



**Community Development Department – Planning & Zoning Division**  
 17050 NE 19<sup>th</sup> Avenue, 1<sup>st</sup> Floor  
 North Miami Beach, FL 33162  
 (305) 948-2966

**City Commission Staff Report**

**Meeting Date:** June 17, 2025

**Project File No:** 24-36

**Application Name:** Raising Cane’s Chicken Fingers

**General Data**

**Authorized Agent:** Tracy Slavens, Esq.

**Applicant:** Raising Cane’s Restaurants LLC

**Property Address:** 14025 Biscayne Blvd

**Folio Number:** 07-2221-031-0020

**Lot Size:** 1.05 acres (45,838 sq ft)

**FLUM:** Arch Creek Mixed-Use Corridor, MU/C

**Zoning District:** Mixed-Use Corridor MU/C

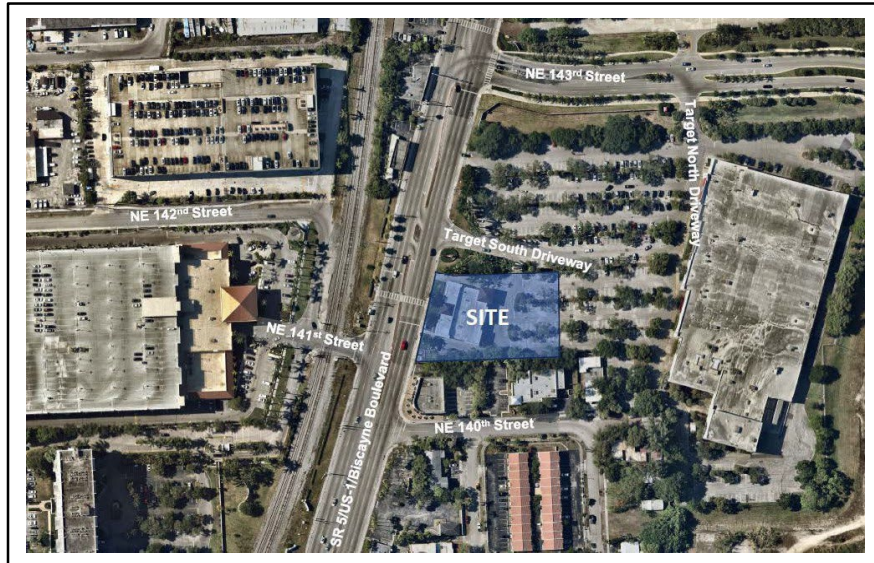
**Adjacent Zoning Districts:**

- **North:** MU/C
- **South:** MU/C
- **East:** MU/C
- **West:** M-1 Industrial (City of North Miami)

**Existing Land Use:** Business

**Proposed Land Use:** Business

**Proposed Gross Floor Area:** 3,181 square feet



**The item before the Board:**

The item before the Mayor and City Commission is a request for approval of a site plan, conditional use, and associated variances for the construction of a 3,181-square-foot fast-food restaurant with a drive-through. The proposed development includes an outdoor dining area with a covered patio, 15 on-site parking spaces, and landscaped features.

**City Commission Board Motion:**

1. **Move to approval** by finding that the Site Plan Application (File#24-36) for the Raising Cane’s development located at 14025 Biscayne Blvd including Conditional Use, all requested Variances, and recommended project conditions by finding that the request is consistent with the Comprehensive Plan and meets the applicable criteria of the Zoning and Land Development Code.
2. **Move to deny** by finding that the Site Plan Application (File#24-36) for the Raising Cane’s development located at 14025 Biscayne Blvd including Conditional Use, all requested Variances, and recommended project conditions by finding that the request is inconsistent with the Comprehensive Plan and doesn’t meet the applicable criteria of the Zoning and Land Development Code.
3. **Move to continue** with direction

**Project Planner:**  
 Daniel Lozandier  
 Senior Planner  
 Community Development Department  
 Planning & Zoning Division

**Project Review Dates:**  
Planning & Zoning Board:  
 April 21, 2025

City Commission:  
 June 17, 2025

- Submittal Attachments**
1. Draft Resolution
  2. Staff Report
  3. Application
  4. Letter of Intent
  5. Survey
  6. Plans
  7. Renderings



