

MIAMI BEACH

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COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager

MAH ATH

DATE: January 25, 2023

SUBJECT: **Proposed Amendment to CD-3 Zoning Regulations To Permit Convenience Stores on Lincoln Road, East of Washington Avenue, Subject to Specific Conditions.**

HISTORY

On November 16, 2022, at the request of Commissioner Alex Fernandez, the City Commission referred the subject proposal (C4 Y) to the Land Use and Sustainability Committee (LUSC) and the Planning Board.

BACKGROUND

Pursuant to the regulations set forth in Sec. 142-335 of the Land Development Regulations (LDRs) of the City Code, convenience stores are a prohibited use on properties fronting Lincoln Road between Collins Avenue and Alton Road.

ANALYSIS

As noted in the attached referral memo, the item sponsor is proposing a draft amendment to the CD-3 zoning district regulations to permit convenience stores along Lincoln Road, east of Washington Avenue, under limited circumstances. In this regard, a convenience store would only be permitted on Lincoln Road, east of Washington Avenue, if the storefront is located within the interior of the property, and if the entrance is set back a minimum of 75 feet from Lincoln Road.

Specifically, the following amendment is proposed (underscore denotes new, amended text):

Sec. 142-335. Prohibited uses.

(a) *The prohibited uses in the CD-3 commercial, high intensity district are as follows:*

- (1) *Pawnshops;*
- (2) *Secondhand dealers of precious metals/precious metals dealers;*
- (3) *Accessory outdoor bar counter, except as provided in article IV, division 2 of this chapter and in chapter 6;*
- (4) *Tobacco/vape dealers; and*
- (5) *The storage and/or parking of commercial vehicles on lots with frontage on Lincoln Road, Collins Avenue, 41st Street or 71st Street.*

(b) *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, except for properties east of Washington Avenue with a storefront located in the interior of the property and with all entrances set back a minimum of 75' from the property line fronting Lincoln Road;*
- (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 142-332 and 142-333) (note: no variances shall be granted from the regulations in this subsection (b)(9)); and*
- (10) *Offices 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.*

The above noted code provisions pertaining to prohibited uses along Lincoln Road are intended to foster a higher caliber of uses and promote the long-term viability of the corridor. One of these prohibited uses is convenience stores.

The prohibited uses above were previously identified as not being consistent with the long-term vision for Lincoln Road, and they have been regulated accordingly. As such, staff believes that any proposal to create an exception for convenience store uses should be looked at very carefully.

The proposal herein would allow for the establishment of new convenience stores, within a limited area of Lincoln Road, and not directly fronting on Lincoln Road. Although the subject use would be buffered physically from Lincoln Road, the Administration does have concerns with the potential for a precedent, particularly if a future proposed convenience store use should challenge the definition of convenience store, or the prohibition area.

Additionally, the area of Lincoln Road east of Washington Avenue still lacks the same level of tenant caliber that exists west of Washington Avenue. As such, relaxing standards for allowable uses could have unintended consequences regarding the upgrading of tenants within the larger 2-block area east of Washington Avenue.

Given the tight restraints proposed, it is unlikely that a convenience store use, in and of itself, would cause irreparable damage to Lincoln Road, as it would be well setback and insulated from the sidewalk. However, should this proposal move forward in some form, continual diligence in terms of enforcement will be needed, to ensure that the use does not engage in unpermitted activities designed to draw attention to the use. Additionally, the Administration would recommend that allowable signage be limited to identification of the business from the sidewalk only (i.e., a non-illuminated hanging sign, not to exceed 3 square feet in size) and that a large wall sign be prohibited. As such a separate amendment to the vertical retail center sign regulations in section 138-58 may be required, to ensure that signage for convenience stores do not negatively impact the character and aesthetics of Lincoln Road.

In summary, while understanding of the challenges associated with finding suitable tenants for unique spaces in large buildings, the Administration would not recommend in favor of the proposed amendment.

CONCLUSION

In view of the foregoing, the Administration recommends that the Land Use and Sustainability Committee discuss and conclude the item and provide an unfavorable recommendation to the Planning Board.


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