

JUNE 11, 2024

CONDITIONAL USE PERMIT “The Thousand Sunny”

REQUESTING APPROVAL OF A CONDITIONAL
USE PERMIT (SALE OF ALCOHOL FOR
CONSUMPTION ON THE PREMISES) TO ALLOW
THE ON-PREMISE CONSUMPTION OF BEER AND
WINE (2-COP LICENSE) ON PROPERTY

OWNERS/APPLICANT(S):

Gator Dadeland Partners, Ltd
(Owner); and Rich Ladies LLC
(Applicants)

LOCATION:

9545 S DIXIE HWY,
PINECREST, FL 33156



PINECREST

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: June 3, 2024

TO: Yocelyn Galiano, ICMA-CM
Village Manager

FROM: Stephen Olmsted, AICP, LEED-GA
Planning Director

RE: Conditional Use Permit - Alcohol Consumption on Premises
9545 Pinecrest Parkway - "The Thousand Sunny"-

PETITION REQUEST

Gator Dadeland Partners, Ltd. (Owner); and Rich Ladies LLC., DBA The Thousand Sunny Restaurant (Applicant) are requesting approval of a conditional use permit (Sale of alcohol for consumption on the premises) to allow the on-premise consumption of beer, wine, and Sake (2-COP license) within the restaurant, located in the Dadeland Plaza Shopping Center at 9545 Pinecrest Parkway, Pinecrest, Florida 33156, within the BU-2, Special Business Development Zoning District.

OWNERS/APPLICANT

Gator Dadeland Partners, Ltd. (Owner); and Rich Ladies LLC., DBA The Thousand Sunny Restaurant (Applicant).

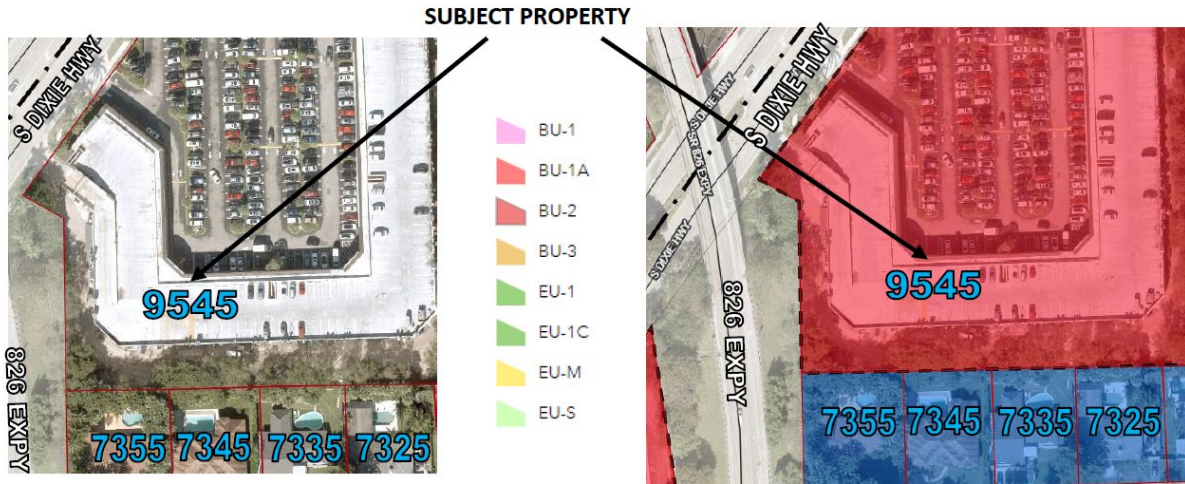
PUBLIC COMMENT

The Building and Planning Department has not received any correspondence regarding the requested conditional use permit.

LOCATION

The subject property is located in the Dadeland Plaza Shopping Center, at 9545 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-2, Special Business Development zoning district.





PINECREST LAND DEVELOPMENT REGULATIONS

“The sale of alcohol for consumption on premises” is a conditionally permitted use within all of the commercial business zoning districts of the Village of Pinecrest, including the BU-2, Special Business Development zoning district. Requirements for consideration and approval of a conditional use are described and provided in the Village’s Land Development Regulations, Division 3.3, Conditional Use Approval. Consideration of the proposed conditional use permit by the Village Council in a quasi-judicial public hearing is required.