## City Commission Staff Report

### Project Conditions

1. The Applicant shall provide access to the sewer pump station located on the southwest corner of the Property through the southern (outer) drive-through lane entrance, subject to the following conditions. The City shall use its best efforts to access the pump station before or after restaurant business hours and must provide 24-hour notice if access via the drive-through is required during business hours. If during business hours, the pump station access shall be via Biscayne Boulevard (US- 1).
2. The access through the drive-through is limited to vehicles and machinery with a clearance of less than ten (10) feet.
3. The Applicant must install removable bollards at the ingress/egress of the access located at the drive-through lane.
4. The City agrees to restore drive-through facilities, canopy structures, lighting, transformer pads, pavement, drainage, curb-gutter, pavers, sidewalks, and sod if they are damaged by its vehicles or machinery.

### Background & History:

- The applicant proposes to redevelop the property located on Biscayne Blvd within the RK Center, which was previously operated as “ABC Fine Wine & Spirits” from 2019 to 2023.
- This development will be framed by architecture and landscaping that reflects local history and integrates with the natural environment.
- The existing commercial lot provides extra parking spaces to serve residents, patrons and businesses within the area. The main entrance to the property will be located on the north side, providing direct access to the shopping center's main entrance driveway.
- The Mixed-Use District aims to support a balanced mix of land uses, characterized by compact development, pedestrian-friendly design, and a neighborhood scale.

### Site Plan Review Standards:

The proposed development, a fast-food restaurant with 15 parking spaces, complies with the Arch Creek Mixed-Use Corridor District's purpose and intent. The project provides bicycle parking spaces near public transit, promoting multi-modal transportation options.

Section 24-58.4(G)(2) Table MU/C lists the **permitted uses** in the Arch Creek Mixed-Ude Corridor District.

- **Findings:** The project proposes a 3,181 sq ft fast-food restaurant with a drive-through under the list of permitted uses in ZLDC Table MU/C-1. A Conditional Use approval is required for the intended use.

| Eating and Drinking Establishments |   |   |   |    |
|------------------------------------|---|---|---|----|
|                                    | Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes. | P | P | NP |
|                                    | Barbeque restaurants, open air  | C | C | NP |
|                                    | Restaurants including fast food, excluding drive through, including outdoor dining  | P | P | NP |
|                                    | Restaurant fast food with drive through provided drive through is inside parking garage   | C | C | NP |



City Commission Staff Report

**Site Plan Analysis:**

**Compliance with the Zoning and Land Development Regulations (ZLDC):**

Items identified in the Land Development Regulations shall specifically be addressed by the applicant or its representative:

**Sec. 24-58.4 - Arch Creek Mixed-Use Corridor District (MU/C).**

(A) *Purpose and Intent.* The purpose of these regulations is to implement policies that guide the design of development within the Arch Creek Mixed-Use Corridor District (MU/C). The intent is to support a balanced mix of land uses characterized by compactness, pedestrian-friendly design, and neighborhood scale, framed by architecture and landscape design appropriate to local history and the natural environment. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, centrally located community-serving land use or land uses, and greater integration of housing, employment, shopping, and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Stimulating neighborhood commercial and retail activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of Biscayne Boulevard in terms of massing and scale;
- (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
- (5) Encouraging people to reside in the District; and
- (6) Encouraging new publicly accessible open spaces.

