



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

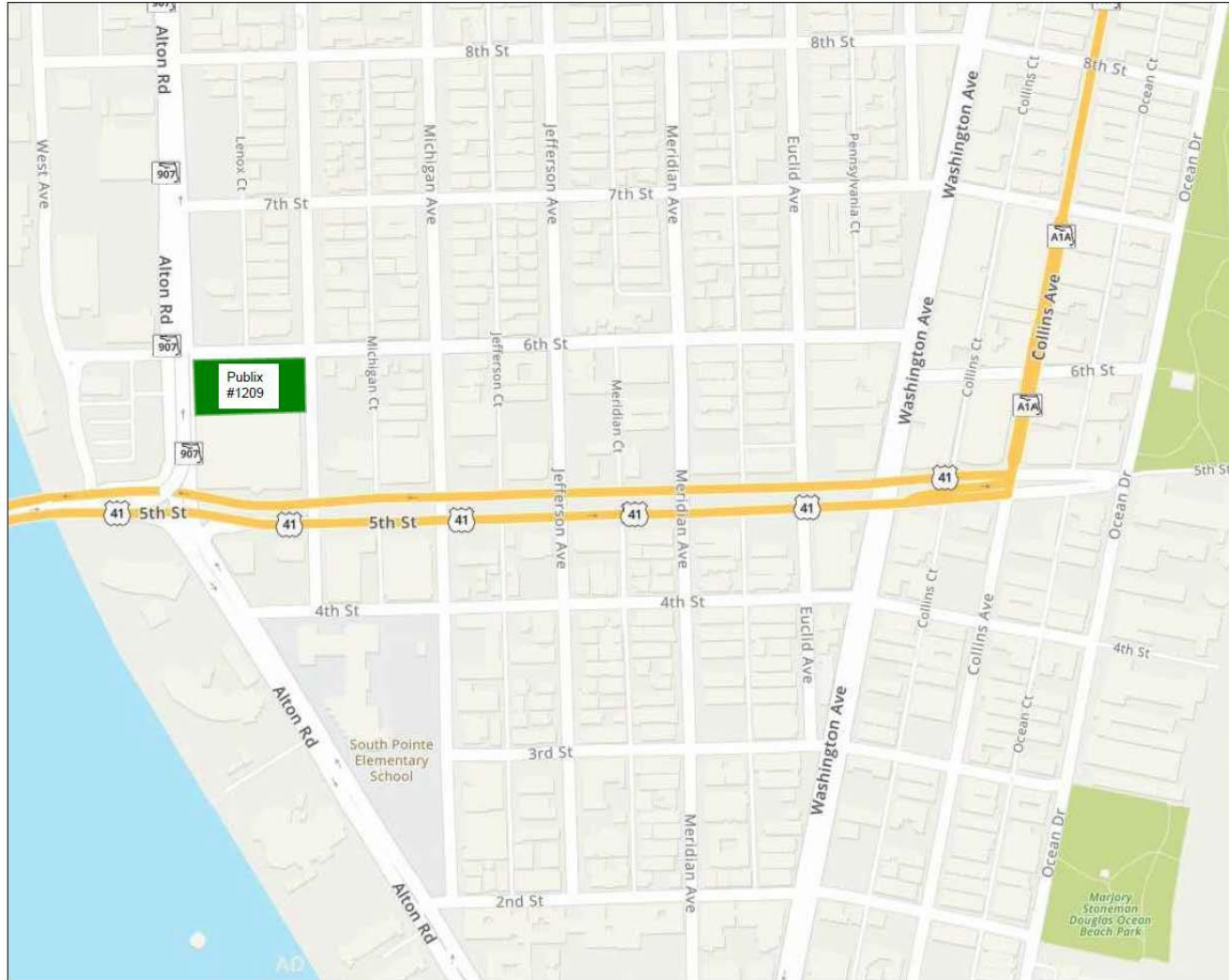
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**Publix Super Markets, Inc.**  
**1100 6<sup>th</sup> Street, Miami Beach**

