

3. PB24-0662. Conditional Use Regulations for Grocery and Convenience Stores in CD-3 zoning on Lincoln Road.

Conditional Use Regulations for Grocery and Convenience Stores in the CD-3 District on Lincoln Road

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATION," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.12. "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT," BY AMENDING SECTION 7.2.12.2. "USES (CD-3)," TO LIST GROCERY AND CONVENIENCE STORES LOCATED ON LINCOLN ROAD OR 16th STREET EAST OF DREXEL AVENUE AND WEST OF WASHINGTON AVENUE AS A CONDITIONAL USE SUBJECT TO STRICT CRITERIA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City's Land Development Regulations ("LDRs") provide for the regulation of land development within the City; and

WHEREAS, in order to incentivize compatible retail development and address retail vacancies, the City desires to facilitate as a conditional use in limited circumstances grocery and convenience stores.

WHEREAS, this Ordinance provides for grocery and convenience stores as a conditional use in the CD-3 district, for properties with a lot line on Lincoln Road or 16th Street east of Drexel Avenue and west of Washington Avenue.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "General to All Zoning Districts," at Section 7.2.12, "CD-3 Commercial, High Intensity District," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

7.2.12. CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

* * *

b. Supplemental Conditional Uses Regulations (CD-3)

The supplemental conditional uses are as follows:

1. Neighborhood Impact Structure (even when divided by a district boundary line);
2. Major cultural dormitory facilities as specified in section 7.5.5.3,
3. Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street (MAP EXHIBIT-3). Storage and/or parking of commercial vehicles shall be subject to Section 7.5.4.3.c.
4. Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east (MAP EXHIBIT-4), shall be subject to the additional requirements set forth in section 7.2.12.2.f, and
5. When located above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road: artisanal retail with off-site sales; and
6. Convenience stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and Section 7.3.7.2, may be permitted as a conditional use of properties with a lot line on Lincoln Road, east of Washington Avenue, with a storefront located in the interior of the property and with the entire establishment set back a minimum of 75 feet from the property line fronting Lincoln Road, as well as set back 75 feet from Washington Avenue and Collins Avenue. Conditional use approval for a convenience store pursuant to this section must be obtained within 12 months of the effective date of this section.
7. Grocery stores and convenience stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and additional limitations in Section 7.3.7.2.a., may be permitted as a conditional use of properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue, west of Washington Avenue. Entrance and retail frontage of such use shall be permitted on Washington or Drexel Avenue only.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Resiliency Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

PLAN CORRECTIONS REPORT (PB24-0662)

PLAN ADDRESS: 420 Lincoln Rd
Miami Beach, FL 33139-3107

PARCEL: 0232340060020

APPLICATION DATE: 03/15/2024

SQUARE FEET: 0

DESCRIPTION: Amendment to the LDRs to limited exception to allow grocery store and convenience store uses in CD-3

EXPIRATION DATE:

VALUATION: \$0.00

CONTACTS	Name	Company	Address
Applicant	Cecilia Torres-Toledo		98 Se 7Th Street Suite 1100 Miami, FL 33131

Plan Review

Version: 1

Date Received: 07/08/2024

Date Completed:

1. Planning Department Review - Fail

Rogelio Madan Ph: email: RogelioMadan@miamibeachfl.gov

Comments:

See comments.

Exemption from Art Deco Overlay included.

Comments: Provided floor plan includes the easternmost portion of the affected block which is subject to the regulations of the Art Deco MiMo Commercial Character Overlay. It is suggested that the overlay be included in the amendment to avoid conflicts.

Staff recommends that the ordinance be revised to require that the Grocery and Convenience Store uses not be permitted to directly front Lincoln Road. **added language so retail frontage only permitted on Washington and Drexel, not Lincoln.**

2. Planning Department Review - Not Required

Alejandro Garavito Ph: email: AlejandroGaravito@miamibeachfl.gov

3. Planning Admin Review - Fail

Miriam Herrera Ph: email: miriamherrera@miamibeachfl.gov

Comments:

miriamherrera@miamibeachfl.gov

Comments: Missing Property Information - Please attach legal description as "Exhibit A" **Added to application.**

COMMENTS ISSUED 07/10/24

The following fees are outstanding and will be invoiced prior to the Notice to Proceed deadline 08/07/24

Mailing labels not required for amendment to LDRs

1. Mail Label Fee (\$5.16 p/ mailing label)
2. Advertisement - \$1,876
3. Board Order Recording (1) - \$ 128
4. Courier (7) - \$ 133
5. Posting (1) - \$128
6. Variance(s) - \$788 p/variance
7. Sq. Ft Fee - \$.33 cents p/ Sq. Ft

Total Outstanding Balance = \$ ALL FEES MUST BE PAID BY 08/09/24

In addition to the fees, the following shall be provided to the Department no later than the Final submittal deadline 07/28/24, before 12 p.m. (Tardiness may affect being placed on the agenda):

NOTE: Please keep in mind that the submittal MUST be consistent with the plans / document which allowed the application to receive a Notice to Proceed. As customary, nothing can change between the Formal Submittal and the scheduled date of hearing.

The following must be submitted for Final Submittal to the attention of Miriam Herrera – Planning Department. Please leave your package with Central Services on the first floor of City Hall.

- One (1) original application (Proper signed and notarized affidavits and Disclosures must be provided).
- One (1) original Letter of Intent.
- One (1) original set of architectural plans signed, sealed, and dated. (11x17)
- One (1) original signed, sealed, and dated Survey. (11x17)
- Two (2) sets of Mailing labels must be provided including Letter certifying the labels, radius map, gummed labels, and Labels CD done with the proper Excel format specified by the Planning Department.
- Any additional information/documents provided (i.e., traffic studies, concurrency, reports, etc.).
- A CD/DVD containing a digital version of the documents and plans submitted. The CD must be in the proper format specified by the Planning Department (Each document must be less than 25MB). CDs will be checked at time of drop off - anything larger than 25MB will not be accepted.
- Each file document must be labeled by day of submittal and document name.
- 14 collated copies

NOTE: Please make sure you identify the final submittal by the file number and address at time of drop off. (Attn: Planning Department – Miriam Herrera)

Please email Excel file of label owner list.

Should you have any further questions, please contact:

MiriamHerrera@miamibeachfl.gov

4. Planning Landscape Review - Not Required

Philip Byrnes Ph: email: PhilipByrnes@miamibeachfl.gov

Comments:

Planning landscape review is not required for this scope. Planning landscape review is required if scope changes, or work is added. It is the applicant's responsibility to include all work in the description of the permit application AND to make sure plans are routed for Planning review if scope changes or work is added after Planning has reviewed with a result of "Not Required".



Neisen Kasdin

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

D: 305 982 5629
neisen.kasdin@akerman.com

July 28, 2024

VIA CSS

Thomas Mooney
Planning Director
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: PB24-0662: Resiliency Code Amendment to Permit Grocery and Convenience Store as a Conditional Use in Limited CD-3 Zoned Properties

Dear Tom:

Akerman LLP represents 420 Lincoln Rd. Associates LTD, Inc., (the "Applicant"), Ambassador Paul Cejas' company which owns the property at 420 Lincoln Road, Miami Beach, Florida. Ambassador Cejas also owns 1601 Drexel Avenue and 1600 Washington Avenue— together the full City block bounded by Lincoln Road to the north, 16th Street to the south, Washington Avenue to the east and Drexel Avenue to the west (collectively, the "Property").¹ Originally built in the 1940s, 420 Lincoln is a contributing historic building takes up the entire south blockface of Lincoln Road between Drexel Avenue and Washington Avenue, and on the Washington Avenue frontage extends almost the entire depth of the block. See, Figure 1 below. The unique configuration of this historic building, specifically its depth, best accommodates uses which require large footprints but little street frontage such as grocery and convenience stores. Currently, grocery and convenience stores are not a permitted uses at the Property. This application respectfully requests a limited amendment to the City of Miami Beach (the "City")

¹ The Miami-Dade County Property Appraiser further identifies the Property with Folio Numbers 02-3234-006-0020, 02-3234-006-0010 and 02-3234-006-0040.

Note, although the main purpose of this request is to allow these additional conditional uses at Property, the full City block owned by Mr. Cejas is included in this legislation so as to not create use nonconformities should the Property become a unified development site in the future.

Resiliency Code (the "Code") to permit grocery and convenience stores as a conditional use at the Property.



