122	40%	48%	2
Min	1925	8,014	2,197	2,636	16%	19%	1
First Quartile	1933	10,604	3,342	4,011	24%	29%	2
Third Quartile	1939	17,173	4,532	5,439	35%	42%	2
Mode	1936	#N/A	#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



Analysis Parcels Data

Address	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)	Unit Size %	Unit Size +20% Allowance %	Floors
3115 PINETREE DR	1936	29,742	7,602	9,122	26%	31%	2
2875 PINETREE DR	1936	10,200	3,678	4,414	36%	43%	2
3165 PINETREE DR	1927	24,004	3,788	4,546	16%	19%	2
2900 FLAMINGO DR	1939	11,800	3,471	4,165	29%	35%	2
3001 PINETREE DR	1933	13,100	4,597	5,516	35%	42%	2
2970 FLAMINGO DR	1971	17,655	3,940	4,728	22%	27%	2
3145 PINETREE DR	1933	18,000	4,338	5,206	24%	29%	2
2887 PINETREE DR	1934	11,100	2,609	3,131	24%	28%	2
2940 FLAMINGO DR	1936	8,014	3,235	3,882	40%	48%	2
2815 PINETREE DR	1935	10,915	3,687	4,424	34%	41%	2
2908 FLAMINGO DR	1939	11,023	4,083	4,900	37%	44%	2
2912 FLAMINGO DR	1951	10,139	3,240	3,888	32%	38%	1
2850 FLAMINGO DR	1935	13,262	3,343	4,012	25%	30%	2
2861 PINETREE DR	1936	10,500	3,238	3,886	31%	37%	2
2840 FLAMINGO DR	1951	10,964	2,197	2,636	20%	24%	1
3125 PINETREE DR	1936	19,400	5,805	6,966	30%	36%	2
2956 FLAMINGO DR	1925	14,512	4,772	5,726	33%	39%	2
2990 FLAMINGO DR	1939	25,050	4,841	5,809	19%	23%	2
3009 PINETREE DR	2015	14,300	5,386	6,463	38%	45%	2
3012 FLAMINGO DR	1933	12,825	4,109	4,931	32%	38%	2
2801 PINETREE DR	1929	9,525	3,342	4,010	35%	42%	2
3026 FLAMINGO DR	1935	15,725	3,792	4,550	24%	29%	2
2837 PINETREE DR	1935	11,772	3,417	4,100	29%	35%	2
2922 FLAMINGO DR	1935	10,492	3,929	4,715	37%	45%	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-3 lots west of the subject parcel.
- There are 24 parcels in the analysis area, excluding the applicant's site (3115 Pine Tree Drive).
- All parcels range in size from 8,014 to 29,724 square feet. The largest parcel in the study area is the subject of this lot split request.
- The average lot size is 14,334 square feet. The median lot size is 12,313 square feet, the most common lot size (mode) is N/A.
- The average adjusted unit size is 4,018 square feet (30% of lot area), the median unit size is 3,790 square feet (30% of lot area), and the most common unit size (mode) is N/A. None of the 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 4,822 SF (35% of lot area), the median increases to 4,548 SF (36% of lot area).
- The applicant is proposing a unit size for the southern lot (parcel 2) of 48.2% of the lot area (10,025 SF), the existing house to remain on the northern lot (parcel 1) will have a

- unit size of 40.18% of the lot area (18,919 SF). It is important to note that because the existing house is an architecturally significant home, the maximum unit size is 60%.
- Because the existing home will be retained, staff is not recommending for a reduction in the maximum unit size of 50% for the proposed new home.

Staff would also note that there are some large existing trees on the southern portion of the existing property which have been thoroughly surveyed for their location, health, and suitability for relocation by an arborist. The architect has worked closely with staff in provided a massing study which preserves in place the most substantial of the healthy trees and the relocation of two other healthy trees on the property. Staff would recommend that any new construction on the proposed southern lot retain in place the existing trees which are specified to be retained or relocated on site, as indicated on sheets A1.0 and A2.0, subject to the review and approval of the Design Review Board.