Miami Beach Board of Adjustments  
Meeting

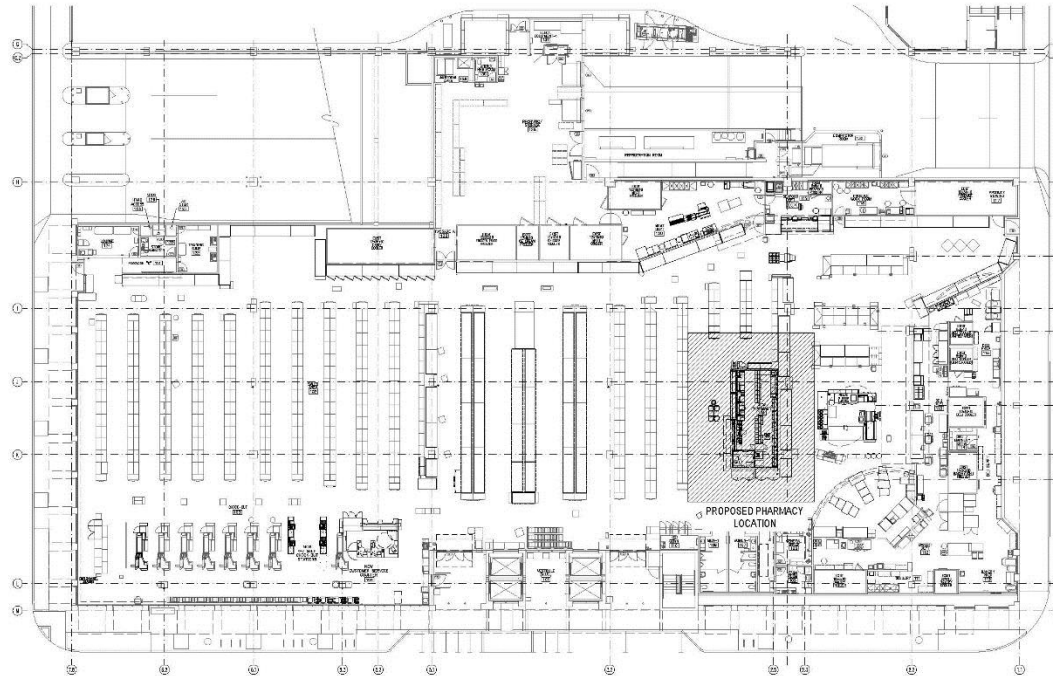
November 6, 2020

# Location



CONTEXT LOCATION PLAN (11d)

## Floor Plan



**LITTLE**  
DIVERSIFIED ARCHITECTURAL CONSULTING

805 S.W. 14th COLLEGE ST. SUITE 1000 OPAWATTE, FL 33062  
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www.littleonline.com

Principal in Charge: Ryan T. McHenry, AIA

Project Manager: Megan Vengatz

Drawn By: Heather Hitting

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PROJECT NAME

**PUBLIX #1209 PROPOSED PHARMACY**

\*\*\* FIRST SUBMITTAL \*\*\*

FIFTH & ALTON  
1100 6TH ST. MIAMI BEACH, FL 33139

DESCRIPTION

**OVERALL PROPOSED FLOOR PLAN**

SCALE: 1/32"=1'-0"



PROJECT NUMBER

122-12786-00

ISSUE DATE

08/14/2020

ITEM NUMBER

11N

SHEET

A-1

# Similar Pharmacies



For Illustration Purposes Only



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For Illustration Purposes Only



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For Illustration Purposes Only





# Variances Requested

- 142-1503(f) “Each individual cannabis treatment center or pharmacy store establishment shall not exceed 7,500 square feet, exclusive of required parking...”
- 142-1503(e) “All cannabis treatment center or pharmacy store establishments shall be divided within a building from floor to ceiling. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a medical cannabis treatment center or pharmacy store and any adjacent business.”
- 142-1502(b)(5) “No pharmacy store shall be located within 1,200 feet of another pharmacy.”