**Site Development Standards:**

| SITE DATA  |                                    |                   |
|--|------------------------------------|-------------------|
| EXISTING ZONING  | MU/C MIXED USE CORRIDOR            |                   |
| FUTURE LAND MAP USE (FLUM)                                   | MU/C MIXED USE CORRIDOR            |                   |
| EXISTING USE   | RETAIL                             |                   |
| PROPOSED USE   | FAST FOOD RESTAURANT W/ DRIVE-THRU |                   |
| WATER/WASTEWATER SERVICE PROVIDER: CITY OF NORTH MIAMI BEACH |                                    |                   |
| BUILDING HEIGHT  | 19' 11"                            |                   |
| STRUCTURE LENGTH   | ±94'                               |                   |
| NUMBER OF STORIES  | 1                                  |                   |
|  | REQUIRED                           | PROVIDED          |
| LOT WIDTH  | 75' MIN 200' MAX                   | 180.0'            |
| LOT DEPTH  | 130' MIN                           | 223.5'            |
|  | REQUIRED                           | PROVIDED          |
| WEST (BISCAYNE BLVD)   | 15' MIN / 30' MAX                  | ±17.8'            |
| NORTH (INTERNAL ACCESS ROAD)                                 | 0' MIN                             | ±19.2'            |
| SOUTH (NEIGHBORING LANDSCAPING)                              | 0' MIN                             | ±64.1'            |
| EAST (REAR PARKING)  | 10' MIN                            | ±116.3'           |
| VEHICULAR USE AREA   | 27,495 SF                          |                   |
| OPEN SPACE AREA  | 13,925 SF                          |                   |
|  | EXISTING                           | PROPOSED          |
| LAND USE AREAS   |                                    |                   |
| PROJECT AREA   | 45,841 SF                          | 45,841 SF         |
| BUILDING AREA  | 9,930 SF (21.7%)                   | 3,181 SF (6.9%)   |
| IMPERVIOUS (90% MAX)   | 26,157 SF (57.0%)                  | 29,470 SF (64.3%) |
| PERVIOUS (10% MIN)   | 9,754 SF (21.3%)                   | 13,190 SF (28.8%) |
|  | REQUIRED                           | PROVIDED          |
| REQUIRED PARKING   |                                    |                   |
| TOTAL MINIMUM PARKING  | 9 SPACES (MIN)                     | 15 SPACES         |
| TOTAL MAXIMUM PARKING  | 18 SPACES (MAX)                    | 15 SPACES         |
| ACCESSIBLE   | 2 SPACES                           | 2 SPACES          |
| STANDARD   | 13 SPACES                          | 13 SPACES         |
| LOADING SPACE  | 1 SPACE                            | 1 SPACE           |
| BICYCLE  | 1 SPACE                            | 3 SPACES          |



**City Commission Staff Report**

**Building Height Standards:**

Pursuant to ZLDC Section 24-58.4 Table MU/C-2 Maximum Permitted Height and Sec. 24-58 (R) Height Standards. The height of buildings shall be measured in stories and in feet. The maximum overall building height shall not exceed the maximum building height allowed for the district. Additionally, the following shall apply (1) Building height is the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, or in the case of pitched roofs, to the average height between the bottom of the eave and the peak of the roof. In a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA. Only accessory structures permitted elsewhere in these regulations to extend beyond the height of the building are exempt from the maximum allowable building height requirements.

| Building Height Allowed | Building Height Proposed | Notes    |
|-------------------------|--------------------------|----------|
| 15 stories/ 192' ft.    | 1 story/19' ft.          | Complies |

- **Findings:** Demonstrates compliance with the allowable building height allowed in the MU/C district.

**Flood Resistant Development Standards:**

Pursuant to ZLDC Section 24-113 (b)(5)(c), **Flood Resistant Development**, for buildings not located in special flood hazard areas (Zone X), the minimum lowest floor elevation shall be twelve (12) inches (one- and two-family dwellings) or six (6) inches (all other buildings) above:

- The elevation of back of adjacent sidewalk;
- If there is no sidewalk, the elevation of highest crown of road or street abutting building site; or
- If road has no crown, the highest edge of road cross section.

- **Findings:** Complies. The subject parcel is outside a Special Flood Hazard Area (SHHA). During the building permit review process, the applicant must comply with the Finished Floor Elevation requirements for developments outside the SHHA. The plans depict an FFE of 11.08 NGVD that matches the elevation of the existing back of the sidewalk. Furthermore, the applicant has also agreed to comply with FEMA requirements as it relates to flood necessities.

**Parking & Loading Regulations:**

The following table demonstrates the project’s compliance with the parking requirements listed in ZLDC Table MU/C-5 Minimum and Maximum Parking Requirements by use:

- **Findings:** Parking and loading requirement were met for the proposed restaurant use. Additionally, the applicant will provide bicycle racks on site to serve patrons, residents, and workers for different modes of transportation to the site.