Figure 1. Property (420 Lincoln in yellow)

Request and Reasoning. The Applicant proposes adding the following section to the Code:

""7.2.12.2.b.7. 7. Grocery stores and convenience stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and additional limitations in Section 7.3.7.2.a., may be permitted as a conditional use of properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue, west of Washington Avenue. Entrance and retail frontage of such use shall be permitted on Washington or Drexel Avenue only."

As mentioned above, 420 Lincoln, a contributing historic building, is sizable—it covers the full length of the City block on the Lincoln frontage and more than three quarters of the full block depth on the Washington frontage. Its ground floor was designed for larger floor plate retail with greater depth and entrances off Lincoln Road and Washington Avenue. Typical uses on in this area, namely restaurants and retail stores, utilize small to modestly sized spaces with substantial street frontage to attract customers in. These kinds of tenants have little interest for the leasable space at the depth of the building and securing tenants for these spaces has been a challenge.

Of course, because of the 420 Lincoln's historic designation, the Applicant cannot make design changes to utilize street frontage to give access the large interior spaces to pedestrians. The leasable areas at the depth of the building will be most attractive for

tenants, such as grocery and convenience stores, that don't depend on substantial street frontages to lure customers in.

The proposed legislation, as drafted, is appropriate for the following reasons:

- Consistent with the Historic Use. Because of its large floorplates and layout, the 420 Lincoln has historically housed uses that require substantial footprints. Namely, pharmacy uses and convenience store uses such as F.W. Woolworth Co. and Liggett's. See Figure 2, below. Although 420 Lincoln has historically housed pharmacy uses, at this time, this application does not seek to permit pharmacy use at the Property so as to not implicate the medical marijuana ordinance. The proposed amendment only request the addition of grocery and convenience stores as a conditional uses.



Figure 2. Historic Photographs

- Conditional Use Process as a Check. The proposed amendment allows grocery and convenience store uses at the Property as a conditional use. Any potential future tenant must still apply to the City's Planning Board for a Conditional Use Permit ("CUP"). CUP review will evaluate transit, loading, parking, trash collection, hours of operations, among other operational standards to ensure the use and operations are compatible with the neighborhood context and will not negatively impact same. All this proposal permits is the *ability to request* a CUP.
- Similar Legislation Recently Enacted. On October 18, 2023, the City enacted Ordinance 2023-4576, which added new Sec. 7.2.12.2.b.6. to the Code to, similarly, provide for convenience stores as a conditional use for the property at 230 Lincoln Road. Like the 420 Lincoln building, 230 Lincoln Road had vacant leasable space at its depth which was best suited for a convenience store use. The need to permit these uses as conditional uses is even greater at the Property which is longer, deeper, and larger than 230 Lincoln Road.

Consistency with Relevant Code Criteria. This Application is consistent with review criteria for LDR amendments as outlined in Sec. 2.4.2.(c) of the Code and with the City's Sea Level Rise and Resiliency Review criteria outlined in Section 7.1.2.4.a.2. of the Code.

Review Standards for LDR Amendments. The Application is consistent with the criteria in Sec. 2.4.2.(c) as follows:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

The Property has a land use designation of CD-3. The CD-3 district is the most intense of the commercial district in the City. The proposed amendment would allow for two additional commercial uses, grocery and convenience stores, to be permitted via CUP at the Property. These commercial uses will serve the surrounding community and complement the already permitted commercial uses. As such, the proposed change consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

The proposed amendment adds two additional commercial uses, grocery and convenience store, as conditional uses to complement the already permitted commercial uses in the CD-3 district. Further, just a few months ago the City passed an ordinance permitting convenience store use via CUP at 230 Lincoln Road, another CD-3 zoned property in close proximity to the Property. Therefore, the proposed change does not create an isolated district unrelated to adjacent or nearby districts. There are also a number of smaller food stores on Washington Avenue.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

The proposed change is limited to allow for the uses to be permitted via CUP only at the Property and does not extend to other properties. Should future tenants obtain CUP approval for the use, their venues will directly serve the neighborhood.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

The proposed amendment only allows for the ability to apply for a CUP to permit the uses. We do not anticipate an increase to the load on public facilities and infrastructure as future tenants will operate within the existing building footprint. Further, any potential concerns will flagged and closely examined during review of a future CUP application.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

As previously stated, because of the 420 Lincoln's historic designation, no design changes can be made to the building to maximize street frontage and enhance interactions with pedestrians. The proposed amendments are necessary in order to attract viable tenants to the vacant leasable space at the depth of the building. Actually, by prohibiting these uses, the City has prevented the operation of the uses for which this historic building's ground floor was specifically designed for.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

The proposed amendment will not adversely affect living conditions in the neighborhood. In fact, should a future tenant secure a CUP the neighborhood would benefit by having, for example, a grocery store within walking when currently (according to Google Maps) the closest major grocery store is Trader Joe's at 1683 West Avenue over half a mile away from the Property.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

The proposed change only allows future tenants to apply for a CUP for the use. During CUP application process, traffic will be closely reviewed. The Planning Board will not approve a CUP application that excessively increases traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

The proposed change only will not affect light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

The proposed change will not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The proposed change will not be a deterrent to the improvement or development of adjacent property. Again, the proposal would only allow future tenants to request a CUP.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

As discussed in detail above, typical uses in the area such as restaurants and retail stores utilize small to modestly sized spaces with substantial street frontage to attract customers in. These kinds of tenants have little use or interest for the leasable space at the depth of the 420 Lincoln. The leasable areas at the depth of the 420 Lincoln will be most attractive to tenants, such as grocery and convenience stores, which have large interior spaces and don't depend on substantial street frontages to lure customers in. The proposed change will allow potential tenants to seek a CUP and use the depth of the Property according to the most historically practical use. Revenues from these new tenants will also help with the costs of preserving and maintaining this contributing historic building.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

The proposed change is tailored to address the practical needs of this Property.

Sea Level Rise and Resiliency Criteria. The proposed amendment is consistent with the criteria in Section 7.1.2.4.a.2. of the Code, to the extent applicable, as follows:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

2. Whether the proposal will increase the resiliency of the city with respect to sea level rise.

The proposal is a limited amendment to the list of conditional uses in the CD-3 zoning district to allow for grocery and convenience stores at the Property via CUP. It does not affect the City's resiliency efforts.

3. Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts

Again, the proposal is a limited amendment to the list of conditional uses in the CD-3 zoning district to allow for the possibility of grocery and convenience stores at the Property. It does not affect the City's resiliency efforts.

Conclusion. The proposed amendment will reinstate ability to operate the uses similar to the historic uses of this building which are the most practical and viable uses for a building of great depth and width. The amendment is narrowly tailored so as to address the practical needs of this Property, is consistent with the historic use of the 420 Lincoln and is similar to legislation adopted by the City in the last couple of months to address the similar practical needs of the nearby property at 230 Lincoln Road. For these reasons, we respectfully request approval of the amendment. Should you have any questions or concerns, feel free to contact us. Thank you for your consideration.

Sincerely,

AKERMAN, LLP

Neisen O. Kasdin

Enclosures

cc: Cecilia Torres-Toledo, Akerman LLP (cecilia.torres-toledo@akerman.com)
Michael Belush, City of Miami Beach (michael.belush@miamibeachfl.gov)

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 29, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB24-0662. Conditional Use Regulations for Grocery and Convenience Stores in CD-3 zoning on Lincoln Road.**

RECOMMENDATION

Review and continue the proposed ordinance amendment to a date certain of January 7, 2025.

BACKGROUND

Grocery stores and convenience stores are prohibited uses in the CD-3, commercial, high intensity zoning district, for properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue. The following is a summary of the recent legislative actions regarding the regulation of these uses:

- On March 1, 2017, the City Commission adopted an ordinance creating definitions for check cashing store, **convenience store**, occult science establishment, pharmacy store, souvenir and t-shirt shop, tattoo studio, and T-shirt. The ordinance also expanded the list of the prohibited uses in the CD-3, commercial, high intensity zoning district with a lot line on Lincoln Road **to include the above noted uses as prohibited uses.**
- On June 5, 2019, the City Commission adopted an ordinance which modified the definitions for **convenience store** and **grocery store** and added **grocery stores** to the **list of prohibited uses** for properties with a lot line on Lincoln Road between Alton Road and Collins Avenue. This ordinance also established grocery stores as a prohibited use on Ocean Drive, limited such uses to no more than five (5) within the 'Art Deco / MIMO Commercial Overlay District, and established a distance separation requirement of no less than 2500 feet for grocery stores within the overlay district.
- On October 18, 2023, the City Commission adopted an ordinance providing an exception to the prohibition to convenience stores, by allowing them as a conditional use for properties with a lot line on Lincoln Road, east of Washington Avenue, with a storefront located in the interior of the property and with the entire establishment set back a minimum of 75 feet from Washington Avenue and Collins Avenue. Conditional use approval for a convenience store was also required to be obtained by October 18, 2024. On January 30, 2024, the convenience store 'Five Below', located at 230 Lincoln Road, obtained conditional use approval in accordance with the requirements of the ordinance.