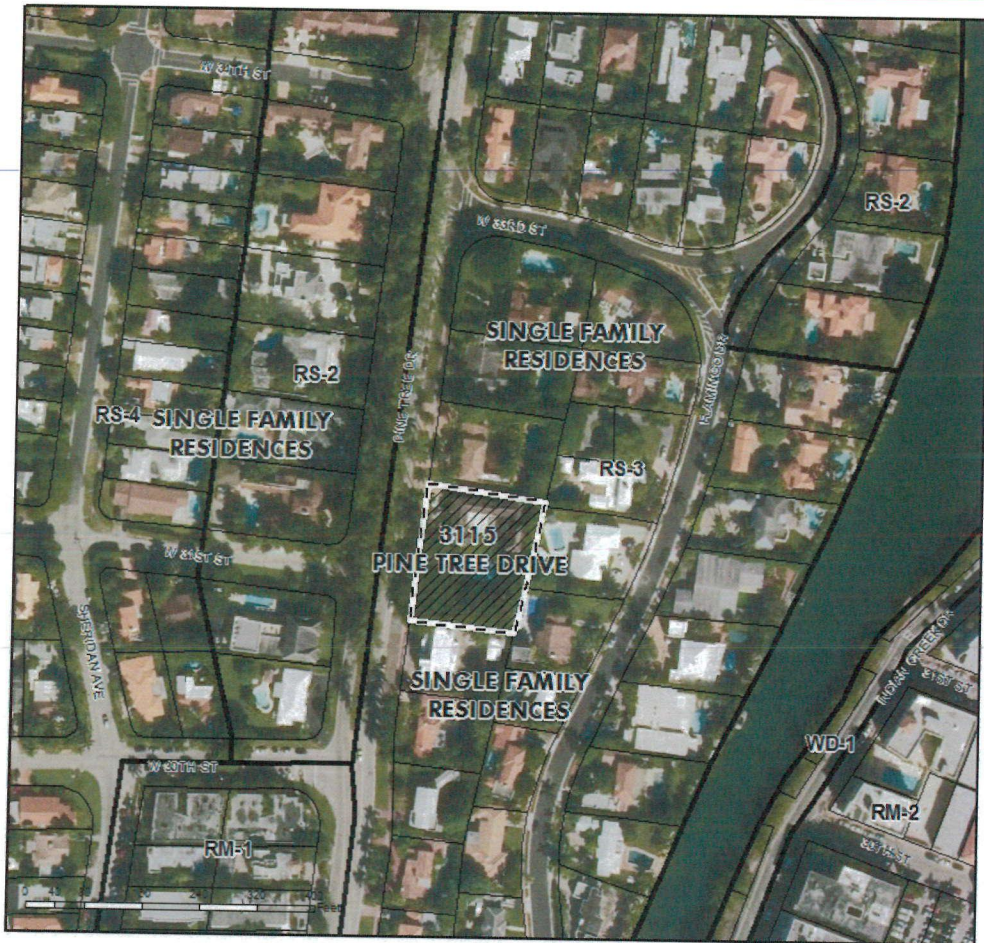
STAFF RECOMMENDATION:

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

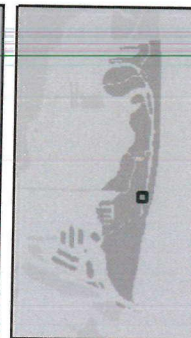


City of Miami Beach Planning Board
PB 17-0099
3115 Pine tree Drive

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

PROPERTY: 3115 Pine Tree Drive

FILE NO. PB 17-0099

IN RE: The applicants, Solomon Felling and Suri Felling, 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.

LEGAL DESCRIPTION: All of Lot 9 and the Southerly 86.12 feet of Lot 10, Block 6, FLAMINGO TERRACE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 10, Page 3, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: April 25, 2017

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

The applicants, Solomon Felling and Suri Felling, 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 3115 Pine Tree Drive, shall comply with the following:
 - a. The existing home shall be retained and preserved, subject to the review and approval of staff. The demolition of 50% or more of the existing home shall require the review and approval of the Planning Board as a modification to this lot split application.
 - b. The subject lots shall not be subdivided any further.

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- c. Design Review Board review and approval shall be required for the proposed home on parcel 2.
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- d. Any new construction on the proposed southern lot (parcel 2) shall retain in place the existing trees which are specified to be retained or relocated on site, as indicated on sheets A1.0 and A2.0, subject to the review and approval of the Design Review Board.
 - e. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Eddie A. Martinez, dated 02-16-2016.
 - f. 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.
 - g. 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.
 - h. The existing pool and pool deck shall be demolished prior to the division/split of the lot.
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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.
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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.

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 _____, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE \

COUNTY OF MIAMI-DADE)