A conditional use may be permitted by the Village Council upon a finding that the proposed use is in compliance with the criteria and requirements of the Land Development Regulations. A conditional use may be denied, if the Village Council determines that the proposed use does not meet specified criteria or is averse to the public interest. Required criteria include the following:

1. **LAND USE COMPATIBILITY** - *The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity.*

The sale of beer and wine for consumption on the premises at the restaurant would be compatible with neighboring commercial restaurant uses that are permitted and established in the commercial business zoning districts adjacent to Pinecrest Parkway. The restaurant and proposed conditional use are consistent with the recommendations of the Village’s Comprehensive Development Master Plan and the Pinecrest Parkway Vision Plan. Commercial uses exist to the north, east, and west of the subject property. Single Family residences are located to the south and east of the Dadeland Plaza shopping center.

The existing restaurant is a permitted use within the BU-2, Special Business Development zoning district. The sale of alcoholic beverages for consumption on the premises is ancillary to the restaurant and is a conditionally permitted use within the district.

2. **SUFFICIENT SIZE, SITE SPECIFICATIONS AND INFRASTRUCTURE TO ACCOMMODATE THE PROPOSED USE** - *The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.*

The existing restaurant area includes indoor seating for 28 and has the sufficient size, site specifications and infrastructure to accommodate the proposed conditional use.

3. **COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AND LAND DEVELOPMENT CODE** - *The conditional use and site plan shall comply with environmental, zoning and other applicable regulations of the Land Development Code, and shall be consistent with the CDMP.*

The proposed use is consistent with the Village's Comprehensive Development Master Plan including Policy 1-2.5.1 and with the applicable provisions of the Land Development Regulations.

4. **PROPER USE OF MITIGATIVE TECHNIQUES** - *The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.*

Consumption of beer and wine is proposed to occur indoors and proposed hours of operation are from 12:00 Noon to 10:00 p.m. Sunday through Saturday.

Staff is unaware of any adverse impacts that would be detrimental to public health, safety, and welfare. Further mitigative measures appear to be unwarranted.

5. **HAZARDOUS WASTE** - *No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Village unless the specific location is consistent with the CDMP, Land Development Code, and does not adversely impact well fields, aquifer recharge areas, or other conservation resources, as may be applicable*

now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Village Council approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare.

Approval of a conditional use permit to serve beer, wine, and sake within the proposed restaurant will not generate hazardous waste or use hazardous materials.

RECOMMENDATION

The Building and Planning Department recommends approval of the requested conditional use permit for the sale of beer, wine, and sake (2-COP License) for consumption on the premises.



PINECREST

Building and Planning Department

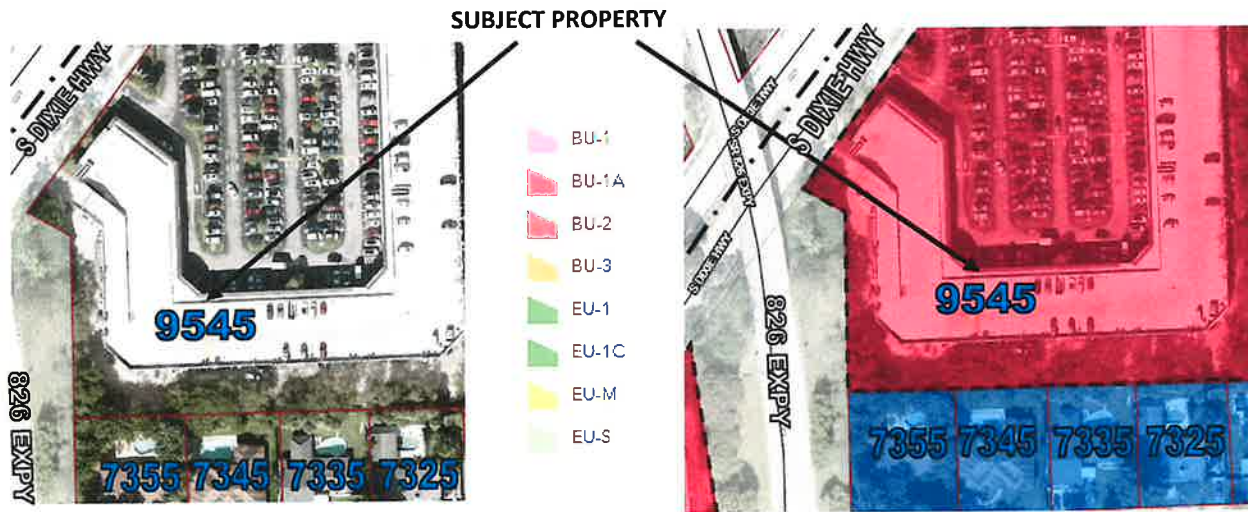
On **Tuesday, June 11, 2024, at 7:00 p.m.**, the Village Council will conduct the following Public Hearing to be held at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida to consider the following:

OWNERS/APPLICANT(S): Gator Dadeland Partners, Ltd. (Owner); and Rich Ladies LLC., DBA The Thousand Sunny Restaurant (Applicant)

ITEM: Application for Conditional Use permit for on-premise consumption of beer and wine (2 COP License)

LOCATION: The subject property is located within the Dadeland Plaza Shopping Center, located at 9545 Pinecrest Parkway, Pinecrest, Florida 33156. The existing restaurant, "The Thousand Sunny", is located within the BU-2, Special Business Development Zoning District.