HISTORY:

On September 24, 2024, the subject application was continued to a date certain of October 29, 2024, at the request of the applicant, with no discussion.

PROPOSAL: October 29, 2024 Update

A private application has been filed that proposes to provide an exception to the prohibition on grocery stores, by allowing such use as a conditional use for properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue and west of Washington Avenue, with entrances and retail frontage of such uses only permitted on Washington Avenue and Drexel Avenue. After the September 24, 2024 Planning Board meeting, the applicant has revised the application by removing convenience stores.

The following, revised amendment is proposed (underscore denotes new, amended text):

7.2.12.2 Uses (CD-3)**b. Supplemental Conditional Uses Regulations (CD-3)**

The supplemental conditional uses are as follows:

1. Neighborhood Impact Structure (even when divided by a district boundary line);
2. Major cultural dormitory facilities as specified in section [7.5.5.3](#);
3. Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street ([MAP EXHIBIT-3](#)). Storage and/or parking of commercial vehicles shall be subject to Section [7.5.4.3.c](#);
4. Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east ([MAP EXHIBIT-4](#)), shall be subject to the additional requirements set forth in section [7.2.12.2.f](#);
5. When located above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road: artisanal retail with off-site sales; and
6. Convenience stores, notwithstanding the prohibited uses listed under Section [7.2.12.2.d](#) and Section [7.3.7.2](#), may be permitted as a conditional use of properties with a lot line on Lincoln Road, east of Washington Avenue, with a storefront located in the interior of the property and with the entire establishment set back a minimum of 75 feet from the property line fronting Lincoln Road, as well as set back 75 feet from Washington Avenue and Collins Avenue. Conditional use approval for a convenience store pursuant to this section must be obtained within 12 months of the effective date of this section.
7. Grocery stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and additional limitations in Section 7.3.7.2.a., may be permitted as a conditional use of properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue, west of

Washington Avenue. Entrance and retail frontage of such use shall be permitted on Washington or Drexel Avenue only.

For reference, the following is a list of prohibited uses in the CD-3 district, for properties with a lot line on Lincoln Road, between Alton Road and Collins Avenue, the following additional uses are prohibited:

1. Check cashing stores;
2. Medical cannabis dispensaries (medical marijuana dispensaries);
3. Convenience stores;
4. Grocery stores;
5. Occult science establishments;
6. Pharmacy stores;
7. Souvenir and t-shirt shops;
8. Tattoo studios.
9. Retail establishments larger than 45,000 square feet (except as otherwise provided in section 7.2.12.2.a-b and Uses Table) (note: no variances shall be granted from the regulations in this section 7.2.12.2.d.3.l)
10. Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic; notwithstanding the foregoing, this prohibition does not include office uses located in a mezzanine, or set back at least 75 feet back from the storefront.
11. Vitamin Shops.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Not Consistent – The proposed ordinance is not consistent with the goals, objectives, and policies of the Comprehensive Plan and LDR's, as the proposed uses was previously determined to be inconsistent with the character and fabric of Lincoln Road.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Consistent – The proposed amendment creates an isolated area for currently prohibited uses in a district that is unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Partially Consistent - The proposed ordinance could result in uses and new development

that is out of scale with the needs of the neighborhood or the city, if not carefully controlled.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance is not expected to affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed amendment does not modify district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Not Consistent – The desire to occupy existing retail space that has been previously difficult to fill is the rationale for the proposed ordinance provided by the applicant. However, there have not been any changes in conditions along Lincoln Road that would otherwise preclude uses currently permitted.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Partially consistent – Improving the caliber of retail in the area could improve living conditions in the surrounding neighborhood, if the proposed grocery store use is appropriately regulated.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Partially Consistent – The proposed change may create or increase traffic congestion from what is currently permitted. A detailed traffic and circulation analysis would be required to confirm any impacts.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will not affect light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change is not expected to adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Partially Consistent – The proposed change will likely not be a deterrent to the

improvement or development of properties in the City; however, it may limit the improvement of the caliber of retail in the surrounding area, if not carefully controlled

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – The applicant has represented that given the existing layout of the space, other uses are not viable. However, similar sized, and larger spaces along Lincoln Road have complied with existing regulations.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Partially Consistent – The proposal should not impact the resiliency of the City with respect to sea level rise.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

PLANNING ANALYSIS

Since the initial application, the applicant has modified the proposed ordinance by removing the previously proposed expansion of non-permitted uses by removing convenience stores. The applicant is now proposing an expansion of allowable uses, through the conditional use review process, to include only grocery stores.

The existing code provisions pertaining to conditional and prohibited uses along Lincoln Road are intended to foster a higher caliber of uses and promote the long-term viability of the corridor. These prohibited uses include grocery stores and convenience stores, which were previously identified as not being consistent with the long-term vision for Lincoln Road, and they have been regulated accordingly.

As noted herein, the City Commission previously adopted an ordinance providing an exception

for convenience stores on Lincoln Road, east of Washington Avenue, to accommodate 'Five Below'. With the approval of Five Below, located at 230 Lincoln Road, and the existing CVS located at 312 Lincoln Road, there are currently two convenience stores located within one block of the site of the proposed amendment.

The site of the proposed amendment is also located within the 'Art Deco / Mimo Commercial Character Overlay District', which limits the number of both convenience stores and grocery stores to no more than five (5) within the district. Furthermore, to avoid a concentration of such uses, the overlay district requires a minimum distance separation of 2500 feet between both grocery stores and convenience stores.

The following definitions are relevant to the proposal:

Grocery store means a retail store with direct access from the street or sidewalk that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish, and poultry.

Convenience store means a retail store with direct access from the street or sidewalk, containing a publicly accessible sales area that comprises at least 70% of the floor area of the store, and that is designed and stocked to sell a mixture of goods such as non-prescription medications, beverages, magazines, food (packaged and/or prepared), school/office supplies, cosmetics, and other household supplies. A store that markets itself as a "pharmacy store" or "pharmacy" in addition to selling the goods described above, but that does not provide pharmacy services, including the dispensing of medicinal drugs by a pharmacist, shall be considered a convenience store and not a pharmacy or pharmacy store.

The current definition for grocery store is very broad and could apply to a wide variety of merchants that sell food products. As this could, potentially, apply to uses that are more akin to a convenience store, the proposed ordinance amendment, as currently drafted, may not be beneficial to the area. In this regard, it is suggested that the applicant explore a separate definition for a 'specialty grocery store', to include measurable criteria ensuring the type of grocery anticipated cannot double as a convenience store or small food mart. This could include a minimum square footage requirement, as well as a minimum percentage of fresh food products, such as fruits and vegetables, as well as a maximum percentage for items such as frozen foods and beverages. Additionally, limitations on non-food and accessory items, should be considered.

Staff would note that once a use is approved, the Board has no authority to approve a change of owner/operator, nor deny a future change in owner/operator, as long as the use complies with the requirements of the City Code. Having clearly defined requirements will help ensure that as operators or owners change, the use remains consistent with the intent of the code.

As the area of Lincoln Road east of Drexel Avenue still lacks the same level of tenant caliber that exists west of Drexel Avenue, relaxing standards for allowable uses could have unintended consequences regarding the upgrading of tenants within the larger area east of Drexel Avenue. While understanding of the constraints associated with large spaces setback from Lincoln Road and Washington Avenue, additional development of the subject proposal would be in order. As such, staff recommends the Board provide feedback and continue the application to a date certain of January 7, 2025, with direction to the applicant to further develop the ordinance as recommended herein.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board continue the application to a date certain of January 7, 2025.

