

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 25, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB23-0647. 900, 910, 920 S Shore Drive. 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.

EXISTING STRUCTURES/SITE:

The subject application includes three platted lots located at 900, 910 and 920 South Shore Drive. The request is to reconfigure the lots into three separate buildable sites for three new single-family homes. The combined site is approximately 33,367 square feet.

ZONING / SITE DATA:

Legal Description: 900, 910 and 920 S Shore Drive
Folio No. 02-3203-007-0140

Lots 8, 9, and 10, Block 47, of the Normandy Gold Course Subdivision, recorded in Plat Book 44, Page 62, 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 Size: 33,367 SF

Proposed Lot Sizes: Lot 8: 10,954 SF
Lot 9: 10,954 SF
Lot 10: 11,308 SF

Existing Lot Width: >204 FT

Proposed Lot Width: LOT 8: 68 FT
LOT 9: 69 FT
LOT 10: >68 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 three 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 10,683 SF and the most common lot size is 10,200 SF. The proposed lots range from 10,954 SF to 11,308 SF, which are consistent with the 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.**

Partially Consistent – Staff has analyzed the average unit sizes and the proposed unit sizes. The proposed homes on the three 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 not exceed a 45%-unit size limit for new homes, which is approximately 50% larger than the current average unit size for the referenced 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 proposed, all existing structures are to be demolished.

- 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.

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ANALYSIS:

The subject site contains three (3) platted lots (lots 8, 9, and 10) and the applicant is proposing to subdivide the current single parcel into three separate lots, in accordance with the platted lot lines. 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 these minimum lot area and lot width requirements.

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. It should be noted that because the property appraiser does include a certain percentage of covered areas and garage area as unit size, the numbers are typically inflated when compared to the city's permit records. This is especially true for new homes, which generally tend to have more covered outdoor areas.

Area Analysis Data:

Subject Site:

Address	Year Built	Unit Size (SF)	Lot Size (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %	Floors
900 S SHORE DR	1963	7,310	33,368	22%	8,772	26%	1

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Surrounding Sites Summary:

Statistic	Year Built	Unit Size (SF)	Lot Size (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %	Floors
Average	1960	3,192	10,683	30%	3,709	35%	1
Median	1952	2,891	10,336	28%	3,469	33%	1
Max	2021	6,335	13,600	50%	6,800	50%	2
Min	1940	2,117	9,350	19%	2,540	23%	1
First Quartile	1950	2,638	10,200	25%	3,166	30%	1
Third Quartile	1957	3,273	11,050	30%	3,928	36%	1
Mode	1950	N/A	10,200	N/A	5,100	50%	1

Analysis Parcels Data:

Address	Year Built	Unit Size (SF)	Lot Size (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %	Floors
990 S SHORE DR	1960	2,735	11,050	25%	3,282	30%	1
980 S SHORE DR	1955	2,751	11,050	25%	3,301	30%	1
970 S SHORE DR	1955	3,044	11,050	28%	3,653	33%	1
960 S SHORE DR	1953	2,912	11,050	26%	3,494	32%	1
950 S SHORE DR	1951	2,431	11,050	22%	2,917	26%	1
940 S SHORE DR	1952	4,373	10,979	40%	5,248	48%	2
880 S SHORE DR	1955	3,172	11,220	28%	3,806	34%	1
860 S SHORE DR	2021	6,335	13,600	47%	6,800	50%	2
850 S SHORE DR	1950	2,481	10,200	24%	2,977	29%	1
840 S SHORE DR	1950	2,750	9,350	29%	3,300	35%	1
830 S SHORE DR	1951	3,295	10,200	32%	3,954	39%	2
820 S SHORE DR	1940	2,117	11,050	19%	2,540	23%	1
810 S SHORE DR	1956	3,681	11,050	33%	4,417	40%	1
790 S SHORE DR	1950	2,572	11,050	23%	3,086	28%	1
780 S SHORE DR	1950	2,591	10,200	25%	3,109	30%	1
770 S SHORE DR	2021	5,100	10,200	50%	5,100	50%	2
760 S SHORE DR	1950	2,686	10,200	26%	3,223	32%	2
750 S SHORE DR	1959	3,040	10,965	28%	3,648	33%	1
740 S SHORE DR	1959	2,854	11,475	25%	3,425	30%	1
730 S SHORE DR	1960	3,266	11,475	28%	3,919	34%	1
720 S SHORE DR	1948	3,180	10,472	30%	3,816	36%	1
710 S SHORE DR	2014	5,100	10,200	50%	5,100	50%	2
700 S SHORE DR	1950	2,235	10,200	22%	2,682	26%	1
690 S SHORE DR	1950	2,880	10,200	28%	3,456	34%	1
680 S SHORE DR	1951	2,985	10,200	29%	3,582	35%	1
672 S SHORE DR	2017	5,100	10,200	50%	5,100	50%	2
670 S SHORE DR	1947	2,902	10,200	28%	3,482	34%	1
660 S SHORE DR	1947	2,654	10,200	26%	3,185	31%	1
650 S SHORE DR	1950	2,670	10,200	26%	3,204	31%	1
630 S SHORE DR	1952	2,397	10,200	24%	2,876	28%	1
620 S SHORE DR	1952	2,472	10,200	24%	2,966	29%	1
600 S SHORE DR	1951	3,367	11,230	30%	4,040	36%	1
930 S SHORE DR			10,866				
610 S SHORE DR			10,200				

