

City of Lauderhill

Special Exception Application No. 19-SE-004

Surterra Holdings, Inc. and University Shoppes, LLC

D.B.A. Alpha Foliage Inc.

I. APPLICANT INFORMATION

PETITIONER

Jonathan Hughes for Surterra Holdings, Inc.

Sam Susi for University Shoppes, LLC

STATUS OF PETITIONER

Business Owner and Operator

II. BACKGROUND INFORMATION

Requested Action

The petitioners request approval of a Special Exception Use Application to allow within the General Commercial (CG) zoning district a Medical Marijuana Dispensing Center use, at the University Shoppes commercial shopping plaza on a 1.19± acre site located on the East side of N. University Drive and South of NW 50th Street. The unit locations are; 4946, 4948, and 4950 N. University Drive Lauderhill, Florida and the site is identified by the following folio number 494115080010.

Surterra Holdings, Inc. holds a Medical Marijuana Treatment Center license from the State of Florida. Surterra Holdings, Inc. operates 23 existing Medical Marijuana Dispensing Centers within the State of Florida and is one of the three largest Medical Marijuana Treatment Center licensees in the State of Florida. They, in conjunction with the co-applicant and property owner, University Shoppes, LLC are proposing to operate a 4,160 square foot Medical Marijuana Dispensing Center use to provide medical marijuana products to patients who have been recommended medical marijuana by a physician licensed in the State of Florida to recommend medical marijuana as a treatment for qualified patients who have been registered with the State of Florida Medical Marijuana Patient Registry.

Applicable Land Development Regulations & City Codes:

Article IV, Part 4, Section 4.4. Approval for Special Exception Uses.

Article III, Section 2.3. Allowable land uses.

Article IV, 4.3 B. Existing zoning provisions and uses.

III. SITE INFORMATION

Location/Legal Description

Ruby Plaza B Tract C according to the plat thereof as recorded in Plat Book 100 Page 28 of the public record of Broward County Florida, Folio #494115080010.

FIGURE 1

**SITE: PROPOSED MEDICAL MARIJUANA DISPENSING CENTER,
SURTERRA HOLDINGS, INC. & UNIVERSITY SHOPPES, LLC**



The subject site is located within University Shoppes, a retail shopping plaza. The University Shoppes plaza covers a total of three parcels. The subject site is located on the southernmost parcel which is 1.19± acres. The plaza is situated on the East side of N. University Drive and immediately South of NW 50th Street. The applicant is applying to occupy three combine bays with address of 4946, 4948, and 4950 N. University Drive. The three bays combined equal a total of 4,160 square feet. Figure 1 is an aerial photograph showing the general location of the property in relation to the surrounding roadways and uses.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	NW 50 th Street ROW then (CG) General Commercial	Commercial	(CG) General Commercial
South	Commercial Plaza	Commercial	(CG) General Commercial
East	(PO) Canal then Residential	Low density (5) Residential	(RS-4) Residential Single Family at (4) dwelling units per acre
West	N. University Drive ROW then Commercial, Automotive Uses	Commercial	(CG) General Commercial

IV. ZONING HISTORY

Existing Special Exceptions

None

Violations

None.

Existing Variances

None

V. **PLANNING ANALYSIS**

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, the Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.
7. Factors relating to safety, health, and general public welfare.

- 1. The effect of such use on surrounding properties:** The subject site is bounded to the North, South, and West by Commercially zoned sites developed for commercial uses and designated commercial on the City's Future Land Use map. The Western boundary is N. University Drive, a heavily traveled thoroughfare. East of the property is an approximately 80' Canal and canal bank ROW which provides a natural buffer to the site for the single family zoning district (RS-4) to the East. The Northern and Southern sides of the site border commercial shopping plazas occupied primarily by retail, restaurant, and medical office uses.

Staff finds that land uses can create incompatibilities that can adversely impact the surrounding land uses based on several factors. These factors include; noise, vibration, odors, glare and light pollution, air and water pollution/emissions, building bulk, traffic generation and parking, and operation issues (e.g. days and hours of operation).

Staff concludes that because the proposed use will occupy space in an existing building, it will not generate incompatibilities associated with new development, such as building bulk, glare and light pollution. Staff further concludes that the use of a Medical Marijuana Dispensing Center does not have operational components that create vibrations or excessive noise. Therefore, incompatibility issues are limited to odors, air and water pollution/emissions, operations, and traffic, and parking.