Conditional Use Regulations for Grocery Stores in the CD-3 District

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATION," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.12. "CD-3 COMMERCIAL HIGH INTENSITY DISTRICT," BY AMENDING SECTION 7.2.12.2. "USES (CD-3)," TO LIST GROCERY STORES AS A CONDITIONAL USE ON PROPERTIES WITH A LOT LINE ON LINCOLN ROAD OR 16th STREET EAST OF DREXEL AVENUE AND WEST OF WASHINGTON AVENUE SUBJECT TO STRICT CRITERIA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City's Land Development Regulations ("LDRs") provide for the regulation of land development within the City; and

WHEREAS, in order to incentivize compatible retail development and address retail vacancies, the City desires to facilitate as a conditional use in limited circumstances grocery stores.

WHEREAS, this Ordinance provides for grocery stores as a conditional use in the CD-3 district, for properties with a lot line on Lincoln Road or 16th Street east of Drexel Avenue and west of Washington Avenue.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "General to All Zoning Districts," at Section 7.2.12, "CD-3 Commercial, High Intensity District," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

7.2.12. CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *

7.2.12.2 Uses (CD-3)

* * *

b. Supplemental Conditional Uses Regulations (CD-3)

The supplemental conditional uses are as follows:

1. Neighborhood Impact Structure (even when divided by a district boundary line);
2. Major cultural dormitory facilities as specified in section 7.5.5.3,
3. Storage and/or parking of commercial vehicles on a site other than the site at which the associated commerce, trade or business is located, except such storage and/or parking of commercial vehicles shall not be permitted on lots with frontage on Lincoln Road, Collins Avenue, 41st Street and 71st Street (MAP EXHIBIT-3). Storage and/or parking of commercial vehicles shall be subject to Section 7.5.4.3.c.
4. Alcoholic beverage establishments located in the area generally bounded by 40th Street to the south, 42nd Street to the north, Alton Road to the west, and the Indian Creek waterway to the east (MAP EXHIBIT-4), shall be subject to the additional requirements set forth in section 7.2.12.2.f, and
5. When located above the ground floor on properties with a lot size greater than 50,000 square feet and with a lot line adjoining Lincoln Road between Collins Avenue and Alton Road: artisanal retail with off-site sales; and
6. Convenience stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and Section 7.3.7.2, may be permitted as a conditional use of properties with a lot line on Lincoln Road, east of Washington Avenue, with a storefront located in the interior of the property and with the entire establishment set back a minimum of 75 feet from the property line fronting Lincoln Road, as well as setback 75 feet from Washington Avenue and Collins Avenue. Conditional use approval for a convenience store pursuant to this section must be obtained within 12 months of the effective date of this section.
7. Grocery stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and additional limitations in Section 7.3.7.2.a., may be permitted as a conditional use of properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue, west of Washington Avenue. Entrance and retail frontage of such use shall be permitted on Washington or Drexel Avenue only.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Resiliency Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director



- LEASABLE / SEPARATE TENANT AREAS (NET)
- 8334 SQ. FT. NET AREA
 - 5965 SQ. FT. NET AREA
 - 9654 SQ. FT. NET AREA
 - 12923 SQ. FT. NET AREA
 - 7697 SQ. FT. NET AREA
 - 10506 SQ. FT. NET AREA
 - 10477 SQ. FT. NET AREA
 - 9093 SQ. FT. NET AREA
- B.O.H. SERVICE UTILITY AREAS
- CIRCULATION COMMONS AREAS



MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER PB24-0662		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input checked="" type="checkbox"/> Other: LDR Amendment			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY 420 Lincoln Road Miami Beach Florida 33139			
FOLIO NUMBER(S) 02-3234-006-0020			
Property Owner Information			
PROPERTY OWNER NAME 420 LINCOLN RD ASSOCIATES LTD			
ADDRESS 420 LINCOLN RD Suite 330		CITY Miami Beach	STATE Florida
ZIP CODE 33139			
BUSINESS PHONE 305-531-5220	CELL PHONE	EMAIL ADDRESS maria@plcinv.com	
Applicant Information (if different than owner)			
APPLICANT NAME Same as Owner			
ADDRESS		CITY	STATE
ZIP CODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Limited LDR Amendment to Permit Grocery and Convenience Store use via Conditional Use Permit at Property consistent with historic uses and recent City legislation.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
Party responsible for project design			
NAME n/a		<input type="checkbox"/> Architect	<input type="checkbox"/> Contractor
		<input type="checkbox"/> Engineer	<input type="checkbox"/> Tenant
		<input type="checkbox"/> Landscape Architect	<input type="checkbox"/> Other _____
ADDRESS		CITY	STATE
			ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Authorized Representative(s) Information (if applicable)			
NAME Neisen Kasdin, Esq.		<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input type="checkbox"/> Other _____
ADDRESS 98 SE 7th St. Suite 1100		CITY Miami	STATE Florida
			ZIPCODE 33131
BUSINESS PHONE 305-982-5629	CELL PHONE	EMAIL ADDRESS neisen.kasdin@akerman.com	
NAME Cecilia Torres-Toledo, Esq.		<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input type="checkbox"/> Other _____
ADDRESS 98 SE 7th St. Suite 1100		CITY Miami	STATE Florida
			ZIPCODE 33131
BUSINESS PHONE 305-982-5547	CELL PHONE	EMAIL ADDRESS cecilia.torres-toledo@akerman.com	
NAME		<input type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input type="checkbox"/> Other _____
ADDRESS		CITY	STATE
			ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City’s land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board’s decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

Owner of the subject property Authorized representative



SIGNATURE

*Paul Cejas, as President of PLC Lincoln Road Ventures, Inc.,
the General Partner of 420 Lincoln Road Associated, LTD (Owner)

Paul Cejas*

PRINT NAME

June 5, 2024

DATE SIGNED

POWER OF ATTORNEY AFFIDAVIT

*Paul Cejas, as President of PLC Lincoln Road Ventures, Inc.,
the General Partner of 420 Lincoln Road Associated, LTD (Owner)

STATE OF _____

COUNTY OF _____

**Neisen Kasdin, Esq. & Cecilia Torres-Toledo, Esq.

I, **Paul Cejas***

, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Akerman LLP** to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

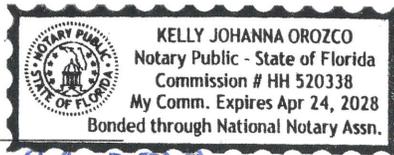
Paul Cejas

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 05 day of June, 2024. The foregoing instrument was acknowledged before me by Paul Cejas, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



K Orozco

NOTARY PUBLIC

My Commission Expires: April 24, 2028

Kelly Johanna Orozco

PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

n/a

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida

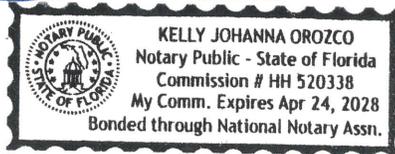
COUNTY OF Miami - Dade

I, Paul Cejas, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

Paul Cejas
SIGNATURE

Sworn to and subscribed before me this 05 day of June, 2024. The foregoing instrument was acknowledged before me by Paul Cejas, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: April 24, 2028

KOROZCO
NOTARY PUBLIC
Kelly Johanna Orozco
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF Florida

COUNTY OF Miami - Dade

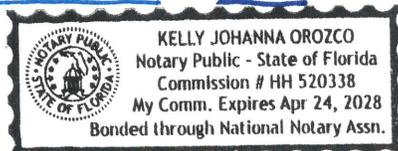
*Paul Cejas, as President of PLC Lincoln Road Ventures, Inc., the General Partner of 420 Lincoln Road Associated, LTD (Owner)

I, Paul Cejas*, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of 420 Lincoln Road Associates, LTD (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

Paul Cejas
SIGNATURE

Sworn to and subscribed before me this 05 day of June, 2024. The foregoing instrument was acknowledged before me by Paul Cejas, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: APRIL 24, 2028

KOROZCO
NOTARY PUBLIC
Kelly Johanna Orozco
PRINT NAME

**DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

420 Lincoln Road Associates, LTD

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit B

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

n/a

TRUST NAME	
NAME AND ADDRESS	% INTEREST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Neisen Kasdin, Esq.</u>	<u>98 SE 7th St. Suite 1100, Miami FL 33131</u>	<u>305-982-5629</u>
<u>Cecilia Torres-Toledo, Esq.</u>	<u>98 SE 7th St. Suite 1100, Miami FL 33131</u>	<u>305-982-5547</u>
_____	_____	_____