REQUEST: Gator Dadeland Partners, Ltd. (Owner); and Rich Ladies LLC., DBA The Thousand Sunny Restaurant (Applicant) are requesting approval of a conditional use permit (Sale of alcohol for consumption on the premises) to allow the on-premise consumption of beer and wine (2-COP license) within the Dadeland Plaza Shopping Center, located at 9545 Pinecrest Parkway, Pinecrest, Florida 33156.



All interested parties are urged to participate. Live streaming video of the meeting will be available at www.pinecrest-fl.gov/live. If you do not wish to attend the in-person meeting, public comments may be submitted in writing prior to the hearing via e-mail to planning@pinecrest-fl.gov or on ZOOM during the meeting by sending a request to clerk@pinecrest-fl.gov prior to 4:30 p.m. on Monday, June 10, 2024. For additional information, you may contact the Building and Planning Department by calling (305) 234-2121, via e-mail at planning@pinecrest-fl.gov, or by writing to the department at 12645 Pinecrest Parkway, Pinecrest, Florida 33156, where a copy of the application is on file.

In accordance with the American with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 not later than seven business days prior to such proceeding.

Should any person decide to appeal any decision of the Village Council with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).



VILLAGE OF PINECREST
Building & Planning Department

PUBLIC HEARING APPLICATION

Administrative Review Application

CU 2404-0001

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD
 - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY	
Application No. _____	
Date Received: _____	

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|---|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Other _____ |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) Rich Ladies LLC (DBA: The thousand Sunny)		
Mailing Address 9545 S Dixie Hwy	City, State, Zip Pinecrest, FL 33156	Telephone 786 342 9295 Email 1000sunnyll@gmail.com
Name of Owner Bin Chen		
Mailing Address 10471 N Kendall Dr. Ste 13104	City, State, Zip Miami, FL 33176	Telephone 786 342 9295 Email binchen051@gmail.com

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided - lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description - Complete description, including section, township and range).

Folio Number 2050020520010

Address 9545 S Dixie Hwy, Pinecrest FL 33156

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES
 I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR ZONING BOARD PURPOSES
 I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

04/05/24 _____ / Xiane Lu
 Date Applicant's Signature Print Name

4/5/2024 _____ / Bin Chen
 Date Applicant's Signature (if more than one) Print Name

I/We James A. Goldsmith - President as Owner(s) of Lot(s) Evator Dudeland Partners, Ltd.

Block _____ Section _____ PB/PG _____

of property which is located at 9455-9509 S. Dixie Hwy., Pinecrest, FL 33156 desire to file an application for a public hearing before the Village Council Planning Board Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

- do hereby authorize _____ to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

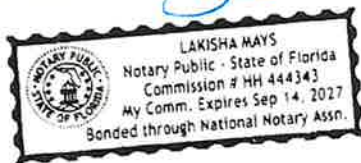
Owner's Name James A. Goldsmith - President Signature [Signature] Date 4/15/2024
By: Evator Dixie, Inc. HS. GP

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name James A. Goldsmith Signature [Signature] Date 4/15/2024

Notary to Applicant: LAKISHA MAYS



Bin Chen

9545 S Dixie Hwy, Pinecrest, FL, 33156

1000sunnydl@gmail.com 786-342-9295

To whom it may concern,

I am writing to express the intent of The thousand Sunny to apply for an alcohol license for our restaurant located at 9545 S Dixie Hwy. As a valued member of the community, we are committed to enhancing the dining experience of our patrons by offering a carefully curated selection of alcoholic beverages to complement our culinary offerings.

The Thousand Sunny is more than just a place to dine; it is a gathering space where friends, families, and colleagues come together to enjoy delicious food and beverages in a welcoming atmosphere. We believe that serving alcoholic beverages responsibly and in accordance with all applicable laws and regulations is integral to creating a safe and enjoyable environment for our guests.

Our team understands the importance of compliance with local alcohol regulations and is committed to upholding the highest standards of integrity and professionalism in our operations. We have implemented rigorous staff training programs to ensure that all employees are well-versed in responsible alcohol service practices, including checking identification, monitoring guest consumption, and preventing underage drinking and overconsumption.