*Commercial Use: Restaurant (fast food)*

| Type             | Minimum                         | Maximum                          | Provided        | Complies |
|------------------|---------------------------------|----------------------------------|-----------------|----------|
| Total Parking    | 9 spaces<br>(2 per 1,000 sq ft) | 18 spaces<br>(4 per 1,000 sq ft) | 15 spaces       | Yes      |
| Standard         | 13 spaces (min.)                |                                  | 13 spaces       | Yes      |
| Accessible (ADA) | 2 spaces                        |                                  | 2 spaces        | Yes      |
| Loading Space    | 1 space                         |                                  | 1 space         | Yes      |
| Bicycle Racks    | Not applicable                  |                                  | 3-Bicycle Racks | Yes      |



## City Commission Staff Report

### **Supplemental Regulations:**

Sec. 24-79 - Paint Colors.

(A) All buildings located in commercial Zoning Districts (B-1, B-2, B-3, B-4, B-5, and FCC) are required to obtain a permit to paint building exteriors. Allowable paint colors are as follows:

- (1) Base: Must have a light reflectance value (LRV) of 35 or greater.
- (2) Trim: May be any solid color.

- **Findings:** During the technical review with staff. The applicant agreed to submit the necessary permit applications for the exterior building paint colors. The City's Building Department will do the intake process for the permit submittal.

### **Article XIII. - Signs**

Signage Standards. Signage shall comply with the standards in Article XIII except as modified herein.

- **Findings:** At time of building permit submittal, the applicant shall coordinate with the City of North Miami Beach Building Department and submit a permit application for all proposed signage for Raising Cane's restaurant.

### **Landscape Regulations:**

(1) Required trees shall be of a species that usually grows to a minimum height of twenty-five (25) feet and have a mature crown spread of not less than twenty (20) feet with trunks, which can be maintained, with over six (6) feet of clear wood. The Director shall maintain a list of acceptable trees.

(2) All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of two (2) inches and be a minimum of eight (8) to twelve (12) feet in height and five (5) feet in the spread at the time of planting except for palms. A list of acceptable species can be found in the City's Urban Forestry Master Plan.

(3) Required palms shall be a minimum of ten (10) feet in height.

(4) A maximum of twenty-five (25) percent of all required trees shall be of a palm species.

(5) Three (3) small palms shall be clustered to equal one (1) required tree. The cluster's three (3) palm trees shall be of differing heights, with a minimum two (2) foot stagger between adjacent palms. One (1) large palm species shall count as a required tree. Below is a list of recommended species categorized into large and small palms.

(6) As part of the site plan review for proposed projects, additions, and renovations, the proposed landscaping shall be reviewed to determine if the proposed locations of any trees are in proximity to overhead or underground electric facilities. This section of the Code shall also be used when selecting the replacement planting for dead, diseased, destroyed, or otherwise removed vegetation from a site.

(a) No tree shall be planted where it may conflict with overhead electric facilities and visibility at mature height. Large trees (trees with a mature height of thirty (30) feet or more) shall be planted no closer than a horizontal distance of thirty (30) feet from any overhead electric facility. Medium-sized trees (trees with a mature height of twenty (20) to thirty (30) feet) shall be planted no closer than a horizontal distance of twenty (20) feet from any overhead electric facility. Small trees and shrubs with a mature height of less than twenty (20) feet may be planted adjacent to electric power facilities.

- **Findings:** Demonstrates compliance. During the technical review with staff, the City's Urban Forester reviewed the existing site and proposed enhancements as it relates to landscaping and provided the necessary TRAD Sign-Off approval.



# City Commission Staff Report

## Traffic Review and Circulation:

Eric Czerniejewski of The Corradino Group reviewed and approved Traffic and Circulation with conditions on February 14, 2025.