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

*Paul Cejas, as President of PLC Lincoln Road Ventures, Inc., the General Partner of 420 Lincoln Road Associated, LTD (Owner)

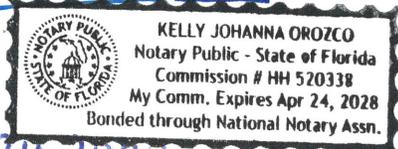
COUNTY OF Miami-Dade

I, Paul Cejas*, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Paul Cejas
SIGNATURE

Sworn to and subscribed before me this 05 day of June, 2024. The foregoing instrument was acknowledged before me by Paul Cejas, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



KOROW
NOTARY PUBLIC

My Commission Expires: April 24, 2028

Kelly Johanna Orozco
PRINT NAME

Exhibit "A"
Legal Description

Lots 2, 3, and 4, Block 53 of Pine Ridge Subdivision according to the Plat thereof, recorded in Plat Book 6, Page 34 of the Public Records of Miami-Dade County, Florida

LESS:

That certain North-South alleyway recorded in Official Record Book 2559 at Page 255, of the Public Records of Miami-Dade County, Florida, as modified by City of Miami Beach Resolution No. 10450 and further modified by City of Miami Beach Resolution No. 10492, being more particularly described as follows:

Beginning at the Southeast corner of Lot 10, or the Southwest corner of Lot 1, Block 53, PINE RIDGE SUBDIVISION, as recorded in Plat Book 6 at Page 34 of the Public Records of Miami-Dade County, Florida; run Easterly along the Southerly line of said Lot 1, in Block 53, a distance of 5.0 feet to a point; thence run Northwesterly along a line deflecting 135° to the left, a distance of 7.07 feet (5.56 feet calculated) to a point; thence run Northerly along a line parallel to and 1.07 feet distant Easterly from the Westerly line of Lots 1 and 2 of said Block 53, a distance of 98.0 feet to a point; thence run Northeasterly along a line deflecting to the right $10^{\circ}29'25.2"$ a distance of 21.58 feet to a point; thence run Northerly along a line deflecting $10^{\circ}29'25.2"$ to the left along a line parallel to and 5.0 feet distant Easterly from the Westerly line of Lots 2 and 3 of said Block 53, a distance of 155.77 feet (156.79 feet calculated) to a point on the Southerly line of a 20.0 foot alley as described in Deed Book 2075 at Page 191 of the Public Records of Miami-Dade County, Florida; thence run Westerly along a line deflecting 90° ($90^{\circ}00'39"$ calculated) to the left along the Southerly line of said described alley, said line being parallel to and 20.0 feet distant Southerly from the Northerly line of Lots 3 and 5 of said Block 53, a distance of 34.28 feet to a point; thence run Southerly along a line deflecting 90° ($89^{\circ}59'21"$ calculated) to the left (along a line parallel to the Easterly line of Lot 5 of said Block 53,) a distance of 24.65 feet to a point; thence run easterly along a line deflecting 90° to the left, a distance of 24.38 feet (24.28 feet calculated) to a point; thence run Southerly along a line parallel to and 5.0 feet distant Westerly from the Easterly line of Lots 5, 6, 7 and 8 of said Block 53, a distance of 121.12 feet to the Point of Curvature (P.C.) of a circular curve; thence run Southwesterly along the arc of a circular curve deflecting to the right having for its elements a central angle of $18^{\circ}11'41.5"$, a radius of 50.0 feet, a distance of 15.88 feet, to the Point of Reverse Curvature, (P.R.C.) of said circular curve; thence run southwesterly along the arc of a circular curve deflecting to the left, having for its elements a central angle of $18^{\circ}11'41.5"$, a radius of 50.0 feet, a distance of 15.88 feet to the Point of Tangency (P.T.) of said curve; thence run Southerly tangent to the last mentioned circular curve along a line parallel to and 10.0 feet distant Westerly from the Easterly line of Lots 8, 9 and 10 of said Block 53, a distance of 98.0 feet to a point; thence run Southwesterly

along a line deflecting 45° to the right, a distance of 7.07 feet (6.99 feet calculated) to a point on the Southerly line of said Lot 10, Block 53; thence run easterly along a line deflecting 135° to the left along the Southerly line of Lot 10 of said Block 53, or the Northerly line of 16th Street, a distance of 15.0 feet (14.94 feet calculated) to the Point of Beginning of the parcel of land herein described;

TOGETHER WITH:

A portion of that certain East-West alleyway dedicated to the City of Miami Beach, as recorded in Deed Book 2075 at Page 191, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

A rectangular strip of land twenty (20) feet in width, being bounded on the North by the South line of Lot 4, Block 53, PINE RIDGE SUBDIVISION, as recorded in Plat Book 6 at Page 34 of the Public Records of Miami-Dade County, Florida, the same being the Northerly line of Lots 3 and 5 in said Block 53; on the East by a line parallel to and 102.38 feet distant Westerly from the Easterly line of Lots 3 in said Block 53; on the West by Drexel Avenue; on the South by a line parallel to and twenty (20) feet distant from the said South line of Lot 4, in Block 53, PINE RIDGE SUBDIVISION.

All containing 7,994 square feet more or less (0.18 acres more or less).

EXHIBIT B

Disclosure of Interest

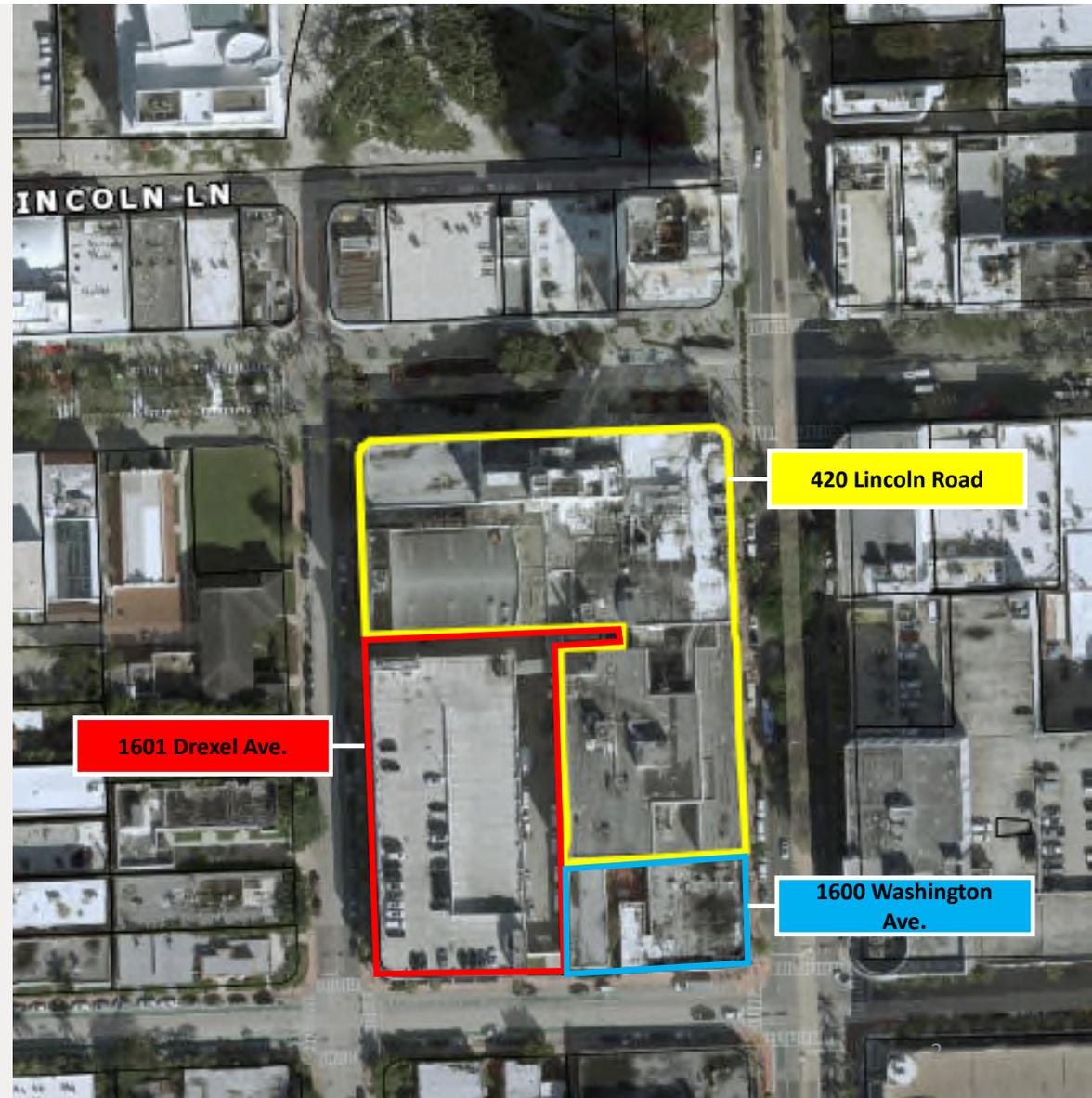
<u>Partner</u>	<u>Type Interest</u>	<u>Percentage</u>	<u>ADDRESS</u>
PLC Lincoln Road Ventures, Inc., a Florida corporation	General	1%	420 Lincoln Road Miami Beach 33139
Paul L. Cejas, as trustee of the Paul L. Cejas Revocable Trust of 1997, as amended	Limited	87%	420 Lincoln Road Miami Beach 33139
Helene Christianne Cejas, as trustee of the Helene Christianne Cejas 2014 Irrevocable Trust dated December 11, 2014	Limited	3%	3520 Edmunds St., Northwest, Washington, 20007
Pablo L. Cejas, as trustee of the Pablo L. Cejas 2014 Irrevocable Trust dated December 11, 2014	Limited	3%	2199 Ponce De Leon Blvd Suite 500 Coral Gables, FL 33134
Tiffany Markofsky and Bruce Stone, as trustees of the Tiffany Markofsky 2014 Irrevocable Trust dated December 31, 2014	Limited	3%	1850 Laguna Street San Francisco, CA 94115
Anthony Markofsky and Bruce Stone, as trustees of the Anthony Markofsky 2014 Irrevocable Trust dated December 31, 2014	Limited	3%	238 Park Drive Bal Harbour, FL 33154
TOTAL		100%	