We are confident that our establishment will be a positive addition to the community, contributing to its vibrancy and vitality while adhering to all legal requirements and regulations governing the sale and service of alcoholic beverages.

Thank you for considering our application. We look forward to the opportunity to further discuss how The Thousand Sunny can contribute to the responsible enjoyment of alcohol within our community.

Sincerely,

Bin Chen

The Thousand Sunny

To ensure compliance with Section 3.3 of the Conditional Use Approval, our establishment will meticulously adhere to the outlined criteria as follows:

1. Land Use Compatibility:

We will thoroughly assess the proposed scale, intensity, and traffic generation of our conditional use to ensure compatibility and harmony with adjacent land uses.

Any potential off-site impacts will be identified and mitigated through appropriate measures, such as setbacks, screening, landscaping, and noise abatement techniques.

2. Sufficient Site Size and Infrastructure:

Our site selection will consider factors such as size, shape, access, and internal circulation to accommodate the proposed use adequately.

We will incorporate efficient traffic circulation, ample parking facilities, landscaping, and other necessary infrastructure improvements to mitigate potential adverse impacts.

3. Compliance with Regulations:

Our conditional use and site plan will strictly adhere to all environmental, zoning, and other applicable regulations outlined in the land development code.

We will ensure consistency with the comprehensive development master plan to promote sustainable development practices.

4. Proper Use of Mitigative Techniques:

Mitigative techniques will be integrated into our site design to prevent adverse impacts on adjacent land uses.

Off-site impacts will be addressed to safeguard community infrastructure and uphold public health, safety, and welfare.

5. Hazardous Waste Management:

We will not engage in activities that generate hazardous waste or use hazardous materials unless approved by the village council under strict conditions.

If hazardous materials are necessary for operations, we will implement stringent measures for identification, storage, and disposal consistent with best management practices.

Furthermore, our establishment is committed to engaging in transparent communication with the community and relevant stakeholders throughout the approval process. We will actively participate in public hearings, address any concerns raised, and incorporate feedback to ensure that our conditional use aligns with the best

The 2023 Florida Statutes (including Special Session C)

Title XXXIV
ALCOHOLIC BEVERAGES AND TOBACCO

Chapter 564
WINE

[View Entire Chapter](#)

564.01 Definitions.—

(1) “Wine” means all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer’s taste, except that the ultimate flavor or the color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

(2) “Fortified wine” means all wines containing more than 17.259 percent of alcohol by volume.

History.—s. 4, ch. 72-230; s. 10, ch. 86-269; s. 6, ch. 2017-137.

Note.—Former s. 561.01(4), (5).



ADD CAPTION

 Look Up Place ›

Thursday • May 9, 2024 • 10:21PM

[Adjust](#)

IMG_0777

Apple iPhone 15 Pro Max

HEIF

Main Camera — 24 mm f1.78

24 MP • 5712 x 4284 • 3.2 MB

ISO 640

24 mm

0 ev

f1.78

1/40 s





Adapt Card

Thursday • May 9, 2024 • 10:20 PM

Adjust

IMG_0776

Apple iPhone 15 Pro Max

HEIF

Main Camera — 24 mm f1.78

24 MP • 5712 x 4284 • 3.7 MB

ISO 800

24 mm

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f1.78

1/60 s



Dadeland Plaza

Adjust





4:11 x Caption

 Look Up Place >

Thursday • May 9, 2024 • 10:19 PM

[Adjust](#)

IMG_0775

Apple iPhone 15 Pro Max

HEIF

Main Camera — 24 mm $f1.78$

24 MP • 5712 x 4284 • 4.4 MB

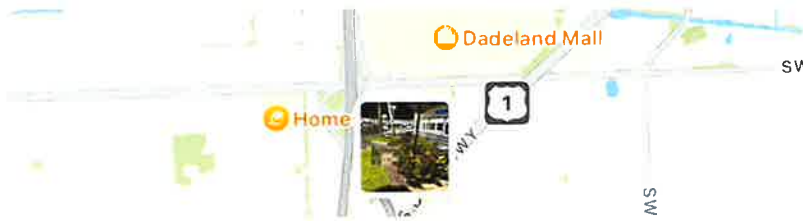
ISO 640

24 mm

0 ev

$f1.78$

1/60 s





4:11 PM

Thursday • May 9, 2024 • 10:17 PM

Adjust

IMG_0774

Apple iPhone 15 Pro Max

HEIF

Main Camera — 24 mm *f*1.78

24 MP • 4284 x 5712 • 3.7 MB

ISO 1600

24 mm

0 ev

*f*1.78

1/30 s



Pinecrest

Adjust