*The 20% allowance was added to the adjusted square footage only up to the maximum unit size of 50%.

Note: Highlighted data was adjusted downward to reflect the maximum permitted unit size for these recently constructed homes. The original data from the County is provided below for reference:

770 S SHORE DR	2021	5,515	10,200	54%	5,515	54%	2
710 S SHORE DR	2014	5,427	10,200	53%	5,100	50%	2
672 S SHORE DR	2017	5,239	10,200	51%	5,239	51%	3

Analysis Parcels:



Summary of Data Analysis:

- The analysis area consists of RS-3 lots along the north side of Normandy Waterway, between Biarritz Drive and Hagen Street
- There are 34 parcels in the analysis area, excluding the applicant's parcels.
- All parcels range in size from 9,350 SF to 13,600 SF. The proposed parcels will be at least 754 SF larger than the typical lot size of 10,200 SF.
- The average lot size is 10,683 SF. The median lot size is 10,336 SF. The proposed parcels will be larger than the average and median lot sizes.
- The average adjusted unit size is 3,192 square feet (30% of lot area), the median unit size is 2,891 square feet (28% of lot area).
- Current homes range from a unit size of 2,117 SF (19% of lot area) to 6335 SF (50% 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 3,709 SF (35% of lot area) and a median size of 3,469 (33% of lot area).
- The applicant is proposing unit sizes of 50% for each lot, ranging in size from 5,477 SF to 5,654 SF.
- There are two (2) vacant lots in the study area. These vacant lots were not factored into the existing unit size for the subject parcels, but were included for lot size.