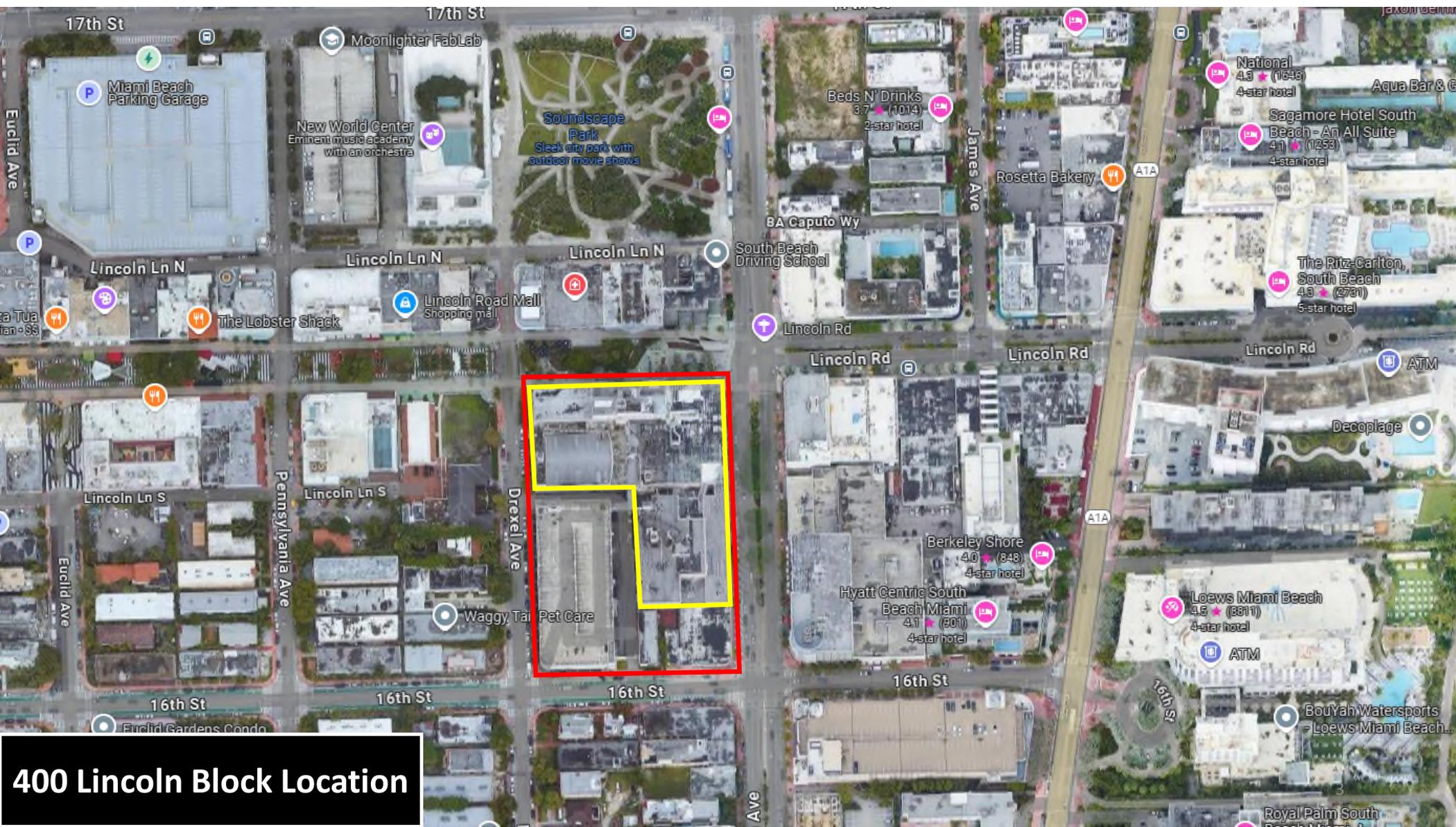


400 Block Lincoln Road | PB24-0662 | 10.29.2024

Applicant and Property Overview

- 400 Lincoln Block is composed of **three key buildings**: 420 Lincoln Road, 1600 Washington Avenue and 1601 Drexel Avenue.
- The entire block is controlled by Ambassador Paul Cejas.
- Zoned **CD-3**, Policy RLU 1.1.10 of Comp Plan notes retail sales and service establishments may be permitted uses.