Traffic and Parking: Staff finds that the location is on a heavily traveled thoroughfare which has the capacity to serve a variety of commercial uses. The LDR ART III Section 5.51 Medical Marijuana Dispensing Centers, provides that the parking standard required for

such use shall be one (1) parking space for every one hundred fifty (150) square feet of gross floor area. This parking standard is more restrictive than that for retail uses which is one (1) space for every two hundred (200) square feet of gross floor area. Based on the location on a major roadway and the required parking standard provided for in the LDR, staff concludes that parking and traffic generation has been planned for and should not create an incompatibility as it pertains to these impacts.

Odor and air quality: Staff finds that the LDR ART III Sec 5.51.8 provides for possible adverse impacts of odor and to air quality by requiring that the applicant shall ensure that there are adequate air filtration systems in place to ensure that dust, smoke, or odors will not go beyond the confines of the occupied space. Staff finds that the State Statute governing Medical Marijuana Dispensing Center uses also requires such adequate filtration systems. Staff concludes that this requirement serves to mitigate any adverse impacts of odors or to air quality that can be caused by such a use.

Operations: Staff finds that the hours of operation proposed by the applicant are 10:00a.m. to 7:00p.m. Monday through Saturday and 12:00p.m. to 5:00p.m. on Sundays. Staff concludes that these hours of operation are consistent with the LDR requirements set forth in LDR ART III Sec. 5.51. 6 Hours of operation, for such uses. Staff further concludes that these hours are consistent with those hours of operation of the retail and office uses within the commercial zoning district surrounding the proposed location.

Staff concludes that as it pertains to the effect of the use on surrounding properties, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

- 2. The suitability of the use in regard to its location, site characteristics, and intended purpose and access:** The subject site is located within University Shoppes, a retail shopping plaza. The University Shoppes plaza covers a total of three parcels. The subject site is located on the southernmost parcel. The applicant is applying to occupy three combine bays with addresses of 4946, 4948, and 4950 N. University Drive. The three bays combined equal a total of 4,160 square feet. The plaza is situated on the East side of N. University Drive and immediately South of NW 50th Street.

The location is on a major thoroughfare. This location provides for visibility of the business to passing vehicular and pedestrian traffic. The plaza has two existing accessways directly off of N. University Drive, one accessway directly off of NW 50th Street and one accessway

internally to the commercial plaza bordering the site to the south. These four accessways provide for easy access to the site and to the business.

The site and surrounding commercial plazas along the thoroughfare are currently home to many medical office uses such as; an urgent care, primary care, dental, dialysis, and cosmetic surgery uses. Based on this the use of a Medical Marijuana Dispensing Center use would be a suitable addition to the existing commercial uses.

Staff concludes that as it pertains to the suitability of the use in regard to its location, site characteristics, and intended purpose and access, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

- 3. Access, traffic generation and road capacities:** Staff finds that the proposed site is situated along N. University Drive. N. University Drive is a heavily traveled roadway. The properties North and South of the proposed site are home to a variety of existing commercial uses. Staff does not find evidence that the proposed use would generate more traffic than that of another similarly sized commercial use.

The plaza has four existing accessways. Two of the existing accessways are directly off of N. University Drive, one accessway is directly off of NW 50th Street and one accessway is internally connected to the commercial plaza bordering the site to the south. These four accessways provide for easy access to the site and to the business.

Staff concludes that as it pertains to access, traffic generation, and road capacities, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of

- 4. Economic benefits or liabilities:** The Division concludes that the proposed Medical Marijuana Dispensing Center Use generates both direct and indirect economic benefits. One economic benefit is the creation of jobs as the facility will employ between 13 and 15 employees. These employees will earn from \$18 per hour for a Wellness Coordinator to up to \$60,000 per year for Management. A second economic benefits is the collection by the City of a one-time permit fees at the time of business build out. A third and indirect economic benefits would be the possible expenditure of employees and patrons of this business at other Lauderhill businesses surrounding the proposed use.

Staff concludes that as it pertains to economic benefits and liabilities, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

- 5. Demands on utilities, community facilities, and public services:** Staff does not anticipate any additional demand on utilities or community Facilities than any retail store or pharmacy would generate. Staff has not found evidence that the operation of such uses creates an additional demand on public services beyond that of a pharmacy.

Staff concludes that as it pertains to demands on utilities, community facilities, and public services, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

- 6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale:** This site is designated Commercial on the City's Future Land Use Map Series (FLUMS) and the Future Broward County Land Use Plan Map. Thus, staff concludes that as it pertains to compliance with the comprehensive land use plans for Broward County and/or the City of Lauderdale, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

- 7. Factors relating to safety, health, and general public welfare:** The subject site is located on a main thoroughfare and surrounded on three sides, the North, South, and West by commercial zoned properties and commercial uses. East of the subject site is a single family zoned district, a canal and canal bank right of way is present creating an approximately 80 foot wide buffer from the residential zoning district to the commercial properties.