## Traffic Engineer Conditions of Approval:

1. The Applicant must address all FDOT comments from the 06/19/24 AMRC pre-application meeting as amended before the building permit issuance.
2. The applicant must comply with all conditions outlined in the Declaration of Restrictive Covenants and Easements dated 2/23/2015 and as amended.
3. The applicant must submit a supplemental traffic memorandum six months after the fully operational Raising Canes development. The traffic analysis should include the following at a minimum:
  - The evaluation of on-site queuing, including the drive-thru queue lane operations. The filed reviews of the drive-thru queuing operations should include field data collection between 11:00 am – 11:00 pm during one weekday and one weekend day.
  - The evaluation and field observations on the southbound left-turn traffic operations at the primary Target driveway at the US-1/Biscayne Blvd. and the northbound U-turn movements at the US-1/Biscayne Blvd and NE 143<sup>rd</sup> Street signalized intersection.
4. The applicant must update the cross-access agreement with additional declarations of use restrictions related to the proposed Raising Canes development. The conditions for the out parcel in the cross-access agreement should be updated to clarify the vehicle stacking operations at the proposed drive-thru and site circulation, including access to the Target Plaza driveway at US-1/Biscayne Blvd.

## Concurrency Regulations:

The City’s Public Utilities Department has reviewed the Applicant’s pump station plan based on the updated development plan. They determined that all pump station comments were satisfactorily addressed.

**CONCURRENCY REVIEW APPLICATION  
SERVICE DEMAND ANALYSIS FORM**

Project Name: C1307 Biscayne & NE 140th - Application No.: \_\_\_\_\_  
North Miami Beach, FL

In order to ensure compliance (consistency and concurrency) with the requirements of the Comprehensive Plan, a development permit shall not be approved unless there is sufficient available design capacity to sustain the required levels of service as established in the City of North Miami Beach Comprehensive Plan. In addition to all other requirements, all requests or applications for development permits, unless exempt, must be reviewed for impact on the following public services. REFER TO ATTACHED TABLES.

| SERVICE DEMANDS BY TYPE   | CURRENT USE   | PROPOSED USE                                   |
|---|---|--|
| 1. Potable Water - Consumption  | _____ gpd   | <u>4,690</u> gpd                               |
| 2. Potable Water - Fire Flow<br>(Contact MD Fire or Utilities)                                      | _____ gpm   | _____ gpm                                      |
| 3. Sanitary Sewer   | _____ gpd   | <u>4,690</u> gpd                               |
| 4. Solid Waste  | _____ lbs   | _____ lbs                                      |
| 5. Traffic – ITE Manual (latest version)<br>or Traffic Study (applicant attach)                     | <b>153 NET NEW<br/>P.M. PEAK<br/>HOUR TRIPS</b>   | <b>42 NET NEW<br/>P.M. PEAK<br/>HOUR TRIPS</b> |
| 6. Drainage - Adequately accommodate<br>stormwater runoff from 24 hour, 10 year<br>frequency storm. | Proposed<br><b>The proposed revised site will continue to connect to the overall stormwater system<br/>that provides the required treatment and storage</b>   |  |
| 7. Recreation at 2 acres per 1,000 population<br>(Residential development only)                     | _____ acres   | _____ acres                                    |
| 8. School Sites and Facilities  | Residential development only. Miami-Dade County Public Schools (MDCPS) shall determine public school concurrency requirements per the terms of the Interlocal Agreement (ILA) as amended. The City will initiate the concurrency review procedure online, issue a MDCPS Application Number to the applicant during TRAD review, and then the applicant shall complete the concurrency process with MDCPS. |  |

ADDITIONAL INFORMATION:  
 \_\_\_\_\_  
 \_\_\_\_\_

A building permit application must be submitted within six (6) months of site plan approval to preserve the concurrency reservation. An extension of one (1) year may be issued by the City Commission.



## City Commission Staff Report

### Conditional Use Request

Pursuant to Table MU/TC-1 Fast food restaurants with a drive through in the Core subdistrict are required to receive conditional use approval provided the drive through is located inside a parking garage.

- **Findings:** The Applicant is seeking conditional use approval to permit a drive through for the proposed restaurant. Due to the site's design, the applicant is not able to enclose the drive through in a parking garage. City staff has justified the drive through due to the site not having adequate facilities to fulfill the Code's requirement. Table MU/TC-1 is proposed to be amended in the near future, due to the feasibility of this request. The Applicant proposes enclosing the drive through within a structural extension of the building. The structure is intended to screen the drive through from public view.
- **Recommendation:** Staff find no objections to the conditional use request. If granted, the proposed request does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

### Variance Requests and Analysis

#### **Variance #1: Frontage Variance**

Pursuant to Section 24-58.4(K)(2)(a) Buildings located on a primary street are required to have a minimum frontage of 70%.