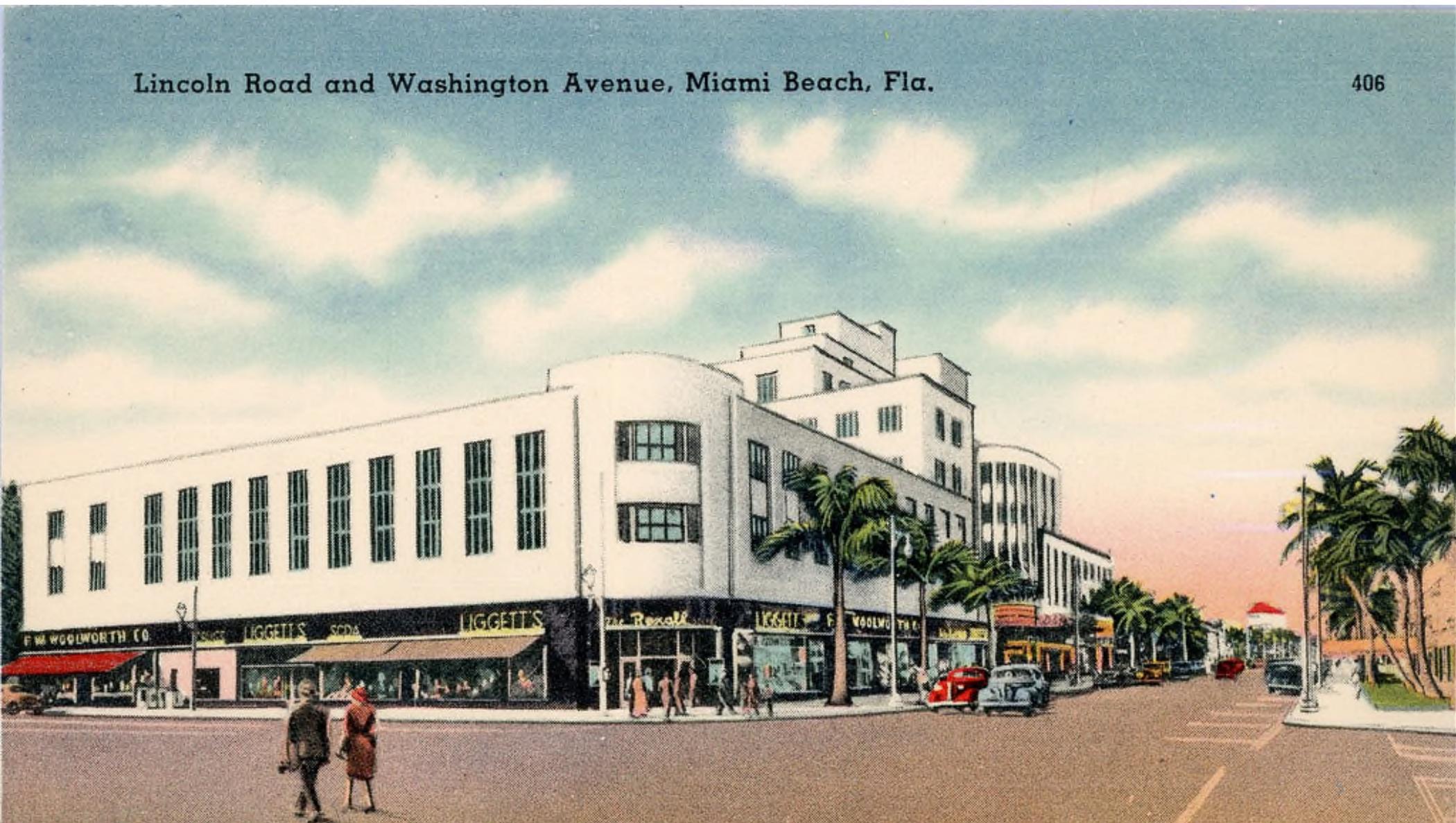
400 Lincoln Block Location

420 Lincoln Road

- A **contributing historic building built in the 1940s** that takes up the entire south block face of Lincoln Road between Drexel Avenue and Washington Avenue, and on the Washington Avenue frontage extends almost the entire depth of the block.
- The **unique configuration** of this historic building, **specifically its depth**, best accommodates uses which require large footprints but little street frontage such as grocery stores.



Lincoln Road and Washington Avenue, Miami Beach, Fla.



Issue and Legislative Solution

- Typical uses on Lincoln Road such as restaurants and retail stores, utilize small to modestly sized spaces and depend on substantial street frontage to attract customers in. These kinds of tenants have little interest for the leasable space at the depth of the 420 Lincoln building and securing tenants for these spaces has been a challenge.
- **We request a limited LDR amendment to permit grocery stores as a conditional use at the Property.**

Proposed Legislation

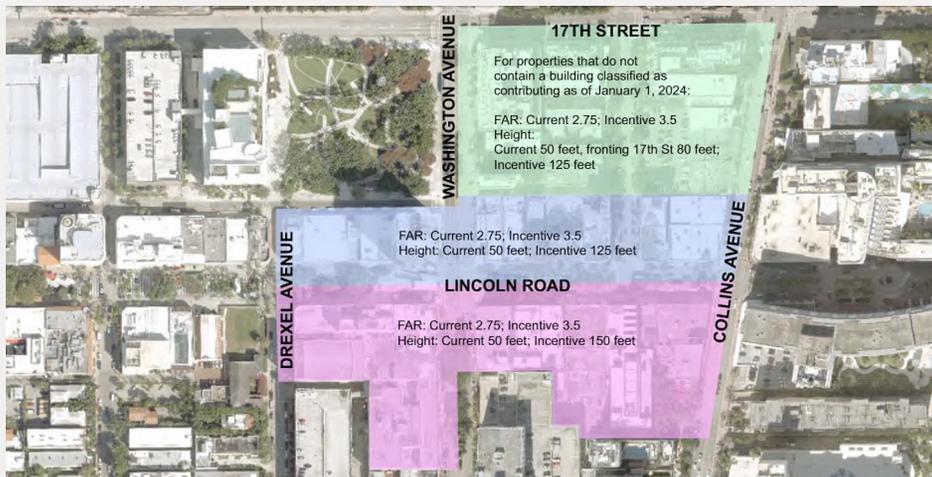
- 7.2.12.2.b.7 – “Grocery stores, notwithstanding the prohibited uses listed under Section 7.2.12.2.d and Section 7.3.7.2.a, may be permitted as a conditional use of properties with a lot line on Lincoln Road or 16th Street, east of Drexel Avenue, west of Washington Avenue. Entrance and retail frontage of such use shall be permitted on Washington or Drexel Avenue only.”

Request is Appropriate

1. Consistent with City's Proposed Redirection of Lincoln Road East and Washington Avenue
2. Conditional Use Permit Process is a Check
3. Historic Floorplate and Layout at 420 Lincoln and Food Service Habilitated TimeOut Market space are Ideal Locations for a Grocery Store



Reason #1: Consistent with City's Proposed Redirection of east Lincoln Rd. and Washington Ave.



2

Incentive area



Includes properties along Washington Avenue from 5th Street to 17th Street.

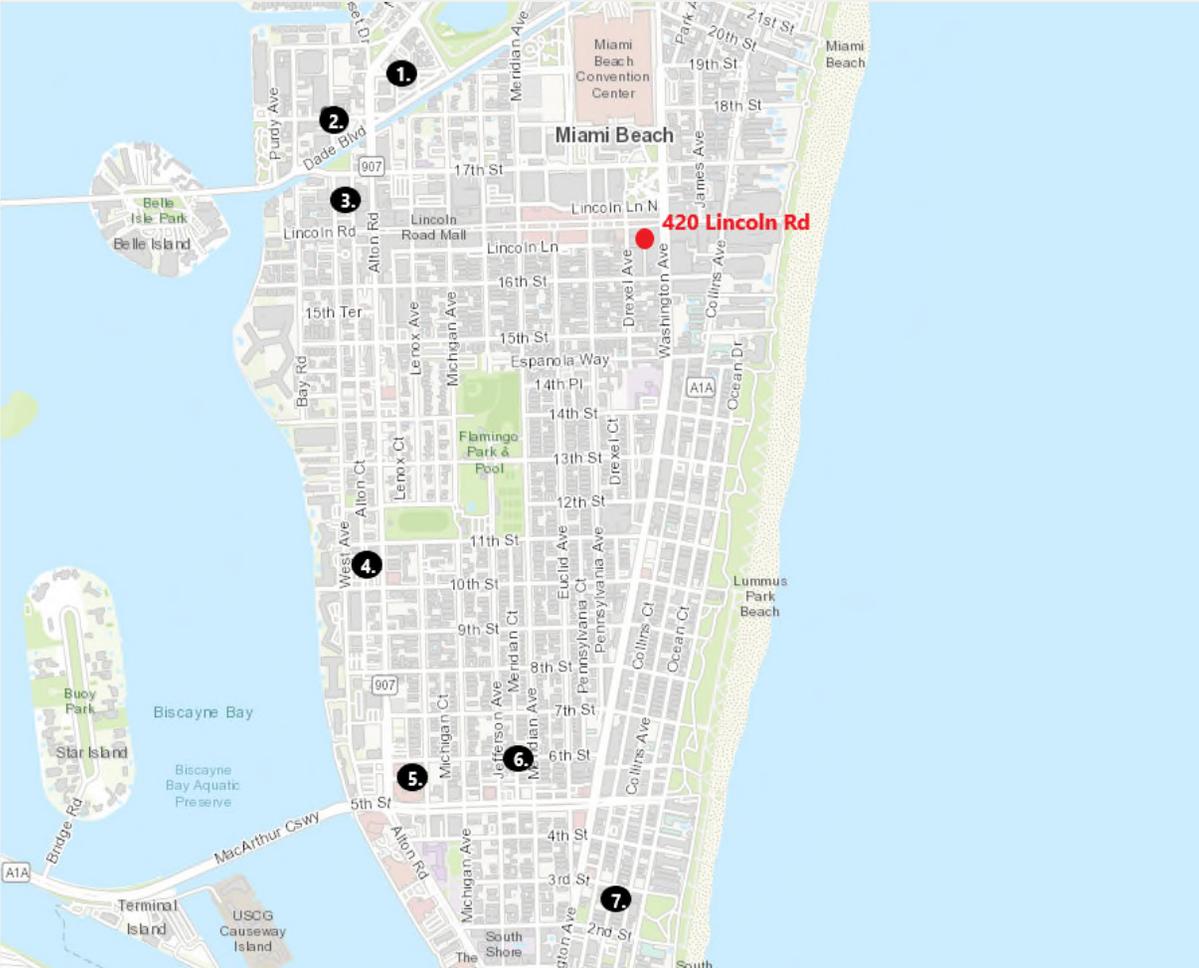
Includes the following zoning districts:

- CPS-2
- RM-2
- CD-2
- CD-3

4

MIAMI BEACH

Grocery Store Map



Grocery Store	Distance from Property
1. Publix – Dade Blvd.	1.0 mi
2. The Fresh Market	1.1 mi
3. Trader Joes	1.1 mi
4. Whole Foods	1.2 mi
5. Publix – 5 th & Alton	1.5 mi
6. Meridian Market and Cafe	1.3 mi
7. La Playa Market	1.4 mi

Source: [Google Maps](#)

Reason #2: Conditional Use Permit is a Check

- The proposed amendment allows grocery store use at the Property as a **conditional use**. Any potential future tenant must still obtain a **CUP**.
 - **Grocery store** means a retail store with direct access from the street or sidewalk that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish, and poultry.
 - **Convenience store** means a retail store with direct access from the street or sidewalk, containing a publicly accessible sales area that comprises at least 70% of the floor area of the store, and that is designed and stocked to sell a mixture of goods such as non-prescription medications, beverages, magazines, food (packaged and/or prepared), school/office supplies, cosmetics, and other household supplies. A store that markets itself as a "pharmacy store" or "pharmacy" in addition to selling the goods described above, but that does not provide pharmacy services, including the dispensing of medicinal drugs by a pharmacist, shall be considered a convenience store and not a pharmacy or pharmacy store.

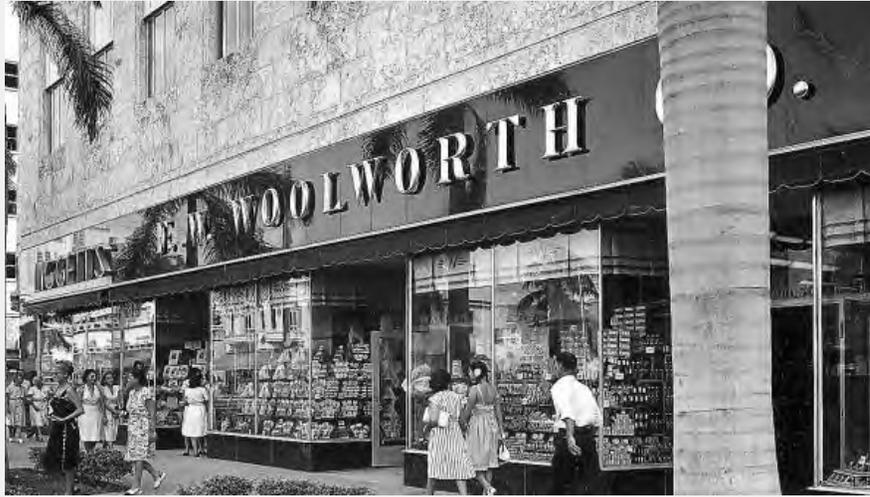
Reason #2: Conditional Use Permit is a Check

- **CUP review will evaluate** a robust operations plan and other deliverables and, at that time, this Board will scrutinize the appropriateness of the tenant and approve or deny based on the CUP criteria in Sec. 2.5.2.2.a. of the Code.
 1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.
 2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.
 3. Structures and uses associated with the request shall be consistent with these land development regulations.
 - 4. The public health, safety, morals, and general welfare shall not be adversely affected.**
 5. Adequate off-street parking facilities will be provided.
 - 6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**
 - 7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**
 8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
 9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Reason #3: Existing Space is Ideal for a Grocery Store

- Because of its large floorplates and layout, 420 Lincoln has **historically housed uses that require substantial footprints.**





To BIRMINGHAM and the ROEBUCK PLAZA SHOPPING CENTER Comes a BRAND NEW
WOOLWORTH'S
 Come To The GALA OPENING of YOUR NEW SELF-SERVICE STORE

AMERICA'S FAVORITE STORE
 OPENING THURSDAY, MARCH 14
 Also SATURDAY, MARCH 16

SPORT SHIRTS \$1.69

NYLON HOSE 59¢

PARAKEETS 98¢

ROSE RUSHES 49¢

PANTIES 59¢

POSTED HOUSE PLANTS \$1.98

EASTER CANDY 8¢

RUGS 67¢

WEST WATCHES \$5.95

LADIES' SUITERS \$1.79

SPECIAL ICE CREAM SANDWICH 9¢

35¢

Hamburger Platter 50¢

Kitchen Step Stool 7.95

W. L. Maxberry
F. W. WOOLWORTH CO.



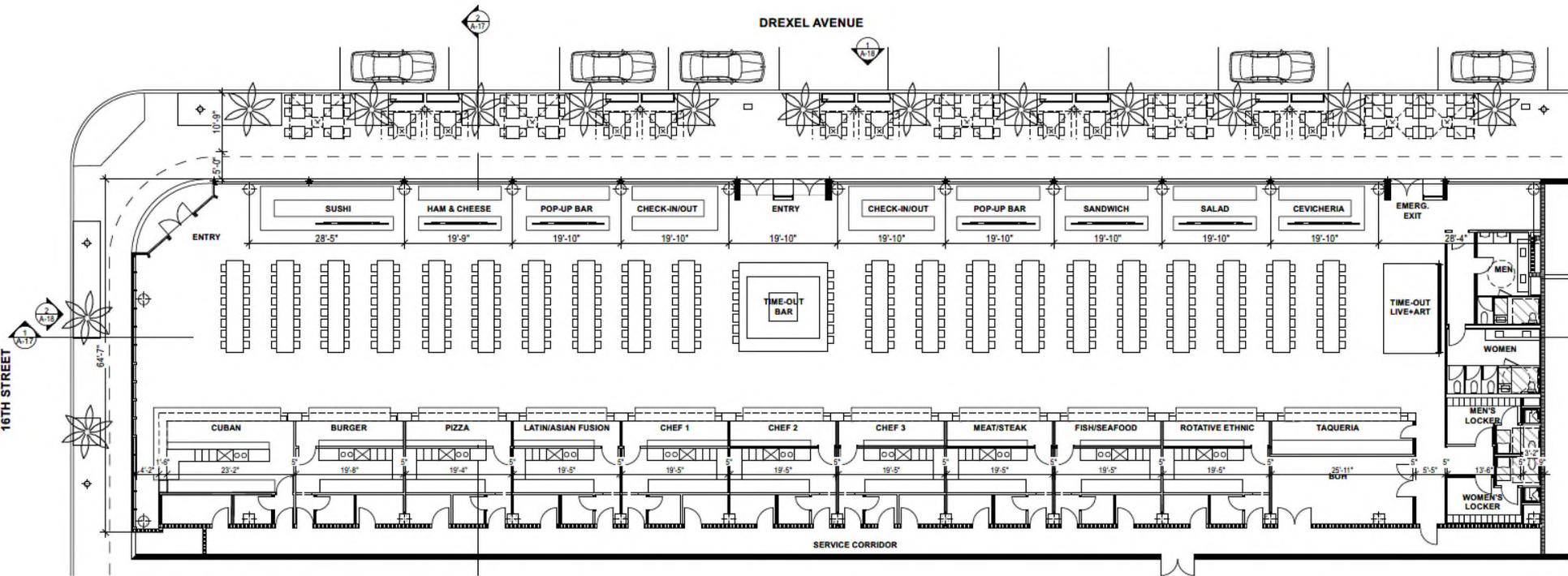


- LEASABLE / SEPARATE
TENANT AREAS (NET)
- 8334 SQ. FT. NET AREA
 - 5965 SQ. FT. NET AREA
 - 9654 SQ. FT. NET AREA
 - 12923 SQ. FT. NET AREA
 - 7697 SQ. FT. NET AREA
 - 10506 SQ. FT. NET AREA
 - 10477 SQ. FT. NET AREA
 - 9093 SQ. FT. NET AREA
- B.O.H. SERVICE
UTILITY AREAS
- CIRCULATION
COMMONS AREAS

420 Lincoln Rd. Floor Plate



1601 Drexel Ave.



Former TimeOut Market

Neisen O. Kasdin

neisen.kasdin@akerman.com

Cecilia Torres-Toledo

cecilia.torres-toledo@akerman.com



D. C. 62—Lincoln Road and Washington Avenue Business Section, Miami Beach, Fla.