Staff determines that a key component to mitigating the possible adverse impacts of the use to the safety, health, and general public welfare is to ensure that any approved Medical Marijuana Dispensing Center use has a responsible owner/operator who is experienced with operating such a use. The co-applicant, Surterra Holding's Inc. is that third largest holder of a Medical Marijuana Treatment Center (MMTC) license from the State of Florida Office of Medical Marijuana Use (OMMU). They currently operate 23 like facilities within the State of Florida (see attachment I.). In partnership with Beau Wrigley and Jimmy Buffet, Surterra Holdings, Inc. has successfully started and operated Medical Marijuana Dispensing Center uses within the State of Florida and is viewed as a respected operator within the Medical Marijuana community.

A special exception use is a use that could be appropriate within a zoning district if conditions are imposed to protect the public health, safety, and general public welfare. Therefore, staff is recommending a series of conditions designed to protect the public

from possible adverse impacts of the use within the zoning district. Please see recommended actions.

Staff concludes that, with the imposition of the recommended conditions and as it pertains to factors relating to safety, health, and general public welfare, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6., standards for approval of a special exception use.

VI. RECOMMENDATION/ACTION

- A. The Planning and Zoning division recommends **approval** of the Special Exception Use application for a Medical Marijuana Dispensing Center Use. If the City Commission votes to approve this application, then the Division recommends the following conditions be imposed:
1. This special exception use development order for a Medical Marijuana Dispensing Center use is specifically granted to Surterra Holdings Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. Further, this special exception use development order shall automatically expire and become null and void if any of the uses cease to operate for three or more consecutive months
 2. The Medical Marijuana Dispensing Center use is restricted to the property legally described herein and to the location and maximum floor area size, which is limited to 4,160 square feet. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of these uses is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location.
 3. The Medical Marijuana Dispensing Center days and hours of operation are limited to Monday through Saturday from 8:00 a.m. to 7:00 p.m. and Sunday 12:00 p.m. to 5:00 p.m.. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.
 4. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an security plan is filed with the Police Department.

5. If the sale of recreational marijuana/cannabis is permitted and legally authorized under Federal law and/or State law it shall be unlawful for any person or entity to operate such use without further special exception use approval from the City Commission.
6. Provide adequate seats and waiting room space to accommodate patients and care givers. Business shall not allow loitering outside of the building where the dispensing center is located or in the parking area, in parked cars, or on adjacent properties.
7. Advertising. Signage shall be limited to the approved wall sign in the name of Surterra Wellness and to the temporary signage allowed to all commercial properties as provided for in LDR SCH I. However, advertising of any brand of medical marijuana anywhere outside of the licensed premises is prohibited. Products and paraphernalia may not be visible from the public ROW.
8. For security purposes no vehicle used in the operation of or for the business purposes of a medical marijuana dispensing center shall be marked in such a manner as to permit identification with the medical marijuana dispensing center.
9. Odor and air quality, the applicant shall ensure that there are adequate filtration systems in place to ensure that dust, smoke, or odors will not go beyond the confines of the occupied space.
10. The medical marijuana dispensing center shall post at each entrance to the dispensing center the following language with letters one-half inch in height:
ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR LEGAL REPRESENTATIVE IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA DISPENSING CENTERS
11. A minimum of 28 parking spaces shall be provided for the use. Queuing of vehicles in the adjacent rights-of-way or drive aisles or parking on adjacent properties is prohibited.
12. Subsequent to occupancy, if the Code Enforcement Department or the Police Department receive three or more complaints against the use within any one year period the City Commission may hold a duly noticed public hearing to review the special exception use and may add, modify, suspend or revoke any conditions of approval or the development order.

VII. ATTACHMENTS

Attachment A: SEU Application

Attachment B: Standards for Approval

Attachment C: Site Plan and Alternate Floor Plans

Attachment D: MMTC License, State of Florida

Attachment E: Corporate Overview

Attachment F. Corporate Documents

Attachment G. Distance Certification

Attachment H. Background Check Statement

Attachment I. Approved Dispensing Locations by MMTC

Attachment J. New articles on investors, Beau Wrigley and Jimmy Buffet

Prepared by: Molly Howson, Associate Planner

Date: June 13, 2019