

RESOLUTION NO. 19R-06-120

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO SURTERRA FLORIDA, INC. A SUBSIDIARY OF SURTERRA HOLDINGS INC, D/B/A SURTERRA WELLNESS AND CO-APPLICANT UNIVERSTIY SHOPPES, LLC, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE OPERATION OF A MEDICAL MARIJUANA DISPENSING CENTER USE, IN A SPACE MADE UP OF THREE COMBINED BAYS, WITH A TOTAL OF 4,160 SQUARE FEET LOCATED IN A 15,369 SQUARE FEET BUILDING LOCATED ON A 1.19+ ACRE SITE LEGALLY DESCRIBED AS RUBY PLAZA B, TRACT C, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 100, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND MORE COMMONLY KNOWN AS 4946, 4942, AND 4950 N. UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned General Commercial Zoning (CG) District by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Order of Surterra Florida, Inc., a subsidiary of Surterra Holdings Inc., d/b/a Surterra Wellness and Co-Applicant University Shoppes, LLC, to allow within the General Commercial (CG) Zoning District the operation of a medical marijuana dispensing center use, in a space made up of three combined bays, with a total of 4,160 square feet located in a 15,369 square feet building located on a 1.9+ acre site legally described as Ruby Plaza B, Tract C according to the plat thereof, as recorded in t Plat Book 100, Page 28 of the Public Records of Broward County Florida, and more commonly known as 4946, 4942, an d 4950 N. University Drive, Lauderhill, Florida, is hereby approved subject to the following conditions:

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.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 24 day of June, 2019.

PASSED AND ADOPTED on first reading this 24 day of June, 2019.



PRESIDING OFFICER

ATTEST:



CITY CLERK

MOTION
SECOND

Bates
Berger

M. BATES
H. BERGER
R. CAMPBELL
D. GRANT
K. THURSTON

Yes
Yes
Yes
Yes
Yes

Approved as to Form



W. Earl Hall
City Attorney