The Applicant is seeking a non-use variance to permit a frontage of 89' 2", or 59%, in lieu of the required 70%.

- **Recommendation:** Staff find no objections to the frontage variance. If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

#### **Variance #2: Forecourt Variance**

Pursuant to Section 24-58(S)(3)(b)(i)(2) the forecourt shall not exceed sixty (60%) percent of the building frontage.

The Applicant is seeking a non-use variance to permit a forecourt that occupies 79% of the building's frontage in lieu of the required 60%.

- **Recommendation:** Staff find no objections to the forecourt variance. If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

#### **Variance #3: Glazing Variance**

Pursuant to Section 24-58(S)(1)(g)(i)(4) Buildings shall have a transparent clear glazed area of not less than seventy (70) percent of the façade area.

The Applicant is seeking a non-use variance to permit a clear glazed area of 14% on the west façade of the proposed development due to the addition of the forecourt or outdoor dining area.

- **Recommendation:** Staff find no objections to the glazing variance. If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.



## City Commission Staff Report

### Variance #4: Window Placement Variance

Pursuant to Section 24-58(S)(1)(g)(i)(5) Ground floor windowsills shall be placed at a maximum height of twenty-four (24) inches above grade

- **Findings:** The Applicant is seeking a non-use variance to permit a windowsill height of 36 inches above grade, in lieu of the required 24 inches.
- **Recommendation:** Staff find no objections to the frontage variance. If granted, the proposed non-use variance does not appear to affect the stability and appearance of the community or create any incompatibility with the surrounding land uses.

### Comprehensive Plan Consistency:

The City's Comprehensive Plan and the Florida Statutes establish that a development order and development approved by the City is consistent with the adopted comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development permitted by such order or approval are compatible with and further the objectives, policies, land uses, and densities or intensities established in the comprehensive plan and land development regulations. This project is consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan.

### Future Land Use Element

**Policy 1.1.4:** The Land Development Regulations shall continue to specify that no development permit shall be issued unless assurance is given that the public facilities necessitated by the project in order to meet the adopted level of service standards will be in place within the required time period. A concurrency management system shall be included that specifies the latest DCA criteria for what constitutes assurance other than budgeted projects or signed development agreements.

**Policy 1.2.7** The City shall encourage redevelopment in proximity to transit stops and hubs by implementing activities and programs (i.e. density bonuses, park and ride, establishing a land use category for transit hub areas...) that promote redevelopment in targeted areas.

**Policy 1.8.2:** The following land use densities, intensities, and approaches shall be incorporated in the Land Development Code. Building height is defined as the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, except that in a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA, less those structures permitted elsewhere in these regulations to extend beyond the height of the building. Home occupation uses are conditionally allowed in all residential categories.

### Transportation Element

**Policy 1.2.8:** The City will ensure that the design of new and redevelopment mixed-use projects are conducive to pedestrian, bicycle, and transit use. At a minimum, other new development and redevelopment projects will address development intensity and mix of land uses, building and parking lot orientation, bicycle storage, connectivity of pedestrian and bicycle infrastructure, and pedestrian amenities to enhance multimodal transportation alternatives.

**Policy 1.5.5:** Where appropriate, the City will require new development and redevelopment to provide sidewalks abutting public streets adjacent to the development.

### Infrastructure Element

**Policy 1.2.7** The City shall consult with the City's Public Services Department before the approval of a building permit to determine whether adequate water supplies to serve new development will be available no later than the anticipated date of issuance of the Certificate Of Occupancy.



## City Commission Staff Report

### Public Hearing Notices:

- ✓ Public Notice was posted on the property by **June 7, 2025**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius by **June 7, 2025**, at least 10 days before the meeting date.
- ✓ The agenda was posted to the City's website by **June 10, 2025**, at least 7 days prior to the meeting date.
- ✓ Public Notice was posted in the main lobby at City Hall by **June 10, 2025**, at least 7 days prior to the meeting date.
- ✓ The project was advertised in the newspaper on **June 6, 2025**.