# Hardship Variance Criteria

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involve and which are not applicable to other lands, structures, or buildings in the same zoning district;*
- (2) The special conditions and circumstances do not result from the action of the applicant;*
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;*
- (4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;*
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;*
- (6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*
- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request;*
- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.*



“A unique situation, not of one’s own creation, where the regulation being enforced is depriving the applicant of a reasonable use enjoyed by others who are similarly situated and granting the variance is consistent with otherwise applicable regulations and the intent of the Code.”

## DIVISION 10. - CONTROLLED SUBSTANCES REGULATIONS AND USE

## Sec. 142-1500. - Intent.

Section 381.986, Florida Statutes, and Florida Administrative Code Chapter 64-4 authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense low-tetrahydrocannabinol (low-THC) cannabis and medical cannabis for use by qualified patients suffering from cancer, terminal conditions, and certain chronic conditions as defined in F.S. § 381.986(2). The state qualified dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight and zoning approval through the city's procedures.

The intent of this division is to establish the criteria for the location and permitting of establishments that dispense low-THC cannabis, medical cannabis, and medicinal drugs in accordance with F.S. § 381.986, and Florida Administrative Code Chapter 64-4. The intent is also to regulate pharmacy stores to better protect the industry, the residents and visitors to the City of Miami Beach from the national emergency, and the State of Florida declared public health emergency due to the opioid epidemic. In 2015, heroin, fentanyl and oxycodone were directly responsible for the deaths of 3,896 Floridians, according to the most recent Florida Department of Law Enforcement statistics, which is about 12 percent of all the 33,000 people nationwide who died that year of opioid overdoses. Last year in South Florida, the morgues in Palm Beach County were strained to capacity by 525 fatal opioid overdoses, the Sun Sentinel newspaper reported in March 2017. The deadly cocktail of heroin mixed with fentanyl or carfentanil figured in 220 deaths in Miami-Dade County last year, the paper reported. And 90 percent of the fatal drug overdoses in Broward County involved heroin, fentanyl or other opioids. On November 1, 2105, the American Pharmacists Association published the article "Pharmacies in the crosshairs: Prescription drug crime and law enforcement," which advises that the industry is in the crosshairs. And according to the article on the law enforcement side of prescription drug abuse—there has been a rise in pharmacy crime, such as robberies. On September 30, 2015, Pharmacists Mutual Insurance Company announced publication of a report, Pharmacy Crime: A Look at Pharmacy Burglary and Robbery in the United States and the Strategies and Tactics Needed to Manage the Problem (<https://apps.phmic.com/RMNLFlipbook/PharmacyCrime2015/>) and recommend enhanced safety measure to protect from the opioid crisis and the City of Miami Beach desires to implement regulations to protect the residents, visitors and pharmacists in the city.

(Ord. No. 2017-4133, § 4, 9-25-17)

# Florida Statute 381.986(11)

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

[illegible]

REC AT 5090	DIVISION 100	SECTION 34	TOWNSHIP 42	RANGE 42	COUNTY FLORIDA
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## SPECIFIC PURPOSE SURVEY

Section 03, Township 44 South, Range 42 East, Miami Dade County, Florida.

<p><b>REVISIONS</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISION				<p><b>Surveyor's Statement</b></p> <p>I, the undersigned, being a duly qualified and licensed Professional Engineer, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as the same appears in my files.</p> <p>Witness my hand and seal this _____ day of _____, 20____.</p> <p style="text-align: right;">_____ Professional Engineer, State of Florida</p>
NO.	DATE	REVISION					

**NOTES:** The plat is not valid until 1 hour after the date of recording in the public records.

The survey was made by the following methods:

1. By the use of a surveying instrument.

2. By the use of a surveying instrument.

3. By the use of a surveying instrument.



# Renovated Store



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