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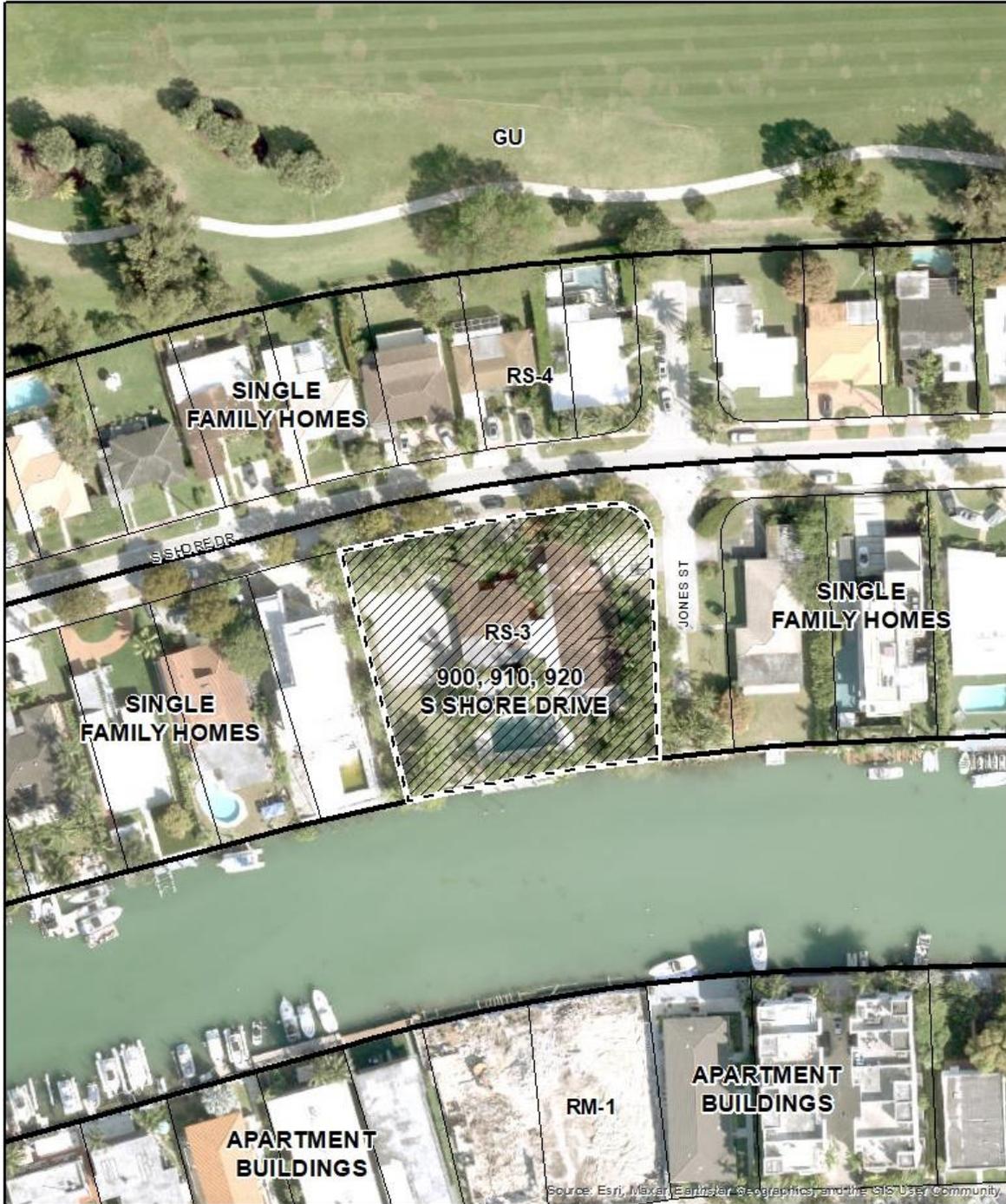
Staff would note that the existing homes in the study area with a reasonable allowance for additions would have an average unit size of 35% and a median of unit size of 33%.

In order to ensure that the three (3) news homes that are developed on the subject parcels are compatible with context of the immediate neighborhood, staff would recommend that the unit size for each lot be capped at 45% of the lot area. This would result in a unit size maximum of 4,929 square feet for two of the lots, and 5,088 square feet for the slightly larger corner lot.

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



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

PROPERTY: 900 S Shore Drive

FILE NO. PB23-0647

IN RE: An application for 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: 900, 910 and 920 S Shore Drive
Folio No. 02-3203-007-0140
Lots 8, 9, and 10, Block 47, of the Normandy Gold Course Subdivision, recorded in Plat Book 44, Page 62, of the Official Public Records of Miami-Dade County, Florida.

MEETING DATE: April 25, 2024

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

Luis Jose Molla Revocable Trust. Luis Jose Molla Trustee (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 900, 910 and 920 S Shore Drive, by this lot split application, 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 any new home at 900, 910 and 920 S Shore Drive.

- c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Survey Pros, Inc. dated March 1, 2024 (900 S Shore Drive, 910 S Shore Drive, and 920 S Shore Drive).
 - d. 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.
 - 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. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Section 7.2.2.3 of the Miami Beach Resiliency Code. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
 - g. The maximum unit size for each lot shall be limited to the lesser of 45% or the maximum permitted at the administrative level at the time of building permit, as per Section 7.2.2.3 of the Resiliency Code, as may be revised from time to time.
 - h. 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.
 - i. 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: _____
Michael Belush, AICP
Planning and Design Officer
For the Chair

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
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 _____ ()